

**JUSTIFICATION OF CHANGE
EXPANDED VESSEL MONITORING SYSTEM REQUIREMENT
FOR THE PACIFIC GROUND FISH FISHERY
OMB CONTROL NO. 0648-0573**

The Magnuson Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) established regional fishery management councils, including the Pacific Fishery Management Council (Council), to develop fishery management plans for fisheries in the United States (U.S.) exclusive economic zone (EEZ). The fishery management plans are intended to regulate fishing to ensure long-term productivity and achievement of optimum yield from the resources for the benefit of the nation. These plans are implemented by Federal regulations which are enforced by the National Marine Fisheries Service (NMFS) and the U.S. Coast Guard (USCG), in cooperation with State agencies. The Pacific Coast Groundfish Fishery Management Plan (FMP) was approved by the U.S. Secretary of Commerce (Secretary) on January 4, 1982, and implemented on October 5, 1982.

Under the FMP, a Vessel Monitoring Program was implemented in 2004. Since 2004, all commercial fishing vessels that take and retain groundfish in federal waters, or transit through federal waters with groundfish on board, are required to have a working vessel monitoring system (VMS). The VMS, along with a system of fishing declaration reporting requirements, allows for monitoring and enforcement of areas closed to fishing. With this 2004 program, NMFS type-approved hardware and software, or “units,” were installed on vessels in order to meet these new program requirements for the groundfish fishery. When a VMS unit is installed on a vessel, it is registered with NMFS Office of Law Enforcement (OLE) and catalogued.

As of its June 2013 meeting, and based on advice from the Enforcement Committee, the Council recommended that a declaration report be required for all vessels registered to a VMS unit, as there had been a number of VMS units that had registered with OLE but never made a fishing declaration, which is currently required in regulation. The final rule for this action includes regulation changes at § 660.13(d) that require all vessels registered to a VMS unit to submit a declaration report, regardless of activities. Obtaining a declaration report from these vessels will give OLE the information necessary to monitor the activities of these vessels relative to the applicable regulations. In addition, the final rule also revises fisher declarations at § 660.13(d)(5)(iv)(A)(24) to include “other”. This change will encompass a vessel’s on the water activities that may not be fishing (e.g., scientific research activities). NMFS anticipates vessels may make a declaration of “other” if they are not fishing.

Declaration reports are submitted to the NMFS OLE by telephone and are valid until revised by the vessel operator. Vessel operators making declaration reports receive a confirmation number that verifies that the reporting requirements were satisfied. After a vessel has made a declaration report to NMFS and has been confirmed, the vessel cannot change activities, including fishing with any gear

other than the gear type that has been declared for the vessel, until a new declaration is submitted to revise the old declaration.

NMFS also proposes that OLE will default a vessel's declaration to "other" if they are unable to contact the vessel operator with whom the VMS unit is associated. As required by current regulations, the vessel operator must update the declaration when they meet the requirements to do so.

These changes are related to the pending final rule titled, Fisheries off West Coast States; Pacific Coast Groundfish Fishery Management Plan; Commercial Sablefish Fishing Regulations and Electronic Fish Tickets, RIN 0648-BF42. There were no public comments in the proposed rule, on these information collection requirements.

The revised declaration requirement is not expected to make significant changes in burden or cost.