

**1SUPPORTING STATEMENT A FOR  
PAPERWORK REDUCTION ACT SUBMISSION**

**Incidental Take of Marine Mammals During Specified Activities  
50 CFR 18.27 and 50 CFR Part 18, Subparts J, K, and L**

**OMB Control Number 1018-0070**

**Terms of Clearance:** None.

**1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.**

The Marine Mammal Protection Act (MMPA) of 1972, as amended (16 U.S.C. 1361 *et seq.*) imposed, with certain exceptions, a moratorium on the taking of marine mammals. Section 101(a)(5)(A) of the MMPA directs the Secretary of the Interior (Secretary) to allow, upon request by citizens of the United States, the taking of small numbers of marine mammals incidental to specified activities (other than commercial fishing) if the Secretary makes certain findings and prescribes specific regulations that, among other things, establish permissible methods of taking. Once the U.S. Fish and Wildlife Service (Service or we) issue specific regulations, applicants seeking to conduct activities must request a Letter of Authorization (LOA) for the specific activity and submit onsite monitoring reports and a final report of the activity to the Secretary.

Procedural regulations outlining the requirements for the submission of a request are contained in 50 CFR 18.27. Specific regulations governing authorized incidental take of marine mammals activities are contained in:

- **50 CFR 18, subpart J – Beaufort Sea** (effective August 5, 2021, through August 5, 2026) for the nonlethal incidental, but not intentional, take of small numbers of polar bear and Pacific walrus for oil and gas exploration, development, and production activities in the Beaufort Sea and adjacent northern coast of Alaska; and
- **50 CFR 18, subpart K – Cook Inlet** (effective August 1, 2019, to August 1, 2024) for the nonlethal incidental, but not intentional, take, as defined in 50 CFR 18.3 and under the MMPS, of small numbers of northern sea otters (*Enhydra lutris kenyoni*) for activities associated with or in support of oil and gas exploration, development, production, and transportation in Cook Inlet, Alaska.

We are now proposing a new subpart, **50 CFR 18, subpart L (U.S. Coast Guard) via RIN 1018-BG05 (for a period of 5 years)** addressing nonlethal, incidental, unintentional take by harassment of small numbers of northern sea otters (otters) (*Enhydra lutris kenyoni*) while engaged in activities associated with or in support of marine construction activities in the Gulf of Alaska. We are providing a copy of the proposed rule as a supplemental document to this revision request in ROCIS.

**2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection. Be specific. If this collection is a form or a questionnaire, every question needs to be justified.**

We will use the information we collect to verify the finding required to issue incidental take regulations, to decide if we should issue an LOA, and, if issued, what conditions should be

contained in the LOA. In addition, we will analyze the information to determine impacts to the marine mammals and the availability of those marine mammals for subsistence purposes of Alaska Natives. This is a nonform collection.

#### **APPLICATION FOR REGULATIONS (50 CFR 18.27(d))**

Regulations at 50 CFR 18 require the applicant provide information on the activity as a whole, which includes, but is not limited to, an assessment of total impacts by all persons conducting the activity. Applicants can find specific requirements in 50 CFR 18, subparts J and K. These regulations provide the applicant with a detailed description of information that we need to evaluate the proposed activity and determine whether to issue specific regulations and, subsequently, LOAs. The required information includes:

- A description of the specific activity or class of activities that can be expected to result in incidental taking of marine mammals;
- The dates and duration of such activity and the specific geographical region where it will occur;
- Based on the best available scientific information, each applicant must also provide:
  - An estimate of the species and numbers of marine mammals likely to be taken by age, sex, and reproductive conditions,
  - and the type of taking (e.g., disturbance by sound, injury or death resulting from collision, etc.) and the number of times such taking is likely to occur;
  - A description of the status, distribution, and seasonal distribution (when applicable) of the affected species or stocks likely to be affected by such activities;
  - The anticipated impact of the activity upon the species or stocks;
  - The anticipated impact of the activity on the availability of the species or stocks for subsistence uses;
- The anticipated impact of the activity upon the habitat of the marine mammal populations and the likelihood of restoration of the affected habitat;
- The availability and feasibility (economic and technological) of equipment, methods, and manner of conducting such activity or other means of effecting the least practicable adverse impact upon the affected species or stocks, their habitat, and, where relevant, on their availability for subsistence uses, paying particular attention to rookeries, mating grounds, and areas of similar significance. (The applicant and those conducting the specified activity and the affected subsistence users are encouraged to develop mutually agreeable mitigating measures that will meet the needs of subsistence users.);
- Suggested means of accomplishing the necessary monitoring and reporting which will result in increased knowledge of the species through an analysis of the level of taking or impacts and suggested means of minimizing burdens by coordinating such reporting requirements with other schemes already applicable to persons conducting such activity;
- Suggested means of learning of, encouraging, and coordinating research opportunities, plans and activities relating to reducing such incidental taking from such specified activities, and evaluating its effects;
- Applicants must develop and implement a site-specific (or umbrella plan addressing site-specific considerations), Service-approved marine mammal monitoring and mitigation plan to monitor and evaluate the effectiveness of mitigation measures and the effects of activities on marine mammals and the subsistence use of these species.
- Applicants must also provide trained, qualified, and Service-approved onsite observers to carry out monitoring and mitigation activities identified in the marine mammal monitoring and mitigation plan.

