

SUPPORTING STATEMENT
U.S. Department of Commerce
National Oceanic & Atmospheric Administration
Vessel Monitoring System Requirements for the Pacific Islands Fisheries
OMB Control No. 0648-0441

Abstract

Vessels registered to Hawaii longline limited entry permits, large (> 50 ft. overall length) vessels registered to American Samoa longline limited entry permits, and medium (> 40 ft. overall length) and large vessels registered to Northern Mariana Islands bottomfish permits must have satellite-based vessel monitoring systems (VMS) installed and operating during all fishing operations. VMS data are used to monitor compliance with closed and prohibited fishing areas (including Marine National Monument areas closed to commercial fishing), and verification of logbook reports, among other compliance and verification purposes. VMS data are transmitted automatically. Burden to vessel owners is limited to time taken for installation, operations, and maintenance.

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 request is for a revision and extension of a currently approved collection of information. The revision adds Position Reports – which were inadvertently omitted in the previous renewal – to this collection.

The [Magnuson-Stevens Fishery Conservation and Management Act](#) (Magnuson-Stevens Act) established regional fishery management councils, such as the Western Pacific Fishery Management Council (Council), to develop fishery ecosystem plans (FEP) for fisheries in the United States (U.S.) Exclusive Economic Zone (EEZ). The National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS) implements these plans, if approved by the Secretary of Commerce (Secretary), via Federal regulations. The NOAA Office for Law Enforcement (OLE) and U.S. Coast Guard (USCG) enforce these regulations, in cooperation with State agencies to the extent possible. The FEPs ensure the long-term productivity and optimum yield of fishery resources for the benefit of the U.S.

The Council has management jurisdiction over fisheries in the Pacific Ocean in the Exclusive Economic Zone (EEZ) around American Samoa, Guam, Hawaii, Northern Mariana Islands, and certain other remote U.S. Pacific island possessions¹. The Council prepared, and the Secretary approved and implemented through regulations, FEPs for pelagic fisheries and archipelagic (island-based) fisheries in the western Pacific. The regulations include, but are not limited to, permit requirements, gear restrictions, temporal and spatial closures, harvest guidelines, reporting requirements, and protected species mitigation measures.

¹ Howland, Baker, Jarvis, Wake and Palmyra Islands, Johnston Atoll and Kingman Reef.

Regulations at [50 CFR Part 665](#), implementing the Fishery Ecosystem Plan for Pelagic Fisheries of the Western Pacific Region (Pelagics FEP) and the Fishery Ecosystem Plan for the Marianas Archipelago (Marianas FEP) require 1) all vessels registered for use with Hawaii longline limited access permits, 2) all large vessels (greater than 50 ft in overall length) registered for use with American Samoa longline limited access permits, and 3) all medium and large vessels (40 ft or greater in overall length) registered to Northern Mariana Islands bottomfish permits, to maintain and operate Vessel Monitoring Systems (VMS) on their vessels, after they have been advised by NOAA OLE of a requirement to carry such units (50 CFR 665.16). NOAA OLE provides the units and installs them for the permit holders. NOAA OLE arranges installation at times when the vessel is in port between trips to ensure minimal disruption of other activities by the vessel.

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.

On a broad level, the VMS vessel location reports facilitate enforcement of prohibited or restricted fishing areas around American Samoa, Guam, Hawaii, Northern Mariana Islands, and Pacific Remote Island Areas, including Marine National Monuments closed to commercial fishing. The reports provide NOAA OLE and USCG with near-real-time vessel location information. NMFS uses the VMS reports to verify the accuracy of vessel position information reported by the vessel operator in the daily fishing logbooks required by regulations. This is important in determining or verifying locations of catch by species and time as well as locations where there were interactions with protected species, such as endangered and threatened sea turtles. The information determines whether NMFS needs to change management rules to protect sensitive species or to address fishery interaction problems, and supports NMFS's evaluation of the impacts of potential changes.

OLE contacts vessel owners if they are newly permitted and required to have a VMS. OLE also contacts them if a VMS is not operating correctly. Owners may contact OLE by calling or emailing the regional OLE office if they need installation or maintenance.

