

SUPPORTING STATEMENT
HIGH SEAS FISHING VESSEL PERMITTING, REPORTING,
AND VESSEL MARKING
OMB CONTROL NO. 0648-0304

The National Marine Fisheries Service (NMFS) seeks reinstatement with change of a previously approved information collection affecting high seas fishing vessels. This request is associated with a final rule, RIN 0648-AV12, to revise permitting and monitoring of high seas fishing vessels. This request is for resubmission with the final rule. A summary of comments and responses, followed by groups of comments per topic, and NOAA responses, may be found in Question 8.

A. JUSTIFICATION

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

The [High Seas Fishing Compliance Act](#) (HSFCA), 16 U.S.C. 5501 *et seq.*, was adopted in 1994 to implement the Food and Agriculture Organization of the United Nations (FAO) Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (Compliance Agreement). HSFCA requires, among other things, United States (U.S.) vessels that operate on the high seas to possess a permit issued in accordance with Section 104 of the HSFCA and be marked for identification purposes, per 16 U.S.C. 5503. HSFCA also requires permit holders to report their fishing activities. The HSFCA prohibits use of high seas fishing vessels in contravention of international conservation and management measures recognized by the U.S. or in a manner that would violate a permit condition. 16 U.S.C. 5505. Implementing regulations are found at [50 CFR Part 300, Subparts A and B](#).

NMFS is preparing a final rule, RIN 0648-AV12, to improve the administration of the HSFCA program and facilitate the monitoring of vessels operating on the high seas. The rule includes, for all high seas fishing vessels, adjustments to permitting and reporting procedures. It also includes requirements for the installation and operation of vessel monitoring system units, placement of observers on vessels, reporting of transshipments on the high seas, and protection of vulnerable marine ecosystems.

The current collection of information, under OMB Control No. 0648-0304, includes a permit application, vessel marking requirements, and high seas fishing effort and catch reporting. The rule will result in the following collection of information:

- Submission of a photograph of the high seas fishing vessel with each high seas fishing permit application; *

* There are two other changes to the permit application form, but no new information, other than the photograph, is being collected. The first change concerns Section 3, which in the current form requests information both on the business entity operating the vessel as well as the master on board operating the vessel. In the interest of clarity, we

have reformatted Section 3 so there is now a Section 3a requesting information on the business entity operating the vessel and a Section 3b requesting information on the vessel master. The other change is in Section 6 (authorized highseas fishing activities) where we simply added information regarding where applicants should send their permit applications.

- Request for the authorization of a fishery on the high seas,¹ which is to include:
 - (a) The species (target and incidental) expected to be harvested and the anticipated amounts of harvest and bycatch.
 - (b) The approximate times and places fishing will take place, approximate number of vessels participating, and the type, size, and amount of gear to be used.
 - (c) A description of the specific area that may be affected by the fishing activities.
 - (d) A description of any anticipated impacts on the environment, including impacts on fish stocks, marine mammals, species listed as threatened or endangered under the Endangered Species Act (ESA) or their critical habitat.
 - (e) If requested by NMFS, any additional information necessary for NMFS to conduct analyses under ESA, Marine Mammal Protection Act (MMPA) and the National Environmental Policy Act (NEPA);
- Installation of a vessel monitoring system enhanced mobile transceiver unit (EMTU);
- Operation of the EMTU at all times, except when the vessel will be at a dock or permanent mooring for more than 72 consecutive hours or when the vessel will not operate on the high seas or in any fishery that requires EMTU operation for more than 30 consecutive days. Notices prior to EMTU power-down and power-up will need to be provided to NMFS;
- Notification to NMFS of fishing trips if the vessel is selected to carry an observer ;
- Prior notification to NMFS of a transshipment of fish or fish product on the high seas and a report on the transshipment within 15 days afterwards.
- Removal of the logbook reporting requirement (see A2).

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

Vessel Photograph

A photograph of the high seas fishing vessel will need to be submitted by vessel owners or operators who are applying for a high seas fishing permit. The photograph must clearly show the entire bow-to-stern side-view of the vessel in its current form and appearance; it must also clearly and legibly display the vessel name and identification markings. NMFS expects an average of 120 applications to be filed each year. Each applicant generally needs to submit an application every 5 years. The photographs will be used to identify or verify the identity of a vessel, particularly for enforcement purposes. The photographs could be used by U.S. enforcement agents as well as agents associated with regional fisheries management organizations.

¹ A request to add a new fishery to the list of fisheries authorized on the high seas is optional, not mandatory, under the rule. See § 300.334(e) of the rule.

Request to authorize a fishery on the high seas

A member of the public could request NMFS add an authorized fishery by submitting a written request that includes items described in the response to Question 1.

