

**SUPPORTING STATEMENT
SOUTHWEST REGION VESSEL MONITORING SYSTEM AND PRE-TRIP
REPORTING REQUIREMENTS**

A. JUSTIFICATION

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

This request is a renewal with modifications of this information collection. *The name of this collection is being changed from “Southwest Region Logbook Family of Forms” to “Southwest Region Vessel Monitoring System and Pre-Trip Reporting Requirements”, based on a change in its scope.*

The [Magnuson-Stevens Fishery Conservation and Management Act](#) (MSA) established regional fishery management councils, including the Pacific Fishery Management Council (Pacific 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’s (NOAA’s) National Marine Fisheries Service (NMFS) and the United States Coast Guard (USCG) with the cooperation of state agencies to the extent possible. The Pacific Council submitted for approval the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species (HMS FMP) which was then partially approved by the Secretary of Commerce on February 4, 2004. On April 7, 2004, NMFS published a final rule to implement the approved portions of the HMS FMP ([69 FR 18444](#)).

The FMP is intended to ensure conservation and promote the achievement of optimum yield of HMS throughout their ranges, both within and beyond the U.S. EEZ, to the extent practicable. The FMP establishes basic conservation and management measures applicable to U.S. vessels fishing for managed species. Among the conservation and management measures are permit and reporting requirements for commercial and charter fisheries for HMS as described in this proposal. The final rule became effective May 7, 2004, except for various record keeping and reporting elements (e.g., permits and logbooks). These elements became effective on February 10, 2005, upon notice in Federal Register of the approval by the Office of Management and Budget (OMB) of collection-of-information requirements for this action.

The following species are included as management unit species under the HMS FMP:

Billfish/Swordfish:

striped marlin ([Tetrapturus audax](#))

swordfish ([Xiphias gladius](#))

Sharks:

common thresher shark ([Alopias vulpinus](#))

pelagic thresher shark ([Alopias pelagicus](#))

bigeye thresher shark (*Alopias superciliosus*)
shortfin mako or bonito shark (*Isurus oxyrinchus*)
blue shark (*Prionace glauca*)

Tunas:

north Pacific albacore (*Thunnus alalunga*)
yellowfin tuna (*Thunnus albacares*)
bigeye tuna (*Thunnus obesus*)
skipjack tuna (*Katsuwonus pelamis*)
northern bluefin tuna (*Thunnus orientalis*)

Other:

dorado or dolphinfish (*Coryphaena hippurus*)

These species are highly migratory and are harvested in U.S. waters and on the high seas by U.S. fishermen and fishermen of other nations. In the U.S., the transboundary migratory patterns of many of the species potentially bring them in varying degree under the jurisdiction of three councils: the Pacific Fishery Management Council (PFMC), the Western Pacific Fishery Management Council (WPFMC), and the North Pacific Fishery Management Council (NPFMC). The Western Pacific Council has implemented a Fishery Management Plan for the Pelagic Fisheries of the Western Pacific Region (Pelagics FMP) governing management of many of the same species in the EEZ of Hawaii, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and other U.S. possessions in the western Pacific region. Jurisdiction in the western Pacific extends only to the various EEZs in the western Pacific and to those vessels that may fish on the high seas with permits issued under the authority of the Pelagics FMP. The Pacific Council's HMS FMP will complement the Pelagics FMP but will strive to minimize duplicate requirements, even for vessels that sometimes fish in waters under both jurisdictions.

The regulations implementing the HMS FMP ([50 CFR 660 Subpart K](#)) essentially require that operators of any commercial fishing vessels and recreational charter vessels engaged in fishing for HMS maintain and submit logbooks to NMFS or state authorities recording catch and effort for that fishing. These requirements are met for most vessels by reporting in accordance with existing laws and regulations. In several fisheries, vessel operators are already required under state law to maintain and submit logbooks to state agencies. The regulations require that state reporting requirements be met in the manner and on the forms required by the states. Currently, the State logbook requirements for drift gillnet, harpoon and recreational charter vessels are used to satisfy Federal information needs under the HMS FMP. Thus, there is no Federal burden associated with the reporting requirements for these fisheries.

