

**SUPPORTING STATEMENT
DESIGNATION OF FISHERY MANAGEMENT COUNCIL MEMBERS AND
APPLICATION FOR REINSTATEMENT OF STATE AUTHORITY
OMB CONTROL NO. 0648-0314**

A. JUSTIFICATION

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

This submission is a request for renewal of information collection requirements associated with implementation of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act):

(a). Principal State Officials and Their Designees. Section 302(b)(1)(A) of the Magnuson-Stevens Act requires that each Governor designate the principal state fishery official that will perform certain duties under the Magnuson-Stevens Act. The information submitted with the designation allows the National Marine Fisheries Service (NMFS) to determine whether the requirements of the Magnuson-Stevens Act are being met in terms of the responsibilities and expertise of the individual named, and to ensure that the person named is a full-time State employee.

(b). Governors' Nominees for Fishery Management Council Appointments. Section 302(b)(2)(C) of the Magnuson-Stevens Act requires Governors to nominate people to serve as members of the Councils. Information is needed to determine the qualifications of individuals and to meet other requirements under the Magnuson-Stevens Act.

(c). Treaty Indian Tribal Governments' Nominees for Council Appointments. Section 302(b)(5) of the Magnuson-Stevens Act requires tribal governments of Indian tribes with Federally-recognized fishing rights in California, Oregon, Washington or Idaho to nominate representatives to serve on the Pacific Fishery Management Council. Information is needed to determine the qualifications of individuals and to meet other requirements under the Magnuson-Stevens Act.

(d). Background Documents Completed by Nominees and Submitted to Governors or Treaty Indian Tribal Government. Nominees must furnish a current resume, or equivalent, describing career history and other such information as required in order to be considered as a candidate by the Governor or Treaty Indian Tribal Government.

(e). Application for Reinstatement of State Authority. Section 306(b)(2) of the Magnuson-Stevens Act allows states to apply for reinstatement of their authority to manage a fishery. The information required to be submitted with the application explains the reason for the state application.

These requirements are codified in 50 CFR 600 Subpart C.

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.

(a). Principal State Officials and Their Designees. The information is used by the Secretary of Commerce (Secretary) to appoint state officials as voting members of Councils under Section 302(b)(1)(A) of the Magnuson-Stevens Act. The Secretary seeks, on an annual basis, information about the expertise, employment, and responsibilities of the Governors' designees to meet the requirements of the Magnuson-Stevens Act. The information has been collected and used in the Council appointment process since 1977.

(b). Governors' Nominees for Council Employments. The information is used by the Secretary to annually appoint members to the Councils. One-third of the Councils' membership is appointed by the Secretary annually. The information submitted helps the Secretary ensure that the candidates are properly qualified as specified in Section 302(b)(2)(B) and (C) of the Magnuson-Stevens Act, and to ensure that there is a balance in Council representation between sectors with fishery interests (e.g. commercial, environmental, and recreational interests). This information has been collected and used by the Secretary in the Council appointment process since 1977 and in mandated reports to Congress since 1991.

(c). Treaty Indian Tribal Governments' Nominees for Council Appointment. Section 302(b)(5)(B) of the Magnuson-Stevens Act requires tribal governments of Indian tribes with Federally-recognized fishing rights in California, Oregon, Washington or Idaho to nominate representatives to serve on the Pacific Fishery Management Council. Criteria set forth for appointment by the Secretary, includes requirements for information on the qualifications of nominees, geographic area in which the tribe of the nominee is located, and the various fishing rights of the Indian tribes involved and judicial cases that set out how those rights are to be exercised. One appointment will be made to the Pacific Fishery Management Council every third year from not less than three nominees proposed by the Indian tribal governments. The Indian tribal governments may act either as a group or individually in proposing nominees.

(d). Background Documents completed by Nominees and Submitted to Governors or Treaty Indian Tribal Government. The current resume, or equivalent, describing career history, and other such information as required are necessary to evaluate who is believed best qualified, knowledgeable, and broadly experienced to address management actions that the Council will consider in the future. Nominees must meet all requirements and have a favorable adjudication on background checks conducted by the Federal Bureau of Investigation and National Oceanic and Atmospheric Administration (NOAA)'s Office of Enforcement. Yearly information submitted by the Governors on their nominees helps the Secretary ensure that the nominees are properly qualified as specified in Section 302(b)(2)(B) and (C) of the Magnuson-Stevens Act, and can be considered for possible appointment to one of the Regional Fishery Management Councils.

(e). Application for Reinstatement of State Authority. A state may apply, under Section 306(b)(2), to the Secretary for reinstatement of state authority over a fishery. Information is required of the state making application to determine whether the reasons for which the Secretary had assumed responsibility still exist, or whether the Secretary should return responsibility back

to the state in question. There is no plan to return state authority over a fishery in the next three years.

As explained in the preceding paragraphs, the information gathered has utility. 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. 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 techniques or other forms of information technology.

