

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

**INTRODUCTION**

*This is a resubmission with the final rule, of a request for revision of an existing collection due to proposed rule RIN 0648-AY53. There were no changes based on comments on the proposed rule.*

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 (FMPs) for groundfish in the respective areas. The North Pacific Fishery Management Council (Council) prepared, and NMFS approved, the FMPs 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 FMPs appear at [50 CFR part 679](#).

VMS units integrate global positioning system 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 NOAA Fisheries Office of Law Enforcement (OLE) and 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.

#### GOA Parallel Fisheries

During the Federal Pacific cod total allowable catch (TAC) fisheries, the State creates a parallel Pacific cod fishing season by generally adopting NMFS management actions in State waters; however, trawl gear is generally not allowed within State waters of the GOA. The State has management authority for groundfish resources within State waters, and the Commissioner of the Alaska Department of Fish and Game (ADF&G) opens parallel fisheries through emergency order under the Parallel Groundfish Fishery Emergency Order Authority at 5 AAC 28.086. These emergency orders establish parallel fishing seasons that allow vessels to fish for groundfish, including Pacific cod, within State waters with the same season as the Federal seasons. In addition, the Commissioner is authorized to open or close the fisheries under emergency order to adapt to unanticipated openings or closures of the Federal fisheries.

Currently, there are no limits on entry into the parallel waters groundfish fisheries, and no limits on the proportion of the GOA Pacific cod TAC that may be harvested in parallel waters. There is concern that participation in the GOA Pacific cod parallel waters fishery by vessels that do not hold License Limitation Program (LLP) licenses may increase. The Council, in consideration of options and recommendations for the parallel fishery, will balance the objectives of providing stability to the long term participants in the sectors, while recognizing that new entrants who do not hold Federal permits or licenses may participate in the parallel fishery.

#### GOA State Waters Fisheries

In 1997, the ADF&G began managing Pacific cod fisheries inside of 3 nm (referred to as the State waters fisheries or State Guideline Harvest Limit (GHL) fisheries) that are generally open when the Federal and parallel fisheries are closed. The State waters Pacific cod seasons are managed under five Pacific cod management plans under the authority of State regulation. The State waters fisheries close when the GHL is harvested, or when the Commissioner closes the fishery under emergency order, on December 31, or whichever occurs later. Closing of the State waters fisheries typically occurs by August 31 to coincide with the opening of the B season parallel/Federal fishing season.

Many participants in the State waters Pacific cod fisheries also participate in the parallel/Federal Pacific cod fisheries. During 1997 through 2008, an average of 75 percent of Central GOA State waters pot catch and 93 percent of Western GOA State waters pot catch was harvested by vessels that also participated in the GOA Pacific cod parallel/Federal fishery (using any gear type) in a particular year.

## GOA Federal Waters Fisheries

Per the Council's Problem Statement: The limited access derby-style management of the Western GOA and Central GOA Pacific cod fisheries has led to competition among the various gear types (trawl, hook-and-line, pot and jig) and operation types (catcher/processor and catcher vessel) for shares of the TAC. Competition for the GOA Pacific cod resource has increased for a variety of reasons. These reasons include increased market value of cod products, rationalization of other fisheries in the Bering Sea and Aleutian Islands Management Area (BSAI) and GOA, increased participation by fishermen displaced from other fisheries, reduced Federal TACs due to the State waters cod fishery, and Steller sea lion mitigation measures. The competition among sectors in the fishery may contribute to higher rates of bycatch, discards, and out-of-season incidental catch of Pacific cod.

Participants in the fisheries who have made long-term investments and are dependent on the fisheries face uncertainty as a result of the competition for catch shares among sectors. To reduce uncertainty and contribute to stability across the sectors, and to promote sustainable fishing practices and facilitate management measures, the Western and Central GOA Pacific cod TACs should be divided among the sectors. Allocations to each sector would be based primarily on qualifying catch history, but may be adjusted to address conservation, catch monitoring, and social objectives, including considerations for small boat sectors and coastal communities.

The operators of harvesting vessels that possess a Federal Fisheries Permit (FFP) and that are participating in a pollock or Pacific cod fishery in the GOA are required to have onboard a transmitting vessel monitoring system (VMS), as described at § 679.28(f)(6). A VMS consists of a NMFS-approved transmitter that automatically determines a vessel's position and transmits that information to NMFS. While Pacific cod directed fisheries are open, all harvesting vessels with an FFP endorsed with a hook and line, pot, or trawl Pacific cod endorsement are required to have an operational VMS, regardless of where the vessel is fishing at the time or what the vessel is targeting. Thus, a VMS is required of all vessels with an FFP endorsed with a Pacific cod hook and line, pot, or trawl gear while fishing in the adjacent State waters (0 to 3 nm). However, vessels fishing exclusively in State waters are not required to be designated on an FFP, and the operator of such a vessel is not subject to NMFS observer, VMS, or recordkeeping and reporting requirements unless specified by the State.

**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 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.

## **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 United States 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](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.

NMFS estimates that a single non-AFA mothership and up to three stationary floating processors would participate in this program. NMFS will require the owner of a mothership or stationary floating processor – to become permitted as a Community Quota Entity (CQE) floating processor (see OMB Control No. 0648-0545) and then to purchase and operate VMS equipment if the vessel operates within the municipal boundaries of a CQE in the Gulf of Alaska (GOA).

