

SUPPORTING STATEMENT
U.S. Department of Commerce
National Oceanic & Atmospheric Administration
Reporting Requirements for Commercial Fisheries Authorization under Section 118 of the
Marine Mammal Protection Act
OMB Control No. 0648-0292

Abstract

This review is a renewal of a current information collection. Reporting injuries and/or mortalities of marine mammals is mandated under Section 118 of the Marine Mammal Protection Act (MMPA). This information is required to determine the impacts of commercial fishing on marine mammal populations and is used to classify commercial fisheries into Category I, II or III on the MMPA List of Fisheries. All Category I, II and III fisheries must report injuries or mortalities using the NMFS Marine Mammal Authorization Program (MMAP) marine mammal mortality/injury form (OMB control No. 0648-0292).

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.

The [Marine Mammal Protection Act](#) (MMPA or the Act; 16 U.S.C. 1361 et seq.) mandates the conservation and protection of marine mammals, prohibiting their taking unless specific exceptions apply. Under Section 118 of the MMPA, an exception is granted for the incidental taking of marine mammals during commercial fishing activities, provided statutory conditions are met.

Registration Requirements for Vessel Owners:

- **Category I & II Fisheries:** Vessel owners operating in fisheries designated by the National Marine Fisheries Service (NMFS) as having frequent (Category I) or occasional (Category II) incidental takes must register with the Secretary of Commerce to receive authorization for lawful incidental takes. Information collection for vessel owner registration is approved under OMB Control No. 0648-0293.
- **Category III Fisheries:** Vessel owners participating in fisheries with only a remote likelihood of taking marine mammals (Category III) are exempt from registration.

Incidental Mortality and Injury Reporting:

Commercial fishing vessel owners and operators across all fishery classifications must report every instance of incidental marine mammal mortality or injury occurring during operations. Pursuant to MMPA Section 118(e), reports must be submitted within 48 hours of a trip's completion. NMFS utilizes these reports, as mandated by Section 118(c), to reevaluate and maintain appropriate fishery classifications on the List of Fisheries.

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.

The information supplied by the owner or operator of a commercial fishing vessel is mandated by Section 118(e) of the MMPA and is needed by the agency to determine the correct category classification of fisheries on the List of Fisheries. The MMPA states:

“The owner or operator of a commercial fishing vessel subject to the Act shall report all incidental mortality and serious injury of marine mammals in the course of commercial fishing operations to the Secretary by mail or other means acceptable to the Secretary within 48 hours after the end of each fishing trip on a standard postage-paid form to be developed by the Secretary under this section. Such form shall be capable of being readily entered into and usable by an automated or computerized data processing system and shall require the vessel owner or operator to provide the following:

- a. The vessel name, and Federal, states, or tribal registration numbers of the registered vessel.
- b. The name and address of the vessel owner or operator.
- c. The name and description of the fishery.
- d. The species of each marine mammal incidentally killed or injured, and the date, time, and geographic location of such occurrence.”

Commercial fishing operations are required to report all incidental marine mammal injuries and mortalities to NMFS, regardless of how the fishery is classified. NMFS has collected these reports and related scientific data since 1996 to evaluate and categorize commercial fisheries into Category I, II, or III, and will continue updating these classifications as needed.

Item #	Requirement	Statute	Regulation	Form #	Needs and Uses
1	Marine mammal mortality and injury reporting requirement	16 U.S.C. 1387 Sec. 118	50 CFR 229.6	0648-0292	Used by the public report marine mammal mortalities and injuries as required by the MMPA. Used by the NMFS to collect information on marine mammal mortality and injuries incidental to commercial fishing operations.

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.

Under the MMPA, reports of incidental mortality and serious injury must be submitted to the Secretary within 48 hours of completing a fishing trip. Submissions may be made via the postage-paid form or through another acceptable method. These forms are designed for direct entry into an automated or computerized data processing system, reflecting congressional intent for machine-readable reporting. Access online electronic forms and fillable PDFs at <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-authorization-program#reporting-a-death-or-injury-of-a-marine-mammal-during-commercial-fishing-operations>.

Forms may be submitted via any of the following means: (1) online using the online google form; (2) emailed as an attachment to nmfs.mireport@noaa.gov; (3) faxed to the NMFS Office of Protected Resources at 301-713-0376; or (4) mailed to the NMFS Office of Protected Resources using the postage-paid form.

Approximately 15% of submissions are mailed to NMFS and not submitted electronically. This is at the discretion/preference of the submitter.

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

The National Marine Fisheries Service (NMFS) shares authority with the U.S. Fish and Wildlife Service (USFWS) within the Department of the Interior to manage marine mammals. Because USFWS lacks statutory authorization to issue separate regulations for this matter, it works with NMFS to maintain a unified registration and reporting system. NMFS handles the information collection process, issues authorizations, and manages the marine mammal reporting system for all covered species.

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

This collection will not have a significant impact on small entities. The MMPA instructs the Secretary to develop a standard postage-paid reporting form capable of being readily entered into and usable by an automated or computerized data processing system. This postage-paid form requires less than 15 minutes to complete and can be dropped in any mailbox, faxed, emailed, or completed online within 48 hours of the vessel's return to port. There is no cost or significant investment of time required to fulfill the reporting requirement.

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.

Without the collection of incidental marine mammal mortality and injury reports, NMFS would be unable to execute its statutory mandate under Section 118 of the Marine Mammal Protection Act (MMPA) to assess the impact of U.S. commercial fisheries on marine mammal populations and stocks. These reports, which must be submitted by commercial fishing vessel owners and operators within 48 hours of completing a trip, provide vital empirical data that NMFS relies upon to maintain and update fishery categorizations (Category I, II, or III) on the annual List of Fisheries. Consequently, reducing the frequency of this collection or failing to conduct it would create significant legal obstacles to fulfilling congressional mandates and compromise federal marine conservation policies.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner inconsistent with OMB guidelines.