NMFS does not expect such requests on a regular basis. For the purposes of this information collection, NMFS estimates that one request might be submitted every 5 years. The information submitted with the request will be used by NMFS to analyze the potential impacts on the human environment from the proposed fishing activities, pursuant to NEPA, impacts to marine mammals under the MMPA, and to analyze the potential impacts to species listed as endangered or threatened under the ESA and their designated critical habitats. Depending on the outcomes of these analyses and any other relevant factors, NMFS will determine whether to add the fishery to the list of fisheries authorized on the high seas.

Enhanced Mobile Transceiver Units

Vessel owners or operators will need to purchase an EMTU, have it installed on the vessel, and submit an installation and activation form to NMFS. The vessel owner or operator may be eligible to be reimbursed for the cost of the EMTU up to \$3,100. The installation and activation form will be similar to that included in OMB Control No. 0648-0573, Expanded VMS Requirement for Pacific Groundfish Fishery, and include the vessel name and identification number, EMTU manufacturer and serial number, VMS communications service provider, vessel owner name and signature. The EMTU installation and activation report will allow NMFS to match a signal from a particular vessel in its vessel monitoring software.

The EMTU will automatically provide position reports, along with vessel identification information, every hour to NMFS. The regular position reports allow NMFS to monitor the vessel in its vessel monitoring software. This tool allows NMFS to monitor high seas fishing vessels, communicate with the vessel through the EMTU, and promote compliance with applicable requirements.

Vessel owners and operators could use one of two exemptions from the EMTU operation requirement. The EMTU may be powered down if (1) the vessel will be at the dock or mooring for more than 72 consecutive hours, or (2) the vessel, for 30 or more consecutive days, will not be on the high seas or participating in a fishery that requires EMTU operation. A message notifying NMFS of the power-down must be sent to NMFS prior to powering down the unit and again when the EMTU will be powered back up.

Prior to powering down, the vessel owner or operator will be required to notify the NMFS Office of Law Enforcement (OLE) divisional office via email or other means as directed by the OLE divisional office the following information: the vessel's name; the vessel's official number; the intent to power down the EMTU; reason for power-down; port where the vessel is docked; and full name, telephone, and email contact information for the vessel owner or operator. When powering up the EMTU from an in-port exemption, the vessel owner or operator will need to report to the OLE divisional office the following information: that the EMTU has been powered

up; the vessel's name; the vessel's official number; port name; intended fishery; and full name, telephone, and email contact information for the vessel owner or operator.

When powering up from an in-port exemption the vessel owner or operator will need to report to the OLE divisional office, during office hours, at least 2 hours before leaving port or mooring. When powering up from a long-term exemption, the vessel owner or operator will need to notify the OLE divisional office during office hours. The vessel owner or operator will need to receive email confirmation from the OLE divisional office that proper transmissions are being received from the EMTU. This confirmation will need to be received before leaving port, after an in-port exemption, or entering the high seas or a fishery that requires EMTU operation, after a long-term exemption, if these activities are occurring during OLE divisional office hours. If the vessel leaves port, enters the high seas, or enters a fishery that requires EMTU operation outside of OLE divisional office hours, the OLE divisional office will confirm proper transmissions and send email confirmation at the beginning of the next business day.

Observers

If a high seas fishing vessel is selected for observer coverage, the vessel owner or operator will need to provide NMFS a notice of their next fishing trip that may take place on the high seas. The specific notification procedures and information requirements, such as expected gear deployment, trip duration and fishing area, will be specified by NMFS in its selection letter. NMFS will use the notice to ensure that an observer is prepared to board the vessel for the next fishing trip. For trips on which an observer is deployed under this new requirement, the affected entity will be at least responsible for the costs associated with providing the observer with food, accommodations, and medical facilities.

NMFS will pay the cost of the observer's salary and benefits. If and when a mechanism is established whereby the fishing vessel could pay these costs, the vessel could be responsible for all or a portion of these costs.

Transshipments on the High Seas

A notice of a pending transshipment on the high seas, involving any U.S. vessel, will need to be provided to NMFS at least 36 hours prior to transshipment. The notice will need to include: the vessels participating in the transshipment (names, official numbers, and vessel types); the location (latitude and longitude to the nearest tenth of a degree) of transshipment, date and time that transshipment is expected to occur, and species, processed state, and quantities (in metric tons) expected to be transshipped. A full report of the transshipment, using a form developed by NMFS, will need to be provided to NMFS within 15 days after the vessel first enters into port following the transshipment. The form will collect vessel information for the offloading and receiving vessels, vessel operator information for offloading and receiving vessel, dates and location of transshipment, species and quantities transshipped, and other information related to the catch and ultimate landing of the transshipped product.

