SUPPORTING STATEMENT
U.S. Department of Commerce
National Oceanic & Atmospheric Administration
Electronic Monitoring Systems for Atlantic Highly Migratory Species (HMS)
OMB Control No. 0648-0372

Abstract

This is a resubmission, with the final rule, of a request for revision of an existing information collection. The associated rule, Amendment 13 to the 2006 Atlantic Consolidated Highly Migratory Species (HMS) Fishery Management Plan (FMP) (Amendment 13), adds a requirement to report commercial fishing interactions with bluefin tuna to Atlantic Tunas Longline permitted vessels using green-stick gear, and removal of reporting requirement for vessels fishing with purse seine gear, which would no longer be allowed. (RIN 0648-BI08).

Two changes were made to this information collection (ICR) from the proposed to the final rule that resulted in changes to the burden and cost estimates for this collection. Previously, the National Marine Fisheries Service (NMFS) would cover all costs associated with the installation of electronic monitoring (EM) systems; however, NMFS is now moving toward having vessel owners pay for portions of the EM system consistent with the NOAA Cost Allocation Policy (Procedure 04-115-02). Per this policy change, the final rule now requires that installation of hardware to improve the view of the EM rail camera, and installation of a measuring grid will be incurred by the vessel owner, and will not be subject to reimbursement from NMFS. New entrants to the HMS fishery may still qualify for reimbursement for EM equipment costs if funds are available. As all active vessels now possess EM systems, this ICR has been modified to include full EM installation costs for only one new entrant per year. Finally, the final rule reduces the EM reporting burden for the longline fishery by half. Previously, EM vessels were required to send their EM hard drives to NMFS following every trip, but this rule modifies that reporting requirement to every other trip. While these changes were not included in this PRA supporting statement at the proposed rule stage, the public was given the opportunity to comment on all of them during proposed rule comment period, and summaries of their comments and the agency's responses are included under question 8. The combined effect of these changes is a significant reduction in reporting burden and costs for the pelagic longline fishery.

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.

The United States (U.S.) Secretary of Commerce is authorized to regulate fisheries for Atlantic HMS under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; 16 U.S.C. 1801 *et. seq.*) and the Atlantic Tunas Convention Act of 1975 (ATCA; 16 U.S.C. 971 *et. seq.*), as amended. Under ATCA, the Secretary of Commerce is required to promulgate regulations as may be necessary and appropriate to implement binding

recommendations adopted by the International Commission on the Conservation of Atlantic Tunas (ICCAT).

ICCAT recommendations establish annual quotas which limit the overall U.S. bluefin tuna (bluefin) catch and require that data be collected on all sources of bluefin fishing mortality. Under the authority of the Magnuson-Stevens Act and ATCA, the 2006 Atlantic Consolidated HMS Fishery Management Plan (FMP) and implementing regulations at 50 CFR 635 were developed and implemented to manage Atlantic HMS fisheries, and thus established the framework for allocation of the U.S. annual bluefin tuna quota. This collection of information document addresses two HMS gear types that catch bluefin (pelagic longline and purse seine). Current regulations for vessels fishing with pelagic longline gear include a catch share program (the Individual Bluefin Quota (IBQ) Program), which was implemented in 2017 (Amendment 7 to the HMS FMP) to increase individual vessel accountability for bluefin catch and reduce dead discards. In support of increasing accountability for bluefin catch, for vessels using either pelagic longline or purse seine gear, additional monitoring and reporting requirements were implemented. Vessel operators were required to report information on bluefin catch through their Vessel monitoring systems (VMS), which were previously used to monitor vessel location. The VMS bluefin set reports, provide valuable real-time catch data that is necessary to account for dead discards and monitor catch. Amendment 13 was developed to refine management of the bluefin fishery in response to the findings of a three-year review of the IBQ Program. Due to the need to optimize the use of bluefin quota and the inactivity of the historical participants in the purse seine fishery, changes implemented in Amendment 13 include the expansion of VMS bluefin set reports to vessels issued an Atlantic Tunas Longline category permit while using green-stick gear and the removal of the authorization of the use of purse seine gear.

Electronic monitoring and VMS requirements in HMS fisheries approved under this collection are:

1) Vessels with an Atlantic Tunas Longline category permit or vessels with pelagic longline (PLL), shark bottom longline (BLL)[a], or shark gillnet gear onboard[b] are required to have a VMS electronic mobile transmitting unit (E-MTU) installed by a qualified marine technician and submit an installation checklist;
2) Vessels with VMS must provide hourly position reports 24/7/365 (unless covered by provisions in (4), below);
3) Vessels with VMS must hail in and out for each trip;
4) Provisions for long-term declaration out of the fishery and power down exemptions;
5) Vessels with an Atlantic Tunas Longline category permit are required to use VMS E-MTUs to make reports of fishing effort and bluefin tuna catch for each set, including when fishing with PLL or green-stick gear; and
6) PLL vessels are required to install and use an EM system to document catch during PLL fishing activity, including incidentally caught bluefin tuna.

2. 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.

[a] between 33°00' N. latitude and 36°30' N. latitude between January 1 and July 31 every year

[b] possess a shark directed permit and have gillnet gear onboard between December 1 and March 31 in the Southeast U.S. Restricted Area as defined in 50 CFR 229.32(f)(2).

