

**SUPPORTING STATEMENT**  
**U.S. Department of Commerce**  
**National Oceanic & Atmospheric Administration**  
**West Coast Region Vessel Monitoring System Requirement in the**  
**Pacific Coast Groundfish Fishery**  
**OMB Control No. 0648-0573**

**A. JUSTIFICATION**

- 1. Explain the circumstances that make the collection of information necessary. Cite all applicable authorities for this information collection.**

This request is for a revision and extension of a currently approved collection of information. The title is changing from *Vessel Monitoring System Requirement in the Pacific Coast Groundfish Fishery* to *West Coast Region Vessel Monitoring Requirement in the Pacific Coast Groundfish Fishery* in order to more accurately describe the collection.

**As part of Proposed Rule RIN: 0648-BI45, the National Oceanic and Atmospheric Administrations (NOAA) National Marine Fisheries Service (NMFS) proposes to revise reporting and monitoring provisions for vessels participating in the Pacific Coast groundfish fishery. This proposal would increase the position transmission rate for certain vessels using NMFS type-approved vessel monitoring system units and add a declaration for “gear testing.”**

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 United States Coast Guard (USCG), in cooperation with State agencies.

Traditional enforcement methods (such as aerial surveillance, boarding at sea via patrol boats, landing inspections and documentary investigation) are especially difficult to use when the closed areas are large-scale and the lines defining the areas are irregular. Furthermore, when management measures allow some gear types and target fishing in all or a portion of the conservation area, while other fishing activities are prohibited, it is difficult and costly to effectively enforce closures using traditional methods. Scarce state and federal resources also limit the extent to which traditional enforcement methods can be used effectively.

The VMS units that have been type-approved for this fishery range in costs and service features. This allows the vessel owner the flexibility in choosing the model that best fits the needs of their vessel. Vessels that have already purchased VMS transceiver units for other fisheries or personal purposes are allowed to retain existing VMS transceivers providing they are on the list of type-approved models and have been upgraded to the level required for the fishery.

To support the VMS monitoring program, the following information must be submitted to NMFS: 1) VMS installation/activation certification reports, 2) position reports, 3) exemption

reports, and 4) declaration reports

Installation/activation certification reports require vessel owners and operators to follow specific procedures when installing or re-installing a VMS transceiver unit. Upon activation the VMS installer must complete, sign, and return the certification form to NMFS. The form contains information on the VMS hardware and satellite communications services that are provided by private communications companies approved by NMFS. The installation and activation reports request contact information from open access vessels only. Vessels participating in the limited entry fishery are required to have permits registered to the vessels. Contact information for vessels registered to limited entry permits are obtained from the permits database. There are no federal permit requirements for open access fishery participants.

Position reports are automatically transmitted to NMFS via satellite once the VMS transceiver unit is installed and activated. Vessels that are required to have VMS must operate the mobile transceiver unit continuously 24 hours a day throughout the fishing year, except when a valid exemption report has been received by NMFS. The number of annual transmissions depends on the VMS transceiver that the vessel owner purchases and the number of fishing days per year in waters off the west coast. Many of the systems have a sleep function that automatically reduces the transmission reports when a vessel is in port. The sleep function allows for port stays without significant power drain or power shutdown. When the vessel goes to sea, the unit restarts and normal position transmissions automatically resume. Because the unit is continuously operable, NMFS may query the unit at any time to obtain a position report. **Under the proposed rule, signal transmissions for position reports will increase from once every hour to every 15 minutes. This increase will increase NMFS's ability to enforce fishing activity around restricted areas.**

Exemption reports are optional. The exemption reports are sent by the vessel owner or operator when they want their vessel to be excused from the requirement to operate the mobile transceiver unit continuously 24 hours a day throughout the fishing year. Such exemptions are only allowed for: vessels operating outside of the EEZ for more than 7 consecutive days, vessels that are continuously out of the water for more than 7 consecutive days, vessels that transfer the limited entry permit from the vessel and do not engage in any fishing off the west coast for the remainder of the year, vessels that depart the open access fishery for an extended period after the end of the fishing year, and for vessels that have had an emergency situation that resulted in vessel damage such as fire, flooding or other extensive physical damage that would require the VMS or power source to be disconnected. A vessel may be exempted from the requirement to operate the mobile transceiver unit continuously 24 hours a day if a valid exemption report is received by NMFS, Office for Law Enforcement (OLE) and the vessel is in compliance with all conditions and requirements of the exemption. An exemption report is valid until a second exemption report is sent to cancel the existing exemption.

