

**SUPPORTING STATEMENT
SOUTHEAST REGION VESSEL MONITORING SYSTEM (VMS) AND RELATED
REQUIREMENTS
OMB CONTROL NO. 0648-0544**

INTRODUCTION

This request is for revision and extension of a currently approved information collection. The National Marine Fisheries Service (NMFS) requests moving VMS requirements for rock shrimp fishing vessels in the South Atlantic under OMB Control No. 0648-0205, into OMB Control No. 0648-0544.

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) authorizes the Gulf of Mexico Fishery Management Council (Gulf Council) and South Atlantic Fishery Management Council (South Atlantic Council) to prepare and amend fishery management plans (FMPs) for any fishery in Federal waters under their respective jurisdictions. NMFS and the Gulf Council manage the reef fish fishery in the Gulf of Mexico (Gulf) under the Reef Fish FMP. NMFS and the South Atlantic Council manage the fishery for rock shrimp in the South Atlantic under the Shrimp FMP.

NMFS has required owners and operators of Gulf reef fish and South Atlantic rock shrimp vessels to have installed and use a functional NMFS approved vessel monitoring system (VMS) on their vessels. NMFS requires specific types of data submissions and agency notifications through VMS. In addition, NMFS requires a functional VMS unit on the vessel to renew a Gulf reef fish permit. VMS regulations applicable to the Gulf reef fish fishery and South Atlantic rock fish fishery may be found at 50 CFR §§ 622.28 and 622.205, respectively.

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary.

The FMPs contain several area-specific regulations where fishing is restricted or prohibited in order to protect habitat or spawning aggregations, or to control fishing pressure. Unlike size, bag, and trip limits, where the catch can be monitored on shore when a vessel returns to port, area restrictions require at-sea enforcement. However, at-sea enforcement of offshore area restrictions is difficult due to the distance from shore and the limited number of patrol vessels, resulting in a need to improve enforceability of area fishing restrictions through remote sensing methods. In addition, all fishing gears are subject to some area fishing restrictions. Because of the sizes of these areas and the distances from shore, the effectiveness of enforcement through over flights and at-sea interception is limited. An electronic VMS allows a more effective means to monitor vessels for intrusions into restricted areas.

The VMS provides effort data and significantly aids in enforcement of areas closed to fishing. To fish for or possess Gulf reef fish or South Atlantic rock shrimp in or from the exclusive economic zone (EEZ), a vessel owner or operator subject to the requirements for a VMS must allow NMFS, the United States Coast Guard (USCG), and their authorized officers and designees, access to the vessel's position data obtained from the VMS. As a further aid to law enforcement officials, prior to departure for each trip, each vessel owner or operator must report

their planned fishing activity, and the gear on board the vessel. Additionally, if fishing activity is altered during a trip, notification of the changes must be given to law enforcement. Reporting of changes to fishing activity can be reported one of three ways, as described in the response to Question 3.

2. 1 Explain how, by whom, how frequently, and for what purpose the information will be used. 1 If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with all applicable Information Quality Guidelines.

Every vessel that is required to have a VMS unit must have that VMS unit on and properly functioning at all times, even when docked, and prior to each fishing trip, or during a trip if activity changes, a report of fishing activity must be submitted to NMFS VMS personnel. The units are on 7 days a week, 24 hours a day and transmit once an hour unless the vessel has entered a NMFS-defined buffer zone of one nautical mile around areas with fishing restrictions. Once a vessel enters a defined buffer zone, the VMS unit reporting rate will be increased to every 15 minutes. If the vessel then departs the buffer zone and enters the restricted area, the VMS unit reporting rate will be increased to every 10 minutes until it departs the restricted area and/or the buffer zone. The VMS unit on the vessel provides enforcement benefits to NMFS and the fishery.

Two other requirements are completion and submission of the statement certifying compliance with the installation and activation checklist, and for Gulf reef fish vessels only, a power-down exemption request for when boats are out of the water, (e.g., for maintenance or repairs in dry dock).

NMFS 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. Although the information collected is not expected to be disseminated directly to the public, results may be used in scientific, management, technical or general informational publications. Should NMFS decide to disseminate the information, it will be subject to the quality control measures and pre-dissemination review pursuant to [Section 515 of Public Law 106-554](#).

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

The VMS transmits all position reports electronically. Fishermen may report changes to fishing activity either via VMS or through a NMFS call-in system at (888) 219-9228. The Installation and Activation checklists and Power Down Exemption Request forms are available from the NOAA Office of Law Enforcement, Southeast Region by calling (800) 758-4833 to request the forms be sent by mail or email.

4. Describe efforts to identify duplication.

The Magnuson-Stevens Act's operational guidelines require each FMP to evaluate existing state and Federal laws that govern the fisheries in question, and the findings are made part of each FMP. Each Council's membership is comprised of state and Federal officials responsible for resource management in their area. These two circumstances allow for identification of other collections that may be gathering the same or similar information.