The prior notice will provide NMFS an opportunity to deploy enforcement agents to the location of the transshipment. The report of the transshipments will allow NMFS to be aware of the

activities of high seas fishing vessels and provide information on such activities to regional fisheries management organizations, as appropriate.

Removal of logbook reporting requirement

Because all vessels in this information collection also report on fishing activities as part of their participation in other regional fisheries, it was determined that the HSFCA logbook reporting requirement is redundant. Thus, the burden and cost for this requirement are being removed from this information collection.

NMFS 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 NMFS 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](#). 44 U.S.C. 3516, note.

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.

When the rule is finalized and takes effect, the instructions for requesting a fishery to be authorized on the high seas and notifications for observer placement will be made available through a link on the NMFS International Affairs Web site (<http://www.nmfs.noaa.gov/ia/>) in addition to the application form available currently at this Web site. Fillable forms related to the installation and activation of EMTUs and transshipment reporting will also be made available on this Web site for downloading and mailing or faxing to the appropriate NMFS office.

The requirement to install and operate an EMTU involves the use of automated, electronic techniques. EMTUs transmit location information for a vessel automatically. The EMTUs are also equipped to send and receive emails.

4. Describe efforts to identify duplication.

There are several other regulations that require collection of information similar to those that will be required in the final rule, in particular, collection of position information through EMTUs and notifications of upcoming fishing trips to allow the placement of observers. However, there is no duplication with the information to be collected under the final rule because compliance with other more restrictive requirements would satisfy the EMTU requirements and compliance with other, similar requirements would satisfy transshipment reporting requirements. Also, since it has been determined that HSFCA logbook reporting is redundant with reporting requirement by other fisheries in which high seas vessels participate, this requirement has been removed.

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

The final rule applies to U.S. fishing vessels operating on the high seas, including harvesting vessels, refrigerated cargo vessels, or other vessels used to support fishing. There are approximately 600 vessels currently permitted to fish on the high seas. The majority of these permitted vessels are longliners, purse seiners, trollers, and pole and line vessels that fish for highly migratory species. There are also small numbers of gillnetting, squid jigging, hand or other lining, multipurpose, and trawl vessels. In the Regulatory Flexibility Act analysis, an individual vessel is the proxy for each business entity. Although a single business entity may own multiple vessels, NMFS does not have a reliable means at this time to track ownership of multiple vessels to a single business entity. Based on limited financial information about the affected fishing vessels, NMFS believes that all the affected fish harvesting businesses, except for the purse seine vessels, are small entities as defined by the RFA; that is, they are independently owned and operated and not dominant in their fields of operation, and have annual receipts of no more than \$20.5 million.

Of all the new requirements for vessels in the final rule, the EMTU operation requirement will likely have the most effect because the EMTU operation will be continuous. NMFS intends to minimize burden to the small businesses by providing exemptions to the EMTU operation requirement under certain situations. Instead of requiring EMTU operation at all times, which would have provided NMFS the ability to monitor a vessel's location at any time, NMFS will allow vessels to power-down the EMTU when vessels remain in the EEZ for extended periods (more than 30 consecutive days) and are not subject to EMTU operation requirements while in the EEZ, under separate legal authority and when vessels are docked for more than 72 consecutive hours. This will minimize burden to small entities while still allowing NMFS to monitor high seas fishing vessels.

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

Without the collection of vessel photographs, NMFS will lack a visual tool to identify high seas fishing vessels. A vessel photograph is particularly useful in identifying vessels that may have changed their color or name.

Without the collection of information in a request to authorize a high seas fishery, NMFS will not be able to meaningfully analyze the potential environmental impacts of high seas fishing activities in which members of the public seek to participate. The required information will be used to review potential impacts pursuant to ESA, MMPA and NEPA.

Without the collection of information provided through an EMTU, NMFS will be unable to track the locations of vessels while they are fishing on the high seas. EMTUs facilitate the monitoring of high seas fishing vessels and provide information that can be used to ensure compliance with reporting requirements.

If notices of pending fishing trips are not collected, NMFS will not have an efficient means to place observers on vessels.

Without collection of the prior notice of transshipments on the high seas, NMFS will not have any opportunity to deploy enforcement agents to locations where transshipments take place. NMFS also will not have complete information on the transshipments that occur on the high seas without collection of transshipment reports.

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

The collection is consistent with the guidelines.

8. Provide a copy of 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 published a proposed rule on April 13, 2015, and received 18 public comments. Comments were received from the Western Fish Boat Owners Association, the American Albacore Fishing Association, the Hawaii Longline Association, and individual west coast albacore fishers potentially affected by new requirements in this rule.

