

**SUPPORTING STATEMENT**  
**U.S. Department of Commerce**  
**National Oceanic & Atmospheric Administration**  
**U.S. Caribbean Commercial Fishermen Census**  
**OMB Control No. 0648-0716**

**SUPPORTING STATEMENT PART A**

**Abstract**

This is a request for an extension to a standard information collection. The National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS or NOAA Fisheries) is seeking to extend its data collection on small-scale fishers in the United States (U.S.) Caribbean, including Puerto Rico and the U.S. Virgin Islands. The data collection aims to gather cultural, economic, and social information from 1,500 fishers across these regions. This up-to-date socio-economic data will support current management actions by informing fishery management plans and amendments, constructing social indicators, and aids developing and assessing regulatory proposals. The information will strengthen fishery management decision-making and help satisfy legal mandates under various statutes, including the Magnuson-Stevens Fishery Conservation and Management Act, Executive Order 12866, the Regulatory Flexibility Act, the Endangered Species Act, and the National Environmental Policy Act. This extension request ensures continued access to crucial data for effective fisheries management in the U.S. Caribbean.

**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.**

NOAA Fisheries will conduct a survey of small-scale fishers in the U.S. Caribbean, including Puerto Rico and the U.S. Virgin Islands. This socio-economic study is necessary due to the lack of up-to-date cultural, economic, and social data, which is crucial for developing fishery management plans, conducting regulatory analyses, and assessing policy impacts. The collection complements existing trip ticket data by providing comprehensive socio-economic information.

The collection of this information is necessary due to the following circumstances and legal requirements:

- a) Lack of up-to-date socio-economic data: Current data collection in the region is limited to trip tickets, which primarily focus on landings and fishing effort. Supplemental data is needed for cultural, economic, and social information.
- b) Development of fishery management plans and amendments: The collected data will provide current descriptions of the human and economic environment, including the development of social indicators.
- c) Regulatory analysis: The information will be used to conduct socio-economic analyses of regulatory proposals.

Legal and administrative requirements necessitating this collection include:

Magnuson-Stevens Fishery Conservation and Management Act (MSA): Requires conservation and management measures to prevent overfishing, obtain optimum yield, and consider the importance of fishery resources to fishing communities.

National Environmental Policy Act (NEPA): Mandates assessment of federal actions' effects on the human environment.

Regulatory Flexibility Act (RFA): Requires determination of significant impacts on small entities.

Executive Order 12866: Requires economic analysis of benefits and costs to society for regulatory alternatives.

Executive Order 12898: Addresses environmental justice in minority and low-income populations.

Executive Order 13985: Advances racial equity and support for underserved communities.

Executive Order 13771: Focuses on reducing regulation and controlling regulatory costs.

[NOAA Fisheries Guidelines for Assessment of the Social Impact of Fishery Management Actions](#)

[NOAA Fisheries Guidelines for Economic Reviews of Regulatory Actions](#)

There is implicit authority for the proposed information collection in each of those laws and EOs. NMFS and the Regional Fishery Management Councils need these data to support fishery management social impact assessments and analyses, such as those developed by the NMFS (Clay et al. 2013). The explicit Magnuson-Stevens Fishery Conservation and Management (MSA) authority to collect social and economic data is discussed in Section 1.4. Information Collection of Appendix A.

This data is essential for monitoring and predicting changes in the social and economic characteristics of commercial fisheries, assessing the near and long-term impacts of management policies, and understanding how decisions affect fishing communities. Currently, insufficient data exists to track social impacts or economic trends over time, making this collection vital for effective fisheries management in the U.S. Caribbean. Understanding how policies and programs affect those involved in commercial fisheries and fishing communities is crucial for effective management and decision-making.

**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.**

This information collection involves a voluntary socio-economic survey of U.S. Caribbean small-scale fishers. This collection will be conducted primarily through in-person interviews, with telephone interviews as a backup option. The survey will be available in both English and Spanish to minimize burden on respondents.

The information to be collected includes:

1) demographic background, 2) fishing and marketing practices, 3) capital description and investment in vessels, gear, and fishing equipment, and 4) miscellaneous attitudinal questions.

The 'demographic background' section elicits miscellaneous demographic information such as fisherman's age, number of dependents, and formal education achievement. This information is useful to characterize the fisher populations. This type of data is often missing in our databases.

The ‘fishing and marketing practices’ section probes about the fisherman’s role in the fishing operation (captain vs. crew), fishing experience, participation level (e.g., full-time vs. part-time), main gear types used, main species targeted, time spent on fishing and fishing-related activities (e.g., fixing gear, marketing), crew size, participation in fishing cooperatives, main launching sites, and type of fishing license held. It also asks about the main markets. NMFS uses this information to understand the impact of regulatory actions on fishing communities, since fishing business and the household dynamics in small-scale fishery are often intricately entwined.

The ‘capital description and investment in vessels, gear, and fishing equipment’ section inquires about vessel ownership, vessel characteristics (e.g., length, age, type of hull, number of engines and horsepower), electronics and fishing equipment owned (e.g., GPS, fish finders, winches), counts and description of various gear types (e.g., nets, hook and line, pots and traps) and approximate value of the capital invested in the fishing operation. NMFS uses these values to calculate the economic opportunity costs of capital goods and other assets that it in turn uses to calculate net economic benefits to the nation of industry participation. NMFS also uses them for conducting financial analyses as required by the RFA.

The ‘miscellaneous attitudinal questions’ section gathers information on their perceptions about the state of the resource and coral reefs, easiness to find employment outside fishing, household financial well-being and main socio-economic affecting the fishery including the impact of climate change and climatic (e.g., hurricanes) and non-climatic stressors (e.g., COVID-19). These types of questions are needed to understand the general business climate in which these small-scale fleets operate. Additionally, they provide a context that helps to distinguish between impacts associated with fisheries management from those of the general economy and/from environmental shocks.

Past fishermen censuses have been used by NOAA Fisheries to develop fishery management plans and amendments and conduct socio-economic assessments of regulatory proposals.

The primary target respondents for the data collection are U.S. Caribbean small-scale fishers. The collection will be a collaborative effort with local fishery agencies, namely Puerto Rico's Department of Natural and Environmental Resources (PR DNER) and U.S.V.I.'s Department of Planning and Natural Resources (U.S.V.I. DPNR Division of Fish and Wildlife).

The information collected is used by multiple entities for various purposes. NOAA Fisheries Service and the Caribbean Fishery Management Council (CFMC) use the data to:

- a) Monitor, explain, and predict changes in the socio-economic performance of commercial fisheries
- b) Conduct required socio-economic analyses of regulatory actions and proposals
- c) Develop fishery management plans and amendments.
- d) Make better-informed conservation and management decisions
- e) Calculate economic costs and economic benefits to the nation
- f) Conduct financial analyses as required by the Regulatory Flexibility Act (RFA)
- g) Understand the impact of regulatory actions on fishing communities

The public will have access to disseminated information for research and awareness purposes. Other government agencies and academic institutions may use the data for research and policy analysis.

The practical utility of this information to the government is significant. It fills critical data gaps, especially in demographic information, which is often missing from existing databases. It provides crucial insights into the operations and challenges of small-scale fisheries, allowing for more effective and targeted management strategies. The attitudinal questions, in particular, offer valuable context for distinguishing between impacts of fisheries management and those of the broader economy or environmental shocks.

