

**SUPPORTING STATEMENT
ELECTRONIC MONITORING SYSTEMS
FOR ATLANTIC HIGHLY MIGRATORY SPECIES (HMS)
OMB CONTROL NO. 0648-0372**

A. JUSTIFICATION

This collection of information is being changed to account for potential new requirements described in the proposed rule for draft Amendment 7 to the Consolidated Highly Migratory Species (HMS) Fishery Management Plan (FMP). The supporting statement will be updated with public comments and responses to the proposed rule, and the requirements of the final rule, once the rulemaking process is completed. The changes proposed in draft Amendment 7 would add new electronic monitoring requirements to those already approved under this collection. The collection's name is being changed from "Vessel Monitoring Systems for Atlantic Highly Migratory Species" to "Electronic Monitoring Systems for Atlantic Highly Migratory Species (HMS)".

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

The United States (U.S.) Secretary of Commerce is authorized to regulate fisheries for Atlantic HMS under the [Magnuson-Stevens Fishery Conservation and Management Act](#) (Magnuson-Stevens Act; 16 U.S.C. 1801 *et. seq.*) and the [Atlantic Tunas Convention Act of 1975](#) (ATCA; 16 U.S.C. 971 *et. seq.*), as amended. Under ATCA, the Secretary of Commerce is required to promulgate regulations as may be necessary and appropriate to implement binding recommendations adopted by the International Commission on the Conservation of Atlantic Tunas (ICCAT).

ICCAT recommendations establish annual quotas which limit the overall U.S. bluefin tuna catch and require that data be collected on all sources of bluefin tuna fishing mortality. Under the authority of the Magnuson-Stevens Act and ATCA, the Consolidated HMS Fishery Management Plan (FMP) and implementing regulations at 50 CFR 635 were developed and implemented to manage HMS fisheries and thus established the framework for allocation of the U.S. annual bluefin tuna quota. Draft Amendment 7 to the Consolidated HMS FMP is currently being developed to further refine bluefin tuna quota allocations and management overall, to reduce dead discards in the Longline category, and to collect information on sources of bluefin tuna fishing mortality in other fishing categories. *This collection of information is being revised to incorporate the proposed electronic monitoring provisions of draft Amendment 7.*

Electronic monitoring systems can provide valuable data on fishing effort, catch, and geographic location of fishing effort and catch. In this collection of information, electronic monitoring includes vessel monitoring systems (VMS) and video and gear monitoring. Current electronic monitoring requirements in HMS fisheries that have been previously approved under this collection are:

- 1) Pelagic longline (PLL), shark bottom longline (BLL)^a, and shark gillnet vessels^b are required to have a VMS electronic mobile transmitting unit (E-MTU) unit installed by a qualified marine technician and submit an installation checklist;
- 2) Vessels with VMS must provide hourly position reports 24/7;
- 3) Vessels with VMS must hail in & out for each trip;
- 4) Provisions for long term declaration out of the fishery and power down exemptions.

Implementation of the additional fishery management controls proposed in draft Amendment 7, including individual bluefin tuna quotas (IBQs) for Longline category (pelagic longline, PLL) vessels, quota trading for PLL and Purse seine category vessels, and new gear restricted areas for PLL vessels, would require further VMS measures and new video and gear monitoring measures. Under draft Amendment 7, PLL vessels would be required to use their VMS E-MTUs to make daily reports of fishing effort and bluefin tuna catch when bluefin tuna are kept or discarded. Purse seine vessels would be required to use VMS E-MTUs to report effort and bluefin tuna catch in addition to VMS reporting requirements that apply to other HMS vessels. These measures would provide real-time catch monitoring that is necessary to track what may be relatively small quantities of bluefin included in vessel IBQs.

Some PLL vessels would be awarded access to new or previously established restricted areas, and would be required to declare their intent to fish in these areas during hail-in and out, so the National Marine Fisheries Service's (NMFS) Office of Law Enforcement (OLE) can discern between appropriate access and unlawful incursions. In certain circumstances, PLL vessels would be allowed to fish in the Cape Hatteras Gear Restricted Area under the General category rules, and would be required to declare their intention to do so during hail-out. Lastly, draft Amendment 7 would require PLL vessels to install and use a video and gear monitoring system to record fishing activity and document catch of bluefin tuna. This system would provide a census of bluefin tuna catch in the PLL fishery to complement and possibly replace the current use of less accurate logbook data.

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 applicable Information Quality Guidelines.

