

Supporting Statement for Paperwork Reduction Act Submission

OMB Control Number 1018-0066

Marine Mammal Marking, Tagging, and Reporting Certificates

Forms R7-50, R7-51, & R7-52

OMB Control Number 1018-0066

50 CFR 18.23(f)

October 5, 2004

Specific Instructions

A. 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.

Under Section 101(b) of the Marine Mammal Protection Act, Alaska Natives residing in Alaska and dwelling on the coast of the North Pacific or Arctic Ocean may harvest polar bears, northern sea otters, and Pacific walrus for subsistence or handicraft purposes. Section 109(i) of the MMPA authorizes the Secretary of the Interior (Secretary) to prescribe marking, tagging, and reporting regulations applicable to the Alaska Native subsistence and handicraft take. Acting on behalf of the Secretary, the Fish and Wildlife Service (Service) implemented regulations at 50 CFR 18.23(f) for Alaska Natives harvesting polar bear (*Ursus maritimus*), northern sea otter (*Enhydra lutris kenyoni*), and Pacific walrus (*Odobenus rosmarus divergens*).

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. [Be specific. If this collection is a form or a questionnaire, every question needs to be justified.]

The information collected from Alaska Natives is used by the Service to improve its decisionmaking ability by substantially expanding the quality and quantity of harvest and biological data upon which future management decisions can be based. Further it provides the Service with the ability to make inferences about the condition and general health of the populations. Without authority to collect this harvest information, the Service's ability to measure the take of polar bears, northern sea otters, and walrus is inadequate. Mandatory marking, tagging, and reporting are considered essential to improve the quality and quantity of harvest and biological data upon which future management decisions will be based. Harvest information allows the Service to make rational, knowledgeable decisions regarding the Alaska Native harvest. The information to be collected from Alaska Natives is exactly the same as information currently collected under OMB Control No. 1018-0066.

A. Date of kill. The date of kill provides information on chronology of the harvest that will be used in population modeling and in determining which cohorts are being killed.

B. Sex of the animal. The sex of the animal provides information used in population modeling, determining the status of populations and predicting population trends.

C. Kill location. This provides information on the distribution and relative abundance of the three species, the level and intensity of the harvest, and the impact on the species and their subpopulations.

D. Form of transportation used to make the kill of polar bears (R7-51). This provides information on the level of use of available transportation methods. Such data is useful in determining trends toward the use of more modern and efficient means of transportation, thereby increasing the mobility of Alaska Natives and possibly increasing the level of harvest (e.g., the use of aircraft to assist in locating polar bears).

E. Amount of time (i.e., hours/days hunted) spent hunting each northern sea otter or polar bear (R7-51). The amount of effort exerted to harvest these animals will vary with the availability of animals, individual hunter skills, weather conditions, etc. With other factors being constant, the amount of time necessary to take these species is an indicator of density and/or availability. The use of catch per unit effort is well established as a requirement of effective wildlife management.

F. Type of take for walrus (LK = live killed, BF = beach found) (R7-50). This information increases the accuracy of the known mortality and harvest data. Without this information, Alaska Natives would only be required to provide (for marking, tagging, and reporting purposes) those walrus that were actually known to be killed by them. Consequently, the accuracy of the known mortality, harvest, and biological data would be significantly diminished. Likewise, a component of the ivory entering the marketplace would be unmarked, making it difficult to determine if such ivory were illegally obtained. Requiring all ivory that has been taken or collected (pursuant to the Alaska Native exemption) to be marked, tagged, and reported simplifies Service enforcement efforts.

G. Number of otters present in and number of otters harvested from pod (R7-52). The Service uses this information as an indicator of both otter density across their range and hunter effort with regard to harvest activity.

H. Whether or not other polar bears were present, how many, activity of any such bears, and whether or not cubs were present. The Service uses this information (1) as an indicator of both polar bear density across their range and hunter effort with regard to harvest activity, and (2) to obtain basic polar bear behavioral observations resulting from hunter activity.

