

SUPPORTING STATEMENT
PERMITTING, VESSEL IDENTIFICATION AND VESSEL MONITORING SYSTEM
REQUIREMENTS FOR THE COMMERCIAL BOTTOMFISH FISHERY IN THE
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
OMB CONTROL NO. 0648-xxxx

A. JUSTIFICATION

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

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson Act) established regional fishery management councils, including the Western Pacific Fishery Management Council (Council), to develop fishery management plans for fisheries in the United States (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, an amendment to the Fishery Management Plan (FMP) for Bottomfish and Seamount Groundfish Fisheries of the Western Pacific Region. The regulations require the owners of commercial fishing vessels in the bottomfish fishery in the Commonwealth of the Northern Mariana Islands (CNMI) to register their vessels to a valid Federal bottomfish permit issued by the National Marine Fisheries Service (NMFS). This collection of information is needed for permit issuance, to identify actual or potential participants in the fishery, determine qualifications for permits, and to help measure the impacts of management controls on the participants in the fishery. The permit program is also an effective tool in the enforcement of fishery regulations and serves as a link between NMFS and fishermen.

The Federal vessel identification requirements were created for large commercial fishing vessels to assist in aerial and at-sea enforcement of fishing regulations. The typical CNMI-based commercial bottomfish vessel, however, is not large enough to have the superstructure or deckhouse to support the Federal vessel identification markings. The proposed rule would exempt CNMI-based commercial bottomfish vessels from the Federal vessel identification requirements, if the vessels are less than 40 ft (12.2 m) long and in compliance with vessel registration and marking requirements of the CNMI. Commercial CNMI bottomfish vessels over 40 ft (12.2 m) would be required to be marked in compliance with Federal vessel identification requirements.

Shipboard vessel monitoring system (VMS) units would be required on vessels over 40 ft (12.2 m). The VMS is an automated, satellite-based system that assists the NMFS Office for Law Enforcement (OLE) and the USCG in monitoring compliance with CNMI closed areas in a reliable and cost-effective manner.

This is a new request related to Proposed Rule, RIN: 0648-AV28, published on September 8, 2008, possibly to be merged in the future with OMB Control No. 0648-0490, Pacific Islands

Region Permit Family of Forms. A related request for reporting and recordkeeping will be submitted as a revision to OMB Control No. 0648-0214, Pacific Islands Region Logbook Family of Forms.

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.

Permits

Information is collected via a NMFS permit application process. Permits are valid for one calendar year and may be renewed annually. Information from the permit application form will allow NMFS to confirm the identity of the permit holder and applicant, and to determine whether the applicant qualifies for the permit. Vessel-related information such as vessel documentation or registration, ownership, managing ownership, etc., are used by NMFS to determine whether the applicant is an owner of a U.S. documented/registered vessel. The information may also be used by OLE, the USCG, and the Council. Private information will not be disseminated to the public, and will be reported only in non-confidential or aggregate form.

Vessel Identification and Vessel Monitoring System (VMS)

On a broad level, the VMS reports provide authorized users (primarily OLE and USCG) with the 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. The information collected will not be disseminated to the public inasmuch as it is primarily for use internally by authorized users (including personnel from OLE, NMFS, USCG, and others per National Marine Fisheries Service Policy Directive Pd 06-101 June 17, 2006, VMS Data Access and Dissemination Policy, and NOA 216-00, Protection of Confidential Fisheries Statistics).

The information will not be disseminated to the public except in non-confidential or aggregate form in summary and analytical reports. Any 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.

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 Federal law and regulations, and NOAA policies 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. 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.

Permits

At this time, the information will be collected on paper forms and the collection of information does not require any knowledge of automated, electronic, mechanical or other forms of information technology. Once this information collection request is approved, the permit application forms will be posted at http://www.fpir.noaa.gov/SFD/SFD_permits_11.html for downloading, filling and printing.

There is the possibility of allowing participants to submit their permit applications online to NMFS, but this would only be an option. A web-based national fisheries permit system is currently under development.

Vessel Identification

Vessel identification is done manually.

Vessel Monitoring System (VMS)

The VMS is an automated, satellite-based system that assists OLE and the USCG in monitoring compliance with closed areas in a reliable and cost-effective manner. Electronic VMS shipboard equipment installed permanently on board a vessel provides information about the vessel's position and activity. That information is communicated between the shipboard VMS unit and the monitoring agency's fishery monitoring center, where the identity and location of the vessels are shown on a map display, comparing vessel positions with features of interest, such as closed area boundaries.

4. Describe efforts to identify duplication.

Permits

There is no similar CNMI permit requirement for the commercial CNMI bottomfish fishery.

Vessel Identification

The information is not duplicative; it is a unique requirement for vessels over 40 feet (12.2 m) participating in the commercial CNMI bottomfish fishery.

Vessel Monitoring System (VMS)

There is a similar comparable program for collection of real-time location information in the Western Pacific pelagic longline fishery. 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.

