

**SUPPORTING STATEMENT  
GREEN STURGEON ESA 4(D) RULE TAKE EXCEPTIONS AND EXEMPTIONS  
OMB CONTROL NO. 0648-0613**

**A. JUSTIFICATION**

This request is for extension of this information collection.

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

The Southern Distinct Population Segment (Southern DPS) of North American green sturgeon (*Acipenser medirostris*; hereafter, “Southern DPS”) was listed as a threatened species in April 2006. Section 4(d) of the [Endangered Species Act](#) of 1973 (ESA) authorizes the Secretary of Commerce to adopt regulations determined to be necessary and advisable for the conservation of species listed as threatened. Such regulations may include any or all of the prohibitions described in section 9(a)(1) of the ESA.

As the agency with jurisdiction over the species, the National Oceanic and Atmospheric Administration’s (NOAA’s) National Marine Fisheries Service (NMFS) determined that protective regulations (a “4(d) rule”) are necessary and advisable for the conservation of the Southern DPS and established such regulations in a final 4(d) rule published on June 2, 2010 (75 FR 30714), codified in [50 C.F.R 223.210](#). The final 4(d) rule for the Southern DPS applies all of the prohibitions listed under section 9(a)(1) of the ESA, prohibiting the import, export, possession, sale, delivery, carrying, transport, shipment, and receipt in interstate or foreign commerce, or for commercial activity, of Southern DPS fish. The 4(d) rule also prohibits the take of Southern DPS fish within the United States (U.S.), the U.S. territorial sea, or upon the high seas. Take means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct (ESA section 3(18)).

The final 4(d) rule also establishes exceptions to and exemptions from the take prohibitions for activities that NMFS determines to be adequately protective of the Southern DPS. The information collections described in this extension request are those associated with these 4(d) exceptions and exemptions. Typically, entities obtain take coverage through ESA section 7 consultations or ESA section 10 permits. The 4(d) exceptions and exemptions provide another way, in addition to the ESA section 7 and 10 processes, for entities to obtain ESA coverage for activities that may involve take of Southern DPS green sturgeon. *Under the 4(d) exceptions, specific activities are excluded from the take prohibitions for the Southern DPS through a relatively informal coordination process. Under the 4(d) exemptions, take of Southern DPS fish is covered under a NMFS 4(d) program established and approved by NMFS through a formal process.* To qualify for a 4(d) exception or exemption, entities prepare and submit information to NMFS to show that the proposed activity or activities meet the 4(d) exception or exemption criteria. NMFS uses this information to: 1) assess the effects of the take on the Southern DPS; 2) determine what category those takes fall under (i.e., excepted, exempted, prohibited); 3) confirm 4(d) exceptions or approve 4(d) exemption programs; and 4) monitor the take of Southern DPS fish through reporting. Thus, the information collections described in this extension request are necessary for NMFS to evaluate requests for 4(d) exceptions and exemptions, as well as for

NMFS to monitor the effects on Southern DPS green sturgeon from activities being carried out under the 4(d) exceptions and exemptions.

**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.**

To comply with the ESA and the 4(d) rule for Southern DPS green sturgeon, entities must obtain take coverage prior to engaging in activities involving take of Southern DPS fish. Take of Southern DPS fish may be covered under a 4(d) exception, a 4(d) exemption, an ESA section 7 incidental take statement (for Federal agency actions), or an ESA section 10 permit (for non-Federal actions). This information collection focuses on the information collections associated with the 4(d) exceptions and exemptions.

To be covered under a 4(d) exception or exemption, entities must adhere to specific criteria and reporting requirements as specified in the 4(d) rule. Affected entities include local, state, and federal agencies; tribes; non-governmental organizations; academic researchers; and private organizations. To ensure that activities qualify under the 4(d) exceptions or exemptions, NMFS requests specific information from these entities (described in detail below). This information is used by NMFS to: (1) evaluate the effects of each action on the Southern DPS; (2) confirm or approve requests for exceptions and exemptions; (3) track the number of Southern DPS fish taken as a result of each action; and (4) evaluate the effectiveness of protective measures and determine whether additional protections are needed for the species, or whether additional exceptions may be warranted. NMFS designed the criteria to ensure that activities and programs meeting the 4(d) exception or exemption criteria would adequately limit impacts on threatened Southern DPS fish, and would not appreciably reduce the likelihood of survival and recovery of the Southern DPS.

