

**SUPPORTING STATEMENT
REPORTING OF SEA TURTLE ENTANGLEMENT IN POT GEAR FISHERIES
OMB CONTROL NO.: 0648-0496**

A. JUSTIFICATION

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

Four species of sea turtle migrate northward along the continental shelf of the eastern U.S. to forage in near shore habitats during the spring, summer and fall months. These include juvenile and sub-adult loggerhead, Kemp's ridley, and green turtles; and sub-adult and adult leatherback turtles. From 1990-2000, 92 entangled leatherbacks were reported, by boaters, fisherman, United States Coast Guard (USCG), and Sea Turtle Stranding Network members, from New York through Maine. A sea turtle entanglement is defined as any situation in which a sea turtle is wrapped in the lines associated with fixed gear. Since 2004, when this collection was originally approved, over 100 reports of sea turtle entanglements have been received. Additional leatherbacks were stranded with line wraps or evidence of prior entanglement. Loggerhead turtles entangled in pot gear have also been reported in the northeast, though to a lesser extent than leatherbacks. The proliferation of pot gear in shelf waters, where sea turtles are known to forage, suggests that the potential for interaction is high. National Marine Fisheries Service (NMFS), Northeast Region is working to reduce sea turtle mortality associated with fixed gear interactions through the establishment of the Sea Turtle Disentanglement Network (STDN). The STDN consists of responders from the stranding network, USCG, state agencies, NOAA Sea Grant Program, universities, private organizations, and local officials. These agencies have become involved in the STDN through an interest in disentanglement, unique experience and/or availability, and by direct recruitment. For example, the USCG, local harbor masters, and state Marine Patrols have been recruited into the STDN because of their vessel resources and availability to be out on the water during the summer. All STDN responders have been specially trained in sea turtle disentanglement. The objectives of the STDN program include: (1) promoting of reporting and increasing successful disentanglement; (2) developing and disseminating disentanglement guidelines for vessels permitted for fishing with pot gear; (3) developing disentanglement tools specific to sea turtles; and (4) establishing a trained and equipped network to respond to reported entanglement incidents. The Sea Turtle Disentanglement Guidelines and the Sea Turtle Entanglement Report Form have been distributed to members of the STDN for the documentation of all entanglement and disentanglement events.

The collection of this information on sea turtle entanglement in pot gear fisheries is necessary to ensure sea turtles are being conserved and protected, as mandated by the **Endangered Species Act of 1973, as amended**. Documenting the accurate occurrence of sea turtle incidental take in pot gear fisheries will help to determine if regulatory actions or management measures are necessary to protect sea turtles entangled in pot gear. This information will help NMFS better assess the pot gear fisheries (lobster, whelk, crab, fish trap) and their impacts on sea turtle populations in the northeast region (Maine to Virginia). Lack of observer coverage for the majority of these fisheries makes this information collection especially critical.

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 Sea Turtle Disentanglement Guidelines and Sea Turtle Entanglement Report Form (OMB Control No.: 0648-0496) were disseminated to the STDN in July of 2004 after Office of Management and Budget (OMB) emergency clearance, effective June 25, 2004. Full OMB clearance occurred in December of 2004.

Since the Sea Turtle Disentanglement Guidelines and Sea Turtle Entanglement Report Forms were disseminated in 2004, members of the STDN and the public have been requested to call and inform NMFS of any sea turtle entanglements they encounter. Information provided in these phone calls includes: name and type of reporting vessel, vessel cell phone number or radio call channel, reporter name and home phone number, date/time of report (and/or sighting event), location (latitude and longitude), description of turtle for species identification, condition of turtle alive or dead, description of entangling gear (rope, line, buoys, colors, ID numbers), location of entangling gear on turtle (head, flippers, single wrap, multiple wraps), description of any visible injuries, weather/sea conditions at the scene, and if photo documentation can be obtained. This information can also be reported via FAX or mail.

This information has been collected and housed by NMFS, Northeast Region, Protected Resources Division when a sea turtle entanglement event occurs. Reports and documentation of dead or injured sea turtles have also been obtained. During the past 3 and one half years, this information has been used to monitor the level of incidental take of sea turtles in pot gear fisheries in the Northeast Region. The information has been distributed to the NMFS, Northeast Fisheries Science Center and the Office of Protected Resources, as needed and as requested. Sea turtles are typically present in the northeast (Maine to Virginia) from May to November, therefore reporting and information collection has only occurred during these months.