Declaration reports are submitted to NMFS OLE by telephone or email 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 for a specific gear category, it cannot fish with any gear other than a gear type that has been declared for the vessel. If a vessel operator intends to use the vessel to fish in a different fishing category, a new declaration report must be submitted to revise the old declaration report. Declaration changes can be made while in port or at-sea. **Under the proposed rule, an additional declaration for "gear/equipment testing" will allow vessels an exemption from observer coverage while testing gear.**

The requirements for this information collection are codified in [50 CFR 660.13](#) and [660.14](#), Recordkeeping and Reporting and VMS Requirements.

**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.**

Installation/activation certification reports are used by NMFS OLE to confirm that a type-approved VMS unit was installed according to the prescribed procedures and that service has been arranged with an approved communications service provider. Activating the unit and requiring confirmation from NMFS OLE that automatic position reports are being received without error ensures the integrity of the monitoring program. Each VMS transceiver unit has a unique transmission signal that needs to be linked with a specific vessel for processing position reports.

Vessels registered to limited entry permits are required to have contact information on file with NMFS. However, vessels participating in the open access fisheries do not have federal permits. Therefore, it is necessary to collect contact information from open access fishers. Having contact information is necessary to provide conformation on the activation and in the event that there are problems with the VMS reports. If there are transmission problems, NMFS will need to have ready access to contact information and 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.

Vessel owners are required to provide these reports following initial installation and after a reinstallation or when the hardware or communications service provider changes. A vessel is expected to submit a report the first time it participates in a fishery where VMS is required. Because the service life of a VMS unit is approximately 4 years, respondents are expected to submit 1 report every 4 years.

Position reports are used by NMFS to maintain the integrity of large geographical areas where fishing activities are restricted. On a broad level, the VMS vessel location reports are a cost effective tool used to facilitate enforcement of time/area closures in the fishery. The position reports, are transmitted 24 hours per day throughout the fishing year (note: that some type-approved models have a sleep mode that automatically reduces the transmissions after an extended period of inactivity and resumes transmission when the vessel moves) and provide NMFS and USCG with real-time vessel location and activity information. Position information will also be used by NMFS fishery managers to evaluate fishing effort and determine whether further management measures are needed to protect low abundance species.

Exemption reports are sent by the vessel owner or operator when they want their vessel to be excused from the requirement to operate the mobile transceiver unit continuously 24 hours a day throughout the fishing year. Exemption reports are optional. The exemption reports allow flexibility to the industry participants while providing NMFS OLE with the information needed to determine why a position report is not being received from the vessel. Approximately 500 vessels are projected to send 2 exemption reports each per year. The exemption reports allow

flexibility to the industry participants while providing NMFS OLE with the information needed to determine why a position report is not being received from the vessel.

Declaration reports are used by NMFS OLE to identify the fisher's intended use for the vessel and if the vessel will participate in a particular fishery with a specific gear. Because area restrictions are specific to the gear type and target fisheries, declaration reports are needed to adequately assess the vessel's activity in relation to the area restrictions. In addition to the groundfish fishery, there are numerous state and federal fisheries that occur in the EEZ off Washington, Oregon, and California. Because many of the groundfish vessels also participate in fisheries other than groundfish, during an enforcement flyover or from a VMS position report alone it is difficult to determine if they are fishing for groundfish or for a species and with a gear for which harvest is allowed in the closed area. Because groundfish regulations do not allow switching between fishing strategies on a single fishing trip, the declaration report can be used to affirm which regulations the participant is subject to on a particular fishing trip. Similarly, the declaration system assists the West Coast Groundfish Observer Program and NMFS OLE to know what vessels should have observer coverage. Therefore, a declaration report is necessary to identify what gear the vessel operator intends to use.

A single gear type is typically used for multiple trips. Allowing each declaration report to be valid until a new declaration is made or until an exemption report is received reduces the reporting burden. This information is used in combination with VMS to more efficiently and effectively direct the use of enforcement resources throughout the fishing year. Each vessel is estimated to send up to 20 declaration reports per year. The submission of declaration reports was initially proposed as per trip reports. Following consultation with fishery participants, it was determined that the needs of NMFS OLE and the USCG could be met with less frequently made declaration reports. Therefore, it was determined that a declaration report identifying the type of gear being used by a vessel would remain valid until revised by the vessel operator or an exemption report was sent. This results in a significant reduction in the number of reports.

