

**SUPPORTING STATEMENT
WEST COAST REGION VESSEL MONITORING SYSTEM AND PRE-TRIP
REPORTING SYSTEM REQUIREMENTS
OMB CONTROL NO. 0648-0498**

A. JUSTIFICATION

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

This is a revision and extension of OMB Control No. 0648-0498, merging OMB Control No. 0648-0690 (Vessel Monitoring System Requirements in the Eastern Pacific Highly Migratory Species Fisheries) into it, and changing the title from *West Coast Region Longline Monitoring System and Pre-Trip Reporting Requirements* to *West Coast Region Vessel Monitoring System and Pre-trip Reporting Requirements*.

The National Marine Fisheries Service (NMFS) has obligations both internationally and domestically to require Vessel Monitoring Systems on United States (U.S.) vessels fishing in the eastern Pacific Ocean (EPO).

International regulations:

Collection of this information is necessary for the U.S. to satisfy its international obligations under the Convention for the Strengthening of the [Inter-American Tropical Tuna Commission](#) (IATTC), established by the 1949 Convention between the United States of America and the Republic of Costa Rica (Antigua Convention). As a Party to the Antigua Convention and a member of the IATTC, the United States is legally bound to implement decisions of the IATTC. At its 87th meeting in July 2014, the IATTC adopted Resolution C-14-02 (*Establishment of a Vessel Monitoring System*). Following, NMFS published a rule to implement VMS requirements and to require that commercial fishing vessels 24 meters or more in overall length and engaging in fishing activities for tuna or tuna-like species in the Convention Area. The RIN of the associated rule is 0648-BD54. The international regulations are found at 50 CFR 300 Subpart C.

Domestic regulations

The [Magnuson-Stevens Fishery Conservation and Management Act](#) (MSA) established regional fishery management councils, including the Pacific Fishery Management Council (Pacific Council), to develop fishery management plans for fisheries in the U.S. exclusive economic zone (EEZ). These plans, if approved by the Secretary of Commerce, are implemented by Federal regulations, which are enforced by the National Oceanic and Atmospheric Administration's (NOAA's) National Marine Fisheries Service (NMFS) and the U.S. Coast Guard (USCG) with the cooperation of state agencies to the extent possible. The Pacific Council submitted the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species (HMS FMP) for approval by the Secretary of Commerce. On February 4, 2004, the Secretary partially approved the HMS FMP. On April 7, 2004, NMFS published a final rule to implement the approved portions of the HMS FMP (69 FR 18444) including VMS and pre-trip call-in notifications for longline vessel owners and operators; this element became effective on February 10, 2005. On July 9, 2015, NMFS published a final rule to require the use

of a NMFS-approved VMS and to institute a 48-hour pre-trip call-in notification requirement for drift gillnet (DGN) vessel owners/operators (80 FR 32465). The domestic regulations are found at 50 CFR 660 Subpart K.

The HMS FMP is intended to ensure conservation and promotes the achievement of optimum yield of HMS throughout their ranges, both within and beyond the U.S. EEZ, to the extent practicable. The HMS FMP establishes basic conservation and management measures applicable to U.S. vessels fishing for management unit species.

The following species are included as management unit species under the HMS FMP:

Billfish/Swordfish:

striped marlin (Tetrapturus audax)

swordfish (Xiphias gladius)

Sharks:

Common thresher shark (Alopias vulpinus) shortfin mako or bonito shark (Isurus oxyrinchus) blue shark (Prionace glauca)

Tunas:

north Pacific albacore (Thunnus alalunga) yellowfin tuna (Thunnus albacares) bigeye tuna (Thunnus

obesus)

skipjack tuna (Katsuwonus pelamis)

northern bluefin tuna (Thunnus orientalis)

Other:

dorado or dolphinfish (Coryphaena hippurus)

These highly migratory species are harvested in U.S. waters and on the high seas by U.S. fishermen and fishermen of other nations. In the United States, the migratory patterns of many of the species potentially are transboundary with respect to the jurisdiction of three councils: the Pacific Council, the Western Pacific Fishery Management Council (Western Pacific Council), and the North Pacific Fishery Management Council (North Pacific Council). The Western Pacific Council implemented a Fishery Management Plan for the Pelagic Fisheries of the Western Pacific Region (Pelagics FMP) governing conservation and management of many of the same species included in the HMS FMP. Jurisdiction in the western Pacific extends only to the various EEZs in the western Pacific (Hawaii, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and other U.S. territories in the region) and to those vessels that may fish on the high seas with permits issued under the authority of the Pelagics FMP. The North Pacific Council (Alaska, Washington, and Oregon) has authority over fisheries in the Pacific Ocean seaward of Alaska, Arctic Ocean, and the Bering Sea. The Councils strive to minimize duplicate requirements, especially for vessels that sometimes fish in waters under both jurisdictions.

