

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Diana Hynek
Departmental Paperwork Clearance Officer
Office of the Chief Information Officer
14th and Constitution Ave. NW.
Room 6625
Washington, DC 20230

08/26/2004

In accordance with the Paperwork Reduction Act, OMB has taken the following action on your request for the extension of approval of an information collection received on 06/29/2004.

TITLE: Marine Mammal Stranding Report/Marine Mammal Rehabilitation Disposition Report

AGENCY FORM NUMBER(S): 89-864

ACTION : APPROVED WITHOUT CHANGE
OMB NO.: 0648-0178
EXPIRATION DATE: 08/31/2007

| BURDEN: | RESPONSES | HOURS | COSTS(\$,000) |
|----------------|-----------|-------|---------------|
| Previous | 4,800 | 1,600 | 2 |
| New | 4,800 | 2,400 | 2 |
| Difference | 0 | 800 | 0 |
| Program Change | | 0 | 0 |
| Adjustment | | 800 | 0 |

TERMS OF CLEARANCE: None

| | |
|--------------------------|--|
| OMB Authorizing Official | Title |
| Donald R. Arbuckle | Deputy Administrator, Office of Information and Regulatory Affairs |

PAPERWORK REDUCTION ACT SUBMISSION

Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the supporting statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

| | |
|--|---|
| 1. Agency/Subagency originating request | 2. OMB control number b. <input type="checkbox"/> None a. _____ - _____ |
| 3. Type of information collection (<i>check one</i>) a. <input type="checkbox"/> New Collection b. <input type="checkbox"/> Revision of a currently approved collection c. <input type="checkbox"/> Extension of a currently approved collection d. <input type="checkbox"/> Reinstatement, without change, of a previously approved collection for which approval has expired e. <input type="checkbox"/> Reinstatement, with change, of a previously approved collection for which approval has expired f. <input type="checkbox"/> Existing collection in use without an OMB control number For b-f, note Item A2 of Supporting Statement instructions | 4. Type of review requested (<i>check one</i>) a. <input type="checkbox"/> Regular submission b. <input type="checkbox"/> Emergency - Approval requested by _____ / _____ / _____ c. <input type="checkbox"/> Delegated |
| 7. Title | 5. Small entities Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 8. Agency form number(s) (<i>if applicable</i>) | 6. Requested expiration date a. <input type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other Specify: _____ / _____ |
| 9. Keywords | |
| 10. Abstract | |
| 11. Affected public (<i>Mark primary with "P" and all others that apply with "x"</i>) a. ___ Individuals or households d. ___ Farms b. ___ Business or other for-profit e. ___ Federal Government c. ___ Not-for-profit institutions f. ___ State, Local or Tribal Government | 12. Obligation to respond (<i>check one</i>) a. <input type="checkbox"/> Voluntary b. <input type="checkbox"/> Required to obtain or retain benefits c. <input type="checkbox"/> Mandatory |
| 13. Annual recordkeeping and reporting burden a. Number of respondents _____ b. Total annual responses _____ 1. Percentage of these responses collected electronically _____ % c. Total annual hours requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____ | 14. Annual reporting and recordkeeping cost burden (<i>in thousands of dollars</i>) a. Total annualized capital/startup costs _____ b. Total annual costs (O&M) _____ c. Total annualized cost requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____ |
| 15. Purpose of information collection (<i>Mark primary with "P" and all others that apply with "X"</i>) a. ___ Application for benefits e. ___ Program planning or management b. ___ Program evaluation f. ___ Research c. ___ General purpose statistics g. ___ Regulatory or compliance d. ___ Audit | 16. Frequency of recordkeeping or reporting (<i>check all that apply</i>) a. <input type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure c. <input type="checkbox"/> Reporting 1. <input type="checkbox"/> On occasion 2. <input type="checkbox"/> Weekly 3. <input type="checkbox"/> Monthly 4. <input type="checkbox"/> Quarterly 5. <input type="checkbox"/> Semi-annually 6. <input type="checkbox"/> Annually 7. <input type="checkbox"/> Biennially 8. <input type="checkbox"/> Other (describe) _____ |
| 17. Statistical methods Does this information collection employ statistical methods <input type="checkbox"/> Yes <input type="checkbox"/> No | 18. Agency Contact (person who can best answer questions regarding the content of this submission) Name: _____ Phone: _____ |

19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9

NOTE: The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It used plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention period for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):
 - (i) Why the information is being collected;
 - (ii) Use of information;
 - (iii) Burden estimate;
 - (iv) Nature of response (voluntary, required for a benefit, mandatory);
 - (v) Nature and extent of confidentiality; and
 - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of instructions);
- (i) It uses effective and efficient statistical survey methodology; and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of the provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee

Date

Agency Certification (signature of Assistant Administrator, Deputy Assistant Administrator, Line Office Chief Information Officer, head of MB staff for L.O.s, or of the Director of a Program or StaffOffice)

Signature

Date

Signature of NOAA Clearance Officer

Signature

Date

**SUPPORTING STATEMENT
MARINE MAMMAL STRANDING REPORTS/MARINE MAMMAL
REHABILITATION DISPOSITION REPORT
OMB CONTROL NO. 0648-0178**

A. Justification

1. Explain the circumstances that make the collection of information necessary.

Under the Marine Mammal Protection Act (MMPA) Section 402, the Secretary (i.e., Secretary of Commerce, who has delegated responsibility under this Act to the NOAA Assistant Administrator for Fisheries is responsible for collecting information on strandings which the Secretary will compile and analyze, by region, to monitor species, numbers, conditions, and causes of illnesses and deaths of stranded marine mammals. The Secretary is also responsible for collection of information on other life history and reference level data, including marine mammal tissue analyses, that would allow comparison of the causes of illness and deaths in stranded marine mammals with physical, chemical, and biological environmental parameters.

Specifically, the collection of this information is authorized and mandated under three provisions of the MMPA. Under the MMPA, the Secretary of Commerce is charged with the protection and management of marine mammals. In addition, determinations must be made on the sustainability of population stocks, on the impact of fisheries and other human activities on marine mammals and endangered species, and on the health of marine mammals and related environmental considerations. NOAA Fisheries has the responsibility to carry out these mandates.

Section 402(b) of the MMPA (16 U.S.C. 1421a) requires the Secretary to collect and update information on strandings. It further provides that the Secretary shall compile and analyze, by region, the species, numbers, conditions, and causes of illnesses and deaths in stranded marine mammals. Section 404 (a) of the MMPA (16 U.S.C. 1421c) mandates that the Secretary respond to unusual marine mammal mortality events. Without a historical baseline provided by marine mammal information collected from strandings, detection of such events could be difficult and the investigation could be impeded. Section 401 (b) of the MMPA (16 U.S.C. 1421) requires NMFS to facilitate the collection and dissemination of reference data on the health of marine mammal populations in the wild and to correlate health with physical, chemical, and biological environmental parameters. In order to perform this function, NMFS must standardize data collection protocols for health and correlations. Data and samples collected from stranded animals are a critical part of the implementation of this mandate of the MMPA.

Specifically, the data from the Marine Mammal Stranding Report forms provide NMFS with information on the morphology, life history, biology, general health, health and stranding trends, causes of mortality, and distribution of marine mammal species. These data provide reference information necessary to detect epizootic diseases such as the one implicated in the bottlenose dolphin die-off in 1987-88, the leptospirosis outbreak in California sea lions in 1984, and the

morbillivirus epizootic in bottlenose dolphins in the Gulf of Mexico in 1994. These data also provide information which may help in making assessments on the status of population stocks. Recording data on gross mortalities may serve as an indicator that a particular population is impacted, threatened or at increased risk, and when provided in a timely manner, aid in dynamic management practices. Changes in sex ratios, age composition, or age at sexual maturity may also indicate stressed populations and can be detected with stranding data. Stranding data also provide an important baseline for detecting and monitoring the impacts of environmental phenomena, such as El Niño, seen in California sea lions and gray whales in 1998, and Harmful Algal Blooms (HABs) such as domoic acid (repeatedly detected in California) and brevetoxin or red tide (seen most recently in the 2004 bottlenose dolphin die-off along the Florida Panhandle).