Depending on which brand of VMS is chosen, NMFS estimates that this requirement would impose a cost of up to \$2,000 per vessel for equipment purchase, \$780 for installation and maintenance, and \$5 per day for data transmission costs.

Vessel owners purchasing a VMS unit in order to comply with new Federal regulations could be eligible for a reimbursement of the initial purchase cost of the VMS unit pending approval of funding for this purpose by the NOAA Fisheries Office for Law Enforcement. The VMS reimbursement funds typically cover the costs of purchase and freight, but not the costs of sales taxes, installation, annual operating expenses, or replacement. However, we are asking approval for all costs at this time, as the availability of funds is not certain.

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

<b>VMS operation, Respondent</b>	
<b>Number of VMS respondents</b> CQE floating processors = 4	<b>4</b>
<b>Total VMS transmissions (not counted as responses)</b> VMS = 48 transmissions per fishing day Pacific cod estimated 180 fishing days per vessel (48 x 4 x 180) = 34,560	<b>34,560</b>
<b>Total Responses</b> Installation Maintenance	<b>4</b> <b>4</b>
<b>Total burden</b> There is no burden for VMS transmissions VMS installation time for each NEW VMS (6 hr one time ) x 4 vessels to replace VMS unit or add a new VMS = 24/3 year = 8 hr VMS maintenance time (4 hr/yr x 4 vessels = 16 hr)	<b>24</b>
<b>Total personnel cost @ \$25/hr</b>	<b>\$600</b>
<b>Total miscellaneous cost</b>	<b>\$6,547</b>
Annualized purchase cost (\$2,000/3) x 4	<b>\$2,667</b>
Annual VMS transmission cost @ \$5/day Pacific cod (4 x 180 x 5 = 3,600) Annual maintenance (\$70 x 4 = 280)	<b>\$3,880</b>

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.

<b>VMS operation, Federal Government</b>	
Total responses	<b>4</b>
<b>Total burden hours</b> (3 personnel x 3 hr = 9 hr) 9 hr x 180 days = 1620 hr	<b>1,620</b>
<b>Total personnel cost</b> (1620 hr x \$35/hr)	<b>\$56,700</b>
<b>Total miscellaneous costs</b>	<b>\$0</b>

## **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. This check-in report is required only once to obtain the signature of the VMS unit. 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.

### **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

<b>VMS check-in report, Respondent</b>	
<b>Number of respondents</b>	<b>4</b>
<b>Total responses</b>	<b>4</b>
Frequency = 1	
<b>Total burden hours</b> (48 minutes)	<b>1</b>
Hours per response = 12 min	
<b>Total personnel cost</b> (\$25 x 1)	<b>\$25</b>
<b>Total miscellaneous costs</b> (24.20)	<b>\$24</b>
Fax \$6 x 4 = 24	
Photocopy 0.05 x 4 = 0.2	

<b>VMS check-in report, Federal Government</b>	
<b>Total responses</b>	<b>4</b>
<b>Total burden hours</b> (48 minutes)	<b>1 hr</b>
(12 min x 4)/60	
<b>Total personnel cost</b> (\$25 x 1)	<b>\$25</b>
<b>Total miscellaneous costs</b>	<b>0</b>

It is anticipated that the information collected will be disseminated to the public or used to support publicly disseminated information. 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 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.**

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: NOAA Fisheries 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.**

NMFS Alaska Region published a proposed rule (RIN 0648-AY53) coincident with the original submission, requesting comments from the public. There were no comments concerning the information collection requirements of this request.

**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. 1801 *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: 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: 882, up from 878. Total estimated responses: 48, up from 44. Total estimated burden hours: 3,746, up from 3,721. Total estimated personnel costs: \$93,650, up from \$93,025.

**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: \$740,145, up from \$733,574.

\$2,667 in annualized VMS purchase costs.  
\$737,478 in operations and maintenance costs.

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

Total estimated burden hours: 3,705, up from 2,084. Total estimated personnel costs: \$129,625, up from \$72,900.

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

Program changes are due to the difference between initiating a new program and maintaining an existing program.

VMS Check-in report

an increase of 4 respondents and responses, 48 instead of 44  
an increase of 1 hour, 11 instead of 10  
an increase of \$25 personnel costs, \$275 instead of \$250  
an increase of \$24 miscellaneous costs, \$288 instead of \$264

VMS Operation (includes purchase, installation, transmission, and maintenance)

an increase of 24 hr burden, 3,735 hr instead of 3,711 hr\*  
an increase of \$600 personnel costs, \$93,000 instead of \$92,800  
an increase of \$6,547 miscellaneous costs, \$739, 857 instead of \$733,310

\*Since purchase, installation, transmission and maintenance are not considered responses per se, and only installation and maintenance have burden associated with them, this burden and reporting costs will be included in the Information Collection for "VMS Check-in report and operation" in ROCIS.



**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.**

In accordance with OMB requirements, the control number and expiration date of OMB approval are shown on the VMS check-in report. The transmission of the VMS data is automatic and electronic, and therefore not possible to display the OMB expiration date. The VMS malfunction notification is an email.

**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.