The information will be shared within the Department of Commerce, particularly within NOAA, and may be shared with other federal agencies as needed for fisheries management and research purposes. NOAA Fisheries Service will retain control over the information and safeguard it according to NOAA standards for confidentiality, privacy, and electronic information.

Respondents do not have multiple options for providing the information beyond the choice of in-person or telephone interview. The information collection is designed to yield high-quality data that meet all applicable information quality guidelines. Prior to dissemination, the information will undergo quality control measures and a pre-dissemination review as per [Section 515 of Public Law 106-554](#).

This collection directly supports NOAA's mission and statutory requirements for fisheries management, particularly in meeting the socio-economic analysis requirements of the Magnuson-Stevens Fishery Conservation and Management Act. It provides essential data for evidence-based decision-making in the management and conservation of marine resources in the U.S. Caribbean.

**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 socio-economic data required will primarily be gathered through face-to-face interviews with small-scale fishers in the U.S. Caribbean, with telephone interviews serving as a backup option. We do not anticipate using online questionnaires due to undependable internet access in some parts of the U.S. Caribbean.

To enhance data collection efficiency and accuracy, we plan to require the contractor (to be determined) to use tablets or other electronic devices connected to an online platform. This approach will allow interviewers to complete and securely upload surveys to a cloud server. In areas with Wi-Fi availability, survey results will be uploaded to the online platform in real-time. Where Wi-Fi is unavailable, survey results will be saved on the tablet and uploaded once internet access becomes available.

The use of this technology offers several advantages:

- a) Reduced set-up and administration costs
- b) Minimized transcription errors
- c) Immediate access to collected data
- d) Enhanced data security and confidentiality
- e) Streamlined data analysis process

We estimate that approximately 85% of the interviews will be conducted using electronic devices, with

the remaining 15% potentially conducted via telephone or paper forms in cases where electronic devices are not feasible or respondent preference.

While we currently do not offer an online self-response option for fishers due to partial internet access in the region, we are exploring the possibility of developing a mobile application for future data collection efforts. This could potentially allow fishers to input data directly, reducing the need for in-person interviews. We aim to pilot this approach within the next 2-3 years, subject to budget availability and technological feasibility assessments.

The electronic data collection method significantly reduces the burden on both respondents and the agency. For respondents, it shortens interview duration and eliminates the need for follow-up clarifications. For the agency, it streamlines data entry, reduces errors, and accelerates the analysis process.

This approach to data collection aligns with the Government Paperwork Elimination Act (GPEA) by leveraging electronic methods where feasible while acknowledging the technological limitations in certain areas of the U.S. Caribbean. As internet accessibility improves in the region, we will continue to explore and implement more advanced electronic data collection methods to further reduce burden and improve efficiency.

#### **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**

We have taken significant steps to identify and avoid duplication in our data collection efforts. To ensure our collection is unique and necessary, we consulted with the Caribbean Fishery Management Council (CFMC) about our intention to gather socio-economic data on small-scale fishers. The CFMC confirmed that, aside from Equity and Environmental Justice and Costs and Earnings assessments, there are no ongoing or planned data collections targeting this group in the area. We also consulted with the U.S. Virgin Islands Department of Planning and Natural Resources and Puerto Rico's Department of Natural and Environmental Resources to ensure our efforts do not duplicate any ongoing or planned local data collection initiatives.

We have also reviewed data from the NOAA Fisheries' Marine Recreational Information Program (MRIP) and commercial landings data. While these provide valuable information on catch and effort, they do not capture the comprehensive socio-economic data we aim to collect. It's important to note that the most recent small-scale fisher censuses for the regions in question are now outdated. The last census in the U.S. Virgin Islands was conducted in 2016 (Kojis et al. 2017)<sup>1</sup>, while Puerto Rico's most recent census took place in 2018/19 (Shivlani 2021, unpublished ms). The NOAA Fisheries typically aims to update these censuses every five years (subject to funding), though they may increase frequency in response to severe shocks such as several tropical storms and hurricanes that significantly impact local fisheries.

Given the time elapsed since the last censuses and the potential for significant changes due to environmental or economic factors, our proposed data collection is necessary to provide current, relevant information on small-scale fishers in the region. This effort will fill critical information gaps by providing up-to-date socio-economic data, assessing changes in the fishing community since the last census, and evaluating the impact of recent events such as hurricanes and the COVID-19 pandemic on

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<sup>1</sup> Kojis, B., N. Quinn, and J. Agar 2017. Census of licensed commercial fishers of the U.S. Virgin Islands (2016). NOAA Technical Memorandum NMFS-SEFSC-715, 160 p. doi:10.7289/V5/TM-SEFSC-715

local fisheries.

To avoid duplication, we will review and incorporate relevant data from previous censuses and COVID-19 assessments. We will also coordinate closely with the CFMC and NMFS to ensure our data collection complements existing information rather than duplicating it. Our survey questions are designed to address specific information gaps not covered by existing data.

While some information may be available from previous sources, this collection is essential to capture current socio-economic conditions of small-scale fishers, assess recent changes in the fishing community, and provide up-to-date data for informed decision-making and policy development. The unique circumstances and the time elapsed since the last comprehensive data collection justify the need for this new effort.

To further reduce duplication, we plan to make our data available to other agencies and researchers, subject to confidentiality constraints, to support a wide range of analyses without necessitating additional data collection efforts.

By addressing these points, we demonstrate that this data collection is not duplicative of existing information but rather a necessary and timely effort to understand the current state of small-scale fisheries in the U.S. Virgin Islands and Puerto Rico. This updated information will be crucial for developing effective policies and support measures for these important fishing communities.

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

Most commercial fishing operations in the U.S. Caribbean are family owned businesses. We have taken several steps to minimize the burden on these small businesses.

First, the surveys will be voluntary, allowing small business owners to choose whether to participate based on their availability and willingness.

Second, surveys will be available in English and Spanish to reduce the burden on non-English speakers. This approach ensures that language barriers do not hinder participation or increase the time required to complete the survey.

Third, we will require the contractor (to be determined) to hire bilingual interviewers (Spanish and English). This will facilitate clear communication and assist participants in understanding and responding to survey questions accurately.

Fourth, the interviews will be conducted at times and places that are most convenient to fishers to minimize potential disruptions to their fishing operations.

Finally, we plan to conduct a number of outreach presentations to raise awareness about the survey and its importance, which can help small business owners understand the value of their participation and potentially increase voluntary response rates.

These methods are designed to minimize the burden on small businesses while still collecting the necessary information to support effective fisheries management and policy development.

**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.**

If the socio-economic data collection for U.S. Caribbean fisheries is not conducted or is conducted less frequently, there would be significant consequences for NOAA Fisheries and the CFMC ability to fulfill their legal obligations and effectively manage fisheries in the region.

Primarily, it would hinder compliance with key legal mandates such as the Magnuson-Stevens Fishery Conservation and Management Act (MSA), the National Environmental Policy Act (NEPA), and Executive Order 12898. These laws require regional fishery management councils to establish conservation and management measures that provide sustained fishing community participation and minimize adverse economic impacts on such communities. Specifically, National Standard 8 of the MSA mandates consideration of fishing communities in management actions. Furthermore, these requirements necessitate the use of the best scientific information available for decision-making, which includes up-to-date socio-economic data.