The regulations implementing the HMS FMP essentially require that operators of any commercial fishing vessels and recreational charter vessels engaged in fishing for HMS maintain and submit logbooks to NMFS or state authorities recording catch and effort for that

fishing. These requirements are met for most vessels by reporting in accordance with existing laws and regulations. In several fisheries, vessel operators are already required under state law to maintain and submit logbooks to state agencies. Federal logbooks have been developed and distributed for troll and bait boat (OMB Control No. 0648-0223), longline (OMB Control No. 0648-0214), and purse seine (OMB Control No. 0648-0148) gear endorsed HMS permit holders. The regulations also require that state reporting requirements be met in the manner and on the forms required by the states. Currently, the State logbook requirements for drift gillnet, harpoon, and recreational charter vessels are used to satisfy Federal information needs under the HMS FMP.

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 all applicable Information Quality Guidelines.

VMS vessel location reports will be used to facilitate enforcement regarding commercial fishing vessel compliance with prohibited or restricted fishing areas in the EPO. The reports provide NMFS Office of Law Enforcement (OLE) and the USCG real-time vessel location and activity 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. The information provides a basis for determining whether changes in management are needed to protect sensitive species.

Installation/activation reports will be used to provide OLE with information about hardware installed and communication service provider that will be used by the vessel operator. Specific information that links a permitted vessel with a certain transmitting unit and communication service is necessary to ensure that automatic position reports will be received properly by NMFS and to identify the unique signature for each VMS unit. In the event that there are any problems, NMFS will need to have ready access to a database that links owner information with installation information. NMFS can then apply troubleshooting techniques and, as necessary, contact the vessel operator and discern whether the problem is associated with the transmitting hardware or the service provider. This is not expected to occur more than once per year.

Position reports are transmitted 24 hours per day and provide OLE and USCG with real-time vessel location and activity information. When an operator is aware that the transmission of automatic position reports has been interrupted, or when notified by OLE that automatic position reports are not being received, they must contact OLE and follow instructions provided.

“On/off reports”, also known as exemption reports, permit the vessel owner/operator to power off the VMS unit while the vessel is at port, or after the end of the fishing season, provided that the vessel owner/operator notifies OLE and receives OLE confirmation in advance of each such shutdown and each time the VMS unit is subsequently turned back on. These reports allow flexibility to fishery participants while providing OLE with the information needed to determine why a position report is not being received from the vessel.

Declaration Reports are provided by vessel owners/operators to OLE before the vessel leaves port to fish in state or federal waters. These are used to determine which vessels may be at-sea at any given time and when to expect VMS position reports.

NOAA Fisheries will retain control over the information collected 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, policy, technical, or general informational publications. Should NOAA Fisheries Service 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](#).

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 vessel location reports: The VMS is an automated, satellite-based system that assists OLE and the USCG in monitoring compliance with closed areas in a reliable and cost-effective manner. Electronic VMS shipboard equipment installed permanently on board a vessel provides information about the vessel's position and activity. 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 for comparison of vessel positions with features of interest, such as closed area boundaries.

Installation/activation reports: written activation reports may be submitted via mail, facsimile or e-mail to the Special Agent in Charge (SAC), the point of contact for the OLE, and must include: the vessel's name; the vessel's official number; the VMS unit manufacturer and identification number; and telephone, facsimile or email contact information for the vessel owner/operator. While the vessel is in operation, position reports are transferred automatically at a specified frequency and received via a satellite communication system by NOAA.

Pre-trip notification reports by vessels are submitted by telephone or email to OLE. The vessel owners/operators must provide their name, contact information, vessel name, port of departure, and estimated date and time of departure. Upon receipt of a pre-trip notification, the observer provider will notify the vessel owner/operator whether their fishing trip has been selected for observer coverage.

Several information portals will be used to inform the public about management program requirements including websites maintained by the WCR and the Pacific Council. A Small Entity Compliance guide has been prepared to assist permit holders in understanding the requirements that must be met, including reporting requirements. Required Federal forms and instructions are available online at http://www.westcoast.fisheries.noaa.gov/fisheries/migratory_species/highly_migratory_species_logbooks.html, along with an explanation of the process for returning them to NMFS.

4. Describe efforts to identify duplication.

NMFS has identified the fleets that are already required to carry and operate VMS units as part of a NMFS-administered VMS. Owners/operators of vessels in these fleets are required to authorize the OLE to receive position reports via their VMS units, but they will not bear any additional time burden or cost burden as a result of the data transmissions to the OLE. 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.