General Comments

NMFS received numerous comments from west coast albacore fishers who voiced their view that the proposed rule, if finalized, would impose considerable and unnecessary burdens. These fishers noted that the additional burden on the fleet resulting from the requirements contained in this rule would have adverse impacts on vessels, families, onshore support businesses, local communities, and consumers. Commenters noted the rule could reduce access to high seas fisheries by U.S. vessels and ensure that an increasing portion of catch would be taken by foreign vessels that are not subject to similar requirements. Commenters also noted that the U.S. albacore fishery already has mandatory logbook requirements that would not change under this new rule and that the information in these logbooks provides all the information necessary to monitor this fishery.

Response: NMFS recognizes the new requirements for EMTUs and observers will primarily impact those fishers who do not currently have to comply with such requirements in domestic fisheries or in international fisheries conducted pursuant to conservation and management measures adopted by Regional Fishery Management Organizations (RFMOs). NMFS has therefore made efforts to mitigate these new burdens by informing fishers of possible reimbursement for the cost of purchasing an EMTU unit (see http://www.nmfs.noaa.gov/ole/slider_stories/2015/3june15_vms_program_codifies_requirements.html) and by noting that observer coverage would

not be required under this rule where such coverage is already mandated under other legal authorities. NMFS would also carefully take into consideration both the scientific need for observer coverage as well as the characteristics of the fishery when designating high seas vessels for observer coverage.

These new requirements are deemed necessary to improve U.S. capacity to monitor its vessels' compliance with domestic laws, including those used to implement RFMO requirements (both for those RFMOs of which we are a party as well as those recognized by the United States for purposes of the Compliance Act). This will both enhance the United States' ability to comply with its international obligations, including the obligation to report high seas fishery data to the U.N. Food and Agriculture Organization. NMFS believes the cost of complying with these new requirements is justified in light of the benefits that will be gained from a uniform level of real-time monitoring of all high seas activities conducted by U.S. fishers.

Requirements for Enhanced Mobile Transmitting Units (EMTUs)

Comment: Several west coast albacore fishers noted that under WCPFC regulations, EMTUs are required for all vessels that fish west of the 150W line. This includes some of the larger U.S. albacore vessels. These fishers commented that EMTUs should not be required for pole and line and troll vessels fishing for albacore east of the 150W line. These fishers also noted that the Inter-American Tropical Tuna Commission (IATTC) only requires VMS on vessels greater than 24 meters in length and the regulations developed by the Pacific Fishery Management Council for the albacore fishery under its purview do not require VMS. It was also noted that Canadian vessels under 24 meters are not required to have VMS.

Response: In light of U.S. obligations under the Compliance Agreement to ensure that U.S. fishing vessels on the high seas do not engage in any activity that undermines the effectiveness of international conservation and management measures, NMFS considers it necessary to require all vessels permitted to fish on the high seas be equipped with EMTUs. NMFS also notes that under its regulations, all U.S. vessels with WCPFC endorsement permits must continuously operate a VMS unit while at sea, regardless of where the vessel operates, i.e., east or west of the 150W meridian.

Comment Two: Several west coast albacore fishers noted that the mandatory EMTU requirement is onerous, particularly since most albacore vessels fish inside the U.S. EEZ and only occasionally go out into high seas waters. With the new EMTU requirement, however, these commenters noted that many vessels would forgo obtaining the high seas permit because of the cost associated with procuring and operating an EMTU.

Response: NMFS notes that, in contrast with logbooks, VMS/EMTU reports are received in real time, enabling more timely monitoring and enforcement. NMFS recognizes the additional cost burden associated with procuring and operating EMTUs and offers a reimbursement program that will provide eligible vessel owners with up to \$3,100 towards the cost of procuring an EMTU unit.

Comment Three: Since the focus of the proposed rule is on the activities of U.S. fishers on the high seas, several west coast albacore fishers questioned the necessity of a requirement for the EMTU to transmit while a U.S. vessel is still within the U.S. EEZ.

Response: NMFS considered the alternative of only requiring EMTU operation on the high seas but allowing units to be powered down while a vessel is in the U.S. EEZ or in the EEZ of another country, but determined that such actions would weaken the effectiveness of using EMTU position information to monitor the locations of high seas fishing vessels. Allowing power-downs whenever in the U.S. EEZ, in addition to the in-port and long-term exemptions provided in the rule, could also encourage non-compliance and undermine NMFS' ability to monitor U.S. high seas fishing vessels.

Comment Four: West coast albacore fishers noted that requirements in the rule to notify NOAA's Office of Law Enforcement (OLE) of EMTU power-up during office hours is burdensome and waiting for email confirmation from OLE regarding the receipt of such notifications would be another burdensome delay.

