

**SUPPORTING STATEMENT
SOUTHEAST REGION VESSEL MONITORING SYSTEM (VMS) AND RELATED
REQUIREMENTS
OMB CONTROL NO. 0648-0544**

INTRODUCTION

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

A. JUSTIFICATION

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

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) authorizes the Gulf of Mexico Fishery Management Council (Gulf Council) and South Atlantic Fishery Management Council (South Atlantic Council) to prepare and amend fishery management plans (FMPs) for any fishery in federal waters under their respective jurisdictions. The National Marine Fisheries Service (NMFS) and the Gulf Council manage the reef fish fishery in the Gulf of Mexico (Gulf) under the Reef Fish FMP. NMFS and the South Atlantic Council manage the fishery for rock shrimp in the South Atlantic under the Shrimp FMP.

Owners and operators of federally permitted Gulf reef fish and South Atlantic rock shrimp vessels must have installed and use a functional, NMFS approved satellite-linked vessel monitoring system (VMS) unit on their vessels. NMFS requires specific types of data submissions and agency notifications through VMS. In addition, NMFS requires a functional VMS unit on the vessel to renew a Gulf reef fish permit. VMS regulations applicable to the Gulf reef fish fishery and South Atlantic rock shrimp fishery may be found at 50 CFR §§ 622.28 and 622.205, respectively.

The FMPs contain several area-specific regulations where fishing is restricted or prohibited in order to protect habitat or spawning aggregations, or to control fishing pressure. Unlike size, bag, and trip limits, where the catch can be monitored on shore when a vessel returns to port, area restrictions require at-sea enforcement. However, at-sea enforcement of offshore area restrictions is difficult due to the distance from shore and the limited number of patrol vessels, resulting in a need to improve enforceability of area fishing restrictions through remote sensing methods. In addition, all fishing gears are subject to some area fishing restrictions. Because of the sizes of these areas and the distances from shore, the effectiveness of enforcement through over flights and at-sea interception is limited. An electronic VMS allows a more effective means to monitor vessels for intrusions into restricted areas.

The VMS provides effort data and significantly aids in enforcement of areas closed to fishing. To fish for or possess Gulf reef fish or South Atlantic rock shrimp in or from the exclusive economic zone (EEZ), a vessel owner or operator subject to the requirements for a VMS must allow NMFS, the United States Coast Guard (USCG), and their authorized officers and designees, access to the vessel's position data obtained from the VMS. As a further aid to law

enforcement officials, prior to departure for each trip, each vessel owner or operator must report their planned fishing activity, and the gear on board the vessel. Additionally, if fishing activity is altered during a trip, notification of the changes must be given to law enforcement. Reporting of changes to fishing activity can be reported one of three ways, as described in the response to Question 3.

2. 1 Explain how, by whom, how frequently, and for what purpose the information will be used. 1 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.

Every vessel that is required to have a VMS unit must have that VMS unit on and properly functioning at all times, even when docked, and prior to each fishing trip, or during a trip if activity changes, a report of fishing activity must be submitted to NMFS VMS personnel. The units are on 7 days a week, 24 hours a day and transmit once an hour unless the vessel has entered a NMFS-defined buffer zone of one nautical mile around areas with fishing restrictions. Once a vessel enters a defined buffer zone, the VMS unit reporting rate will be increased to once every 15 minutes. If the vessel then departs the buffer zone and enters the restricted area, the VMS unit reporting rate will be increased to every 10 minutes until it departs the restricted area and/or the buffer zone. The VMS unit on the vessel provides enforcement benefits to NMFS and the fishery.

Two other requirements are completion and submission of the statement certifying compliance with the installation and activation checklist, and for Gulf reef fish vessels only, a power-down exemption request for when boats are out of the water, (e.g., for maintenance or repairs in dry dock).

Only a VMS unit that NMFS has approved for use in the for Gulf reef fish and South Atlantic rock shrimp fisheries may be used, and the VMS unit must be properly registered and activated with an approved communications provider for the new vessel. Additionally, a qualified marine electrician must install it. When installing and activating the NMFS-approved VMS unit, the vessel owner or operator must: (1) follow procedures indicated on the VMS Installation and Activation Certification checklist for the applicable fishery; (2) submit a statement certifying compliance with the checklist, as prescribed on the checklist; and (3) submit a vendor-completed installation certification checklist. These materials are available from and must be submitted to the NOAA Office of Law Enforcement (OLE), Southeast Region, St. Petersburg, FL 33701; phone (800) 758-4833 or (727) 824-5347.

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](#).

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 transmits all position reports electronically. Fishermen may report changes to fishing activity either via VMS or through a NMFS call-in system at (888) 219-9228. The Installation and Activation Checklist and Power Down Exemption Request form are available from NOAA OLE, Southeast Region by calling (800) 758-4833 to request the forms be sent by mail or email.