The absence of current socio-economic information would significantly limit NOAA Fisheries' ability to accurately describe the human and economic environment in fishery management plans and amendments. It would impair our capacity to estimate the socio-economic impacts of management proposals and to examine the performance of existing regulations. Consequently, the benefits and costs of regulatory proposals would continue to be debated without sound data, increasing the risk of unforeseen adverse consequences.

Moreover, the lack of current data would impede NOAA's ability to measure progress against specific Government Performance and Results Act (GPRA) objectives, such as ensuring the sustainability of fisheries and fishing communities, and improving the scientific basis for conservation and management decisions.

The availability of current information is crucial in minimizing the likelihood of court challenges on the grounds of deficient analysis. Legal challenges based on inadequate socio-economic assessments could potentially obstruct the implementation of necessary fishery management measures.

Lastly, the collection of detailed socioeconomic data is essential for fishery managers to make timely and better-informed decisions. Without this information, NOAA Fisheries would struggle to fulfill its mission of preventing overfishing while achieving optimum yield from each fishery, as required by National Standard 1 of the MSA.

In conclusion, regular collection of this socio-economic data is crucial for NOAA and CFMC to fulfill their mission, meet legal requirements, and ensure effective, science-based management of U.S. Caribbean fisheries. The absence of such data would significantly hamper our ability to make informed decisions that balance the needs of fishing communities with the sustainability of fish stocks.

## **7. Explain any special circumstances that would cause an information collection to be conducted in a manner inconsistent with OMB guidelines.**

This information collection does not involve any special circumstances that would cause it to be conducted in a manner inconsistent with OMB guidelines with the exception of the race and ethnicity question.

The decision to use the minimum categories only for race and ethnicity data collection is based on the following considerations:

- a) Limited space on forms: The compact nature of Figure 3 (in Updated Required Statistical Directive No. 15: Standards for Maintaining, Collecting, and Presenting Federal Data on Race

and Ethnicity for Data Elements and Approved formats for collecting information on Gender and Underserved Communities, per Executive Order 13985) makes it suitable for forms where space is at a premium, allowing for efficient data collection without compromising the overall design and readability of the document.

- b) Reduced respondent burden: By presenting only the minimum categories, we minimize the time and cognitive load required for respondents to complete the question, potentially increasing response rates and data quality.
- c) Focus on core demographic information: For certain applications, the minimum categories may provide sufficient information to meet program objectives without the need for more granular data.

While we recognize the value of more detailed ethnicity data, we believe that for this specific application, the benefits of using the minimum categories outweigh the potential advantages of more granular data collection. This approach strikes a balance between data utility and practical constraints while still adhering to the updated OMB standards for race and ethnicity data collection.

Other than the race and ethnicity question, below find the responses to each of the eight subparts:

- a) The collection does not require respondents to report information to the agency more often than quarterly. The survey is voluntary and conducted on a one-time basis.
- b) Respondents are not required to prepare a written response to the collection in fewer than 30 days after receipt. The voluntary nature of the survey allows respondents to participate at their convenience.
- c) The collection does not require respondents to submit more than an original and two copies of any document. In fact, no document submission is required as part of this voluntary survey.
- d) Respondents are not required to retain records for more than three years. The survey does not involve any record retention requirements.
- e) This statistical survey is designed to produce valid and reliable results that can be generalized to the universe of study. NOAA Fisheries has ensured that the survey methodology meets scientific standards for reliability and validity.
- f) The collection uses statistical data classifications that have been reviewed and approved by OMB. No unapproved classifications are being used in this survey.
- g) The collection includes a pledge of confidentiality that is supported by authority established in statute or regulation, backed by disclosure and data security policies consistent with the pledge, and does not unnecessarily impede sharing of data with other agencies for compatible confidential use.
- h) The collection does not require respondents to submit proprietary trade secrets or other confidential information. However, NOAA Fisheries has demonstrated that it has instituted procedures to protect any information's confidentiality to the extent permitted by law.

In summary, this voluntary information collection adheres to all OMB guidelines and does not present any special circumstances that would necessitate deviation from these standards.



**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.**

A Federal Register notice soliciting public comment on the proposed data collection was published on August 9, 2024 (89 FR 65334). No public comments were received.

NOAA consulted with 1 stakeholder (Caribbean Fishery Management Council - CFMC) 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. The CFMC reported no issues regarding the availability of data, frequency of collection, the clarity of instructions and reporting format, or the requested data elements. They emphasized the importance of regularly updating the fisher census, as it is the only consistent fisheries-related socio-economic data collection in the region. These censuses have typically been conducted every 5-7 years, depending on ground conditions and funding availability.

To fulfill the requirement of obtaining comments from at least two non-NOAA stakeholders within the past 18 months, we also reached out to the Virgin Islands' Department of Planning and Natural Resources (VI DPNR- stakeholder 2) and Puerto Rico's Department of Natural and Environmental Resources (PR DNER - stakeholder 3) in June of 2024.

We requested their feedback on the usefulness of the information collected, clarity of instructions, and whether the burden and cost estimates were accurate and reasonable. Both VI DPNR and PR DNER responded that they found the information collected to be highly useful for local fisheries management and that the instructions were clear. They had no comments on the burden and cost estimates.

In response to these consultations, we have maintained the current data collection approach and frequency, as both stakeholders indicated that the existing methodology is appropriate and valuable for fisheries management in the region.

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

No payments or gifts will be provided to respondents.

**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.**

To ensure respondent confidentiality, this information collection will adhere to several key protections and legal frameworks. Primarily, the Privacy Act of 1974 (5 U.S.C. 552a) applies, as we will be collecting personally identifiable information. This act prohibits disclosing information without written consent, except under specific statutory exceptions. We will include the appropriate Privacy Act Statement on all forms requesting Social Security Numbers or Taxpayer Identification Numbers.

Additionally, Section 402(b) of the Magnuson-Stevens Act as amended in 2006 (16 U.S.C. 1801, et seq.) provides statutory authority for confidentiality for this NMFS information collection. All data

collected will be kept anonymous and only released in aggregate statistical form without identifying individual sources. Personal contact information will be separated from survey responses and destroyed after completion.

For transparency, we will include the following statement on all survey instruments:

"Data collected will be kept anonymous and will not be released for public use except in aggregate statistical form without identification as to its source. Participation or lack of participation in the survey will remain anonymous. All economic data will be aggregated into statistical form for all reports."

This collection falls under the COMMERCE/NOAA Privacy Act Systems of Records 6 and 19, which cover Fishermen's Statistical Data and Permits and Registrations for United States Federally Regulated Fisheries, respectively. We do not anticipate needing a new System of Records Notice (SORN) or Privacy Impact Assessment (PIA) for this collection.

Additionally, the contractor involved in the data collection, will be required to sign confidentiality pledges to ensure the vendor adheres to our confidentiality standards, participant confidentiality throughout the data collection, analysis, and storage processes. These measures collectively provide strong assurances of confidentiality based on established legal and policy frameworks, ensuring respondents can participate with confidence that their information will be protected.

**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.**

The information collection includes three potentially sensitive questions related to income, and race/ethnicity. These questions are essential for conducting mandated social and economic analyses and evaluating the impacts of regulatory alternatives on different populations.