The following describes the information collections for the three types of 4(d) exceptions:

- (1) Exception for Federal, state or private-sponsored research or monitoring activities: The take prohibitions do not apply to certain research and monitoring activities that comply with required state reviews or permits and ESA section 7 requirements (if funded, permitted, or carried out by a Federal agency); are directed at the Southern DPS and not incidental to research or monitoring of another species; do not involve lethal take of Southern DPS fish; do not involve take of live mature adults within the California Central Valley during the spawning season (from March through June); do not involve the removal of any life stage of the Southern DPS from the wild for more than 60 minutes; and do not involve take associated with artificial spawning or enhancement activities for the Southern DPS.
  - a. Entities are asked to provide the following to NMFS at least 60 days prior to the start of the research or monitoring activities: a description of the study objectives and justification; a summary of the study design and methodology; estimates of the total non-lethal take of Southern DPS fish anticipated; estimates of incidental take of other ESA listed species anticipated and proof of ESA coverage for those takes from NMFS or the U.S. Fish and Wildlife Service (USFWS); identification

of funding sources; and a point of contact.

- b. Reporting requirements: If NMFS confirms that the activities meet the exception criteria, then the entity is to submit reports to NMFS (on a schedule to be determined by NMFS staff) including the total number of Southern DPS fish and any other ESA-listed species taken, information that supports that take was non-lethal<sup>1</sup>, and a summary of the project results.

(2) Exception for emergency fish rescue and salvage activities: The take prohibitions do not apply to emergency fish rescue and salvage activities that benefit the Southern DPS, comply with required state or other Federal reviews or permits, and are carried out by an employee or designee of NMFS or the USFWS, any Federal land management agency, or California Department of Fish and Wildlife (CDFW), Oregon Department of Fish and Wildlife (ODFW), Washington Department of Fish and Wildlife (WDFW), or Alaska Department of Fish and Game (ADFG). Within 10 days after conducting the emergency rescue and/or salvage activities, those carrying out the activity are to submit a report to NMFS that includes, at a minimum:

- a. The number and status of green sturgeon handled;
- b. The location of the rescue and/or salvage operations; and
- c. The potential cause(s) of the emergency situation.

(3) Exception for habitat restoration activities: The take prohibitions do not apply to certain habitat restoration activities that aim to re-establish self-sustaining habitats for the Southern DPS and that comply with required state and Federal reviews and permits, including ESA section 7 requirements where applicable.

- a. At least 60 days prior to the start of the restoration project, entities are to provide a detailed description of the restoration activity to NMFS including: the geographic area affected; when activities will occur; how they will be conducted; an estimate of the level of take of Southern DPS fish that may occur and how that estimate was made; the severity of direct, indirect, and cumulative impacts of the activities on the Southern DPS; methods to be used to ensure that the likelihood of survival or recovery of the Southern DPS is not reduced; a plan for minimizing and mitigating any adverse impacts to Southern DPS spawning or rearing habitat; a plan for effective monitoring and adaptive management; identification of funding sources; evidence that all state and federal regulatory requirements have been met; a pledge to use best available science and technology when conducting restoration activities; and a point of contact.
- b. Reporting requirements: If NMFS confirms that the activities meet the exception criteria, then the entity is to submit progress reports (on a schedule to be determined by NMFS staff) including the total number of Southern DPS fish

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<sup>1</sup> An example of non-lethal take would be capturing and tagging green sturgeon with PIT tags, external spaghetti tags, or internal and/or external acoustic tags, for tracking of fish migrations. Evidence to support the claim that the take is non-lethal would include describing the methods to be used and the effects of those methods on green sturgeon (citing mortality rates from other studies using those methods), measures that would be implemented to reduce the effects on green sturgeon, and the expertise and experience of the researchers in implementing the proposed methods and measures.

taken, whether the take was lethal or non-lethal, a summary of the project status, and a description of any changes in the methods being used.

