

**SUPPORTING STATEMENT
VESSEL MONITORING SYSTEM REQUIREMENT
IN THE PACIFIC COAST GROUND FISH FISHERY
OMB CONTROL NO. 0648-0573**

A. JUSTIFICATION

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

This request is for renewal of this information collection.

The [Magnuson-Stevens Fishery Conservation and Management Act](#) (Magnuson-Stevens Act) established regional fishery management councils, including the Pacific Fishery Management Council (Council), to develop fishery management plans for fisheries in the United States (U.S.) exclusive economic zone (EEZ). The fishery management plans are intended to regulate fishing to ensure long-term productivity and achievement of optimum yield from these resources for the benefit of the nation. These plans are implemented by Federal regulations which are enforced by the National Marine Fisheries Service (NMFS) and the U.S. Coast Guard (USCG), in cooperation with State agencies.

Seven groundfish stocks are currently considered to be overfished: widow rockfish, bocaccio, darkblotched rockfish, cowcod, canary rockfish, Pacific Ocean perch, yelloweye rockfish, and petrale sole. Measures have been taken to protect the overfished stocks and to rebuild them to sustainable biomass levels. Large-scale, depth-based management areas*, referred to as Groundfish Conservation Areas (GCAs), are used to prohibit or restrict commercial groundfish fishing. These areas were specifically designed to reduce the catch of overfished species while allowing healthy fisheries to continue in areas and with gears where little incidental catch of overfished species is likely to occur.

GCAs are defined by points of latitude and longitude. The rockfish conservation areas (RCAs) are a sub-group of GCAs that are defined by points that approximate fathom curves for depth ranges where overfished rockfish species are commonly found. Deep-water fisheries between these points have been permitted in areas seaward of the RCAs, and nearshore fisheries have been permitted in areas shoreward of the RCAs. Vessels intending to fish in the deep-water slope fisheries are allowed to transit through the RCAs, providing their gear is properly stowed. Target fisheries with relatively low catch rates of overfished species, such as midwater trawling for pelagic species and pink shrimp trawling with finfish excluders, have been allowed to occur in the RCAs. Various state-managed fisheries where groundfish are incidentally taken also occur in the RCA; however, groundfish retention is restricted or prohibited within the RCAs.

In 2006, NMFS implemented additional closed area restrictions to protect bottom habitat from fishing gear impacts, as mandated by the Magnuson-Stevens Act. These areas are referred to as

*The GCAs and RCAs (closed areas) are latitude and longitude coordinates that create lines that have been designed to mimic depth-based contours. Certain fisheries with certain gears can only fish at certain depths. The depths that are "closed" are where the overfished species are frequently found.

Essential Fish Habitat (EFH) conservation areas. Like GCAs and RCAs, the EFH conservation areas will be defined by points of latitude and longitude.

Traditional enforcement methods (such as aerial surveillance, boarding at sea via patrol boats, landing inspections and documentary investigation) are especially difficult to use when the closed areas are large-scale and the lines defining the areas are irregular. Furthermore, when management measures allow some gear types and target fishing in all or a portion of the conservation area, while other fishing activities are prohibited, it is difficult and costly to effectively enforce closures using traditional methods. Scarce state and federal resources also limit the extent to which traditional enforcement methods can be used effectively.

To ensure the integrity of the GCAs and RCAs, a pilot Vessel Monitoring System (VMS) program was implemented on January 1, 2004 (OMB Control No. 0648-0478). The pilot program required vessels registered to Pacific Coast groundfish fishery limited entry (LE) permits to carry and use VMS transceiver units while fishing off the coasts of Washington, Oregon and California. The VMS program was expanded on January 1, 2007, to include all open access fisheries in addition to the limited entry fisheries. This expanded coverage of the VMS program enhanced state and federal enforcement's ability to monitor vessel compliance with GCAs, RCAs, and EFH conservation areas. This information collection, which was merged with OMB Control No. 0648-0478, Vessel Monitoring Program for the Pacific Groundfish Fishery, now covers both the limited entry and open access commercial groundfish fisheries. Regulations at [50 CFR 660.14](#) govern this program.

To support the VMS monitoring program, the following information must be submitted to NMFS: 1) VMS transceiver installation/activation certification reports, 2) hourly position reports, 3) exemption reports, and 4) declaration reports.