I. Name of the hunter or possessor of the specified parts at the time of marking, tagging, and reporting. The tagging officials located in the individual villages are paid based on the number of animals tagged. The name and signature of the hunter are intended for purposes of internal control, and to reduce the chance of false reporting for the tagging official's economic gain.

No additional reporting burden is placed on the Alaska Natives. The other information on the three reporting forms (R7-50, R7-51, and R7-52) will be obtained by Service personnel or authorized Service representatives without input from the Alaska Native.

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 [and specifically how this collection meets GPEA requirements.].

We considered the possibility of using improved information technology to reduce burden on the Alaska Natives, but were unable to identify any such technology. Much of the improved information collection and reporting technology that is commonplace in the contiguous 48 States does not exist in coastal Alaska due to the remoteness of villages situated along thousands of miles of coastline, marked differences in life styles, and social and economic conditions in these villages. The requested information is unique to each individual Alaska Native hunter, and no other sources are available. The information changes with each location and each animal killed, and it is necessary for the individual hunter(s) to provide the required parts of each animal killed and the information associated with those kills. We have attempted to minimize the burden on Alaska Natives by establishing a network of individuals in this program at logical and strategic locations around the State. These individuals are in place to receive reports from Alaska Native hunters so that time necessary for complying with these marking and reporting stipulations is minimized. However, it is still necessary for each individual kill to be reported in person by the hunter(s) so that marks and tags can be attached to the marine mammal parts by Service representatives included in the network, and so that those representatives can collect information important for wildlife management purposes from the parts provided (e.g., measurements of polar bear and northern sea otter skulls and walrus tusks).

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 Item 2 above.

No similar information exists.

5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.

This collection of information will not affect small businesses or other small entities. Approximately, 2,556 Alaska Native hunters of polar bear, sea otter, and walrus will report on the kills they make. Since the Service expects to have personnel (or representatives) in most coastal villages to do the marking and tagging, and to complete the reports, travel costs for Alaska Natives are not expected to be significant, and will not occur in the majority of cases.

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.

If the collection were not conducted or conducted less frequently, the Service would lose its ability to conduct the Marking, Tagging, and Reporting Program and the data essential to properly manage polar bears, Pacific walrus, and northern sea otters in Alaska will be lost. Circumstances vary with individual hunters and with each individual animal killed. There is no information otherwise available that can be used instead of the information to be provided on the reporting forms.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:
 - * requiring respondents to report information to the agency more often than quarterly;
 - * requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;
 - * requiring respondents to submit more than an original and two copies of any document;
 - * requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;
 - * in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;
 - * requiring the use of a statistical data classification that has not been reviewed and approved by OMB;
 - * that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or
 - * requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

The Marking, Tagging, and Reporting Program is intended to gather reports of all kills and to tag or mark, as appropriate, skins, skulls, and tusks of marine mammals killed to reduce illegal trade in walrus ivory and polar bear and northern sea otter skins. The data resulting from the reports is used for management of polar bears, northern sea otters, and walruses. If these reports were submitted quarterly rather than as now required (i.e., within 30 days of take), the accuracy of the data would be seriously compromised, thereby reducing the Service's ability to make sound management decisions, and increased illegal traffic of marine mammal parts could ensue.

8. If applicable, provide a copy and identify the date and page number of publication 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 in response to the PRA statement associated with the collection over the past three years] and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported. [Please list the names, titles, addresses, and phone numbers of persons contacted.]

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years — even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

On April 30, 2004, the Service published a 60-day *Federal Register* notice (69 FR 23802) informing the public of its intent to renew information collection authority from OMB. The formal public comment period closed on June 29, 2004. We received two comments, both from the same individual. The comments expressed opposition to the collection of information as described in the notice. Comments were based on a premise that the terminology is misleading and that information provided to the Service is inaccurate. We note the concerns raised by this individual; however, we believe the collection of the information as described provides an opportunity to measure the take of polar bear, sea otter, and walrus and to improve the quality and quantity of harvest and biological data necessary to make management decisions. In addition, we believe the information provided by the participants is accurate.

