

## SUPPORTING STATEMENT

### ANNUAL NORTHERN FUR SEAL SUBSISTENCE USE REPORTING FOR THE PRIBILOF ISLANDS, ALASKA

OMB CONTROL NO. 0648-0699

This is a revision of a currently approved information collection, related to Proposed Rule RIN 0648-BH25.

The subsistence harvest of northern fur seals is cooperatively managed by the National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS) and the Tribal Governments of St. Paul and St. George Islands under § 119 of the [Marine Mammal Protection Act](#), 16 U.S.C. 1388 (MMPA) and governed by regulations found in [50 CFR part 216 subpart F](#), Taking for Subsistence Purposes under the Fur Seal Act (16 U.S.C. 1155). The regulations, laws, and cooperative agreements are focused on conserving northern fur seals through cooperative effort and consultation regarding effective management of human activities related to the subsistence harvests of northern fur seals and Steller sea lions. In 2014, NMFS obtained a collection of information control number (79 FR 65327; November 4, 2014), and renewed that control number in 2017 (82 FR 51218; November 3, 2017).

This an information collection for the annual subsistence use male northern fur seals by Alaska Natives (Pribilovians) residing in the communities of St. Paul and St. George, Alaska (Pribilof Islands) under 50 CFR 216 part 216 subpart F. NMFS proposed rule will establish in regulation the maximum levels for the annual subsistence needs of the Pribilovians after direct consultation with the Tribal Governments of St. Paul and St. George Islands in Alaska and their respective local Native corporations (Tanadgusix and Tanaq). NMFS proposed rule creates a subsistence hunting season and extends the subsistence harvest season on St. Paul Island to include male fur seals less than 7 years old.

#### BACKGROUND

The northern fur seal (*Callorhinus ursinus*) ranges throughout the North Pacific Ocean from southern California north to the Bering Sea and west to the Okhotsk Sea and Honshu Island, Japan. Breeding is restricted to only a few sites on some of the islands in the Pribilof, Kuril, and Commander Island groups and on Bogoslof, San Miguel, and Robben Islands. Northern fur seals pup, mate, and suckle on land in isolated breeding and resting areas, forage in the marine environment within a few hundred nautical miles (n.mi.) of these locations, and migrate into the marine environment for the winter and spring each year before returning to their breeding islands.

On the Pribilof Islands, lactating females forage within a few hundred n.mi. of the breeding areas. Pups are weaned in November and December, at about 125 days old, and pups abruptly depart to sea for an 18-month at sea migratory period before returning to land. Most females, weaned pups, and sub-adults leave the Bering Sea by January and migrate south as far as Southern California in the eastern North Pacific and Japan in the western North Pacific. They remain in the pelagic marine environment of the North Pacific Ocean until March, when they begin their northward migration. Adult males are believed to migrate only as far south as the

Gulf of Alaska. Fur seals end their northward migration, returning to islands to breed and rest, starting in May, with most returning in July and August.

NMFS Alaska Region and the Tribal Governments of St. Paul and St. George Islands cooperatively manage the subsistence harvest of northern fur seals under § 119 of the MMPA. Representatives of the Tribal Governments of St. Paul and St. George Islands (Pribilof Islands) signed and maintain agreements declaring a shared interest in the conservation and management of fur seals. These agreements also designate co-management councils, which meet with NMFS throughout the year to discuss the status of the northern fur seals and subsistence use. NMFS representatives are responsible for compiling information related to sources of human-caused mortality and serious injury of marine mammals. The Tribal representatives are responsible for reporting their subsistence needs and actual level of subsistence take each year. This information is critical to updating stock assessment reports and for making determinations under 50 CFR § 216.72. Collection of information from § 216.72 includes dates, locations, and numbers of seals harvested, the extent of utilization of fur seals taken, and other information that has been necessary for the Assistant Administrator to make determinations under § 216.72(f) & (g) and to estimate the subsistence needs of the Pribilovians every 3 years under § 216.72(b).