VMS installation and activation checklist - current requirement for additional respondents

Individuals purchasing VMS for the first time (i.e., new entrants and Purse seine vessels), would be required to submit a one-time installation and activation checklist after a new E-MTU VMS unit is installed by a qualified marine electrician. The checklist indicates the procedures to be followed by the marine electricians whom install the E-MTU VMS units. These forms would be completed by the electricians and then submitted to NMFS by the vessel owner. This checklist provides NMFS OLE with information about the hardware installed and the communication service provider that will be used by the vessel operator. Specific information that links a

^a between 33°00' N. latitude and 36°30' N. latitude between January 1 and July 31 every year

^b possess a shark directed permit and have gillnet gear onboard between November 15-April 15 in the Southeast U.S. Restricted Area as defined in 50 CFR 229.32

permitted vessel with a certain transmitting unit and communications service is necessary to ensure that NMFS will receive automatic position reports properly. In the event that there are problems, NMFS will have access to a database that links owner information with installation information. NMFS can then contact the vessel operator and discern whether the problem is associated with the transmitting hardware or the service provider.

VMS hourly location reports and hail-in/hail-out information - current requirement

NMFS OLE uses VMS hourly location reports and hail-in/hail-out information to monitor and enforce closed and gear restricted areas implemented to reduce bycatch of juvenile swordfish, sharks, sea turtles, bluefin tuna, and other species necessary to comply with the Marine Mammal Protection Act, Endangered Species Act, National Standard 9 (bycatch and bycatch mortality reduction) of the Magnuson-Stevens Act, and, when implemented, Amendment 7. There are numerous areas that are closed to fishermen fishing for HMS. NMFS OLE uses VMS position data to reduce costs and improve enforcement of time/area closures, to monitor the fleet during the closed period, to deter illegal fishing, to increase efficiency of surveillance patrols, to provide probable cause for obtaining a search warrant in enforcement investigations, and to support enforcement of other regulations such as closed seasons once a quota has been reached. The requirement to notify NMFS enforcement at least three hours, but no more than 12 hours, prior to returning to port (i.e., hail-in) provides notification that fishing activities are being completed, gear is no longer being deployed, and the vessel is transiting back to port.

Long-term declarations out of the fishery - current requirement

Vessel operators carrying HMS permits, but not fishing for or retaining HMS for two or more consecutive fishing trips, have the option to make long-term declarations out of the fishery so that they are not required to hail-out or hail-in on each trip. To “declare out” of HMS fisheries, the vessel operator must declare that they were fishing for non-HMS species via the VMS. Such a declaration exempts the vessel from hail-in and hail-out requirements until the vessel resumes fishing for and retaining HMS at which time the vessel will need to resume hailing-out and hailing-in for each trip. Vessels operating under a long-term declaration out of the HMS fishery are still required to provide 24/7 hourly location signals with their VMS units, and are still required to follow all other HMS regulations (i.e., not fishing within relevant closed areas). Vessel operators wishing to make long-term declarations out of the fishery must submit the declaration before leaving for their next fishing trip. Vessels that have declared out of the HMS fisheries, but incidentally catch and retain HMS species while fishing must revise their target species and “declare in” while at sea before returning to port with any HMS species in their possession. The vessel is also then required to hail-in as per the regular HMS reporting requirements.

VMS power down exemption – current requirement

In the event that a vessel has to power down their VMS unit, any long-term declaration would become null and void, and a new declaration must be issued upon powering up the VMS unit. Fishermen must request a documented exemption if their VMS units need to be powered down for various reasons such as placing the vessel in drydock for repairs or suspending fishing activity for an extended period. In such instances, fishermen must contact NMFS OLE and follow the instructions provided. The request must describe the reason an exemption is being

requested; the location of the vessel during the time an exemption is sought; the exact time period for which an exemption is needed (*i.e.* , the time the VMS signal will be turned off and turned on again); and sufficient information to determine that a power down exemption is appropriate. Approval of a power down must be documented and will be granted, at the discretion of NMFS enforcement, only in certain circumstances (*i.e.*, when the vessel is going into dry dock for repairs or will not be fishing for an extended period of time).

Daily fishing effort reports – new requirement

In addition to the requirements listed above, under draft Amendment 7, PLL and Purse seine vessels would be required to make daily reports of fishing effort when bluefin tuna are encountered and disposition of any bluefin tuna catch (*i.e.*, kept or discarded). These data would be used by NMFS to ensure that quotas and IBQs are not exceeded.

Video and gear monitoring system – new requirement for PLL vessels

Draft Amendment 7 also would require PLL vessels to install and maintain a video and gear monitoring system that records all catch and relevant data regarding PLL gear deployment and retrieval. Specifically, vessel operators would be required to install NMFS-approved equipment that may include one to four video cameras, a recording device, a video monitor, hydraulic pressure transducer, winch rotation sensor, system control box, and/or other equipment. Vessel operators would be required to install, maintain, and facilitate inspection of the equipment by NMFS, and obtain NMFS approval for the equipment. The data collected for each trip would be required to be stored and made available to NMFS for 120 days after each trip. The vessel operator would be required to facilitate the transfer of data to NMFS, and ensure that all catch is handled during fishing operations in a manner that enables the electronic monitoring system to record such fish.

