

**SUPPORTING STATEMENT
VESSEL MONITORING SYSTEM (VMS)
REQUIREMENT FOR PACIFIC ISLANDS FISHERIES
OMB CONTROL NO. 0648-0441**

INTRODUCTION

This request is for extension of a currently approved information collection.

A. JUSTIFICATION

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

The [Magnuson-Stevens Fishery Conservation and Management Act](#) (Magnuson-Stevens Act) established regional fishery management councils, such as the Western Pacific Fishery Management Council (Council), to develop fishery ecosystem plans (FEP) for fisheries in the United States (U.S.) Exclusive Economic Zone (EEZ). These plans, if approved by the Secretary of Commerce (Secretary), are implemented by National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS) via Federal regulations that are enforced by the NOAA Office for Law Enforcement (OLE) and U.S. Coast Guard (USCG), in cooperation with State agencies to the extent possible. The FEPs ensure the long-term productivity and optimum yield of the resources for the benefit of the U.S.

The Council has management jurisdiction over fisheries in the Pacific Ocean in the EEZ around American Samoa, Guam, Hawaii, Northern Mariana Islands, and certain other remote U.S. Pacific island possessions¹. The Council prepared, and the Secretary approved and implemented through regulations, FEPs for pelagic fisheries and archipelagic (island-based) fisheries in the western Pacific. The regulations include, but are not limited to, permit requirements, gear restrictions, temporal and spatial closures, harvest guidelines, reporting requirements, and protected species mitigation measures.

Regulations at [50 CFR Part 665](#), implementing the Fishery Ecosystem Plan for Pelagic Fisheries of the Western Pacific Region (Pelagics FEP) and the Fishery Ecosystem Plan for the Marianas Archipelago (Marianas FEP) require all vessels registered for use with Hawaii longline limited access permits, all large vessels (greater than 50 ft in overall length) registered for use with American Samoa longline limited access permits, and all medium and large vessels (40 ft or greater in overall length) registered to Northern Mariana Islands bottomfish permits to maintain and operate VMS on their vessels, after they have been advised by NOAA OLE of a requirement to carry such units. NOAA OLE provides the units and installs them for the permit holders. NOAA OLE arranges installation at times when the vessel is in port between trips to ensure minimal disruption of other activities by the vessel.

¹ Howland, Baker, Jarvis, Wake and Palmyra Islands, Johnston Atoll and Kingman Reef.

2. Explain how, by whom, how frequently, and for what purpose the information will be used.

On a broad level, the VMS vessel location reports are used to facilitate enforcement of prohibited or restricted fishing areas around American Samoa, Guam, Hawaii, Northern Mariana Islands, and Pacific Remote Island Areas, including Marine National Monuments closed to commercial fishing. The reports provide NOAA OLE and USCG with near-real-time vessel location 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. This is important in determining or verifying locations of catch by species and time as well as locations in which there were interactions with protected species, such as endangered and threatened sea turtles. The information provides a basis for determining whether changes in management are needed to protect sensitive species or to address fishery interaction problems and for evaluating the impacts of potential changes.

The vessel owners are contacted by OLE if they are newly permitted and required to have a VMS. OLE also contacts them if a VMS is not operating correctly. Owners generally contact OLE by phoning the local OLE office (OLE contact info is posted at http://www.nmfs.noaa.gov/ole/compliance_assistance/who_to_call.html if a VMS unit needs attention.

The information collected will be used internally by authorized users (NOAA OLE, USCG, NMFS and others per [NMFS Policy Directive PD 06-101](#), June 17, 2006, VMS Data Access and Dissemination Policy, and [NOAA Administrative Order NAO 0216-0100](#), Protection of Confidential Fisheries Statistics). The information would not be disseminated to the public except in non-confidential or aggregate form in summary and analytical reports. See response to Question 10 of this Supporting Statement for more information on confidentiality and privacy. 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 is an automated, satellite-based system that assists NOAA OLE and the USCG in monitoring compliance with applicable federal regulations in a reliable and cost-effective manner. Electronic VMS shipboard equipment installed permanently on board a vessel provides information about the vessel's position. 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.