VMS installation and activation checklist - Requirement for additional respondents

Individuals purchasing VMS for the first time (i.e., new entrants), would be required to submit a one-time installation and activation checklist after a new E-MTU VMS unit is installed by a qualified marine electrician. The checklist indicates the procedures to be followed by the marine electricians who install the E-MTU VMS units. These forms would be completed by the electricians and then submitted to NMFS by the vessel owner. This checklist provides NMFS Office of Law Enforcement (OLE) with information about the hardware installed and the communication service provider that will be used by the vessel operator. Specific information that links a permitted vessel with a certain transmitting unit and communications service is necessary to ensure that NMFS will receive automatic position reports properly. In the event that there are problems, NMFS will have access to a database that links owner information with installation information. NMFS can then contact the vessel operator and discern whether the problem is associated with the transmitting hardware or the service provider.

VMS hourly location reports and hail-in/hail-out information

NMFS OLE uses VMS hourly location reports and hail-in/hail-out information to monitor and enforce closed and gear-restricted areas implemented to reduce bycatch of juvenile swordfish, sharks, sea turtles, bluefin tuna, and other species necessary to comply with the Marine Mammal Protection Act, Endangered Species Act, National Standard 9 (bycatch and bycatch mortality reduction) of the Magnuson-Stevens Act, and the 2006 Consolidated HMS FMP and its amendments. There are numerous areas that are closed or where certain fishing gear is restricted to fishermen fishing for HMS. NMFS OLE uses VMS position data as a cost effective tool to improve enforcement of time/area closures, to monitor the fleet during closed periods, to deter illegal fishing, to increase efficiency of surveillance patrols, to support determination of probable cause for obtaining a search warrant in NMFS OLE investigations, and to support enforcement of other regulations such as closed seasons once a quota has been reached. The requirement to notify NMFS OLE at least three hours, but no more than 12 hours, prior to returning to port (i.e., hail-in) provides notification that fishing activities are being completed, gear is no longer being deployed, and the vessel is transiting back to port.

Long-term declarations out of the fishery

Vessel operators carrying HMS permits, but not fishing for or retaining HMS for two or more consecutive fishing trips, have the option to make long-term declarations out of the fishery so that they are not required to hail-out or hail-in on each trip. To “declare out” of HMS fisheries, the vessel operator must declare that they were fishing for non-HMS species via the VMS unit. Such a declaration exempts the vessel from hail-in and hail-out requirements until the vessel resumes fishing for and retaining HMS, at which time the vessel will need to resume hailing-out and hailing-in for each trip. Vessels operating under a long-term declaration out of the HMS fishery are still required to provide 24/7 hourly location signals with their VMS units, and are still required to follow all other HMS regulations (i.e., not fishing within relevant closed areas). Vessel operators wishing to make long-term declarations out of the fishery must submit the declaration before leaving for their next fishing trip. Vessels that have declared out of the HMS fisheries, but incidentally catch and retain HMS species while fishing, must revise their target species and “declare in” while at sea before returning to port with any HMS species in their possession. The vessel is also then required to hail-in as per the regular HMS reporting requirements.

VMS power down exemption

In the event that a vessel has to power down their VMS unit, any long-term declaration would become null and void, and a new declaration must be issued upon powering up the VMS unit. Fishermen must request a documented exemption if their VMS units need to be powered down for various reasons such as placing the vessel in dry dock for repairs or suspending fishing activity for an extended period. In such instances, fishermen must contact NMFS OLE and follow the instructions provided. The request must describe the reason an exemption is being requested; the location of the vessel during the time an exemption is sought; the exact time period for which an exemption is needed (i.e. , the time the VMS signal will be turned off and turned on again); and sufficient information to determine that a power down exemption is appropriate. Approval of a power down must be documented and will be granted, at the discretion of NMFS OLE, only in certain circumstances (i.e., when the vessel is going into dry dock for repairs or will not be fishing for an extended period of time).

Bluefin tuna catch and fishing effort reports

Vessels issued an Atlantic Tunas Longline category permit using either PLL or green-stick gear are required to report number of hooks and area fished along with the number, size range, and disposition of any bluefin tuna catch (i.e., kept, discarded live, or discarded dead) for each set. These data are used by NMFS to help ensure that quotas and IBQ allocations are not exceeded, and provide valuable fishery information. The VMS form to be filled out for each set is attached. Permit holders and fishery participants, including dealers who purchase from vessels fishing with PLL gear, maintain an Catch Shares Online System account (user registration in the Catch Shares Online System is addressed in collection 0648-0677). When the catch and effort data entered by the dealer are correct, the vessel operator must electronically sign to confirm the catch and effort data and the data entered by the dealer regarding the bluefin that were sold.

Electronic monitoring (EM) system – Requirement for PLL vessels

All PLL vessels are required to have a NMFS-approved contractor install an EM system and obtain certification of such installation. The owners of such vessels must then properly maintain the video cameras and associated data recording and monitoring equipment, which will record all longline catch and relevant data regarding PLL gear retrieval. NMFS uses the recorded data to verify the accuracy of counts and identification of bluefin tuna reported by the vessel owner/operator. Electronic monitoring enables the collection of video images that may be used in conjunction with other sources of information to verify or estimate bluefin catch, or monitor shortfin mako retention, consistent with international obligations.