4. Describe efforts to identify duplication.

The Magnuson-Stevens Act's operational guidelines require each FMP to evaluate existing state and Federal laws that govern the fisheries in question, and the findings are made part of each FMP. Each fishery management council's membership is comprised of state and federal officials responsible for resource management in their area. These two circumstances allow for identification of other collections that may be gathering the same or similar information.

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

Because all respondents are considered small businesses, separate requirements based on size of business have not been developed. NMFS only requests the minimum data to meet the current and future needs of fisheries management and permitting programs from all applicants.

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

The VMS units provide vessel characteristics data and enforcement information to increase compliance in the fisheries. The approved VMS provides automatic recording of positions at hourly intervals, and more frequently under certain circumstances, as described in the response to Question 2. A less frequent recording of positions would provide ineffective monitoring and not achieve the Gulf Council and South Atlantic Councils' intended benefits. Additionally, reporting of fishing activity aids law enforcement in identifying violations of area fishing restrictions depending on the fishermen's declaration of vessel activity.

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

Due to requirements described in the response to Question 6, vessel position needs to be reported and transmitted frequently to allow for effective vessel monitoring and fishery management. Similarly, the need to monitor areas where fishing is restricted to certain gear types makes it necessary to collect fishing activity information on a by-trip frequency as opposed to less frequently (e.g., quarterly). The collection is otherwise consistent with OMB guidelines.

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.

NMFS published a notice in the Federal Register on September 4, 2018 (83 FR 44866), to solicit public comments on the continuation of this collection of information. NMFS did not receive any public comments on the notice.

In November 2018, NMFS also verified burden costs and time with three fishermen in the Gulf reef fish and South Atlantic rock shrimp fisheries, as well as four VMS vendors. No adjustments to the burden hours were required, and the estimated annual operations costs was changed from \$650 to \$900 to reflect the estimated annual cost of the highest cost provider.

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

There are no payments or other remunerations to respondents.

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

As stated on the forms, all data that are submitted are treated as confidential in accordance with the Magnuson-Stevens Act (16 U.S.C. 1881a, *et seq.*) and [NOAA Administrative Order 216-100](#).

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.

There are no questions of a sensitive nature.

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

As of October 2018, NMFS had issued 842 Gulf reef fish permits and 103 permits for South Atlantic Rock Shrimp, totaling 945 permitted vessels. The number of permitted vessels is assumed to also be the total number of respondents (945).

The owners and operators of up to 945 vessels will be affected by this information collection, and NMFS estimates that all of these vessels would have the burden of up to 2 hours for annual maintenance to their VMS. NMFS estimates a time burden of 1,890 hours for maintenance annually.

In addition, NMFS estimates that approximately 85 VMS power-down exemption requests will

be made annually by owners and operators of Gulf reef fish vessels, which will require 5 minutes of burden time per response. The VMS power-down exemption is not available to South Atlantic rock shrimp fishermen. The annual total time burden to request VMS power-down exemptions is estimated at approximately 7 hours.

Owners and operators of vessels with Gulf reef fish permits are required to notify NMFS at the beginning and end of trips. Using historical data, NMFS estimates that approximately 13,000 trip notifications using the VMS unit would be made annually by 842 vessels with Gulf reef fish permits. NMFS estimates that each trip notification results in a burden of 1 minute to report fishing activity for vessels in the Gulf reef fish fishery. Therefore, the total burden time for trip notifications is estimated at 217 hours annually. NMFS does not require trip notifications by owners and operators of South Atlantic rock shrimp vessels.

NMFS-approved VMS units are required for use in the Gulf reef fish and South Atlantic rock shrimp fisheries, and the VMS unit must be properly registered and activated with an approved communications provider for the new vessel. Additionally, a qualified marine electrician must install it. When installing and activating the NMFS-approved VMS unit, including when a vessel permit transfer occurs, the procedures on the VMS Installation and Activation Certification checklist for the applicable fishery must be followed and the checklist must be submitted to NOAA OLE. NMFS estimates that 166 permit transfers will occur within a given year in both fisheries. Due to the several types of transfers, the time burden and cost burden is described in detail below.

An estimated 166 permit transfers occur in a year, divided into three categories. The first is transfers of both the permit and the vessel to a new owner. There are an estimated 46 transfers of this type, involving only the burden of submitting a compliance checklist by the new owner, as the VMS will already be on board and installed by a qualified marine electrician. Therefore, the annual burden time for these transfers is estimated to be 15 hours (46 transfers x 20 minutes for compliance checklist and certification), with no associated cost.

Transfers involving a new permit holder using a new vessel will require the new owner to acquire a certified VMS unit, have it installed, and submit the activation and compliance checklist. There are an estimated 65 transfers of this type annually. Therefore, annual burden time is estimated at 347 hours for this type of transfer (65 transfers x 5 hours for installation (325), plus 65 transfers x 20 minutes for compliance checklist (21.7)).