Installation/activation certification reports require vessel owners and operators to follow specific procedures when installing or re-installing a VMS transceiver unit. Upon activation the VMS installer must complete, sign, and return the certification form to NMFS. The form contains information on the VMS hardware and satellite communications services that are provided by private communications companies approved by NMFS.

Hourly position reports are automatically transmitted to NMFS via satellite once the VMS transceiver unit is installed and activated. Vessels that are required to have VMS must operate the mobile transceiver unit continuously 24 hours a day throughout the fishing year, except when a valid exemption report has been received by NMFS. The number of annual transmissions depends on the VMS transceiver that the vessel owner purchases and the number of fishing days per year in waters off the west coast. Many of the systems have a sleep function that automatically reduces the transmission reports when a vessel is in port. The sleep function allows for port stays without significant power drain or power shutdown. When the vessel goes to sea, the unit restarts and normal position transmissions automatically resume. Because the unit is continuously operable, NMFS may query the unit at any time to obtain a position report. There is no public burden counted for these reports, as they are completely automatic.

Exemption reports are optional. The exemption reports are sent by the vessel owner or operator when they want their vessel to be excused from the requirement to operate the mobile transceiver unit continuously 24 hours a day throughout the fishing year. Such exemptions are allowed only

for: vessels operating outside of the EEZ for more than 7 consecutive days, vessels that are continuously out of the water for more than 7 consecutive days, vessels that transfer the limited entry permit from the vessel and do not engage in any fishing off the west coast for the remainder of the year, vessels that depart the open access fishery for an extended period after the end of the fishing year, and for vessels that have had an emergency situation that resulted in vessel damage such as fire, flooding or other extensive physical damage that would require the VMS or power source to be disconnected. A vessel may be exempted from the requirement to operate the mobile transceiver unit continuously 24 hours a day if a valid exemption report is received by NMFS, Office for Law Enforcement (OLE) and the vessel is in compliance with all conditions and requirements of the exemption. An exemption report is valid until a second exemption report is sent to cancel the existing exemption.

Declaration reports are submitted to NMFS OLE by telephone and are valid until revised by the vessel operator. Vessel operators making declaration reports receive a confirmation number that verifies that the reporting requirements were satisfied. After a vessel has made a declaration report to NMFS and has been confirmed for a specific gear category, it cannot fish with any gear other than a gear type that has been declared for the vessel. If a vessel operator intends to use the vessel to fish in a different fishing category, a new declaration report must be submitted to revise the old declaration report.

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.

Installation/activation certification reports are used by NMFS Office of Law Enforcement (OLE) to confirm that a type-approved VMS unit was installed according to the prescribed procedures and that service has been arranged with an approved communications service provider. Activating the unit and requiring confirmation from NMFS OLE that automatic position reports are being received without error ensures the integrity of the monitoring program. Each VMS transceiver unit has a unique transmission signal that needs to be linked with a specific vessel for processing position reports.

Vessels registered to limited entry permits are required to have contact information on file with NMFS. However, vessels participating in the open access fisheries do not have federal permits. Therefore it is necessary to collect contact information from open access fishers. Having contact information is necessary to provide conformation and in the event that there are problems with the VMS reports. If there are transmission problems, NMFS will need to have ready access to contact information and installation information. NMFS can then apply troubleshooting techniques and as necessary, contact the vessel operator and discern whether the problem is associated with the transmitting hardware or the service provider.

Vessel owners are required to provide these reports following initial installation and after a reinstallation or when the hardware or communications service provider changes. A vessel is expected to submit a report the first time it participates in a fishery where VMS is required. Because the service life of a VMS unit is approximately 4 years, respondents are expected to submit 1 report every 4 years.

Hourly position reports will be used by NMFS to maintain the integrity of large geographical areas where fishing activities are restricted. On a broad level, the VMS vessel location reports are a cost effective tool used to facilitate enforcement of time/area closures in the fishery. The hourly position reports, are transmitted 24 hours per day throughout the fishing year (note: that some type-approved models have a sleep mode that automatically reduces the transmissions after an extended period of inactivity and resumes transmission when the vessel moves) and provide NMFS and USCG with real-time vessel location and activity information. Position information will also be used by NMFS fishery managers to evaluate fishing effort and determine whether further management measures are needed to protect low abundance species.