The data collected from each trip would be used for the following: 1) to verify the accuracy of counts and identification of bluefin reported by vessel owner/operators using E-MTU VMS units and logbooks; 2) to estimate bluefin dead discards; and 3) to provide a record of catch during the time periods when an observer may be unable to observe the catch directly.

The information in this collection could be used to calculate publicly disseminated information such as overall estimates of bluefin tuna dead discards and total annual U.S. bluefin tuna catch. See responses in Question 10 of this Supporting Statement on confidentiality and privacy and Question 16 for more information on data dissemination and use. NMFS would retain control over personal information and pecuniary business information and safeguard it from improper access and use consistent with legal requirements and NOAA policy for confidentiality, privacy, and electronic information. The information collection is designed to yield data that meet all information quality guidelines. Prior to dissemination, the information would 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.

VMS is the best technology available at this time for monitoring vessel locations to aid enforcement efforts. The integrated Global Positioning System (GPS) provides a near real-time mechanism for submitting accurate position reports. VMS is considered much more accurate than logbooks for reporting geographical distribution of fishing effort for each trip. Logbooks are submitted by fishermen seven days after offloading and provide information only regarding the start of a fishing set. Thus, logbooks do not meet the real-time needs of NMFS OLE and could allow vessels to fish illegally in closed areas without prosecution. VMS, on the other hand, provides 24 reports each day for the duration of the trip. Twenty-four hour report data, in conjunction with a declaration by the vessel, prior to leaving port, would provide pertinent data concerning target species and gear being deployed. Providing a window of time in the “hail-in” for when a vessel is returning to report also allows NMFS OLE officials to more accurately determine arrival time for possible inspections. This information is important for discerning which closed areas apply to a particular vessel and allows enforcement to react immediately if a vessel is found fishing in a closed area. Vessels would also be able to receive information from NMFS concerning weather alerts, natural disasters, fishery closures, and other information. VMS units may provide a platform for future electronic logbook reporting of both target and non-target species.

Video and gear monitoring is a cutting edge technology that is just beginning to be used by NMFS to complement or replace logbook and observer coverage. Vessel logbooks require vessel operators to report sensitive information such as turtle and bluefin tuna bycatch, each of which can result in fishery closures. NMFS analyses comparing logbook and observer data from the same trip corroborate concerns that self-reported data can be inaccurate. However, deployment of observers on all PLL trips is unfeasible due to the cost. Amendment 7 would require video and gear monitoring as a means to verify self-reported data without the associated costs of observer coverage.

4. Describe efforts to identify duplication.

NMFS is the sole authority responsible for managing the domestic bluefin tuna fishery, on behalf of the Secretary of Commerce. No other agency has authority to implement fishery monitoring requirements for HMS fisheries. The Atlantic HMS management program includes a high degree of internal coordination across NMFS regions, science centers, and headquarters offices. The distributed nature of the HMS staff specialists throughout the agency helps garner knowledge of other NMFS activities and helps the program avoid duplication and leverage other NMFS assets.

When developing an HMS FMP amendment, NMFS coordinates with the HMS Advisory Panel (AP). The HMS AP includes citizens from HMS commercial and recreational fishing interests, environmental interests, academia, state fishery agencies, and federal fishery management councils. These individuals provide significant input and direction to NMFS, including the

status of other fishery management or research programs and any potential for duplication of or similar reporting requirements in other fisheries. NMFS also coordinates directly with the states of the Atlantic and Gulf of Mexico coasts, and the federal fishery management councils and interstate marine fisheries commissions operating in these geographic areas.

Position reports at the start of each fishing set are required to be recorded in HMS logbooks, and will therefore be duplicated by participants using VMS; however, VMS position reports are automated and would not require any action on the part of the vessel operator. Typically, most of the participants in the PLL fishery for tunas and/or swordfish use the HMS logbook. Most vessels participating in the shark BLL and gillnet fisheries use a different logbook (Coastal Fisheries Logbook) that does not require position reports of individual fishing set and would not be duplicated (they could also use the HMS logbook). If electronic catch reporting is developed in the future, paper logbooks may become obsolete.

There are no alternate sources of such specific and near real-time vessel location and activity information. Use of VMS is required in other fisheries and fishermen who have already purchased a VMS unit can use the same unit for multiple fisheries. Information is only reported one time to enforcement and is not duplicated for multiple fisheries.

Video and gear monitoring is a cutting edge technology that is new to NMFS. Although some of the data collected via video and gear monitoring is also included in vessel logbooks and observer reports, simultaneous collection of these data are necessary as NMFS introduces and refines its video and gear monitoring requirements.

