

**SUPPORTING STATEMENT
NMFS ALASKA REGION
VESSEL MONITORING SYSTEM (VMS) PROGRAM
OMB CONTROL NO. 0648-0445**

INTRODUCTION

National Marine Fisheries Service (NMFS), Alaska Region manages the groundfish fisheries in the exclusive economic zone (EEZ) of the Bering Sea and Aleutian Islands Management Area (BSAI) and Gulf of Alaska (GOA) under fishery management plans (FMP) for groundfish in the respective areas. The North Pacific Fishery Management Council (Council) prepared, and NMFS approved, the FMP under the authority of the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801 *et seq.* The Northern Pacific Halibut Act of 1982 (Halibut Act) at 16 U.S.C. 773–773k provides the Secretary of Commerce with the authority and general responsibility to carry out the requirements of the Preservation of the Halibut Fishery of the North Pacific Ocean and Bering Sea (Convention), signed at Ottawa, Ontario, on March 2, 1953. Commercial halibut fisheries operate within the Individual Fishing Quota (IFQ) Program, Western Alaska Community Development Quota (CDQ) Program, and through area-specific catch sharing plans. Regulations implementing the FMP appear at 50 CFR part 679.

This action is a request for renewal of an existing collection.

The VMS units integrate global positioning system (GPS) and communications electronics in a single, tamper-resistant package to automatically determine the vessel's position several times per hour. The units can be set to transmit a vessel's location periodically and automatically to an overhead satellite in real time. In most cases, the vessel owner is unaware of exactly when the unit is transmitting and is unable to alter the signal or the time of transmission. The VMS unit is passive and automatic, requiring no reporting effort by the vessel operator. A communications service provider receives the transmission and relays it to NMFS, Office for Law Enforcement (OLE) and United States (U.S.) Coast Guard (USCG).

Traditional methods of monitoring compliance with fishing regulations do not fully meet NMFS's need to monitor fishing activities under protection measures. The VMS is generally acknowledged to be an essential component of monitoring and management for complicated, geographically widespread fishing closures. The VMS allows verification of where fishing is taking place in real time. This, in turn, allows verification that vessels fishing in an area are permitted to fish in that area. Much can be inferred about whether a vessel is actively fishing, and the type of gear being used, when a VMS track is examined by an analyst knowledgeable about the vessel, and the fisheries that are open when the track is observed. This information can be useful for targeting vessels for more detailed observation.

The VMS also ensures that harvested fish are properly debited or reported, because NMFS can track vessels as they arrive in port to offload the product.

A. JUSTIFICATION

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

Given the large size and remoteness of the area in which Alaska fisheries occur, and the limited enforcement infrastructure available, determination of vessel location will depend crucially on VMS reports. Information from VMS is used to identify where vessels are operating, to organize patrols so as to increase the number of fishing vessels visually examined, or to focus examination of vessels of greatest concern (because of past records of fishing violations, or because of the location of fishing activity), and as evidence in prosecutions.

Except as indicated for Pacific halibut fishermen, participants in the following fisheries of the EEZ off Alaska are required to purchase, install, and maintain an operational, NMFS-approved Vessel Monitoring System (VMS) on their vessel to provide precise information on vessel location.