Income information from fishing is crucial for assessing household social and economic resiliency. It helps evaluate regulatory alternatives by identifying disproportionate effects on low-income households. Combined with location data, income information can be used to construct community resilience indicators, which are necessary for analyzing social and economic impacts on communities as required by National Standard 8 of the Magnuson-Stevens Act ([MSA Section 301(a)(8)]).

To increase response rates for income-related questions, the following steps will be taken:

- a) Providing clear explanations to potential respondents about how the information will be used,
- b) Collecting demographic information directly from each individual, and
- c) Ensuring confidentiality of the provided information.

Questions on race and ethnicity are included to identify vulnerable communities that could be impacted by regulatory alternatives. This information is particularly important in commercial fisheries with diverse backgrounds. Race and ethnicity data are necessary for analyzing social and economic impacts on communities as required by National Standard 8 of the MSA [MSA Section 301(a)(8)].

The collection of data on minority and low-income populations is also necessary to conduct analyses mandated by Executive Order 12898 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations) and Executive Order 13985 (Advancing Racial Equity and Support for Underserved Communities Through the Federal Government).

It's important to note that the questions on race and ethnicity follow the Revisions to OMB's Statistical Policy Directive No. 15: Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity. This ensures consistency and comparability with other federal data collection efforts.

By collecting this sensitive information, NMFS Fishery Science Centers can conduct comprehensive social and economic analyses, evaluate the impacts of conservation and management measures on diverse communities, and ensure compliance with federal mandates and executive orders.

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

NOAA has estimated that the number of respondents will be 1,500 and the time per response will be 3/4 hour. Hence, we are requesting 1,125 burden hours (Table 1), which implicitly assume full funding. If only partial funding is obtained then we will cut in half the number of burden hours. The 45-minute burden per response includes the time reading of instructions, reviewing the questions, and completing the survey. The 45-minute estimate is based on pilot testing with a small sample of fishers (n=8) and considers the time needed for explaining the survey purpose, obtaining consent, and addressing any questions or concerns. The 45-minute burden estimate is consistent with previous fisher census efforts (e.g., Matos-Caraballo and Agar, 2011; Kojis et al., 2017)<sup>2</sup>.

Table 1 shows estimates of annualized cost to respondents for the burden hours. The hourly wage rate used (\$29.23) is based on the national average for first-line supervisors of farming, fishing, and forestry workers, which we believe best represents the average hourly wage of our respondent population (occupational code 45-1011, see [https://www.bls.gov/oes/current/oes\\_nat.htm#45-0000](https://www.bls.gov/oes/current/oes_nat.htm#45-0000)).

Table 1: Estimates of the Number of Respondents and Burden.

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)
Puerto Rico Census	Fishers	1,240	1	1,240	0.75	930	\$29.23	\$27,184
USVI Census	Fishers	260	1	260	0.75	195	\$29.23	\$5,700
<b>Totals</b>				<b>1,500</b>		<b>1,125</b>		<b>\$32,884</b>

<sup>2</sup> Matos-Caraballo, D. and J. Agar, 2011. Census of Active Fishermen in Puerto Rico (2008). *Marine Fisheries Review*, Vol. 73, No. 1, pp. 13-27.

**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).**

The information will be collected with in-person and/or telephone interviews. There are no capital/start-up or ongoing operation/maintenance costs associated with this information collection.

**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.**

A ZP IV NMFS (FTE) employee will have federal oversight, data collection, analysis, report writing, and administrative responsibilities associated with these information collections. The Commerce Alternative Personnel System (CAPS) pay tables were used to calculate the loaded salary. [https://www.commerce.gov/sites/default/files/2024-01/CAPS\\_rpStandard\\_2024.pdf](https://www.commerce.gov/sites/default/files/2024-01/CAPS_rpStandard_2024.pdf) The Rest of U.S. locality was used since NOAA employees are geographically dispersed. The base salary for a ZP-IV Interval 5 was used (\$168,535). A 1.5 multiplier was applied to calculate the loaded salary.

Contractor costs are estimated at \$350,000 over the three-year period (annualized to \$116,667). The contractor will be responsible for survey design and testing, survey implementation and data collection, and preliminary data processing and quality control. We estimated the costs of the contracts to administer the surveys based on the costs of similar recent contracts.

Operational expenses include supplies and equipment and travel for field visits to set up and monitor survey implementation.

Table 3 provides a detailed breakdown of these cost estimates.

Cost Descriptions	Grade/Step	Loaded Salary /Cost	% of Effort	Fringe (if Applicable)	Total Cost to Government
Federal Oversight	ZP IV	252,803	31%		78,369
Other Federal Positions					
Contractor Cost			350,000/3		116,667 (annualized)
Travel					20,000
Other Costs: Equipment & Supplies					12,550
<b>TOTAL</b>					<b>227,586</b>

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

There are no changes to the information collection since the last OMB approval.

**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.**

NOAA Fisheries will develop reports and tabulations based on the collected data. Results will be tabulated and disseminated to the public as NOAA Technical Memoranda, similar to Kojis et al. (2017), and made available on NOAA Fisheries websites.

The analytical process will include tabulations of responses and cross-tabulations for policy questions, as well as statistical hypothesis tests such as Student's t or F-statistic to determine changes over time. Depending on the summary statistics and current policy needs, we may also employ more complex statistical methods like linear regression and analysis of variance.

The implementation timeline for each survey spans approximately 18 months, beginning with logistics preparation (months 1-4), followed by fieldwork (months 4-11), data cleaning and analysis (months 12-15), and concluding with report preparation and tabulations (months 16-18). However, specific timelines may vary by jurisdiction and funding availability.

Table 4 Data Collection, Analysis, and Reporting Timeline in Months.

Activity	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Prepare logistics	■	■	■	■														
Perform Survey			■	■	■	■	■	■	■	■	■							
Clean and Analyze Data												■	■	■	■			
Prepare Reports and Tabulations																■	■	■

It is anticipated that the information collected will be disseminated to the public or used to support publicly disseminated information. 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. 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. When writing final reports and publishing the findings of this research, tabulations of individual responses will occur at a high enough level of aggregation so that data for no single individual can be identified.

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. These Technical Memoranda will be shared online with internal and external partners.

**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.**

The agency plans to display the expiration date for OMB approval of the information collection on all instruments.

**18. Explain each exception to the certification statement identified in “Certification for Paperwork**

**Reduction Act Submissions."**

The agency certifies compliance with 5 CFR 1320.9 and the related provisions of 5 CFR 1320.8(b)(3).

## APPENDIX A

### Social and Economic Data Requirements for Federally Managed Commercial Fisheries

#### Introduction

NMFS uses social and economic data and the models and analyses they support to monitor, explain and predict changes in the social and economic performance and impacts of federally managed fisheries. The legal and policy requirements for social and economic data and analyses are intended to promote better informed conservation and management decisions on the use of living marine resources and marine habitat in federally managed fisheries by improving the ability of NMFS and the Councils to monitor, explain and predict those changes.

In this appendix, we address the following 16 laws, Executive Orders (EOs) and NOAA Fisheries strategy and policy statements with requirements for social and/or economic data, models and analyses.