Since 2004 we have received a record number of sea turtle entanglement reports and documentation has been of much higher quality. We have been able to obtain more high quality images and video, increasing the number of “confirmed” reports and increasing our understanding of sea turtle entanglement in pot gear. The “Buoy/Pot ID” field on the Sea Turtle Entanglement Report Form has proven especially valuable in allowing us to trace the gear on the turtle back to the gear owner and conduct a follow-up interview with the fisherman. Gear collection from sea turtle entanglement events (to be sent to NMFS for analysis) has also increased. We have been able to use the data collected to help identify the best and safest methods and tools for disentangling sea turtles, with the direct result of decreasing the mortality of pot gear interactions. NMFS has specifically used the information collected in the “Gear Description” section to positively identify the fishery involved (i.e. lobster, whelk, crab) in each entanglement, which allows for better monitoring the number of takes per fishery. Information collected on the nature of the entanglement, including the location of the entangling gear on the turtle, have helped create a base of information which may help us determine how and why the turtles are becoming entangled in the gear. This information may help direct future gear modification research and potential management measures. The use of this data is consistent with the general actions stated in the sea turtle recovery plans (i.e., minimize mortality from commercial fisheries).

NMFS, Northeast Region is currently planning a Workshop, which will convene members of the STDN, fishery managers, endangered species managers, industry, and sea turtle biologists to discuss all aspects of sea turtle/pot gear interactions. A portion of the information collected from the STDN and the general public on sea turtle entanglements will be presented as a starting point for discussions on the overall issue of sea turtle entanglements in fixed gear fisheries. It is anticipated that the workshop will result in potential research or methods to reduce the risk of sea turtle entanglements.

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. NMFS will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with National Oceanic and Atmospheric Administration (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. 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 collection of information in question involves reporting the entanglement and disentanglement of sea turtles via a telephone call or hard copy of the Sea Turtle Entanglement Report Form (FAX or mailed). These methods of reporting are the most effective means to collect this information. While information could be collected via electronic mail, it is believed that most responders will have an easier time reporting via a telephone call or FAX. This would be particularly important in order to obtain real-time information from the scene of the entanglement via cellular phone or Very High Frequency (VHF) Channel 16. As we want only trained and authorized responders engaging in disentanglement activities, we would only consider posting the disentanglement guidelines and report form on a private website with limited access. Members of the general public are requested to report all entanglements to the STDN or NMFS directly; the STDN or NMFS would then fill out the Sea Turtle Entanglement Report Form based on the phone conversation. However, a fillable and printable version of the form will be available to the public by request.

4. Describe efforts to identify duplication.

Historically, NMFS did not collect this information directly but occasionally received reports from a variety of agencies and the public. The establishment of the STDN brings those agencies together with consistent disentanglement guidelines and a consistent report form to standardize the collection of this information. These documents will enable NMFS to ensure that takes are being reported and responded to immediately and to collect data on sea turtle entanglements on a real-time basis. This will also allow NMFS to ensure that sea turtle disentanglement is done correctly and that a trained and authorized responder is involved in the disentanglement. This specific type of reporting as requested in the Sea Turtle Disentanglement Guidelines and Sea Turtle Entanglement Report Form has not been previously required or requested.

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

This information collection will not have a significant impact on small entities. This collection of information does involve small entities but the impacts are minimized by the relatively infrequent nature of the reporting (i.e., only from May to November, with an estimated 45 reports annually) and the reporting by telephone, FAX, or mail. The costs of documentation involving photographs would be minimized through the use of disposable cameras and non-disposable digital cameras supplied by NMFS and distributed to members of the STDN. NMFS would cover costs associated with shipping photos, video, and any removed gear.

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

NMFS believes that sea turtle entanglement in pot gear is a significant source of mortality for leatherback and loggerhead sea turtles based on anecdotal reports and information collected to-date by the STDN and by the Sea Turtle Stranding and Salvage Network (STSSN). Due to lack of observer coverage of most pot gear fisheries, NMFS will not have any means of assessing sea turtle take in pot gear fisheries if this information is not collected. If NMFS does not continue to disseminate disentanglement guidelines and report forms, the incoming information on sea turtle entanglement in pot gear fisheries will become inconsistent, lack important data, and may not reach NMFS until long after the event. More importantly, disentanglement will continue to be performed by untrained and unauthorized responders who may cut the anchoring line and leave life-threatening entangling gear on the turtle. All information collection is opportunistic and therefore is only collected as frequently as an entangled turtle is encountered.