Authorized entities (NOAA OLE, USCG, NMFS, and others) use the information collected internally per [NMFS Policy Directive PD 06-101](#), June 17, 2006, VMS Data Access and Dissemination Policy, and [NOAA Administrative Order NAO 0216-0100](#), Protection of Confidential Fisheries Statistics. The information is not disseminated to the public except in non-confidential or aggregate form in summary and analytical reports. See response to Question 10 of this Supporting Statement for more information on confidentiality and privacy. Prior to dissemination, the information is 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 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.

1The VMS is an automated, satellite-based system that assists NOAA OLE and the USCG in monitoring compliance with applicable federal regulations in a reliable and cost-effective manner. Electronic VMS shipboard equipment installed permanently onboard a vessel provides information about the vessel's position. The shipboard VMS unit transmits the information to the monitoring agency's fishery monitoring center, where the identity and location of the vessels are shown on a map display, comparing vessel positions with features of interest, such as closed area boundaries.

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

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.

Vessels in the Pacific Islands fisheries affected by the VMS requirement generally range in size from 20 feet to 100 feet and are categorized as "small businesses." In all cases, NOAA OLE notifies the vessel owner when the requirement would take effect and arranges appointments for installation and maintenance inspections with the vessel owner and operator to minimize time burden and business disruption by these activities. There is no reporting burden on vessel owners to arrange for VMS installation or to operate the units.

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.

Without VMS, NOAA OLE and USCG would be tasked with monitoring closed areas via air and surface patrols. The annual cost of relying on traditional surveillance methods using air and surface patrols for time and area coverage is estimated at more than \$31 million. Comparatively, VMS provides 95 to 98 percent coverage at an estimated annual cost of \$462,612.

There is no reporting interval requirement for the vessel owner. The interval at which a vessel's VMS unit reports is set by NOAA OLE (generally hourly).

7. Explain any special circumstances that would cause an information 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 more frequent interval is necessary to detect vessel activities in and out of areas closed to fishing, 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 May 7, 2020, (85 FR 27210) solicited public comments.

Comment 1: A letter addressed to the NOAA PRA Officer was received in response to the FR notice from Earthjustice on behalf of Kapa‘a, Hui Aokanaka, Conservation Council for Hawai‘i, Turtle Island Restoration Network, Center for Biological Diversity, and Michael Nakachi. The commenters support the continued use of VMS in the Western Pacific Fisheries as a necessary component of the regulatory regime protecting against overfishing, depletion, and potential extinction of target and non-target marine species. Commenters also support the expansion of VMS technology as a proven management measure that can be readily implemented across other commercial fisheries operating in the Western Pacific.

In addition to the FR notice, we solicited comments by email and telephone from members of the fishing industry, fishery council, and other individuals. We received the following responses:

Comment 2: A Western Pacific Fishery Management Council staff member said that the Council staff did not have any comments or concerns regarding the renewal. VMS continues to be an important tool in managing fisheries under our FEPS.

Response: We thanked the Council for their comment.

Comment 3: The Executive Director of the Hawaii Longline Association commented that the collection is necessary and the time burden to collect information appears accurate.

Response: We thanked the Executive Director for his comment.

Comment 4: A member of a business that owns several longline fishing vessels commented that he is okay with the present system and thinks it works fine. No comments.

Response: We thanked the vessel owner for his comment.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

We provided no payments or gifts.

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.

NMFS designed the VMS program to ensure the 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. Vessel operators consider these data proprietary, and NOAA OLE and USCG have taken steps to secure this information as “official use only” throughout the program design. Information submitted is confidential under the Magnuson-Stevens Act and NOAA regulations, except under certain circumstances as outlined in the Magnuson-Stevens Act.

Additional protections: Electronic records are stored in secure computerized databases or on CDs in locked rooms; paper records are stored in file folders in locked metal cabinets and/or locked rooms. Records are stored in buildings with doors that are locked during and after business hours. Visitors must register with security guards and must be accompanied by Federal personnel at all times. Records are organized and retrieved by NOAA internal identification number, name of entity, permit number, vessel name, or vessel identification number. Electronic records are protected by a user identification/password. The user identification/password is issued to allowed individuals by authorized personnel.

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 of a sensitive nature are asked.