The following describes the information collections for the three types of 4(d) exemptions:

- (1) Exemption for Fishery Management and Evaluation Plans (FMEP): Commercial and recreational fisheries activities would not be subject to the take prohibitions if conducted under a NMFS-approved FMEP. Green sturgeon are caught as bycatch in fisheries for other species, such as white sturgeon, salmon, and groundfish. To qualify for the exemption, fishery management agencies would prepare an FMEP and submit the plan to NMFS. NMFS would evaluate the plan based on its completeness and potential impact on the Southern DPS. NMFS may approve the plan or return the plan to the agency for revision. New or amended FMEPs would be published in the Federal Register for public comment prior to approval by NMFS. Decisions to withdraw approval for an FMEP would also be published in the Federal Register and subject to public comment. Fishery management agencies seeking take coverage under an FMEP would be required to submit in writing to NMFS:
  - a. An FMEP that prohibits the retention of green sturgeon; sets maximum bycatch levels for green sturgeon; provides a biologically-based rationale demonstrating how the plan will protect the Southern DPS; establishes plans for monitoring and evaluation, enforcement, and education; and provides a timeframe for FMEP implementation. NMFS will use this information to evaluate the potential impacts of the plan on the Southern DPS.
  - b. If NMFS approves the FMEP, the entity must submit biannual reports to NMFS, including the number of green sturgeon taken in the fishery and an evaluation and summary of the effectiveness of the FMEP. NMFS will use the reports to evaluate the FMEPs and recommend changes to improve their effectiveness.
- (2) Exemption for Tribal Resource Management Plans (Tribal Plan): Fishery harvest or other activities conducted by a tribe, tribal member, tribal permittee, tribal employee, or tribal agent would not be subject to the take prohibitions if conducted in compliance with an approved Tribal Plan. A Tribal Plan may be developed by one tribe or jointly with other tribes and may vary in content. The Secretary of Commerce would consult with the tribe(s) on a government-to-government basis to provide technical assistance during development of a Tribal Plan. The tribe(s) would prepare a plan addressing fishery harvest or other activities and submit it to NMFS. NMFS would evaluate the plan based on its completeness and potential impact on the Southern DPS. Approval would also be contingent on a determination by the Secretary of Commerce that the Tribal Plan would not appreciably reduce the likelihood of survival or recovery of the Southern DPS. NMFS may approve the plan or return the plan to the tribe(s) for revision. New or amended Tribal Plans and the Secretary's determination on the plans would be published in the Federal Register for public comment prior to approval.
- (3) Exemption for State-sponsored scientific research or monitoring programs: Scientific research or monitoring activities involving incidental or direct take of listed species are typically authorized under ESA section 7 or 10. Establishment of state-sponsored

scientific research programs between state fishery management agencies and NMFS provides an additional method for researchers to obtain take authorization. The programs cover research and monitoring projects involving Southern DPS fish that are conducted, overseen, or coordinated by the state fishery management agency (i.e., CDFW, ODFW, WDFW, or ADFG). Such programs help streamline the process for researchers, state agencies, and NMFS by allowing the state agencies to maintain primary responsibility for coordination and oversight of research activities. Each year, researchers are required to submit research applications to the state fishery management agency. These agencies evaluate and determine which projects are eligible for inclusion under the program and then transmit approved applications to NMFS for review and approval. Researchers are not required to apply for a separate permit from NMFS. NMFS works with the state agencies to ensure authorized research involving listed Southern DPS fish is both coordinated and conducted in a manner that is adequately protective of the Southern DPS.

- a. Under state-sponsored scientific research programs, the state agency is required to provide for NMFS' review and approval a list of all scientific research activities involving Southern DPS fish for the coming year, including for each project: an estimate of the total direct or indirect take of Southern DPS fish anticipated; a description of the study design and methodology; justification for take of Southern DPS fish and the techniques to be employed; and a point of contact.
- b. Reporting requirements: Under approved state-sponsored scientific research programs, the responsible state agency must submit to NMFS an annual report that includes, for each project, a summary of the number of green sturgeon taken directly or incidentally and a summary of the results of the project. NMFS uses this information to evaluate the effects of the research program on the Southern DPS.

We anticipate that the FMEPs, Tribal Plans, and reports will be disseminated to the public or used to support publicly disseminated information. NMFS will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. See response to Question 10 of this Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meet all applicable information quality guidelines. 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 4(d) rule does not require any particular method of submission of materials, plans, or reports. For state 4(d) research programs in California, Oregon, and Washington, a NMFS web-based system called APPS (Authorizations and Permits for Protected Species) is available for use. Researchers may submit their research applications online through APPS. This system is used by the NMFS Regional staff and state agencies on the U.S. West Coast, as well as NMFS HQ, and has helped streamline and standardize the application and authorization process for researchers, as well as the review process for state and NOAA biologists.