This information is necessary so that we can anticipate the impact of the activity on the species or stocks and on the availability of the species or stocks for subsistence uses. Under

requirements of the MMPA, we cannot authorize a take unless the total of all takes will have a negligible impact on the species or stocks and, where appropriate, will not have an unmitigable adverse impact on the availability of the species or stocks for subsistence uses. These requirements ensure that applicants are aware of related monitoring and research efforts they can apply to their situation, and that the monitoring and reporting that we impose are the least burdensome to the applicant.

#### **FINAL MONITORING REPORT (50 CFR 18.127(c), 18.139(d), )**

The results of monitoring and mitigation efforts identified in the marine mammal monitoring and mitigation plan must be submitted to the Service for review within 90 days of the expiration of an LOA. Upon request, final report data must be provided in a common electronic format (to be specified by the Service). Information in the final (or annual) report must include, but is not limited to:

- (1) Copies of all observation reports submitted under the LOA;
- (2) A summary of the observation reports;
- (3) A summary of monitoring and mitigation efforts including areas, total hours, total distances, and distribution;
- (4) Analysis of factors affecting the visibility and detectability of walruses and polar bears during monitoring;
- (5) Analysis of the effectiveness of mitigation measures;
- (6) Analysis of the distribution, abundance, and behavior of walruses and/or polar bears observed; and
- (7) Estimates of take in relation to the specified activities.

#### **REQUESTS FOR LETTERS OF AUTHORIZATION (50 CFR 18.27(f))**

LOAs, which may be issued only to U.S. citizens, are required to conduct activities pursuant to any specific regulations established. Once specific regulations are effective, the Service will to the maximum extent possible, process subsequent applications for LOAs within 30 days after receipt of the application by the Service. All LOAs will specify the period of validity and any additional terms and conditions appropriate for the specific request. Issuance of LOAs will be based on a determination that the level of taking will be consistent with the findings made for the total taking allowable under the specific regulations.

#### **ONSITE MONITORING AND OBSERVATION REPORTS (See “Proposed Revisions” below)**

The regulations also require that each holder of an LOA submit a monitoring report indicating the nature and extent of all takes of marine mammals that occurred incidentally to the specific activity. Since the inception of incidental take authorizations for polar bears (*Ursus maritimus*), Pacific walruses (walruses) (*Odobenus rosmarus divergens*), and northern sea otters (otters) (*Enhydra lutris kenyoni*) we have required monitoring and reporting during industrial activities. The purpose of monitoring and reporting requirements is to assess the effects of industrial activities on polar bears, walruses, and otters to ensure that take is minimal to marine mammal populations, and to detect any unanticipated effects of take. The monitoring focus has been site-specific, area-specific, or population-specific. Site-specific monitoring measures animal-human encounter rates, outcomes of encounters, and trends of animal activity in the industrial areas, such as polar bear numbers, behavior, and seasonal use. Area-specific monitoring includes analyzing animal spatial and temporal use trends, sex/age composition, and risk assessment to unpredictable events, such as oil spills. Population-specific monitoring includes investigating species life history parameters, such as population size, recruitment, survival, physical condition, status, and mortality.