NMFS has paid for EM equipment and its installation to date. However, because it was not clear whether the funds would be available, the cost analysis in this collection of information has assigned the cost and burden associated with EM to the vessel owner. NMFS is moving toward having vessel owners pay for portions of the EM system consistent with the NOAA Cost Allocation Policy (Procedure 04-115-02). As specified in Amendment 13 to the 2006 HMS FMP, the costs of installation of hardware to improve the view of the rail camera and installation of a measuring grid will be incurred by the vessel owner. Given this and the likelihood that additional costs will be assigned to the vessel owner in the future, the cost analysis in this collection of information continues to assign the cost and burden associated with EM to the vessel owner.

For all vessels issued an Atlantic Tunas Longline category permit that fish with PLL gear, vessel owners (or their representatives) must coordinate with the NMFS-approved contractor to install

and test EM equipment, and the contractor will then provide certification that the equipment has been properly installed. Vessel owners are required to make their vessel accessible to designated personnel on a specific date, or range of dates, to allow installation, testing, and training on EM equipment, and may be required to steam to a designated port within their geographic region to enable such installation and training.

To fish using PLL gear, a vessel must have a valid certification form from the NMFS-approved contractor that it has a fully functioning EM system on board and must have a vessel monitoring plan (VMP) onboard. Because the PLL fleet is diverse with respect to vessel size, mechanical infrastructure, and operation and the technology supporting EM is changing and improving, NMFS implemented detailed regulations that include some technical specifications regarding the necessary equipment that constitutes an EM system to provide flexibility to allow vessels to install equipment that performs well in a cost effective manner. NMFS utilizes both third-party experts and NMFS staff to provide vessel owners instructions regarding the specific required equipment and operational features of the system. These instructions are described in the VMP. As explained in more detail below, vessels must, in accordance with instructions provided by NMFS and/or a NMFS-approved contractor, coordinate installation and maintain the following equipment, as components of an EM system: Two to four video cameras, a recording device, video monitor, hydraulic pressure transducer, winch drum rotation sensor, system control box, Global Positioning System (GPS) receiver, and related support equipment needed to achieve the objectives (i.e., power supply, camera mounts, lighting) of EM. Slight modifications to the equipment listed above may be required to support the objectives of EM, adapt to unique vessel characteristics, or achieve cost savings or efficiencies. Vessel owner/operators must coordinate installation and subsequently maintain and operate the system in accordance with instructions provide by NMFS, and allow inspection of the equipment by NMFS. The EM system must include software to enable a test function so that the vessel operator may test the status of the system (i.e., whether it is fully functional) prior to each trip, and record the outcome of the test. A vessel operator may not depart on a PLL trip unless the pre-trip test indicates that the system is fully functioning. Upon successful installation and testing by the NMFS-approved contractor, the NMFS-approved contractor will provide vessel owners with a certificate that the equipment installed constitutes a “fully functioning EM system” based on written instructions and requirements that NMFS provided the contractor. The vessel owner must make the certificate available upon request by NMFS OLE. The required cameras must be installed that provide a view of the area where the longline gear is retrieved and catch is removed from the hook (prior to placing in the hold or discarding boat side) and a requirement that such a system be connected to the mechanical hauling device so that recording is initiated by gear retrieval. Specifically, the equipment functional requirements are as follows:

Video Cameras:

Video data are produced by digital IP (Internet protocol) video cameras at a resolution of no less than 720p (1280x720). The individual vessel systems must include no less than two cameras: at least one camera to record close-up images of the deck at the haul back station for species identification/length estimation, and at least one camera to record activity along the side of the vessel at the water line of the haul back station to document animals that are caught and discarded but not brought aboard, as well as the disposition of that catch (released alive/dead). The frame rates of the footage will need to allow for ease of viewing. The cameras are not required to record audio.

GPS Receiver:

A GPS receiver is required to produce output, which includes location coordinates, velocity, and heading data, and is directly logged continuously by the control box at a minimum rate of 10 seconds. The GPS receiver must be installed and remain in a location to order to receive a strong signal continuously.

Hydraulic & Drum Rotation Sensors:

A hydraulic sensor is required to continuously monitor the hydraulic pressure, and a drum rotation sensor must continuously monitor drum rotations in order to provide the data necessary for the EM system to trigger the video camera to record. The combination of these two sensors provide a mechanism to ensure that specific periods of time are captured on video, such as when gear is being retrieved and catch is removed from the hooks.

EM Control Box & Monitor:

The system must include a 'control box' to receive and store the raw data provided by the sensors and cameras. The control box must contain removable hard drives and storage system adequate to store data for the entire trip (i.e., adequate to store the data associated with a trip lasting approximately 30 days). A wheelhouse monitor must provide a graphical user interface for harvesters to monitor the state and performance of the control box and should include information such as: current date and time synced via GPS, GPS coordinates, current hydraulic pressure reading, presence of a data disk, percentage used of the data disk, and video recording status.

Hydraulics:

Prior to system installation, vessel operators must possess and install a fitting for the pressure side of the line of the drum hydraulic system. The fitting may be either "T" or inline, with a female ¼" threaded National Pipe Thread (NPT) port to enable connection to the pressure transducer.