Response: NMFS recognizes that OLE office hours are somewhat constraining, but notes that vessel owners could choose to leave EMTUs on and not power them down to help alleviate pre-planning for turning on such units. NMFS also notes such power up notifications from fishers to OLE may take place after office hours although OLE acknowledgement of receipt will take place during business hours. OLE makes best efforts to minimize delays in its responses to fishers.

Comment Five: Several west coast fishers stated their view that the initial cost and expenses associated with EMTU installation and operation are significant. They furthermore noted that the lost income resulting from downtime while having an EMTU unit installed and the additional expense of travelling to a different location to have an EMTU unit installed are not included in NMFS cost estimates.

Response: NMFS recognizes the additional cost burden associated with procuring EMTUs and did account for the time necessary to have an EMTU installed as part of its cost estimate. NMFS also has a reimbursement program that will offer up to \$3,100 towards the cost of the EMTU unit for eligible vessel owners. Such units can usually be installed without unduly impacting the vessel's normal operations. Fishers will also have up to 90 days from the date of the publication of this final rule to arrange for VMS installation, which should provide adequate lead time to coordinate logistical arrangements.

Comment Six: Several west coast albacore fishers noted that, with regard to the proposed requirement for high seas vessels to possess a backup communications device in the event of an EMTU failure, it was unclear what kind of backup communications device would be required. These fishers noted that although U.S. vessels are required by the Coast Guard to carry a single side band radio when offshore, such a radio may not be capable of meeting the functionality requirements delineated by NMFS in the proposed rule.

Response: NMFS notes that as long as the communications device is two-way and capable of real-time communications per section 300.337(k) in the final rule, NMFS would allow fishers to

use a device of their choosing whether it be a satellite phone or some other communications device, including a single side band radio.

Comment Seven: West coast albacore fishers expressed their view that there are no bycatch issues in this fishery and there are no closed areas where pole and line and troll vessels fish. Since this is the case, these fishers view the EMTU requirement as being unnecessary and creating a considerable financial and administrative burden.

Response: Although there may be little bycatch of protected species in the west coast albacore fishery, NMFS is required under the Compliance Agreement to monitor all its high seas fishing vessels and believes the enhanced compliance monitoring and enforcement benefits obtained from the EMTU requirement justify the cost of procuring and operating such equipment, a significant portion of which may be lessened through the reimbursement program for eligible fishers needing to procure an EMTU. Furthermore, VMS monitoring allows the U.S. government to comply with its international obligations by ensuring that vessels not authorized to fish in certain areas (for example, west of 150 degrees longitude without a WCPFC Area Endorsement) are not fishing there.

Requirements for Observers

Comment One: Several west coast albacore fishers noted that the new observer requirement would be problematic due to the small size of most U.S. pole and line and troll vessels fishing for albacore off the west coast. It was furthermore noted that the IATTC does not have observer requirements and neither do regulations developed by the Pacific Fishery Management Council for the albacore fishery under its purview.

Response: NMFS notes that the new observer requirement is consistent with regulations for Pacific HMS fisheries (including the north Pacific albacore fishery) at 50 CFR 660.719(a), which states that “all fishing vessels with permits issued under this subpart and operating in HMS fisheries, including catcher/processors, at-sea processors, and vessels that embark from a port in Washington, Oregon, or California and land catch in another area, may be required to accommodate an NMFS certified observer on board to collect scientific data.” That being said, NMFS would carefully take into consideration both the scientific need for observer coverage as well as the characteristics of the fishery when designating high seas vessels for observer coverage.

Comment Two: The Hawaii Longline Association (HLA) noted that the proposed rule includes a new requirement stating that “[w]here observer coverage is not otherwise required by other regulations or relevant RFMO conservation and management measures, NMFS may select for at-sea observer coverage any vessel that has been issued a high seas fishing permit.” Although the preamble to the proposed rule clarifies that this requirement “would not be invoked by NMFS if the vessel will already be carrying an observer pursuant to other legal authorities,” HLA believes it does not speak to the situation where a fishery is already generally subject to a rigorous observer monitoring program.

Response: NMFS will take other applicable observer coverage requirements into consideration in our assignment of observers under this final rule. As stated in the preamble of the proposed rule, this requirement would not be invoked by NMFS if the vessel will already be carrying an observer pursuant to other legal authorities. NMFS does not view amending the regulatory text as desirable since it could lessen the agency's flexibility in deploying scientific observers to monitor unforeseen issues that could arise unexpectedly in a high seas fishery.

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

No payments or gifts are involved.