Exemption reports are sent by the vessel owner or operator when they want their vessel to be excused from the requirement to operate the mobile transceiver unit continuously 24 hours a day throughout the fishing year. Exemption reports are optional. The exemption reports allow flexibility to the industry participants while providing NMFS OLE with the information needed to determine why a position report is not being received from the vessel. Approximately 500 vessels are projected to send 2 exemption reports each per year.

Declaration reports are used by NMFS OLE to identify the fisher's intent to use the vessel to participate in a particular fishery with a specific gear. Because area restrictions are specific to the gear type and target fisheries, declaration reports are needed to adequately assess the vessel's activity in relation to the area restrictions. In addition to the groundfish fishery, there are numerous state and federal fisheries that occur in the EEZ off Washington, Oregon, and California. Because many of the groundfish vessels also participate in fisheries other than groundfish, during an enforcement flyover or from a VMS position report alone it is difficult to determine if they are fishing for groundfish or for a species and with a gear for which harvest is allowed in the closed area. Because groundfish regulations do not allow switching between fishing strategies on a single fishing trip, the declaration report can be used to affirm which regulations the participant is subject to on a particular fishing trip. Similarly, the declaration system assists the West Coast Groundfish Observer Program and NMFS OLE to know what vessels should have observer coverage. Therefore, a declaration report is necessary to identify what gear the vessel operator intends to use.

A single gear type is typically used for multiple trips, to reduce the reporting burden each declaration report will be valid until a new declaration is made or until an exemption report is received. This information will be used in combination with VMS to more efficiently and effectively direct the use of enforcement resources throughout the fishing year. Each vessel is estimated to send up to 20 declaration reports per year.

As explained in the preceding paragraphs, the information gathered has utility. NOAA Fisheries 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. 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 NOAA Fisheries Service 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.

Installation/activation certification reports are available on the internet. Due to the need for the owner's signature, NMFS will use facsimile submission for the installation report. NMFS OLE will accept mailed submissions if the vessel owner prefers this method.

Hourly position reports are automatically sent from VMS transceivers installed aboard vessels. Once per hour, the unit automatically determines the vessel's location and transmits that position to a processing center via a communication satellite. The VMS transceiver units type-approved for use in the Pacific Coast groundfish fishery include models that automatically reduce the number transmissions, and thus the transmission costs after an extended period of inactivity by the vessel. In addition, vessel owners may choose to take advantage of the VMS technology by linking personal computers to VMS transceiver units to improve communication (by adding email capacity) and add other services such as newspapers or weather reports.

Exemption reports and declaration reports will be submitted by phone on a toll-free number. This form of reporting, available 24 hours per day, creates minimal burden for fishermen reporting, as well as for NMFS staff entering information into the database where it can be used in reports to monitor fishing activity. NMFS has prepared an example of a worksheet - not for submission to NMFS - that can be used by the caller to organize report information

4. Describe efforts to identify duplication.

There are no alternate sources of this information or duplicative requirements.

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

Most of the respondents qualify as small businesses. The burden on fishery participant was considered and only the minimum data needed to monitor compliance with regulations are being requested from respondents.

The VMS units that have been type-approved for this fishery range in costs and service features. This allows the vessel owner the flexibility in choosing the model that best fits the needs of their vessel. Vessels that have already purchased VMS transceiver units for other fisheries or personal purposes will be allowed to retain existing VMS transceivers, providing they are on the list of type-approved models and have been upgraded to the level required for the fishery.

The installation and activation reports request contact information from open access vessels only. Vessels participating in the limited entry fishery are required to have permits registered to the vessels. Contact information for vessels registered to limited entry permits will be obtained from the permits database. There are no federal permit requirements for open access fishery participants.

The submission of declaration reports was initially proposed to occur “per trip”. Following consultation with fishery participants, it was determined that the needs of NMFS OLE and the USCG could be met with less frequently made declaration reports. Therefore, it was determined that a declaration report identifying the type of gear being used by a vessel would remain valid until revised by the vessel operator or an exemption report was sent. This results in a significant reduction in the number of reports.

