



## 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; Green Sturgeon 4(d) Rule Take Exceptions and Exemptions

**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](mailto:NOAA.PRA@noaa.gov). Please reference OMB Control Number 0648-0613 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 Susan Wang, Fishery Biologist, NMFS West Coast Region, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA 90802, (562) 980-4199, [Susan.Wang@noaa.gov](mailto:Susan.Wang@noaa.gov).

**SUPPLEMENTARY INFORMATION:**

## **I. Abstract**

This is a request for renewal of an approved information collection. The National Marine Fisheries Service (NMFS), West Coast Region, is the sponsor of this information collection which is authorized under the Endangered Species Act (ESA) to evaluate activities involving threatened green sturgeon (*Acipenser medirostris*).

On April 7, 2006, NMFS listed the Southern Distinct Population Segment (DPS) of North American green sturgeon as threatened under the ESA (71 FR 17757). On June 2, 2010, NMFS established protective regulations for the Southern DPS under section 4(d) of the ESA (ESA 4(d) rule) (75 FR 30714; 50 CFR 223.210). To comply with the ESA and the protective regulations, entities must obtain take authorization prior to engaging in activities involving take of Southern DPS fish unless the activity is covered by an exception or exemption. The ESA defines “take” 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 CFR 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 CFR 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 CFR 223.210(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 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 effects on threatened Southern DPS fish, such that additional protections in the form of a federal take prohibition would not be necessary and advisable.

## **II. Method of Collection**

Respondents have a choice of either electronic or paper forms. Methods of submittal include email of electronic forms, and mail and facsimile transmission of paper forms.

## **III. Data**

*OMB Control Number:* 0648-0613.

*Form Number(s):* None

*Type of Review:* Regular submission (extension of a currently approved collection).

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

*Estimated Number of Respondents:* 58.

*Estimated Time Per Response:* Written notification describing research, monitoring, or habitat restoration activities, 40 hours; Development of Fisheries Management and Evaluation plans or state 4(d) research programs, 40 hours; Reports, 5 hours; Development of a Tribal Fishery Management Plan, 20 hours.

*Estimated Total Annual Burden Hours:* 1,760 hours.

*Estimated Total Annual Cost to Public:* \$200.

*Respondent's Obligation:* Required to Obtain or Retain Benefits.

*Legal Authority:* Endangered Species Act.

## **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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