Web-based systems have not been developed for the other exceptions or exemptions, but may be developed in the future. A summary of the criteria and instructions on how to apply for each exception or exemption is available in the final 4(d) rule, posted on the NMFS web site. In addition, NMFS-approved plans and programs and reports submitted under the exceptions and exemptions will be made available to the public on the NMFS web site. Certain plans and programs will be published in the Federal Register and subject to public comment prior to approval.

#### **4. Describe efforts to identify duplication.**

The information collections for the 4(d) exceptions are unique to the 4(d) rule for the Southern DPS. The exemptions for FMEPs, Tribal Plans, and state-sponsored scientific research programs under the 4(d) rule for the Southern DPS were modeled after “limits” established in a 4(d) rule for listed West Coast salmon and steelhead. Thus, the information collections for these exemptions are similar to those required under the 4(d) rule for listed salmon and steelhead. Separate collections are necessary for the Southern DPS, however, because the plans and reports collected for listed salmon and steelhead do not address Southern DPS green sturgeon and the specific criteria for the plans and reports differ from those under the information collections for listed salmon and steelhead.

In some cases, Southern DPS green sturgeon has been or may be incorporated into existing programs. For example, NMFS has incorporated Southern DPS green sturgeon into existing state-sponsored scientific research programs developed for listed salmon and steelhead in California, Oregon, and Washington. This reduces the number of additional burden hours required by state fishery management agencies to implement the program for green sturgeon. Researchers with projects under the state research programs may also choose to submit one annual report covering green sturgeon and listed salmon and steelhead, rather than separate reports for each species.

In the absence of the 4(d) exceptions and exemptions, NMFS provides ESA coverage for the take of Southern DPS green sturgeon through ESA section 7 consultations or ESA section 10 permits. The ESA section 7 and section 10 processes have their own specific reporting requirements associated with them.

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

None of these collections would have a significant impact on small entities. Most of the affected entities are state, local, tribal or Federal government entities.

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

If NMFS did not conduct the information collection, then NMFS would not be able to provide exceptions or exemptions to the take prohibitions. Entities would need to obtain take coverage under an ESA section 10 permit (for non-Federal agency actions) or an ESA section 7 consultation (for Federal agency actions). In some cases, the 4(d) exceptions and exemptions

would provide a more stream-lined process and facilitate coordination among the entities, the States, and NMFS. In addition, the protective measures implemented under the 4(d) programs may benefit other species.

The information collections under the exceptions and exemptions serve several purposes, each of which is vital to NMFS' ability to protect and conserve the Southern DPS. The information collections: (1) inform NMFS of proposed actions that may result in take of Southern DPS fish; (2) allow NMFS to evaluate and provide feedback on the potential effects of actions on the Southern DPS and to determine whether the actions meet criteria under the exceptions or exemptions; and (3) provide NMFS with data and regular updates on the actions. Collecting program information or reports less frequently than described above would hinder NMFS' ability to evaluate the effects of the activities and programs on the Southern DPS and to respond in a timely matter, should changes be needed to provide additional protection for the species.

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

This information collection is consistent with OMB guidelines

**8. Provide information on 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 published on May 9, 2013 (78 FR 27187) solicited public comments. No comments were received.

In July and August 2013, we solicited comments from respondents regarding the information collections for the emergency fish rescue exception, state-sponsored research and monitoring programs, and FMEPs. We specifically sought comments on the accuracy of the estimated burden hours, availability of data, frequency of collection, clarity of instructions, and their understanding of how the information collected is used by NMFS. We did not solicit comments regarding the information collections for the scientific research exception, habitat restoration exception, or the Tribal Plans because, to date, we have not received any requests for the research or habitat restoration exceptions or for Tribal Plans.

**Comments on the information collection for the emergency fish rescue exception:**

To date, we have only received emergency fish rescue reports under this exception from CDFW. CDFW stated that the instructions were clear and understood that the information is used by NMFS to monitor stranding events and rescues. CDFW noted that the emergency fish rescue reports should include a monitoring plan for each fish rescue. CDFW also stated that preparation of the reports takes longer than the estimated 5 hours, and depends on several factors, including the number of fish rescued, the time involved in the rescue, monitoring and follow-up, and internal review processes. CDFW stated that the reports take about one week to write, but must undergo a lengthy (i.e., about one month) internal review process before being released.