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

Because all respondents are considered small businesses, separate requirements based on size of business have not been developed. NMFS only requests the minimum data to meet the current and future needs of fisheries management and permitting programs from all applicants.

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

The VMS units provide vessel characteristics data and enforcement information to increase compliance in the fisheries. The approved VMS provides automatic recording of positions at hourly intervals, and more frequently under certain circumstances, as described in the response to Question 2. A less frequent recording of positions would provide ineffective monitoring and not achieve the Councils' intended benefits. Additionally, reporting of fishing activity aids law enforcement in identifying violations of area fishing restrictions depending on the fishermen's declaration of vessel activity.

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

Due to requirements described in the response to Question 6, vessel position needs to be reported and transmitted frequently to allow for effective vessel monitoring and fishery management. Similarly, the need to monitor areas where fishing is restricted to certain gear types makes it necessary to collect fishing activity information on a by-trip frequency as opposed to less frequently (e.g., quarterly). The collection is otherwise consistent with OMB guidelines.

8. Provide information on the PRA Federal Register Notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

NMFS published a Federal Register notice on July 1, 2015 (80 FR 37603), to solicit public comments on the revision and continuation of this collection of information. No comments were received.

In October 2015, NMFS also verified burden costs and time with three fishermen in the Gulf reef fish and South Atlantic rock shrimp fisheries, as well as one VMS vendor and one electronics dealer. Adjustments to the burden hours have been incorporated into this revision (e.g., the time burden for VMS installation was changed from 4 to 5 hours, and the compliance checklist and certification form was adjusted from 15 to 20 minutes).

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

There are no payments or other remunerations to respondents.

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

As stated on the forms, all data that are submitted are treated as confidential in accordance with the Magnuson-Stevens Act (16 U.S.C. 1881a, *et seq.*) and [NOAA Administrative Order 216-100](#).

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

There are no questions of a sensitive nature.

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

Of the affected 927 vessels, all would have the burden of up to 2 hours for annual maintenance. In addition, NMFS estimates that the number of requests for a power-down exemption requests will be made by approximately 30 percent of the Gulf reef fish fleet, which will require an additional 5 minutes of burden time per vessel for approximately 258 requests. The power-down exemption is not available to South Atlantic rock shrimp fishermen. Further, it is expected that 140 permit transfers will occur within a given year in both fisheries. Due to the several types of transfers, the time burden and cost burden is described in detail below. Finally, the approximate annual number of trips taken by these 927 vessels is 7,640, with a burden of 1 minute to report fishing activity prior to departure for vessels in the Gulf reef fish fishery.

RESPONSES

VMS

Annually: 258 power down requests (Gulf reef fish fishery only)

Fishing report responses: 7,640

Installation checklists: 160 (see transfers)

Total estimated annualized responses = 8,058

TRANSFERS

Only a VMS unit that NMFS has approved for use in the fisheries for Gulf reef fish and South Atlantic rock shrimp may be used, and it must be properly registered and activated with an approved communications provider for the new vessel. Additionally, a qualified marine

electrician must install it. When reinstalling and reactivating the NMFS-approved VMS, the new vessel owner or operator must: (1) follow procedures indicated on an installation and activation checklist; (2) submit a statement certifying compliance with the checklist, as prescribed on the checklist; and (3) submit a vendor-completed installation certification checklist. These materials are available from and must be submitted to the NOAA Office of Law Enforcement, Southeast Region, St. Petersburg, FL 33701; phone (800) 758-4833 or (727) 824-5347.

An estimated 140 transfers occur in a year, broken down into three categories. The first is transfers of both the permit and the vessel to a new owner. There are an estimated **60 transfers** of this type, involving only the burden of submitting a compliance checklist by the new owner, as the VMS will already be on board and installed by a qualified marine electrician. Therefore, burden time for these transfers is estimated to be **20 hours** (60 transfers x 20 minutes for compliance checklist and certification), with no associated cost.

Transfers involving a new permit holder using a new vessel will require the new owner to acquire a certified VMS unit, have it installed, and submit the activation and compliance checklist. There are an estimated **50 transfers** of this type annually. Therefore, burden time is estimated at **267 hours** for this type of transfer (50 transfers x 5 hours for installation, plus 50 transfers x 20 minutes for compliance checklist).

The final type of transfer involves a permit holder transferring the permit to a new vessel. There are an estimated **50 transfers** of this type annually. This will require the owner or operator to either move the NMFS-approved VMS unit from the old vessel to the new one or to purchase an entirely new unit. Burden hours for this type of transfer are estimated at **267 hours** (50 transfers x 5 hours for installation, plus 50 transfers x 20 minutes for compliance checklist).

Total transfer responses, 160 (60 + 50 + 50); **burden hours, 554** (20 + 267 + 267).