#### **POLAR BEAR DEN DETECTION REPORT (50 CFR 18.126)**

Holders of an LOA seeking to carry out onshore activities in known or suspected polar bear denning habitat during the denning season, must make efforts to locate occupied polar bear dens within and near proposed areas of operation. They may use any appropriate tool, such as, forward-looking infrared (FLIR) imagery and/or polar bear scent-trained dogs, in concert with denning habitat maps along the Alaskan coast. In accordance with 50 CFR 18.128(b)(1) and 128(b)(2); LOA holders must report all observed or suspected polar bear dens to us prior to the initiation of activities. We use this information to determine the appropriate terms and conditions in an individual LOA in order to minimize potential impacts and disturbance to polar bears.

Holders of an LOA seeking to carry out onshore activities during the denning season (November-April) must conduct two separate surveys for occupied polar bear dens in all denning habitat within 1.6 km (1 mi) of proposed activities using aerial infrared (AIR) imagery. Further, all denning habitat within 1.6 km (1 mi) of areas of proposed seismic surveys must be surveyed three separate times with AIR technology.

Flight crews will record and report environmental parameters including air temperature, dew point, wind speed and direction, cloud ceiling, and percent humidity, and a flight log will be provided to the Service within 48 hours of the flight.

### **PROPOSED REVISIONS**

With this proposed rulemaking (RIN 1018-BG05), we propose to add a new subpart, **50 CFR 18, subpart L (U.S. Coast Guard)** for a period of 5 years effective from the date of final issuance of these ITRs. This new subpart will not require new information collections beyond those contained in this submission. The addition of subpart L does, however, require an adjustment to the previously approved burden for the application, reporting, and recordkeeping burden estimates. We updated the estimated burden in question 12 below.

We are also proposing a revision to the previously approved “**Onsite Monitoring and Observation Reports**” information collection (IC) to split it into separate ICs to more accurately account for burden for the various components under this specific section of the regulations:

**(1) In-season Monitoring (Activity Progress Reports) (50 CFR 18.127(a)(1))**

Activity progress reports. Holders of an LOA must:

- (i) Notify the Service at least 48 hours prior to the onset of activities;
- (ii) Provide the Service weekly progress reports of any significant changes in activities and/or locations; and
- (iii) Notify the Service within 48 hours after ending of activities.

**(2) In-season Monitoring (Polar Bear Observation Reports) (50 CFR 18.127(a)(3))**

Holders of an LOA must report, within 48 hours, all observations of polar bears and potential polar bear dens, during any industry activity. Upon request, monitoring report data must be provided in a common electronic format (to be specified by the Service). Information in the observation report must include, but is not limited to:

- (i) Date, time, and location of observation;
- (ii) Number of bears;
- (iii) Sex and age of bears (if known);
- (iv) Observer name and contact information;
- (v) Weather, visibility, sea state, and sea-ice conditions at the time of observation;
- (vi) Estimated closest distance of bears from personnel and facilities;
- (vii) Industry activity at time of sighting;

- (viii) Possible attractants present;
- (ix) Bear behavior;
- (x) Description of the encounter;
- (xi) Duration of the encounter; and
- (xii) Mitigation actions taken.

**(3) Notification of LOA Incident Report (50 CFR 18.127(b))**

Holders of an LOA must report, as soon as possible, but within 48 hours, all LOA incidents during any industry activity. An LOA incident is any situation when specified activities exceed the authority of an LOA, when a mitigation measure was required but not enacted, or when injury or death of a marine mammal occurs. Reports must include:

- (1) All information specified for an observation report;
- (2) A complete detailed description of the incident; and
- (3) Any other actions taken.

Finally, in addition to the revisions described above, we are bringing the following existing regulatory requirements contained in Part 18 which were not previously approved by OMB under the PRA into compliance:

**Mitigation – Interaction Plan (50 CFR 18.126(a)(1)(iii))**

All holders of an LOA must have an approved polar bear safety, awareness, and interaction plan on file with the Service's Marine Mammals Management Office and onsite and provide polar bear awareness training to certain personnel. Interaction plans must include:

- (A) The type of activity and where and when the activity will occur (i.e., a summary of the plan of operation);
- (B) A food, waste, and other “bear attractants” management plan;
- (C) Personnel training policies, procedures, and materials;
- (D) Site-specific walrus and polar bear interaction risk evaluation and mitigation measures;
- (E) Polar bear avoidance and encounter procedures; and
- (F) Polar bear observation and reporting procedures.

**Mitigation – 3<sup>rd</sup> Party Notifications (50 CFR 18.126(a)(2) and 18.126(e)(1))**

All applicants for an LOA must contact affected subsistence communities and hunter organizations to discuss potential conflicts caused by the activities and provide the Service documentation of communications as described in § 18.122.