Response: Based on CDFW's comments, we increased the estimated burden hours for preparing emergency fish rescue reports from 5 to 20 hours (estimated based on a week at approximately half time to write the report). We will also ask respondents to include in the reports information about the monitoring plan for rescued and released fish.

Comments on the information collection for state-sponsored research and monitoring programs: NMFS worked with CDFW, ODFW, and WDFW to incorporate green sturgeon into existing state-sponsored research and monitoring programs for ESA-listed salmon and steelhead in each state. We solicited comments from CDFW, ODFW, and WDFW, as well as from all of the researchers who have conducted green sturgeon projects as part of the state-sponsored research and monitoring programs since green sturgeon were incorporated into the programs in 2011 (10 researchers in total). We received comments from ODFW and from two researchers.

The two researchers (one each from the ODFW and CDFW programs) stated that the estimated burden hours are accurate (about 40 hours to prepare and submit a research application and 5 hours to prepare and submit the annual reports). One researcher stated that instructions were clear, but that others have expressed confusion regarding application instructions. The other researcher stated that instructions were unclear at first, but were clear after going through the application process once. One researcher commented that he does not know how the information collected is used by NMFS, or how NMFS determines or prioritizes the allowable take of green sturgeon among research projects.

ODFW agreed that the instructions are clear and understood how the information collected is used by NMFS. ODFW stated that a team of two biologists spends about two months reviewing proposals and coordinating with researchers and NMFS, to prepare the list of projects to include in the annual state-sponsored research and monitoring program for both salmonids and green sturgeon. However, ODFW stated that the inclusion of green sturgeon in the program has not increased the burden hours, because almost all of the projects under the program are focused on salmonids (from 2011 to 2013, only one project included green sturgeon). In contrast, the inclusion of green sturgeon in the CDFW program likely adds time to CDFW's review and coordination process because the CDFW program includes several green sturgeon projects (about 10 projects per year from 2011 to 2013). We maintain our estimate that it takes the state agencies about 40 hours per year to review, coordinate, and prepare the annual list of projects for the state-sponsored research and monitoring programs.

Response: Based on the comments received, we maintain our time burden estimates of 40 hours for the state agencies to prepare and submit the annual list of projects to include in the program, and of 5 hours for researchers to prepare and submit the annual report. We will also work with the NMFS program coordinators to address questions regarding the application instructions and informing applicants on how the information collected is used by NMFS.

Comments on the information collection for FMEPs: To date, we have received one draft FMEP from WDFW. WDFW stated that the estimated time burden for preparing and submitting the FMEP was approximately 320 hours over two years (i.e., a total of about two months of staff time). WDFW did not provide comments on the clarity of instructions or additional instructions



to include, but stated that they understood how the information collected is used by NMFS. The FMEP process with WDFW is ongoing.

Response: Based on the comments received, we increased the estimated time burden from 40 to 160 hours per year for preparing and submitting an FMEP. We also increased the estimated time burden from 5 to 20 hours per biannual report, based on the time needed to gather the required information.

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

No payments or gifts are associated with the information collections.

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

There are no assurances of confidentiality associated with these information collections. The information supplied would be a matter of public record.

**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 questions of a sensitive nature are included in the information collections.

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

The estimated total number of respondents is 46. The estimated total number of annual responses is 58, and the recordkeeping and reporting burden to the general public for the green sturgeon 4(d) rule take exceptions and exemptions is estimated to be 1,760 hours per year. Table 1 summarizes the estimated annual number of responses, average hours per response, total annual hours, labor cost per response, and total annual labor costs for each information collection.

**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 Question 12 above).**

The estimated total annual cost to the respondents or record-keepers resulting from the information collection is approximately \$155. This estimate excludes burden hours, but includes costs such as maintenance and submission costs associated with the information collections for the 4(d) exceptions and exemptions. There are no capital or start-up costs associated with this information collection. Table 2 summarizes the annual number of responses, average operations and maintenance costs per response, and total annual operations and maintenance costs for each information collection.