Stranding records can be a tool for alerting management personnel to changes in incidental mortality of marine mammals due to human activities such as fisheries by-catch. Evidence of significant harbor porpoise mortalities due to gill net fisheries off the mid-Atlantic coast was provided by the Stranding Network in early 1993. This provided fishery managers with clues to seasonal and geographical information on fishery impact. Information obtained from strandings can also provide indications of enforcement problems. As an example, in March 1993, large numbers of dead pinnipeds washed in on the central Washington coast. Stranding Network information provided proof that over half of the animals had been shot.

Registration of tissues retained from strandings is mandatory under 50 CFR 216.22(c). With limited exceptions, the MMPA prohibits the purchase or sale of marine mammals or marine mammal parts. It also prohibits the possession of marine mammals or marine mammal parts taken in violation of the Act. In order to provide adequate enforcement of the Act while still allowing legitimate activities, it is necessary to document the inventory of tissues that are legally held. The Marine Mammal Stranding Report form provides information which may be used for registration of marine mammal parts taken under stranding authority and for tracking of such legally obtained samples. The use of these forms assists us in standardizing this procedure.

Under MMPA section 104(c)(10) [16 U.S.C. 1374(c)(10)], NMFS is required to maintain an inventory of live marine mammals held under permits for rehabilitation or captive display. The data in the Marine Mammal Rehabilitation Disposition report are required to monitor and track animals during rehabilitation and during transfer to permanent-permitted status. For public display facilities which participate in the program as a rehabilitation center, reporting becomes a critical record if the animal is retained and put on display. If that happens, reporting requirements transfer to that mandated under OMB NO. 0648 - 0084.

The Marine Mammal Rehabilitation Disposition Report provides NMFS with information on the disposition of animals brought in for rehabilitation, the success of medical treatment, and the number of animals released. This information will assist the Agency in tracking marine mammals that move into captive display and in the monitoring of rehabilitation and release. The data will also be used to assess the burden on stranding network centers. This form will be filled out only in the case of live-stranded marine mammals. The form will be required in all five NMFS Regions. Each of the NMFS regions approves and issues a Letter of Agreement or other

form of agreement to marine mammal rehabilitation centers under §112(c) of the MMPA, which allows the Secretary to enter into agreements in order to fulfill the general purposes of the Act, and under §403 of the MMPA, which provides specific authority to enter into such stranding response agreements. These data will be monitored as part of the Rehabilitation Facilities Inspection program to be implemented in 2005.

2. Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with all applicable Information Quality Guidelines.

The Marine Mammal Stranding Network (Network) is made up of individuals authorized by NOAA Fisheries [i.e., via Letter of Agreement (LOA) or another official agreement under §112(c) of the MMPA which allows the Secretary to enter into agreements in order to fulfill the general purposes of the Act] to collect scientific data and specimens, record information on stranding events with the NMFS Regional Coordinator, and assist local and Federal authorities in the response to stranded marine mammals under §109(h) of the MMPA. They are also authorized in assisting with detection and investigation of marine mammal mortality events. The majority of Network members are affiliated with academic institutions, aquaria, rehabilitation centers, or state, federal, and local agencies. Members are requested to submit basic data on all strandings including date and location, species, condition of animal, sex of animal, length, disposition of the animal and tissues or specimens, and any personal observations. The Network members will complete the stranding form as part of their immediate response and forward the form to the NMFS regional coordinators in a timely manner, as specified in the LOA. Non-Governmental members of the Network are exempted from the prohibition on taking marine mammals through the issuance of Letters of Agreement under §112(c) of the MMPA which allows the Secretary to enter into agreements in order to fulfill the general purposes of the Act, and under §403 of the MMPA, which provides specific authority to enter into such stranding response agreements. Researchers may also obtain tissues from stranded marine mammals through the Network. The LOA relieves scientists and responders of the cumbersome process of applying for scientific research permits, but researchers must obtain an approval letter from the NMFS Regional Office, signed by the Regional Administrator, authorizing such collections.

Stranding network participants benefit by gaining access to information, data exchange and tissue samples which might otherwise not be available. Analyses of tissues from strandings by the Network and research laboratories have significantly contributed to the body of knowledge on which management decisions are made and enhanced our understanding of marine mammal health. Non-scientists participating in the Network receive the satisfaction of aiding wildlife, enhancing wildlife conservation, and furthering scientific understanding of these species. Stranding network members also provide important expertise and involvement in Unusual Mortality Event (UME) investigations, when an unusual number of animals are found stranded and an official investigation is launched to determine the factors involved.

As indicated above, the information is used by the Agency in making resource management decisions and in fulfilling responsibilities under the MMPA. In addition to detecting serious pathogens, diseases, pollution loads, evidence of anthropogenic impacts on marine mammals, investigations into UMEs, and providing life history information about marine mammal stocks, records of mortalities due to fishery by-catch are used in implementing the fisheries management regime in §118 of the MMPA. This mandates that mortality levels be below the potential biological removal level of the marine mammal stock. As an example of the value of such information, stranding reports alerted the Agency to a potentially serious interaction between harbor porpoise and coastal gillnet fisheries in the Mid-Atlantic region. In addition, the Agency is continuing to monitor strandings in the Mid-Atlantic to guide observer placement on fisheries. Prior to the receipt of stranding information, NMFS was unaware of the problem.

Section 118 of the MMPA generally provides that Take Reduction Plans be developed through Take Reduction Teams for strategic stocks of marine mammal that interact with Category I fisheries (those with frequent incidental mortality and serious injury of marine mammals) and Category II fisheries (occasional incidental mortality and serious injury of marine mammals). The data provided by Marine Mammal Stranding Reports may be used by the Take Reduction Teams to identify gear types, seasons, and geographical locations in which fisheries impact marine mammals.

Summaries of stranding data are provided to Congress, the media, and the public in the NMFS Annual Report on the MMPA and posted on the NMFS web page. In addition, the stranding data serve as the raw database for the Marine Mammal Events Program of the Smithsonian Institution, which archives data on cetacean strandings. The data obtained is used in mortality investigations, technical memoranda, and peer reviewed publications.

The information and tissues collected in conjunction with response to stranding events have been used by scientists, state management agencies, and conservation organizations. A substantial number of publications have resulted from stranding data to include information on basic morphology and distribution of marine mammals, biochemistry, diseases of marine mammals, and on the potential for interaction with fisheries.

There were 2,049 live stranded animals reported in 2002 (the most recent year for which we have compiled the data). The Marine Mammal Rehabilitation Disposition Report provides NMFS with information on the disposition of animals brought in for rehabilitation, types of disease and other health related issues upon admission, types of and response to medical treatment, and the number of animals released. This information assists the Agency in tracking marine mammals that are transferred to captive display facilities following a determination of nonreleasability and in the monitoring of rehabilitation facilities and release protocols. The data is used to assess the burden on stranding network centers. This form is filled out only in the case of live-stranded marine mammals that are transferred to a rehabilitation facility. The form is used by all six NMFS Regions.