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

All owners of vessels with commercial permits for HMS, (i.e., swordfish, sharks, and tuna) are considered small entities. Current VMS regulations require approximately 308 PLL, bottom longline, and shark gillnet vessels to maintain VMS units at an average monthly cost of \$44/month. Individual position or message reports costs are included in the estimated monthly cost. In an attempt to provide vessel owners new to the fishery with some flexibility of choice and help minimize costs, NMFS OLE published general type approval specifications (January 31, 2008, 73 FR 5813) describing the types of units that are appropriate. Existing units that meet the criteria range in price from \$3,000 - \$3,300, depending on the features of the E-MTU VMS device. Vessels are already required to use an E-MTU VMS in some other fisheries, and may already possess the required equipment. For example, each of the three vessels currently authorized to deploy purse seine gear for Atlantic tunas have already installed E-MTU VMS in compliance with Council-managed fisheries.

Only newly permitted vessels that have not already purchased similar gear required for other fisheries will need to purchase the units. Further, reimbursement funds (\$3,100/E-MTU VMS unit) may be available for new HMS fishery participants required to install E-MTU VMS units. The reimbursement is available for the costs of the new unit and does not cover installation by a qualified marine electrician or data transmission.

The introduction of video and gear monitoring rather than expansion of observer coverage requirements in the PLL fleet is largely an effort to control costs for small businesses and the government. NMFS estimates that total annual costs of video and gear monitoring per vessel would be approximately \$3,835 (installation and maintenance annualized over 5 years) plus \$225 per trip. In comparison, observer coverage is much more expensive. The Southeast Fishery Science Center's observer program estimates that observers cost approximately \$1,075 per sea day. This equates to approximately \$9675 per trip for pelagic longline vessels, which have an average trip length of nine days.

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

Using VMS to verify the location of a vessel is passive and automatic, requiring no reporting time on the part of the vessel operator. ICCAT recognizes the developments in satellite-based VMS and their possible utility, including better resource management and, thus, more effective and sustainable use of resources. More specifically, benefits for management include increased compliance with and enhanced enforcement effectiveness regarding area restrictions, more timely data regarding fishing effort by areas, and more timely catch reporting. Other possible benefits of the VMS include increased vessel safety and dependable and confidential communications, which may improve fleet management.

Monitoring and enforcement are essential components of fisheries management. Monitoring fishing vessels facilitates enforcement of NMFS' conservation and management regulations by enabling detection of violations. Monitoring also promotes compliance by having a general deterrent effect. Lack of proper monitoring and enforcement makes it difficult to gauge the effectiveness of conservation and management measures. In the case of overfished stocks, enforcement is necessary to prevent further overfishing and subsequent decline to dangerously low stock levels. As a practical matter, it is very difficult for enforcement personnel to effectively monitor the full operational range of the U.S. PLL fleet without having some method of detecting a vessel's location. With respect to PLL time/area closures in particular, the size of the closed areas makes the likelihood of detection through conventional surveillance methods rather small.

Less frequent reporting would prevent NMFS and the vessel operator from confirming that the VMS unit is functioning properly and would make it more difficult to determine whether a vessel is fishing in, or transiting through, a closed area. Furthermore, not requiring vessels to make a declaration, either per trip or long-term, describing target species and gear deployed would make it difficult for NMFS OLE to know which closed areas and other regulations apply to that particular vessel.

If the video and gear monitoring portion of the collection were not conducted, NMFS would not be able to effectively implement the IBQ leasing component of draft Amendment 7. Without the leasing component, the management program would be less effective, in part because of the small relative size of the quota shares resulting in allocations that will be available to each

Longline category vessel. The catch of bluefin among Longline category vessels is not evenly distributed geographically or among the fleet. It would be very difficult to allocate quota to vessels in a way that vessels would have the amount of quota that they “need” to account for their bluefin landings and dead discards. Without transferability, a vessel’s IBQ allocation could severely constrain their potential fishing effort. Further, the Purse seine category permit holders would not be able to participate in the leasing process.

Real-time data collection is required for management of the limited quota allocations and Longline category quota because ICCAT quotas are accounted on a yearly basis. Overages by the Longline category could impact other domestic user groups or result in an annual quota overage. ICCAT could assess a penalty if the United States overharvests its quota.

