

**SUPPORTING STATEMENT**  
**U.S. Department of Commerce**  
**National Oceanic & Atmospheric Administration**  
**West Coast Region Vessel Monitoring System and Pre-Trip Reporting System**  
**Requirements**  
**OMB Control No. 0648-0498**

**Abstract**

This request is for an extension of OMB Control No. 0648-0498. Owners of vessels that fish out of the eastern Pacific Ocean waters of the Inter-American Tropical Tuna Commission Convention Area for highly migratory species (HMS) as defined by the Fishery Management Plan for U.S. West Coast Fisheries for HMS as well as a broader group of tuna and tuna-like species covered by the IATTC using gear types longline or drift gillnet, or over 24 meters or more in length are required to submit information in regards to their planned fishing activities. These vessel owners and operators are required to submit information about their intended and actual fishing activities that would allow NMFS to monitor the fisheries under international and domestic regulations. These include pre-trip reporting requirements and VMS. Pre-trip reporting requirements are essential for assigning available observer coverage to selected HMS vessels. VMS units facilitate enforcement of management measures associated with HMS fisheries, provide timely information on associated fleet activities and enable confirmation of reported vessel fishing activity locations, which help validate logbook record accuracy.

**Justification**

**1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

This is a request for extension of OMB Control No. 0648-0498. 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 87<sup>th</sup> 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 Dolphinfin (*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. 1 Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.**

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 collection techniques or other forms of information technology, e.g. permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also, describe any consideration of using information technology to reduce burden.**

VMS vessel location reports: 1The 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](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. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Question 2**

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 impacts small businesses or other small entities, describe any 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 consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.**

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. If applicable, provide a copy and identify the date and page number of publications in the Federal Register of the agency's notice, required by 5 CFR 1320.8 (d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.**

A Federal Register notice published on April 2, 2020 (85 FR 18558), which included a request for public comments. None were received.

By April 1, 2020, the NMFS’ type-approval expired for some VMS units (e.g. McMurdo units). Leading up to this change, NMFS sent letters to VMS users, notifications to list serves, submit information reports to the Pacific Fishery Management Council’s public meetings, and fielded calls from potential respondents.

**9. Explain any decision to provide any payment or gift 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 the assurance in statute, regulation, or agency policy. If the collection requires a systems of records notice (SORN) or privacy impact assessment (PIA), those should be cited and described here.**

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 or attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.**

No questions are asked of a sensitive nature.

**12. Provide estimates of the hour burden of the collection of information.**

Information Collection	Type of Respondent (e.g., Occupational Title)	# of Respondents (a)	Annual # of Responses / Respondent (b)	Total # of Annual Responses (c) = (a) x (b)	Burden Hrs / Response (d)	Total Annual Burden Hrs (e) = (c) x (d)	Hourly Wage Rate (for Type of Respondent) (f)	Total Annual Wage Burden Costs (g) = (e) x (f)
One-time install of a VMS unit	Electrician	53	0.33	18 (annualized)	4hr install	72 (annualized)	\$29.55	\$2,128
Repair/maintain VMS unit	Electrician	53	1	53	1 hr repair	53	\$29.55	\$1,566
Installation/ activation reports	Fisherpersons	53	0.33	18 (annualized)	5 min	1.5hrs	\$14.49	\$22
“On-off” reports	Fisherpersons	53	1	53	5 min	4.5 hrs	\$14.49	\$65
Pre-trip	Fisherpersons	53	6	318	5 min	26.5 hrs	\$14.49	\$384

notifications	ns						
<b>Totals</b>			<b>460</b>		<b>157</b>		<b>\$4,165</b>

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

**13. Provide an estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected on the burden worksheet).**

Information Collection	# of Respondents (a)	Annual # of Responses / Respondent (b)	Total # of Annual Responses (c) = (a) x (b)	Cost Burden / Respondent (h)	Total Annual Cost Burden (i) = (c) x (h)
One-time install of a VMS unit	53	0.33	18	\$3,287	\$59,166
Repair/maintain VMS unit	53	1	53	\$300	\$15,900
Installation/activation reports	53	0.33	18	\$3	\$54.00
Position Reports	53	365	19,345	\$1.50/day	\$29,018
"On-off" reports	53	1	53	\$1	\$53.00
pre-trip notifications	53	6	318	\$1	\$318
<b>TOTALS</b>	<b>53</b>		<b>19,805</b>		<b>\$104,509</b>

**14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information.**

Cost Descriptions	Grade/Step	Loaded Salary /Cost	% of Effort	Fringe (if Applicable)	Total Cost to Government
Federal Oversight	ZPII	\$ 51,440	0.1325		\$ 6,815.80
Other Federal Positions					
Contractor Cost					
Travel					



Other Costs:					
<b>TOTAL</b>					\$ 6,816

Some federal costs reported in the previous revision were for the West Coast VMS program, which monitors all fleets with VMS in the region. This collection’s annualized federal cost has been adjusted as most federal costs associated with the West Coast VMS program are covered in collection 0649-0573.

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

Information Collection	Respondents		Responses		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	
One-time install of a VMS unit	53	36	18	12	72	48	Increase in respondents due to adjustment in the number of permitted vessels
Repair/maintain VMS unit	53	36	53	36	53	36	
Installation/activation reports	53	36	18	12	1.5	1	
“On-off” reports	53	36	53	36	4.5	3	
Pre-trip notifications	53	36	318	216	26.5	18	
<b>Total for Collection</b>	<b>53</b>	<b>36</b>	<b>460</b>	<b>312</b>	<b>157</b>	<b>106</b>	
<b>Difference</b>	<b>17</b>		<b>148</b>		<b>51</b>		

Information Collection	Labor Costs		Miscellaneous Costs		Reason for change or adjustment
	Current	Previous	Current	Previous	
One-time install of a VMS unit	\$ 2,098	0	\$ 59,166	\$ 48,000	Increase in respondents due to adjustment in the number of permitted vessels, updating collection for new requirement to include labor costs
Repair/maintain VMS unit	\$ 1,566	0	\$ 15,900	\$ 10,165	
Installation/activation reports	\$ 22	0	\$ 54	\$ 36	
Position Reports	\$ -	0	\$ 29,018	\$ 18,551	
“On-off” reports	\$ 65	0	\$ 53	\$ 36	
Pre-trip notifications	\$ 384	0	\$ 318	\$ 216	
<b>Total for Collection</b>	<b>\$ 4,135</b>	<b>0</b>	<b>\$ 104,509</b>	<b>\$ 77,004</b>	
<b>Difference</b>	<b>\$4,135</b>		<b>\$ 27,505</b>		

**16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of**

**the collection of information, completion of report, publication dates, and other actions.**

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 that display would be inappropriate.**

There are no forms associated with this collection.

**18. Explain each exception to the certification statement identified in “Certification for Paperwork Reduction Act Submissions.”**

On behalf of this Federal agency, I certify that the collection of information encompassed by this request complies with [5 CFR 1320.9](#) and the related provisions of [5 CFR 1320.8\(b\)\(3\)](#).

## **B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS**

No statistical methods are employed.