## **INTRODUCTION**

The subsistence harvest of northern fur seals on the Pribilof Islands, Alaska, is governed by regulations found in 50 CFR part 216 subpart F--Taking for Subsistence Purposes (50 C.F.R. §§ 216.71-216.74). These regulations were published under the authority of the Fur Seal Act, 16 U.S.C. 1155. The purpose of these regulations is to (1) authorize the take of fur seals to a level that provides for the subsistence needs of the Pribilovians, (2) ensure take of fur seals is not accomplished in a wasteful manner, and (3) restrict the take of fur seals by sex, age, and season for herd management purposes.

Since the first Aleuts were brought to the islands in the late 1700s, fur seal meat has been a dietary staple; parts of the fur seal can be used in the creation of authentic native articles of handicraft under 50 CFR § 216.73. NMFS published emergency interim subsistence harvest regulations in 1985. On July 9, 1986 (51 FR 24828), NMFS published an emergency final rule restricting the subsistence harvest of northern fur seals to a level providing for the legitimate subsistence needs of the Pribilovians. Alaska Natives residing on the Pribilof Islands are authorized to take northern fur seal during subsistence harvests, with a level determined from historic records, household surveys, and recent information from the Tribal Governments of St. Paul and St. George. Since 1995, the subsistence harvest has stabilized, and the subsistence harvest is not controversial. NMFS has most recently considered food security as part of the process to derive the subsistence estimate (82 FR 39044, August 17, 2017).

The commercial harvest, not the subsistence harvest, of fur seals was a major source of human-induced mortality for more than 200 years, and the abundance of fur seals has fluctuated greatly in the past, largely due to either unrestricted commercial harvests or the intentional population reduction to meet international demands under the Fur Seal Convention (Gentry 1998). Commercial harvest of fur seals peaked during 1961 with more than 126,000 animals harvested, and ended in 1984. The commercial harvest level, the manner in which the seals were taken by the government and the fur seal decline was the subject of significant public controversy through the cessation of the commercial harvest and beginning of the subsistence harvest. Litigation

between NMFS and conservation groups occurred at this time, but NMFS ultimately prevailed and the subsistence use regulations were upheld. Since then, NMFS has not been subject to litigation involving the fur seal regulations and subsistence use.

## **A. JUSTIFICATION**

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

Regulations for northern fur seal subsistence harvest have been in existence since 1985. However, an information collection to support those regulations for St. Paul and St. George Island sub-adult subsistence harvest season did not previously exist. The collection of information control number was obtained in 2014 as part of the final rule 0648-BD12 and an extension in 2017. This collection of subsistence use information would be a continuation and revision of that obtained in 2017.

The proposed rule would establish in regulation the annual fixed maximum levels of fur seal subsistence use for St. Paul and St. George and remove the three-year process created in 50 CFR 216.72(b). NMFS has developed these maximum subsistence use levels through close consultation with the Tribal Governments of St. Paul and St. George Islands. NMFS and the Tribal Governments have determined these maximum subsistence use levels will provide adequate food security and will provide flexibility to meet the local subsistence needs for the Pribilovians annually. The maximum subsistence use levels for St. Paul and St. George Islands are the same as the upper limits established under the previous process (82 FR 39044, August 17, 2017).

For St. Paul Island, the proposed rule is creating a subsistence hunting season and extending the subsistence harvest season to include male fur seals less than 7 years old. Information collection remains necessary to understand how these changes in the subsistence use regulations may affect fur seals and improve the communities' food security and ability to meet their subsistence needs.

### **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.**

#### **Annual northern fur seal subsistence use report**

The regulations at 50 CFR 216.72 state that Pribilovians are responsible for reporting their subsistence needs and actual level of subsistence take. The Pribilovians continue to conduct the annual sub-adult male subsistence harvest monitoring and reporting for St. Paul and St. George as has occurred for the past decade through the tribal governments under co-management.

NMFS has collected the information regarding all fur seal harvests during the pup harvest season from 2014-2017 on St. George Island and is working towards a self-reporting process in 2018 and future years. Thus, the tribal government of St. George will begin reporting the subsistence harvest of male fur seals pups in 2018 and future years. NMFS expects that under the proposed rule authorizing the harvest of male pups on St. Paul Island the tribal government of St. Paul Island and NMFS will develop a shared approach under the co-management agreement to

collecting and reporting information regarding the subsistence use of pups.

