

**SUPPORTING STATEMENT
MARINE MAMMAL STRANDING REPORTS/
MARINE MAMMAL REHABILITATION DISPOSITION REPORT
OMB CONTROL NO.: 0648-0178**

A. Justification

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

Under the Marine Mammal Protection Act (MMPA) Section 402, the Secretary of Commerce (Secretary), who has delegated responsibility under this Act to the National Oceanic and Atmospheric Administration (NOAA) Assistant Administrator for National Marine Fisheries Service (NMFS) is responsible for collecting information on strandings which the Secretary will compile and analyze, by region, to monitor species, numbers, conditions, and causes of illnesses and deaths of stranded marine mammals. The Secretary is also responsible for collection of information on other life history and reference level data, including marine mammal tissue analyses, that would allow comparison of the causes of illness and deaths in stranded marine mammals with physical, chemical, and biological environmental parameters.

Specifically, the collection of this information is authorized and mandated under three provisions of the MMPA. Under the MMPA, the Secretary is charged with the protection and management of marine mammals. In addition, determinations must be made on the sustainability of population stocks, on the impact of fisheries and other human activities on marine mammals and endangered species, and on the health of marine mammals and related environmental considerations. NOAA, NMFS has the responsibility to carry out these mandates.

Section 402(b) of the MMPA (16 U.S.C. 1421a) requires the Secretary to collect and update information on strandings. It further provides that the Secretary shall compile and analyze, by region, the species, numbers, conditions, and causes of illnesses and deaths in stranded marine mammals. Section 404 (a) of the MMPA (16 U.S.C. 1421c) mandates that the Secretary respond to unusual marine mammal mortality events. Without a historical baseline provided by marine mammal information collected from strandings, detection of such events could be difficult and the investigation could be impeded. Section 401 (b) of the MMPA (16 U.S.C. 1421) requires NMFS to facilitate the collection and dissemination of reference data on the health of marine mammal populations in the wild and to correlate health with physical, chemical, and biological environmental parameters. In order to perform this function, NMFS must standardize data collection protocols for health and correlations. Data and samples collected from stranded animals are a critical part of the implementation of this mandate of the MMPA.

Specifically, the data from the Marine Mammal Stranding Report forms provide NMFS with information on the morphology, life history, biology, general health, health and stranding trends, causes of mortality, and distribution of marine mammal species. These data provide reference information necessary to detect epizootic diseases such as the one implicated in the bottlenose dolphin die-off in 1987-88, the leptospirosis outbreak in California sea lions in 1984, and the morbillivirus epizootic in bottlenose dolphins in the Gulf of Mexico in 1994. These data also provide information which may help in making assessments on the status of population stocks. Recording data on gross mortalities may serve as an indicator that a particular population is impacted, threatened or at increased risk, and when provided in a timely manner, may aid in dynamic management practices. Changes in sex ratios, age composition, or age at sexual

maturity may also indicate stressed populations and can be detected with stranding data. Stranding data also provide an important baseline for detecting and monitoring the impacts of environmental phenomena, such as El Niño, seen in California sea lions and gray whales in 1998, and Harmful Algal Blooms (HABs) such as domoic acid (repeatedly detected in California) and brevetoxin or red tide (seen most recently in the 2004 bottlenose dolphin die-off along the Florida Panhandle).

Stranding records can be a tool for alerting management personnel to changes in incidental mortality of marine mammals due to human activities such as fisheries by-catch. Evidence of significant harbor porpoise mortalities due to gill net fisheries off the mid-Atlantic coast was provided by the Stranding Network in early 1993. This provided fishery managers with clues to seasonal and geographical information on fishery impact. Information obtained from strandings can also provide indications of enforcement problems. As an example, in March 1993, large numbers of dead pinnipeds washed in on the central Washington coast. Stranding Network information provided proof that over half of the animals had been shot.

Registration of tissues retained from strandings is mandatory under 50 CFR 216.22(c). With limited exceptions, the MMPA prohibits the purchase or sale of marine mammals or marine mammal parts. It also prohibits the possession of marine mammals or marine mammal parts taken in violation of the Act. In order to provide adequate enforcement of the Act while still allowing legitimate activities, it is necessary to document the inventory of tissues that are legally held. The Marine Mammal Stranding Report form provides information which may be used for registration of marine mammal parts taken under stranding authority and for tracking of such legally obtained samples. The use of these forms assists us in standardizing this procedure.