Reporting Frequency Exceeding Quarterly Requirements

Pursuant to Section 118(e) of the Marine Mammal Protection Act (MMPA), owners or operators of commercial fishing vessels are required to file a report following any incidental injury or mortality of a marine mammal during commercial fishing operations. Using a standardized postage-paid form, reports must be transmitted to the Secretary by mail or an alternative authorized method within 48 hours after the conclusion of the fishing trip.

Written Response Required in Fewer Than 30 Days After Receipt

In the event of an incidental injury or death of a marine mammal, respondents are mandated to submit a report. As noted above, this submission must occur within a 48-hour timeframe following the incident.

This collection will be conducted in a manner consistent with all other OMB guidelines.

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 on May 4, 2026 (91 FR 23972) solicited public comment on this submission. One comment submission was received – a joint letter from Whale and Dolphin Conservation and Conservation Law Foundation.

Comment 1: The commenters recommend NMFS develop an easy-to-use app for use on both Android and iOS systems to enhance data collection and reduce reporting burdens. They note the app could store and pre-fill the reporting party's basic information making it easier to complete a report. Commenters also suggest that the app could connect to the cell phone's camera allowing the reporting party to submit an image of the marine mammal.

Response: NMFS is investigating the potential options and resources available within the agency to develop a reporting app for the marine mammal mortality and injury reporting form.

Comment 2: The commenters recommend NMFS collect more data to evaluate the impacts on the marine mammal from fishing gear. They suggest reporting parties provide information on whether animals were seen prior to setting or retrieving gear. They also state that there is no way to provide information on whether gear was cut from the animal or if the animal was released entangled in gear.

Response: NMFS added text to the directions for completing the “Description of the unknown species or circumstances of the M/I incident” section to provide information whether animals were seen prior to setting or retrieving gear. In addition, the current OMB-approved version of the form includes an injury code indicating the animal was “released trailing gear/gear perforating body”.

Comment 3: The commenter notes it would be helpful for the reporting party to include information on how the animal was released and the behavior upon release to improve survivability of animals release alive.

Response: The current OMB-approved version of the form includes directions for the box where additional information can be provided. It states, “You may also use this space for other comments regarding this incident, including length of interaction and behavior of animal after release.”

NOAA also consulted with four constituents from the fishing industry to obtain their views on the practical utility of the data collected, the accuracy of the burden and frequency of collection, suggestions to minimize the burden, and ways to improve the clarity of instructions and forms. NOAA received one response.

Comment 4: The commenter recommended that form submissions should include a picture of the marine mammal.

Response: The current OMB-approved version of the form includes directions that a drawing of the marine mammal may be included in the “Description of the unknown species or circumstances of the M/I incident” section. Pictures can also be mailed to the email address provided on the form.

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

There is no provision to provide any payment or gift to respondents.

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 system of records notice (SORN) or privacy impact assessment (PIA), those should be cited and described here.

NMFS regulations at 50 CFR 229.11 (a): Proprietary information collected under this part is confidential and includes information, the unauthorized disclosure of which could be prejudicial or harmful, such as information or data that are identifiable with an individual fisher. This information is covered by the Privacy Act System of Record Notice [COMMERCE/NOAA-12](#)¹, Marine Mammals, Endangered and Threatened Species, Permits and Authorizations, Applicants. The privacy impact assessment for [NOAA4000](#)² identifies the security and privacy controls for this collection of information.

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 are asked.

¹ <https://www.commerce.gov/node/4986>

² <https://www.commerce.gov/sites/default/files/2025-10/NOAA4000%20PIA%20FY25%20SAOP%20Approved.pdf>

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)
Reporting Requirements for Commercial Fisheries Authorization Under Section 118 of the Marine Mammal Protection Act	Commercial fishermen (Occ Code: 45-1011)	200	1	200	.25	50	\$30.16	\$1,508
Totals				200		50		\$1,508

Occupational Code 45-1011, First-Line Supervisors of Farming, Fishing, and Forestry Workers, was used to determine the hourly wage rate. <https://data.bls.gov/oes/#/area/00000000/2025>

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).

There are no expected costs for respondents to complete the postage-paid reporting form. Respondents print the fillable pdf and mail the form postage paid to NMFS. Respondents can also email the completed form or complete the form online. Respondents are not required to keep a record of the form. The original is provided to NMFS.

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.

Estimated costs to the Federal government include federal employee time to collect form and collate responses and paid postage for the forms. Estimating 85% of the forms are emailed or completed online, therefore, estimates below for postage are for 50 mailed forms (under other costs).

The Commerce Alternative Personnel System (CAPS) pay tables for the Rest of U.S. locality was used to determine the base salary. The Rest of U.S. locality was used since NOAA employees are geographically dispersed. The upper bound for Interval 3 of the Pay Band was used as the base salary and a multiplier of 1.5 was used to calculate the loaded salary.

<https://www.commerce.gov/sites/default/files/2026-01/CAPS%20Standard%20Pay%20Tables%202026.pdf>

Cost Descriptions	Grade/Step	Loaded Salary /Cost	% of Effort	Fringe (if Applicable)	Total Cost to Government
Federal Oversight	ZP3	\$174,543	10%		\$ 17,454
Contractor Cost					
Travel					
Other Costs: Paid Postage					\$ 41
TOTAL					\$ 17,495

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

There are no changes that have taken place during this renewal request.

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.

NOAA NMFS Office of Protected Resources 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 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.

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.

The agency plans to display the expiration date for OMB approval of the information collection on all instruments.

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\(b\)\(3\)](#).