It is anticipated that the information collected will be disseminated to the public or used to support publicly disseminated information. As explained in the preceding paragraphs, the information gathered has utility. The NMFS will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. As stated in the "Data Access" section found on the rear of the forms, upon written request (including those under the Freedom of Information Act (FOIA)), certain fields of both reports will be provided to the requestor provided that credit is given to the Marine Mammal Stranding Network and the NMFS. All other data may be released to the requestor after permission has been obtained from the contributing stranding network members and the NMFS. The privacy standards under FOIA, preventing the release of personal information including home phone numbers and addresses, will be respected. See response #10 of this Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meets all applicable information quality guidelines. Prior to dissemination, the information will be subjected to quality control measures and a pre-dissemination review pursuant to Section 515 of Public Law 106-554.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.

The Marine Mammal Health and Stranding Response Program National Database, which has been in development since 2001, is in its initial stages of implementation. Development occurred with the input and comment by many members of the stranding network, including all of the Regional Coordinators and a group of network participants who were selected as beta-testers. A staggered rollout is proposed over the course of 2004, with training sessions at regional stranding network meetings. By the end of 2004, the Database should be fully implemented in all six NOAA Fisheries regions, and stranding network participants will be entering their data directly into the database using the internet. In the initial stages of use, we ask that stranding network members continue to submit paper data forms to their Regional Coordinator (the status quo procedure), for verification purposes. After the initial phase has passed, the stranding network participants may solely enter their data online. The database very closely reflects the paper forms referenced in this collection, the Level A Data form and the Rehabilitation Disposition form.

4. Describe efforts to identify duplication.

Although some duplication of reporting (multiple users reporting the same event) may result from the large number of stranding network members responding to and reporting stranding events, it has not been a problem to date. Any duplication is eliminated during data entry and storage by regional NMFS personnel. Centralizing the data in the National Database will

provide the most efficient means to distribute information upon requests from other Federal agencies (e.g., Navy, Smithsonian Institute, etc.), Network members, state and local managers. Once the database is completed and functional, data requests will be more manageable thus decreasing the workload on the NMFS Regional Stranding Coordinators and Network Members.

5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.

Collection and centralization of data across areas involving small entities (i.e., typically not-for-profit organizations) should minimize the burden of each organization building and maintaining on their own independent databases. Since stranding network members can view data from other groups in a centralized database, communication and cooperation between the Network members should increase.

6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.

If the information collection was not conducted by NMFS, either another Federal agency or private organization would need to act in its place as coordinator for the data. If the material and data were not collected, the U.S. Government would not be able to implement Title IV of the MMPA and meet the requirements of the MMPA outlined in response to number 1. In addition, U.S. Government decisions on the management of marine mammals and the management of fisheries would not be made from the best available information.

Section 404 of the MMPA mandates that the Secretary respond to unusual marine mortality events. Response time is critical especially in the instance of an unusual mortality event. The NMFS regional stranding coordinators require near real time data to alert NMFS when an unusual mortality event is occurring. Also, without a historical baseline provided by information collected from strandings, detection and investigation of such events is more difficult.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

Because detection and response to mortality events or other problems having an impact on marine mammals is extremely time sensitive, quarterly reporting is not a viable option.

8. Provide a copy of the PRA Federal Register notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments.

A Federal Register Notice (Attached) solicited public comment. Comments were received from 17 individuals or groups. These comments are listed, addressed, and attached.

Describe the 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.

Agency personnel participate in annual meetings of the regional stranding network members to discuss stranding events, clarify data requirements, and offer guidance with the reporting process. In addition, Regional Stranding Coordinators (agency employees) meet more frequently with members of their regions, and are always available for questions or comments.

9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.

No payments or gifts are provided to respondents.

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

The respondents are instructed to not include personal information including phone numbers and e-mail addresses. In accordance with the Freedom of Information Act (FOIA) and Privacy Act, any personal information inadvertently included may be redacted from a response to a request for information by another party depending on the information and circumstances. No assurances of confidentiality are necessary or provided to respondents.

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.

The information collection does not require the submission of information of a sensitive nature.

12. Provide an estimate in hours of the burden of the collection of information.

There are approximately 400 institutions who are authorized by NMFS to participate in the Marine Mammal Stranding Network. Responses are filed as marine mammals strand. Therefore, the number of reports filed per respondent varies considerably. Many Network members do not have an occasion to respond to a stranding during a year; however, a few may file up to several hundred reports. The Marine Mammal Stranding Network responded to 3,905 stranded animals in 2001 and 4,620 in 2002. The annual average response is estimated at 4,000, representing Level A Forms. Approximately 800 live stranded animals will be taken into rehabilitation annually and will require Rehabilitation Disposition forms. There are two required forms: the Marine Mammal Stranding Report and the Marine Mammal Rehabilitation Disposition Report. These forms will be required nationwide; however, the Marine Mammal Rehabilitation Disposition Report is only required for live animal strandings. Each form is filled out twice, once on paper and once by entry into the database, at the current time. In the future, only database entry will be required. It is estimated that the average time necessary to complete each form is 30 minutes, which is inclusive of both the paper form and for entry into the national database. The total annual response time for the two forms is shown below.

| <u>Form</u> | <u>Approx. # of responses annually</u> | <u>Approx. # hours required</u> |
|--------------------|--|---------------------------------|
| Stranding Report | 4000 | 2000 |
| Disposition Report | 800 | 400 |
| | | |
| TOTAL | 4800 | 2400 |

Using an average wage rate of \$20/hour, the annualized cost to all respondents is estimated at approximately \$40,000 and \$8000 for the forms, respectively. For all respondents combined, the total annual cost of reporting is approximately \$48,000. For approximately 400 respondents, the cost to each will vary depending on number of strandings, but is estimated to be \$120.00 to complete these forms annually.

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in #12 above).

There should be no additional cost to respondents in terms of capital and start-up costs. The sole cost for operations would involve the cost of reproducing the paper forms, and postage for mailing the completed reports to the appropriate NMFS Regional Office. This cost is estimated to be approximately \$2,250 annually for the entire network, although it should be less because

respondents often submit multiple stranding reports at one time. This cost was calculated using 4800 forms * \$0.10 (photocopying) * \$0.37 (postage) = \$2,256.

14. Provide estimates of annualized cost to the Federal government.

It is estimated that ten staff months are involved in data processing and analysis. An estimate of three staff months was provided by the Southwest Region which has the highest number of strandings. Two staff months has been applied to the Northeast, Northwest, and Southeast Regions. An estimate of one staff month has been applied to Alaska and the Pacific Islands Regions, where the total number of reports are considerably less than in other Regions. Two staff month have been estimated for headquarters staff. The total cost to the Federal government is estimated at \$76,220.31. This figure includes:

\$ 51,271.76 in salaries

\$ 11,745.92 for leave at a rate of 22.9 percent of salaries

\$ 13,182.08 for employer's contribution to benefits at 25.7%
percent of salaries

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

This request is for a program change to extend OMB approval for a clearance that will soon expire and for new collection requirements.

The burden has changed from 20 minutes in the current approval to 30 minutes for the new approval (sum of 800 additional hours). This is due to a program adjustment, because data will now be entered into the online National Stranding Database, as well as filled out on the paper collection form. Because the data is identical, the increase is the 10 minutes that we feel will be necessary to either type the data into the database or to print a paper copy from the database. In the future, only online data entry will be required, but for the first phase of the National Database we are continuing to require the paper form for Quality Assurance/Quality Control purposes. The number of respondents and the number of responses per respondent have not changed from the current approval.

16. For collections whose results will be published, outline the plans for tabulation and publication.

Data from the Marine Mammal Stranding form and the Marine Mammal Disposition form will be entered into the database, reviewed by the NMFS regional stranding coordinators,

summarized, and compiled. The regional stranding coordinators will summarize and provide data upon written request. Information may also be used as baselines for comparisons of die-offs and may be included in official NMFS tech memos, peer reviewed publications, and posted on the NMFS web.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.