Source of the requirement	Location	Fisheries affected
Steller Sea Lion Protection Measures	§ 679.7(a)(18)	Vessels directed fishing for pollock, Pacific cod, and Atka mackerel in any reporting area, whenever those fisheries are open. The VMS must be operable when any of these three fisheries that the vessel is endorsed for is open, regardless of the target species. The only exemption is for vessels using jig gear.
Essential Fish Habitat ¹	§ 679.7(a)(21)	Vessels named on a Federal Fisheries Permit or Federal Crab Vessel Permit while operating in the Aleutian Islands subarea, without regard for species, or operate a federally permitted vessel in adjacent State of Alaska waters.
Essential Fish Habitat ¹	§ 679.7(a)(22)	Vessels operating in the Gulf of Alaska with mobile bottom contact gear onboard.
GOA Rockfish Program	§ 679.7(n)(3)	Vessels directed fishing for northern rockfish, Pacific ocean perch, and pelagic shelf rockfish in the Gulf of Alaska. VMS requirements extend outside the directed rockfish fisheries to cover vessels with privileges under the Rockfish Program as they operate under sideboards (harvest limits) in other fisheries (sideboards are meant to protect vessels non-Limited Access Privilege Programs (LAPP) fisheries from new competition from vessels in LAPP fisheries.
Crab Rationalization Program	§ 680.7(c)(2)	Vessels harvest Crab Rationalization Program crab in the Bering Sea.
Pacific Halibut Individual Fishing Quota Program	Annual halibut management measures (74 FR 11681, 3/19/09) No. 15--Vessel Clearance in Area 4, No. (16)	Any vessel that carries a transmitting VMS transmitter while fishing for halibut in Area 4A, 4B, 4C, or 4D and until all halibut caught in any of these areas is landed is exempt from the clearance requirements.
Sablefish Individual Fishing Quota Program	§ 679.42(k)	Vessels fishing for sablefish in the Bering Sea or Aleutian Islands IFQ regulatory areas.

¹ The FMP designates essential fish habitat (EFH) and habitat areas of particular concern (HAPC) in the Gulf of Alaska. In order to protect HAPCs, certain habitat protection areas and habitat conservation zones have been designated. A habitat protection area is an area of special, rare habitat features where fishing activities that may adversely affect the habitat are restricted. HAPCs are areas within essential fish habitat that are of particular ecological importance to the long-term sustainability of managed species, are of a rare type, or are especially susceptible to degradation or development.

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.

The VMS information provides a basis for determining whether changes in management are needed to protect sensitive species, for addressing fishery interaction problems, and for evaluating the impacts of potential changes.

The VMS vessel location reports are used to facilitate enforcement of area closures in certain fisheries and to check the accuracy of vessel position information reported by the vessel operator in the daily logbooks. The VMS reports not only provide real-time vessel location and activity information, but also can be used by NMFS to help ascertain the effects of fishing on threatened and endangered species of certain fisheries.

NMFS has management responsibility for certain threatened and endangered species under the Endangered Species Act of 1973 (ESA), 16 U.S.C. 1531, *et seq.* and has the authority to promulgate regulations to enforce provisions of the ESA to protect such species. To help ascertain the effects on threatened and endangered species of certain fisheries, NMFS needs to identify where vessels engaged in those fisheries are fishing

a. VMS Operation

Prior to participation in a fishery that requires VMS, a vessel owner must purchase a NMFS-approved VMS transmitter and install it or have it installed onboard the vessel. Installation time for a VMS unit is estimated to be less than two hours. A higher installation estimate of 6 hours/vessel is used, based on a worst-case scenario, e.g. in which a suitable electrical hookup is not convenient to a location where the VMS unit can be installed.

The VMS transmitter must be available for inspection by NMFS personnel, observers, or authorized officers. The vessel owner must ensure that the VMS transmitter is not tampered with, disabled, destroyed, or operated improperly; and must pay all charges levied by the communication service provider.

OLE developed national standards for VMS transmitters, base stations and communication service providers. These standards ensure that a vessel purchasing a unit for use in one region of the U.S. will not have to purchase a different unit to fish in another region. The approved VMS units are: Argos MAR-GE, Thrane & Thrane 3022-D, 3026-S, 3026-M, and Orbcomm. Refer to OLE's VMS website at http://www.nmfs.noaa.gov/ole/ak_faqs.html.

Regulations at 50 CFR part 679.28 require that the VMS be operational. VMS equipment failure may interfere with normal vessel operations until repairs can be made, and this may impose additional costs. If the VMS unit is not working, the vessel operator must contact OLE who will assist in troubleshooting the system to get it operational again. OLE treats equipment breakdowns on a case-by-case basis and tries to avoid interrupting a fishing trip already in progress.

