

SUPPORTING STATEMENT
U.S. Department of Commerce
National Oceanic & Atmospheric Administration
Western Pacific Community Development Program Process
OMB Control No. 0648-0612

SUPPORTING STATEMENT PART A

Abstract

This request is for an extension of a currently approved information collection. The Federal regulations at 50 CFR 665 authorize the Regional Administrator of the National Marine Fisheries Service (NMFS), Pacific Island Region to provide eligible western Pacific communities with access to fisheries that they have traditionally depended upon, but 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 the criteria set forth in 50 CFR 665.20, and submit a community development plan that describes the purposes and goals of the plan, the justification for proposed fishing activities, and the degree of involvement by the indigenous community members, including contact information.

This collection of information provides NMFS and the Western Pacific Fishery Management Council (Council) with data to determine whether a community that submits a community development plan meets the regulatory requirements for participation in the program, and whether the activities proposed under the plan are consistent with the intent of the program, the Magnuson-Stevens Fishery Conservation and Management Act, and other applicable laws. The information is also important for evaluating potential 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.

Justification

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

NMFS and the Council established the western Pacific community development program through the Council's fishery ecosystem plans pursuant to Section 305(i)(2) of the [Magnuson-Stevens Fishery Conservation and Management Act](#) (Magnuson-Stevens Act). 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. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

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 staff located on the island would then assist interested communities in preparing and submitting a community development plan to the Council and NMFS for review. Additionally, Council staff also conduct periodic public outreach workshops in American Samoa, Guam, Hawaii, and the Northern Mariana Islands to provide these island communities with guidance on the program and community development plan submission process.

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:
 1. Location of the proposed fishing activity;
 2. Management unit species to be harvested, and any potential bycatch;
 3. Gear type(s) to be used; and
 4. 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:
 1. Be located in American Samoa, Guam, Hawaii or the Northern Mariana Islands (collectively, the western Pacific);
 2. 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;
 3. Consist of individuals who reside in their ancestral homeland;
 4. Have knowledge of customary practices relevant to fisheries of the western Pacific;
 5. Have a traditional dependence on fisheries of the western Pacific;
 6. 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
 7. 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:
 1. Vessel name and official number (United States Coast Guard (USCG) documentation, state, territory, or other registration number);
 2. Vessel length, displacement and fish holding capacity;
 3. Name, address, and telephone number of the owner(s) and operator(s); and
 4. 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. 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. Should NMFS decide to disseminate the information in scientific, management, technical or general publications, 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 collection techniques or other forms of information technology, e.g. permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also, describe any consideration of using information technology to reduce burden.

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 <https://www.wpcouncil.org/western-pacific-community-development-program/>.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Question 2

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

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

Respondents to this information collection could include small businesses, not-for-profit organizations, individuals, or groups of individuals with a fishing interest. 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 consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

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 then 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 would cause an information collection to be conducted in a manner inconsistent with OMB guidelines.

There are no special circumstances and this collection will be conducted in a manner consistent with OMB guidelines.

This collection:

- does not require respondents to report information to the agency more often than quarterly;
- does not require respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;
- does not require respondents to submit more than an original and two copies of any document;
- does not require respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;
- is not in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;
- does not require the use of a statistical data classification that has not been reviewed and approved by OMB;
- does not include a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or
- does not require respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

8. If applicable, provide a copy and identify the date and page number of publications in the Federal Register of the agency's notice, required by 5 CFR 1320.8 (d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

NOAA published a Federal Register Notice soliciting public comments on the continuing information collection on Tuesday April 9, 2024 (89 FR 24804). The comment period ended on June 10, 2024, and NOAA received no comments on the proposed information collection.

During this time, NMFS also consulted non-NOAA stakeholders, including non-governmental organizations representing indigenous communities to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format, and on the data elements to be recorded, disclosed, or reported. Requests for comments were made to the Council staff, the Office of Hawaiian Affairs (Hawaii), the Office of Samoan Affairs (American Samoa), the Department of Chamorro Affairs (Guam), and the Carolinian Affairs Office (CNMI) during the public comment period. NMFS received no comments in response.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

NMFS provides no payments or gifts.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy. If the collection requires a systems of records notice (SORN) or privacy impact assessment (PIA), those should be cited and described here.

Data are handled as confidential under Section 402b of the Magnuson-Stevens Fishery Conservation and Management Act and [NOAA Administrative Order 216-100](#). Federal agencies are prohibited from releasing personal and proprietary information to the public.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior or attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

This information collection does not include questions of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information.

NMFS expects to receive and process up to five (5) 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 community development plans 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. We used the mean hourly wage from the May 2023 Occupational Employment and Wages for Captains, Mates, and Pilots of Water Vessels in Hawaii (53-5021), considering that program applicants could be business owners, vessel owners, or vessel operators. From https://www.bls.gov/oes/current/oes_hi.htm Totals are rounded.

Information Collection	Type of Respondent (e.g., Occupational Title)	# of Respondents/year (a)	Annual # of Responses / Respondent (b)	Total # of Annual Responses (c) = (a) x (b)	Burden Hrs / Response (d)	Total Annual Burden Hrs (e) = (c) x (d)	Hourly Wage Rate (for Type of Respondent) (f)	Total Annual Wage Burden Costs (g) = (e) x (f)
Community Development Plan	small business, non-profit, individuals, or groups with a fishing interest	5	1	5	6	30	\$41.25	\$1,237.50
Totals				5		30		

13. Provide an estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected on the burden worksheet).

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.

Information Collection	# of Respondents/year (a)	Annual # of Responses / Respondent (b)	Total # of Annual Responses (c) = (a) x (b)	Cost Burden / Respondent (h)	Total Annual Cost Burden (i) = (c) x (h)
Community Development Plan	5	1	5	\$10	\$50
TOTALS			5		\$50

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information.

The estimated annual cost to the Federal government to process community development plan proposals is based on the FY24 PPS Standard Pay Tables and the percentage of time taken by the relevant staff to process applications and any appeals. Loaded Salary/Costs are midpoints of the salary range.

Cost Descriptions	Grade/Step	Loaded Salary /Cost	% of Effort	Fringe (if Applicable)	Total Cost to Government
Federal Oversight					
Other Federal Positions	ZA03-02	\$101,440	2		\$2029
Contractor Cost		0	0		0
Travel					0
Other Costs:					0
TOTAL					\$2029

15. Explain the reasons for any program changes or adjustments reported in ROCIS.

There was a 5-dollar difference from the cost burden per respondent. Last renewal the cost was estimated at \$15 this year the cost has decreased to \$10 due to the change in postage requirements and respondents who submit proposals via email.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

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 that display would be inappropriate.

No forms, not applicable.

18. Explain each exception to the certification statement identified in "Certification for Paperwork Reduction Act Submissions."

Certification Statement for Paperwork Reduction Act Submissions

On behalf of this Federal agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9 and the related provisions of 5 CFR 1320.8(b)(3).