

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

Pursuant to the Coastal Pelagic Species (CPS) Fishery Management Plan (FMP), operators of CPS fishing vessels are mandated to report all interactions between their vessels or fishing gear and southern sea otters, a species designated as threatened under the Endangered Species Act. These reporting stipulations fulfill the reasonable and prudent measures established by the U.S. Fish and Wildlife Service (USFWS) in its biological opinion for the CPS fishery to ensure ongoing species protection.

During CPS fishing operations, vessel operators are required to document all observed interactions with southern sea otters. Interactions are defined as otters coming into contact with vessels or purse seine nets, or being present within encircled nets, including entanglements. Recorded reports must contain the specific geographic location (latitude and longitude) along with a detailed description of the event. Furthermore, if a southern sea otter becomes entangled in a net, the vessel operator must notify the Regional Administrator within 24 hours, irrespective of whether the animal sustained injuries or died.

**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.**

Pursuant to regulations implementing the Endangered Species Act (ESA), the National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS) initiated a Section 7 consultation with the U.S. Fish and Wildlife Service (USFWS). This consultation addressed potential impacts of Final Rule 0648-AT11, which codified Amendment 11 to the Coastal Pelagic Species (CPS) Fishery Management Plan (FMP) (June 29, 2006; 71 FR 36999) under the authority of the Magnuson-Stevens Fishery Conservation and Management Act. USFWS required formal consultation regarding potential effects on the threatened southern sea otter. In its Biological Opinion (BO), USFWS concluded that fishing operations were unlikely to jeopardize the species' continued existence, but noted a remaining potential for incidental take. To ensure ongoing species protection, USFWS mandated specific reporting requirements and

conservation measures as conditions of the BO. These requirements were established under Final Rule 0648-AU72 (May 30, 2007; 72 FR 29891), and Office of Management and Budget (OMB) approval of the information collection was announced in Final Rule 0648-AX31 (October 10, 2008; 73 FR 60191).

Interactions as described are considered exceedingly rare due to a low historical count of documented incidents (two) and minimal spatial overlap between the fishery and southern sea otter distribution. Prior to 2008, regulations contained no mandatory reporting requirement for such encounters; coupled with low or absent observer coverage in this fishery, the full frequency and nature of interactions remain unquantified. Collecting this information is vital to monitor fishery interactions, assess whether enhanced mitigation measures are necessary, and support the ongoing conservation of threatened southern sea otters while assisting fishery operations. While no interaction reports have been submitted since the establishment of this collection, the Pacific sardine fishery—a primary component of the CPS fishery—has remained closed for the past 8 years due to low biomass levels, likely reducing opportunities for interaction. Because the effects of these reduced fishing seasons and annual interaction variability are not fully understood, continuing this information collection is necessary to effectively monitor potential fishery impacts on 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.**

Vessel operators engaged in coastal pelagic species (CPS) fishing are required to record all interactions with southern sea otters involving their purse seine nets or vessels. An interaction includes any instance where otters are within encircled nets or come into contact with nets or vessels, including entanglements.

**Reporting Timelines**

- **Entanglements:** Any net entanglement—regardless of whether it results in injury or death—must be reported to the Regional Administrator, NMFS West Coast Region, within 24 hours of occurrence. These reports are evaluated immediately upon receipt by NMFS and the U.S. Fish and Wildlife Service (USFWS).
- **Other Observations:** All non-entanglement otter observations must be reported to the Regional Administrator within 20 days. These observations undergo annual review by NMFS and USFWS.

**Required Reporting Details**

Reports submitted to NMFS must include the interaction's latitude and longitude, along with a detailed description of the event. When available, supplementary location details such as water depth, distance from shore, and proximity to ports or key landmarks should also be provided.

The description of the interaction must encompass:

- Whether otters were located inside or outside the net, and if inside, whether the net was

completely encircled;

- Whether any otters contacted the vessel or net;
- The number of otters present, the duration of the interaction, and the otters' behavior;
- Any avoidance measures implemented.

## **Purpose**

NMFS and USFWS utilize this collected information to evaluate the necessity of additional mitigation strategies to safeguard the threatened southern sea otter population.