Number of distinct vessels with current FFP for Atka mackerel, pollock, Pacific cod: 584 increased from 539. Although not all Federal Crab Vessel Permits (FCVP) have been issued for 2009/2010, the number of distinct vessels with FCVPs for 2008/2009 is 120 catcher vessels, 7 catcher/processors (total endorsed for harvesting = 127; no endorsement overlap); plus 9 stationary floating processors for a grand total of 135 FCVPs, decreased from 200. Total number of distinct persons holding Bering Sea and/or Aleutian Islands sablefish individual fishing quota (IFQ) quota share: 159, increased from 126. Essential fish habitat (EFH) vessels were listed in the last support statement as required to use VMS; however, it is determined that those vessels are already counted in the other listings. Total respondents are 878, corrected from 1,854.

In this support statement, VMS transmissions are not counted as burden, because they are automatic. The number of VMS transmissions per day is 48, decreased from 72.

VMS Operation, Respondent	
Number of VMS Respondents Atka mackerel, pollock, Pacific cod (584) BSAI crab (135) BSAI sablefish (159)	878
Total VMS Transmissions VMS = 48 transmissions per fishing day Atka mackerel, pollock, Pacific cod (539) 180 fishing days per vessel x 48 x 584 = 5,045,760 BSAI crab (135) 30 fishing days per vessel x 48 x 135 = 194,400 BS & AI sablefish (159) 200 fishing days per vessel x 48 x 159 = 1,526,400	
Total Burden Burden is not charged for VMS transmissions VMS installation time for each NEW VMS (6 hr one time charge) x 100 vessels to replace VMS unit or add a new VMS = 600/3 year = 200 hr VMS maintenance time (4 hr/yr x 878 vessels = 3512 hr)	3,712 hr
Total Personnel Cost @ \$25/hr	\$92,800
Total Miscellaneous Cost Annual VMS transmission cost @ \$5/day Atka mackerel, pollock, Pacific cod (584 x 180 x 5 = 525,600) BSAI crab (135 x 30 x 5 = 20,250) BS & AI sablefish (126) 200 fishing days per vessel x \$5/day x 126 = 126,000 Annual maintenance (\$70 x 878 = 61,460)	733,310

VMS data are monitored and interpreted by OLE. Currently, no officers are directly dedicated to VMS; however, a program manager, information technology technician, and enforcement technician work on VMS each day for some hours.

VMS operation, Federal Government	
Total responses	878
Total burden hours 80 hr per time period x 26 time periods per year = 2080 hr	2,080
Total personnel cost (2080 hr x \$35/hr)	\$72,800
Total miscellaneous costs	\$0

b. VMS Check-In Report

Upon completion of purchase and installation of a VMS unit, the participant must register the VMS unit with an approved service provider. At least 72 hours before participation in a fishery that requires VMS, the participant must send a one-time VMS check-in report to OLE. The information on this report enables OLE to verify that the VMS system is functioning and that VMS data can be identified as a specific vessel. The VMS check-in report may be filled out on the screen, printed, and faxed to (907) 586-7703.

Most of the participants have already checked in their VMS units; this check-in is required only once to obtain the signature of the VMS unit. An estimated 5% of the vessels will need to check-in due to replaced VMS units, moving of VMS unit from one vessel to another, or new participant required to check-in once. Any time that a VMS unit is replaced or moved from one vessel to another (as may happen with companies that own multiple vessels), the operator must submit another VMS check-in report.

VMS Check-In Report

- Date
- VMS transmitter ID or serial number
- Vessel name
- USCG documentation number
- Federal Fisheries permit number or Federal crab vessel permit number
- Name and telephone number of contact person

VMS Check-In Report, Respondent	
Number of Respondents (new, moved or replaced VMS units per year)	44
Total Responses Frequency per year = 1	44
Total Burden Hours Hours per response (12/60 min=0.2 hr) = 8.8 hr.	9
Total Personnel Cost (\$25 x 4)	\$225
Total Miscellaneous Costs (Fax \$6 x 44)	\$264

VMS Check-In Report, Federal Government	
Total responses	44
Total Burden Hours (0.2 x 44)	4 hr
Total Personnel Cost (\$25 x 4)	\$100
Total Miscellaneous Costs	0

c. VMS Malfunction Notification (REMOVED).