Under the June 20, 2013 Small Business Administration (SBA) final rule revising the small business size standards for several industries effective July 22, 2013 (78 FR 37398), all fishing operations involving HMS fisheries can be categorized as small businesses. The requirement of obtaining and installing VMS equipment is the most costly provision, but federal funds of up to \$3,100 are currently available to reimburse vessel owners for the purchase of an approved VMS unit. Fishermen may also connect other communications equipment to the VMS unit to enhance at-sea communications for other personal or business needs. No special measures are needed to offset any disproportionate effect on small businesses. The reporting burden related to both international and domestic VMS and pre-trip reporting requirements is insignificant compared to the overall cost of fishing.

International regulations

Vessels in the EPO fisheries generally range in size from 7 meters to 124 meters in length. The VMS requirements under 50 CFR 300 Subpart C would affect any U.S. commercial fishing vessel that is 24 meters or more in overall length and engaging in fishing activities for tuna or tuna-like species in the Convention Area, and for which either of the following permits is required: Pacific highly migratory species permit under 50 CFR 660.707, or high seas fishing permit under 50 CFR 300.13. These vessels are categorized as “small businesses.” The majority of these vessels are already subject to VMS requirements in the western and central Pacific Ocean.

Domestic regulations

The VMS requirements under 50 CFR 660 Subpart K would affect vessels authorized to fish using DGN and longline gear types for which a Pacific Highly Migratory Species permit is required under 50 CFR 660.707. These vessels are also subject to pre-trip reporting.

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

VMS reports are necessary to ensure adequate monitoring of vessel movements to determine compliance with time and area conflicts and to facilitate the cost-effective use of enforcement

patrols. Less frequent reports would likely result in higher likelihood of non-compliance and lower probability of detecting violations.

With respect to domestic pre-trip notification requirements, if reports are submitted too far in advance of a vessel's departure, the vessel may change its plans as changes in fishery conditions can be abrupt. Pre-trip reports submitted after departures do not allow NMFS to place an observer on the vessel before it leaves port. In both cases, data collected could be insufficient to support informed management decisions, and could adversely affect the fisheries.

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). This 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 published on December 12, 2016 (81 FR 89446), which included a request for public comments. None were received.

NMFS asked for comments from Pacific Highly Migratory Species Permit holders authorized for DGN and longline gear types and owners of vessels greater than 24 meters in length. Three public comments were submitted in regards to this request: one was a "no comment" and two were concerns about over-regulation (all had been asked the same list of questions from the FRN).

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

As stated in the regulations, all data are collected by NMFS and will also be available to the U.S. Coast Guard as well as other parties with authorization to receive and use the data pursuant to applicable policies and procedures (per NOAA Directive 06-101 *VMS Data Access and Dissemination Policy*, and NOAA Administrative Order (NAO) 216-100 *Protection of Confidential Fisheries Statistics*). Any of the collected information used by NMFS in the preparation of publicly disseminated information would be aggregated and /or summarized to

maintain the confidentiality of the information pertaining to the individual vessels.

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.

As of January 2017, approximately 36 vessels are expected to have type-approved VMS units installed for compliance with international and domestic regulations (Table 1). This number is comprised of the average number of DGN vessels that were active between 2014-2015 (18 vessels) plus the number of active longline vessels (1 vessel) and vessels over 24 m in length (17 vessels subject to associated rule 0648-BD54, which are being merged from OMB Control No. 0648-0690). The number of vessels subject to the regulations may fluctuate as more vessels apply for permits and the permits of other vessels expire. To estimate the number of affected entities, the number of vessels authorized to fish for highly migratory species in the EPO under Pacific HMS fishing permits was considered a reasonable proxy. The permit used to estimate affected entities was issued under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) through regulations codified at 50 CFR 660.707. Vessels under 24 meters in overall length subject to VMS requirements at 50 CFR part 300.219, 50 CFR part 660, or 50 CFR part 665, compliance with which would satisfy this requirement, were excluded from the estimate of impacted entities.

The estimated average time for a one time install of a VMS unit is 4 hours, and 1 hour for annual maintenance or repair of a VMS unit. The vessel owner or representative generally observes the initial installation, which is projected to involve a total of about 45 hours, annualized (estimated initial installations over a 3-year approval period on 36 replacement vessels x 4 hours per vessel/3 years). The vessel owner or representative may also observe any maintenance and repair at 36 hours annually (36 vessels x 1 hour per vessel).

Annual Estimates:

36 vessels x 4 hours per vessel to install the unit, annualized to 12 responses and 48 hours.

36 vessels x 1 hours per year maintenance and repair = 36 responses and 36 hours.

Total estimated responses and burden hours = 48 and 84.

Note: Time estimates for VMS installation and maintenance were developed by OLE Pacific Islands Division.