1. The [Magnuson-Stevens Fishery Conservation and Management Act](#) (MSA)
2. The [National Environmental Policy Act](#) (NEPA)
3. The [Regulatory Flexibility Act](#) (RFA)
4. [EO 12898](#) (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations)
5. [EO 13985](#) (Advancing Racial Equity and Support for Underserved Communities Through the Federal Government)
6. [EO 12866](#) (Regulatory Planning and Review)
7. [EO 13771](#) (Reducing Regulation and Controlling Regulatory Costs)
8. The [NOAA Fisheries Guidelines for Assessment of the Social Impact of Fishery Management Actions](#)
9. The [NOAA Fisheries Guidelines for Economic Reviews of Regulatory Actions](#)

We use the terms “needed” and “required”, with respect to social and economic data, to refer to data that would support more than a highly superficial effort to comply with or support those laws, EOs and statements.

#### 1. **MSA**

The Magnuson-Stevens Fishery Conservation and Management (MSA), 16 U.S.C. §§ 1801 *et seq.*, establishes a national program for conservation and management of fishery resources with federal jurisdiction over such resources within the US exclusive economic zone (EEZ). 16 U.S.C. §§ 1801(a) (6), 1811(a). For purposes of the MSA, the EEZ extends from the seaward boundary of each coastal State generally out to 200 nautical miles. *Id.* § 1802(11). Key purposes of the MSA are to “take immediate action to conserve and manage the fishery resources found off the coasts of the United States. . .” and “promote domestic commercial and recreational fishing under sound conservation and management principles. . .” *Id.* §§ 1801(b)(1), (3). NOAA’s National Marine Fisheries Service (NMFS or NOAA Fisheries<sup>3</sup>), acting under authority delegated from the Secretary of Commerce, is responsible for managing fisheries pursuant to the MSA. Regulation of fisheries is accomplished through fishery management plans, amendments to those plans (hereinafter, collectively referred to as “FMPs”), and implementing regulations. To assist in fishery management, the MSA established eight regional fishery

<sup>3</sup> Known informally as NOAA Fisheries, the official name of the agency in legislation and regulations is the National Marine Fisheries Service (NMFS).



councils, who prepare and submit to NMFS FMPs for fisheries within their respective geographic areas that require conservation and management. *See id.* § 1852(a), (h)(1). NMFS reviews and takes actions on FMPs pursuant to a process set forth in the MSA at 16 U.S.C. §1854(a). In addition, NMFS promulgates regulations to implement FMPs pursuant to a process in § 1854(b).

A number of provisions in the MSA integrate social and economic considerations into the decision-making process. Robust social and economic data analysis can foster better informed decisions by improving the ability of the Councils and NMFS to monitor, explain and/or predict the effect of a management decision through an improved understanding of the social and economic characteristics of the individuals likely to be impacted. For example, some of those provisions mention fishing communities or require the consideration of social and economic impacts of fishery management measures, including the impacts on fishing communities. This appendix describes those MSA provisions in the following order: (1) national standards for federally managed fisheries; (2) required and discretionary provisions for fishery management plans (FMPs); (3) region-specific provisions; and (4) information collection.

### 1.1 National Standards for Federally Managed Fisheries

The MSA sets out ten national standards for federally managed fisheries, and requires NMFS to establish advisory guidelines on them. 16 U.S.C. §§ 1851(a), (b). FMPs and implementing regulations are required to be consistent with the national standards. *Id.* § 1851(a). Although economic and social data and the analyses that use these data are relevant to all ten national standards, those data and analyses are particularly relevant to the following six National standards.

The national standards do not explicitly provide the authority to collect social and economic data. However, NMFS continuously strives to improve the available scientific information, including economic and social information, to meet its mission to provide vital services for the nation, all backed by sound science and an ecosystem-based approach to management and to improve its ability to determine if the national standards are being met or will be met by a proposed conservation and management measure. See section 4, below, describing MSA information collection provisions.

**National Standard 1** requires that “conservation and management measures”<sup>4</sup> prevent overfishing while achieving, on a continuing basis, the optimum yield (OY) from each fishery for the United States fishing industry. 16 U.S.C. § 1851(a)(1). OY refers to an amount of fish which provides the greatest overall benefit to the Nation, particularly with respect to food production and recreational opportunities, and taking into account protection of marine ecosystems; and is prescribed on the basis of maximum sustainable yield “as reduced by any relevant social, economic, or ecological factor...” *Id.* § 1802(33). For social factors, the [National Standard 1](#) guidelines provide a non-exhaustive list of potential considerations, fishery-related indicators, and other factors that may be considered, including: “...preservation of a way of life for fishermen and their families, and dependence of local communities

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<sup>4</sup> MSA defines “conservation and management” as “all of the rules, regulations, conditions, methods, and other measures (A) which are required to rebuild, restore, or maintain, and which are useful in rebuilding, restoring, or maintaining, any fishery resource and the marine environment; and (B) which are designed to assure that— (i) a supply of food and other products may be taken, and that recreational benefits may be obtained, on a continuing basis; (ii) irreversible or long-term adverse effects on fishery resources and the marine environment are avoided; and (iii) there will be a multiplicity of options available with respect to future uses of these resources.” 16 U.S.C. § 1802(5).

on a fishery (e.g., involvement in fisheries and ability to adapt to change)...non-fishery related indicators (e.g., unemployment rates, percent of population below the poverty level, population density, etc.),... [and] the cultural place of subsistence fishing, obligations under tribal treaties, proportions of affected minority and low-income groups, and worldwide nutritional needs.” 50 C.F.R. § 600.310(e)(3)(iii)(B) (1).

**National Standard 2** requires conservation and management measures to be based upon the best scientific information available (BSIA). 16 U.S.C. § 1851(a)(2) . One criterion for BSIA in the National Standard 2 guidelines is inclusiveness. Under that criteria, the guidelines provide that “[r]elevant local and traditional knowledge (e.g., fishermen’s empirical knowledge about the behavior and distribution of fish stocks) should be obtained, where appropriate, and considered when evaluating the BSIA.” 50 C.F.R. § 600.315(a)(6)(ii)(C). The guidelines further recognize that historical information “should be evaluated for [their] relevance to inform the current situation.” *Id.* § 600.315(a)(6)(v)(B). Historical data (e.g., abundance, environmental, catch statistics, market and trade trends) provide time-series information on changes in [fish](#) populations, fishery participation, and fishing effort that may inform current management decisions. *Id.* Moreover, the Stock Assessment and Fishery Evaluation (SAFE) report is to include, inter alia, “the social and economic condition of...fishing communities...” *Id.* § 600.315(d). While NMFS may consider and incorporate relevant traditional ecological knowledge (TEK) as BSIA where warranted, National Standard 2 does not itself authorize data collection or study. *See e.g., id.* § 600.315(d)(2)-(3) (providing that SAFE report should contain “the following scientific information when it exists,” explain information gaps, and highlight needs for future scientific work).

**National Standard 4** requires that conservation and management measures shall not discriminate between residents of different states and that allocations be fair and equitable, reasonably calculated to promote conservation, and carried out to avoid excessive shares. 16 U.S.C. §1851(a)(4). The [National Standard 4 guidelines](#) provide guidance on these requirements. 50 C.F.R. § 600.325. With regard to allocations, the guidelines provide, among other things: “Where relevant, judicial guidance and government policy concerning the rights of treaty Indians and aboriginal Americans must be considered in determining whether an allocation is fair and equitable.” *Id.* § 600.325(c)(3)(i)(B). The guidelines also note factors relevant to the FMP’s objectives that should be considered when designing an allocation scheme, such as “economic and social consequences of the scheme, food production, . . . dependence on the fishery by present participants and coastal communities, ...opportunity for new participants to enter the fishery...” 50 C.F.R. § 600.325(c)(3)(iv). NMFS also has a [Fisheries Allocation Review Policy](#) (NMFS Procedure 01-119-01, July 27, 2016), that encourages the use of adaptive management to help ensure that fisheries allocations are periodically evaluated. That policy uses the following terms: “social and economic impacts,” “the social, economic, and ecological performance of the fishery,” and “economic, social and ecological aspects of the fishery.” Although demographic data are used in assessing social and economic impacts, the social and economic performance or aspects of the fishery, the use of demographic data is explicit in the following statement.

