

**SUPPORTING STATEMENT
WESTERN PACIFIC COMMUNITY DEVELOPMENT PROGRAM PROCESS
OMB CONTROL NO. 0648-0612**

This is a request for an extension of a currently approved information collection for the western Pacific community development program process, based on Federal regulations at 50 CFR 665.20(c) published at 75 FR 54044 (September 3, 2010). OMB approved the information collection requirements through a final rule published at 75 FR 68199 (November 5, 2010).

A. JUSTIFICATION

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

Pursuant to Section 305(i)(2) of the [Magnuson-Stevens Fishery Conservation and Management Act](#) (Magnuson Stevens Act), National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service (NMFS) and the Western Pacific Fishery Management Council (Council) established the western Pacific community development program through the Council's fishery ecosystem plans. The purpose of the program is to promote the participation of western Pacific communities in fisheries that they have traditionally depended upon, but in which they may not have the capabilities to support continued and substantial participation, possibly due to economic, regulatory, or other barriers. To be eligible to participate in the western Pacific community development program, a community must meet eligibility criteria, and develop and submit a community development plan to the Council and NMFS.

Federal regulations at [50 CFR 665.20\(c\)](#) describe the western Pacific community development program eligibility criteria, and established the mechanism for NMFS to review, approve, and implement community development plan proposals for fishery access under the program. This collection of information is needed to determine whether communities submitting a proposal are eligible 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 (ongoing) in American Samoa, Guam, Hawaii, and the Northern Mariana Islands to provide communities with guidance on the program and community development plan submission process. Issues related to indigenous fishing rights and community development are part of every meeting agenda.

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
 - g. Develop and submit a community development plan to the Council and the NMFS
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. NOAA Fisheries 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 NOAA 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.

The collection of information of a community development plan involves no forms. Copies of the relevant regulations with the community development plan submission requirements are available on the Internet at [50 CFR 665.20](#) or at <http://www.fpir.noaa.gov/>.

4. Describe efforts to identify duplication.

This collection of information request does not duplicate any currently approved collection.

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. Each would be considered a small entity. To minimize burden on small entities, Council Island Coordinators will assist interested communities to develop and submit 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 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.

NOAA published a Federal Register Notice soliciting public comments on the continuing information collection on March 21, 2013 (78 FR 17354). The comment period ended on May 20, 2013, and NOAA received no comments. During this time, NMFS also consulted non-NOAA stakeholders, including local agencies, non-governmental organizations, and individuals that work on indigenous affairs, including native fishing rights about the information collection. NMFS received comments and made responses, described below.

Comment 1: The community development plan may be more time consuming than the six estimated hours depending on the size and complexity of the community submitting the application. However, even if NOAA increased the time allowance to develop a community plan, it would still be a burden for those applicants who are not accustomed to engaging in project development and management with government agencies.

Response: NMFS and the Council recognize that the development of a community development plan is a significant endeavor. Therefore, as explained in Part A, Question 2 of the supporting statement, the Western Pacific Community Development Program process authorizes the Council to conduct public outreach workshops in American Samoa, Guam, Hawaii, and Northern Mariana Islands to provide interested communities with guidance in developing a community development plan. Additionally, the Council, through its island coordinators, is responsible for assisting interested communities in preparing and submitting a community development plan to the Council and NMFS for review. These activities are intended to minimize the time burdens on western Pacific communities and promote strong and viable community development plans.

Comment 2: The description and justification portion requests the specific fishing activity, location, species, frequency, and duration. In some communities, there is a great deal of resistance to providing this much information about a practice for both practical reasons – so as not to alert others to a resources lest it be depleted – and for cultural reasons as many customary practitioners that I’ve spoken with do not reveal specific locations or talk much about their practice.

Response: In order to receive the benefits of the Western Pacific Community Development Program, a community must provide information in sufficient detail so that NMFS can determine whether the community is eligible to participate in the 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. Exact fishing locations are NOT required. Because a plan must be made available for public comment and review, the community must work with the Council and NMFS to provide sufficient information to evaluate the proposal while at the same time, not disclosing information they do not wish to make public. It's a balancing act, but that is the condition of receiving a benefit afforded by the CDP.

Comment 3: The expectation that costs for preparing the proposal would not exceed \$10 per proposal does not take in account possible travel costs (mileage, gas), additional fees associated with proposal prep (internet access, document preparation), and higher costs of international postage (including certified mail fees).

Response: The total estimated annual cost burden accounts only for expense related to submitting a community development plan to the Council and NMFS for review. This includes expenses incurred for postage, shipping or faxing, and making copies of required documents. NMFS also finds it reasonable that fees for internet access necessary to email a community development plan would be within the \$10 cost estimate (use of the internet at a public library or copier facility for example). Cost burden estimates do not include expenses (e.g. gas, mileage, air or ground transportation fares) a respondent may incur to coordinate the development of a community development plan with other community members, or to travel to the post office or other location to submit a community development plan to the Council and NMFS for review. Additionally, communities outside the United States (U.S.) are not eligible to participate in this program and therefore, cost of international postage rates is not considered.

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.

Community development plans submitted must be posted for public review; thus, no confidentiality is promised. It is the responsibility of those developing and submitting the plan to ensure that no information they do not want shared with the public is included.

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.

NMFS does not ask questions 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 would be necessary if Council Island coordinators assist communities in

developing proposals. Thus, the total information collection 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.

Since implementing the western Pacific community development program in 2010, NMFS has received only one community development plan proposal, which NMFS is currently reviewing for consistency with Federal regulations at 50 CFR 665.20(c).

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).

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

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 reported.

No changes.

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

This collection does not use statistical methods.