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

As stated on the applicable forms, data submitted to NMFS to fulfill HSFCA requirements will be managed consistent with [NOAA Administrative Order 216-100](#) (Confidentiality of Fisheries Statistics). NMFS does not release confidential information submitted in compliance with provisions of the Magnuson-Stevens Fishery Conservation and Management Act or HSFCA, other than in aggregate form and under circumstances required or authorized by law. Whenever data are requested or released to the general public, NMFS ensures that information on the financial business activity of a vessel is not identified.

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 sensitive questions are asked.

12. Provide an estimate in hours of the burden of the collection of information.

There are currently 600 vessels permitted in the High Seas program.

Vessel Photograph

A photograph of the high seas fishing vessel will need to be submitted with the permit application. The time necessary to photograph the vessel, print, and attach to the application is estimated to take 30 minutes per application. NMFS estimates that 600 applications are received over 5 years. **Assuming an average of 120 applications received in a year, the annualized burden estimate for this requirement to submit a photograph of the vessel is 60 hours** (in addition to the current total burden for permit applications).

Request to authorize a fishery on the high seas

Making this optional request to add an authorized fishery is expected to take approximately about 110 hours. This time would be spent gathering and compiling the required information

described in the response to Question 1. NMFS does not expect such requests on a regular basis. For the purposes of this IRFA, NMFS estimates that one request might be submitted every 5 years. **The annualized burden for this option is 22 hours.**

Enhanced Mobile Transceiver Units

Vessel owners or operators will need to spend time purchasing a unit, having it installed, and submitting an installation and activation report. NMFS estimates approximately 200 vessels will need to have an EMTU installed. These steps are estimated to take an average of 4 hours for each vessel. **If this estimate is annualized over a 3-year period, the annualized burden estimate for EMTU purchase, installation, and submittal of the installation and activation report is 267 hours.**

The notices prior to power-down and powering-on the EMTU are estimated to take 5 minutes each or 10 minutes total for each power-down. **NMFS estimates that approximately 400 vessels would use this option each year. The annual burden estimate is 67 hours.**

High Seas Fishing Vessel Observer Notification

Under the final rule, any high seas fishing vessel could be selected by NMFS for observer coverage. If so selected, the vessel owner or operator will need to provide NMFS a notice of their next fishing trip. This notification is estimated to take 5 minutes. NMFS does not know what percentage of high seas fishing vessels will be selected for observer coverage and whether only one trip per year per vessel will be covered by an observer. **For the purposes of this PRA request, if 60 vessels are selected each year, on average, to carry an observer on a single fishing trip, the annual burden is estimated to be 5 hours.**

Transshipments on the High Seas

It is estimated that each transshipment notice submitted to NMFS will require about 15 minutes. It is estimated that each transshipment report submitted to NMFS will require about 1 hour.

Thus, for each transshipment event on the high seas, the time burden and cost are estimated to be 1 hour and 15 minutes for each U.S. flagged vessel involved in the transshipment.

Assuming 8 vessels transship on the high seas twice each year (16 responses), the annual burden estimate is 20 hours.

Summary and Total

The following table summarizes the burden estimates for the final rule. The annual labor cost was determined using an hourly wage of \$60.

Proposed Requirement	Number of Respondents	Frequency of Response per Respondent	Total Annual Responses	Time Burden for Each Response	Annual Burden	Annual Labor Cost
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Proposed Requirement	Number of Respondents	Frequency of Response per Respondent	Total Annual Responses	Time Burden for Each Response	Annual Burden	Annual Labor Cost
<i>Vessel Photograph</i>	120 per year	Once every 5 years	120	30 minutes	60 hrs	\$3600
<i>Request to authorize a fishery on the high seas</i>	Once every 5 years or 1/5 per year	One time event	1/5 (1)	110 hrs	22 hrs	\$1320
<i>Installation of EMTUs</i>	200 in Year 1	One time event	200 in Year 1, annualized to 67	4 hr	800 hrs in Year 1, annualized to 267 hours	\$16,020
<i>Notice of EMTU shutdown and start up</i>	400 per year	Twice per year	800	5 minutes	67 hrs	\$4020
<i>High Seas Observer Notification</i>	60 per year	Once per year	60	5 minutes	5 hrs	\$300
<i>Transshipments on the High Seas- prior notice and report</i>	8 per year	Twice per event	16	1 hour, 15 minutes	20 hrs	\$1,200
Annual or annualized totals			1,064		441 hrs	\$26,460

The information collection requirements described above result in an additional total annual response of 1,064 and total annual burden of 441 hours.

