

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

This is a request for an extension of a currently approved collection. Instructions have been developed by the Western Pacific Fishery Management Council.

**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 [Marine Mammal Protection Act](#), [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 predissemination 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, and respondents have a choice of submitting information by electronic transmission or by mail. Copies of federal regulations for the community development plan submission requirements are available on the Internet at [50 CFR 665.20](#). Additionally, detailed instructions on how to submit a community development plan may be found on the Council's website at <http://www.wpcouncil.org/community-development/western-pacific-community-development-program/>.

**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 January 29, 2018 (83 FR 4034). The comment period ended on March 30, 2018, and NOAA received no comments.

During this time, NMFS also consulted non-NOAA stakeholders, including non-governmental organizations representing indigenous communities, and individuals that have previously expressed interest in or submitted a Western Pacific community development application, on the usefulness of the information collected, clarity of instructions, and whether burden and cost are accurate and reasonable. NMFS received comments and responds below.

Comment 1: The community development plan process takes too long because NMFS has to prepare an environmental assessment for every project proposal.

Response: Federal regulations implementing the Western Pacific Community Development Program at [50 CFR 665.20](#) authorize the NMFS Regional Administrator to authorize the direct or indirect harvest of management unit species that would otherwise be prohibited. If a project proposal includes activities that NMFS has previously evaluated for environmental impacts under NEPA, or includes activities that are categorically excluded from environmental review, no further environmental review would be needed to allow the project to proceed. However, if NMFS receives a proposal that includes activities that have not been previously been evaluated for environmental impacts, or are not categorically excluded from environmental review, the agency must prepare an environmental assessment to determine whether the project proposal would have a significant impact on the human environment, which, if affirmative, would require the preparation of an environmental impact statement (EIS).

NMFS must ensure project proposals comply with NEPA and other applicable laws before the agency can authorize the activity. However, the burden to evaluate the potential environmental impacts of a project proposal and prepare an environmental assessment or if necessary, an EIS, is NMFS' and not the applicant's.

Comment 2: After we submitted our project proposal, NMFS staff requested more information than required in the instructions provided on the Council's website.

Response: See response to Comment 1 above. This collection requires applicants to submit a community development plan that contains, among other information, 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; (3) gear type(s) to be used; and (3) frequency and duration of the proposed fishing activity. Additionally, the guidance document NMFS and the Council prepared to assist applicants in preparing a community development plan proposal also provides instructions for how to describe each of the parameters above and encourages applicants to “*provide specific and comprehensive information regarding each of the required proposal elements.*”

In cases where an applicant does not provide sufficient information for NMFS to evaluate the potential environmental impacts of a project, the agency may request the applicant to provide additional information so that the agency can meet its obligations under NEPA and other applicable laws.

NMFS and the Council recognize that the development of a community development plan is a significant endeavor. Therefore, as explained in Section A.2 above, 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 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.

**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 of 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.**

This information collection does not include 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.

**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 \$6,000 per year (5 proposals x 40 hours/proposal x \$30/hr).

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

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.