There is no use of automated technology. Use of automated technology has not been deemed to offer the opportunity to substantially reduce collection-of-information burden on the respondents.

4. Describe efforts to identify duplication.

NMFS is the sole organization collecting nomination information for the Secretary and administering the appointment process. NMFS is also the sole organization charged with the regulation of fisheries in the United States (U.S.) Exclusive Economic Zone. Thus there is no possible duplication of other collections.

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

The respondents for collections listed in sub-paragraphs 2(a), 2(b), and 2(e) above are state governments, not small entities. The respondents for the collection listed in sub-paragraph 2(c) above are Indian tribal governments. For 2(d), respondents are individuals. The burden is considered not to be significant and has been further reduced from the collection-of-information burden placed on the state governments in the following ways:

- (a). Participation in the nomination process by the 27 Indian tribes is at the discretion of the individual tribal governments.
- (b). The nomination process and collection-of-information takes place only every third year for one Council member's seat on the Pacific Fishery Management Council.
- (c). The tribal governments have the option of combining to nominate qualified persons in order to further reduce the burden on any one tribal government.

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

If this information were not collected or were not collected with the same frequency, NMFS would not be in compliance with applicable Congressional mandates.

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

NA.

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.

A Federal Register Notice was published on January 9, 2009 (74 FR 888). No comments were received.

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

No payment or gift will be made for responses.

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

None.

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 sensitive questions are asked.

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

The estimated burden is 4,607 hours.

(a). Principal State Officials and Their Designees:

15 Governors x 1 response (1 nomination/year x 1 hour/response) = 15 hours

Estimated labor cost: 15 hours x \$65/hour (average Governor's pay/hour) = \$975

(b). Governors' Nominees for Council Appointments:

1 nomination package of 3 nominees x 30 Governors x 80 hours per response/package = 2,400 hours

Estimated labor cost: 2,400 x \$65/hour (average Governor's pay/hour) = \$156,000

(c). Indian Tribal Governments' Nominees for Council Appointments:

1 nomination package of 3 nominees x 9 tribal governments x 80 hours/response = 720 hours

Estimated labor cost: 720 hours x \$47/hour (average senior tribal government official pay/hour) = \$33,840

(d). Background Documents Completed by Nominees and Submitted to Governors:

92* Nominees x 16 hours per year = 1,472

Estimated cost: 1,472 x \$25 (average nominee's pay/hour.) = \$36,800

(e). Applications for Reinstatement of State Authority:

0 respondents x 2 hours/response = 0 hours.

*Based on actual nominees accepting nominations in past three years, annualized.

Total respondents and responses: 146 (15 + 30 + 9 + 92)

Total hours: 4,607 (15 + 2,400 + 720 + 1,472).

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).

Public costs for this collection include copying and mailing. At an estimated \$27.60 for copying costs for 92 nominees' background documents, \$115.00 for mailing 92 responses by nominees, and \$607.50 for mailing 54 responses by Principal state officials/designees, Governors, and Treaty Indian Tribal Governments, **the total cost is \$750.10:**

3 pages per resume x 10 cents per page for copying = \$.30 x 92 nominees = \$27.60

92 nominees x \$1.25 (cost of postage/handling (p/h) by nominees to governors offices) = \$115p/h

54 responses x \$11.25 (cost of postage/handling (p/h) by Principal state officials, designees, Governors, and Treaty Indian Tribal Governments, to NMFS) = \$607.50.

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

The estimates of annualized cost to the Federal government are:

(a). Principal State Officials and Their Designees:

GS-15 (\$55/hour) x 40 hours = \$ 2,200
GS-11 (\$35/hour) x 40 hours = \$ 1,400
GS-08 (\$25/hour) x 20 hours = \$ 500
\$ 4,100

(b). Governors' Nominees for Council Appointment:

GS-15 (\$55/hour) x 80 hours = \$ 4,400
GS-11 (\$35/hour) x 1120 hours = \$ 39,200
GS-08 (\$25/hour) x 160 hours = \$ 4,000
\$47,600

(c). Indian Tribal Governments' Nominees for Council Appointment:

G5-15 (\$55/hour) x 80 hours = \$ 4,400
G5-11 (\$35/hour) x 320 hours = \$ 11,200
GS-08 (\$25/hour) x 80 hours = \$ 2,000
\$17,600

(d). Applications for Reinstatement of State Authority

\$0 cost estimated.

Total: Estimated Federal cost: \$69,300.

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

Adjustments:

Responses are in fact the same as previously, but due to an error in totaling, had been reported as 275 rather than 146 in the last request.

There is an adjustment from \$699.60 to \$750.10 in recordkeeping/reporting costs, due to postal rate increases. However, in ROCIS, it appears as a decrease from \$1,000, due to rounding up the cost when the collection was migrated to the system.

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

The collection results 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.

NA.

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

NA.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.