

**SUPPORTING STATEMENT**  
**U.S. Department of Commerce**  
**National Oceanic & Atmospheric Administration**  
**Reporting Requirements for Sea Otter Interactions with the Pacific Sardine Fishery;**  
**Coastal Pelagic Species Fishery Management Plan**  
**OMB Control No. 0648-0566**

**A. JUSTIFICATION**

**1. Explain the circumstances that make the collection of information necessary.  
Cite all applicable authorities for this information collection.**

In accordance with the regulations implementing the Endangered Species Act (ESA), the National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS) initiated an ESA section 7 consultation with the United States Fish and Wildlife Service (USFWS) regarding the possible effects of implementing Final Rule 0648-AT11, published June 29, 2006 (71 FR 36999). This rule codified Amendment 11 to the Coastal Pelagic Species (CPS) Fishery Management Plan (FMP), developed under the authority of the [Magnuson-Stevens Fishery Conservation and Management Act](#). USFWS determined that formal consultation was necessary on the possible effects to the threatened southern sea otter. USFWS completed a biological opinion (BO) for this action and although it was concluded that fishing activities were not likely to jeopardize the continued existence of the southern sea otter, there remained the potential to incidentally take southern sea otters. USFWS determined that certain measures should be put in place to ensure the continued protection of the species. The reporting requirements and conservation measures put forth in [Final Rule 0648-AU72](#), published May 30, 2007 (72 FR 29891), with the announcement of Office of Management and Budget (OMB) approval of the information collection requirements in [Final Rule 0648-AX31](#), published October 10, 2008 (73 FR 60191), are a condition of this BO and are an attempt to provide further conservation efforts for southern sea otters. The reporting requirements include:

1. If a southern sea otter is entangled in a net, regardless of whether the animal is injured or killed, such an occurrence must be reported within 24 hours to the Regional Administrator, NMFS West Coast Region.
2. While fishing for CPS, vessel operators must record all observations of otter interactions (defined as otters within encircled nets or coming into contact with nets or vessels, including but not limited to entanglement) with their purse seine net(s) or vessel(s). With the exception of an entanglement, which will be initially reported as described in #1 above, all other observations must be reported within 20 days to the Regional Administrator.

When contacting NMFS after an interaction, fishermen would be required to provide information regarding the location (latitude and longitude) of the interaction and a description of the interaction itself.

Do to the low number of documented interactions (two) and the small overlap between the

fishery and the distribution of southern sea otters it is believed that cases as described above are extremely rare. However, before 2008 no legal requirement for fishermen to report such interactions existed in regulations, and with low to no observer coverage within this fishery, the true frequency and type of interactions occurring is unknown. The data gathered from this collection-of-information is valuable in determining whether interactions are as rare as believed or whether stronger mitigation is necessary to ensure protection for the threatened southern sea otter. This information will prove valuable to both fishermen and/or the conservation of sea otters as it will continue to establish a record of the presence or absence of sea otter interactions. Although no responses have been received over the last nine years, the fishing seasons for Pacific sardine, one of the primary CPS fisheries were extremely truncated due to reduced sardine biomass levels in recent years, as well as some effort switch in areas of the fishery, compared to previous years when interactions were witnessed, potentially reducing the chance for an interaction to occur. As it is unknown what effect these reduced fishing seasons have or what the annual variability in interactions is, the continuance of this collection is important to begin to answer these questions.

- 2. Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with all applicable Information Quality Guidelines.**

The information gathered from this collection will be used by NMFS and the USFWS to determine whether further mitigation measures will need to be implemented to ensure the continued protection of the threatened southern sea otter. Sea otter entanglement interactions that are reported to NMFS within 24 hours of the occurrence will be examined at that time by NMFS and USFWS; all other observations will be reviewed on an annual basis.

As explained in the preceding paragraphs, the information gathered has utility. NOAA Fisheries 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. Although the information collected is not expected to be disseminated directly to the public, results may be used in scientific, management, technical or general informational publications. Should NOAA Fisheries Service decide to disseminate the information, it will be subject to the quality control measures and 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.**

There are no specific forms associated with this action.

Information may be submitted via mail (in instances not involving capture of an otter in a net,

which requires reporting within 24 hours), telephone, fax or e-mail.

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

No reporting requirements or other collections are currently gathering the same or similar information.

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

All respondents to this information collection are expected to be small businesses and/or other small entities. As few responses are expected, the burden is expected to be minimal. The only cost involved with this collection of information should be the cost involved in contacting NMFS. In order to minimize the burden, acceptable methods of submission will be mail, phone, fax, or email.

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

This collection is required to meet the terms and conditions put forth by the USFWS, and is necessary for the fishery to continue in its current state. If this collection is not conducted or is conducted less frequently there may be risk to the threatened southern sea otter.

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

There are not special circumstances that require the collection to be conducted in a manner inconsistent 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 October 9, 2019 (84 FR 54123) and solicited public comments through December 9, 2019. No comments were received.

Additionally, the Executive Director of the non-profit organization California Wetfish Producers Association (CWPA), who sits on the CPS Advisory Subpanel to the Pacific Fishery Management Council and whose membership includes the majority of CPS harvesters and processors operating in California, was specifically contacted to ask her view on this collection of information and whether the burden and cost are accurate and reasonable. She contacted two

purse seine fishermen in Monterey Bay, who confirmed that they do not observe sea otters near their nets while fishing, and that they normally see them near the kelp beds and at the harbor mouth near Moss Landing. She shared the reporting requirements with the fishermen, who confirmed they do not have any issues with the reporting frequency.

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

Neither payments nor gifts have been offered.

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

No assurance of confidentiality is provided.

**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 sensitive questions will be asked.

**12. Provide an estimate in hours of the burden of the collection of information. (add rows as necessary)**

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
Sea otter interactions with CPS fishing gear	Fisherman	2	1	2	15 mins or less	30 mins or less	\$26.46	\$13.23
<b>Totals</b>				<b>2</b>		<b>30 mins</b>		<b>\$13.23</b>

**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
Sea otter interactions with CPS fishing gear	2	1	2	\$5	\$10
<b>TOTALS</b>			<b>2</b>		<b>\$10</b>

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

There are no costs to the Federal government

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

There are no program changes or adjustments.

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

There are no plans to publish the results of this collection.

**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.**

There is no information collection form on which to display the expiration date

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

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