**Mitigation – Requests for Exemption Waivers (50 CFR 18.126(c)(4))**

Exemption waivers to the operating conditions in 50 CFR 18.126(c) may be issued by the Service on a case-by-case basis, based upon a review of seasonal ice conditions and available information on walrus and polar bear distributions in the area of interest.

**Mitigation – Plan of Cooperation (50 CFR 18.126(e)(2))**

When appropriate, a holder of an LOA will be required to develop and implement a Service-approved Plan of Cooperation (POC).

- The POC must include a description of the procedures by which the holder of the LOA will work and consult with potentially affected subsistence hunters and a description of specific measures that have been or will be taken to avoid or minimize interference with subsistence hunting of walruses and polar bears and to ensure continued availability of the species for subsistence use.

- The Service will review the POC to ensure that any potential adverse effects on the availability of the animals are minimized. The Service will reject POCs if they do not provide adequate safeguards to ensure the least practicable adverse impact on the availability of walrus and polar bears for subsistence use.

**3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden and specifically how this collection meets GPEA requirements.**

The majority of applicants and respondents indicate a preference for electronic submission of information, and we have worked to accommodate that preference. Applicants may submit information via email or in an electronic format, thus, reducing the burden on the applicant of having to provide hard copies of reports or other documents. Though not required, applicants may also submit information via hard-copy documents, if they so choose. A minority of applicants and respondents continue to submit at least some information via hard-copy documents as their preference.

Information requested by the Service, such as petitions and applications, are available to the public on the Service's website: <http://www.fws.gov/alaska/fisheries/mmm/itr.htm>.

We estimate that 100% of respondents will utilize electronic submission for the "Polar Bear Den Detection Report" and that 95% of respondents will utilize electronic submission for the remaining four (4) "Incidental Take of Marine Mammals" information collections.

**4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.**

Under the MMPA, we share responsibilities with the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce (NOAA-Fisheries), with each agency being responsible for different species. While both agencies may have similar regulations, they apply to different species of marine mammals. Therefore, there is no duplication of information collected.

When available, we provide information from other sources to prospective applicants and encourage them to use it to supplement, or even supplant, their own information collection efforts, thereby reducing their information collection burden.

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

The collection of information will not impact small businesses or other small entities. The regulations are specific to oil and gas industry exploration, development, and production activities, infrastructure repair and installation, and military operations. As such, this information collection affects companies primarily focused on oil and gas exploration, development, and production, military operations, marine and coastal construction, or other heavy industry, depending on the area. These companies do not identify as small businesses or small entities.

**6. Describe the consequence to Federal program or policy activities if the collection is**

**not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.**

The MMPA requires that we determine what impacts proposed activities would have on marine mammals. The MMPA requires we make a determination of negligible impact to the species or stock prior to issuance of regulations. In addition, we must determine the activity will not have an unmitigable adverse impact on the availability of these species for subsistence uses by Alaska Natives.

If we do not collect the information described in this supporting statement, we would not have critical information needed to make the required determinations. As a result, we could not authorize incidental taking under provisions of the MMPA. In addition, conducting information collection less frequently would limit the Service's ability to monitor potential adverse impacts to federal trust species.

**7. Explain any special circumstances that would cause an information collection to be conducted in a manner:**

- \* requiring respondents to report information to the agency more often than quarterly;**
- \* requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- \* requiring respondents to submit more than an original and two copies of any document;**
- \* requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;**
- \* in connection with a statistical survey that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- \* requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
- \* that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- \* requiring respondents to submit proprietary trade secrets, or other confidential information, unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

Visual sightings and interactions with polar bears, walruses, and sea otters are not always predictable. If the encounter is persistent or unusual, the respondent must contact us to report the encounter and to request our expertise in assistance. At times, we also request that the respondent verbally report an encounter with a marine mammal at the time of occurrence and follow up with a written report. We are not aware of any other circumstances that would cause us to collect information in a manner that is inconsistent with OMB guidelines.

**8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and in response to the PRA statement associated with the collection over the past three years, and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.**

**Describe 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.**

**Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every three years — even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.**

We prepared proposed regulations (RIN 1018-BE70) to authorize the nonlethal, incidental, unintentional take by harassment of small numbers of northern sea otters (otters) (*Enhydra lutris kenyoni*) while engaged in activities associated with or in support of marine construction activities in the Gulf of Alaska (for a period of 5 years). The proposed rule solicits public comment for a period of 60 days on the new and revised information collection requirements, as well as our intention to renew this information collection, described in this supporting statement. We provided a copy of the published proposed rule in ROCIS.