The Marine Mammal Rehabilitation Disposition Report provides NMFS with information on the disposition of animals brought in for rehabilitation, the success of medical treatment, and the number of animals released. This information will assist the Agency in tracking marine mammals that move into captive display and in the monitoring of rehabilitation and release. These data will also be used to assess the burden on stranding network centers. This form will be filled out only in the case of live-stranded marine mammals. The form will be required in all six NMFS Regions. Each of the NMFS regions approves and issues a Stranding Agreement or other form of agreement to marine mammal rehabilitation centers under §112(c) of the MMPA, which allows the Secretary to enter into agreements in order to fulfill the general purposes of the Act, and under §403 of the MMPA, which provides specific authority to enter into such stranding response agreements. These data will be monitored as part of the Rehabilitation Facilities Inspection program to be implemented in 2007.

Under MMPA section 104(c)(10) [16 U.S.C. 1374(c)(10)], NMFS is required to maintain an inventory of live marine mammals held under permits for rehabilitation or captive display. The data in the Marine Mammal Rehabilitation Disposition report are required to monitor and track animals during rehabilitation and during transfer to permanent-captive status licensed under 7 U.S.C. 2131 et seq. For public display facilities, which participate in the program as a rehabilitation center, reporting becomes a critical record if the animal is retained and put on display. If that happens, reporting requirements transfer to that mandated under OMB Control No.: 0648-0084.

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 Marine Mammal Stranding Network (Network) is made up of individuals authorized by NOAA Fisheries [i.e., via Stranding Agreement or another official agreement under §112(c) of the MMPA which allows the Secretary to enter into agreements in order to fulfill the general purposes of the Act] to collect scientific data and specimens, record information on stranding events with the NMFS Regional Coordinator, and assist local and Federal authorities in the response to stranded marine mammals under §109(h) of the MMPA. They are also authorized in assisting with detection and investigation of marine mammal mortality events. The majority of Network members are affiliated with academic institutions, aquaria, rehabilitation centers, or state, federal, and local agencies. Members are requested to submit basic data on all strandings including date and location, species, condition of animal, sex of animal, length, disposition of the animal and tissues or specimens, and any personal observations. The Network members will complete the stranding form as part of their immediate response and forward the form to the NMFS regional coordinators in a timely manner, as specified in the Stranding Agreement. Non-Governmental members of the Network are exempted from the prohibition on taking marine mammals through the issuance of a Stranding Agreement under §112(c) of the MMPA, which allows the Secretary to enter into agreements in order to fulfill the general purposes of the Act, and under §403 of the MMPA, which provides specific authority to enter into such stranding response agreements. Researchers may also obtain tissues from stranded marine mammals through the Network. The Stranding Agreement relieves scientists and responders of the cumbersome process of applying for scientific research permits, but researchers must obtain an approval letter from the NMFS Regional Office, signed by the Regional Administrator, authorizing such collections.

Stranding network participants benefit by gaining access to information, data exchange and tissue samples, which might otherwise not be available. Analyses of tissues from strandings by the Network and research laboratories have significantly contributed to the body of knowledge on which management decisions are made and enhanced our understanding of marine mammal health. Non-scientists participating in the Network receive the satisfaction of aiding wildlife, enhancing wildlife conservation, and furthering scientific understanding of these species. Stranding network members also provide important expertise and involvement in Unusual Mortality Event (UME) investigations, when an unusual number of animals are found stranded and an official investigation is launched to determine the factors involved.

As indicated above, the information is used by the Agency in making resource management decisions and in fulfilling responsibilities under the MMPA. In addition to detecting serious pathogens, diseases, pollution loads, evidence of anthropogenic impacts on marine mammals, investigations into UMEs, and providing life history information about marine mammal stocks, records of mortalities due to fishery by-catch are used in implementing the fisheries management regime in §118 of the MMPA. This mandates that mortality levels be below the potential biological removal level of the marine mammal stock. As an example of the value of such information, stranding reports alerted the Agency to a potentially serious interaction between harbor porpoise and coastal gillnet fisheries in the Mid-Atlantic region. In addition, the Agency is continuing to monitor strandings in the Mid-Atlantic to guide observer placement on fisheries.

Prior to the receipt of stranding information, NMFS was unaware of the problem.

Section 118 of the MMPA generally provides that Take Reduction Plans be developed through Take Reduction Teams for strategic stocks of marine mammal that interact with Category I fisheries (those with frequent incidental mortality and serious injury of marine mammals) and Category II fisheries (occasional incidental mortality and serious injury of marine mammals). The data provided by Marine Mammal Stranding Reports may be used by the Take Reduction Teams to identify gear types, seasons, and geographical locations in which fisheries impact marine mammals.