An allocation review is a structured review of current allocations based on adaptive management (i.e., evaluating successful attainment of management objectives) to determine if further action is required. The purpose is to determine if current management objectives are being achieved through the existing allocation, with the caveat that management objectives are up to date and

address the relevant operational, economic, social and ecological aspects of the fishery, including ... new and expected changes in such things as climate, demography, technology, etc.

**National Standard 8** requires conservation and management measures, consistent with MSA conservation requirements, to take into account the importance of fishery resources to fishing communities by utilizing economic and social data that are based upon the best scientific information available in order to provide for the sustained participation of such communities; and to the extent practicable, minimize adverse economic impacts on such communities. 16 U.S.C. § 1851(a)(8). When addressing these requirements, the [National Standard 8 \(NS8\) guidelines](#) provide that both consumptive and non-consumptive uses of fishery resources should be considered. 50 C.F.R. § 600.345(c)(4). “Fishing community” is defined under the MSA as a “community which is substantially dependent on or substantially engaged in the harvest or processing of fishery resources to meet social and economic needs, and includes fishing vessel owners, operators, and crew and United States fish processors that are based in such community.” 16 U.S.C. § 1802(17); 50 C.F.R. § 600.345(b)(3). The NS8 guidelines further explain: “A fishing community is a social or economic group whose members reside in a specific location and share a common dependency on commercial, recreational, or subsistence fishing or on directly related fisheries-dependent services and industries (for example, boatyards, ice suppliers, tackle shops).” 50 C.F.R. § 600.345(b)(3). The guidelines identify the fishery impact statement (see 16 U.S.C. § 1853(a)(9) text below) as an “appropriate vehicle” for the analysis of this standard, and allow for the use of qualitative and quantitative information. 50 C.F.R. § 600.345(c)(2). National Standard 8 does not itself authorize data collection or study, but the guidelines encourage, “[i]n cases where data are severely limited, effort should be directed to identifying and gathering needed data.” *Id.*

While **National Standard 9** is focused on minimizing bycatch and bycatch mortality to the extent practicable, 16 U.S.C. § 1851(a)(9), the National Standard 9 guidelines include, in addition to ecological factors, consideration of these social and economic factors: changes in fishing, processing, disposal, and marketing costs; changes in fishing practices and behavior of fishermen; changes in the economic, social, or cultural value of fishing activities and nonconsumptive uses of fishery resources; changes in the distribution of benefits and costs; and social effects. 50 C.F.R. § 600.350(d)(3)(i)(E-F, H-J).

**National Standard 10** (promoting safety of human life at sea), 16 U.S.C. § 1851(a)(10), does not explicitly mention economic or social factors. However, economic or social data may help inform consideration of the feasibility and effects of potential mitigation measures, including examples described in the National Standard 10 guidelines: tailoring gear requirements to provide for smaller or lighter gear for smaller vessels; setting seasons to avoid hazardous weather; providing for seasonal or trip flexibility to account for bad weather (weather days); limiting the number of participants in the fishery; spreading effort over time and area to avoid potential gear and/or vessel conflicts; and implementing measures that reduce the race for fish and resulting incentives to take additional risks with respect to vessel safety. 50 C.F.R. § 600.355(e)(1, 2, 4, 6-8).

## 1.2 Required and Discretionary Elements in FMPs

In addition to the national standards, the MSA contains required elements for FMPs and permissible, discretionary elements. Economic and social data and the analyses that use these data are relevant to the below-described FMP provisions.

## 1.2.1 Required FMP Provisions

Section 303(a) of the MSA requires that FMPs shall:

- “contain a description of the fishery, including, but not limited to, the number of vessels involved, the type and quantity of fishing gear used, the species of fish involved and their location, the cost likely to be incurred in management, actual and potential revenues from the fishery, any recreational interests in the fishery, and the nature and extent of foreign fishing and Indian treaty fishing rights, if any...” (16 U.S.C. § 1853(a)(2))
- “specify the pertinent data which shall be submitted to the Secretary with respect to commercial, recreational, charter fishing, and fish processing in the fishery, including, but not limited to, ... areas in which fishing was engaged in,...economic information necessary to meet the requirements of this chapter....” (*Id.* § 1853(a)(5)).
- “include a fishery impact statement for the plan or amendment ... which shall assess, specify, and analyze the likely effects, if any, including the cumulative conservation, economic, and social impacts, of the conservation and management measures on, and possible mitigation measures for—
  - (A) participants in the fisheries and fishing communities affected by the plan or amendment;
  - (B) participants in the fisheries conducted in adjacent areas under the authority of another Council, after consultation with such Council and representatives of those participants; and
  - (C) the safety of human life at sea, including whether and to what extent such measures may affect the safety of participants in the fishery...” (*Id.* § 1853(a)(9)).
- “include a description of the commercial, recreational, and charter fishing sectors which participate in the fishery, including its economic impact, and, to the extent practicable, quantify trends in landings of the managed fishery resource by the commercial, recreational, and charter fishing sectors...” (*Id.* § 1853(a)(13)).
- “to the extent that rebuilding plans or other conservation and management measures which reduce the overall harvest in a fishery are necessary, allocate, taking into consideration the economic impact of the harvest restrictions or recovery benefits on the fishery participants in each sector, any harvest restrictions or recovery benefits fairly and equitably among the commercial, recreational, and charter fishing sectors in the fishery...” (*Id.* § 1853(a)(14)).

In addition, section 304(e) of the MSA requires that, for overfished fisheries, FMPs and regulations must “allocate both overfishing restrictions and recovery benefits fairly and equitably among sectors of the fishery.” *Id.* § 1854(e)(4)(B).

## 1.2.2 Discretionary FMP Provisions

The following management measures are not required in FMPs, but if included therein, must be consistent with statutory requirements.

