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## 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; Limits of Application of Take Prohibitions

**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 0648-0399 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 Robert Markle, NOAA Fisheries, 1201 NE Lloyd Blvd. Suite 1100, Portland, OR 97232, (503) 230-5419 or [robert.markle@noaa.gov](mailto:robert.markle@noaa.gov).

**SUPPLEMENTARY INFORMATION:**

## **I. Abstract**

This request is for extension of a currently approved information collection. Section 4(d) of the Endangered Species Act of 1973 (ESA; 16 U.S.C. 1531 et. seq.) requires the National Marine Fisheries Service (NMFS) to adopt such regulations as it “deems necessary and advisable to provide for the conservation of” threatened species. Those regulations may include any or all the prohibitions provided in section 9(a)(1) of the ESA, which specifically prohibits “take” of any endangered species (“take” includes actions that harass, harm, pursue, kill, or capture). The first salmonid species listed by NMFS as threatened were protected by virtually blanket application of section 9 take prohibitions. There are now 23 separate Distinct Population Segments (DPS) of west coast salmonids listed as threatened, covering a large percentage of the land base in California, Oregon, Washington, and Idaho. NMFS is obligated to enact necessary and advisable protective regulations. NMFS makes section 9 prohibitions generally applicable to many of those threatened DPS, but also seeks to respond to requests from states and others to both provide more guidance on how to protect threatened salmonids and avoid take, and to limit the application of take prohibitions wherever warranted (see 70 FR 37160, June 28, 2005, 71 FR 834, January 5, 2006, and 73 FR 55451, September 25, 2008). The regulations describe programs or circumstances that contribute to the conservation of or are being conducted in a way that limits impacts on listed salmonids. Because we have determined that such programs/circumstances adequately protect listed salmonids, the regulations do not apply the “take” prohibitions to them. Some of these limits on the take prohibitions entail voluntary submission of a plan to NMFS and/or annual or occasional reports by entities wishing to take advantage of these limits or continue within them.

The currently approved application and reporting requirements apply to Pacific marine and anadromous fish species.

## **II. Method of Collection**

Submissions may be electronically or on paper.

### **III. Data**

*OMB Control Number:* 0648-0399.

*Form Number(s):* None.

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

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

*Estimated Number of Respondents:* 707.

*Estimated Time Per Response:* Limit 3: Fish Rescue, 4 hours. Limit 4: CA - FMEP Annual Reporting, 4 hours; CA - FMEP Development / Submission, 1,230 hours; ID - FMEP Development / In season Reporting/Submission of Annual Reports, 120 hours; OR - FMEP Development / Submission of Annual Reports, 120 hours; WA - FMEP Development / Submission of Annual Reports, 100 hours. Limit 4, 6 and 14 - Puget Sound/Klamath Basins: Annual Reporting, 104 hours; Development of RMP, 624 hours; Submittal of RMP, 150 hours; Litigation Assistance, 416 hours. Limit 5: CA - HGMP Annual Reporting, 8 hours; CA - HGMP Development / Submission, 2,080 hours. Limit 5 and 6: ID - RMP/HGMP Development / Submission of Annual Reports, 120 hours; OR - RMP/HGMP Development / Submission of Annual Reports, 120 hours; WA - RMP/HGMP Development / Submission of Annual Reports, 120 hours. Limit 6 - Fisheries - Columbia River Basin, 120 hours. Limit 7 - State Research Programs: Applications, 5 hours; Modifications, 2 hours; Reports, 3 hours. Limit 10: OR - 5-year plan submission, 160 hours; OR - Annual Reporting, 40 hours; CA - Annual Reporting, 4 hours. Limit 14 – CA - Annual Reporting, 8 hours.

*Estimated Total Annual Burden Hours:* 167,872 hours.

*Estimated Total Annual Cost to Public:* \$0.

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

*Legal Authority:* Section 4(d) of the Endangered Species Act of 1973 (ESA; 16 U.S.C. 1531 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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