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

VMS will be reporting positions 24 times a day, which is more frequent than OMB guidelines suggest. This frequency is required for the near real-time and accurate tracking of vessel activities. The requirement for 24 position reports per day is designed to allow NMFS to distinguish between a vessel that is fishing, and a vessel that is traversing a closed area. Fewer reports would indicate that a vessel was in the area but would not indicate whether the vessel was setting gear, hauling gear, or traversing the area. The time burden as a result of this frequency, however, remains minimal because the position reports are automated and require no action on the part of the vessel operator. As stated above, the two-time (per trip) declaration would facilitate improved enforcement of regulations because NMFS OLE would know which gear is being deployed and the relevant HMS target species for individual trips, while the provision of long-term declarations out of the HMS fishery would minimize burden on vessels not targeting the HMS fisheries intended to be monitored by the current regulations.

Bluefin catch would be reported per set, which is more frequent than OMB guidelines suggest. Daily reports would be required so IBQs and quota allocations could be tracked on a real-time basis. Since IBQs are relatively small and may be comprised of a single fish, accurate real-time data would be necessary to manage the accounts and ensure that vessels remain within their quota.

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.

Proposed Rule 0648-BC09, soliciting public comments on this collection was published on August 21, 2013 (78 FR 52032). This request was not submitted at that time, as another rule-related revision of this collection was then in process.

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

No payments or gifts are to be offered as part of this information collection.

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

All VMS reports of vessel position, fishing effort, and bluefin tuna catch and gear monitoring system video reports received by NMFS will be treated as confidential data in accordance with the Magnuson-Stevens Act and [NOAA Administrative Order 216-100](#). Assurances of confidentiality will be included in the small business compliance guide (to be completed after the rule is final) and individual correspondence with vessel owners (draft included in this submission).

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.

VMS REPORTING

A total of 308 vessels are subject to the pre-Amendment 7 VMS requirements. With the addition of 3 purse seine vessels under draft Amendment 7, the total number of respondents for this collection would increase to 311 (Table 1). Based on the number of limited access permits for swordfish and tuna, an estimated 253 PLL vessels are subject to VMS requirements that would be increased under draft Amendment 7, as well as the new video and gear monitoring requirements proposed in draft Amendment 7. Based on the number of limited access directed shark permits, an estimated 25 bottom longline shark fishing vessels and 30 shark gillnet vessels are also subject to VMS requirements.

Once a VMS is installed by a qualified marine electrician, the vessel owner is required to submit an activation checklist via regular mail to NMFS OLE. **The estimate for this burden is 5 minutes per new participant.** Since the three purse seine vessels already have VMS installed, there would be no additional burden for this Amendment 7 provision.

Before leaving port, vessels must transmit an electronic hail-out message to NMFS OLE declaring target species and gear deployed for the fishing trip. PLL vessels would also declare whether they intended to fish in a closed area or in the Cape Hatteras Gear Restricted Area during hail-out, as proposed under Amendment 7. Vessels must also report, or hail-in, to NMFS OLE when they are returning to port. **NMFS estimates that these declarations would require approximately 4 minutes per trip (2 declarations, 2 minutes/declaration).** There would be

no additional time burden associated with the new PLL Amendment 7 provisions, since they are included in the two minutes per declaration.

Once on, position reports are automatically sent from the VMS on an hourly basis 24/7/365, and would be required to continue reporting continuously unless an email requesting a documented power down exemption is submitted to and confirmed by NMFS OLE. There is no burden for these reports.

Vessels not pursuing HMS fisheries for two or more consecutive trips have the option to submit a long-term declaration out of the fishery which would exempt them from making hail-out and hail-in declarations for the duration of the long-term declaration. Declarations out of the fishery may be submitted via email (5 minutes per declaration), or during vessel hail-out (2 minutes per declaration). Vessels operating under long-term declarations out of the HMS fishery are still required to submit automatic hourly position reports, and remain subject to all other applicable HMS regulations. Burden associated with maintenance is not anticipated with the E-MTU VMS units.

Under Amendment 7, PLL and purse seine vessels would be required to use VMS to submit catch and effort data for each set that captures bluefin tuna. **Each report is estimated to take approximately 5 minutes for PLL vessels and 15 minutes for purse seine vessels.**

Table 1. Number of HMS Vessels Required to Comply with VMS Requirements by Gear Type Based on 2010 Permit Data.

PLL (Tuna Longline)	Bottom Longline (Directed Shark Permit Holders in NC, SC, and VA)	Gillnet (Vessels with a Directed Shark Permit and Landed Sharks with Gillnet, 2004-2007)	Purse Seine	Total
253	25	30	3	311

1. PLL Vessels:

One-time burden (keeping a placeholder of a total of one respondent and associated burden for this request, not per fleet):

Total responses: Unknown (will only apply to new entrants to the fishery or current fishermen purchasing new units – both will likely be rare occasions)

Installation time: average of 4 hours

Submission of completed installation checklist: 5 minutes

Total hours: Unknown.

