

SUPPORTING STATEMENT
U.S. Department of Commerce
National Oceanic and Atmospheric Administration
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.
Cite all applicable authorities for this information collection.**

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-lethal¹, 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 taken, whether the take was lethal or non-lethal, a summary of the project status,

¹ 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.

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. 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 September 10, 2019 (84 FR 47497) solicited public comments. No comments were received.

NMFS solicited comments from State and Federal agencies that have submitted information for 4(d) rule exceptions and exemptions. NMFS received two responses from California Department of Fish and Wildlife biologists.

The first commenter stated that instructions for the state 4(d) research program were clear and that the estimated time burdens were sufficient (40 hours to complete the application and 5 hours to complete the annual report). The commenter also stated that the estimated time burden (20 hours) to prepare emergency fish rescue reports was sufficient.

The second commenter focused on the state 4(d) research program, noting that some sections seem redundant and that for renewal applications, it would be helpful to include the previous year's actual take and indirect mortality for the Southern DPS.

NMFS's response: Efforts will be made to clarify any redundancy in the research applications and to ensure that researchers report the actual take and indirect mortality for Southern DPS fish.

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. (add rows as necessary)

For wage costs: use www.bls.gov/oes , then click on OES Data in the left-hand column, then National to find Occupational Employment Wage Rates for the current year. Find the appropriate Occupational Title of the Respondent completing the Information Collection and use the Mean hourly wage.

Information Collection	Type of Respondent (Occupational Title)	# of Respondents	Annual # of Responses / Respondent	Total # of Annual Responses	Burden Hrs / Response	Total Annual Burden Hrs	Mean Hourly Wage Rate (for Type of Respondent)	Total Annual Wage Burden Costs
Scientific research or monitoring exception	Researcher/Biologist	5	1	5	40	200	30	6,000
Scientific research or monitoring exception report	Researcher/Biologist	5	1	5	5	25	30	750
Emergency fish rescue reports	Biologist	1	1	1	20	20	30	600
Habitat restoration exception	Biologist	3	1	3	40	120	30	3,600
Habitat restoration exception report	Biologist	3	1	3	5	15	30	450
FMEP	Biologist	2	1	2	160	320	30	9,600
FMEP report (biannual)	Biologist	2	2	4	20	80	30	2,400
Tribal Plan	Biologist	1	1	1	160	160	30	4,800
State research program	Researcher/Biologist	3	1	3	40	120	30	3,600
Research applications	Researcher/Biologist	10	1	10	40	400	30	12,000
Research reports	Researcher/Biologist	10	1	10	5	50	30	1,500
Totals				47		1510		\$45,300

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). (add rows as necessary)

Information Collection	# of Respondents	Annual # of Responses / Respondent	Total # of Annual Responses	Cost Burden / Respondent	Total Annual Cost Burden
Scientific research or monitoring exception	5	1	5	2.65	13.25
Scientific research or monitoring exception report	5	1	5	2.65	13.25
Emergency fish rescue reports	1	1	1	2.65	2.65
Habitat restoration exception	3	1	3	2.65	7.95
Habitat restoration exception report	3	1	3	2.65	7.95
FMEP	2	1	2	2.65	5.3
FMEP report (biannual)	2	2	4	2.65	10.6
Tribal Plan	1	1	1	2.65	2.65
State research program	3	1	3	2.65	7.95
Research applications	10	1	10	2.65	26.5
Research reports	10	1	10	2.65	26.5
TOTALS			48		127

14. Provide estimates of annualized cost to the Federal government. (add rows/information as necessary)

Cost Descriptions	Grade/Step	Loaded Salary /Cost	% of Effort	Fringe (if Applicable)	Total Cost to Government
Federal Oversight	ZP3 step 1	\$34/hour * 1760 hr	100		\$59,840
Positions					
Contractor Cost					
Travel					
Other Costs					
TOTAL		\$59,840			\$59,840

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

The following tables show the changes and in the number of respondents, responses, time estimates, labor costs, and miscellaneous costs; and explains the reasons for these changes.

Information Collection	Respondents		Responses		Burden Hours		Reason for change or adjustment
	Current Renewal / Revision	Previous Renewal / Revision	Current Renewal / Revision	Previous Renewal / Revision	Current Renewal / Revision	Previous Renewal / Revision	
Scientific research or monitoring exception	5	5	5	5	200	200	No change
Scientific research or monitoring exception report	5	5	5	5	25	25	No change
Emergency fish rescue reports	1	1	1	1	20	20	No change
Habitat restoration exception	3	5	3	5	120	200	Estimates reduced from 5 to 3 respondents and responses per year, to account for one response per state (CA, OR, WA) per year. We have received no responses since 2010. Number of burden hours per response is the same, but the total is reduced to account for reduced number of responses.
Habitat restoration exception report	3	5	3	5	15	25	Estimates reduced, to account for one report per habitat restoration exception. Number of burden hours per response is the same, but the total is reduced to account for reduced number of responses.
FMEP	2	2	2	2	320	320	No change
FMEP report (biannual)	2	10	4	10	80	200	Only CA and WA have expressed interest in developing an FMEP. Reduced to 2 respondents and 4 responses per year (for 2 reports per year). Number of burden hours per response is the same, but the total is reduced to account for reduced number of responses.
Tribal Plan	1	1	1	1	160	160	No change
State research program	3	4	3	4	120	160	Only CA, OR, and WA have state research programs; reduced estimates from 4 to 3 responses and respondents. Number of burden hours per response is the same, but the total is reduced to account for reduced number of responses.
Research applications	10	10	10	10	400	400	No change
Research reports	10	10	10	10	50	50	No change
Total for Collection	45	58	47	58	1510	1760	

Information Collection	Labor Costs		Miscellaneous Costs		Reason for change or adjustment
	Current	Previous	Current	Previous	
Scientific research or monitoring exception	6,000	3,600	13	13	Labor costs are calculated using current BLS Occupational Employment Data.
Scientific research or monitoring exception report	750	450	13	13	Labor costs are calculated using current BLS Occupational Employment Data.

Emergency fish rescue reports	600	360	3	3	Labor costs are calculated using current BLS Occupational Employment Data.
Habitat restoration exception	3,600	3,600	8	13	Labor costs are calculated using current BLS Occupational Employment Data. Miscellaneous costs reduced due to the reduced number of responses.
Habitat restoration exception report	450	450	8	13	Labor costs are calculated using current BLS Occupational Employment Data. Miscellaneous costs reduced due to the reduced number of responses.
FMEP	9,600	5,760	5	5	Labor costs are calculated using current BLS Occupational Employment Data.
FMEP report (biannual)	2,400	3,600	11	27	Labor costs are calculated using current BLS Occupational Employment Data. Miscellaneous costs reduced due to the reduced number of responses.
Tribal Plan	4,800	2,880	3	3	Labor costs are calculated using current BLS Occupational Employment Data.
State research program	3,600	2,880	8	11	Labor costs are calculated using current BLS Occupational Employment Data. Miscellaneous costs reduced due to the reduced number of responses.
Research applications	12,000	7,200	27	27	Labor costs are calculated using current BLS Occupational Employment Data.
Research reports	1,500	900	27	27	Labor costs are calculated using current BLS Occupational Employment Data.
Total for Collection	\$45,300	\$31,680	\$126	\$155	

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.

We are not seeking approval to not display the expiration date.

18. Explain each exception to the certification statement.

There are no exceptions for compliance with provisions in the certification statement.