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

Currently, under the Hawaii longline limited entry program, 145 (164 max) vessels are registered and in the American Samoa longline limited entry program, 38 large (>50 ft LOA) vessels are registered, although 22 also have Hawaii longline permits and already have VMS units. If all 164 Hawaii permits were registered, the total number of vessels requiring VMS would be 180 (164 + 16). No medium-large CNMI bottomfish vessels requiring VMS are currently registered.

The estimated time per response is 4 hours to install a VMS unit, 2 hours to replace a VMS unit, and 1.5 hours to maintain or repair a VMS unit.

Vessel owners or representatives generally observe the initial installation, which involves a total of about 40 hours annually (estimated 10 vessels x 4 hours per vessel). The vessel owners or representatives may also observe any replacement, estimated at 70 hours annually (35 vessels x 2 hours per vessel) or maintenance and repair at 60 hours annually (40 vessels x 1.5 hours per vessel). Thus, the annual burden is 170 hours.

Annual Estimates:

Install: 10 vessels x 4 hours per vessel = 40 hours

Replace: 35 vessels x 2 hours per year = 70 hours

Maintain/Repair: 40 vessels x 1.5 hours = 60 hours

Total estimated burden hours = 170 hours

Total estimated annual responses = 1,576,885 (respondent observations + VMS automated position reports)

NOAA OLE Pacific Islands Division was consulted to develop these estimates.

Information Collection	Type of Respondent (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)	Mean Hourly Wage Rate (for Type of Respondent) (f)	Total Annual Wage Burden Costs (g) = (e) x (f)
Observe initial installation (new installation)	Fisherman	10	1	10	4	40	\$16.35	\$654.00
Observe VMS replacement (current installation)	Fisherman	35	1	35	2	70	\$16.35	\$1,144.50
Observe VMS unit maintenance and repair	Fisherman	40	1	40	1.5	60	\$16.35	\$981.00
Position reports	Automatic	180	8,760	1,576,800	0	0	0	0
Totals				1,576,885		170		\$2,779.50

The 2018 table was consulted for Mean Hourly Wage Rate because the 2019 table did not have the correct category for Hawaii.

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).

NMFS purchases the VMS units, installs, repairs and maintains them, and pays for reporting (airtime) costs. There is no cost to the fishermen.

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.

Consulted with NOAA OLE Pacific Islands Division for information.

Cost Descriptions	Grade/Step	Loaded Salary /Cost	% of Effort	Fringe (if Applicable)	Total Cost to Government
Federal Oversight					
2.5 FTE - Investigative Support Technician	ZP-2	\$51,440	100		\$128,600
1 FTE - Investigative Support Program Manager	ZA-4	\$153,310	40		\$61,324
Contractor Cost					\$20,700
(for installation, repair, and maintenance)					
Travel					\$24,000
Other Costs					
VMS hardware & airtime					\$227,988
TOTAL		\$204,750			\$462,612

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

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

More detailed information developed for this extension was added to the information collection.

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	
VMS installation, replacement, repair and maintenance, and reporting	0	85	0	85	0	170	Previous collection adjusted to break each component into separate IC
Observe initial installation (new installation)	10	N/A	10	N/A	40	N/A	
Observe VMS replacement (current installation)	35	N/A	35	N/A	70	N/A	
Observe VMS unit maintenance and repair	40	N/A	40	N/A	60	N/A	
Position reports	180	N/A	1,576,800	N/A	0	N/A	Position report estimates mistakenly not included in previous extension
Total for Collection	180	85	1,576,885	85	170	170	
Difference		95		1,576,800		0	

Information Collection	Labor Costs		Miscellaneous Costs		Reason for change or adjustment
	Current	Previous	Current	Previous	
VMS installation, replacement, repair and maintenance, and reporting	0	N/A	0	0	Previous extension did not have costs broken out.
Observe initial installation (new installation)	\$654.00	N/A	0	N/A	
Observe VMS replacement (current installation)	\$1,144.50	N/A	0	N/A	
Observe VMS unit maintenance and repair	\$981.00	N/A	0	N/A	
Position reports	0	N/A	0	N/A	
Total for Collection	\$2,780	N/A	0	0	
Different		\$2,780		0	

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 management reports and fishery management plan amendments 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 information collection.

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

"The agency certifies compliance with [5 CFR 1320.9](#) and the related provisions of [5 CFR 1320.8\(b\)\(3\)](#)."