Power:

Electronic monitoring systems are capable of being powered by both alternating current (AC) and direct current (DC) power. An EM system that is to be powered by a DC circuit must have free space on a 12-volt bus bar in the wheelhouse and a dedicated DC power switch. If the EM systems are to be powered by AC circuits, vessels must provide an Uninterrupted Power Supply (UPS) in the wheelhouse.

Camera Mounts:

During installation of the EM system, cameras must be mounted so that the camera may be positioned to view the waterline outboard of the vessel rail. If determined during the vessel assessment that there is not suitable mounting structure onboard, vessel owners may be required to provide a mount and additional camera that allows the view from the camera to be of the waterline outboard of the vessel rail. Before each scheduled installation of an EM system, NMFS-approved contractors will discuss mounting alternatives with the vessel's owner or operator.

Lighting:

Vessels must provide sufficient lighting for cameras to clearly illuminate individual fish on deck at the haul back station and along the vessel rail at the waterline, at all times. Lighting will be evaluated by NMFS-approved contractors during the vessel assessment/EM installation. After installation, if NMFS-approved contractors review video footage and determine that lighting is

insufficient, the vessel owner must adjust the lighting to ensure it is sufficient before the EM system can be recertified.

Measuring Grid

The vessel crew will be required to place retained fish on a mat or carpet with grid lines or a grid painted on deck in view of the processing camera, so the video recording includes images of the fish on the grid. The grid may be customized to an individual vessel while also having lines of standard intervals. The specifications of the measuring grid will be provided in each individual vessel's VMP. During the year following the effective date of the final rule, NMFS or the NMFS-approved contractor will work with the vessel owner of each vessel to update the VMP. Once the VMP is approved and signed by NMFS or the NMFS-approved contractor, the vessel owner will have six months to install the measuring grid as specified in the VMP.

Submission of hard drive

Upon completion of every other fishing trip, the vessel operator must mail the removable EM system hard drive containing all data to NMFS or the NMFS-approved contractor, within 48 hours of the completion of the second trip, according to instructions provided by NMFS. An exception to this requirement is that if the hard drive is at capacity (full) after one trip, as indicated by the EM system, the vessel operator must mail the hard drive after completion of that fishing trip. Prior to departing on a subsequent trip, the vessel owner or operator must install a replacement EM system hard drive to enable data and video recording. The vessel owner or operator is responsible for contacting NMFS, or NMFS-approved contractors, if they have not received a replacement hard drive(s). The vessel operator is responsible to ensure that all bluefin tuna are handled in a manner that enables the EM system to record such fish, and must identify a crew person or employee responsible for ensuring that all handling, retention, and sorting of bluefin tuna occurs in accordance with the regulations. NMFS or the NMFS-approved contractor, with the vessel owner or operators' input, will develop and provide a written Vessel Monitoring Plan, to document the standardized procedures relating to electronic monitoring and facilitate communication of such procedures to the vessel crew. The vessel owner or operator is responsible for ensuring that the EM system remains powered for the duration of each trip; that cameras are cleaned routinely to ensure unobstructed views, and the EM system components are not tampered with.

NMFS will communicate instructional information in writing, via permit holder letters, to the vessel owners during all phases of the program to provide direction and assistance to vessel owners, and facilitate the provision of technical assistance.

The information in this collection could be used to calculate publicly disseminated information such as overall estimates of bluefin tuna dead discards and total annual U.S. bluefin tuna catch. See responses in Question 10 of this Supporting Statement on confidentiality and privacy and Question 16 for more information on data dissemination and use. NMFS will retain control over personal information and pecuniary business information and safeguard it from improper access and use consistent with legal requirements and NOAA policy for confidentiality, privacy, and electronic information. The information collection is designed to yield data that meet all information quality guidelines. Prior to dissemination, the information would 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 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 is the best technology available at this time for monitoring vessel locations to aid enforcement efforts. The integrated GPS provides a near real-time mechanism for submitting accurate position reports. VMS is considered much more accurate than logbooks for reporting geographical distribution of fishing effort for each trip. Logbooks are submitted by fishermen seven days after offloading and provide information only regarding the start of a fishing set. Thus, logbooks do not meet the real-time needs of NMFS OLE and could allow vessels to fish illegally in closed areas without prosecution. VMS, on the other hand, provides 24 position reports each day for the duration of the trip. Twenty-four hour report data, in conjunction with a declaration by the vessel, prior to leaving port, would provide pertinent data concerning target species and gear being deployed. Providing a window of time in the "hail-in" for when a vessel is returning to report also allows NMFS OLE officials to more accurately determine arrival time for possible inspections. This information is important for discerning which closed areas apply to a particular vessel and allows NMFS OLE to react immediately if a vessel is found fishing in a closed area. Vessels would also be able to receive information from NMFS concerning weather alerts, natural disasters, fishery closures, and other information. VMS units may provide a platform for future electronic logbook reporting of both target and non-target species.

Electronic monitoring is a cutting edge technology that is being used by NMFS in select fisheries to complement or replace logbook and observer coverage. Vessel logbooks require vessel operators to report sensitive information such as turtle and bluefin tuna bycatch, each of which can result in fishery closures. NMFS analyses comparing logbook and observer data from the same trip corroborate concerns that self-reported data can be inaccurate. NMFS requires EM as a means to verify self-reported bluefin tuna data. NMFS also uses EM to enforce the provision requiring shortfin mako sharks be released alive, consistent with ICCAT recommendations.