As described in the background, the collection of information includes dates, locations, and numbers of seals harvested and their sex, the extent of utilization of fur seals taken, and other information necessary for the Assistant Administrator to make determinations under § 216.72(f) & (g).

NMFS and the tribal government of St. Paul will collect information from Pribilovian subsistence hunters regarding their hunting effort, number of seals struck and lost, number of seals struck and retrieved, estimated and actual ages of seals hunted, and hunting and retrieval locations during the proposed subsistence hunting season.

The Assistant Administrator is required to suspend or terminate the take of fur seals if determinations under § 216.72(f) or (g) are made. These determinations are made based on information collected from NMFS representatives and Pribilovians monitoring and reporting the subsistence use of northern fur seals. The Tribal and NMFS representatives from each island meet as Co-Management Councils regularly to share information and discuss cooperative management of the subsistence use of marine mammals under the co-management agreement.

NMFS receives electronic copies of the northern fur seal subsistence harvest reports from the tribal governments of St. Paul and St. George annually. NMFS subsequently posts these reports online (url to be announced) and includes the relevant data in the annual NOAA Technical Memorandum series, Fur Seal Investigations, and the annual Alaska Marine Mammal Stock Assessment Report. The Pribilovians will provide an additional annual report for their pup harvests (St. George and St. Paul) and hunting season (St. Paul). Therefore, NMFS anticipates receiving 2 annual subsistence use reports from St. George: one for the harvest of sub-adults and one for the harvest of pups. NMFS anticipates receiving a hunting report from the hunting season and two harvest reports from St. Paul Island annually: one for the harvest of juveniles in the harvest season and one for the harvest of pups in the harvest season.

<b>Subsistence Harvest Report, Respondent (St. George &amp; St. Paul)</b>	
<b>Number of respondents</b>	<b>2</b>
<b>Total annual responses</b>	<b>2</b>
Frequency of response = 2	
<b>Total burden hours</b>	<b>160 hr</b>
Time per response = 40 hr	
<b>Total personnel cost (\$25/hr)</b>	<b>\$4,000</b>
<b>Total miscellaneous cost</b>	
Internet access/hour = 0.20 x 160	<b>\$32</b>

<b>Subsistence Hunt Report, Respondent (St. Paul)</b>	
<b>Number of respondents</b>	<b>1</b>
<b>Total annual responses</b>	<b>1</b>
Frequency of response = 1	
<b>Total burden hours</b>	<b>40 hr</b>
Time per response = 40 hr	
<b>Total personnel cost (\$25/hr)</b>	<b>\$1,000</b>
<b>Total miscellaneous cost</b>	
Internet access/hour = 0.20 x 40	<b>\$8</b>

<b>Subsistence Use report, Federal Government</b>	
<b>Total annual responses</b>	<b>5</b>
<b>Total burden hours</b>	<b>80 hr</b>
Time per response = 16	
<b>Total personnel cost (\$50/hr)</b>	<b>\$4,000</b>
<b>Total miscellaneous cost</b>	<b>\$0</b>

NMFS is proposing to abandon the previous process to establish the subsistence need every 3 years and instead proposes to establish annual fixed maximum subsistence use levels in the regulations. The proposed maximum subsistence use levels for each Island are the same as the upper limits established for 2017-2019 (82 FR 39044; August 17, 2017).

The sub-adult male harvest reports from the tribal governments of St. Paul and St. George have included the following information: 1) number, sex, and dates of fur seals harvested, 2) methods of gathering and herding of fur seals during the harvesting period, 3) environmental conditions, 4) cases of death due to hyperthermia, 5) occurrence of adult male and females fur seals harvested, 6) occurrence of flipper-tagged fur seals, 7) number of fur seals entangled in marine debris and the number of seals disentangled, 8) health status of fur seals and oil contamination of pelts, 9) incidence of by-products and waste during the harvest process, 10) research conducted during the harvest and visitors requesting to view the harvest. NMFS expects future reports will contain the same information, and NMFS anticipates that the information provided in the reports will include the information necessary to make determinations under 50 CFR 216.72(f) and (g).

