

SUPPORTING STATEMENT
ALASKA VESSEL MONITORING SYSTEM (VMS) PROGRAM
OMB CONTROL NO. 0648-0445

This is a resubmission, with the final rule, of a request to revise existing collection due to an associated rule [**RIN 0648-BF42**]. No changes were made to this request, from the first submission.

National Marine Fisheries Service (NMFS), Alaska Region manages the groundfish fisheries in the exclusive economic zone (EEZ) of the Bering Sea and Aleutian Islands Management Area (BSAI) and Gulf of Alaska (GOA) under fishery management plans (FMPs) for groundfish in the respective areas. The sablefish Individual Fishing Quota (IFQ) fishery in the EEZ off Alaska subject to this action is managed under the FMP for Groundfish of the GOA.

The North Pacific Fishery Management Council (Council) prepared, and NMFS approved, the FMPs under the authority of the [Magnuson-Stevens Fishery Conservation and Management Act](#), 16 U.S.C. 1801 *et seq.* The [Northern Pacific Halibut Act of 1982](#) (Halibut Act) at 16 U.S.C. 773–773k provides the Secretary of Commerce with the authority and general responsibility to carry out the requirements of the Preservation of the Halibut Fishery of the North Pacific Ocean and Bering Sea (Convention), signed at Ottawa, Ontario, on March 2, 1953. Commercial halibut fisheries operate within the Individual Fishing Quota (IFQ) Program, Western Alaska Community Development Quota (CDQ) Program, and through area-specific catch sharing plans. Regulations implementing the FMPs appear at [50 CFR part 679](#).

The Vessel Monitoring System (VMS) units integrate global positioning system (GPS) and communications electronics in a single, tamper-resistant package to automatically determine the vessel's position several times per hour. The units can be set to transmit a vessel's location periodically and automatically to an overhead satellite in real time. The VMS unit is passive and automatic, requiring no reporting effort by the vessel operator. A communications service provider receives the transmission and relays it to the National Oceanic and Atmospheric Administration's (NOAA) Fisheries Office for Law Enforcement (OLE) and United States Coast Guard (USCG).

A. JUSTIFICATION

This action would add VMS requirements for vessels operating in a GOA IFQ regulatory area and using longline pot gear to fish IFQ sablefish and IFQ halibut. A vessel's VMS transmitter must be transmitting when the vessel leaves port in the GOA IFQ sablefish longline pot fishery. The vessel operator must receive a VMS confirmation number before fishing for sablefish in the GOA IFQ regulatory areas with longline pot gear.

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

A VMS consists of a NMFS-approved VMS transmitter that automatically determines a vessel's position and transmits it to a NMFS- approved communications service provider. The communications service provider receives the transmission and relays it to NMFS.

The VMS information is used to facilitate enforcement of area closures in certain fisheries and to check the accuracy of vessel position information reported by the vessel operator in the daily logbooks. The information not only provides real-time vessel location and activity information, but also can be used by NMFS to help ascertain the effects of fishing on threatened and endangered species of certain fisheries.

VMS helps OLE track the management areas in which vessels are fishing on a given trip, and agents could then follow up with a dockside inspection to see what gear was returned to shore when making a landing. That information could be compared to the recorded number of pots that are registered to the vessel for that area, or areas, in the pot tag database

2. 1Explain how, by whom, how frequently, and for what purpose the information will be used. 1If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with all applicable Information Quality Guidelines.

An unquantified, but positive, effect is expected from allowing the use of pot longline gear in the GOA sablefish IFQ fishery.

A vessel owner using VMS must:

- ◆ Obtain a NMFS-approved VMS transmitter with transmission capabilities required for the areas of vessel operation and have it installed onboard your vessel in accordance with the instructions provided by NMFS. You may get a copy of the VMS installation and operation instructions from the Regional Administrator upon request.
- ◆ Activate the VMS transmitter and receive confirmation from NMFS that the VMS transmissions are being received before engaging in operations when a VMS is required.
- ◆ Continue the VMS transmissions until no longer engaged in operations requiring VMS.
- ◆ Stop fishing immediately if informed by NMFS staff or an authorized officer that NMFS is not receiving position reports from the VMS transmitter, or the vessel operator determines that the VMS is not transmitting properly.
- ◆ Make the VMS transmitter available for inspection by NMFS personnel, observers or an authorized officer.
- ◆ Ensure that the VMS transmitter is not tampered with, disabled, destroyed or operated improperly.
- ◆ Pay all charges levied by the communication service provider.