In addition, logbooks recording daily catch and effort statistics are required for fishing activity by vessels fishing on the high seas under the authority of the High Seas Fishing Compliance Act (HSFCA), including longline, high seas troll/baitboat, and high seas purse seine fishing. Those requirements would continue, although they can be met by submitting forms provided by the Southwest Region (SWR) NMFS, for reporting under the HMS FMP. A Federal Pacific

Albacore Logbook has been developed and distributed to HMS FMP troll and baitboat permit holders, including HSFCA eligible participants. The fleet is being instructed to use this logbook as the primary means for meeting the HMS FMP and HSFCA reporting requirements. A separate collection of information has been established for mandatory reporting and recordkeeping through use of the Federal Pacific Albacore Logbook (OMB Control No. 0648-0223) which expires December 31, 2011. The original PRA submission for this action (OMB Control No. 0648-0498) included estimates of reporting burden and cost for the Federal Pacific Albacore Logbook. This burden and cost was duplicative with coverage and estimates generated under OMB Control No. 0648-0223 and have been removed from this renewal submission. Thus, the previous title (SWR Logbook Family of Forms) has been changed to reflect the two items (VMS requirements and pre-trip notifications) undergoing renewal. The new name of this renewal package is SWR VMS and Pre-Trip Notification Requirements.

An electronic vessel monitoring system (VMS) utilizing global positioning by satellite is required to be installed and operated on all longline vessels managed under the authority of the FMP if the owner is so requested by the Special Agent in Charge (SAC) for the Southwest Region NOAA Office of Law Enforcement. NMFS will cover the costs of procurement, installation, and communication costs relating to VMS operation for HMS fishing activities. The system is being implemented as a way to monitor vessels to ensure that fishing occurs only in times and areas open to longline fishing, without the need for vessel operators to report positions or for the USCG to commit substantial resources to verifying the effectiveness of the closed areas through sea patrols or aerial surveillance. The system will ensure the ability to track these very mobile and distant water fishing vessels as they shift across high seas fishing areas. Most of the swordfish longline vessels now fish out of Hawaii due to the re-opening of the shallow-set longline fishery in April, 2004. Shallow-set longline fishing was prohibited west of 150 degrees west longitude under the HMS FMP regulations and east of 150 degrees west longitude under an Endangered Species Act regulation. The Hawaii-based vessels are authorized to land fish on the West Coast and provision to continue fishing under the Pelagics Limited Entry longline permit. These vessels must have VMS units on board. If any of these vessels call to the west coast, vessel operators would have to allow NMFS agents to verify the operational status of the units.

A final rule ([70 FR 7022](#)) published on February 10, 2005, requires operators of longline fishing vessels to notify NMFS prior to departing on a fishing trip so that NMFS can determine whether an observer should be placed on the vessel. The final rule (along with the previously mentioned rule published under the authority of the ESA) essentially prohibits longline fishing for swordfish because of concern for excessive takes of sea turtles. However, deep-set longline fishing for tuna and other species in the high seas is permitted. NMFS needs to take advantage of the potential to place observers on all trips in which tuna would be targeted so that prospective impacts on sea turtles, seabirds, and other bycatch can be determined.

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 requirement: basic monitoring of the fishery to obtain information needed by, among others, NMFS, the USCG, and the Council to monitor the activities of the participating vessels and the performance of the fisheries. Knowing the number and location of vessels enables effective monitoring of vessel activity for enforcement purposes, providing additional data to assist in validation of logbook records accuracy.

The VMS information enables enforcement personnel to determine whether or not vessels are fishing in closed areas. The requirement for longline vessel operators to contact NMFS prior to a trip departure enables NMFS to plan on placement of an observer when it is necessary and appropriate (e.g., for under-observed gear/trip types and/or pending available funding).