Interviews conducted with village taggers already participating in the program indicate that the time required to complete the tagging certificates has not changed since the last renewal 3 years ago. Taggers interviewed include:

Helen Chythlook, P.O. Box 1392, Dillingham, AK, 99576
Olaf Totland, P.O. Box 373, Yakutat, AK 99689
Tommy Olemaun, P.O. Box 69, Barrow, AK 99723
Gerry Koonooka, P.O. Box 185, Gambell, AK 99742.
Min Bartels, P.O. Box 2164, Sitka, AK 99835

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

Not applicable. No payments or gifts are made to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

We derive substantial benefits by requiring the hunter's name on the reporting forms and adding it to the database. This provides for individual accountability and assists managers and enforcement agents in conducting their duties. The confidentiality of this information is protected by provisions of the Privacy Act of 1974.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and 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.

Not applicable. No sensitive questions are asked.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- * Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.
- * If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.
- * Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.

The only foreseeable economic impact is travel expenses incurred by the Alaska Native hunters to comply with the rule. Since the Service has personnel or authorized representatives in individual villages or in nearby villages to do the actual marking and tagging, costs to Alaska Natives are not significant and in the majority of instances do not occur.

While the Service is unable to identify any specific costs to the respondents because of this program, we have determined that the "generalized" annual cost to the respondents, estimated to be \$15 per hour per respondent, is \$9,585.00. This figure was derived based on an estimated annual total time of 639 hours for Alaska Natives to comply with the regulations, computed as follows:

It will take an average of 15 minutes for hunters to report information about each kill and to have the particular animal parts marked or tagged. Since the Service's 2001 request for OMB approval for this program, experience indicates that an estimated 1,802 walrus, 66 polar bears, and 688 northern sea otters are killed each year. From this, the Service has determined that the total time required for Alaska Natives to complete the program's requirements is 639 hours per year, a decrease of 35 hours from the 2001 request.

Burden Estimates Associated with Marking, Tagging, and Reporting Regulations for Take by Alaska Natives of Polar Bear, Pacific Walrus, and Northern Sea Otter

Type of Action	Annual Number of Responses	Average burden hours per action	Annual burden hours	Annual burden @ \$15 per hour
R7-50 (walrus)	1,802	0.25	450.5	\$6,757.50
R7-51 (polar bear)	66	0.25	16.5	247.50
R7-52 (sea otter)	688	0.25	172	2,580.00
Total	2,556	0.25	639	\$9,585.00

13. Provide an estimate of the total annual [non-hour] cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).

- * The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information [including filing fees paid]. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.
- * If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.
- * Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

There is no non-hour cost to respondents.

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. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.

Additional annual management costs to the Service to implement this mandatory program should not exceed \$125,000. It is estimated that the Service's annual law enforcement costs will be \$125,000 to enforce the program. Therefore, total annual costs to the Service to implement and enforce the program are estimated to be \$250,000.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I.

The 35-hour decrease in estimated burden is a result of actual recent annual harvest levels in Alaska that show fewer animals have been killed yearly by Alaska Native hunters than estimated when our last application was completed.

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.

This is an ongoing information collection with no ending date. Results are tabulated, and, along with census data, a determination is made if a population is depleted as defined in the MMPA. Pursuant to Section 103(f) of the MMPA, an annual report to Congress on the Service's marine mammal activities is required.

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.

Not applicable. We are not seeking approval to not display the expiration date.

18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.

There are no exceptions to the certification statement identified in Item 19, OMB Form 83-I.

B. Collections of Information Employing Statistical Methods

This collection does not employ statistical methods.