- Section 303(b)(6) of the MSA provides that an FMP may establish a limited access system (LAS)<sup>5</sup> for the fishery in order to achieve optimum yield. When establishing a LAS, the Council and NMFS must take into account present participation in the fishery; historical fishing practices in, and dependence on, the fishery; the economics of the fishery; the capability of fishing vessels used in the fishery to engage in other fisheries; the cultural and social framework relevant to the fishery and any affected fishing communities; the fair and equitable distribution of access privileges in the fishery; and any other relevant considerations. 16 U.S.C. § 1853(b)(6).
- For fisheries managed under a LAS, section 303A authorizes the approval of limited access privilege programs (LAPPs). *See id.* § 1853a. LAPPs are required, among other things, to “promote...fishing safety; fishery conservation and management; and social and economic benefits,” and prevent accumulation of excessive shares of privileges. *Id.* § 1853a(c)(1)(C).
  - In developing a LAPP, a Council or NMFS shall:
    - Establish procedures to ensure fair and equitable initial allocations, including consideration of “current and historical harvests; employment in the harvesting and processing sectors; investments in, and dependence upon, the fishery; and the current and historical participation of fishing communities.” *Id.* § 1853a(c)(5)(A)(i)-(iv).
    - Consider the basic cultural and social framework of the fishery, especially through the (i) development of policies to promote the sustained participation of small owner-operated fishing vessels and fishing communities that depend on the fisheries, including regional or port-specific landing or delivery requirements; and (ii) procedures to address concerns over excessive geographic or other consolidation in the harvesting or processing sectors of the fishery. *Id.* § 1853a(c)(5)(B).
    - Include measures to assist, when necessary and appropriate, entry-level and small vessel owner-operators, captains, crew, and fishing communities through set-asides of harvesting allocations, including providing privileges, which may include set-asides or allocations of harvesting privileges, or economic assistance in the purchase of limited access privileges. *Id.* § 1853a(c)(5)(C).
    - Authorize limited access privileges to harvest fish to be held, acquired, used by, or issued under the system to persons who substantially participate in the fishery, including in a specific sector of such fishery. *Id.* § 1853a(c)(5)(E).

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<sup>5</sup> Limited access system (LAS) means “a system that limits participation in a fishery to those satisfying certain eligibility criteria or requirements contained in a fishery management plan or associated regulation.” 16 U.S.C. § 1802(27).

- A fishing community<sup>6</sup> may be eligible to participate in a LAPP if it meets eligibility requirements, which include:
  - Meeting criteria developed by the relevant Council that are approved by NMFS. *See id.* § 1853a(c)(3)(A)(i)(II). In developing participation criteria for eligible communities, the Council shall consider, among other things, traditional fishing or processing practices in, and dependence on, the fishery; the cultural and social framework relevant to the fishery; economic barriers to access to fishery; the existence and severity of projected economic and social impacts associated with implementation of LAPPs on harvesters, captains, crew, processors, and other businesses substantially dependent upon the fishery in the region or subregion; and the potential for improving economic conditions in remote coastal communities lacking resources to participate in harvesting or processing activities in the fishery. *See id.* § 1853a(c)(3)(B)(i)-(iv), (vi).
  - Submitting to NMFS for approval a community sustainability plan that demonstrates how the plan will address the social and economic development needs of coastal communities, including those that have not historically had the resources to participate in the fishery. *See id.* § 1853a(c)(3)(A)(i)(IV).

LAPPs fall under the umbrella of “catch shares.” This term does not appear in the MSA, but is a general term that refers to fishery management strategies that allocate a specific portion of the total allowable fishery catch to individuals, cooperatives, communities, or other entities. In its 2017 [Catch Share Policy](#) (NMFS Policy 01-121, January 14, 2017), NMFS explicitly encouraged Councils to “*consider endorsing the obligatory submission of data, including social and economic data, in return for the use of the public’s fishery resources.*” Catch Share Policy at 18 (emphasis in original). NMFS explained that “[i]mproved social and economic data are also key for better conservation and management for fisheries under any management regime. These data are essential to computing and tracking allocations, and conducting analyses of the relative economic values and impacts of different fishery sectors.”<sup>7</sup>

### 1.3. Region-Specific Provisions

Social and economic data and the analyses they support are relevant to the following two region-specific provisions.

- Western Alaska Community Development Quota Program: The goals of this program are providing eligible western Alaska villages with the opportunity to participate and invest in Bering Sea and Aleutian Islands fisheries, supporting economic development,

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<sup>6</sup> *See* National Standard 8 explanation above for text of “fishing community” definition from 16 U.S.C. § 1802(17). Voluntary “regional fishery associations” may also be eligible to participate in LAPPs if they meet eligibility criteria, including criteria developed by the relevant Council that are approved by NMFS. *See id.* § 1853a(c)(4).

<sup>7</sup> Catch Share Policy at 18. The MSA also provides that “[e]ach Council shall establish...a scientific and statistical committee [SSC] to assist it in the development, collection, evaluation, and peer review of such statistical, biological, economic, social, and other scientific information as is relevant to such Council’s development and amendment of any fishery management plan.” *Id.* § 1852(g)(1)(A). Each SSC “shall provide its Council ongoing scientific advice for fishery management decisions, including ... reports on... social and economic impacts of management measures...” *Id.* § 1852(g)(1)(B).

alleviating poverty and providing economic and social benefits for residents, and achieving sustainable and diversified local economies. 16 U.S.C. § 1855(i)(1).

- Western Pacific Community Development Program: For any fishery under the authority of the Western Pacific Fishery Management Council, the MSA authorizes the establishment of a community development program in order to provide access to such fisheries for western Pacific communities that participate in the program. *Id.* § 1855(i)(2). The eligibility criteria include, among other things, that a community consist of residents who are descended from the aboriginal people indigenous to the area who conducted commercial or subsistence fishing using traditional fishing practices in the waters of the Western Pacific region. *Id.* § 1855(i)(2)(B)(iii).

#### 1.4. Information Collection

This section highlights some of the MSA's provisions related to information collection. Under MSA section 303(a), FMPs are required to "specify the pertinent data which shall be submitted to the Secretary with respect to commercial, recreational, charter fishing, and fish processing in the fishery, including, but not limited to, ... areas in which fishing was engaged in,...economic information necessary to meet the requirements of this chapter...." 16 U.S.C. § 1853(a)(5) (required provision). MSA section 303(b) provides that FMPs may require fish processors who first receive fish to submit data necessary for the conservation and management of the fishery. *Id.* § 1853(b)(7) (discretionary provision).

FMPs may require permits in a fishery, *id.* § 1853(b)(1), and also require observers on board fishing vessels for the purpose of collecting data necessary for the conservation and management of the fishery, *id.* § 1853(b)(8).

In addition, FMPs may "prescribe such other measures, requirements, or conditions and restrictions as are determined to be necessary and appropriate for the conservation and management of the fishery," *id.* § 1853(b)(14).

MSA section 402(a) provides that a Council may request that NMFS implement an information collection program, if the Council determines that "additional information would be beneficial for developing, implementing, or revising a fishery management plan or for determining whether a fishery is in need of management." *Id.* § 1881a(a)(1). If NMFS determines the need is justified, the agency will promulgate regulations for the program. NMFS may also implement an information collection or observer program, on its own initiative. *Id.* § 1881a(a)(2).

## **2. National Environmental Policy Act (NEPA)**

NEPA requires Federal agencies to consider the interactions of natural and human environments, and the impacts on both systems of any changes due to governmental activities or policies. NMFS is to do this with "a systematic, interdisciplinary approach which will ensure the integrated use of the natural and social sciences ... in planning and in decision-making ...." [NEPA Sec. 102(2)(A)] and, further, to "identify and develop methods and procedures, ....., which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decision making along with economic and technical considerations" [NEPA Sec. 102(2)(B)]. In addition, NOAA's NEPA

implementation guidelines require that the environmental impact statement (required under NEPA Sec. 102(2)(C)(i)) include biological, ecological, economic, and social consequences. NMFS needs social and economic data and the models they support to conduct the required analyses and to predict the behavioral response of fishermen and others that affect the biological, ecological, economic, and social consequences.

