

**SUPPORTING STATEMENT
REPORTING AND CONSERVATION MEASURES FOR SEA OTTER INTERACTIONS
WITH THE PACIFIC SARDINE FISHERY; COASTAL PELAGIC SPECIES
FISHERY MANAGEMENT PLAN
OMB CONTROL NO.: 0648-xxxx**

A. JUSTIFICATION

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

In accordance with the regulations implementing the Endangered Species Act ([ESA](#)), NOAA Fisheries (NMFS) initiated an ESA section 7 consultation with the U.S. Fish and Wildlife Service (USFWS) regarding the possible effects of implementing Amendment 11 (71 FR 36999) to the Coastal Pelagic Species (CPS) Fishery Management Plan (FMP). USFWS determined that formal consultation was necessary on the possible effects to the threatened southern sea otter. USFWS completed a biological opinion (BO) for this action and although it was concluded that fishing activities were not likely to jeopardize the continued existence of the southern sea otter there remained the potential to incidentally take southern sea otters. USFWS determined that certain measures should be put in place to ensure the continued protection of the species. The reporting requirements and conservation measures put forth in this action stem from this BO and are an attempt to provide further conservation efforts for southern sea otters. The reporting requirements include:

1. If a southern sea otter is entangled in a net, regardless of whether the animal is injured or killed, such an occurrence must be reported within 24 hours to the Regional Administrator, NMFS Southwest Region.
2. While fishing for CPS, vessel operators must record all observations of otter interactions (defined as otters within encircled nets or coming into contact with nets or vessels, including but not limited to entanglement) with their purse seine net(s) or vessel(s). With the exception of an entanglement, which will be initially reported as described in #2 above, all other observations must be reported within 20 days to the Regional Administrator.

When contacting NMFS after an interaction, fishermen would be required to provide information regarding the location (latitude and longitude) of the interaction and a description of the interaction itself.

Do to low number of documented interactions (two) and the small overlap between the fishery and the distribution of southern sea otters it is believed that cases as described above are extremely rare. However, there is currently no legal requirement for fishermen to report such interactions under the current regulations and with low observer coverage within this fishery, the true frequency and type of interactions occurring is unknown. The data gathered from this collection-of-information will prove extremely valuable in determining whether interactions are as rare as believed or whether stronger mitigation is necessary to ensure protection for the threatened southern sea otter. This information could prove valuable to both fishermen and/or the conservation of sea otters as it will establish a record of the presence or absence of sea otter interactions.

2. Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with all applicable Information Quality Guidelines.

The information gathered from this collection will be used by NMFS and the U.S. Fish and Wildlife Service to determine whether further measures will need to be implemented to ensure the continued protection of the southern sea otter. Sea otter interactions that are reported to NMFS immediately, e.g. when an otter is caught in a net, will be examined at that time by NMFS and USFWS; all other observations will be reviewed on an annual basis.

As explained in the preceding paragraphs, the information gathered has utility. NOAA Fisheries will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. See response #10 of this Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meet all applicable information quality guidelines. Although the information collected is not expected to be disseminated directly to the public, results may be used in scientific, management, technical or general informational publications. Should NOAA Fisheries Service decide to disseminate the information, it will be subject to the quality control measures and pre-dissemination review pursuant to Section 515 of Public Law 106-554.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.

Information may be submitted via mail (in instances not involving capture of an otter in a net), telephone, fax or email.

4. Describe efforts to identify duplication.

No reporting requirements or other collections are currently gathering the same or similar information.

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

This collection of information will involve small businesses and/or other small entities. The only cost involved with this collection of information should be the cost involved in contacting NMFS. In order to minimize the burden, acceptable methods of submission will be mail, phone, fax, or email.

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

This collection is required to meet the terms and conditions put forth by the U.S. Fish and

Wildlife Service, and are necessary for the fishery to continue in its current state. If this collection is not conducted or is conducted less frequently there may be risk to the threatened southern sea otter.

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

NA

8. Provide a copy of the PRA Federal Register notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Public comments were solicited on this information collection during the proposed rule stage of the action (RIN 0648-AU72). Only one comment was received that spoke in part to the collection of information requirements. The commenter stated that the requirement to report entanglement incidents within the 24 hour timeframe by providing the latitude and longitude and description of the occurrence, seemed “straight forward and useful to confirm the extreme infrequency of interactions.” However, the commenter also suggests that the requirement to report non-entanglement interactions is “unclear and unnecessary”. In response to this comment, the final rule clarifies that with regards to the reporting of non-entanglement interactions, it is not the intent of the regulations to require fishermen to report casual observations of sea otters. This action only requires fishermen to report when sea otters occur within encircled nets or come into contact with fishing gear or the vessel. This information could prove valuable to both fishermen and/or the conservation of sea otters as it will establish a record of the presence or absence of sea otter interactions.

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

Neither payments nor gifts have been offered.

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

No assurance of confidentiality is provided.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

No sensitive questions will be asked.

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

The total number of respondents expected annually is 2 or less.

The frequency of response will be once per year.

The average response time per respondent is expected to be 15 minutes or less.

The total annual response time will be 30 minutes or less.

This collection of information is a precautionary approach. To date only one such other interaction has occurred in the fishery that under these new requirements would require a response. Therefore we predict that interactions that require a response are unlikely and there will not be many responses.

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

The only expected cost to the respondents is the cost associated with contacting NMFS, through mail, phone, fax, or email. At a maximum cost of \$5 per response, the annual cost would be \$10.

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

The only estimated cost to the Federal government is the original mailing of notice to the fleet informing them of new requirements.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-I.

This is a new program.

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

There are no plans to publish the results of this collection.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.

NA.

18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I.

There are no exceptions.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

The collection will not employ statistical methods.