

**SUPPORTING STATEMENT  
VESSEL MONITORING SYSTEM REQUIREMENTS IN THE EASTERN PACIFIC  
HIGHLY MIGRATORY SPECIES FISHERIES  
OMB CONTROL NO. 0648-xxxx**

**A. JUSTIFICATION**

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

Collection of this information is necessary for the United States to satisfy its international obligations under the 1949 Convention for the Establishment of an [Inter-American Tropical Tuna Commission](#) (IATTC), to which it is a Contracting Party. At its 72<sup>nd</sup> Meeting, in June 2004, the IATTC adopted by consensus Resolution [C-04-06](#): Resolution on the Establishment of a Vessel Monitoring System (VMS). The United States needs to implement VMS requirements at this point, to be compliant with international law and to ensure that commercial tuna-fishing vessels over 24 meters fishing within the IATTC Convention Area are not considered illegal, unreported and unregulated (IUU) vessels. The associated proposed rule is 0648-BD54.

**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 will be used to facilitate enforcement regarding prohibited or restricted fishing areas in the eastern Pacific Ocean closed to commercial fishing. The reports provide National Marine Fisheries Service, Office of Law Enforcement (OLE) and the United States Coast Guard (USCG) real-time vessel location and activity information. The VMS reports also can be used to check the accuracy of vessel position information reported by the vessel operator in the daily fishing logbooks required by the regulations. The information provides a basis for determining whether changes in management are needed to protect sensitive species.

Installation/activation reports will be used to provide OLE with information about hardware installed and communication service provider that will be used by the vessel operator. Specific information that links a permitted vessel with a certain transmitting unit and communication service is necessary to ensure that automatic position reports will be received properly by NMFS and to identify the unique signature for each VMS unit. In the event that there are any problems, NMFS will need to have ready access to a database that links owner information with 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. This is not expected to occur more than once per year.

Position reports are transmitted 24 hours per day and provide OLE and USCG with real-time vessel location and activity information. When an operator is aware that the transmission of automatic position reports has been interrupted, or when notified by OLE that automatic position reports are not being received, they must contact OLE and follow instructions provided.

“On/off reports”: although vessel will be required to carry a VMS unit and operate it at all times, the VMS unit may be turned off while the vessel is at port, provided that the vessel owner or operator notifies NMFS in advance of each such shutdown and each time the VMS unit is subsequently turned back on (termed “on/off reports”). These 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.

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.**

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

Installation/activation reports: written activation reports may be submitted via mail, facsimile or e-mail to the Special Agent in Charge (SAC), the point of contact for the NMFS Office of Law Enforcement, and must include: the vessel’s name; the vessel’s official number; the VMS unit manufacturer and identification number; and telephone, facsimile or email contact information for the vessel owner or operator. While the vessel is in operation, position reports are transferred automatically at a specified frequency and received via a satellite communication system by NOAA.

**4. Describe efforts to identify duplication.**

NMFS has identified the fleets that are already required to carry and operate VMS units as part of a NMFS-administered VMS. Owners/operators of vessels in these fleets are required to authorize the OLE to receive position reports via their VMS units, but they will not bear any additional time burden or cost burden as a result of the data transmissions to the OLE. There are no similar comparable programs to collect real-time vessel location information. Requiring vessel operators to make at-sea reports of vessel locations is much more costly and difficult, and would impose a direct reporting burden on the vessel operator. The VMS unit is passive and automatic, requiring no reporting burden on the vessel operator.

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

Vessels in the eastern Pacific Ocean fisheries generally range in size from 7 meters to 124 meters in length. The VMS requirement would affect those vessels 24 meters or more in length that are targeting tuna in the eastern Pacific Ocean. These vessels are categorized as “small businesses”. The majority of these vessels are already subject to VMS requirements in the western and central Pacific Ocean. For those vessels not covered under similar VMS requirements, NMFS will notify the vessel owner when the requirement would take effect and provide information on VMS requirements.

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

Without VMS, the United States is not compliant with international law and vessels over 24 meters fishing within the IATTC Convention Area could be considered IUU vessels. VMS units would be required to report on an hourly basis. This is consistent with the frequency reporting for other U.S. VMS regulations and is necessary to ensure compliance with conservation and management measures.

**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 except that the VMS reports more frequently than quarterly (multiple times per day). This interval is necessary for enforcing regulations.

**8. Provide information on the PRA Federal Register Notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.**

A proposed rule, RIN 0648-BD54, will be published coincident with the submission of this request to OMB, and will solicit public comments.

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

No payments or gifts are provided.

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

As stated in the regulations, all data are collected by NMFS and will also be available to the U.S. Coast Guard and, as well as other parties that receive authorization to receive and use the data pursuant to applicable policies and procedures (per NOAA Directive 06-101 *VMS Data Access*

and Dissemination Policy, and NOAA Administrative Order (NAO) 216-100 *Protection of Confidential Fisheries Statistics*). Any of the collected information used by NMFS in the preparation of publicly disseminated information would first be aggregated and /or summarized to maintain the confidentiality of the information pertaining to the individual vessels.

**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.**

To estimate the number of affected entities, the number of vessels authorized to fish for highly migratory species in the EPO through fishing permits was considered a reasonable proxy. The permits used to estimate affected entities were those issued under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) through regulations codified at 50 CFR 660.707 and permits under the authority of the High Seas Fishing Compliance Act of 1995 (16 U.S.C. 5501 *et seq.*) through regulations codified at 50 CFR 300.13. Vessels under 24 meters in overall length and vessels already subject to the existing VMS requirements at 50 CFR part 300.219, 50 CFR part 660, or 50 CFR part 665, compliance with which would satisfy this new requirement, were excluded from the estimate of impacted entities. As of September 2013, approximately 15 vessels did not have VMS units installed, and 2 vessels have VMS units installed that are not type-approved for these regulations (Table 1). Therefore, 17 vessels would be subject to new VMS regulations. This number is subject to fluctuate as more vessels apply for permits and the permits of other vessels expire.