Following consultation with fishery participants prior to implementation of the pilot VMS program in the limited entry fisheries, it was determined that some vessels prefer to reduce the costs of reporting when leaving the EEZ off the coasts of Washington, Oregon, and California. Because a substantial number of permitted vessels also fish in waters off Alaska and in areas outside the EEZ, and because vessels are commonly pulled out of the water for extended periods, a VMS hourly report exemption option was added, which included an exemption report. During the development of the expanded VMS program additional exemptions were considered for: vessels that transfer the limited entry permit from the vessel and do not engage in any fishing of the west coast for the remainder of the year, vessels that depart the open access fishery for an extended period after the end of the fishing year, and for vessel that have had an emergency situation that resulted in vessel damage such as fire, flooding or other extensive physical damage that would require the VMS or power source to be disconnected. Exemption reports are optional. The exemption reports allow flexibility to the industry participants while providing NMFS OLE with the information needed to determine why a position report is not being received from the vessel.

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

Installation/activation certification reports -- The use and submission of installation/activation certification reports is required once for the initial installation, and again for a re-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.

Hourly position reports -- If the VMS was not operational, NMFS OLE agents and USCG would be tasked with monitoring closed areas via air and surface patrols. Because the USCG engages in multi-purpose missions, that include at sea surveillance of fisheries, homeland defense, search and rescue, and pollution response, monitoring efforts may be diverted from monitoring depth-based and EFH conservation areas. VMS provides a level of coverage that cannot be attained by these more traditional enforcement methods at a substantially lower cost.

A more liberal depth-based management regime is only possible if the integrity of the depth-based RCAs can be ensured. Without VMS it is likely that the depth-based management strategy will be discontinued. VMS is necessary to ensure the integrity of the RCAs. If this were the case, the management structure would revert back to very restrictive limits on healthy stocks in order to protect low abundance species.

Less frequent position reports would be ineffective in deterring the illegal activity. Along some areas of the coast, the RCAs and EFH areas are narrow or prime fishing grounds are near the boundary line. If reports were less frequently it would be possible for some vessels to fish within the restricted areas without being detected. This would undermine the integrity of the RCAs.

Exemption reports allow vessels to reduce or discontinue the VMS signal under specific conditions. If the reporting frequency were reduced, VMS signals would have to continue 24 hours per day throughout the calendar year. The reporting frequency has been reduced to the minimum amount needed to maintain the integrity of the RCAs.

Declaration reports are needed to determine if the vessels is engaged in a fishery that is allowed or prohibited in the closed area. The declaration reports allow traditional enforcement resources to be directed towards RCA or EFH conservation area incursions efficiently and effectively throughout the fishing year. The reporting frequency has been reduced to the minimum amount needed to maintain the integrity of the RCAs. In addition, the declaration reports are needed to identify a vessel's intent to participate in a fishery with a specific gear. Because groundfish regulations do not allow switching between fishing strategies on a single fishing trip, the declaration report can be used to affirm which regulations the participant is subject to on a particular fishing trip. Thus, the declaration report helps support enforcement efforts for participants that are not following the regulations for the fishery they have declared. Similarly, the declaration system assists the West Coast Groundfish Observer Program and NMFS OLE to know what vessels should have observer coverage. Therefore, a declaration report is necessary to identify what gear the vessel operator intends to use.

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.

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 October 7, 2010 (75 FR 62098) solicited public comments.

One comment was received. The comment, dated October 9, 2010, was from the U.S. Marine Mammal Commission and expressed strong support of the VMS program to implement spatial management measures for fisheries and to enforce those measures. The commenter noted that VMS is more accurate and less costly than some other alternatives such as aircraft overflights or the use of enforcement vessels.

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

No payments or gifts are provided under this program at this time.

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

Efforts were made in the design of the VMS program to ensure security of all individual vessel location data, including analysis and storage. The system includes measures to minimize the risk of direct or inadvertent disclosure of fishing location information. In addition, as stated on the forms, VMS data is considered confidential under [NOAA Administrative Order 216-100](#), Confidentiality of Fishery Statistics, and is subject to the confidentiality protection of Section 402 of the Magnuson-Stevens Act.

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.

Total burden hours and annual costs for the VMS unit installation and operation are presented in Table 1 below. Total annualized responses (activation reports, exemption reports, and declaration reports) are 31,375 (add values from Table 1 labeled 13b). Total annualized hours are 2,114 (add values from Table 1 labeled 13c).

Annualized hours with labor cost only (i.e. not associated with responses) are 7,500 (1,500 for installation of VMS units (4 hours installation annualized to 1 hour), and 6,000 for annual 2-hour VMS maintenance).