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 is the sole authority responsible for managing the domestic Atlantic bluefin tuna fishery, on behalf of the Secretary of Commerce. The Atlantic HMS management program includes a high degree of internal coordination across NMFS regions, science centers, and headquarters offices. The distributed nature of the HMS staff specialists throughout the agency helps garner knowledge of other NMFS activities and helps the program avoid duplication and leverage other NMFS assets.

When developing an HMS FMP amendment, NMFS coordinates with the HMS Advisory Panel (AP). The HMS AP includes citizens from HMS commercial and recreational fishing interests, environmental interests, academia, state fishery agencies, and federal fishery management councils. These individuals provide significant input and direction to NMFS, including the status of other fishery management or research programs and any potential for duplication of or similar reporting requirements in other fisheries. NMFS also coordinates directly with the states of the

Atlantic and Gulf of Mexico coasts, and the federal fishery management councils and interstate marine fisheries commissions operating in these geographic areas.

Position reports at the start of each fishing set may be recorded in an appropriate logbook (approved under other PRA collections), and will therefore be duplicated by participants using VMS; however, VMS position reports are automated and would not require any action on the part of the vessel operator.

There are no alternate sources of such specific and near real-time vessel location and activity information. Use of VMS is required in other fisheries and fishermen who have already purchased a VMS unit can use the same unit for multiple fisheries. Information is only reported one time to NMFS OLE and is not duplicated for multiple fisheries.

Although some of the data collected via EM is also included in vessel logbooks and observer reports, simultaneous collection of these data are necessary as NMFS introduces and refines its EM requirements.

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

All owners of vessels with commercial permits for HMS, (i.e., swordfish, sharks, and tuna) are considered small entities. Current VMS regulations require approximately 194 PLL, BLL, and shark gillnet vessels to maintain VMS units at an average monthly cost of $44/month. Individual position or message reports costs are included in the estimated monthly cost. In an attempt to provide vessel owners new to the fishery with some flexibility of choice and help minimize costs, NMFS OLE published general type approval specifications (January 31, 2008, 73 FR 5813) describing the types of units that are appropriate. Existing units that meet the criteria range in price from $3,000 - $3,300, depending on the features of the E-MTU VMS device. Vessels are already required to use an E-MTU VMS in some other fisheries, and may already possess the required equipment. Only newly permitted vessels that have not already purchased similar gear required for other fisheries will need to purchase the units. Further, reimbursement funds ($3,100/E-MTU VMS unit) may be available for new HMS fishery participants required to install E-MTU VMS units. The reimbursement is available for the costs of the new unit and does not cover installation by a qualified marine electrician or data transmission.

The introduction of EM rather than expansion of observer coverage requirements in the PLL fleet was largely an effort to control costs for small businesses and the government. NMFS estimated that total annual costs of EM per vessel would be approximately $19,175 (installation and maintenance annualized over 5 years would be approximately $3,835) plus $225 per trip. In comparison, observer coverage is much more expensive. The Southeast Fisheries Science Center’s observer program estimates that observers cost approximately $1,145 per sea day. This equates to approximately $10,305 per trip for PLL vessels, which have an average trip length of nine days.

Rather than requiring vessel owners to buy and install equipment and make decisions about equipment specifications and functionality, NMFS instead requires the vessel owners to obtain certification from a NMFS-approved contractor stating that the contractor has properly installed and verified the functionality of the EM system in accordance with detailed equipment and system requirements. To ease the regulated community’s burden associated with EM

requirements, NMFS identified funds to pay for the equipment and its installation when Amendment 7 was initially implemented in 2015. However, it is not clear whether these funds will be available for future years, so the cost analysis in this collection of information continues to assign the cost and burden associated with EM to the vessel owner.

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.

Using VMS to verify the location of a vessel is passive and automatic, requiring no reporting time on the part of the vessel operator. NMFS recognizes the developments in satellite-based VMS and their possible utility, including better resource management and, thus, more effective and sustainable use of resources. More specifically, benefits for management include increased compliance with and enhanced enforcement effectiveness regarding area restrictions, more timely data regarding fishing effort by areas, and more timely catch reporting. Other possible benefits of the VMS include increased vessel safety and dependable and confidential communications, which may improve fleet management.

Monitoring and enforcement are essential components of fisheries management. Monitoring fishing vessels facilitates enforcement of NMFS' conservation and management regulations by enabling detection of violations. Monitoring also promotes compliance by having a general deterrent effect. Lack of proper monitoring and enforcement makes it difficult to gauge the effectiveness of conservation and management measures. In the case of overfished stocks, enforcement is necessary to prevent further overfishing and subsequent stock decline. As a practical matter, it is very difficult for NMFS OLE personnel to effectively monitor the full operational range of the U.S. PLL fleet without having some method of detecting a vessel's location. With respect to PLL time/area closures in particular, the size of the closed areas makes the likelihood of detection through conventional surveillance methods rather small.