It is anticipated that the information collected will be disseminated to the public or used to support publicly disseminated information. As explained in the following paragraphs, the information gathered has utility. NMFS will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with 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. Prior to dissemination, the information will be subjected to quality control measures and a predissemination 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 collection-of-information is automated and integrates current information technology in the fishery management and monitoring process.

The VMS check-in report may be completed onscreen using fillable forms, downloaded, and printed from the NMFS Alaska Region website <http://www.alaskafisheries.noaa.gov>. The VMS check-in report must be faxed to: NMFS Office for Law Enforcement Fax number: (907) 586-7703.

4. Describe efforts to identify duplication.

No duplication exists with other information collections.

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

This collection-of-information does not impose a significant impact on small entities.

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

The VMS is an integral part of the management of the fisheries in the Alaska Region. It would not be possible to carry out the mandates of the Magnuson-Stevens Act and other laws if approval to continue these previously approved collections were to be denied.

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

No special circumstances exist.

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.

Public comment was solicited in a Federal Register Notice (74 FR 23390), published May 19, 2009. No comments were received

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

No payment or gift to respondents is provided under this program.

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

All VMS units include systems to minimize the risk of direct or inadvertent disclosure of vessel position. As stated in the applicable regulations, the information collected, including VMS transmission – but not including information on the VMS check-in report - is confidential under section 402(b) of the Magnuson-Stevens Act (16 U.S.C. 1881a *et seq.*); and also under NOAA Administrative Order (AO) 216-100, which sets forth procedures to protect confidentiality of fishery statistics.

All information collected is part of a system of records: COMMERCE/NOAA #6: Fishermen's Statistical Data.

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.

This information collection does not involve information of a sensitive nature.

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

Total estimated unique respondents: 878, down from 1,842. Total estimated responses: 44, down from 10,638,853. Total estimated burden hours: 3,721, down from 23,766. Total estimated personnel costs: \$93,025, down from \$224,750.

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).

Total estimated miscellaneous costs: \$733,574, down from \$1,276,834.

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

Total estimated burden hours: 2,084, down from 7,498. Total estimated personnel costs: \$72,900, down from \$213,450. Total miscellaneous costs: 0, down from \$87,000.

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

Program adjustments are due to the difference between initiating a new program and maintaining an existing program. Also, responses and hours for VMS transmission are no longer counted; only the transmission costs, per clarification from Office of Management and Budget (OMB).

VMS Check-In Report.

- a decrease of 56 respondents, 44 instead of 100
- a decrease of 11 responses, 33 instead of 44
- an increase of 2 hr burden, 9 hr instead of 7 hr.²

² Previous calculation was annualized over three years.

an increase of \$50 personnel costs, \$225 instead of \$175
an increase of \$64 miscellaneous costs, \$264 instead of \$200

VMS Operation (includes installation, transmission, and maintenance)

a decrease of 964 respondents, 878 instead of 1842
a decrease of responses, 0 instead of 10,638,720
a decrease of 20,044 hr burden, 3,712 hr instead of 23,756 hr
a decrease of \$131,700 personnel costs, \$92,800 instead of \$224,500
a decrease of \$543,274 miscellaneous costs, \$733,310 instead of \$1,276,584

VMS Malfunction [REMOVED]

a decrease of 100 respondents, 0 instead of 100
a decrease of 100 responses, 0 instead of 100
a decrease of 3 hr burden, 0 hr instead of 3 hr
a decrease of \$75 personnel costs, \$0 instead of \$75
a decrease of \$50 miscellaneous costs, \$0 instead of \$50

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

NMFS has no plans to publish the results of this information collection.

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.

There are no exceptions to the certification statement.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.