

**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**

## **Abstract**

This request is for extension of a currently approved collection with no revisions.

Under the Coastal Pelagic Species (CPS) Fishery Management Plan (FMP), CPS fishing vessels are required to report any interactions that occur between a CPS vessel and/or fishing gear and southern sea otters, which are listed as threatened under the Endangered Species Act. These reporting requirements satisfy the reasonable and prudent measures to ensure the continued protection of the species determined by the U.S. Fish and Wildlife Service (USFWS) in a biological opinion on the CPS fishery: If a southern sea otter is entangled in a net, regardless of whether the animal is injured or killed, the vessel operator must report this interaction within 24 hours to the Regional Administrator. 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). Reports must include the location (latitude and longitude) of the interaction and a description of the interaction itself.

## **Justification**

**1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

In accordance with the regulations implementing the [ESA](#), the National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS) initiated an ESA Section 7 consultation with USFWS regarding the possible effects of implementing Final Rule 0648-AT11 codifying Amendment 11 to the CPS FMP (June 29, 2006; [71 FR 36999](#)), 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 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 in place to ensure the continued protection of the species. The reporting requirements and conservation measures put forth in Final Rule 0648-AU72 (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 (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.

Due 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 monitoring interactions and determining whether stronger mitigation is necessary to ensure protection for the threatened southern sea otter. This information will prove valuable to both fishermen and the conservation of sea otters as it will continue to record sea otter interactions with the fishery. Although no responses have been received since this information collection was established, the fishery for Pacific sardine, one of the primary CPS fisheries, has been closed for the last 8 years due to reduced sardine biomass levels, potentially reduced the chances of fishery interactions with southern sea otters. 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 ensure we monitor for interactions between the fishery and this threatened species.

**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.**

1If 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.

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). All observations other than entanglement must be reported within 20 days to the Regional Administrator.

When contacting NMFS after an interaction with a southern sea otter, vessel operators must provide the location (latitude and longitude) of the interaction and a description of the interaction itself. If available, location information should also include water depth, distance from shore, and relation to port or other landmarks. Descriptive information of the interaction should include whether or not the otters were seen inside or outside the net; if inside the net, had the net been completely encircled; whether any otters came in contact with either the net or the vessel; the number of otters present; duration of interaction; the otter's behavior during interaction; and measures taken to avoid interaction.

This information will be used by NMFS and the USFWS to determine whether further mitigation measures are necessary 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.

**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.**

There are no specific forms associated with this action. Information may be submitted via mail (in instances not involving capture or entanglement of an otter in a net, which requires reporting within 24 hours), telephone, fax, or e-mail.

**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 Question 2**

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

**5. If the collection of information impacts small businesses or other small entities, describe any 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 e-mail.

**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.**

This collection is required to meet the terms and conditions put forth by the USFWS, and is necessary for the fishery to continue its current operations. 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 would cause an information collection to be conducted in a manner inconsistent with OMB guidelines.**

This information collection does not require respondents to report in any manner inconsistent with OMB guidelines, including frequency of reporting or the ways in which the reports would be analyzed or disclosed by the agency.

**8. If applicable, provide a copy and identify the date and page number of publications 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 describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.**

A Federal Register Notice published September 6, 2022 ([87 FR 54484](#)) and solicited public comments through November 7, 2022. No comments were received.

In 2019 and again in 2023, we solicited feedback from the non-profit organization California Wetfish Producers Association, which 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. We contacted the association to ask for their view on this collection of information and whether the burden and cost are accurate and reasonable. They confirmed that the fleet does not observe sea otters near their nets while fishing, and that they normally see them near the kelp beds, which they actively avoid due to entanglement hazards with kelp. They agreed that the reporting requirements, should an interaction with a sea otter occur, are operable as written in the CFR.

**9. Explain any decision to provide any payment or gift 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 the assurance in statute, regulation, or agency policy. If the collection requires a systems of records notice (SORN) or privacy impact assessment (PIA), those should be cited and described here.**

No assurance of confidentiality is provided; however, 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. 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.

**11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior or 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.**

No sensitive questions will be asked.

**12. Provide estimates of the hour burden of the collection of information.**

Information Collection	Type of Respondent (e.g., Occupational Title)	# of Respondents/year (a)	Annual # of Responses / Respondent (b)	Total # of Annual Responses (c) = (a) x (b)	Burden Hrs / Response (d)	Total Annual Burden Hrs (e) = (c) x (d)	Hourly Wage Rate (for Type of Respondent) (f)	Total Annual Wage Burden Costs (g) = (e) x (f)
Sea otter interactions with CPS fishing gear	Fishing vessel operators	2	1	2	15 minutes or less	30 minutes or less	\$13.23	\$9.15
<b>Totals</b>				<b>2</b>		<b>30 min</b>		<b>\$9.15</b>

**13. Provide an estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected on the burden worksheet).**

Information Collection	# of Respondents/year (a)	Annual # of Responses / Respondent (b)	Total # of Annual Responses (c) = (a) x (b)	Cost Burden / Respondent (h)	Total Annual Cost Burden (i) = (c) x (h)
Sea otter interactions with CPS fishing gear	2	1	2	\$5	\$10

TOTALS	2	1	2	\$5	\$10
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**\*There are no capital costs or operating and maintenance costs associated with this information collection.**

**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.**

Cost Descriptions	Grade/Step	Loaded Salary /Cost	% of Effort	Fringe (if Applicable)	Total Cost to Government
Federal Oversight	ZPIII/2	\$104,000	1hr		\$50
Other Federal Positions					
Contractor Cost					
Travel					
Other Costs:					
TOTAL					\$50

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

There are no changes to the information collection since the last OMB approval.

**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.**

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 that display would be inappropriate.**

There are no instruments of collection; however, if outreach is conducted for this collection, the agency plans to display the expiration date for OMB approval of the information collection on all instruments of communication.

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

The agency certifies compliance with [5 CFR 1320.9](#) and the related provisions of [5 CFR 1320.8\(b\)\(3\)](#).