

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

**North Atlantic Right Whale Research and Management Activities
OMB Control Number 1010-NEW**

Terms of Clearance: Not Applicable - New Collection.

Justification

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

The Bureau of Ocean Energy Management (BOEM) within the U.S. Department of the Interior (DOI) is requesting approval for a new information collection.

Offshore wind (OSW) is an abundant, efficient, and clean alternative domestic energy resource found close to major coastal cities, where more than half of the U.S. population resides and energy needs are high. In March 2021, in response to Executive Order 14008, *Tackling the Climate Crisis at Home and Abroad*, the Department of the Interior, Energy, and Commerce announced a national goal to deploy 30 gigawatts of OSW by 2030, while protecting biodiversity and promoting ocean co-use. As offshore renewable energy development grows, so do potential adverse effects on marine organisms and their habitats. The BOEM is committed to assessing, and to the extent possible reducing the effects of, these potential environmental impacts. Among our highest priorities is reducing adverse impacts to the North Atlantic right whale (NARW) as they relate to OSW development.

BOEM is working with National Oceanic and Atmospheric Administration (NOAA) Fisheries to develop a NARW and OSW Strategy to protect and promote the recovery of the NARW while responsibly developing OSW. To inform this initiative, BOEM in collaboration with the Blue World Research Institute (BWRI) is supporting a project to identify and synthesize current NARW research and management activities conducted by State and Federal government researchers, academic institutions, and non-governmental organizations (NGOs). NOAA is aware of this project and provided input as a relevant stakeholder. This project includes identification of current mitigation efforts to avoid or limit impacts from OSW development activities on NARWs. This information will provide essential data and stakeholder feedback so that BOEM managers and scientists are better able to coordinate scientific research efforts to predict, mitigate, and monitor any potential conflicts between NARWs and offshore wind development.

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.

An important component of this project is the development of the NARW synthesis report. This report will include a summary of: (1) existing sources of information related specifically to

understanding presence, distribution, and density of NARWs in and around wind energy areas offshore the U.S. Atlantic coast; (2) current approaches for avoiding or limiting impacts to NARWs during offshore wind construction and operation; (3) a listing of mitigation measures recommended by others but not yet adopted; (4) current monitoring requirements and their implementation; and (5) an accounting of emerging technologies that may allow monitoring at project and regional scales.

BOEM contracted with Blue World Research Institute to synthesize current NARW population monitoring practices and in-use or developing methods used to understand or reduce OSW-related impacts on the population.

In addition to the summary, BWRI canvassed OSW energy industry representatives, NARW researchers, environmental groups, and others about their ongoing and planned work and their views on innovations that may be applied in a one- to five-year time horizon. Emerging or novel uses of existing methodologies that study NARW occurrence, distribution, and health were emphasized, as were potential mitigation measures and technologies.

BOEM seeks OMB approval for a set of standardized questions to NARW stakeholders regarding their activities to understand impacts from offshore wind energy projects on the whales and to ensure effective mitigation monitoring. The questions are designed to learn of recent and ongoing research and management strategies employed by relevant State and Federal governments, academic institutions, and NGOs, including outcomes of prior workshops and planning bodies. The questionnaire comprises approximately 20 questions that ask respondents about: (1) their organization; (2) information on current monitoring and research activities, such as objective, location, scope, methods, timelines, outcomes and challenges, and contributions to NARW conservation or impact reduction; (3) related ancillary information, such as type of study, next steps, and focus of future funding sources; and (4) additional comments and discussion. The questionnaire avoids sensitive topics or matters that are commonly considered private. The results will be summarized as part of the NARW synthesis report.

Additionally, BOEM plans to hold two to three webinars or one virtual workshop to present results of the synthesis report and solicit feedback on future research priorities and management needs from the offshore energy industry and NARW stakeholders. This feedback will be compiled in a final report.

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.

All respondents are contacted by BWRI via an email containing a link to the questionnaire and all respondents are able to submit their responses to the questionnaire electronically (via email). Respondents interviewed, are interviewed using telephone communications or webinar platforms, as appropriate.

The final report summarizing the responses will be made available to the public on BOEM's website.

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.

There is no duplication. This is a distinctive program-specific study. BOEM consulted staff within the National Oceanic and Atmospheric Administration (NOAA) in the development of this project. NOAA confirmed that no part of this project duplicated existing NOAA efforts.

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

Overall, this information collection does not significantly impact small businesses or other small entities. Eight non-governmental organizations voluntarily responded to survey. BOEM estimates it takes 20 minutes per survey.

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.

BOEM and other agencies take actions under the respective authorities to identify and mitigate negative impacts of OSW on marine animals and their habitats. These mitigation measures are outlined in National Environmental Policy Act-required Environmental Impact Statements, NMFS-issued incidental take and harassment authorizations, and BOEM-issued mitigation guidelines, leases, and permits.

The growing demand for domestic energy development has prompted the rapid expansion OSW in the U.S. BOEM is responsible for managing the U.S. OCS energy resource development in an environmentally responsible way. At the time of this study, 17 Atlantic OSW lease sites have been completed or are under review. Coastal waters are also used by the critically endangered North Atlantic right whale. Underwater noise, vessel strikes, and entanglement are threats or stressors to NARWs. NARWs are a protected resource managed by NOAA.

