

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

Abstract

This request is for a revision of a currently approved collection of information (#0573). The collection is being revised to add new declaration codes on the Declaration Code Worksheet that correspond to new gear types being permitted in the Non-Trawl Rockfish Conservation Area (Non-Trawl RCA) for the limited entry fixed gear (LEFG) groundfish sector and vessels that gear switch under the Trawl Individual Fishing Quota (IFQ) program (*i.e.*, IFQ gear switchers). No other changes are being proposed for the collection of information. A proposed rule, RIN 0648-BM28, will be published coincident with this submission. Comments on the proposed rule will be considered and, as appropriate, be addressed in the final rule.

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 [Magnuson Stevens Fishery Conservation and Management Act](#) (Magnuson-Stevens Act) established regional fishery management councils, including the Pacific Fishery Management Council (Council), to develop fishery management plans for fisheries in the United States (U.S.) exclusive economic zone (EEZ). The fishery management plans are intended to regulate fishing to ensure long-term productivity and achievement of optimum yield from the resources for the benefit of the nation. These plans are implemented by Federal regulations which are enforced by the National Marine Fisheries Service (NMFS) and the United States Coast Guard (USCG), in cooperation with State agencies.

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

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

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

reports, and 4) declaration reports

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

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

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

Declaration reports are submitted to NMFS OLE by telephone or email and are valid until revised by the vessel operator. Vessel operators making declaration reports receive a confirmation number that verifies that the reporting requirements were satisfied. After a vessel has made a declaration report to NMFS and has been confirmed for a specific gear category, it cannot fish with any gear other than a gear type that has been declared for the vessel. If a vessel operator intends to use the vessel to fish in a different fishing category, a new declaration report must be submitted to revise the old declaration report. Declaration changes can be made while in port or at-sea.

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

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.

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

Vessels registered to limited entry permits are required to have contact information on file with NMFS. However, vessels participating in the open access fisheries do not have federal permits. Therefore, it is necessary to collect contact information from open access fishers. Having contact information is necessary to provide conformation on the activation and in the event that there are problems with the VMS reports. If there are transmission problems, NMFS will need to have ready access to contact information and installation information. NMFS can then apply troubleshooting techniques and as necessary, contact the vessel operator and discern whether the problem is associated with the transmitting hardware or the service provider.

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

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

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

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

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

The National Oceanic and Atmospheric Administration (NOAA) will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. See response to Question 10 of this Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meet all applicable information quality guidelines. Prior to dissemination, the information will be subjected to quality control measures and a pre-dissemination review pursuant to [Section 515 of Public Law 106-554](#).

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological 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.

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

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

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

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

4. Describe efforts to identify duplication. 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 alternate sources of this information or duplicative requirements.

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

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

6. Describe the 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.

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

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

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

Vessels are required to transmit signals once every 15 minutes. Less frequent position reports would be ineffective in deterring the illegal activity. Along some areas of the coast, the RCAs

and Essential Fish Habitat (EFH) areas are narrow or prime fishing grounds are near the boundary line. If reports were less frequent it would be possible for some vessels to fish within the restricted areas without being detected. This would undermine the integrity of the RCAs.

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

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

7. Explain any special circumstances that would cause an information collection to be conducted in a manner inconsistent with OMB guidelines.

The collection is consistent with OMB guidelines.

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 proposed rule, RIN 0648-BM28, will be published coincident with this submission. Comments on the proposed rule will be considered and, as appropriate, be addressed in the final rule.

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 under this program at this time.

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.

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

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior 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.

Information Collection	Type of Respondent (Occupational Title)	# of Respondents	Annual # of Responses / Respondent	Total # of Annual Responses	Burden Hrs / Response	Total Annual Burden Hrs	Mean Hourly Wage Rate (for Type of Respondent)	Total Annual Wage Burden Costs
Initial VMS unit installation/activation	Electrician	1000	1	250 (Estimated at less than ¼ of respondents per year)	4 hours	1,000	\$29.02	\$29,020
VMS unit maintenance	Electrician	1000	1	250 (Service life of 4 years)	1 hours	250	\$29.02	\$ 7,255
Activation reports	Fishermen	1000	1	250 (less than ¼ of respondents)	5 min	20.83	\$15.07	\$ 313.91
Exemption reports	Fishermen	500	2	1000	5 mins	83	\$15.07	\$ 1,255.78
Declaration reports	Fishermen	1000	10	10,000	4 mins	666.66	\$15.07	\$10,046.57
Totals				11,750		2,021		\$ 47,891.26

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	Annual # of Responses / Respondent	Total # of Annual Responses	Cost Burden / Respondent	Total Annual Cost Burden
Initial installation of VMS unit	1000	1	250 (Estimated at less than ¼ of respondents per year)	\$3,350	\$837,500
Installation/activation report	1000	1	250 (Estimated at less than ¼ of respondents per year)	\$1	\$250
Maintenance	1000	1	250 (4 year service life)	\$300	\$ 75,000
Position Reports - Average annual rate plan for a 4 ping per hour unit	1000	1	1000	\$1,260	\$1,260,000
Exemption Reports	500	2	1000	\$0.00	\$0.00
Declaration Reports	1000	10	10000	\$0.00	\$0.00
TOTALS			12,750		\$ 2,172,750

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					
2.5 FTEs	ZP-2	\$51,440	100		\$128,600
Contractor Cost					
Travel					
Other Costs					
TOTAL		\$51,440			\$128,600

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

NMFS is adding new declaration (*i.e.*, gear) codes to the Declaration Report Worksheet for the LEFG and IFQ gear switching sectors to fish inside the Non-Trawl RCA with select non-bottom contact hook-and-line gear configurations (*i.e.*, stationary vertical jig gear and groundfish troll gear). Currently, a vessel must declare into the directed open access groundfish sector to fish inside the Non-Trawl RCA. The directed open access sector fishes under lower trip limits than LE sectors do. The proposed rule for 0648-BM28 proposes to allow LEFG and IFQ gear switchers to fish inside the Non-Trawl RCA under their higher trip limits (LEFG) and quota pounds (IFQ). The revised declaration codes would allow NOAA's Office of Law Enforcement (OLE) to track those vessels fishing inside the Non-Trawl RCA by gear and sector, which will aid enforcement efforts and

support future economic analyses that evaluate fishing impact in the Non-Trawl RCA by sector.

These new declaration codes are not anticipated to alter the number of respondents, anticipated responses, burden hours, or burden costs, as the affected vessels are already required to declare their fishing activities.

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

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

The Declaration Worksheet will display the expiration date for the 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\(b\)\(3\)](#).”