Such approval is not sought.

18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I.

There are no exceptions.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.

TITLE IV—Marine Mammal Health and Stranding Response

Establishment of Program

16 U.S.C. 1421

Sec. 401. (a) ESTABLISHMENT. — The Secretary shall, in consultation with the Secretary of the Interior, the Marine Mammal Commission, and individuals with knowledge and experience in marine science, marine mammal science, marine mammal veterinary and husbandry practices, and marine conservation, including stranding network participants, establish a program to be known as the "Marine Mammal Health and Stranding Response Program".

(b) PURPOSES. — The purposes of the Program shall be to—

(1) facilitate the collection and dissemination of reference data on the health of marine mammals and health trends of marine mammal populations in the wild;

(2) correlate the health of marine mammals and marine mammal populations, in the wild, with available data on physical, chemical, and biological environmental parameters; and

(3) coordinate effective responses to unusual mortality events by establishing a process in the Department of Commerce in accordance with section 404.

Determination; Data Collection and Dissemination

16 U.S.C. 1421a

Sec. 402. (a) DETERMINATION FOR RELEASE. — The Secretary shall, in consultation with the Secretary of the Interior, the Marine Mammal Commission, and individuals with knowledge and experience in marine science, marine mammal science, marine mammal veterinary and husbandry practices, and marine conservation, including stranding network participants, develop objective criteria, after an opportunity for public review and comment, to provide guidance for determining at what point a rehabilitated marine mammal is releasable to the wild.

(b) COLLECTION. — The Secretary shall, in consultation with the Secretary of the Interior, collect and update, periodically, existing information on—

(1) procedures and practices for—

(A) rescuing and rehabilitating stranded marine mammals, including criteria used by stranding network participants, on a species-by-species basis, for determining at what point a marine mammal undergoing rescue and rehabilitation is returnable to the wild; and

(B) collecting, preserving, labeling, and transporting marine mammal tissues for physical, chemical, and biological analyses;

(2) appropriate scientific literature on marine mammal health, disease, and rehabilitation;

(3) strandings, which the Secretary shall compile and analyze, by region, to monitor species, numbers, conditions, and causes of illnesses and deaths of stranded marine mammals; and

(4) other life history and reference level data, including marine mammal tissue analyses, that would allow comparison of the causes of illness and deaths in stranded marine mammals with physical, chemical, and biological environmental parameters.

(c) AVAILABILITY. — The Secretary shall make information collected under this section available to stranding network participants and other qualified scientists.

Stranding Response Agreements

16 U.S.C. 1421b

Sec. 403. (a) IN GENERAL. — The Secretary may enter into an agreement under section 112(c) with any person to take marine mammals under section 109(h)(1) in response to a stranding.

(b) REQUIRED PROVISION. — An agreement authorized by subsection (a) shall—

(1) specify each person who is authorized to perform activities under the agreement; and

(2) specify any terms and conditions under which a person so specified may delegate that authority to another person.

(c) REVIEW. — The Secretary shall periodically review agreements under section 112(c) that are entered into pursuant to this title, for performance adequacy and effectiveness.

Unusual Mortality Event Response

16 U.S.C. 1421c

Sec. 404. (a) RESPONSE. —

(1) WORKING GROUP. — (A) The Secretary, acting through the Office, shall establish, in consultation with the Secretary of the Interior, a marine mammal unusual mortality event working group, consisting of individuals with knowledge and experience in marine science, marine mammal science, marine mammal veterinary and husbandry practices, marine conservation, and medical science, to provide guidance to the Secretary and the Secretary of the Interior for—

(i) determining whether an unusual mortality event is occurring;

(ii) determining, after an unusual mortality event has begun, if response actions with respect to that event are no longer necessary; and

(iii) developing the contingency plan in accordance with subsection (b), to assist the Secretary in responding to unusual mortality events.

(B) The Federal Advisory Committee Act (5 App. U.S.C.) shall not apply to the marine mammal unusual mortality event working group established under this paragraph.

(2) RESPONSE TIMING. — The Secretary, in consultation with the Secretary of the Interior, shall to the extent necessary and practicable—

(A) within 24 hours after receiving notification from a stranding network participant that an unusual mortality event might be occurring, contact as many members as is possible of the unusual mortality event working group for guidance; and

(B) within 48 hours after receiving such notification—

(i) make a determination as to whether an unusual mortality event is occurring;

(ii) inform the stranding network participant of that determination; and

(iii) if the Secretary has determined an unusual mortality event is occurring, designate an Onsite Coordinator for the event, in accordance with subsection (c).

(b) CONTINGENCY PLAN. —

(1) IN GENERAL. — The Secretary shall, in consultation with the Secretary of the Interior and the unusual mortality event working group, and after an opportunity for public review and comment, issue a detailed contingency plan for responding to any unusual mortality event.

(2) CONTENTS. — The contingency plan required under this subsection shall include—

(A) a list of persons, including stranding network participants, at a regional, State, and local level, who can assist the Secretary in implementing a coordinated and effective response to an unusual mortality event;

(B) the types of marine mammal tissues and analyses necessary to assist in diagnosing causes of unusual mortality events;

(C) training, mobilization, and utilization procedures for available personnel, facilities, and other resources necessary to conduct a rapid and effective response to unusual mortality events; and

(D) such requirements as are necessary to—

(i) minimize death of marine mammals in the wild and provide appropriate care of marine mammals during an unusual mortality event;

(ii) assist in identifying the cause or causes of an unusual mortality event;

(iii) determine the effects of an unusual mortality event on the size estimates of the affected populations of marine mammals; and

(iv) identify any roles played in an unusual mortality event by physical, chemical, and biological factors, including contaminants.

(c) ONSITE COORDINATORS. —

(1) DESIGNATION. — (A) The Secretary shall, in consultation with the Secretary of the Interior, designate one or more Onsite Coordinators for an unusual mortality event, who shall make immediate recommendations to the stranding network participants on how to proceed with response activities.

(B) An Onsite Coordinator so designated shall be one or more appropriate Regional Directors of the National Marine Fisheries Service or the United States Fish and Wildlife Service, or their designees.

(C) If, because of the wide geographic distribution, multiple species of marine mammals involved, or magnitude of an unusual mortality event, more than one Onsite Coordinator is designated, the Secretary shall, in consultation with the Secretary of the Interior, designate which of the Onsite Coordinators shall have primary responsibility with respect to the event.

(2) FUNCTIONS. — (A) An Onsite Coordinator designated under this subsection shall coordinate and direct the activities of all persons responding to an unusual mortality event in accordance with the contingency plan issued under subsection (b), except that—

(i) with respect to any matter that is not covered by the contingency plan, an Onsite Coordinator shall use his or her best professional judgment; and

(ii) the contingency plan may be temporarily modified by an Onsite Coordinator, consulting as expeditiously as possible with the Secretary, the Secretary of the Interior, and the unusual mortality

event working group.

(B) An Onsite Coordinator may delegate to any qualified person authority to act as an Onsite Coordinator under this title.

Unusual Mortality Event Activity Funding

16 U.S.C. 1421d

Sec. 405. (a) ESTABLISHMENT OF FUND. — There is established in the Treasury an interest bearing fund to be known as the "Marine Mammal Unusual Mortality Event Fund", which shall consist of amounts deposited into the Fund under subsection (c).