The information collected is anticipated to support publicly disseminated information. 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 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 meets 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.

The SWR website at <http://nmfs.swr.noaa.gov> will be used to inform the public about management program requirements. A Small Entity Compliance Guide has been prepared and posted on the NMFS website to assist permit holders in understanding the requirements that must be met, including reporting requirements. Required Federal forms and instructions are available online along with an explanation of the process for returning them to NMFS. The SWR will also work with state agencies and the Pacific Council to use their web sites and license-issuing offices to increase the distribution of required reporting and record keeping.

4. Describe efforts to identify duplication.

U.S. West Coast-based fishing vessels that fish part or full time in the Western Central Pacific Fisheries Commission Endorsement Area (in the Central and Western Pacific Ocean, principally west of 150 degrees west longitude) have explicit VMS requirements that are codified in a Final

Rule (75 FR 3335) published January 21, 2010. PRA requirements for West Coast-based vessels were covered in a separate PRA submission (OMB Control No. 0648-0441) handled by the NMFS Pacific Islands Regional Office and are not included under this PRA submission (OMB Control No. 0648-0498), thereby avoiding duplication of efforts.

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

All fishing operations involving vessels in the highly migratory fisheries, except the large scale tuna purse seine vessels, can be categorized as small businesses. However, the reporting burden for pre-trip reporting is insignificant compared to the overall cost of fishing. The requirement of VMS equipment is the most costly provision, but NMFS provides a reimbursement to vessel owners of up to \$3,100 for the purchase of an approved VMS unit and covers communication costs and other operational costs (e.g., maintenance of the unit). Fishermen may also connect other communications equipment to the VMS unit to improve their own ability to communicate. No special measures are needed to offset any disproportionate effect on small businesses.

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

Daily VMS reports (and more frequent if a vessel is near a closed area) are necessary to ensure adequate monitoring of vessel movements to determine compliance with time and area controls and to facilitate cost effective use of enforcement patrols. Less frequent reports would likely result in higher likelihood of non-compliance with low probability of detection of violations. Pre-trip notification reports made too far in advance of a vessel's departure are likely to result in changes in vessel plans as fishery conditions change rapidly; reports after a departure don't allow NMFS to make a decision to place an observer before the vessel leaves port. In both cases, there is likely to be a resulting loss of data collection opportunity, which could result ultimately in inappropriate management decisions because of poor data. This could adversely affect the fisheries.

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

Not Applicable.

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 August 20, 2010 (75 FR 51439) solicited public comment. No comments were received.

The SWR conducts periodic HMS FMP Informational Port Meetings to instruct the public on the regulations and conservation measures outlined in the HMS FMP. NMFS has also consulted with the fishing industry, the public, the California Department of Fish and Game, the Oregon Department of Fish and Wildlife, and the Washington Department of Fish and Wildlife. The fishing industry includes members of the Pacific Council's Highly Migratory Species Advisory Subpanel, a group made up of members of the fishing industry and public appointed to provide guidance during plan development.

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

There are no payments or gifts to respondents.

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

Data submitted to NMFS will be managed as confidential data consistent with Section 402(b) of the Magnuson-Stevens Act, which stipulates that data required to be submitted under an FMP shall be confidential and shall not be released except to Federal employees and Council staff responsible for FMP monitoring and development or when required under court order. Data will also be handled consistent with the requirements of [NOAA Administrative Order 216-100](#).

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.
Vessel Monitoring System

Longline vessels fishing under the Pelagics FMP must have a VMS installed at the expense of NMFS (up to \$3,100 per unit). Many if not most of the longline vessels fishing that previously fished from West Coast ports already have VMS because they originated in Hawaii, where VMS units were required. If these vessels opt to exercise the right to land product on the west coast, NMFS will need to check and maintain any VMS units installed or reactivated.