**9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.**

We do not make any payments or gifts to respondents.

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

We do not provide any assurance of confidentiality. Information may be disclosed in accordance with applicable law including the Freedom of Information Act (FOIA). The information collected is a matter of public record; however, companies may submit confidential geological and geophysical maps with requests to conduct geophysical seismic programs. Section 522(b)(9) of the Freedom of Information Act (5 U.S.C. 552, as amended) allows us to withhold “geological and geophysical information and data, including maps, concerning wells.” Therefore, we will not release this information in response to a Freedom of Information Act request.

**11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.**

We do not ask questions of a sensitive nature.

**12. Provide estimates of the hour burden of the collection of information. The statement should:**

- \* Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected**

to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.

- \* If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens.
- \* Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here.

We estimate that we will receive up to **313 annual responses** totaling **5,183 annual burden hours**. We estimate the total dollar value of the annual burden hours will be **\$382,685**.

We are not including the Federal Government respondents in the hourly burden estimates shown below.

To calculate the fully burdened hourly rate for private sector, we used the Bureau of Labor Statistics (BLS) May 2021 Occupational Employment and Wages (NAICS 541600 - Management, Scientific, and Technical Consulting Services) which lists the mean hourly rate for occupational code [11-1021](#), General and Operations Managers, as \$69.91. In accordance with the BLS News Release [USDL-22-0469](#), multiplied the rate of \$69.91 by 1.43 to determine benefits, resulting in an hourly cost factor of \$99.97.

**NOTE:** We used a placeholder of 1 response for ICs where we have regulatory requirements but we do not expect to have respondents on an annual basis.

### Summary of Burden

Category	Fully Burdened Hourly Rate	Total Hours (Table 12.1)	Total Estimated Hourly Cost Burden
Private	\$99.97	3,828	\$ 382,685.16
Federal Government	0.00	1,355	0.00
<b>Totals:</b>		<b>5,183</b>	<b>\$ 382,685.16</b>

**Table. 12.1**

Type of Action	Number of Annual Respondents	Number of Responses Each	Total Annual Responses	Average Completion Time (Hours)	Total Annual Burden Hours
<b>Application for Regulations</b>					
Private Sector	3	1	3	20 (Reporting) 130 (Recordkeeping)	450
Federal	2	1	2	20 (Reporting) 130 (Recordkeeping)	300
<b>Requests – Letters of Authorization</b>					
Private Sector	15	4	60	6 (Reporting) 16 (Recordkeeping)	1,440
Federal	5	4	20	8 (Reporting) 16 (Recordkeeping)	480
<b>Final Monitoring Report</b>					
Private Sector	15	4	60	6 (Reporting) 16 (Recordkeeping)	1,440
Federal	5	4	20	8 (Reporting) 16 (Recordkeeping)	480
<b>Polar Bear Den Detection Report</b> (50 CFR 18.126(b)(1)(iv))					
Private Sector	4	1	4	8 (Reporting) 42 (Recordkeeping)	200

**NEW ICs – Revision of Previously Approved IC “ONSITE MONITORING AND OBSERVATION REPORTS”**

**In-season Monitoring – Activity Progress Reports (50 CFR 18.127(a)(1)) NEW (Revised)**

Private Sector	1	1	1	.5 (Reporting) .5 (Recordkeeping)	1
Federal	1	1	1	.5 (Reporting) .5 (Recordkeeping)	1

**In-season Monitoring – Polar Bear Observation Reports (50 CFR 18.127(a)(3)) NEW (Revised)**

Private Sector	15	4.7	68	.25 (Reporting) 1 (Recordkeeping)	85
Federal	1	7	7	.25 (Reporting) 1 (Recordkeeping)	9

**Notification of LOA Incident Report (50 CFR 18.127(b)) NEW (Revised)**

Private Sector	2	1	2	.25 (Reporting) .5 (Recordkeeping)	2
Federal	1	1	1	.25 (Reporting) .5 (Recordkeeping)	1

**NEW (Existing) –Regulatory Requirements Not Previously Cleared**

**Mitigation – Interaction Plan (50 CFR 18.126(a)(1)(iii)) NEW (Existing)**

Private Sector	12	1	12	2 (Reporting) 6 (Recordkeeping)	96
Federal	3	1	3	2 (Reporting) 6 (Recordkeeping)	24