(b) USES. —

(1) IN GENERAL. — Amounts in the Fund—

(A) shall be available only for use by the Secretary, in consultation with the Secretary of the Interior—

(i) to compensate persons for special costs incurred in acting in accordance with the contingency plan issued under section 404(b) or under the direction of an Onsite Coordinator for an unusual mortality event;

(ii) for reimbursing any stranding network participant for costs incurred in preparing and transporting tissues collected with respect to an unusual mortality event for the Tissue Bank; and

(iii) for care and maintenance of marine mammal seized under section 104(c)(2)(D); and

(B) shall remain available until expended.

(2) PENDING CLAIMS. — If sufficient amounts are not available in the Fund to satisfy any authorized pending claim, such claim shall remain pending until such time as sufficient amounts are available. All authorized pending claims shall be satisfied in the order received.

(c) DEPOSITS INTO THE FUND. — There shall be deposited into the Fund—

(1) amounts appropriated to the Fund;

(2) other amounts appropriated to the Secretary for use with respect to unusual mortality events; and

(3) amounts received by the United States in the form of gifts, devises, and bequests under subsection (d).

(d) ACCEPTANCE OF DONATIONS. — For purposes of carrying out this title and section 104(c)(2)(D), the Secretary may accept, solicit, and use the services of volunteers, and may accept, solicit, receive, hold, administer, and use gifts, devises, and bequests.

Liability

16 U.S.C. 1421e

Sec. 406. (a) IN GENERAL. — A person who is authorized to respond to a stranding pursuant to an agreement entered into under section 112(c) is deemed to be an employee of the government for purposes of chapter 171 of title 28, United States Code, with respect to actions of the person that are—

(1) in accordance with the agreement; and

(2) in the case of an unusual mortality event, in accordance with—

(A) the contingency plan issued under section 404(b);

(B) the instructions of an Onsite Coordinator designated under section 404(c); or

(C) the best professional judgment of an Onsite Coordinator, in the case of any matter that is not covered by the contingency plan.

(b) LIMITATION. — Subsection (a) does not apply to actions of a person described in that subsection that are grossly negligent or that constitute willful misconduct.

National Marine Mammal Tissue Bank and Tissue Analysis

16 U.S.C. 1421f

Sec. 407. (a) TISSUE BANK. —

(1) IN GENERAL. — The Secretary shall make provision for the storage, preparation, examination, and archiving of marine mammal tissues. Tissues archived pursuant to this subsection shall be known as the "National Marine Mammal Tissue Bank".

(2) GUIDANCE FOR MARINE MAMMAL TISSUE COLLECTION, PREPARATION, AND ARCHIVING. — The Secretary shall, in consultation with individuals with knowledge and expertise in marine science, marine mammal science, marine mammal veterinary and husbandry practices, and marine conservation, issue guidance, after an opportunity for public review and comment, for marine mammal tissue collection, preparation, archiving, and quality control procedures, regarding—

(A) appropriate and uniform methods and standards for those activities to provide confidence in marine mammal tissue samples used for research; and

(B) documentation of procedures used for collecting, preparing, and archiving those samples.

(3) SOURCE OF TISSUE. — In addition to tissues taken during marine mammal unusual mortality events, the Tissue Bank shall incorporate tissue samples taken from other sources in the wild, including—

(A) samples from marine mammals taken incidental to commercial fishing operations;

(B) samples from marine mammals taken for subsistence purposes;

(C) biopsy samples; and

(D) any other samples properly collected.

(b) TISSUE ANALYSIS. — The Secretary shall, in consultation with the Marine Mammal Commission, the Secretary of the Interior, and individuals with knowledge and experience in marine science, marine mammal science, marine mammal veterinary and husbandry practices, and marine conservation, issue guidance, after an opportunity for public review and comment, for analyzing tissue samples (by use of the most effective and advanced diagnostic technologies and tools practicable) as a means to monitor and measure overall health trends in representative species or populations of marine mammals, including—

(1) the levels of, and if possible, the effects of, potentially harmful contaminants; and

(2) the frequency of, and if possible, the causes and effects of abnormal lesions or anomalies.

(c) DATA BASE. —

(1) IN GENERAL. — The Secretary shall maintain a central data base which provides an effective means for tracking and accessing data on marine mammals, including relevant data on marine mammal tissues collected for and maintained in the Tissue Bank.

(2) CONTENTS. — The data base established under this subsection shall include—

(A) reference data on the health of marine mammals and populations of marine mammals; and

(B) data on species of marine mammals that are subject to unusual mortality events.

(d) ACCESS. — The Secretary shall, in consultation with the Secretary of the Interior, establish criteria, after an opportunity for public review and comment, for access to—

(1) marine mammal tissues in the Tissue Bank;

(2) analyses conducted pursuant to subsection (b); and

(3) marine mammal data in the data base maintained under subsection (c);

which provide for appropriate uses of the tissues, analyses, and data by qualified scientists, including stranding network participants.

Authorization of Appropriations

16 U.S.C. 1421g

Sec. 408. There is authorized to be appropriated—

(1) to the Secretary for carrying out this title (other than sections 405 and 407) \$250,000 for each of fiscal years 1993 and 1994;

(2) to the Secretary for carrying out section 407, \$250,000 for each of fiscal years 1993 and 1994; and

(3) to the Fund, \$500,000 for fiscal year 1993.

Definitions

16 U.S.C. 1421h

Sec. 409. In this title, the following definitions apply:

- (1) The term "Fund" means the Marine Mammal Unusual Mortality Event Fund established by section 405(a).
- (2) The term "Office" means the Office of Protected Resources, in the National Marine Fisheries Service.
- (3) The term "stranding" means an event in the wild in which—
 - (A) a marine mammal is dead and is—
 - (i) on a beach or shore of the United States; or
 - (ii) in waters under the jurisdiction of the United States (including any navigable waters); or
 - (B) a marine mammal is alive and is—
 - (i) on a beach or shore of the United States and unable to return to the water;
 - (ii) on a beach or shore of the United States and, although able to return to the water, is in need of apparent medical attention; or
 - (iii) in the waters under the jurisdiction of the United States (including any navigable waters), but is unable to return to its natural habitat under its own power or without assistance.
- (4) The term "stranding network participant" means a person who is authorized by an agreement under section 112(c) to take marine mammals as described in section 109(h)(1) in response to a stranding.
- (5) The term "Tissue Bank" means the National Marine Tissue Bank provided for under section 407(a).
- (6) The term "unusual mortality event" means a stranding that—
 - (A) is unexpected;
 - (B) involves a significant die-off of any marine mammal population; and
 - (C) demands immediate response.

Permits

16 U.S.C. 1374

Sec. 104. (a) [ISSUANCE.] — The Secretary may issue permits which authorize the taking or importation of any marine mammal. Permits for the incidental taking of marine mammals in the course of commercial fishing operations may only be issued as specifically provided for in sections 101(a)(5) or 306, or subsection (h) of this section.

(b) [REQUISITE PROVISIONS.] — Any permit issued under this section shall—

(1) be consistent with any applicable regulation established by the Secretary under section 103 of this title, and

(2) specify—

(A) the number and kind of animals which are authorized to be taken or imported,

(B) the location and manner (which manner must be determined by the Secretary to be humane) in which they may be taken, or from which they may be imported,

(C) the period during which the permit is valid, and

(D) any other terms or conditions which the Secretary deems appropriate.

In any case in which an application for a permit cites as a reason for the proposed taking the overpopulation of a particular species or population stock, the Secretary shall first consider whether or not it would be more desirable to transplant a number of animals (but not to exceed the number requested for taking in the application) of that species or stock to a location not then inhabited by such species or stock but previously inhabited by such species or stock.

