



DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Applications and Reporting Requirements for the Incidental Take of Marine Mammals by Specified Activities (Other Than Commercial Fishing Operations) Under the Marine Mammal Protection Act

AGENCY: National Oceanic & Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to comment on proposed and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to OMB.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before **[INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*]**.

ADDRESSES: Interested persons are invited to submit written comments to Adrienne Thomas, NOAA PRA Officer, at NOAA.PRA@noaa.gov. Please reference OMB Control Number 0648-0151 in the subject line of your comments. All comments received are part of the public record and will generally be posted on <https://www.regulations.gov> without change. Do not submit Confidential Business Information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to Craig Cockrell, Biologist, National Marine Fisheries Service, Office of Protected Resources F/PR1, 1315 East West Highway, Silver Spring, MD 20910, (301) 427-8647, or itp.cockrell@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for an extension of a currently approved information collection, 0648-0151.

The Marine Mammal Protection Act of 1972 (MMPA; 16 U.S.C. 1361 et. seq.) prohibits the “take” of marine mammals unless otherwise authorized or exempted by law. Among the provisions that allow for lawful take of marine mammals, sections 101(a)(5)(A) and (D) of the MMPA direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing), within a specified geographical region if, after notice and opportunity for public comment, the National Marine Fisheries Service (NMFS) finds that the taking will have a negligible impact on the affected species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant). NMFS also must set forth the permissible methods of taking; other means of effecting the least practicable adverse impact on the species or stock and its habitat (mitigation); and requirements pertaining to the monitoring and reporting of such taking.

Issuance of an incidental take authorization (Authorization) under MMPA section 101(a)(5)(A) (through issuance of a Letter of Authorization following issuance of incidental take regulations) or 101(a)(5)(D) (through issuance of an Incidental Harassment Authorization) requires three sets of information collection: (1) a complete application for an Authorization, as set forth in our implementing regulations at 50 CFR 216.104, which provides the information necessary for us to make the necessary statutory determinations, including estimates of take and an assessment of impacts on the affected species and stocks; (2) information relating to required monitoring; and (3) information related to required reporting. These collections of information enable NMFS to: (1) prospectively evaluate the proposed activity’s impact on marine mammals; (2) arrive at the appropriate determinations required by the MMPA and other applicable laws

prior to issuing the Authorization; and (3) monitor impacts of activities for which we have issued Authorizations to determine if our predictions regarding impacts on marine mammals remain valid.

NMFS does not propose any changes to the information collection beyond expecting a possible increased number of respondents and responses due to increases in the number of requests for Authorizations.

II. Method of Collection

Respondents have a choice of submitting either electronic or paper forms. Methods of submittal include e-mail, U.S. mail, overnight delivery service, and/or facsimile transmissions.

III. Data

OMB Control Number: 0648-0151.

Form Number(s): None.

Type of Review: Regular submission (renewal of a current information collection).

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

Estimated Number of Respondents: 582.

Estimated Time Per Response: 281 hours for an Incidental Harassment Authorization (IHA) application; 30 hours for an IHA interim report (if applicable); 140 hours for an IHA draft annual report; 28 hours for an IHA final annual report (if applicable); 1,200 hours for the initial preparation of an application for new incidental take regulations and Letter of Authorization (LOA); 225 hours for an LOA draft annual report; 70 hours for a LOA final annual report (if applicable); 640 hours for a LOA draft comprehensive report; 300 hours for an LOA final comprehensive report (if applicable); 70 hours for an Letter of Authorization (LOA) application under 50 CFR 217.186; 140 hours for a draft annual report required under 50 CFR 217.185(d)(1); and 28 hours for a final annual report (if applicable) under 50 CFR 217.185(d)(1). Response times will vary for the public based upon the complexity of the requested action.

Estimated Total Annual Burden Hours: 77,056.

Estimated Total Annual Cost to Public: \$629,724 in recordkeeping/reporting costs

Respondent's Obligation: Mandatory.

Legal Authority: Marine Mammal Protection Act of 1972 (MMPA, 16 U.S.C. 1361 et. seq.)

IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this information collection request. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Sheleen Dumas,

*Departmental PRA Compliance Officer, Office of the Under Secretary for Economic Affairs,
Commerce Department.*

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