a. VMS operation [REVISED]

OLE developed national standards for VMS transmitters, base stations and communication service providers. These standards ensure that a vessel purchasing a unit for use in one region of the United States will not have to purchase a different unit to fish in another region. Refer to http://www.nmfs.noaa.gov/ole/docs/2015/040815_noaa_fisheries_service_type.pdf for approved VMS units.

Prior to participation in the GOA sablefish fishery, a vessel owner must purchase a NMFS-approved VMS transmitter and install it or have it installed onboard the vessel. Depending on which brand of VMS is chosen, NMFS estimates the VMS units' price range is about \$2,500 - \$3,000. The VMS transmitter must be available for inspection by NMFS personnel, observers, or authorized officers. The vessel owner must ensure that the VMS transmitter is not tampered with, disabled, destroyed, or operated improperly; and must pay all charges levied by the VMS service provider agreement. Depending on which brand of VMS is chosen, the average monthly cost of a VMS service provider agreement ranges from \$45 to \$90.

NOAA established a VMS Reimbursement Program to offset the cost of purchasing a VMS unit for the purpose of complying with fishery regulations pursuant to the Magnuson - Stevens Act (see <http://www.psmfc.org/program/vessel-monitoring-system-reimbursement-program-vms>). The Pacific States Marine Fisheries Commission in collaboration with the NOAA's Office of Law Enforcement (OLE) distributes the allocated reimbursement funds to eligible, confirmed vessel owners and operators (see more at: <http://www.psmfc.org/program/vessel-monitoring-system-reimbursement-program-vms#sthash.BCOQpUsh.dpuf>). The reimbursement program is for eligible vessels that have not had a VMS unit installed before and reimburses the cost of the base unit of the first VMS unit up to \$3,100. There are monthly fees and activation/re-activation fees as well depending on the service provider.

Questions regarding the VMS Reimbursement Request Form, VMS Reimbursement Program process, and reimbursement status can be directed to the Pacific States Marine Fisheries Commission by calling (503) 595-3100.

Questions regarding regulations, compliance, reimbursement eligibility, type-approvals, and confirmation associated with the VMS Program can be directed to the NOAA OLE VMS Support Center at 1 (888) 219-9228.

Depending on which brand of VMS is chosen, the average monthly cost of a VMS service provider agreement ranges from \$45 to \$90.

Added 20 respondents. Corrected service provider agreement costs from \$4,570 to \$780.

VMS operation, Respondent	
Number of VMS respondents	63
Catcher vessels (all target species) = 27 (x 2 months)	
Catcher/processor (Atka mackerel) = 11(x 6 months)	
Catcher/processor (other than Atka) = 5 (x 2 months)	
GOA sablefish (new 20)	
Total VMS transmissions (72,000; not counted as responses)	
VMS = 240 transmissions per fishing day	
Catcher vessels (60 days x 240 = 14,400)	
Catcher/processor, other than Atka (60 days x 240 = 14,400)	
Catcher/processor, Atka (180 days x 240 = 43,200)	
Total responses and burden for maintenance and repairs = 63	63
at 2 hr	126 hr
Total personnel cost	\$4,662
Maintenance and repairs (37/hr x 126)	
Total miscellaneous cost	\$49,140
VMS Service provider agreement – transmission costs (63 x \$65 x 12 = 49140)	
Capital costs (55600/3)	\$18,533
New VMS (2000 x 20 = 40000)	
Installation of new VMS = 780 x 20 = 15600	

VMS operation, Federal Government	
Total responses	0
Total burden hours	0
Total personnel cost	0
Total miscellaneous costs	0

b. VMS check-in report [REVISED]

Upon completion of purchase and installation of a VMS unit, the participant must register the VMS unit with an approved service provider. At least 72 hours before participation in a fishery that requires VMS, the participant must send a one-time VMS check-in report to OLE. The information on this report enables OLE to verify that the VMS system is functioning and that VMS data can be identified as a specific vessel. This check-in is required only once to obtain the signature of the VMS unit.