(c) [IMPORTATION FOR DISPLAY OR RESEARCH.] —

(1) Any permit issued by the Secretary which authorizes the taking or importation of a marine mammal for purposes of scientific research, public display, or enhancing the survival or recovery of a species or stock shall specify, in addition to the conditions required by subsection (b) of this section, the methods of capture, supervision, care, and transportation which must be observed pursuant to such taking or importation. Any person authorized to take or import a marine mammal for purposes of scientific research, public display, or enhancing the survival or recovery of a species or stock shall furnish to the Secretary a report on all activities carried out by him pursuant to that authority.

(2)(A) A permit may be issued to take or import a marine mammal for the purpose of public display only to a person which the Secretary determines—

(i) offers a program for education or conservation purposes that is based on professionally

recognized standards of the public display community;

(ii) is registered or holds a license issued under 7 U.S.C. 2131 et seq.; and

(iii) maintains facilities for the public display of marine mammals that are open to the public on a regularly scheduled basis and that access to such facilities is not limited or restricted other than by charging of an admission fee.

(B) A permit under this paragraph shall grant to the person to which it is issued the right, without obtaining any additional permit or authorization under this Act, to—

(i) take, import, purchase, offer to purchase, possess, or transport the marine mammal that is the subject of the permit; and

(ii) sell, export, or otherwise transfer possession of the marine mammal, or offer to sell, export, or otherwise transfer possession of the marine mammal—

(I) for the purpose of public display, to a person that meets the requirements of clauses (i), (ii), and (iii) of subparagraph (A);

(II) for the purpose of scientific research, to a person that meets the requirements of paragraph (3); or

(III) for the purpose of enhancing the survival or recovery of a species or stock, to a person that meets the requirements of paragraph (4).

(C) A person to which a marine mammal is sold or exported or to which possession of a marine mammal is otherwise transferred under the authority of subparagraph (B) shall have the rights and responsibilities described in subparagraph (B) with respect to the marine mammal without obtaining any additional permit or authorization under this Act. Such responsibilities shall be limited to—

(i) for the purpose of public display, the responsibility to meet the requirements of clauses (i), (ii), and (iii) of subparagraph (A),

(ii) for the purpose of scientific research, the responsibility to meet the requirements of paragraph (3), and

(iii) for the purpose of enhancing the survival or recovery of a species or stock, the responsibility to meet the requirements of paragraph (4).

(D) If the Secretary—

(i) finds in concurrence with the Secretary of Agriculture, that a person that holds a permit under this paragraph for a marine mammal, or a person exercising rights under subparagraph (C), no longer meets the requirements of subparagraph (A)(ii) and is not reasonably likely to meet those requirements in the near future, or

(ii) finds that a person that holds a permit under this paragraph for a marine mammal, or a person exercising rights under subparagraph (C), no longer meets the requirements of subparagraph (A) (i) or (iii) and is not reasonably likely to meet those requirements in the near future,

the Secretary may revoke the permit in accordance with section 104(e), seize the marine mammal, or cooperate with other persons authorized to hold marine mammals under this Act for disposition of the marine mammal. The Secretary may recover from the person expenses incurred by the Secretary for that seizure.

(E) No marine mammal held pursuant to a permit issued under subparagraph (A), or by a person exercising rights under subparagraph (C), may be sold, purchased, exported, or transported unless the Secretary is notified of such action no later than 15 days before such action, and such action is for purposes of public display, scientific research, or enhancing the survival or recovery of a species or stock. The Secretary may only require the notification to include the information required for the inventory established under paragraph (10).

(3)(A) The Secretary may issue a permit under this paragraph for scientific research purposes to an applicant which submits with its permit application information indicating that the taking is required to further a bona fide scientific purpose. The Secretary may issue a permit under this paragraph before the end of the public review and comment period required under subsection (d)(2) if delaying issuance of the permit could result in injury to a species, stock, or individual, or in loss of unique research opportunities.

(B) No permit issued for purposes of scientific research shall authorize the lethal taking of a marine mammal unless the applicant demonstrates that a nonlethal method of conducting the research is not feasible. The Secretary shall not issue a permit for research which involves the lethal taking of a marine mammal from a species or stock that is depleted, unless the Secretary determines that the results of such research will directly benefit that species or stock, or that such research fulfills a critically important research need.

(C) Not later than 120 days after the date of enactment of the Marine Mammal Protection Act Amendments of 1994 [August 28, 1994], the Secretary shall issue a general authorization and implementing regulations allowing bona fide scientific research that may result only in taking by Level B harassment of a marine mammal. Such authorization shall apply to persons which submit, by 60 days before commencement of such research, a letter of intent via certified mail to the Secretary containing the following:

(i) The species or stocks of marine mammals which may be harassed.

(ii) The geographic location of the research.

(iii) The period of time over which the research will be conducted.

(iv) The purpose of the research, including a description of how the definition of bona fide research as established under this Act would apply.

(v) Methods to be used to conduct the research.

Not later than 30 days after receipt of a letter of intent to conduct scientific research under the general

authorization, the Secretary shall issue a letter to the applicant confirming that the general authorization applies, or, if the proposed research is likely to result in the taking (including Level A harassment) of a marine mammal, shall notify the applicant that subparagraph (A) applies.

(4)(A) A permit may be issued for enhancing the survival or recovery of a species or stock only with respect to a species or stock for which the Secretary, after consultation with the Marine Mammal Commission and after notice and opportunity for public comment, has first determined that—

(i) taking or importation is likely to contribute significantly to maintaining or increasing distribution or numbers necessary to ensure the survival or recovery of the species or stock; and

(ii) taking or importation is consistent (I) with any conservation plan adopted by the Secretary under section 115(b) of this title or any recovery plan developed under section 4(f) of the Endangered Species Act of 1973 for the species or stock, or (II) if there is no conservation or recovery plan in place, with the Secretary's evaluation of actions required to enhance the survival or recovery of the species or stock in light to the factors that would be addressed in a conservation plan or a recovery plan.

(B) A permit issued in accordance with this paragraph may allow the captive maintenance of a marine mammal from a depleted species or stock only if the Secretary—

(i) determines that captive maintenance is likely to contribute to the survival or recovery of the species or stock by maintaining a viable gene pool, increasing productivity, providing biological information, or establishing animal reserves;

(ii) determines that the expected benefit to the affected species or stock outweighs the expected benefit of alternatives which do not require removal of animals from the wild; and

(iii) requires that the marine mammal or its progeny be returned to the natural habitat of the species or stock as soon as feasible, consistent with the objectives of any applicable conservation plan or recovery plan, or of any evaluation by the Secretary under subparagraph (A).

The Secretary may allow the public display of such a marine mammal only if the Secretary determines that such display is incidental to the authorized maintenance and will not interfere with the attainment of the survival or recovery objectives.

(5)(A) The Secretary may issue a permit for the importation of polar bear parts (other than internal organs) taken in sport hunts in Canada, to an applicant which submits with its permit application proof that the polar bear was legally harvested in Canada by the applicant. Such a permit shall be issued if the Secretary, in consultation with the Marine Mammal Commission and after notice and opportunity for public comment, finds that—

(i) Canada has a monitored and enforced sport hunting program consistent with the purposes of the Agreement on the Conservation of Polar Bears;

(ii) Canada has a sport hunting program based on scientifically sound quotas ensuring the maintenance of the affected population stock at a sustainable level;

(iii) the export and subsequent import are consistent with the provisions of the Convention on International Trade in Endangered Species of Wild Fauna and Flora and other international agreements and conventions; and

(iv) the export and subsequent import are not likely to contribute to illegal trade in bear parts.

(B) The Secretary shall establish and charge a reasonable fee for permits issued under this paragraph. All fees collected under this paragraph shall be available to the Secretary for use in developing and implementing cooperative research and management programs for the conservation of polar bears in Alaska and Russia pursuant to section 113(d).