Recurring burden (If no vessels declare out of the fishery):

All PLL vessels participating in HMS fisheries are currently required to have an E-MTU VMS unit installed by a qualified marine electrician, and to declare target species and gear being deployed to NMFS OLE before fishing and inform NMFS OLE when returning to port. These

vessels must provide hourly position reports 24/7/365 unless granted a documented power down exemption from NMFS OLE.

Trip duration within the PLL fleet varies based on time of year, location, target species, market prices, quota availability, and other factors. Logbook data from 2006-2009 indicate that the average trip duration for PLL vessels was 9 days. It is assumed that vessels need at least one day in port to offload their catch and procure supplies before returning to sea. On average, PLL vessels may take 36 trips per year, which equals 324 days per year at sea (36 trips/year * 9 days/trip = 324). **Each trip would require 2 declarations/trip and it is estimated that each declaration would require 2 minutes: $253 \times 72 = 18,126$ responses \times 2 minutes = 36,342/60 minutes = 607.2 (607) hours.**

Under the new provisions of Amendment 7, PLL vessels would be required to also use VMS to report bluefin tuna catch and fishing effort for each set with bluefin tuna interaction. Each report is expected to take 5 minutes. Based on HMS logbook data from 2006-2011, on average, **PLL vessels have 1.2 interactions with bluefin tuna per trip: $253 \times 36 \times 1.2 = 10,930$ responses \times 5 minutes = 911) hours.**

Recurring burden (If no vessels declare out of the fishery):

1) Hail in/hail out responses per vessel: 36 trips/year * 2 declarations = 72 declarations. Total hail in/out responses: 72 * 253 = **18,216**.

18,216 responses * 2 minutes/response = 36,432 minutes/60 minutes/hour = **607 hours**

2) Bluefin tuna and effort reports: 36 trips/year * 1.2 reports per trip = 43.2 reports per vessel
Total bluefin tuna responses = 43.2 * 253 = **10,930**

10,930 responses * 5 mins/response = 54,650 minutes/60 minutes/hour = **911 hours**

Total annual responses: $18,216 + 10,930 = 29,146$ responses

Total annual hours: $607 + 911 = 1,518$ hours

Maximum reduction in burden if each vessel declaring out of the fishery (full season):

1) Hail in/hail out per vessel response reduction: 36 trips/year * 2 declarations/trip – 1 initial declaration out of fishery = 71 responses

253 vessels * 1 declaration * 2 minutes/declaration / 60 minutes/hour = 8.4 (8) hours

2) Bluefin tuna and effort reports: 36 trips/year * 1.2 reports per trip = 43.2 reports per vessel

Total bluefin tuna responses = 43.2 * 253 = **10,930**

10,930 responses * 5 mins/response = 54,650 minutes/60 minutes/hour = **911 hours**

Maximum total reduction: $8 + 911 = 919$ hours.

2. Shark Bottom Longline Vessels:

All vessels with bottom longline gear onboard and possessing a directed shark permit in North Carolina, South Carolina, and Virginia are required to use E-MTU VMS from January 1 to July 31 when they are between 33 N and 36.3 N on an annual basis. Newly permitted vessels would be required to have an E-MTU VMS unit installed by a qualified marine electrician, declare target species and gear being deployed to NMFS OLE before/after fishing, and provide hourly position reports 24/7 from January 1 to July 31, unless granted a documented power down exemption from NMFS OLE.

During this time period (January-July) and in this vicinity, most participants with BLL on board would be targeting Large Coastal Sharks (LCS). It is assumed that most vessels targeting LCS would be making day trips (i.e., returning to port to offload once every 24 hours). Therefore, it is assumed that vessels could be in this vicinity with bottom longline gear onboard for 212 days/year (January 1 – July 31).

One-time burden (keeping a placeholder of a total of one respondent and associated burden for this request, not per fleet):

Total responses: Unknown (will only apply to new entrants to the fishery or current fishermen purchasing new units – both will likely be rare occasions)

Installation time: average of 4 hours

Submission of completed installation checklist: 5 minutes

Total hours: Unknown.

Recurring burden (If no vessels declare out of the fishery):

Per vessel responses: 212 trips/year * 2 declarations = 424 declarations. Total responses: 424 * 25 = **10,600** x 2 minutes/60 minutes = **353.4 (353) hours**.

Total annual responses: 10,600

Total annual hours: 353

Maximum reduction in burden if each vessel declaring out of the fishery (full season):

Per vessel response reduction: 212 trips/year * 2 declarations/trip – 1 initial declaration out of fishery = 423 responses

25 vessels * 1 declaration * 2 minutes/declaration / 60 minutes/hour = 0.8 hours (1 hour)

3. Directed Shark Gillnet Vessels:

Vessels that possess a shark directed permit and have gillnet gear onboard between November 15 and April 15 are required to use VMS in the Southeast U.S. Restricted Area as defined in 50 CFR 229.32. NMFS estimates that 30 vessels meet this requirement.