**Mitigation – 3rd Party Notifications (50 CFR 18.126(a)(2) and 18.126(e)(1)) NEW (Existing)**

Private Sector	12	3	36	1 (Reporting) 1 (Recordkeeping)	72
Federal	3	3	9	1 (Reporting) 1 (Recordkeeping)	18

**Mitigation – Requests for Exemption Waivers (18.126(c)(4)) NEW (Existing)**

Private Sector	1	1	1	1 (Reporting) 1 (Recordkeeping)	2
Federal	1	1	1	1 (Reporting) 1 (Recordkeeping)	2

**Mitigation – Plan of Cooperation (50 CFR 18.126(e)(2)) NEW (Existing)**

Private Sector	1	1	1	10 (Reporting) 30 (Recordkeeping)	40
Federal	1	1	1	10 (Reporting) 30 (Recordkeeping)	40

<b>Totals:</b>	<b>104</b>		<b>313</b>		<b>5,183</b>
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**13. Provide an estimate of the total annual non-hour cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected in item 12.)**

- \* The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information (including filing fees paid for form processing). Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.
- \* If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis

associated with the rulemaking containing the information collection, as appropriate.

- \* Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

We estimate the nonhour burden to be **\$200,000** annually for the Polar Bear Den Detection Survey and Report (**4 responses** X \$50,000 each). We do not anticipate an increase in the nonhour cost burden associated with the addition of subpart L.

**14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information.**

We estimate the total annual cost to the Federal Government to administer this information collection is **\$336,529** (\$306,529 for salary/benefits and \$30,000 for printing costs).

To determine average annual salary costs, we used the Office of Personnel Management Salary Table [2022-AK](#) to determine the annual salary costs for staff involved in reviewing and processing the information collected as shown below. In accordance with BLS News Release [USDL-22-0469](#), March 18, 2022, Employer Costs for Employee Compensation—December 2021, we multiplied the annual salaries by 1.59 to account for benefits.

Position/Grade	Annual Salary	Annual Salary (Incl. Benefits)	Time Spent On Collection	Total Annual Salary Costs
Clerical, GS-07/05	\$ 56,909	\$ 90,485	30%	\$ 27,146
Biologist, GS-12/05	100,954	160,517	80%	128,414
Biologist, GS-12/05	100,954	160,517	80%	128,414
Management, GS-14/05	141,857	225,553	10%	22,555
<b>Total:</b>				<b>\$ 306,529</b>

\*All figures rounded

**Printing - \$30,000**

- \$27,000 Average annual printing and publication costs for proposed and final rules (two each over 3-year period)
- 3,000 Printing costs for issuance of LOAs (one per year)

**15. Explain the reasons for any program changes or adjustments in hour or cost burden.**

We are reporting a **decrease (discretionary) of (-114) annual responses** and an **increase (change in agency estimate) of 71 estimated annual responses**. We are also reporting a **burden hours increase (discretionary) of 1,473 hours** and a **burden hour increase (change in agency estimate) of 2,180 hours**. We are not reporting any change to the previously approved **estimated annual nonhour burden cost of \$200,000**.

We provide the detailed breakdown below (by IC) of the changes reported as discretionary or change in agency estimate associated with the proposed revisions (Question 2 – starting on page 4) that include the addition of subpart L (USGS) and additional revisions to bring previously uncleared regulatory requirements into compliance:

<b>Incidental Take of Marine Mammals - Application for Regulations (Private Sector)</b>				
	Previously Approved	Requested	Agency Discretion	Change in Estimate
Responses	2	3		1
Hours	300	450		150

<b>Incidental Take of Marine Mammals - Application for Regulations (Federal Government)</b>				
	Previously Approved	Requested	Agency Discretion	Change in Estimate
Responses	0	2	2	
Hours	0	300	300	

<b>Incidental Take of Marine Mammals - LOA Request (Private Sector)</b>				
	Previously Approved	Requested	Agency Discretion	Change in Estimate
Responses	25	60		35
Hours	600	1,440		840

<b>Incidental Take of Marine Mammals - LOA Request (Federal Government)</b>				
	Previously Approved	Requested	Agency Discretion	Change in Estimate
Responses	0	20	20	
Hours	0	480	480	