The VMS check-in report may be completed on the screen, printed, and faxed to (907) 586-7703.

VMS Check-in Report

- Date
- VMS transmitter ID or serial number
- Vessel name
- USCG documentation number
- Federal Fisheries permit number or Federal crab vessel permit number
- Name and telephone number of contact person

Changed number of respondents to 20.

VMS check-in report, Respondent	
Number of respondents (new VMS units for sablpot)	20
Total responses Frequency per year = one-time submittal	20
Total burden hours Hours per response = 12 min x 20	4
Total personnel cost (\$37 x 4)	\$148
Total miscellaneous costs (Fax \$6 x 20)	\$120

VMS check-in report, Federal Government	
Total responses	20
Total burden hours = 12 minutes x 20)	4 hr
Total personnel cost (\$37 x 4)	\$148
Total miscellaneous costs	0

It is anticipated that the information collected will be disseminated to the public or used to support publicly disseminated information. As explained in the following paragraphs, the information gathered has utility. NOAA Fisheries will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. See response #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. 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 collection-of-information is automated and integrates current information technology in the fishery management and monitoring process.

The VMS check-in report may be completed onscreen using fillable forms, downloaded, and printed from the NMFS Alaska Region website at <https://alaskafisheries.noaa.gov/sites/default/files/vmsfax.pdf>.

4. Describe efforts to identify duplication.

No duplication exists with other information collections.

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

In 2013, 316 vessels landed IFQ sablefish in the GOA. Of those, 311 are classified as small entities and five are not. Four of the five entities in this latter group are CPs that share a known business affiliation and had combined gross revenues of more than \$20.5 million . The fifth

entity is a CV that is a member of a Bering Sea crab cooperative whose members had combined gross revenues of more than \$20.5 million.

This collection-of-information does not impose a significant impact on small entities.

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

The VMS is an integral part of the management of the fisheries in the Alaska Region. One of the principal objectives for regulation of the sablefish IFQ fishery is to maintain the economic viability of small communities that are heavily dependent on fishing as a source of income. If the collection were not conducted or were conducted less frequently, it would not be possible to carry out the mandates of the Magnuson-Stevens Act and other laws.

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

No special circumstances exist.

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

A proposed rule (RIN 0648-BF42) was published in the Federal Register on August 19, 2016 (81 FR 55408).

Below are applicable public comments and responses:

COMMENT 8: The biological opinions prepared for the west coast sablefish pot fishery include terms and conditions to mitigate potential entanglement with whales that should be required by NMFS for the GOA sablefish pot fishery. These terms and conditions include electronic monitoring and logbook reporting measures to report lost gear, a database to track effort, analyzing data on the magnitude of lost gear and factors that may influence loss, and analysis of gear deployment and overlap with large whale migrations of aggregations.

Response: Monitoring measures and analysis recommended by the commenter, plus additional monitoring measures beyond those recommended by the commenter, are addressed through existing regulations, or are required under this final rule. This final rule requires the use of logbooks to record data on pot gear deployment and loss at § 679.5(c). Specifically, a vessel operator using longline pot gear in the GOA must record the length of a longline pot set, the size of the pot, the spacing of pots, number of pots set, number of pots lost, and number of pots left on the fishing grounds still fishing, in addition to the other information required under current

regulations. Additionally, this final rule at § 679.42(k) requires a vessel operator to use a vessel monitoring system (VMS) while using longline pot gear to fish for sablefish in the GOA. VMS monitors the location and movement of commercial fishing vessels in Federal fisheries in Alaska. Further, a vessel operator using longline pot gear in the GOA is subject to observer coverage under the North Pacific Groundfish and Halibut Observer Program.