### **3. Regulatory Flexibility Act (RFA)**

If the agency does not have a factual basis for a determination that there are not a substantial number of directly regulated small entities or that no significant adverse impact on directly regulated small entities will occur, it must prepare an initial regulatory flexibility analysis (IRFA) and a final regulatory flexibility analysis (FRFA). The IRFA: (1) describes the impact of the proposed rule on small entities [Sec. 603(a)] and (2) identifies the directly regulated small entities and any significant alternatives to the proposed rule which accomplish the stated objectives of applicable statutes and that minimize any significant economic impact of the proposed rule on small entities [Sec. 603(c)]. Each FRFA is required to describe the steps the agency has taken to minimize the significant economic impact on small entities consistent with the stated objectives of applicable statutes [Sec. 604(a)(5)]. In addition, several Sections of the RFA require Federal agencies to analyze the effects of regulations to determine whether an action will have or has had "a significant economic impact on a substantial number of small entities." Cost, revenue and ownership information for the specific activity in question (e.g., commercial fishing), as well as some level of general information on the full range of income producing activities in which firms are engaged are necessary to effectively conduct the RFA analyses. The RFA also requires that agencies consider all affiliations, worldwide, of regulated entities such as ownership affiliations and cooperative affiliations.

### **4. E.O. 12898 “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations”**

NMFS *Guidelines for Assessment of the Social Impact of Fishery Management Actions* states that a Social Impact Assessment must address environmental justice issues, where they exist. E.O. 12898 requires, “To the greatest extent practicable and permitted by law, and consistent with the principles set forth in the report on the National Performance Review, each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States and its territories ...”

The Executive Order directs the development of agency strategies to include identification of differential patterns of consumption of natural resources among minority populations and low-income populations; Council on Environmental Quality (CEQ) environmental justice guidance under NEPA also specifically calls for consideration of potential disproportionately high and adverse impacts to Indian tribes (a term inclusive of Native Alaskans) beyond a more general consideration of potential disproportionately high and adverse impacts to minority populations (Council on Environmental Quality 1997). NMFS needs social and economic data to conduct the required analysis.

### **5. E.O. 13985 “Advancing Racial Equity and Support for Underserved Communities Through the Federal Government”**

“... the Federal Government should pursue a comprehensive approach to advancing equity for all, including people of color and others who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality... Because advancing equity requires a



systematic approach to embedding fairness in decision making processes, executive departments and agencies must recognize and work to redress inequalities in their policies and programs that serve as barriers to equal opportunity.” NMFS needs social data to identify where racial equity issues may exist.

## **6. EO 12866 “Regulatory Planning and Review”**

EO 12866 (58 FR 51735, October 4, 1993) requires analysis of the impacts of regulations implementing fishery conservation and management actions. Specifically, it includes the following requirements.

In deciding whether and how to regulate, agencies should assess all costs and benefits of available regulatory alternatives, including the alternative of not regulating. Costs and benefits shall be understood to include both quantifiable measures (to the fullest extent that these can be usefully estimated) and qualitative measures of costs and benefits that are difficult to quantify, but nevertheless essential to consider. Further, in choosing among alternative regulatory approaches, agencies should select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity), unless a statute requires another regulatory approach [Sec. 1(a)].

Each agency shall base its decisions on the best reasonably obtainable scientific, technical, economic and other information concerning the need for, and consequences of, the intended regulation" [Sec. 1(b)(7)].

In an effort to meet the requirements of EO 12866, NMFS or a Council prepares a Regulatory Impact Review (RIR) for each proposed regulatory action. The economic data, models and analyses used in an RIR in part determine its success in meeting those requirements and contributing to having a well-informed regulatory decision.

## **7. EO 13771 “Reducing Regulation and Controlling Regulatory Costs”**

EO 13771 (82 FR 9339, January 30, 2017) is intended to manage the costs of government regulation on private industry. It requires that “any new incremental costs associated with new regulations shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least two prior regulations.” In addition, it states that “the head of each agency shall identify, for each regulation that increases incremental cost, the offsetting regulations ... and provide the agency’s best approximation of the total costs or savings associated with each new regulation or repealed regulation” (see Sec 3). NMFS needs economic data, models and analyses to meet these requirements.

## **8. NOAA Fisheries Guidelines for the Assessment of the Social Impact of Fishery Management Actions**

NMFS has provided operational guidance relative to social and community impacts to Regional Fishery Management Councils since 1991. NMFS provides this guidance because it holds that social impact assessment (SIA) is an essential part of the fishery management process and improves fishery conservation and management decision-making. Management decisions regarding appropriate courses of action thus cannot and should not be made without an adequate SIA. Without an SIA, a fishery management plan or amendment will not be considered complete. NMFS needs social data and analysis to meet this requirement.

## **9. NOAA Fisheries Guidelines for Economic Reviews of Regulatory Actions<sup>8</sup>**

NMFS issued the guidelines, in part, to assist in understanding and meeting the analytical requirements of EO 12866 and the RFA for regulatory actions it plans to promulgate. EO 12866 and the RFA are two of the most direct mandates for the preparation of economic analyses and, therefore, for economic data.

Largely, the EO 12866 and RFA include similar requirements for economic analyses. The guidelines include the following two principal differences.

1. The RFAA must address the impacts of a proposed rule only on small entities subject to the regulation (i.e., small entities to which the rule will directly apply) and not on all small entities that are affected by the regulation (i.e., small entities to which the rule will indirectly apply).
2. Impacts under EO 12866 need not be identified at the vessel or firm level in the RIR, whereas, these levels remain the focus of the RFAA.

The guidelines note the analyses are intended to identify the economic effects of the preferred action and alternative actions, in contrast to taking “no action”, where “The types of effects to consider include the following:

1. Changes in net benefits within a benefit-cost framework;
2. Changes in the distribution of benefits and costs among groups of individuals, businesses of differing sizes, and other entities (including small communities and governmental entities);
3. Changes in income and employment;
4. Cumulative impacts of regulations; and
5. Changes in other social concerns.

More specifically, the guidelines include the following examples of the information that an RIR for commercial fishery management actions should provide:

1. Expected levels or changes in participation (number of fishing vessels) and activity (number of fishing trips, days at sea, etc.);
2. Expected levels or changes in harvests (commercial, recreational, and subsistence) and their distribution by sector;
3. Expected changes in commercial ex-vessel prices;
4. Expected changes in harvesting costs (fixed and variable costs, including capital and labor costs);
5. Expected levels and costs of processing.
6. Expected changes in benefits or costs incurred by specific user groups, including effects on small entities;

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<sup>8</sup> See “Guidelines for Economic Reviews of National Marine Fisheries Service Regulatory Actions” (NMFS, 2007)

7. Expected effects on employment;
8. Expected effects on profits, competitive position, productivity or efficiency of individual fishermen, user groups, or fishing communities;
9. Expected effects on the reporting burden.
10. Expected impacts on consumer surplus;
11. Expected management and implementation costs attributable to the action, including enforcement costs;
12. Expected effects on non-use values; and
13. Expected effects on fishing capacity.

The guidelines state, “The proper comparison is with the action to without the action, rather than to before and after the action, since certain changes may occur even without action and should not be attributed to the regulation. “Economic data, including cost and earnings data, and the models and analyses they support are required for more than a very superficial attempt to analyze those types of effects and to provide those types of information for the proper comparison. This conclusion applies to both quantitative and qualitative analyses intended to meet the requirements of EO 12866 and the RFA.