(C)(i) The Secretary shall undertake a scientific review of the impact of permits issued under this paragraph on the polar bear population stocks in Canada within 2 years after the date of enactment of this paragraph [April 30, 1996]. The Secretary shall provide an opportunity for public comment during the course of such review, and shall include a response to such public comment in the final report on such review.

(ii) The Secretary shall not issue permits under this paragraph after September 30, 1996, if the Secretary determines, based on the scientific review, that the issuance of permits under this paragraph is having a significant adverse impact on the polar bear population stocks in Canada. The Secretary may review such determination annually thereafter, in light of the best scientific information available, and shall complete the review not later than January 31 in any year a review is undertaken. The Secretary may issue permits under this paragraph whenever the Secretary determines, on the basis of such annual review, that the issuance of permits under this paragraph is not having a significant adverse impact on the polar bear population stocks in Canada.

(D) The Secretary of the Interior shall, expeditiously after the expiration of the applicable 30 day period under subsection (d)(2), issue a permit for the importation of polar bear parts (other than internal organs) from polar bears taken in sport hunts in Canada before the date of enactment of the Marine Mammal Protection Act Amendments of 1994 [April 30, 1994], to each applicant who submits, with the permit application, proof that the polar bear was legally harvested in Canada by the applicant. The Secretary shall issue such permits without regard to the provisions of subparagraphs (A) and (C)(ii) of this paragraph, subsection (d)(3) of this section, and sections 101 and 102. This subparagraph shall not apply to polar bear parts that were imported before the effective date of this subparagraph [June 12, 1997].

(6) A permit may be issued for photography for educational or commercial purposes involving marine mammals in the wild only to an applicant which submits with its permit application information indicating that the taking will be limited to Level B harassment, and the manner in which the products of such activities will be made available to the public.

(7) Upon request by a person for a permit under paragraph (2), (3), or (4) for a marine mammal which is in the possession of any person authorized to possess it under this Act and which is determined under guidance under section 402(a) not to be releasable to the wild, the Secretary shall issue the permit to the person requesting the permit if that person—

(A) meets the requirements of clauses (i), (ii), and (iii) of paragraph (2)(A), in the case of a request for a permit under paragraph (2);

(B) meets the requirements of paragraph (3), in the case of a request for a permit under that paragraph; or

(C) meets the requirements of paragraph (4), in the case of a request for a permit under that paragraph.

(8)(A) No additional permit or authorization shall be required to possess, sell, purchase, transport, export, or offer to sell or purchase the progeny of marine mammals taken or imported under this subsection, if such possession, sale, purchase, transport, export, or offer to sell or purchase is—

(i) for the purpose of public display, and by or to, respectively, a person which meets the requirements of clauses (i), (ii), and (iii) of paragraph (2)(A);

(ii) for the purpose of scientific research, and by or to, respectively, a person which meets the requirements of paragraph (3); or

(iii) for the purpose of enhancing the survival or recovery of a species or stock, and by or to, respectively, a person which meets the requirements of paragraph (4).

(B)(i) A person which has a permit under paragraph (2), or a person exercising rights under paragraph (2)(C), which has possession of a marine mammal that gives birth to progeny shall—

(I) notify the Secretary of the birth of such progeny within 30 days after the date of birth; and

(II) notify the Secretary of the sale, purchase, or transport of such progeny no later than 15 days before such action.

(ii) The Secretary may only require notification under clause (i) to include the information required for the inventory established under paragraph (10).

(C) Any progeny of a marine mammal born in captivity before the date of the enactment of the Marine Mammal Protection Act Amendments of 1994 [April 30, 1994] and held in captivity for the purpose of public display shall be treated as though born after that date of enactment.

(9) No marine mammal may be exported for the purpose of public display, scientific research, or enhancing the survival or recovery of a species or stock unless the receiving facility meets standards that are comparable to the requirements that a person must meet to receive a permit under this subsection for that purpose.

(10) The Secretary shall establish and maintain an inventory of all marine mammals possessed pursuant to permits issued under paragraph (2)(A), by persons exercising rights under paragraph (2)(C), and all progeny of such marine mammals. The inventory shall contain, for each marine mammal, only the following information which shall be provided by a person holding a marine mammal under this Act:

(A) The name of the marine mammal or other identification.

(B) The sex of the marine mammal.

(C) The estimated or actual birth date of the marine mammal.

(D) The date of acquisition or disposition of the marine mammal by the permit holder.

(E) The source from whom the marine mammal was acquired including the location of the take from the wild, if applicable.

(F) If the marine mammal is transferred, the name of the recipient.

(G) A notation if the animal was acquired as the result of a stranding.

(H) The date of death of the marine mammal and the cause of death when determined.

(d) [APPLICATION PROCEDURES; NOTICE; HEARING; REVIEW.] —

(1) The Secretary shall prescribe such procedures as are necessary to carry out this section, including the form and manner in which application for permits may be made.

(2) The Secretary shall publish notice in the Federal Register of each application made for a permit under this section. Such notice shall invite the submission from interested parties, within thirty days after the date of the notice, of written data or views, with respect to the taking or importation proposed in such application.

(3) The applicant for any permit under this section must demonstrate to the Secretary that the taking or importation of any marine mammal under such permit will be consistent with the purposes of this Act and the applicable regulations established under section 103 of this title.

(4) If within thirty days after the date of publication of notice pursuant to paragraph (2) of this subsection with respect to any application for a permit any interested party or parties request a hearing in connection therewith, the Secretary may, within sixty days following such date of publication, afford to such party or parties an opportunity for such a hearing.

(5) As soon as practicable (but not later than thirty days) after the close of the hearing or, if no hearing is held, after the last day on which data, or views, may be submitted pursuant to paragraph (2) of this subsection, the Secretary shall (A) issue a permit containing such terms and conditions as he deems appropriate, or (B) shall deny issuance of a permit. Notice of the decision of the Secretary to issue or to deny any permit under this paragraph must be published in the Federal Register within ten days after the date of issuance or denial.

(6) Any applicant for a permit, or any party opposed to such permit, may obtain judicial review of the terms and conditions of any permit issued by the Secretary under this section or of his refusal to issue such a permit. Such review, which shall be pursuant to chapter 7 of Title 5, United States Code, may be initiated by filing a petition for review in the United States district court for the district wherein the applicant for a permit resides, or has his principal place of business, or in the United States District Court for the District of Columbia, within sixty days after the date on which such permit is issued or denied.

(e) [MODIFICATION, SUSPENSION, AND REVOCATION.] —

(1) The Secretary may modify, suspend, or revoke in whole or part any permit issued by him under this

section—

(A) in order to make any such permit consistent with any change made after the date of issuance of such permit with respect to any applicable regulation prescribed under section 103 of this title,

(B) in any case in which a violation of the terms and conditions of the permit is found, or

(C) if, in the case of a permit under subsection (c)(5) authorizing importation of polar bear parts, the Secretary, in consultation with the appropriate authority in Canada, determines that the sustainability of Canada's polar bear population stocks are being adversely affected or that sport hunting may be having a detrimental effect on maintaining polar bear population stocks throughout their range.

(2) Whenever the Secretary shall propose any modification, suspension, or revocation of a permit under this subsection, the permittee shall be afforded opportunity, after due notice, for a hearing by the Secretary with respect to such proposed modification, suspension, or revocation. Such proposed action by the Secretary shall not take effect until a decision is issued by him after such hearing. Any action taken by the Secretary after such a hearing is subject to judicial review on the same basis as is any action taken by him with respect to a permit application under paragraph (5) of subsection (d) of this section.

(3) Notice of the modification, suspension, or revocation of any permit by the Secretary shall be published in the Federal Register within ten days from the date of the Secretary's decision.