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

The estimated annual costs to the Federal government for processing submissions for the 4(d) exceptions and exemptions was determined by calculating the total time necessary for staff to complete the response and multiplying the amount by \$18 per hour. The total annual estimated cost to the Federal government is \$15,210. Table 3 summarizes the annual number of responses, average processing time per response, total annual processing hours, cost per response, and total annual costs for each information collection.

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

Several adjustments have been made to the estimated annual number of responses, average burden hours per response (Table 1), and average Federal processing hours per response (Table 3). These adjustments were made based on the number of responses received over the past 3 years (2011 – 2013) for each information collection and comments received from respondents, as described under Question 8. We identify and describe the reasons for each adjustment below.

Estimated annual number of responses for the scientific research and monitoring exception, habitat restoration exception, and associated reports:

Because we have not received any requests or reports under these exceptions over the past 3 years, the estimate of 10 responses per year was likely an overestimate. We reduced the estimated annual number of responses from 10 to 5 per year. This estimate may still be an overestimate and may be adjusted in the next PRA renewal cycle.

Emergency fish rescue reports:

We reduced the estimated annual number of responses from 3 to 1 report per year, because we have only received one report per year from 2011 to 2013. We increased the estimated average hours per response from 5 to 20 hours, based on comments received from respondents at CDFW (see comments and response under Question 8).

FMEPs and biannual reports:

We adjusted the estimated annual number of FMEPs received from 10 to 2, based on the number of FMEPs we received from 2011 to 2013 (one from WDFW) and the anticipated number of FMEPs that may be established over the next three years (5 total for fisheries in Washington, Oregon, and California; about two per year). We also increased the average estimated hours per response from 40 to 160 hours, based on comments received from WDFW (see comments and response under Question 8). We increased the estimated annual number of FMEP biannual reports from 5 to 10, to account for 5 FMEPs established over the next three years, with two reports per year for each FMEP. We also increased the estimated average hours per report per year from 2.5 to 20 hours. In our 2010 PRA supporting statement, our estimate of the hours per report was incorrect because of an error in the frequency of reporting. We estimated 2.5 hours per report based on one report every other year (i.e., a total of 5 hours per report spread out over 2 years), but the actual reporting frequency is biannual, or twice per year. We now estimate 20 hours per report, based on a re-assessment of the time needed to gather information on green sturgeon takes per year and evaluate the effectiveness of the FMEPs.

#### Tribal Plans:

We adjusted the estimated average hours per response from 20 to 160 hours. Given similarities in the information required, the time needed to prepare and submit a Tribal Plan would likely be similar to the time needed to prepare and submit an FMEP (160 hours).

#### State-sponsored research and monitoring program:

Based on information from the respondents, we made an adjustment to separately account for the responses from the state agencies and from individual researchers. Each year, researchers submit research applications that are considered by the state agencies for inclusion in the state's research program. The state agencies review the research applications and submit to NMFS the list of projects to include in the state's research program. In the 2010 PRA supporting statement, we accounted for the list of projects submitted by the state agencies, but did not account for the research applications submitted by individual researchers, which is a separate information collection. We have now added the research applications as a separate collection. This is not a new collection, but an adjustment based on how the program has been implemented from 2011 to 2013. This adjustment adds a new line to Tables 1, 2, and 3 below to account for the annual number of research applications (10 per year, based on the number received per year from 2011 to 2013) and average hours per application (40 hours per application, based on comments received from researchers).

We also increased the estimated annual number of research reports from 4 to 10. The previous estimate of 4 reports per year was based on the thinking that each state agency would collate information into one report per agency per year. In practice, however, the researchers submit separate annual reports directly to NMFS. The adjusted estimate of 10 reports per year reflects the number of reports prepared and submitted on average from 2011 to 2013. We also reduced the operations and maintenance costs for state research programs from \$4.67 to \$2.65 per response (Table 2), to be consistent with the recordkeeping/reporting costs per response for the other information collections. We do not have any information that indicates the recordkeeping/reporting costs for state research programs is greater than for other information collections.

#### Federal processing hours (Table 3):

We increased the average processing hours per response for FMEPs from 20 to 80 hours and for Tribal Plans from 40 to 80 hours. This adjustment was based on a re-assessment of the time to process FMEPs and Tribal Plans given staff experience with the FMEP process from 2011-2013 (processing would likely be similar for FMEPs and Tribal Plans given similar information collection requirements).