The estimated average time per response is 4 hours, one time, to install a VMS unit and 1 hours annually to maintain or repair a VMS unit. The vessel owner or representative generally observes the initial installation, which is projected to involve a total of about 23 hours, annualized (estimated initial installations on 17 replacement vessels x 4 hours per vessel/3). The vessel owner or representative may also observe any maintenance and repair at 17 hours annually (17 vessels x 1 hours per vessel). Thus, the annual burden is 40 hours.

Annual Estimates:

17 vessels x 4 hours per vessel to install unit, annualized to 6 responses and 23 hours.

17 vessels x 1 hours per year maintenance and repair = 17 responses and 17 hours.

Total estimated responses and burden hours = 23 and 40.

Note: Time estimates for VMS installation and maintenance were developed by NOAA OLE Pacific Islands Division.

For installation/activation reports the estimated response time for respondents to prepare and submit reports is estimated to be 5 minutes per report. Because 17 vessels are anticipated to submit installation/activation reports, the total burden hours is estimated to be about 1 hour (this would be over a period of three years, annualized to 6 responses but the annualized time is still rounded to 1 hour). For “on-off” reports, the estimated response time to prepare and submit each report is also 5 minutes. If all vessels submitted one “on/off” report each year, the total responses would be 17, and burden hours would be 1 hour. Total: 23 responses and 2 hours.

Note: time estimates for VMS reports were developed by NMFS, Pacific Island Regional Office, Honolulu, Hawaii VMS PRA (OMB Control Number 0648-0596).

Total responses and hours: 46 and 42.

Hourly position reports are automatic, and no responses or burden are calculated for them.

**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 annualized cost burden for the VMS unit installation and operation is presented in Table 1 below. In addition, the estimated cost for sending NMFS installation/activation reports is estimated to cost \$3 per fax. Therefore the total cost for respondents to send NMFS this report is \$51, annualized to \$17. “On-off” reports, at \$3 per fax, would cost \$51 annually. This adds \$68 annually to the total annualized costs in the table below of \$36,227: \$36,295.

Table 1. Estimated costs of compliance with VMS requirements.

Year	Descriptions of the Compliance Costs	Formula	Unit	Rate	Total
<b><u>Per Vessel:</u></b>					
Year 1	VMS Purchase and professional Installation per vessel	A	Lump sum	\$4,000.00	\$4,000.00
Year 1	Daily position report costs per vessel (Hourly, 24/day; and 24 reports/day)	B	Per Day	\$1.50	-
Year 1	Annual position report cost per vessel (\$1.50/day * 365 days/year) if operated year round.	C	Per Annum	\$547.50	\$547.50
Year 1	Annual maintenance cost per vessel	D	Per Annum	\$250.00	\$250.00
Year 2 and on	Recurring position reports and VMS maintenance cost per vessel (Year 2 and beyond)	E=C+D	Per Annum		\$797.50
Year 1	Initial total cost per vessel (Year 1; unit + installation + position reports+ maintenance)	F=A+E	Per Annum		\$4,797.50
Year 1 to 3	Cumulative costs based on total 3 year life of the VMS unit	G=F+2E	Per Three Year		\$6,392.50
	Annual VMC Compliance cost per vessel	H=G/3	Annualized		\$2,131
<b><u>For Fleet:</u></b>					
	Number of affected vessels	I	Number		17
Initial Cost	Initial total cost for the fleet (Year 1; total cost per vessel * number of affected vessels – including maintenance and messaging)	J=I*G	Per Annum		\$81,558
Annualized Cost	Average of Years 1-3		Per Annum		\$36,227

The analysis assumes that vessels will pay for VMS. However, federal funds are available for reimbursement of type-approved units up to \$3,100. The availability of these funds for reimbursement for the cost of purchasing a VMS unit is not guaranteed, but is anticipated to be available on a first-come first-served basis. If all vessel owners utilize available federal funds for reimbursement of type-approved units, then costs per vessel can be reimbursed up to \$3,100, for a total of \$17,566 annually. This could reduce estimated total annual cost from \$36,224 to \$18,649 annually.

**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 are required to maintain the integrity of the restricted conservation areas. The majority of tuna fishing vessels 24 meters or more in length in the eastern Pacific Ocean already participate in the U.S. VMS program. Therefore costs to the Federal government associated with monitoring VMS units can be accomplished by using existing resources (e.g., cost of maintaining the base station, and NMFS employees dedicated to maintaining the system).

These resources have been accounted for in previous PRA documents, OMB Control Number 0648-0478, for VMS regulations. NMFS has five full-time employees who are dedicated to monitoring the system annual labor costs are \$461,636. Recurring operational costs for equipment are \$8,364. The estimated cost of the total program is \$470,000 a year. The total annualized cost into the future is expected to range between \$450,000 and \$500,000.

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

This is a new program for tuna fishing vessels in the eastern Pacific Ocean.

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

No formal scientific publications based on these collections are planned at this time. NMFS and the Council will use the data for management reports and fishery management plan amendments and evaluations. However, subsequent use of the data collected over a series of years may include scientific papers and publications.

**17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.**

Not Applicable.

**18. Explain each exception to the certification statement.**

Not Applicable.

## **B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS**

No statistical methods are employed.