NMFS has received actual sub-adult male harvest reports from both tribal governments via the co-management process for the past decade. NMFS has chosen to create formal instructions for information collection based on the current reporting effort which assists NMFS in making the required determinations under the northern fur seal subsistence harvest regulations.

It is anticipated that the information collected 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.**

This collection consists of reports submitted by the tribal governments which may be submitted as an attachment to an email. Instructions will be available via a Web site (url to be announced) and distributed in the communities.

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

None of the information collected as part of this information collection duplicates other collections.

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

The harvest of northern fur seals on the Pribilof Islands, Alaska, is for subsistence uses only. This action directly regulates the subsistence harvest of northern fur seals by Alaska Natives in the communities of St. George and St. Paul. The estimates of subsistence need will be set in regulation and are based on direct consultation with the Tribal Government from St. George and St. Paul. The action regulates only the practices and behavior of individual subsistence fur seal hunters/harvesters on St. Paul and St. George Islands, none of whom meet the definition of ‘small entity’ under SBA criteria.

This action would have no adverse economic impact and may provide a net benefit for the communities of St. George and St. Paul Islands. The community members of St. Paul will now have the opportunity to re-initiate a cultural tradition, and members of both communities will have improved opportunities to obtain fresh subsistence foods and resources up to the fixed, maximum subsistence use levels.

The subsistence hunting and harvesting of fur seals provides a local source of fresh meat for the communities’ consumption. Fresh meat is commercially unavailable on St. George and St. Paul Islands; subsistence hunting and fishing are the primary means by which the communities meet their dietary needs. No other fish or wildlife species are predictably available to replace fresh fur seal meat. Replacement of the fur seal meat with livestock meat that is shipped to the Islands is expensive and only available when air and barge service can deliver it frozen. In addition, marine mammals such as fur seals are the preferred meat resource for Pribilovians.

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

This action is necessary to improve recordkeeping and reporting efficiency and to improve the quality of data obtained by the Alaska Native tribes for northern fur seal management purposes. If this collection were not conducted, NMFS estimates of direct sources of human-caused mortality would be significantly compromised. NMFS ability to implement subsistence use management would be compromised. NMFS ability to confirm the compliance with subsistence use restrictions would be impossible. NMFS ability to estimate the potential effects of subsistence use on the ability of the population to recover would suffer from increased uncertainty and decreased ability to implement science-based management measures.

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

Not Applicable.

**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 proposed rule will be published coincident with this request.

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

This action requires the collection of information about the annual subsistence harvest of northern fur seals on St. George and St. Paul Islands. NMFS funding through the Alaska Native Co-management Funding Program provides the opportunity for both the St. George Island Traditional Council and the Aleut Community of St. Paul Island, Tribal Government to apply for grant funds to support subsistence harvest monitoring and reporting. Both tribal governments have received funding in the past from NMFS to report the subsistence harvests of northern fur seals, and continue to submit annual funding proposals under the Alaska Native Co-management Funding Program.

No payment or gift is provided under this program.

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

The information collected is not confidential.

**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.**

Not Applicable.

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

Total estimated unique respondents: 2. Total estimated responses: 5. Total estimated burden: 200 hr. Total estimated personnel cost: \$5,040.

**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).**

Total estimated miscellaneous costs: \$8 for mailing, if the reports are not sent by e-mail.

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

Total estimated annual burden: 80 hours. Total estimated personnel cost: \$4,000. Total annualized capital costs: \$0.

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

In accordance with the proposed rule, there will be an additional harvest report and new hunting report collected from St. Paul Island during the subsistence use period, but the number of hours per report has not changed.

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

Annually NMFS will review the northern fur seal subsistence use reports received from the tribal governments of St. George and St. Paul Islands. If any revisions or corrections are identified by NMFS in the reports, NMFS will request the revised reports prior to their publication online by NMFS. In addition data extracted from the report will be referenced and used in NOAA's Fur Seal Investigations and the Alaska Marine Mammal Stock Assessment Reports.

**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.**

The subsistence use of fur seals report is not a form, and therefore will not show the expiration date.

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

Not applicable.

**B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS**

This collection does not employ statistical methods.