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

As described above under Question 2, FMEPs and Tribal Plans would be required to be published in the Federal Register for public comment prior to approval by NMFS. NMFS will post approved plans and reports on the NMFS web site.

**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.**

Not Applicable.

**18. Explain each exception to the certification statement.**

Not Applicable.

## B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

Not Applicable. This information collection request does not employ statistical methods.

**Table 1.** Summary of the estimated annual number of responses, average hours per response, total annual burden hours, labor cost per response, and total annual labor costs to the public resulting from the information collections.

<b>Information Collection</b>	<b>Annual # responses</b>	<b>Avg hours per response</b>	<b>Total annual hours</b>	<b>Total annual labor costs (@\$18/hr)</b>
Scientific research or monitoring exception	5	40	200	\$3,600
Scientific research or monitoring exception report	5	5	25	\$450
Emergency fish rescue reports	1	20	20	\$360
Habitat restoration exception	5	40	200	\$3,600
Habitat restoration exception report	5	5	25	\$450
FMEP	2	160	320	\$5,760
FMEP report (biannual)	10	20	200	\$3,600
Tribal Plan	1	160	160	\$2,880
State research program	4	40	160	\$2,880
Research application	10	40	400	\$7,200
Research reports	10	5	50	\$900
<b>TOTAL</b>	<b>58</b>		<b>1,760</b>	<b>\$31,680</b>

**Table 2.** Summary of the estimated annual number of responses, average operations and maintenance costs per response, and total annual operations and maintenance costs to the public resulting from the information collections.

<b>Information Collection</b>	<b>Annual # responses</b>	<b>Avg operations &amp; maintenance costs per response</b>	<b>Total annual operations &amp; maintenance costs</b>
Scientific research or monitoring exception	5	\$1.00 (copy) + \$1.65 (postage) = \$2.65	\$13.25 (\$13)
Scientific research or monitoring exception report	5	\$1.00 (copy) + \$1.65 (postage) = \$2.65	\$13.25 (\$13)
Emergency fish rescue reports	1	\$1.00 (copy) + \$1.65 (postage) = \$2.65	\$2.65 (\$3)
Habitat restoration exception	5	\$1.00 (copy) + \$1.65 (postage) = \$2.65	\$13.25 (\$13)
Habitat restoration exception report	5	\$1.00 (copy) + \$1.65 (postage) = \$2.65	\$13.25(\$13)
FMEP	2	\$1.00 (copy) + \$1.65 (postage) = \$2.65	\$5.30 (\$5)
FMEP report (biannual)	10	\$1.00 (copy) + \$1.65 (postage) = \$2.65	\$26.50 (\$27)
Tribal Plan	1	\$1.00 (copy) + \$1.65 (postage) = \$2.65	\$2.65 (\$3)
State research program	4	\$1.00 (copy) + \$1.65 (postage) = \$2.65	\$10.60 (\$11)
Research applications	10	\$1.00 (copy) + \$1.65 (postage) = \$2.65	\$26.50 (\$27)
Research reports	10	\$1.00 (copy) + \$1.65 (postage) = \$2.65	\$26.50 (\$27)
<b>TOTAL</b>	<b>58</b>		<b>\$155</b>

**Table 3.** Summary of the estimated annual number of responses, average Federal government processing hours per response, total annual processing hours, average cost to process each response, and total annual costs to the Federal government resulting from the information collections.

<b>Information Collection</b>	<b>Annual # responses</b>	<b>Avg processing hours per response</b>	<b>Total annual processing hours</b>	<b>Total annual costs (@\$18/hr)</b>
Scientific research or monitoring exception	5	20	100	\$1,800
Scientific research or monitoring exception report	5	8	40	\$720
Emergency fish rescue reports	1	5	5	\$90
Habitat restoration exception	5	20	100	\$1,800
Habitat restoration exception report	5	8	40	\$720
FMEP	2	80	160	\$2,880
FMEP report (biannual)	10	8	80	\$1,440
Tribal Plan	1	80	80	\$1,440
State research program	4	20	80	\$1,440
Research applications	10	8	80	\$1,440
Research reports	10	8	80	\$1,440
<b>TOTAL</b>	<b>58</b>		<b>845</b>	<b>\$15,210</b>