The current responses and burden, under OMB Control No. 0648-0304, are 9,170 and 848 hours, respectively:

Permit Application

The estimated annual burden for this collection is 60 hours. The estimate is calculated as follows (permits are valid for 5 years): The response and burden estimates for the permit application are 120 responses, 60 hours, and \$15,533.

$$600 \text{ vessels}/5 \text{ years} = 120 \text{ per annum}$$

$$120 \text{ per annum} \times 30 \text{ minutes per application} = 60 \text{ hrs}$$

Vessel Marking

The estimated burden for this collection is approximately 38 hours. This is based upon 50 vessels (not already subject to acceptable vessel identification requirements under other regulations) having to be marked in 3 locations at 15 minutes per location:

$$50 \text{ vessels} \times 45 \text{ minutes/vessel} = 37 \text{ hrs and } 30 \text{ minutes (38 hours)}$$

Reporting Fishing Activities

There will be an estimated 50 respondents (i.e., vessel operators) using one of the high seas

logbooks that are the subject of this collection to report fishing activities on the high seas throughout the year. For purposes of this calculation, each affected vessel has been estimated to spend 180 days per year fishing on the high seas (based on 15 days at sea for each of 12 months). An average response time of 5 minutes per day for filling out a logbook form has been estimated, resulting in an annual burden of 750 hours:

$$50 \text{ vessels} \times 180 \text{ days} \times 5 \text{ min/day} = 750 \text{ hours}$$

The total estimated annual burden for reporting fishing activities is 50 respondents, 9,000 responses (50 vessel x 180 days) and 750 hours.

Total

Thus, the burden estimate for this collection is 9,170 responses (120 + 50 + 9,000) and 848 hours (60 + 38 + 750). Subtracting burden and cost for logbook submission, the revised current responses and burden are 1,170 and 98. **Combined with the new responses and burden for this collection, the revised totals will be 1,114 and 539 hours, respectively.**

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

Vessel Photograph

The cost associated with submitting a vessel photograph is negligible. The photograph should be submitted with the application for the high seas fishing permit (OMB Control No. 0648-0304).

Request to authorize a fishery on the high seas

NMFS estimates that one request might be submitted every 5 years. The cost burden includes postage cost and is estimated at \$5 per request or **\$1** per year.

Installation and Operation of Enhanced Mobile Transceiver Units

Costs of compliance for vessel owners are estimated to be **\$4,025** per vessel in the first year, with the cost of purchasing the EMTU and having it installed, in addition to sending position reports for a full year (see below). An EMTU that meets the technical specifications of NOAA OLE can be purchased for approximately \$3,100. Units will then need to be installed by an approved installer. Based on experience in other fisheries with EMTU requirements, NMFS suggests that installation cost can range from \$50 to \$400, depending on the vessel, proximity to the installer, and the difficulty of the installation. For estimation purposes, **\$400** was used to calculate the costs of compliance with this rule.

Reimbursement funds of up to \$3,100 per VMS unit will reduce the cost of purchase and installation to \$400 per vessel, on average. For the purposes of this PRA request, we assume a worst-case scenario: that the vessel owners will not be reimbursed and will bear the full cost of purchase and installation.

Cost of operating the EMTU annually will be limited **to maintenance costs of about \$100 and the cost of sending or receiving position reports** (\$0.06 per report, totaling \$1.44 per vessel per day) and is estimated to be **\$525** (365 days per year * 24 location reports per day; no burden associated with these automatic reports, only transmission costs). Thus the annual cost of EMTU operation would be **\$625**.

The annualized cost (over 3 years) of purchase, installation, and operation of the EMTU on each vessel is **\$1,759 (\$525 for first year operations, \$625 for Years 2 and 3 annual maintenance and operations, annualized to \$592), plus \$1,167 annualized purchase and installation).**

For 200 vessels (annualized to 67), the annualized cost will be 67 x \$1,759 or \$117,853.

The EMTU may be powered down if the vessel will be at the dock or mooring for more than 72 consecutive hours or the vessel, for 30 or more consecutive days, will not be on the high seas or in a fishery that does not require EMTU operation. A message notifying NMFS of the power-down must be sent to NMFS prior to powering down the unit and again when the EMTU will be powered back up. If an EMTU is powered down for portions of the year, the actual annual cost of transmitting position data would be less. Thus the annual costs of EMTU operation could vary among individual vessels depending on the number of days an EMTU may be powered down. **The notices prior to power-down and after power-up of the EMTU will cost \$0.06 each but this cost will be offset by not submitting position reports when the unit is not operating.**

Observers

If a vessel is selected for observer coverage, the vessel owner or operator will need to provide NMFS a notice of their next fishing trip. This notification is estimated to cost \$1. If 60 vessels are selected each year on average to carry an observer on a single fishing trip, the annual cost burden is **\$60**.