Summaries of stranding data are provided to Congress, the media, and the public in the NMFS Annual Report on the MMPA and posted on the NMFS web page. In addition, the stranding data serve as the raw database for the Marine Mammal Events Program of the Smithsonian Institution, which archives data on cetacean strandings. The data obtained are used in mortality investigations, technical memoranda, and peer reviewed publications.

Scientists, state management agencies, and conservation organizations have used the information and tissues collected in conjunction with response to stranding events. A substantial number of publications have resulted from stranding data to include information on basic morphology and distribution of marine mammals, biochemistry, diseases of marine mammals, and on the potential for interaction with fisheries.

In 2004, 4,784 strandings were reported by the stranding network (3,123 dead and 1661 live) The Marine Mammal Rehabilitation Disposition Report provides NMFS with information on the disposition of animals brought in for rehabilitation, types of disease and other health related issues upon admission, types of and response to medical treatment, and the number of animals released. This information assists the Agency in tracking marine mammals that are transferred to captive display facilities following a determination of nonreleasability and in the monitoring of rehabilitation facilities and release protocols. The data is used to assess the burden on stranding network centers. This form is filled out only in the case of live-stranded marine mammals that are transferred to a rehabilitation facility. The form is used by all six NMFS Regions.

It is anticipated that the information collected will be disseminated to the public or used to support publicly disseminated information. As explained in the preceding paragraphs, the information gathered has utility. The 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. As stated in the "Data Access" section found on the rear of the forms, upon written request (including those under the Freedom of Information Act (FOIA)), certain fields of both reports will be provided to the requestor provided that credit is given to the Marine Mammal Stranding Network and the NMFS. All other data may be released to the requestor after permission has been obtained from the contributing stranding network members and the NMFS. The privacy standards under FOIA, preventing the release of personal information including home phone numbers and addresses, will be respected. See response #10 of this Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meets all applicable information quality guidelines. 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.

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

The Marine Mammal Health and Stranding Response Program National Database, which has been in development since 2001, is in its initial stages of implementation. Development occurred with the input and comment by many members of the stranding network, including all of the Regional Coordinators and a group of network participants who were selected as beta-testers. A staggered rollout has been implemented since 2004, with training sessions at regional stranding network meetings. By the end of 2009, the Database should be fully implemented in all six NOAA Fisheries regions, and stranding network participants will be entering their data directly into the database using the internet. In the initial stages of use, we ask that stranding network members continue to submit paper data forms to their Regional Coordinator (the status quo procedure), for verification purposes. After the initial phase has passed, the stranding network participants may solely enter their data online. The database very closely reflects the paper forms referenced in this collection, the Level A Data form and the Rehabilitation Disposition form.

4. Describe efforts to identify duplication.

Although some duplication of reporting (multiple users reporting the same event) may result from the large number of stranding network members responding to and reporting stranding events, it has not been a problem to date. Regional NMFS personnel eliminate any duplication during data entry and storage. Centralizing the data in the National Database will provide the most efficient means to distribute information upon requests from other Federal agencies (e.g., Navy, Smithsonian Institute, etc.), Network members, state and local managers. Once the database is completed and functional, data requests will be more manageable thus decreasing the workload on the NMFS Regional Stranding Coordinators and Network Members.

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

Collection and centralization of data across areas involving small entities (i.e., typically not-for-profit organizations) should minimize the burden of each organization building and maintaining on their own independent databases. Since stranding network members can view data from other groups in a centralized database, communication and cooperation between the Network members should increase.

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

If the information collection was not conducted by NMFS, either another Federal agency or private organization would need to act in its place as coordinator for the data. If the material and data were not collected, the U.S. Government would not be able to implement Title IV of the MMPA and meet the requirements of the MMPA outlined in response to number 1. In addition, U.S. Government decisions on the management of marine mammals and the management of fisheries would not be made from the best available information.

Section 404 of the MMPA mandates that the Secretary respond to unusual marine mortality events. Response time is critical especially in the instance of an unusual mortality event. The NMFS regional stranding coordinators require near real time data to alert NMFS when an unusual mortality event is occurring. In addition, without a historical baseline provided by information collected from strandings, detection and investigation of such events is more difficult.

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

Because detection and response to mortality events or other problems having an impact on marine mammals is extremely time sensitive, quarterly reporting is not a viable option.

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.

A Federal Register Notice was published on April 17, 2007. Comments were received from 4 individuals or groups. These comments are posted as part of the ROCIS submission. Briefly, the comments focused on clarification of the new terms added to the forms. We clarified the terms and will provide expanded guidance in the instructions manual that will be posted on the NOAA website along with the forms. Also, we deleted a field regarding unusual mortality events. This field will be captured in the Group Event screen completed by NMFS employees.