NMFS has developed analytical tools and databases to analyze all fishery data that NMFS collects, including the new data collected under this final rule. NMFS is able to assess the amount of catch, effort, and areas where longline pot gear is deployed in the GOA sablefish IFQ fishery with existing analytic methods. NMFS will have the fishery data necessary to compare longline pot gear deployment with available information on areas of large whale migrations. The Council and NMFS are currently analyzing the use of electronic monitoring for pot gear. Under a separate analytical and regulatory process, the Council and NMFS may consider the use of electronic monitoring for vessels using longline pot gear in the GOA sablefish IFQ fishery.

COMMENT 22: The proposed requirement for vessel operators to leave longline pot gear on the fishing grounds for no more than five days in WY and CGOA and seven days in WGOA will be difficult to enforce.

Response: The proposed rule and Sections 4.9.3.2, 4.9.4.1, 4.9.5.1, and 4.9.6.1 of the Analysis describe enforcement considerations for provisions of this final rule that are intended to minimize gear conflicts and grounds preemption. The Council considered the methods that would be used to enforce the restrictions on use of longline pot gear in the GOA sablefish IFQ fishery and advice from its Enforcement Committee.

This final rule implements three additional recordkeeping and reporting requirements to monitor and enforce provisions that are intended to minimize gear conflicts and grounds preemption. First, § 679.5(c)(3)(B) requires all vessel operators using longline pot gear in the GOA sablefish IFQ fishery to report specific information in logbooks about fishing gear used and catch for all sablefish IFQ fishing trips. Second, § 679.42(k)(2) requires all vessel operators using longline pot gear in the GOA sablefish IFQ fishery to have an operating Vessel Monitoring System (VMS) while fishing for sablefish IFQ. Third, this final rule adds additional Prior Notice of Landing (PNOL) reporting requirements at § 679.5(l)(1)(iii) for vessel operators using longline pot gear in the GOA sablefish IFQ fishery. These tools will provide NMFS with information on vessel activity during the sablefish fishing season. The Council and determined that these requirements will provide sufficient monitoring and enforcement information to meet the Council's objectives for the proposed action.

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

No payment or gift to respondents is provided under this program.

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

All VMS units include systems to minimize the risk of direct or inadvertent disclosure of vessel position. The information collected, including VMS transmission – but not including information on the VMS check-in report - is confidential under section 402(b) of the Magnuson-Stevens Act (16 U.S.C. 1801 *et seq.*); and also under [NOAA Administrative Order \(AO\) 216-100](#), which sets forth procedures to protect confidentiality of fishery statistics.

All information collected is part of a system of records: NOAA #6: Fishermen's Statistical Data.

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.

This information collection does not involve information of a sensitive nature.

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

Total estimated unique respondents: 63, up from 43. Total estimated responses: 83, up from 46. Total estimated burden hours: 130, up from 87. Total estimated personnel costs: \$148, up from \$25.

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in Question 12 above).

Total estimated miscellaneous costs: \$49,260, down from \$185,743. Total capital costs, annualized: \$18,533.

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

Total estimated responses: 63, up from 43. Total estimated burden hours: 4. Total estimated personnel costs: \$148, up from \$100.

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

Program Changes

VMS Operation (includes installation, transmission, and maintenance)

an increase of 20 respondents, 63 instead of 43

an increase of 37 responses, 83 instead of 46

an increase of 43 hours, 130 instead of 87.

an increase of capital costs, \$18,533 instead of 0.

an increase of miscellaneous costs, \$49,140 instead of \$33,540 (would have been correct previous cost).

VMS Check-in report.

- an increase of 17 respondents and responses, 20 instead of 3
- an increase of 3 hr burden, 4 hr instead of 1 hr
- an increase of \$123 personnel costs, \$148 instead of \$25
- an increase of \$102 miscellaneous costs, \$120 instead of \$18

Program Adjustment:

VMS Operation (includes installation, transmission, and maintenance)
Correction of per unit transmission costs from \$4,570 to \$780.

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

NMFS has no plans to publish the results of this information collection.

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.

In accordance with OMB requirements, the expiration date of the collection is shown on the VMS check-in report. The transmission of the VMS data is automatic and electronic, and therefore not possible to display the OMB expiration date.

18. Explain each exception to the certification statement.

In accordance with OMB requirements, the certification statement are shown on the VMS check-in report. The transmission of the VMS data is automatic and electronic, and therefore not possible to display the OMB certification statement.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.