Less frequent reporting would prevent NMFS and the vessel operator from confirming that the VMS unit is functioning properly and would make it more difficult to determine whether a vessel is fishing in, or transiting through, a closed area. Furthermore, not requiring vessels to make a declaration, either per trip or long-term, describing target species and gear deployed would make it difficult for NMFS OLE to know which closed areas and other regulations apply to that particular vessel.

If the VMS and EM portion of the collection were not conducted, NMFS would not be able to effectively implement and monitor the IBQ program. Without the ability to monitor the IBQ program, the management program would be less effective and there would be greater incentive to underreport. Since IBQ allocations are relatively small, accurate real-time data are necessary to ensure that vessels remain within their quota. Additionally, the EM portion of the collection, allows NMFS to effectively monitor whether landings of shortfin mako sharks consist of only sharks that were dead at haulback. Without this portion of the collection, fishermen could not land shortfin mako sharks thus further restricting their activities.

Real-time data collection enhances and improves the management of the limited quota allocations and Longline category quota because ICCAT quotas are accounted on a yearly basis. Overages by the Longline category could impact other domestic user groups or result in an annual quota overage. ICCAT could assess a penalty if the U.S. overharvests its quota.

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

VMS units report positions 24 times a day, which is more frequent than OMB guidelines suggest. This frequency is required for the near real-time and accurate tracking of vessel activities. The requirement for 24 position reports per day is designed to allow NMFS to distinguish between a vessel that is fishing, and a vessel that is traversing a closed area. Fewer reports would indicate that a vessel was in the area but would not indicate whether the vessel was setting gear, hauling gear, or traversing the area. The time burden as a result of this frequency, however, remains minimal because the position reports are automated and require no action on the part of the vessel operator. As stated above, the two-time (per trip) declaration would facilitate improved enforcement of regulations because NMFS OLE would know which gear is being deployed and the relevant HMS target species for individual trips, while the provision of long-term declarations out of the HMS fishery would minimize burden on vessels not targeting the HMS fisheries intended to be monitored by the current regulations.

Bluefin catch is reported per set, which is more frequent than OMB guidelines suggest. Daily reports are required so IBQs and quota allocations can be tracked on a real-time basis. Since IBQ allocations are relatively small, accurate real-time data are necessary to manage the accounts and ensure that vessels remain within their quota.

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.

NMFS published a proposed rule (RIN 0648-BI08) in the *Federal Register* on May 21, 2021. The comment period closed on September 20, 2021 after being extended from July 20, 2021. No comments were received regarding the proposal to require IBQ holders to report bluefin tuna caught on green-stick gear, or on the change in reporting burden associated with removal of burden estimates associated with reporting by purse seine vessels. A number of commenters opposed the elimination of the purse seine fishery, but that decision is beyond the scope of the Paperwork Reduction Act and is instead addressed in the final rule.

NMFS received comments in support of the preferred alternative that would require vessels to mail in their EM hard drives after every two trips instead of after each trip, because it would reduce the burdens associated with the requirement to mail hard drives. NMFS received a comment stating that NMFS should implement flexibility in the EM regulations regarding the method of transferring data to the Agency, in order to allow the EM Program to evolve with changing technology without needing further rulemaking. NMFS received comments both in support and opposed to the new requirement for vessel owners to install mounting hardware (e.g., booms), if needed, in order to mount and install video cameras at locations on vessels to obtain optimal views of fish and improve the accuracy of the resulting data. Commenters opposed to the installation of booms were generally concerned about potential safety issues, but NMFS has promised to coordinate closely with individual vessel owners to address any vessel operation or safety concerns. Commenters expressed similar concerns about the new requirement

to install a measuring grid on the vessel's deck. NMFS feels that the installation of standardized grids will considerable improve the accuracy of data collection on fish size from EM footage, and will work with vessel owners to specify a measuring grid that, to the extent practicable, accommodates the unique layout and operations of each fishing vessel.

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

No payments or gifts are to be offered as part of this information collection.

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.

All VMS reports of vessel position, fishing effort, bluefin tuna catch, and EM system video reports received by NMFS will be treated as confidential data to the extent required by the Magnuson-Stevens Act and NOAA Administrative Order 216-100. Assurances of this confidentiality are included in the small business compliance guide and individual correspondence with vessel owners.

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 estimates of the hour burden of the collection of information.

Table 1. Estimated number of annual respondents, responses, burden hours, and annual wage costs associated with Atlantic HMS VMS and electronic monitoring requirements.

Information Collection	Type of Respondent (e.g., Profession)	# of Respondents	Annual # of Responses / Respondent	Total # of Annual Responses	Burden Hrs / Response	Total Annual Burden Hrs	Hourly Wage Rate (for Type of Respondent)	Total Annual Wage Burden Costs
Vessel Monitoring System for Atlantic Highly Migratory Species –Purchase, install and activation checklist	Fisherman	1	1	1	4	4	$26.18	$104.72

Beginning and Ending Trip Declaration through VMS plus cost of maintenance and automatic location Reponses	Fisherman	154	145	22,330	0.03	744	$26.18	$19,486.65
Bluefin tuna catch and effort reports for pelagic longline and greenstick vessels	Fisherman	113	36	4068	0.08	339	$26.18	$8,875.02
Review of VMS Submitted Bluefin tuna and effort reports	Government Contractor	113	36	4074	1	68	UNK	UNK
Resubmission of VMS reports due to faulty units	Fisherman	154	2.6	400	0.08	32	$26.18	$837.76
Electronic Video and gear monitoring requirements - mailing EM hard drives to NMFS	Fisherman	113	18	2034	1.00	2034	$26.18	$53,250.12
Electronic Video and gear monitoring requirements - Service payment	Fisherman	113	6	678	0.08	54	$27.18	$1,474.24
Electronic Video and gear monitoring requirements - Purchase, install, and EMP for 1 vessel	Fisherman	1	1	1	1.00	1	$26.18	$26.18
Electronic Video and gear monitoring requirements - Camera boom installation	Fisherman	29	1	29	1.00	29	$26.18	$759.22
Totals				**33,615**		**3,305**		**$84,813.91**

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).