ANNUAL RESPONSES AND HOURS

1. 7,640 trips (fishing activity report) x 1 minute/60 minutes for fishing activity report = 7,640 responses and 127 hours
2. 927 vessels with VMS x 2 hours per year maintenance = 927 responses and 1,854 hours
3. 258 power-down exemption requests x 5 minutes/60 minutes per year for power-down exemption request = 258 responses and 22 hours
4. Total transfer responses and burden hours: 160 responses (checklists) and 554 hours (20 + 267 + 267)

Total estimated annualized responses: 8,985.

Total estimated burden hours: 2,557.

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in Question 12 above).

For the 258 power-down exemption requests and the 160 VMS activation checklists, the cost will be \$205 (\$205 = 418 responses x \$0.49 for postage) assuming all forms are submitted by mail and not submitted via email.

A total of 927 vessels are required to have purchased and installed VMS units. Equipment costs, including installation by a qualified marine electrician, are up to \$3,800 per unit. Ninety-eight VMS units were installed in 2014. Other than these vessels and the transfers listed below, all other vessels have already completed this requirement. Yearly communication costs are up to \$650 per vessel, depending on the communication provider chosen.

Total maximum estimated annualized capital/start-up costs including certain transfers (see detail below) = \$380,000.

Total maximum estimated annualized operations and maintenance costs = \$602,550 (927 vessels x \$650 in operations costs) + \$463,500 (927 vessels x \$500 in maintenance costs) + \$205 in postage costs = **\$1,066,255.**

TRANSFERS

For transfers involving the new permit owner acquiring both the permit and vessel, it is assumed that a NMFS-approved VMS unit will already be on board. For this type of transfer, there is expected to be no additional cost to the new owner. Transfers involving a new owner and a new vessel will require the purchase of a NMFS-approved VMS unit and installation by a qualified marine electrician. This type of transfer is expected to increase costs by \$3,800 per unit, times the number of transfers. For transfers in which the same owner transfers the permit to a new vessel, costs are expected to increase by \$3,800 per unit, times the number of transfers. Communication costs for all three types of transfers are already calculated in total communication costs for the fleet as these are not additional permits, but merely the same number of permits owned by different individuals.

Total estimated annual transfer costs = \$380,000 (100 VMS unit installations x \$3,800).

For the entire collection, estimated annual costs will be \$380,000 in start-up and transfer costs + \$1,066,255 in operations and maintenance costs = \$1,446,255.

14. Provide estimates of annualized cost to the Federal government.

Federal Costs	
Annual Costs	
Salary and Benefits ¹	\$200,000
Internet Connection ²	\$0
Equipment	\$0
Software Licensing	\$0
Supplies	\$0
Training and Travel	\$500
Total Annual Costs	\$200,500

¹ Salary and benefits for 3 program support personnel.

² Servers and software contracting paid for by HQ in Silver Spring, MD.

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

PROGRAM CHANGE

As noted in the Introduction, NMFS requests moving VMS requirements for rock shrimp fishing vessels in the South Atlantic under OMB Control No. 0648-0205, into OMB Control No. 0648-0544. This requested program change adds 67 vessels with Federal permits in the South Atlantic rock shrimp fishery to this collection. The currently approved burden and cost from OMB Control No. 0648-0205 added was 336 hours and \$95,088. However, these could not be directly added to the current burden for OMB Control No. 0648-0544 due to adjustments in the number of vessels, and burden hours and costs.

ADJUSTMENTS

In addition, burden hours and costs were revised from feedback provided by fishermen and other related businesses.

The number of Gulf reef fish vessels decreased from 905 to 860.

Net changes (program changes and adjustments) are a decrease in responses of 3,010, and increased hours of 174. A number of factors contribute to the adjustment, including the number of affected vessels increasing from 905 to **927**, because there are more vessels that have permits for the Gulf reef fish and South Atlantic rock shrimp fisheries and require onboard VMS. The number of power-down exemption requests for Gulf reef fish fishermen has decreased by 6, from 264 to **258**. The response time estimate for these requests has decreased the annual burden hours from 25 to **22**. The estimated annual number of fishing reports decreased by 3,910, from 11,550 to **7,640**. Due to the increase of 23 VMS units, and revised annual maintenance hours from 4 to 5, annual maintenance burden hours increased by 69. Also, maintenance had not previously been considered a response, although the hours had been counted.

Due to an increase in maximum annual maintenance costs per unit from \$250 to \$500, total maintenance and operation costs increased by **\$231,750**.

Finally, estimates for postage costs for the power down exemption requests and activation checklist are revised. Most fishermen are likely to submit forms electronically. However, if all respondents submitted forms by mail, the annual estimate increases from \$200 to **\$205 annually**.

Annual costs increased by \$530,221.

16. For collections whose results will be published, outline the plans for tabulation and publication.

The results from this collection are not planned for statistical publication.

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

Not Applicable.

18. Explain each exception to the certification statement.

Not Applicable.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

The collection does not employ statistical methods.