The percentage of trips that will be covered by an observer is also not yet known; the level of sampling will need to be determined in conjunction with the relevant NMFS Science Centers. For trips on which an observer is deployed under this new requirement, the affected entity will be at least responsible for the costs associated with providing the observer with food, accommodations, and medical facilities. These costs are expected to be \$20 to \$50 per day. **Assuming a high seas fishing trip averages 20 days in duration, the estimated cost of compliance for accommodating an observer on a vessel will be between \$400 and \$1000 if the entity is responsible for only food, accommodations, and medical facilities.** For the purposes of this PRA request, if 60 vessels are selected each year to carry an observer on a single fishing trip, the average cost of \$700 will result in a total of **\$42,000**.

If and when a mechanism is established whereby the fishing vessel pays the salary and benefits of the observer, the range of additional cost will be \$250 and \$500 per day. This cost will be between \$5,000 and \$10,000 for each fishing trip, assuming a trip lasts 20 days. The cost will be up to \$600,000 for 60 vessels. *However, at this time this will not be the responsibility of the fishing vessel, so this cost will not be included in the estimated total.*

Transshipments on the High Seas

Communication cost of each transshipment notice or report will be no more than \$1. Thus, for each transshipment event on the high seas, the cost is estimated to be \$2 for each U.S. flagged vessel involved in the transshipment.

Assuming 8 vessels transship on the high seas twice each year, the annual cost burden is **\$32**.

Total annualized costs for new requirements: **\$159,946** (1+117,853+60+42,000+32). When added to the current costs of \$16,783, the amount after subtraction of \$648 in logbook submission costs, (\$15,533 for permit applications+\$1,250 for vessel marking), the combined total will equal **\$176,729**.

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

Vessel Photograph

The cost to the Federal government for submitting a vessel photograph will be a part of the cost to process applications for high seas fishing permits (OMB Control No. 0648-0304).

Request to authorize a fishery on the high seas

NMFS anticipates one request might be submitted every 5 years. For the Federal government to process a request for a fishery to be authorized on the high seas is expected to require 360 hours. At a rate of \$50 per hour or ZA-III to review the request, prepare a Federal Register notice, prepare NEPA and ESA documents, and otherwise process the Federal cost is calculated to be \$18,000 per request. The annualized estimate is **\$3,600**.

Installation and Operation Enhanced Mobile Transceiving Units

The costs to the Federal government will include the cost of internet connections, training, travel, equipment, and back-up system. The infrastructure to monitor vessels through their EMTUs already exists and thus this proposed requirement will not result in an additional cost to the Federal government. There will also be a cost of staff's salaries to process the EMTU installation and activation forms. Assuming a \$25 per hour wage, the cost associated with 200 installations is estimated to be **\$1,250**.

There is no cost to the government associated with automated polling of vessel position.

Assuming that the processing of messages both prior to shutting down the unit and again when the EMTU will be turned back on takes a total of 5 minutes and an hourly wage rate of \$25, the cost to the government for processing 400 sets of messages sent to NMFS will be approximately **\$832** (\$2.08 per set of messages * 400 sets).

Observers

The average cost of observer coverage for the government for a single day is estimated to be up to \$1200, which includes costs associated with training, travel, equipment, insurance, salary, benefits, and all other items. The percentage of trips that will be covered by an observer is also not yet known; the level of sampling will need to be determined in conjunction with the relevant NMFS Science Centers. If 60 vessels, for the purposes of this PRA request, are selected each year to carry an observer on a fishing trip and a single fishing trip averages 20 days, the annual cost burden to the Federal government is **\$1,440,000**. However, if the vessel owner or operator pays for the cost of salary and benefits, the cost to the government could be reduced by \$600,000.

Transshipments on the High Seas

Processing notices and compiling summaries of transshipments on the high seas will not add costs to the Federal government.

Total

In addition to the current costs for processing high seas permit applications, the total cost for the items listed above is **\$1,445,682**, including the observer costs.

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

Program Changes: Addition of vessel photographs, EMTUs and power down requests, requests for fishery authorization, notification to observers and transshipment reporting are new requirements. Removal of logbook reporting is also a change.

The information collection requirements described above result in an additional total annual response of 1,064 and total annual burden of 441 hours. The current responses and burden,

under OMB Control No. 0648-0304, are 9,170 and 848 hours, respectively. Subtracting burden and cost for logbook submission, the revised current responses and burden are 1,170 and 98. Combined with the new responses and burden for this collection, the revised totals will be 1,114 and 539 hours, respectively.

Total annualized costs for new requirements: **\$159,946** (1+117,853+60+42,000+32). When added to the current costs of \$16,783, the amount after subtraction of \$648 in logbook submission costs, (\$15,533 for permit applications+\$1,250 for vessel marking), the combined total will equal **\$176,729**.

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

The results will not be published.

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