OSW development and production may increase these threats through construction or operational noise, increased vessel traffic, or potential entanglement around proposed floating platforms. Many scientists are currently monitoring the NARW population status to assess and reduce impacts from OSW energy development and other stressors, including climate change. To advance these efforts, BOEM sought to 1) review potential OSW development impacts on NARW (as identified by stakeholders, e.g. NOAA) ; 2) provide summaries of methodologies used and studies completed, ongoing, or planned to characterize NARW distribution, behavior, and relative abundance; and 3) solicit opinions from the NARW research community and OSW industry on research needed to minimize OSW impacts on the NARW and to assess mitigation efforts.

Utilizing the information gained through stakeholder input, this collection will help BOEM

understand the effects of OSW development on NARWs and their ecosystems, and to develop strategies to mitigate and monitor impacts to NARWs from OSW development. If BOEM does not collect the information we would not have an updated, collated information source to inform our strategy and planning efforts to efficiently and effectively inform our research and mitigation and monitoring efforts related to promoting the recovery of the NARW and the responsible development of OSW.

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.**

There are no circumstances that require us to collect the information in a manner 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.

On February 24, 2023, we published a 60-Day *Federal Register* notice (88 FR 11953). BOEM received one public comment that opposed offshore wind tower projects and use of sonar due to impact on whales and dolphins. BOEM is committed to assessing, and to the extent possible reducing effects of potential environmental impacts on marine life and their habitats. The purpose of this strategy is to protect and promote the recovery of the NARW while responsibly developing offshore wind. No change in the burden was required.

This is a new one-time, voluntary data collection consisting of a questionnaire or interviews for purposes of obtaining respondent's perspectives, experiences, and insights on OSW development and NARW and their ecosystems, it was not practical to have any type of prior consultation. However, BOEM and NOAA's National Marine Fisheries Service principally oversee OSW development in U.S. waters, so BOEM did consult with NOAA prior to the project.

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

We will not provide 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.

BOEM will protect proprietary information according to the Privacy Act (5 U.S.C. § 552a) and the Freedom of Information Act (5 U.S.C. 552).

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.**

Number of Respondents: Emails will be sent to 213 recipients to participate in an online survey, and 40 interviews.

Frequency of Response: One time.

Estimated Completion Time per Response: Up to 20 minutes per survey; 60 minutes per interview.

Total Estimated Number of Annual Burden Hours: 40 hours for interviews; up to 71 hours for surveys. Total Annual Burden Hours is 111 hours.

Explanation of How the Burden was Estimated: The burden was estimated based on the evaluation team's professional judgment and experience conducting surveys and interviews of a similar format, topic, and length. Notably, the time estimates were validated through the internal evaluation by BOEM staff, which was limited to BOEM employees but included similar topics and was administered in the same formats (online survey and telephone/web interviews) as the proposed new data collections.

- a. **If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens.**

Not applicable.

- b. **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. Instead, this cost should be included under "Annual Cost to Federal Government."**

The Department of Labor (Bureau of Labor Statistics) reports a mean hourly wage of \$34.91 for Zoologists and Wildlife Biologists (Occupation Code 19-1023).¹ The evaluation team identified Zoologists and Wildlife Biologists as the appropriate occupational category for answering survey and interview questions about current and planned research related to NARWs and OSW. BOEM is using a 1.4 multiplier for benefits (<https://www.bls.gov/news.release/ecec.nr0.htm>, BLS news release USDL-23-0488, March 17, 2023). The hourly wage with benefits equals \$49 (rounded).

The total annualized cost to survey respondents is \$3,479 (71 hours x \$49). The total annualized cost to interview respondents is \$1,960 (40 hours x \$49). Therefore, the total annualized cost to

¹ [May 2020 National Occupational Employment and Wage Estimates \(bls.gov\)](https://www.bls.gov/news.release/ecec.nr0.htm)

the public is \$5,439 (111 hours x \$49).

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, 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 have not identified any non-hour cost burden associated with this 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.

BOEM estimates the total annual cost to the Federal Government to support this contract and review report deliverables is \$101,553 (\$1,553 for salary/benefits and \$100,000 for contract costs).

To determine average annual salary costs, we used the Office of Personnel Management Salary Table [2023-LA](#) to determine the annual salary costs for staff involved in reviewing the information collected as shown below. The benefits rate was calculated from Bureau of Labor Statistics News Release [USDL-23-0488](#), March 17, 2023, Employer Costs for Employee Compensation—December 2022. We multiplied the annual salaries by 1.6 to account for benefits, in accordance with USDL-23-0488.

Position/Grade	Annual Salary	Annual Salary (Inc. Benefits)	Time Spent on Review	Total Annual Salary Costs
Biologist, GS-13/08	\$97,050	\$155,280	1%	\$1,553
Total				\$ 1,553

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

This is a new collection in use without 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.

The draft report will be reviewed by external reviewers from partner federal agencies, eNGOs, and research organizations. Comments will be reviewed and incorporated into the final report. The final report will be used to inform BOEM’s Environmental Studies Program planning related to NARW and OSW research efforts, as well as BOEM and NOAA’s NARW and OSW strategy development and support the alignment and coordination of NARW and OSW-related research across Tribal, State and Federal Governments, as well as industry and other stakeholders.

The overall schedule for the project is as follows:

Collect survey and interview data	December 2021-February 2022
Draft report to BOEM	March 2023
Final report to BOEM	July 2023

It is anticipated that the final report will be posted on BOEM’s Environmental Studies Hub webpage: <https://esp-boem.hub.arcgis.com/>.

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.

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.