The gillnet fishery primarily targets Small Coastal Sharks (SCS) and blacktip sharks (included in the aggregate LCS management unit). Season length for sharks varies from year to year based on quota availability, catch rates, and other considerations. Many shark gillnet vessels possess permits which allow them to participate in other fisheries using gillnet gear, therefore, to estimate burden it is assumed that affected vessels could be engaged in fishing activities and subject to VMS requirements for the duration of this time period every year (152 days).

One-time burden (keeping a placeholder of a total of one respondent and associated burden for this request, not per fleet):

Total responses: Unknown (will only apply to new entrants to the fishery or current fishermen purchasing new units – both will likely be rare occasions)

Installation time: average of 4 hours

Submission of completed installation checklist: 5 minutes

Total hours: Unknown.

Recurring burden (If no vessels declare out of the fishery):

Responses: 152 trips/year * 2 declarations = 304 * 30 = **9,120 responses** * 2 minutes/60 minutes = **304 hours**.

Total annual responses: 9,120

Total annual hours: 304

Maximum reduction in burden if each vessel declaring out of the fishery (full season):

Per vessel response reduction: 152 trips/year * 2 declarations/trip – 1 initial declaration out of fishery = 151 responses

30 vessels * 1 declaration * 2 minutes/declaration / 60 minutes/hour = 1 hour

4. Purse Seine

Draft Amendment 7 would require vessels with Purse seine category Atlantic tunas vessel permits install a E-MTU VMS (if not already installed), and follow reporting requirements applicable to other VMS-carrying HMS vessels, including hail-in/hail out, 24/7 position reporting, and long-term declarations out of the fishery. Draft Amendment 7 would also require purse seine vessels to report bluefin catch disposition and effort after each set with bluefin tuna interactions.

The purse seine fishery for bluefin tuna has been largely inactive over the past 10 years. The year with greatest activity was 2013 when one vessel had two trips with several sets for each trip. 2013 data are used in this analysis. Similar to the PLL fishery, the time burden for hail-in/out is expected to be 2 minutes each, but reporting bluefin tuna interaction and effort is expected to take longer (15 minutes) since the purse seine fishery targets bluefin tuna and would likely have more bluefin tuna to report.

One-time burden (keeping a placeholder of a total of one respondent and associated burden for this request, not per fleet):

Total responses: Unknown (will only apply to new entrants to the fishery or current fishermen purchasing new units – both will likely be rare occasions)

Installation time: average of 4 hours

Submission of completed installation checklist: 5 minutes

Total hours: Unknown.

Recurring burden:

1)Hail-in/hail-out declarations: 2 trips/year * 2 declarations per trip * 3 vessels =**12 responses** * 2 minutes/60 minutes = **0.4 (rounded up to 1) hours**.

2) Bluefin tuna catch and fishing effort: 3 sets per trip * 2 trips * 3 vessels = **18 responses** * 15 minutes/60 minutes per bluefin report = **4.5 (5) hours**

Total annual responses: 30

Total annual hours: 6

Maximum reduction in burden if each vessel declares out of the fishery (full season):

1) Per vessel response reduction: 2 trips/year * 2 declarations per trip = 4 declarations -1 initial declaration = 3 responses

3 responses * 2 minutes/60 minutes = 0.1 hours

2) **Bluefin tuna catch and fishing effort:** 3 sets per trip * 2 trips * 3 vessels = **18 responses** * 15 minutes/60 minutes per bluefin report = **4.5 hours**

Total reduction: 4.6 (5) hours.

One VMS purchase and installation: 2 responses (installation and checklist), totaling 4 hours.

VIDEO AND GEAR MONITORING – PLL Vessels

Draft Amendment 7 would require PLL vessels to install a video and electronic monitoring system and use it to record all longline catch and relevant data regarding PLL retrieval and deployment. The burden and cost associated with this requirement can be divided into three categories – one time installation, annual maintenance, and per-trip data retrieval.

There would be no reports required for installation or annual maintenance. Data retrieval is expected to take approximately 2 hours per trip. **Based on the PLL average of 36 trips (responses) per year, data retrieval is estimated at 72 hours per year.** Actual use of the equipment during the fishing trip requires minimal interaction by the crew.

Number of responses = 36 trips * 253 vessels = **9,108 responses**

Annual time burden for each vessel is estimated at 72 hours per vessel * 253 vessels = **18,216 hours**

Table 2. Summary of the maximum burden for PLL, BLL, and gillnet vessels.