<b>Polar Bear Den Detection Report (Private Sector)</b>				
	Previously Approved	Requested	Agency Discretion	Change in Estimate
Responses	4	4		
Hours	200	200		

<b>Incidental Take of Marine Mammals - Onsite Monitoring and Observation Reports (Private Sector)*</b>				
	Previously Approved	Requested	Agency Discretion	Change in Estimate
Responses	300	0	-300	
Hours	450	0	-450	

*\* Due to the significant changes to this IC, we opted to remove it and add the updated/revised ICs as new ICs in ROCIS.*

<b>Incidental Take of Marine Mammals - Final Monitoring Report (Private Sector)</b>				
	Previously Approved	Requested	Agency Discretion	Change in Estimate
Responses	25	60		35
Hours	250	1,440		1,190

<b>Incidental Take of Marine Mammals - Final Monitoring Report (Federal Government)</b>				
	Previously Approved	Requested	Agency Discretion	Change in Estimate
Responses	0	20	20	
Hours	0	480	480	

<b>In-season Monitoring – Activity Progress Reports (Private Sector)</b>				
	Previously Approved	Requested	Agency Discretion	Change in Estimate
Responses	0	1	1	
Hours	0	1	1	

<b>In-season Monitoring – Activity Progress Reports (Federal Government)</b>				
	Previously Approved	Requested	Agency Discretion	Change in Estimate
Responses	0	1	1	
Hours	0	1	1	

<b>In-season Monitoring – Polar Bear Observation Reports (Private Sector)</b>				
	Previously Approved	Requested	Agency Discretion	Change in Estimate
Responses	0	68	68	
Hours	0	85	85	

<b>In-season Monitoring – Polar Bear Observation Reports (Federal Government)</b>				
	Previously Approved	Requested	Agency Discretion	Change in Estimate
Responses	0	7	7	
Hours	0	9	9	

<b>Notification of LOA Incident Report (Private Sector)</b>				
	Previously Approved	Requested	Agency Discretion	Change in Estimate
Responses	0	2	2	
Hours	0	2	2	

<b>Notification of LOA Incident Report (Federal Government)</b>				
	Previously Approved	Requested	Agency Discretion	Change in Estimate
Responses	0	1	1	
Hours	0	1	1	

<b>Mitigation – Interaction Plan (Private Sector)</b>				
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	Previously Approved	Requested	Agency Discretion	Change in Estimate
Responses	0	12	12	
Hours	0	96	96	

<b>Mitigation – Interaction Plan (Federal Government)</b>				
	Previously Approved	Requested	Agency Discretion	Change in Estimate
Responses	0	3	3	
Hours	0	24	24	

<b>Mitigation – 3rd Party Notifications (Private Sector)</b>				
	Previously Approved	Requested	Agency Discretion	Change in Estimate
Responses	0	36	36	
Hours	0	72	72	

<b>Mitigation – 3rd Party Notifications (Federal Government)</b>				
	Previously Approved	Requested	Agency Discretion	Change in Estimate
Responses	0	9	9	
Hours	0	18	18	

<b>Mitigation – Requests for Exemption Waivers (Private Sector)</b>				
	Previously Approved	Requested	Agency Discretion	Change in Estimate
Responses	0	1	1	
Hours	0	2	2	

<b>Mitigation – Requests for Exemption Waivers (Federal Government)</b>				
	Previously Approved	Requested	Agency Discretion	Change in Estimate
Responses	0	1	1	
Hours	0	2	2	

<b>Mitigation – Plan of Cooperation (Private Sector)</b>				
	Previously Approved	Requested	Agency Discretion	Change in Estimate
Responses	0	1	1	
Hours	0	40	40	

<b>Mitigation – Plan of Cooperation (Private Sector)</b>				
	Previously Approved	Requested	Agency Discretion	Change in Estimate
Responses	0	1	1	

Hours	0	40	40
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TOTALS				
	Previously Approved	Requested	Agency Discretion	Change in Estimate
Responses	356	313	-114	71
Hours	1,800	5,183	1,203	2,180

**16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.**

We do not publish the information in the form in which it is received. We do analyze the information annually to determine impacts resulting from incidental take authorizations.

**17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.**

These are regulatory requirements; however, we will display the OMB control number and expiration date on appropriate materials.

**18. Explain each exception to the topics of the certification statement identified in "Certification for Paperwork Reduction Act Submissions."**

There are no exceptions to the certification statement.