The final type of transfer involves a permit holder transferring the permit to a new vessel. There are an estimated 55 transfers of this type annually. This will require the owner or operator to either move the NMFS-approved VMS unit from the old vessel to the new one or to purchase an entirely new unit. Burden hours for this type of transfer are estimated at 293 hours (55 transfers x 5 hours for installation (275), plus 55 transfers x 20 minutes for compliance checklist (18.3)).

The total estimated number of transfer responses are 166 (46 + 65 + 55); burden hours, 655 (15 + 347 + 293).

ANNUAL RESPONSES AND TIME BURDEN

1. 945 vessels with VMS units x 2 hours per year maintenance = 945 responses and 1,890 hours
2. 85 power-down exemption requests x 5 minutes/60 minutes per year for power-down exemption request = 85 responses and 7 hours
3. 13,000 trip notifications to report fishing activity x 1 minute/60 minutes = 13,000 responses and 217 hours
4. Transfer responses and burden hours: 166 responses (checklists) and 655 hours (15 + 347 + 293)

Total estimated annual respondents: 945

Total estimated annual responses: 14,196 (945 + 85 + 13,000 + 166)

Total estimated annual burden hours: 2,769 (1,890 + 7 + 217 + 655)

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).

For the 85 power-down exemption request forms and the 166 VMS activation checklists, the annual cost will be \$126 (251 responses x \$0.50 for postage), assuming all forms are submitted by mail and none are submitted via email. Any forms submitted via email would reduce the estimated cost.

A total of 945 federally permitted vessels are required to have VMS units installed. Equipment costs, including installation by a qualified marine electrician, are up to \$3,000 per unit. Seventy-three VMS units were installed in 2017. Other than these vessels and the transfers listed below, all other vessels have already completed this requirement and would not incur installation costs. Yearly communication costs are up to \$900 per vessel (or up to \$75 per month per vessel), depending on the communication provider chosen.

Total estimated annualized capital start-up costs including certain transfers (see transfers detail below) = \$219,000 (73 VMS units x \$3,000 for unit and installation).

For transfers involving the new permit owner acquiring both the permit and vessel, it is assumed that a NMFS-approved VMS unit will already be on board. For this type of transfer, there is expected to be no additional cost to the new owner. Transfers involving a new owner and a new vessel will require the purchase of a NMFS-approved VMS unit and installation by a qualified marine electrician. This type of transfer is expected to increase costs by \$3,000 per unit, times the number of transfers. For transfers in which the same owner transfers the permit to a new vessel, costs are expected to increase by \$3,000 per unit, times the number of transfers. Communication costs for all three types of transfers are already calculated in total communication costs for the fleet as these are not additional permits, but merely the same number of permits owned by different individuals. The total estimated annual transfer costs are \$219,000 (73 VMS unit installations x \$3,000).

Total estimated annualized operations and maintenance costs = \$850,500 (945 vessels x \$900 in

operations costs) + \$472,500 (945 vessels x \$500 in maintenance costs) + \$126 in postage costs = \$1,323,126.

For the entire collection, estimated annual costs will be \$219,000 in capital start-up and transfer costs, plus \$1,323,126 in operations and maintenance costs, totaling \$1,542,126.

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

Cost category	Annual cost to government (\$)
Salary and benefits ¹	200,000
Training and travel	500
Internet connection ²	0
Equipment	0
Software licensing	0
Supplies	0
Total	200,500

¹ Salary and benefits for 3 program support personnel.

² Servers and software contracting paid for by HQ in Silver Spring, MD.

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

PROGRAM CHANGE - not applicable.

ADJUSTMENTS

NMFS revised the estimated annual burden costs from feedback obtained from VMS vendors as described in Question 8. The increased annual costs are reflected in Question 13 and below in this section.

The estimated number of respondents (federally permitted vessels) with Gulf reef fish and South Atlantic rock shrimp commercial permits increased from 927 to 945.

The total number of estimated responses increased from 8,985 to 14,196, due to revised estimates of responses across the information collection (detailed in Question 12). Multiple factors influence the estimated increase, including more federally permitted vessels subject to annual VMS unit maintenance and primarily from an increased estimate of required trip notifications from fishery participants to NMFS. NMFS estimates that each trip notification results in a burden of 1 minute to report fishing activity for vessels in the Gulf reef fish fishery. The owners and operators of these additional vessels may also submit VMS power-down exemption requests or require the installation and certification of a VMS unit. The revised estimated responses results in an increased estimated number of burden hours for OMB Control No. 0648-0554 from 2,557 to 2,769 annually.

Finally, estimated capital or start-up costs decreased from \$380,000 to \$219,000, while estimated annual operations and maintenance costs increased from \$1,066,255 to \$1,323,126. The total

annual estimated costs for 0648-0544 increased from \$1,446,255 to \$1,542,126, an increase of \$95,871.

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

The results from this collection are not planned for statistical publication.

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

The collection does not employ statistical methods.