- 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.**

A new one-page form is now available for this information collection, requesting the same details required under 50 CFR 660.520. Respondents may submit the form by mail, telephone, or email. However, incidents involving otter capture or entanglement must be reported within 24 hours. Once approved, the form will be available to download as a PDF from the NOAA Fisheries West Coast Region CPS 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 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, 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 information collection is strictly mandatory to fulfill the terms and conditions set forth by the U.S. Fish and Wildlife Service (USFWS). Compliance with these requirements is necessary to maintain legal authorization and allow the fishery to continue its standard commercial operations. If this collection is not conducted, or if the reporting frequency is reduced, it could severely compromise monitoring efforts and increase operational risks to the threatened southern sea otter population.

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

This collection will be conducted in a manner consistent with 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 May 7, 2026 (91 FR 24806) and solicited public comments through July 6, 2026. No comments were received.

NOAA reached out to the California Wetfish Producers Association to gather input on the necessity, practical utility, and accuracy of the estimated burden of this data collection. NOAA also requested suggestions for simplifying instructions and reducing reporting burdens. The California Wetfish Producers Association is a non-profit organization representing Coastal Pelagic Species (CPS) fishing interests, holds a seat on the Pacific Fishery Management Council's CPS Advisory Subpanel, and represents the majority of CPS harvesters and processors in California. No response was received during this initial outreach.

In 2019 and 2023, NOAA again solicited feedback from the organization regarding the accuracy and reasonableness of the information collection burden. The organization confirmed that fishermen do not observe sea otters near their nets, as vessel operators actively avoid kelp beds to prevent gear entanglement. Additionally, they agreed that the reporting requirements for sea otter interactions are practical and clear 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 system 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 min                    | 30 min                                  | \$49.87                                       | \$25                                           |
| <b>Totals</b>                                |                                               |                           |                                        | <b>2</b>                                    |                           | <b>1</b>                                |                                               | <b>\$25</b>                                    |

\*Chart in question 12 reflects the rounding calculations from ROCIS.

Occupational Code 53-5021, Captains, Mates & Pilots of Water Vessels, was used to determine

the hourly wage rate. [https://data.bls.gov/oesprofile/?major\\_group=530000&occupation=535021&measure=01&areas=INDUSTRY,STATE,MSA](https://data.bls.gov/oesprofile/?major_group=530000&occupation=535021&measure=01&areas=INDUSTRY,STATE,MSA)

- 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).**

This collection does not require additional recordkeeping burden. This collection may involve the use of photocopying, faxes, mail, and online access estimated to be approximately \$5 per respondent.

| 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                                     |
| <b>TOTALS</b>                                | <b>2</b>                   | <b>1</b>                               | <b>2</b>                                    | <b>\$5</b>                   | <b>\$10</b>                              |

- 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 |
|--------------------------|-----------------------|---------------------|-------------|------------------------|--------------------------|
| <b>Federal Oversight</b> | Grade III/ Interval 1 | \$139,806           | 0.02%       |                        | \$28                     |
| Other Federal Positions  |                       |                     |             |                        |                          |
| <b>Contractor Cost</b>   |                       |                     |             |                        |                          |
| <b>Travel</b>            |                       |                     |             |                        |                          |
| <b>Other Costs:</b>      |                       |                     |             |                        |                          |
| <b>TOTAL</b>             |                       |                     |             |                        | <b>\$28</b>              |

A NOAA fisheries federal employee, at Commerce Alternative Personnel System (CAPS) pay band 3, will record the information submitted by industry on southern sea otter interactions. Depending on the timing of the submittal in relation to the interaction itself, submissions will be reviewed by NMFS staff case-by-case or on an annual basis.

The CAPS pay tables for the Rest of U.S. locality rates were used to determine the base salary. The Rest of U.S. locality was used since NOAA staff are geographically dispersed. The upper bound for Interval 1 of the ZP-3 Pay Band was used as the base salary, and a multiplier of 1.5

was used to calculate the loaded salary.

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

There have been 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.**

NOAA Fisheries will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. See response to Question 10 of this Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meet all applicable information quality guidelines. Although the information collected is not expected to be disseminated directly to the public, results may be used in scientific, management, technical or general informational publications. Should NOAA Fisheries 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\(b\)\(3\)](#).