

**SUPPORTING STATEMENT
WESTERN PACIFIC COMMUNITY DEVELOPMENT PROGRAM PROCESS
OMB CONTROL NO. 0648-xxxx**

INTRODUCTION

This is a request for a new collection of information in relation to Proposed Rule 0648-AX76, Fisheries in the Western Pacific, Community Development Program Process.

A. JUSTIFICATION

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

16 U.S.C. 305(i)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson Stevens Act) authorizes the Western Pacific Fishery Management Council (Council) and the Secretary of Commerce (Secretary) through the National Marine Fisheries Service (NMFS), to establish a western Pacific community development program for any fishery under the authority of the Council and NMFS. The purpose of the program is to promote the participation of western Pacific communities in fisheries that they have traditionally depended upon, but may not have the capabilities to support continued and substantial participation in, possibly due to economic, regulatory, or other barriers. To be eligible to participate in the western Pacific community development program, the Magnuson-Stevens Act requires that a community develop and submit a community development plan to the Council and Secretary.

There is currently no mechanism to review, approve, and implement community development plan proposals for fishery access under the western Pacific community development program. To address this issue, the Council developed, and NMFS approved and implemented through regulations, an amendment to the American Samoa Fishery Ecosystem Plan (FEP), Hawaii FEP, Marianas FEP and western Pacific Pelagic FEP that establishes this process.

This collection of information is needed to determine whether communities that submit a community development plan meet the regulatory requirements for participation in the community development program, and whether the activities proposed under the plan are consistent with the intent of the program, the Magnuson-Stevens Act and other applicable laws.

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.

The community development program process begins with the Council conducting public outreach workshops in American Samoa, Guam, Hawaii or the Northern Mariana Islands. Communities interested in participating in the program may, at any time, send a letter of interest to the Council and a description of their community development plan proposal. Council Island Coordinators would then assist interested communities in preparing and submitting a community development plan to the Council and NMFS for review. A community development plan must contain:

1. A statement of the purposes and goals of the plan;
2. A description and justification for the specific fishing activity being proposed, including:
 - a. Location of the proposed fishing activity;
 - b. Management unit species to be harvested, and any potential bycatch;
 - c. Gear type(s) to be used; and
 - d. Frequency and duration of the proposed fishing activity.
3. A statement describing the degree of involvement by the indigenous community members including the name, address, telephone and other contact information of each individual who would conduct the requested fishing activity.
4. A description of how the community and/or its members meet each of the following eligibility criteria:
 - a. Be located in American Samoa, Guam, Hawaii or the Northern Mariana Islands (collectively, the western Pacific);
 - b. Consist of community residents descended from aboriginal people indigenous to the western Pacific area who conducted commercial or subsistence fishing using traditional fishing practices in the waters of the western Pacific;
 - c. Consist of individuals who reside in their ancestral homeland;
 - d. Have knowledge of customary practices relevant to fisheries of the western Pacific;
 - e. Have a traditional dependence on fisheries of the western Pacific;
 - f. Experience economic or other barriers that have prevented full participation in the western Pacific fisheries and, in recent years, have not had harvesting, processing or marketing capability sufficient to support substantial participation in fisheries in the area; and
5. If a vessel is to be used by the community to conduct fishing activities, for each vessel:
 - a. Vessel name and official number (United States Coast Guard (USCG) documentation, state, territory, or other registration number);
 - b. Vessel length, displacement and fish holding capacity;
 - c. Name, address, and telephone number of the owner(s) and operator(s); and
 - d. Net tonnage.

NMFS will use the information contained in the community development plan to determine whether the activities are consistent with the intent of the program and the Magnuson-Stevens Act and evaluate the impacts of the proposed community development plan activities on fish stocks, endangered species, marine mammals and other components of the affected environment for the purposes of compliance with the National Environmental Policy Act, the Endangered Species Act and other applicable laws.

NMFS will make community development plans available for public review and comment. 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. 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 collection of information of a community development plan involves no use of forms. Copies of the relevant regulations (50 CFR 665) with the community development plan submission requirements will be available on the Internet at Electronic Code of Regulations or at <http://www.fpir.noaa.gov>.

4. Describe efforts to identify duplication.

Collection of information request for a community development plan in the western Pacific does not duplicate any previous information request.

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

Respondents to this information collection would vary from small businesses to not-for-profit organizations, to individuals or groups of individuals and each would be considered a small entity. To minimize burden on small entities, Council Island Coordinators will assist interested communities in developing and submitting community development plans.

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

Without the collection of information for a community development plan, NMFS would be unable to review and evaluate a community development plan proposal to ensure such plans are consistent with the Magnuson-Stevens Act and other applicable laws. NMFS would continue to be unable to provide a mechanism to promote the participation of western Pacific communities in fisheries that they have traditionally depended upon, but may not have the capabilities to support continued and substantial participation in, possibly due to economic, regulatory, or other barriers.

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

None.

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 proposed rule, RIN 0648-AX76, was published on June 16, 2010, soliciting comments.

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

No payments or gifts will be provided.

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

Under 16 U.S.C. 1881a 402(b) of the Magnuson-Stevens Act, amended in 2006, and NOAA Administrative Order 216-100, information submitted in accordance with regulatory requirements under the Act is confidential. For this particular request, the only personally identifiable information collected is names, addresses and telephone numbers of the vessel owners/operators. No confidentiality is specifically promised in the regulations.

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 questions are asked of a sensitive nature.

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

NMFS expects to receive and process up to five community development plan proposals each year. Respondents are expected to spend up to six hours developing a community development plan proposal. Less time will be necessary if Council Island coordinators assist communities in developing proposals. Thus, the total maximum collection-of-information burden to communities in developing and submitting a community development plan is estimated at up to 30 hours per year. If approved by NMFS, a community development plan may be effective for no longer than five years.

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

Respondents may incur costs for submitting a community development plan proposal. The maximum estimated annual cost to respondents for postage, faxes, copies, etc., related to this collection is \$10 per proposal, or a total of \$50.

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

The estimated annual cost to the Federal government to process community development plan proposals is \$4,000 per year (5 proposals x 40 hours/proposal x \$20/hr).

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

This is a new program.

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

No formal scientific publications based on these collections are planned at this time.

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

No statistical methods are employed.