The National Oceanic and Atmospheric Administration (NOAA) 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. 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.**

Installation/activation certification reports are available on the internet. Due to the need for the owner's signature, NMFS will use facsimile and email submission for the installation report. NMFS OLE will accept mailed submissions if the vessel owner prefers this method.

Position reports are automatically sent from VMS transceivers installed aboard vessels. The unit automatically determines the vessel's location and transmits that position to a processing center via a communication satellite. The VMS transceiver units type-approved for use in the Pacific Coast groundfish fishery include models that automatically reduce the number of transmissions,

and thus the transmission costs after an extended period of inactivity by the vessel. In addition, vessel owners may choose to take advantage of the VMS technology by linking personal computers to VMS transceiver units to improve communication (by adding email capacity) and add other services such as newspapers or weather reports.

Exemption reports and Declaration reports are submitted by phone on a toll-free number or email. This form of reporting, available 24 hours per day, creates minimal burden for fishermen reporting, as well as for NMFS staff entering information into the database where it can be used in reports to monitor fishing activity. NMFS has prepared an example of a worksheet - not for submission to NMFS – that can be used by the caller to organize report information (available on the website).

**4. Describe efforts to identify duplication.**

There are no alternate sources of this information or duplicative requirements.

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

Most of the respondents qualify as small businesses. The burden on fishery participant was considered and only the minimum data needed to monitor compliance with regulations are being requested from respondents.

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

Installation/activation certification reports -- The use and submission of installation/activation certification reports is required once for the initial installation, and again for a re-installation or when the hardware or communications service provider changes. Less frequent reporting would prevent NMFS and the vessel operator from confirming that the system is functioning properly.

Position reports -- If the VMS was not operational, NMFS OLE agents and USCG would be tasked with monitoring closed areas via air and surface patrols. Because the USCG engages in multi-purpose missions, that include at sea surveillance of fisheries, homeland defense, search and rescue, and pollution response, monitoring efforts may be diverted from monitoring depth-based and EFH conservation areas. VMS provides a level of coverage that cannot be attained by these more traditional enforcement methods at a substantially lower cost.

A more liberal depth-based management regime is only possible if the integrity of the depth-based Rockfish Conservation Areas (RCAs) can be ensured. Without VMS it is likely that the depth-based management strategies are discontinued. VMS is necessary to ensure the integrity of the RCAs. If this were the case, the management structure would revert back to very restrictive limits on healthy stocks in order to protect low abundance species.

Vessels are required to transmit signals once every 15 minutes. Less frequent position reports would be ineffective in deterring the illegal activity. Along some areas of the coast, the RCAs and Essential Fish Habitat (EFH) areas are narrow or prime fishing grounds are near the boundary line. If reports were less frequently it would be possible for some vessels to fish within the restricted areas without being detected. This would undermine the integrity of the RCAs.

Exemption reports allow vessels to reduce or discontinue the VMS signal under specific conditions. If the reporting frequency were reduced, VMS signals would have to continue 24 hours per day throughout the calendar year. The reporting frequency has been reduced to the minimum amount needed to maintain the integrity of the RCAs.

Declaration reports are needed to determine if the vessel is engaged in an activity (i.e., fishing, transiting, research, or gear testing) that is allowed or prohibited in the closed area. The declaration reports allow traditional enforcement resources to be directed towards RCA or EFHCA incursions efficiently and effectively throughout the fishing year. The reporting frequency has been reduced to the minimum amount needed to maintain the integrity of the RCAs. In addition, the declaration reports are needed to identify a vessel's intent to participate in a fishery with a specific gear. Groundfish regulations allow switching between fishing strategies on a single fishing trip so the declaration report can be used to affirm which regulations the participant is subject to on a particular fishing trip. Thus, the declaration report helps support enforcement efforts for participants that are not following the regulations for the fishery they have declared. Similarly, the declaration system assists the West Coast Groundfish Observer Program and NMFS OLE to know what vessels should have observer coverage. Therefore, a declaration report is necessary to identify what gear the vessel operator intends to use or if a vessel is testing gear.

