



**BILLING CODE 3510-22**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**Submission for OMB Review; Comment Request**

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

*Agency:* National Oceanic and Atmospheric Administration (NOAA).

*Title:* Green Sturgeon ESA 4(d) rule take exceptions and exemptions.

*OMB Control Number:* 0648-0613.

*Form Number(s):* None.

*Type of Request:* Regular

*Number of Respondents:* 45

*Average Hours Per Response:* Scientific research or monitoring exception, Habitat restoration exception, State research program report, and Research applications: 40 hours each; Scientific research or monitoring exception report, Habitat restoration exception report, and Research reports: 5 hours each; Emergency fish rescue report, and Fishery Management and Evaluation Plan report: 20 hours each; Fishery Management and Evaluation Plan and Tribal Plan: 160 hours each.

*Burden Hours:* 1,510

*Needs and Uses:* The Southern Distinct Population Segment of North American green sturgeon (*Acipenser medirostris*; hereafter, “Southern DPS”) was listed as a threatened species in April 2006. Protective regulations under section 4(d) of the Endangered Species Act (ESA) were

promulgated for the species on June 2, 2010 (75 FR 30714) (the final ESA 4(d) Rule). To comply with the ESA and the protective regulations, entities must obtain take authorization before they engage in activities that involve take of Southern DPS fish, unless the activity is covered by an exception or exemption. “Take” is defined as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in any such conduct. Certain activities described in the “exceptions” provision of 50 C.F.R. § 223.210(b) are not subject to the take prohibitions if they adhere to specific criteria and reporting requirements. Under the “exemption” provision of 50 C.F.R. § 223.210(c), the take prohibitions do not apply to scientific research, scientific monitoring, and fisheries activities conducted under an approved 4(d) program or plan. Similarly, take prohibitions do not apply to tribal resource management activities conducted under a Tribal Plan for which the requisite determinations described in 50 C.F.R. § 223.102(c)(3) have been made.

To ensure that activities qualify under exceptions to or exemptions from the take prohibitions, local, state, and federal agencies, non-governmental organizations, academic researchers, and private organizations are asked to submit detailed information regarding their activity on a schedule to be determined by National Marine Fisheries Service (NMFS) staff. This information is used by NMFS to (1) track the number of Southern DPS fish taken as a result of each action; (2) understand and evaluate the cumulative effects of each action on the Southern DPS; and (3) determine whether additional protections are needed for the species, or whether additional exceptions may be warranted. NMFS designed the criteria to ensure that actions meeting the criteria would adequately limit impacts on threatened Southern DPS fish, such that additional protections in the form of a federal take prohibition would not be necessary and advisable.

*Affected Public:* Not-for-profit institutions; State, Local, or Tribal government; Federal government; business or other for-profit organizations.

*Frequency:* Written notification describing research, monitoring, habitat restoration, or emergency fish rescue and salvage activities, on occasion; development of fisheries management and evaluation plans, state 4(d) research programs, or tribal fishery management plans, on occasion; fisheries management and evaluation plan reports, biannually; all other reports, annually.

*Respondent's Obligation:* Required to obtain or retain benefits.

This information collection request may be viewed at [reginfo.gov](http://reginfo.gov). Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to [OIRA\\_Submission@omb.eop.gov](mailto:OIRA_Submission@omb.eop.gov) or faxed to (202) 395-5806.

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