Of the 154 vessels required to have VMS installed, all were previously required to purchase and install their units, or in the case of the purse seine vessels, have installed them to comply with requirements in other fisheries. So, the start-up costs for these vessels have not been included in the annual cost burden estimates. However, communication and maintenance costs, which are ongoing, have been included for all vessels in Table 3.

Start-up costs for new or replacement vessels would be: $3,100 for the unit and $50 - $400 for installation: for placeholder installation, the cost would be $**3,325 (purchase plus average of installation costs).**

To date, NMFS has provided funding for the purchase of EM systems and installation for 113 PLL vessels. There are no additional vessels with PLL permits and IBQ shares that have yet to install EM equipment, and if any applicants are received, would need to do so if they wish to continue fishing in the PLL fishery. However, the availability of funds for future years is unknown. As a precautionary measure, we are continuing to assign these costs to the public in this summary statement, with the intent of identifying the maximum likely public burden associated with these reporting requirements. However, NMFS has taken over costs associated with data retrieval (downloading from the hard drives) and review as specified in section 14 below. Costs for unit purchase, installation, maintenance, and use are included in Table 4.

Table 2. Summary of the estimated total costs associated with the current and revised E-MTU VMS requirements in Atlantic HMS fisheries.

	PLL Vessels (113)	Bottom Longline Vessels (18)	Gillnet Vessels (23)
Days Fishing/Year	324	212	152
Monthly E-MTU VMS Unit Plans average including 24/7 Position Reports and data	$44	$44	$44
Annual Compliance Costs/ Vessel ($44/month * months fishing/year)	$528/vessel (12 months)	$308/vessel (7 months)	$220/vessel (5 months)
Annual Compliance Costs + Maintenance Costs ($500/year)	$1,028	$808	$720
Total Costs by Fleet (cell above times # of vessels in first cell)	$116,164	$14,544	$16,560
VMS Compliance Costs	$147,268		

Table 3. Summary of the estimated annual cost burden associated with E-MTU VMS and EM requirements in the Atlantic HMS fisheries.

Information Collection	# of Respondents	Annual # of Responses / Respondent	Total # of Annual Responses	Cost Burden / Respondent	Total Annual Cost Burden
Vessel Monitoring System for Atlantic Highly Migratory Species – Purchase, install and activation checklist	1	1	1	$3,325.00	$ 3,325
Beginning and Ending Trip Declaration through VMS plus cost of maintenance and automatic location Reponses	154	145	22,330	$6.54	$146,038.20
Bluefin tuna catch and effort reports for pelagic longline and green stick vessels	113	36	4086	$0.00	$0.00
Review of VMS Submitted Bluefin tuna and effort reports	113	36	4074	$0.00	$0.00
Resubmission of VMS reports due to faulty units	154	2.6	400	$2.03	$812.00

Electronic Video and gear monitoring requirements - mailing EM hard drives to NMFS	113	18	2034	$11.50	$23,391.00
Electronic Video and gear monitoring requirements - Service payment	113	6	678	$45.00	$30,510.00
Electronic Video and gear monitoring requirements - Purchase, install, and EMP for 1 vessel	1	1	1	$5,785.50	$5,785.50
Electronic Video and gear monitoring requirements - Camera boom installation	29	1	29	$1,000.00	$29,000.00
TOTALS	**154**	**246**	**33,615**	**$10,175.57**	**$238,862**

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.

There would be no significant cost to the Federal government for the VMS portion of this collection outside of the initial reimbursement for newly permitted vessels. NMFS is developing an integrated hardware and tracking system to manage the various VMS programs being developed for many other U.S. fisheries. Those costs are already covered by current programs of NMFS OLE and are extraneous to this collection. Given the current capacity of these systems, incremental costs specifically attributable to the HMS VMS program are negligible.

Table 4. Summary of the cost to the government for these information collections

Cost Descriptions	Grade/Step	Loaded Salary /Cost	% of Effort	Fringe (if Applicable)	Total Cost to Government
Federal Oversight	Band IV	136847	50%		$ 136,847
Other Federal Positions					
Contractor Cost		1350000	100%		$ 1,350,000
Travel					
Other Costs:					
TOTAL					$ 1,486,847

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

Program changes: VMS hours and costs are adjusted to reflect a new requirement to submit bluefin tuna catch and effort reports when logline vessels are using green-stick gear. EM hours and costs are adjusted to reflect the new requirements to install camera mounts and measuring grids in EM vessels. EM burden and costs were also reduced to reflect the new requirement for EM hard drives to be mailed into NMFS for analysis after every other trip instead of after every trip.