**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.

- 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 October 10, 2019 (84 FR 54579) solicited public comments.

NMFS received 13 comments on the proposed rule during the public comment period. Commenters included: Oceana, an environmental organization; the California Department of Fish and Wildlife (CDFW); the fishing associations Ventura County Commercial Fishermen's Association, the San Diego Fishermen's Working Group, and the South Bay Cable/Fisheries Liaison Committee; seven commercial fishermen; and a private citizen. Most of the commercial fishermen opposed the VMS position transmission rate increase from once per-hour to four times per-hour because it will increase vessel operating costs. Oceana supported the increase because increased transmission frequency is necessary to adequately monitor and enforce conservation areas in federally managed groundfish fisheries.

The Pacific Fisheries Management Council (Council) recommended increasing the VMS

transmission rate frequency to improve NMFS' capacity to enforce fishing activity around restricted areas. The once per-hour transmission rate does not provide sufficient position data to enforce restricted areas and a four times per-hour transmission rate greatly improves our ability to monitor incursions. We recently implemented a rule that made changes to groundfish conservation areas, and the increased VMS transmission rate supports that action. Ultimately, the Council and NMFS determined that the conservation benefits from increasing our ability to enforce restricted areas justifies the potential additional operating cost for fishery participants.

No changes have been made to the regulatory text of the proposed rule.

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

No payments or gifts are provided under this program at this time.

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

Efforts were made in the design of the VMS program to ensure security of all individual vessel location data, including analysis and storage. The system includes measures to minimize the risk of direct or inadvertent disclosure of fishing location information. In addition, VMS data is considered confidential under [NOAA Administrative Order 216-100](#), Confidentiality of Fishery Statistics, and is subject to the confidentiality protection of Section 402 of the Magnuson-Stevens Act.

**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 of a sensitive nature are asked.

12. Provide an estimate in hours of the burden of the collection of information. (add rows as necessary)

For wage costs: use [www.bls.gov/oes](http://www.bls.gov/oes) , then click on OES Data in the left-hand column, then National to find Occupational Employment Wage Rates for the current year. Find the appropriate Occupational Title of the Respondent completing the Information Collection and use the Mean hourly wage.

Information Collection	Type of Respondent (Occupational Title)	# of Respondents	Annual # of Responses / Respondent	Total # of Annual Responses	Burden Hrs / Response	Total Annual Burden Hrs	Mean Hourly Wage Rate (for Type of Respondent)	Total Annual Wage Burden Costs
Initial installation	Electrician	1000	1	1000 (333 annualized)	4 hours	4,000 (1,333 annualized)	\$29.55	\$39,390.15
Initial VMS unit installation/activation	Electrician	250	1	250	5 hours	1,250	\$29.55	\$36,937.50
VMS unit maintenance	Electrician	1000	1	1000 (333 annualized)	1 hours	1000 (333 annualized)	\$29.55	\$9,840.15
Position reports	Automatic	1000	25,040	25,040,000	0	0	\$0	\$0
Exemption reports	Fishermen	500	2	1000	5 mins	83.33	\$14.49	\$1,207.75
Declaration reports	Fishermen	1000	10	10,000	4 mins	666.66	\$14.49	\$9,659.90
<b>Totals</b>				<b>25,051,916</b>		<b>2,436.82</b>		<b>\$97,035.45</b>



**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). (add rows as necessary)**

Information Collection	# of Respondents	Annual # of Responses / Respondent	Total # of Annual Responses	Cost Burden / Respondent	Total Annual Cost Burden
Initial installation of VMS unit	1000	1	1000 (333 annualized)	\$3,350	\$3,350,000 (\$1,115,550)
Installation/activation report	250	1	250	\$1	\$250
Maintenance	1000	1	1000 (333 annualized)	\$300	\$300,000 (\$99,900)
Position Reports - Annual Cost	1000	25,040	25,040,000	\$1,051.20	1,051,200
Exemption Reports	500	2	1000	\$0.00	\$0.00
Declaration Reports	1000	10	10000	\$0.00	\$0.00
<b>TOTALS</b>			<b>25,051,916</b>		<b>\$2,266,900</b>

**14. Provide estimates of annualized cost to the Federal government. (add rows/information as necessary)**

Cost Descriptions	Grade/Step	Loaded Salary /Cost	% of Effort	Fringe (if Applicable)	Total Cost to Government
<b>Federal Oversight</b>					
2.5 FTEs	ZP-2	\$51,440	100		\$128,600
<b>Contractor Cost</b>					
<b>Travel</b>					
<b>Other Costs</b>					
<b>TOTAL</b>		<b>\$51,440</b>			<b>\$128,600</b>

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

The following tables show the changes and in the number of respondents, responses, time estimates, labor costs, and miscellaneous costs; and explains the reasons for these changes.