For installation/activation reports the estimated response time for respondents to prepare and submit reports is estimated to be 5 minutes per report. Because 36 vessels are anticipated to submit installation/activation reports, the total burden hours is estimated to be about 3 hours, annualized to 12 responses and 1 hour. For “on-off” reports, the estimated response time to prepare and submit each report is also 5 minutes. If all vessels submitted one “on/off” report each year, the total responses would be 36, and burden hours would be 3 hours. For pre-trip notifications, there would be an average of 6 per vessel per year, at 5 minutes per notification, or

30 minutes per year, totaling 216 responses and 18 hours. Therefore, the totals for these three types of reports would be 264 responses and 22 hours per year.

Note: time estimates for VMS reports were developed by NMFS, Pacific Island Regional Office, Honolulu, Hawaii VMS PRA (OMB Control No. 0648-0596).

The total estimated time burden for VMS installation, maintenance or repair, installation/activation reports and on/off reports is 312 responses and 106 hours.

Hourly position reports are automatic, and no responses or burden hours are calculated for them.

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).

Table 1. Estimated costs of compliance with VMS requirements.

Year	Descriptions of the Compliance Costs	Formula	Unit	Rate	Total
Per Vessel:					
Year 1	VMS Purchase and professional Installation per vessel	A	Lump sum	\$4,000.00	\$4,000.00
Year 1	Daily position report costs per vessel (Hourly, 24/day; and 24 reports/day)	B	Per Day	\$1.50	-
Year 1	Annual position report cost per vessel (\$1.50/day * 365 days/year) if operated year round.	C	Per Annum	\$547.50	\$547.50
Year 1	Annual maintenance cost per vessel	D	Per Annum	\$250.00	\$250.00
Year 2 and on	Recurring position reports and VMS maintenance cost per vessel (Year 2 and beyond)	E=C+D	Per Annum		\$797.50
Year 1	Initial total cost per vessel (Year 1; unit + installation + position reports+ maintenance)	F=A+E	Per Annum		\$4,797.50
Year 1 to 3	Cumulative costs based on total 3 year life of the VMS unit	G=F+2E	Per Three Year		\$6,392.50
	Annual VMS Compliance cost per vessel	H=G/3	Annualized		\$2,131
For Fleet:					
	Number of affected vessels	I	Number		36
Initial Cost	Initial total cost for the fleet (Year 1; total cost per vessel * number of affected vessels – including maintenance and messaging)	J=I*F	Per Annum		\$172,710
Annualized Cost (2,13	Average of Years 1-3		Per Annum		\$76,716 (2,131 x 36)

For all vessels subject to VMS installation and operation requirements (36 vessels), the subtotal

annualized cost is presented in Table 1 below. In addition, sending NMFS installation/activation reports is estimated to cost \$3 per fax. Therefore the total cost for respondents to send NMFS this report is \$108, annualized to \$36. For the 216 pretrip notifications and 36 on/off notifications, at \$1 each, \$252 annually would be added.

These three reports add \$288 annually, raising the annualized cost in the table to \$77,004.

The analysis in the table assumes that vessels will pay for VMS. However, federal funds are available for reimbursement of type-approved units up to \$3,100. The availability of funds for reimbursement for the cost of purchasing a VMS unit is not guaranteed but is anticipated to be available on a first-come-first-serve basis. If all vessel owners/operators were to use available federal funds for reimbursement of type-approved units, then costs per vessel can be reimbursed up to \$3,100 per vessel, and up to a total of \$37,200 annually. Thus, this reimbursement program could reduce the estimated total annual cost from \$76,716 to \$39,516.

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

NMFS is required to ensure that VMS units have been installed properly and are operational. In addition, review of the data transmissions is required to maintain the integrity of the restricted conservation areas. The majority of tuna fishing vessels 24 meters or more in length in the EPO are already subject to VMS regulations, which are not the subject of this collection of information. A VMS program exists to monitor compliance with VMS regulations. Therefore costs to the Federal government associated with monitoring VMS units can be accomplished by using existing resources (e.g., the cost of maintaining the base station and NMFS employees dedicated to maintaining the system).

NMFS has five full-time employees who are dedicated to monitoring the system. Annual labor costs are \$461,636. Recurring operational costs for equipment are \$8,364. The estimated cost of the total program is \$470,000 a year. The total annualized cost into the future is expected to range between \$450,000 and \$500,000.

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

This is a combined collection for U.S. commercial fishing vessels that are 24 meters or greater in overall length and engaged in fishing activities for tuna or tuna-like species in the EPO and vessels fishing under the HMS FMP endorsed for DGN and longline gear types. The respondents from this collection have decreased in the past three years, but the respondents from OMB Control No. 0690-0690 have not changed.

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 enforcement and management reports to support fishery

management decisions 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.