Total annualized hours for labor cost are $2,114 + 7,500 = 9,614$. Multiplied by \$30 per hour, total annualized labor cost is \$288,420.

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 annual cost burden for the VMS unit installation and operation are presented in Table 1 below. Total annualized capital expenses are \$937,500 (add values from Table 1 labeled 14a). Total annualized reporting expenses (for activation reports and transmission costs) are \$1,643,625 (add values from Table 1 labeled 14b). Total overall expenses are \$2,581,125.

Exemption and Declaration reports – Aside from the cost in time (see response to question 12) to summarize and call in a report, there will be no additional cost burden for respondents. All respondents are assumed to have access to a telephone. The telephone call will be placed through a toll-free number so the respondent will not pay for the call. All respondents are assumed to have access to a touch-tone telephone.

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

NMFS is required to ensure that VMS units have been installed properly and are operational. In addition, review of the data transmissions will be required to maintain the integrity of the restricted GCAs, RCAs, and EFH conservation areas. NMFS has one full-time employee (FTE) (GS-14, \$127,000) and four contract employees, at approximately \$55,000 who are dedicated to monitoring the system.

The estimated cost of the total program is \$437,000 for the first year and approximately \$400,000 in subsequent years. This cost includes the costs of continuing the telephone declaration system, supplies and equipment. The program has been operational since 2004 for limited entry participants and since 2008 for open access participants. The total annualized cost into the future is expected to remain approximately \$400,000.

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

Adjustments: this renewal updates the estimated number of respondents: approximately 1,500 rather than approximately 2,000. Also, hours for VMS installation and maintenance are now counted as labor hours only, as there are no responses associated with them.

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. The data will be used for management reports and fishery management plan amendments and evaluations by NMFS and the Council. However, subsequent use of the data collected over a series of years may be included in 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.

Not Applicable.

18. Explain each exception to the certification statement.

Not Applicable.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

No statistical methods are employed.

Table 1. Total burden hours and annual costs for the VMS unit installation and operation			
Installation/Activation			83i
Estimated VMS number of respondents	399 Limited Entry + est. 1,156 Open Access (578 active VMS units on OA vessels 12/2/2010 * 2 (because not all OA vessels active at any one time) = 1,156)	~1,500*	13a
Initial cost of VMS unit (vessel owner purchases type-approved model that best suits their need)		\$1,200 - \$3,800 (\$2,500)	
Cost of units for all respondents to purchase VMS transceiver unit**	(unit cost * 1,500 respondents)	\$3,750,000	
Annualized cost of transceiver unit for all respondents	(given 4 year service life)	\$937,500	14a
Annual number of installation/activation reports	(estimated at less than 1/4 of respondents per year)	375	13b
Hours per respondent to prepare installation/activation report		5 minutes	
Total hours for all respondents to prepare and submit installation/activation reports	(5 minutes * 1,500 respondents)	125	
Annualized hours for installation/activation reports per year	(5 minutes * 1,500 respondents/4 year service life)	31	13c
Annual cost to fax installation and activation reports	(\$3 per fax* 1,500 of respondents)/ 4 year service life)	\$1,125	14b
Hourly Position Reports – Cost only			
Estimated VMS number of respondents		1,500	
VMS position report transmission costs per respondent	(\$1-\$5/day * 365 days)	\$365 - \$1,825 (\$1,095)	
Annual VMS position report transmission costs for all respondents	(\$1,095 * 1,500 respondents)	\$547,500 - \$2,737,500 (\$1,642,500)	14b
Exemption Reports			
Estimated VMS number of respondents		1,500	
Annual number of exemption reports per year	(500 vessels at 2 times per year)	1,000	13b
Hours per response to prepare and submit exemption report		5 minutes	
Annual hours for all respondents to prepare and submit exemption reports	(5 minutes * 1000 reports)	83	13c
Declaration Reports			
Estimated VMS number of respondents		1,500	
Annual number of declaration report	(20 is the estimated average per respondent * 1,500 respondents)	30,000	13b
Hours per response to prepare and submit declaration reports		4 minutes	
Annual hours for all respondents to prepare and submit declaration reports	(4 minutes * 30,000 reports)	2,000	13c

*Since the number of vessels is not known exactly, we are choosing to use the approximate figure of 1,500.

** Vessels with VMS units have had them approximately 4 years and they will probably need replacing.