Information Collection	Respondents		Responses		Annual Burden Hours		Reason for change or adjustment
	Current Renewal / Revision	Previous Renewal / Revision	Current Renewal / Revision	Previous Renewal / Revision	Current Renewal / Revision	Previous Renewal / Revision	
Initial Installation & Maintenance & Activation Report	1000	1000	333	250	2,916	21	Previous renewal calculated responses on a 4-year renewal period, not 3-year. Burden hours incorrectly calculated in minutes instead of hours.
Position reports	1000	NA	25,040,000	NA	NA	NA	Change: This is a new requirement. Responses are automated.
<b>Total for Collection</b>	<b>2000</b>	<b>1000</b>	<b>25,040,333</b>	<b>250</b>	<b>2,916</b>	<b>21</b>	
<b>Differences</b>	<b>1000</b>		<b>25,040,083 (+ 25,040,000 Change) (+ 83 Adjustment)</b>		<b>2,895</b>		

Information Collection	Total Labor Costs		Total Miscellaneous Costs		Reason for change or adjustment
	Current	Previous	Current	Previous	
Initial Installation & Maintenance & Activation Report			\$1,215,700	\$1,933,250	Calculation correction of the maintenance cost.
Position Reports	\$0	\$0	\$1,051,200	NA	Change: This is a new requirement. Responses are automated. This is the cost to operate the unit for the number of pings.
<b>Total for Collection</b>			<b>\$2,266,900</b>	<b>\$1,933,250</b>	
<b>Differences</b>	<b>\$0</b>		<b>\$333,650 (+ \$1,051,200 Change) (-- \$717,550 Adjustment)</b>		

The ROCIS entries for this information collection were separated out into the information collections reflected in this Supporting Statement to provide clarity. This does not result in any adjustments to the collections beyond what is identified above. However, a change table is provided to clearly identify the ROCIS revisions.

Previous ROCIS Breakout of Information Collections	Respondents	Responses	Burden Hours	Miscellaneous Costs	Current ROCIS Breakout of Information Collections	Respondents	Responses	Burden Hours	Miscellaneous Costs
	Previous Revision	Previous Revision	Previous Revision	Previous Revision		Current Revision	Current Revision	Current Revision	Current Revision
VMS Activation Checklist, Purchase, Maintenance, and Position Transmission Costs	250	250	21	\$ 1,933,250	VMS Initial Installation	1,000	333	1,333	\$ 1,115,550.00
					VMS Installation/Activation	250	250	1,250	\$ 250.00
					VMS Maintenance	1,000	333	333	\$ 99,900.00
VMS Exemption Reports	1,000	1,000	83	\$ -	Exemption Reports	500	1,000	83	\$ -
VMS Declaration Reports	1,000	10,000	667	\$ -	Declaration Reports	1,000	10,000	667	\$ -
					Position Reports	1,000	25,040,000	-	\$ 1,051,200.00
<b>Total for Collection</b>	<b>1000 unique</b>	<b>11,250</b>	<b>771</b>	<b>\$ 1,933,250.00</b>	<b>Total for Collection</b>	<b>1000 unique</b>	<b>25,051,916</b>	<b>3,666</b>	<b>\$ 2,266,900.00</b>
					<b>Difference</b>	<b>-</b>	<b>25,040,666</b>	<b>2,895</b>	<b>\$ 333,650.00</b>
						(+25,040,000 change)			(+ \$1,051,200 change)
						(+666 adjustment)			(- \$717,550 adjustment)

**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. The data will be used for management reports and fishery management plan amendments and evaluations by NMFS and the Council. However, subsequent use of the data collected over a series of years may be included in 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.**

The Declaration Worksheet will display the expiration date for the information collection.

**18. Explain each exception to the certification statement.**

There are no exceptions for compliance with provisions in the certification statement.