

**SUPPORTING STATEMENT
NATIONAL MARINE FISHERIES SERVICE DISASTER ASSISTANCE
OMB CONTROL NO. 0648-xxxx**

A. JUSTIFICATION

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

The Secretary of Commerce can provide disaster assistance under sections 312(a) or 315 of the Magnuson-Stevens Fishery Conservation and Management Act ([MSA](#)) (16 U.S.C. 1861), as amended, and under sections 308(b) or 308(d) of the Interjurisdictional Fisheries Act (IFA) ([16 U.S.C. 4107](#)), after Congress appropriates funds for such a purpose. This information collection is needed so that state, local or tribal government representatives may apply for consideration of a determination of commercial fishery failure due to a fishery resource disaster as a basis for acquiring potential disaster assistance.

For assistance to be provided, a commercial fishery failure must be shown to have occurred due to a fishery resource disaster of natural or undetermined causes or man-made causes. The disaster must be demonstrated to be beyond the capacity of fishery managers to mitigate through conservation and management measures, including regulatory restrictions imposed to protect human health or the marine environment (including those regulations imposed as a result of judicial action).

Those interested in obtaining a disaster determination must submit a request with supporting data. The required information is necessary for evaluating individual requests in order to make a determination.

2. Explain how, by whom, how frequently, and for what purpose the information will be used. 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.

Information submitted with a request for consideration of a Fishery Resource Disaster Determination will be used by National Oceanic and Atmospheric Administration (NOAA)'s National Marine Fisheries Service (NMFS) to evaluate whether a fishery meets the following "three pronged test": (1) there must have been a fishery resource disaster as defined by the MSA or IFA; (2) the cause for the commercial fishery failure due to a fishery resource disaster must have been within the scope of the MSA or IFA and applicable regulations; and (3) there must be economic impact stemming from the fishery resource disaster which supports a determination of a commercial fishery failure under the MSA or IFA. To initiate a request for fisheries disaster assistance from NMFS, the Governor of an affected state or a publicly-elected or politically-appointed representative of the affected fishing community (i.e., mayor, city manager, or county executive) must submit a request to NMFS by letter that includes:

(1) A clear definition of the fishery, including identification of all fish stocks and whether it includes non-Federal fisheries as well as Federal fisheries, and the geographical limits of the fishery for which the request is being made.

(2) The rationale and supporting documentation as required by this proposed rule, including:

(i) Characteristics of the fishery which is the subject of the request and other related fisheries that participants also fish in (size and value; number of participants; environmental, economic and socio-cultural behaviors; and landings data);

(ii) Percent and dollar decline in landings, economic impact, revenues, or net revenues by vessel category, port, etc. (this should represent the proportion of the affected fishery resource compared to the commercial fishery as a whole (not just for the affected fishery resource);

(iii) Number of participants involved by vessel category, port, etc.;

(iv) Length of time the resource (or access to it) has been or will be restricted (this is important for determining the type of assistance, e.g., longer-lasting failures may justify retraining or loans to provide assistance until recovery can take place, etc.);

(v) Documented decline in the resource;

(vi) Documented spending plan which describes the activities that could be used to mitigate if a commercial fishery failure due to a fishery resource disaster were determined;

(vii) A comprehensive economic and socio-economic evaluation of the affected region's fisheries if the request is for a catastrophic regional fishery disaster; and

(viii) Other information that may be required by NMFS.

This information will be submitted once with the initial request.

As explained in the preceding paragraphs, the information gathered has utility. NOAA's National Marine Fisheries Service 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 #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 NOAA's National Marine Fisheries Service decide to disseminate the information, it will be subject to the quality control measures and pre-dissemination review pursuant to Section 515 of Public Law 106-554.

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

This information collection may be developed on a personal computer through either a word processing or financial spreadsheet application. Requests and supporting documents must be mailed with the request letter because of official signature requirements. Electronic signature is

not feasible for this submission, since the formal request will be submitted via letter addressed to the Secretary of Commerce (i.e., controlled correspondence).

4. Describe efforts to identify duplication.

There are no other collections which gather similar information. The information requested is unique to each fishery resource disaster determination request. No duplication of effort exists with other Federal Government information collection efforts.

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

Small businesses or small entities may not submit a request. Only the Governor of an affected state or a publicly-elected or politically-appointed representative of the affected fishing community (i.e., mayor, city manager, or county executive) may submit a request for Fishery Disaster Assistance

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

Supporting data for a Fishery Disaster Assistance request is needed to evaluate whether conditions exist to support a determination of a Commercial Fishery Failure due to a Fishery Resource Disaster and is submitted on a one-time basis.

No less frequent collection is feasible.

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

There are no special circumstances which require this collection to be conducted in a manner inconsistent 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 record keeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

A proposed rule (RIN 0648-AW38) will be published for public comment.

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

No gifts or payments are made to anyone who submits an application to participate in this program.

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

The information collection does not request any proprietary or confidential information. No confidentiality is provided.

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.

No information of a sensitive nature is collected.

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

The agency expects to receive 4 requests per year. Preparation time for the NOAA/NMFS requirements is estimated to be 40 hours for each request. Thus, the total burden will be 160 hours per year.

13. Provide an estimate of the total annual recordkeeping/reporting cost burden to the respondents resulting from the collection (excluding the value of the burden hours in #12 above).

Annualized costs per respondent are estimated at \$15 (for special postage handling). Based on an estimate of four annual requests, this equates to \$60 per year.

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

This program does not add costs to the Federal government beyond the normal labor costs for program staff, scientists, economists, and management. NMFS offices in six regions and headquarters in Silver Spring, Maryland carry out the work.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-I.

This is a new program.

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

The results of this collection will not be published.

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.

There are no forms, but the expiration date will be included, with the OMB Control No., on all correspondence from the FFP.

18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-1.

There are no exceptions.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.

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