Adjustments: The hours and costs are adjusted to reflect the closure of the purse seine fishery (3 vessels). EM hours and costs are adjusted down to reflect the fact that all active longline vessels now possess EM systems, and new install costs now only reflect the potential for one new entrant to the fishery per year.

Table 5. Program respondent, response, and burden hour changes and adjustments

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	
Vessel Monitoring System for Atlantic Highly Migratory Species –Purchase, install and activation checklist	1	2	1	1	4	4	No change
Beginning and Ending Trip Declaration through VMS plus cost of maintenance and automatic location Reponses	154	157	22,330	22,772	744	759	ADJUSTMENT: Reduction in respondents.
Bluefin tuna catch and effort reports for pelagic longline and green stick vessels	113	116	4,068	4,086	339	343	ADJUSTMENT: Reduction in respondents, and increase in number of reports per vessel.
Review of VMS Submitted Bluefin tuna and effort reports	113	136	4,074	4,074	68	68	No change
Resubmission of VMS reports due to faulty units	154	157	400	408	32	34	ADJUSTMENT: Reduction in respondents
Electronic Video & Gear Monitoring Requirements	0	113	0	4068	0	4068	ADJUSTMENT: Broken out into 4 separate ICs for transparency
Electronic Video and gear monitoring requirements - mailing EM hard drives to NMFS	113	0	2,034	0	2,034		CHANGE: Reduction in required responses
Electronic Video and gear monitoring requirements - Service payment	113	0	678	0	54	0	ADJUSTMENT: Reduction in respondents. Previously included under video & gear monitoring requirements IC, now split out for transparency. Previous administrative error in neglecting to include extra responses/time burden attributed to service payment
Electronic Video and gear monitoring requirements - Purchase, install, and EMP for 1 vessel	1	0	1	0	1	0	ADJUSTMENT: Reduction in responses. Previously included under video & gear monitoring requirements IC, now split out for transparency. Previous administrative error in neglecting to include extra responses/time burden attributed to purchase/install/EMP

Electronic Video and gear monitoring requirements - Camera boom and grid installation	29	N/A	29	N/A	29	N/A	CHANGE: New requirement
Total for Collection	**154 (unique)**	**157 (unique)**	**33,615**	**35,409**	**3,305**	**5,276**	
Differences	**-3**		**-1,794 (+ 2,063 CHANGE -3,857 Adjustment)**		**-1,971 (+2,063 Change -4,034 Adjustment)**		

Table 6. Program labor and miscellaneous cost changes and adjustments.

Information Collection	Labor Costs		Miscellaneous Costs		Reason for change or adjustment
	Current	Previous	Current	Previous	
Vessel Monitoring System for Atlantic Highly Migratory Species – Purchase, install and activation checklist	$104.72	$98.00	$ 3,325	$3,325.00	No change
Beginning and Ending Trip Declaration through VMS plus cost of maintenance and automatic location Reponses	$19,486.65	$18,559.00	$146,038.20	$149,032.00	ADJUSTMENT: Reduction in respondents and offset by increased hourly wage
Bluefin tuna catch and effort reports for pelagic longline and greenstick vessels	$8,875.02	$8,327.00	$0.00	$0.00	ADJUSTMENT: Reduction in respondents, and increase in reports per vessel.
Review of VMS Submitted Bluefin tuna and effort reports	$0.00	$0.00	$0.00	$0.00	No change.
Resubmission of VMS reports due to faulty units	$837.76	$830.00	$812.00	$0	ADJUSTMENT: Reduction in respondents. Previous administrative error omitting cost burden for this IC.
Electronic Video & Gear Monitoring Requirements	0	$99,341.00	0	$231,876.00	ADJUSTMENT: This IC was split into 3 separate ICs for transparency.
Electronic Video and gear monitoring requirements - mailing EM hard drives to NMFS	$53,250.12	$0	$23,391.00	$0	CHANGE: Reduction in required responses and respondents. Burden previously included under Video & Gear Monitoring Requirement IC.
Electronic Video and gear monitoring requirements - Service payment	$1,467.72	$0	$30,510.00	$0	ADJUSTMENT: Reduction in respondents. Burden previously included under video & gear monitoring requirements IC, now split out for transparency.
Electronic Video and gear monitoring requirements - Purchase, install, and EMP for 1 vessel	$26.18	$0	$5,785.50	$0	ADJUSTMENT: Reduction in respondents. Burden previously included under video & gear monitoring requirements IC, now split out for transparency.

Electronic Video and gear monitoring requirements - Camera boom installation	$759.22	N/A	$29,000.00	N/A	CHANGE: New requirement
Totals	**$84,813.91**	**$129,335.22**	**$238,862**	**$384,233**	
Difference	**($44,521.31)**		**($145,371) (+$52,391 Change -$197,762 Adjustment**		

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 this program are planned at this time. The data will be used for enforcement, management reports, and drafting or evaluating fishery management plan amendments by NMFS. Position data will remain confidential and will only be revealed to the public in aggregated form.

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.

All forms for this collection will display the OMB Control Number and expiration date. It is not practical to place the OMB Control Number and expiration date VMS and EM units as these are electronic units.

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).