4. Describe efforts to identify duplication.

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 Pacific Islands fisheries generally range in size from 20 feet to 100 feet. Those who participate in the fisheries are categorized as “small businesses” which are affected in a similar manner by the VMS requirement. In all cases, NOAA OLE notifies the vessel owner when the requirement would take effect and arranges appointments for installation and maintenance inspections with the vessel owner and operator to minimize time burden and business disruption by these activities. There is no reporting burden on vessel owners to arrange for VMS installation.

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

Without VMS, NOAA OLE and USCG would be tasked with monitoring closed areas via air and surface patrols. The annual cost of relying on traditional surveillance methods using air and surface patrols for time and area coverage is estimated at more than \$25 million. Comparatively, VMS provides 95 to 98 percent coverage at an estimated annual cost of \$300,000.

There is no reporting interval requirement for the vessel owner. The interval at which a vessel’s VMS unit reports is set by NOAA OLE and USCG.

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). That 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 Federal Register Notice describing this extension was published on January 16, 2014 (79 FR 2818). No comments were received.

Five representatives in the fishing industry were consulted for comments on this collection, including associations and individuals. Two responded.

The Hawaii Longline Association, which represents almost all longline permit holders in Hawaii, stated that they had no substantive comments.

A managing member of Zephyr Fisheries LLC responded: “As a commercial fisherman and vessel owner operating in the central and western Pacific Ocean I believe that using a VMS system to locate, track and manage information flow from US commercial fishing vessels is an appropriate and efficient method for NOAA Fisheries to acquire and utilize the highly accurate data transmitted automatically from the fishing vessels. The VMS system is necessary for NOAA Fisheries and the US Government to meet their responsibilities under various international treaties and agreements that the US has entered into. Because the VMS system is based on the GPS (Global Positioning System) it is highly accurate and responds in a timely manner when queried. I think it likely that one enhancement to the system would be to utilize Inmarsat geosynchronous satellites rather than the Low Earth Orbit Iridium system.”

Response: Thank you for the comment. However, NMFS cannot make such a decision regarding the use of a particular type of satellite.

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 or 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 the 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. Vessel operators consider these data proprietary, and NOAA OLE and USCG have taken steps to secure this information as “official use only” throughout the program design. Information submitted is confidential under the Magnuson-Stevens Act and NOAA regulations, except under certain circumstances as outlined in the Magnuson-Stevens Act.

Additional protections: Records are stored in computerized databases or CDs in locked rooms; paper records are stored in file folders in locked metal cabinets and/or locked rooms. Records are stored in buildings with doors that are locked during and after business hours. Visitors must register with security guards and must be accompanied by Federal personnel at all times. Records are organized and retrieved by NOAA internal identification number, name of entity, permit number, vessel name, or vessel identification number. Electronic records are protected by a user identification/password. The user identification/password is issued to individuals as authorized by authorized personnel.

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.

Under the Hawaii longline limited entry program, 138 (164 max) vessels are currently registered, 39 large vessels are registered in the American Samoa longline limited entry program, and 5 medium-large vessels are registered to Northern Mariana Islands bottomfish permits. If all 164 Hawaii permits were registered, the total number of vessels requiring VMS would be 208.

The estimated time per response is 4 hours to install a VMS unit, 2 hours to replace a VMS unit, and 1 hour, 30 minutes to maintain or repair a VMS unit.

The vessel owner or representative generally observes the initial installation, which involves a total of about 40 hours annually (estimated 10 replacement vessels x 4 hours per vessel). The vessel owner or representative may also observe any replacement, estimated at 70 hours annually (35 vessels x 2 hours per vessel) or maintenance and repair at 60 hours annually (40 vessels x 1 hour, 30 minutes per vessel). Thus, the annual burden is 170 hours.

Annual Estimates:

10 vessels x 4 hours per vessel to install unit = 40 hours

35 vessels x 2 hours per year replacement = 70 hours

40 vessels x 1 hour, 30 minutes per year maintenance and repair = 60 hours

Total estimated burden hours = 170 hrs

Total estimated responses = 85

NOAA OLE Pacific Islands Division was consulted to develop these estimates.

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

No direct or indirect costs are imposed on vessel operators by the VMS requirement. The initial installation and maintenance costs for VMS are sustained by NOAA OLE. The actual position report airtime costs are paid by NOAA OLE.

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

The estimated cost of the total program is \$300,000 per year.

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

No changes were made.

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.