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

Federal CNMI bottomfish permit applications would be available online and from Pacific Islands Regional Office (PIRO) to reduce the burden of time spent applying or ordering by mail.

Applications may be downloaded, filled, printed, and then mailed to NMFS. Permits will be issued by NMFS and delivered via U.S. mail.

VMS units will be purchased, installed, and maintained by NMFS. Appointments for installation and maintenance inspections will be arranged with the vessel owner and operator to minimize time burden and business disruption by these activities. Also, at time of installation and maintenance, NMFS will train the vessel owner and operator regarding VMS requirements to minimize burden of learning and allow efficient use of vessel equipment that may be attached to the VMS unit.

Vessel identification instructions provided by NMFS are straightforward and the task is to minimize the burden of meeting the requirements.

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

Permits

Without this collection or if it is collected less frequently, NMFS would be unable to properly evaluate activity, participation, and reporting compliance in the commercial CNMI bottomfish fishery. It would be difficult to monitor the fisheries and their participants, determine entry and exit patterns, and provide information needed to ensure full impact analysis for fisheries management programs. Without this information, enforcement agents would not be able to identify current fishery participants for compliance monitoring purposes and NMFS would be unable to consult with permit holders on regulatory changes.

Vessel Identification

Vessel identification and VMS verification of activity via air and surface patrol would be difficult for enforcement agencies.

Vessel Monitoring System (VMS)

If VMS is not operational, OLE, USCG, and cooperating states would be tasked with monitoring CNMI fishing closed areas via air and surface patrols.

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

None.

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-AV28 (73 FR 51992), published on September 8, 2008, solicited public comments on this submission. No comments of a substantive nature relating to this collection 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 provided

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

Under Section 402(b) of the Magnuson-Stevens Act, as amended in 2006, and NOAA Administrative Order 216-100, information submitted in accordance with regulatory requirements under the Act is confidential. This includes personal and proprietary information contained in the permits, logbooks and sales reports. Respondents are informed of these protections on the forms.

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.

Permits

NMFS expects to receive and process up to 125 permit applications for Federal CNMI bottomfish permits each year. Applicants are expected to spend 30 minutes completing the application, and renewing a permit would require 30 minutes annually. Thus, the total collection-of-information burden to fishermen for permit applications is estimated at 62.5 (63) hours per year.

Vessel Identification

For the medium and large vessel identification requirements, the burden is estimated at 45 minutes to paint each vessel (15 minutes for each of three locations on the vessel where marking is required). Assuming 6 medium and large bottomfish vessels are active, the total collection-of-information burden estimate is 4.5 (5) hours.

Total hours: 6 vessels x 45 min. per vessel = 5 hours.

Vessel Monitoring System (VMS)

For the medium and large vessel VMS requirements, the estimated time per response is four hours to install a VMS unit, and two hours per year to repair and maintain a VMS unit. Assuming 6 medium and large bottomfish vessels are active, the total collection-of-information burden estimate for compliance with VMS requirements is 24 hours the first year and 12 hours annually after that. Averaged over three years, the annualized burden would be 16 hours.

Summary of Response and Hours

The total number of responses stated above and hours needed is summarized below.

Total number of responses:

125 applications + 6 vessel markings + VMS installation/maintenance for 6 vessels = 137.

Total number of hours: 63 + 5 + 16 = 84.

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).

Permits

There is no "start up" capital cost for complying with this requirement. Paper forms provided by NMFS will be used by the respondents for providing information. Electronic forms are an option that will be provided later, but would be voluntary on the respondent's part and presumably would be used only if the respondent already possessed the requisite equipment. The maximum estimated cost to respondents for postage, faxes, copies, etc., related to this collection is \$75 per year, or \$0.60 per response.

Vessel Identification

For the medium and large vessel identification requirements, the burden is estimated at about \$10 for paint and supplies to paint each vessel. Assuming six medium and large bottomfish vessels are active, the total collection-of-information burden estimate is \$60.

Vessel Monitoring System (VMS)

There is no cost to the respondent.

Total costs: \$75 + \$60 = \$135.

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

Permits

The estimated annual cost to the Federal government to administer this collection of information is up to \$1,250. This includes the cost to process permit applications and issue permits at \$1,250 per year (125 permits x 30 min/permit x \$20/hr).

Vessel Identification

No cost.

Vessel Monitoring System (VMS)

The NMFS would pay for the shipboard VMS equipment, installation, maintenance, and official communications. The estimated cost of the VMS for a projected six vessels over 40 ft would be \$48K for the purchase and installation of VMS units on these vessels, and approximately \$15K/yr for communications and maintenance costs. An additional one-time cost of \$10K is anticipated to design and implement the new closed areas in the VMS geographical information system (GIS) platform, and to program the VMS units for proper reporting. The VMS figures are approximate estimates at this time and reflect the geographical and logistical scenario presented in terms of cost per installation.

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

This is a new program.

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 developing 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.