NMFS, Northeast Region has dedicated a significant amount of funding and staff time to establishing the STDN and this reporting information is essential to further those efforts and ensure that sea turtles are being disentangled correctly. Additionally, if injured turtles are taken and not reported to NMFS, those turtles would not receive the necessary medical care that is critical to their survival. Similarly, dead turtles found entangled in pot gear would also not be transported to a stranding and rehabilitation facility for a necropsy (dissection in order to determine cause of death) if the condition of the turtle enables this, and important information on the health of the turtle, and potentially the determination on the cause of death, would be lost. Acquiring this information to fulfill the aforementioned objectives is an important aspect of the NMFS, Northeast Region sea turtle program.

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

The collection of this information may be inconsistent with the OMB guidelines, Item #1. Item #1 states that, the information collection should not require respondents to report information more often than quarterly. Real-time reporting of entangled sea turtles is critical to ensuring that a trained and authorized responder is involved in the disentanglement. Real-time reports and documentation would thus need to be collected more frequently than on a quarterly basis. Sea turtles are generally only found in northeast waters from May to November, but there is no schedule for when a sea turtle may be found entangled during that time. For example, three entangled sea turtles may be encountered in one week, or one entangled sea turtle may be

encountered in a month. NMFS would request that all of those entanglements be reported as they occur. Therefore, there is the potential for responders to report sea turtle entanglements more often than quarterly. While the reporting of sea turtle entanglement may occur more often than quarterly, it will not occur all year round.

As stated above, we want only trained and authorized responders engaging in disentanglement activities, therefore, we would only consider posting the disentanglement guidelines and report form on a private website with limited access. Therefore, a fillable and printable version of the form will be available to all STDN responders on the NMFS, Northeast Region, Marine Mammal and Sea Turtle Stranding and Disentanglement Network webpage, network member private access page, and to the public only upon request.

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 PRA Federal Register notice for this renewal was published on July 26, 2007 (72 FR 41062). No comments were received as a result of this notice.

In early 2007, in preparation for PRA renewal, the Sea Turtle Disentanglement Guidelines and Sea Turtle Entanglement Report Form were reviewed and updated with input from the following organizations external to NMFS: the Northeast Region (NER) Sea Turtle Stranding and Salvage Network, Provincetown Center for Coastal Studies, state agencies, United States Coast Guard, US Fish and Wildlife Service, and Sea Grant.

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

No payments or gifts will be provided to respondents.

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

Personal identifiers and any commercial information will be kept confidential to the extent permitted under the Freedom of Information Act (FOIA) (5 U.S.C. 552), the Department of Commerce FOIA regulations (15 CFR Part 4, Subpart A), the Trade Secrets Act (18 U.S.C. 1905), and NOAA Administrative Order 216-100.

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

This collection of information does not involve any questions of a sensitive nature.

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

The total hour estimate for the reporting requirement was determined from the following information:

The estimated annual number of reports for the next three years was based on recent data regarding encounters in northeast waters. Prior to NMFS efforts to promote reporting through increased outreach, 92 entangled leatherbacks were reported from Maine to New York from 1990 to 2000. This figure represents reports only from the Sea Turtle Stranding and Salvage Network (STSSN) and should be considered a minimum number because during that time period reports of entanglements were not specifically requested by the STSSN. In 2002, NMFS, Northeast Region established STDN as a dedicated disentangling network. The STDN operates as a part of the larger STSSN, which was established in 1980 to collect information on and document sea turtle strandings along the US Gulf of Mexico and Atlantic coasts. The STSSN is made up of Federal, state, local and private agencies/organizations that are Federally authorized to respond to sea turtle strandings. From this figure, the average number of entangled leatherbacks in waters from Maine to New York per year is 8.36. Since 2001, NMFS has increased outreach efforts with the STSSN and US Coast Guard and formed the STDN. In 2002, 9 entanglements were reported from Maine to Virginia. In 2003, 15 entanglements were reported from Maine to Virginia. Since OMB approval in 2004, 39 entanglements were reported from Maine to Virginia. In 2005, 31 entanglements were reported, and in 2006, 6 reports were received. In 2007, a minimum of 34 reports have been received (reports may still be coming in). It is anticipated that the number of annual reports will increase. In the 2004 renewal request, we anticipated 15 respondents reporting 3 entanglement events per year for a total of 45 entanglement reports per year. Based on the number of respondents and number of reports received since 2004, we believe this estimate is still valid.