In addition, there may be as many as 5 vessels that might participate in the west coast-based deep-set tuna longline fishery on the high seas. These vessels will have to be boarded to have their VMS units installed, or if already present then inspected and reactivated, possibly with some servicing required. While NMFS will pay for the units and installation, vessel owners whose vessels are not equipped will have to contact NMFS to arrange for installation and initiation of the VMS unit.

VMS reporting varies by the type of activity in which the vessel is engaged. NMFS will pay for the reporting costs. When in port, a single, daily position report is made with a burden of 24 seconds per report. When at sea, a daily position report (24 seconds per report) is made once per hour, or 24 reports per day. It is estimated that the 5 longline vessels that may participate in the deep-set tuna longline fishery will make an average of 6 trips each year, with an average of 15 days at sea for each trip. Thus, the average vessel will report as follows:

$$\begin{array}{rcl} 90 \text{ days at sea} \times 24 \text{ reports/day} \times 24 \text{ sec/report} & = & 14.4 \text{ hours} \\ 275 \text{ days in port} \times 1 \text{ report/day} \times 24 \text{ sec/report} & = & 1.8 \text{ hours} \end{array}$$

However, as these reports are automatic, there is no public burden associated with them.

VMS installation will be required for the estimated 5 vessels that do not now have VMS units on board. It is estimated that 4hrs/vessel (including time to contact NMFS and make vessel available for installation of VMS unit) will be required for each installation, for a total burden of 20 hours. This is a one-time cost and, for purposes of deriving an annual burden, this is annualized on the same time frame as the permits, or five years; thus, the annualized burden is **4 hours**.

VMS maintenance will be required annually for all 5 vessels at an estimated burden of 2 hours per vessel (including time to contact NMFS and make VMS unit on vessel available for inspection annually), or a total of **10 hours**.

Based on these figures, the estimated total burden associated with the VMS requirement is (including the time to contact NMFS and arrange for installation and maintenance) is **14 hours (10 + 4)**.

Pre-trip Reports

It is estimated that no more than 5 vessels will engage in fishing for tuna with deep-set longline gear in any year, and the average vessel will make 6 trips per year. The average pre-trip report will take 5 minutes or less, resulting in an estimate of 150 (2.5h) minutes for this collection.

Total

The total new information collection burden is:

VMS	14 hours (6 responses: annualized installation plus annual maintenance)
Pre-trip reports	2.5 hours (30 responses)
Total	16.5 (round up to 17) hours (36 responses)

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).

A. VMS

NMFS will reimburse vessel owners for the one time cost of procurement and installation of an approved VMS unit based on eligibility criteria outlined online at www.psfmc.org. Reimbursement, if approved, will cover up to \$3,100 per unit purchase and installation. Reporting and annual maintenance costs will be paid for by NMFS. Transmission frequency and associated costs per transmission are dependent on the unit selected and approved. As currently codified in section 50 CFR 660.712(d)(3) outlined below, there are no costs to the owner for the installation and operation of the VMS unit.

660.712(d)(3) A longline permit holder will not be assessed any fee or other charges to obtain and use a VMS unit, including the communication charges related directly to requirements under this section.

B. Pre-trip Reports

The estimated notification cost is \$1.00 per phone call, or a total cost of \$30.00 per year (assuming \$1 per call using toll calls to Long Beach from the Port of Los Angeles).

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

Maintain VMS monitoring station:

$$1\text{hr/day} \times 365 \text{ days} \times \$36.36/\text{hr} = \$13,271.40$$

Pre-trip notices:
No cost

Total: \$13,271.40

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

A program change has been made, removing the Troll/Baitboat Federal Pacific Albacore Logbook requirement from this renewal as it is already covered under a separate OMB Control Number, 0648-0223. This duplication had previously been overlooked.

A second program change: VMS reporting was removed, due to this burden no longer being counted, and the transmission cost being paid for by NMFS.

Adjustments for this renewal reduce the estimated number of vessels to be active in any one year from 20 to 5 and increase the estimated number of trips per year per vessel from 5 to 6.

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

There are no plans at this time for publications based on the collections.

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.

Not Applicable.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.