	PLL vessels	Bottom longline vessels with directed shark permits	Gillnet vessels with directed shark permits	Purse seine vessels	Total
Respondents	253	25	30	3	311
Responses	38,254*	10,600	9,120	30	58,004
Hours	19,734**	353	304	4	20,397***

*VMS total of 29,146 plus 9,108 for data retrieval

**VMS total of 1,518 + 18,216 for data retrieval

***Rounded up to 20,401 in ROCIS.

Adding VMS installation placeholder: 2 responses and 4 hours, totals are 58,006 responses and 20,401 hours.

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection.

Of the 311 vessels required to have VMS installed, all were previously required to purchase and install their units, or in the case of the purse seine vessels, have installed them to comply with requirements in other fisheries. So, the start-up costs for these vessels have not been included in the annual cost burden estimates. However, communication and maintenance costs, which are ongoing, have been included for all vessels in Table 3.

Start-up costs for new or replacement vessels would be: \$3,100 for the unit and \$50 - \$400 for installation: for placeholder installation, the cost would be **\$3,325 (purchase plus average of installation costs)**

Video and gear monitoring is a new requirement under Amendment 7, and costs for unit purchase, installation, maintenance, and use are included in Table 4.

Table 3. Summary of the estimated total costs associated with the current and revised E-MTU VMS requirements in Atlantic HMS fisheries.

	PLL Vessels (253)	Bottom Longline Vessels (25)	Gillnet Vessels (30)	Purse Seine Vessels (3)
Days Fishing/Year	324	212	152	10
Number of Fishing Trips/Year	36	212	152	2
Monthly E-MTU VMS Unit Plans average including 24/7 Position Reports and data	\$44.00	\$44.00	\$44.00	\$44.00
Annual Compliance Costs/ Vessel (\$44/month * months fishing/year)	\$528/vessel (12 months)	\$308/vessel (7 months)	\$220/vessel (5 months)	\$44/vessel (1 month)
Annual Compliance Costs + Maintenance Costs (\$500/year)	\$1,028	\$808	\$720	\$544
Total Costs by Fleet	\$260,084	\$20,200	\$21,600	\$1,632
VMS Compliance Costs	\$303,516			

Table 4. Summary of total costs associated with the electronic video and gear monitoring requirements for PLL vessels included in Amendment 7.

Item	Per vessel cost	Per vessel annualized (3 yrs) cost	Annualized Fleet Cost (253 vessels)
Purchase and installation (capital/start-up)	\$17,825	\$5,942	\$1,503,326
Service (6x/yr, \$45 each)		\$270	\$68,310
Data retrieval & interpretation (\$225/trip)		\$8,100	\$2,049,300
Total Annualized Fleet Costs			\$3,620,936

Gross annual cost estimate for electronic monitoring = \$303,516 + \$3,620,936 + placeholder VMS purchase and installation of \$3,325 = \$3,927,777.

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

There would be no significant cost to the Federal government for the VMS portion of this collection outside of the initial reimbursement for newly permitted vessels. NMFS is developing an integrated hardware and tracking system to manage the various VMS programs being developed for many other U.S. fisheries. Those costs are already covered by current programs of

NMFS OLE and are extraneous to this collection. Given the current capacity of these systems, incremental costs specifically attributable to the HMS VMS program are negligible.

For the video and gear monitoring portions of this collection, costs to the government would include personnel time for development and management of the new video and gear monitoring program. Tasks will likely include development of protocols for equipment installation and maintenance, and database construction and management. These tasks are likely to require one half of a full time employee at the Band IV level annually, at a **cost to the government of approximately \$90,000 per year (including benefits).**

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

Program changes: The hours and costs are changed to reflect the addition of potential new requirements under draft Amendment 7, including VMS requirements for purse seine vessels, reports of bluefin tuna interactions for PLL and purse seine vessels, and video and gear monitoring for PLL vessels. There are an additional 20,056 responses, 19,132 hours and \$3,620,936 .

Adjustments: There are no current capital costs for VMS installations, or any expected in the next three years; however one installation is included here. There are 3 additional respondents. Minor changes in trip numbers changed hail-in/hail out responses and costs, and automatic location costs: an increase of 4 responses, a decrease of 17 hours, and an increase of \$25,365 in costs.

In the previous submission, VMS maintenance costs were included in the supporting statement, but omitted in ROCIS; thus there is an increase of \$154,000, due to correction.

	PREVIOUS	NEW (TOTAL)	CHANGE
RESPONDENTS	308	311	3
RESPONSES	37,946	58,006	20,060
HOURS	1,286	20,401	19,115
COSTS	\$127,206	\$3,927,777	\$3,800,571

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

No formal scientific publications based on this program are planned at this time. The data will be used for enforcement, management reports, and drafting or evaluating fishery management plan amendments by NMFS. However, subsequent use of the data collected over a series of years may be included in scientific papers and publications. Position data will remain confidential and will only be revealed to the public in aggregated form.

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.

There are no exceptions.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.