The hourly burden was calculated by assuming a phone call to NMFS will last for a maximum of one hour. The time of one hour per report is based on reports where the responder is on scene and needs to be talked through the disentangling steps or is the person standing by while a disentangling responder is dispatched to the scene. Such scenarios encompass the majority of sea turtle entanglement reports. Therefore, with 45 reports lasting one hour per report, the hourly burden would be 45 hours. The STDN responder would be asked to fill out the Sea Turtle Entanglement Report Form or NMFS staff would fill out the form based on their conversation with the responder or initial observer. Follow-up information, the time for which is included in the one-hour estimate, would include the shipping of photographic or video documentation and collected gear:

$$\begin{aligned} 15 \text{ respondents} \times 3 \text{ reports/respondent} &= 45 \text{ reports total} \\ 45 \text{ reports} \times \text{one hour} &= 45 \text{ hours.} \end{aligned}$$

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 cost burden was obtained by using the information on anticipated numbers of reports as presented in question #12 and the following information. An estimated 45 reports are anticipated

annually). The cost of a one hour phone call was estimated to be \$15 per call. Therefore, an average annual total cost estimate is \$675 (45 x \$15) for all responders annually.

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

The estimated cost to the Federal government will be only in terms of staff hours and supplies. An anticipated 45 reports will be called in to NMFS, and each call is expected to last a maximum of one hour. NMFS staff will be able to compile any written report/notes during this phone call. As such, the hourly burden on NMFS would be 45 hours. In addition, NMFS staff would receive and compile the Sea Turtle Entanglement Report Forms and input the data into a database. Each report is expected to take a maximum of 20 minutes to enter including obtaining follow-up information if any fields are left blank. This would require an additional 10 hours of staff time for a total hourly burden on NMFS of 40 hours. The financial burden would depend upon the pay band level of the party answering the phone call and entering the data. The staff fielding these calls and entering this data likely will be pay band level II. However, this task would be included in the respective staff's performance plan and would not be an additional monetary requirement (as it is included in the staff's current salary).

Supplies would include the purchase of approximately 3 new disentanglement kits each year which would be distributed amongst the STDN responders as new equipment is needed. Kits include disentanglement tools and equipment, documentation supplies, and safety gear. Each kit costs approximately \$500.00, for a total cost of **\$1500.00** annually. Digital cameras are used to document the majority of disentanglement events; however, it is anticipated that 5 disposable cameras will be needed each year for responders. The purchase of 5 disposable cameras at \$10.99 per camera is a total of \$54.95 (**\$55**). Additional costs would be the development of disposable camera film at \$8.00 per camera for a total of **\$40**. NMFS would also cover shipping of report forms, pictures, disposable cameras, video, and any removed gear. The cost of this would vary depending on weight of gear shipped (with or without pot, multiple pots, etc.). In the majority of events, photos and report forms will be transferred electronically by email or fax, with no associated shipping costs. However, it is estimated that 5 events each year will require the use of a disposable camera or associated video. The shipment of these materials would likely cost between \$1 and \$10. Therefore, the shipment of 5 cameras/video tapes throughout the season would cost an average total of **\$50**.

The shipment of gear would vary depending on size and weight, but would likely cost between \$10 and \$60. Any gear recovered from an entanglement that weighs more than 15 lbs. would be photo documented and held by the STDN member until it could be personally transferred to NMFS via direct pick-up. Additionally, several sets of gear are personally transferred to NMFS due to the close proximity between the STDN responders and NMFS personnel. Based on the number of reported events between 2004 and 2007 (110) and the number of events during that time where gear was collected (36), it is estimated that gear will be collected for one third or less of all reported cases, estimated at 10 to 15 events each year. If gear was collected from 15 events during a given year, it is estimated that half of all gear would be personally transferred to NMFS due to size/weight or proximity to NMFS personnel. Therefore, in a given year approximately eight pieces of gear would be shipped following an entanglement event. If the

eight sets of gear were shipped at \$60, the total cost of shipping gear would be **\$480** each year
The average total annualized cost to the Federal Government would thus be \$2,125.

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

There are no changes to these sections. NOTE: an adjustment to cost of \$375 is an artifact of ROCIS having rounded off the previous cost to \$1,000. There was actually no change to the total annualized cost.

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

It is not anticipated that the results of this collection will be published.

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.

Expiration Date can be displayed on both the Guidelines and Form.

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

This item is not applicable to this information collection request.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This information collection request does not employ statistical methods.