Agency personnel participate in annual meetings of the regional stranding network members to discuss stranding events, clarify data requirements, and offer guidance with the reporting process. In addition, Regional Stranding Coordinators (agency employees) meet more frequently (annually) with members of their regions, and are always available for questions or comments.

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

No payments or gifts are provided to respondents.

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

The respondents are instructed to not include personal information including phone numbers and e-mail addresses. In accordance with the Freedom of Information Act (FOIA) and Privacy Act, any personal information inadvertently included may be redacted from a response to a request for information by another party depending on the information and circumstances. No assurances of confidentiality are necessary or provided to respondents.

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.

The information collection does not require the submission of information of a sensitive nature.

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

There are 74 organizations who are authorized by NMFS to participate in the Marine Mammal Stranding Network and about 30 federal, state and local governmental organizations that actively respond to stranded marine mammals. Thirty of the 74 organizations also rehabilitate animals. These responders are mandated to file stranding response incidents with NMFS as marine mammals strand. Therefore, the number of reports filed per respondent varies considerably. Many Network members do not have an occasion to respond to a stranding during a year; however, a few may file up to several hundred reports. The Marine Mammal Stranding Network responded to 3,905 stranded animals in 2001 and 4,620 in 2002. The annual average response is estimated at 4,000, representing Level A Forms. Approximately 800 live stranded animals will be taken into rehabilitation annually and will require Rehabilitation Disposition forms. There are two required forms: the Marine Mammal Stranding Report and the Marine Mammal Rehabilitation Disposition Report. These forms will be required nationwide; however, the Marine Mammal Rehabilitation Disposition Report is only required for live animal strandings. Each form is filled out twice, once on paper and once by entry into the database, at the current time. In the future, only database entry will be required. It is estimated that the average time necessary to complete each form is 30 minutes, which is inclusive of both the paper form and for entry into the national database. The total annual response time for the two forms is shown below.

| Type of report | Approx. # of responses annually | Time per Response | Approx. # hours required |
|-----------------------------------|--|--------------------------|---------------------------------|
| Level A Form | 4,000 | 30 minutes | 2,000 |
| Rehabilitation Disposition Report | 800 | 30 minutes | 400 |
| Totals | 4,800 | | 2,400 |

Using an average wage rate of \$20/hour, the annualized cost to all respondents is estimated at approximately \$40,000 and \$8000 for the forms, respectively. For all respondents combined, the total annual cost of reporting is approximately \$48,000. For approximately 400 respondents, the cost to each will vary depending on number of strandings, but is estimated to be \$120 to complete these forms annually.

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).

There should be no additional cost to respondents in terms of capital and start-up costs. The sole cost for operations would involve the cost of reproducing the paper forms, and postage for

mailing the completed reports to the appropriate NMFS Regional Office. This cost is estimated to be approximately \$2,448 annually for the entire network, although it should be less because respondents often submit multiple stranding reports at one time. This cost was calculated using 4,800 forms * \$0.10 (photocopying) = \$480 and 4,800 forms * \$0.41 (postage) = \$1,968, totaling \$2,448.

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

It is estimated that ten staff months are involved in data processing and analysis. An estimate of three staff months was provided by the Southwest Region which has the highest number of strandings. Two staff months has been applied to the Northeast, Northwest, and Southeast Regions. An estimate of one staff month has been applied to Alaska and the Pacific Islands Regions, where the total number of reports are considerably less than in other Regions. Two staff month have been estimated for headquarters staff. The total cost to the Federal government is estimated at \$76,220. This figure includes:

\$ 51,272 in salaries

\$ 11,746 for leave at a rate of 22.9 percent of salaries

\$ 13,182 for employer's contribution to benefits at 25.7% percent of salaries.

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

Respondents have been redefined to be entities, rather than individuals responding from those entities. The total burden has not changed. In the future, only online data entry will be required, but for the first phase of the National Database we are continuing to require the paper form for Quality Assurance/Quality Control purposes. The number of respondents and the number of responses per respondent have not changed from the current approval. Costs have increased slightly due to the increased postage rate.

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

Data from the Marine Mammal Stranding form and the Marine Mammal Disposition form will be entered into the database, reviewed by the NMFS regional stranding coordinators, summarized, and compiled. The regional stranding coordinators will summarize and provide data upon written request. Information may also be used as baselines for comparisons of die-offs and may be included in official NMFS tech memos, peer reviewed publications, and posted on the NMFS web.

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.

Such approval is not sought.

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

This collection does not employ statistical methods.