(f) [POSSESSION OF PERMIT BY ISSUEE OR HIS AGENT.] — Any permit issued under this section must be in the possession of the person to whom it is issued (or an agent of such person) during—

(1) the time of the authorized or taking importation;

(2) the period of any transit of such person or agent which is incident to such taking or importation; and

(3) any other time while any marine mammal taken or imported under such permit is in the possession of such person or agent.

A duplicate copy of the issued permit must be physically attached to the container, package, enclosure, or other means of containment, in which the marine mammal is placed for purposes of storage, transit, supervision, or care.

(g) [FEES.] — The Secretary shall establish and charge a reasonable fee for permits issued under this section.

(h) [GENERAL PERMITS.] — (1) Consistent with the regulations prescribed pursuant to section 103 of this title and the requirements of section 101 of this title, the Secretary may issue an annual permit to a United States purse seine fishing vessel for the taking of such marine mammals, and shall issue regulations to cover the use of any such annual permits.

(2) Such annual permits for the incidental taking of marine mammals in the course of commercial purse seine fishing for yellowfin tuna in the eastern tropical Pacific Ocean shall be governed by section 306 of this Act, subject to the regulations issued pursuant to section 303 of this Act.

(3)(A) The Secretary shall, commencing on January 1, 1985, undertake a scientific research program to monitor for at least five consecutive years, and periodically as necessary thereafter, the indices of abundance and trends of marine mammal population stocks which are incidentally taken in the course of commercial purse seine fishing for yellowfin tuna in the eastern tropical Pacific Ocean.

(B) If the Secretary determines, on the basis of the best scientific information available (including that obtained under the monitoring program), that the incidental taking of marine mammals permitted under the general permit referred to in paragraph (2) is having a significant adverse effect on a marine mammal population stock, the Secretary shall take such action as is necessary, after notice and an opportunity for an agency hearing on the record, to modify the applicable incidental take quotas or requirements for gear and fishing practices (or both such quotas and requirements) for such fishing so as to ensure that the marine mammal population stock is not significantly adversely affected by the incidental taking.

(C) For each year after 1984, the Secretary shall include in his annual report to the public and the Congress under section 103(f) a discussion of the proposed activities to be conducted each year as part of the monitoring program required by subparagraph (A).

(D) There are authorized to be appropriated to the Department of Commerce for purposes of carrying out the monitoring program required under this paragraph not to exceed \$4,000,000 for the period beginning October 1, 1984, and ending September 30, 1988.

Penalties

16 U.S.C. 1375

Sec. 105. (a)(1) Any person who violates any provision of this title or of any permit or regulation issued thereunder, except as provided in section 118, may be assessed a civil penalty by the Secretary of not more than \$10,000 for each such violation. No penalty shall be assessed unless such person is given notice and opportunity for a hearing with respect to such violation. Each unlawful taking or importation shall be a separate offense. Any such civil penalty may be remitted or mitigated by the Secretary for good cause shown. Upon any failure to pay a penalty assessed under this subsection, the Secretary may request the Attorney General to institute a civil action in a district court of the United States for any district in which such person is found, resides, or transacts business to collect the penalty and such court shall have jurisdiction to hear and decide any such action.

(2) In any case involving an alleged unlawful importation of a marine mammal or marine mammal product, if such importation is made by an individual for his own personal or family use (which does not include importation as an accommodation to others or for sale or other commercial use), the Secretary may, in lieu of instituting a proceeding under paragraph (1), allow the individual to abandon the mammal or product, under procedures to be prescribed by the Secretary, to the enforcement officer at the port of entry.

(b) Any person who knowingly violates any provision of this title or of any permit or regulation issued thereunder (except as provided in section 118) shall, upon conviction, be fined not more than \$20,000 for each such violation, or imprisoned for not more than one year, or both.

(g) [ENVIRONMENTAL IMPACT STATEMENT NOT REQUIRED.] — Neither the transfer of management authority to a State under subsection (b)(1), nor the revocation or voluntary return of such authority under subsection (e), shall be deemed to be an action for which an environmental impact statement is required under section 102 of the National Environmental Policy Act of 1969.

(h) [TAKING OF MARINE MAMMALS AS PART OF OFFICIAL DUTIES.] —

(1) Nothing in this title or title IV shall prevent a Federal, State, or local government official or employee or a person designated under section 112(c) from taking, in the course of his or her duties as an official, employee, or designee, a marine mammal in a humane manner (including euthanasia) if such taking is for—

- (A) the protection or welfare of the mammal,
- (B) the protection of the public health and welfare, or
- (C) the nonlethal removal of nuisance animals.

(2) Nothing in this title shall prevent the Secretary or a person designated under section 112(c) from importing a marine mammal into the United States if such importation is necessary to render medical treatment that is not otherwise available.

(3) In any case in which it is feasible to return to its natural habitat a marine mammal taken or imported under circumstances described in this subsection, steps to achieve that result shall be taken.

(i) [REGULATIONS COVERING TAKING OF MARINE MAMMALS BY ALASKAN NATIVES.] — The Secretary may (after providing notice thereof in the Federal Register and in newspapers of general circulation, and through appropriate electronic media, in the affected area and providing opportunity for a hearing thereon in such area) prescribe regulations requiring the marking, tagging, and reporting of animals taken pursuant to section 101(b).

(j) [GRANTS TO DEVELOP OR ADMINISTER STATE CONSERVATION AND MANAGEMENT PROGRAMS.] — The Secretary may make grants to States to assist them—

(1) in developing programs, to be submitted for approval under subsection (b), for the conservation and management of species of marine mammals; and

(2) in administering such programs if management authority for such species is transferred to the State under such subsection.

Grants made under this subsection may not exceed 50 per centum of the costs of developing a State program before Secretarial approval, or of administering the program thereafter.

(k) [DELEGATION OF ADMINISTRATION AND ENFORCEMENT TO STATES.] — The Secretary is authorized and directed to enter into cooperative arrangements with the appropriate officials of any State for the delegation to such State of the administration and enforcement of this title: *Provided*, That any such arrangement shall contain such provisions as the Secretary deems appropriate to insure that the purposes and policies of this Act will be carried out.

Regulations and Administration

16 U.S.C. 1382

Sec. 112. (a) [CONSULTATION WITH FEDERAL AGENCIES.] — The Secretary, in consultation with any other Federal agency to the extent that such agency may be affected, shall prescribe such regulations as are necessary and appropriate to carry out the purposes of this title.

(b) [COOPERATION BY FEDERAL AGENCIES.] — Each Federal agency is authorized and directed to cooperate with the Secretary, in such manner as may be mutually agreeable, in carrying out the purposes of this title.

(c) [CONTRACTS, LEASES, AND COOPERATIVE AGREEMENTS.] — The Secretary may enter into such contracts, leases, cooperative agreements, or other transactions as may be necessary to carry out the purposes of this title or title IV and on such terms as he deems appropriate with any Federal or State agency, public or private institution, or other person.

(d) [ANNUAL REVIEW; SUSPENSION OF PROGRAM.] — The Secretary shall review annually the operation of each program in which the United States participates involving the taking of marine mammals on land. If at any time the Secretary finds that any such program cannot be administered on lands owned by the United States or in which the United States has an interest in a manner consistent with the purposes of policies of this Act, he shall suspend the operation of that program and shall include in the annual report to the public and the Congress required under section 103(f) of this Act his reasons for such suspension, together with recommendations for such legislation as he deems necessary and appropriate to resolve the problem.

(e) [MEASURES TO ALLEVIATE IMPACTS ON STRATEGIC STOCKS.] — If the Secretary determines, based on a stock assessment under section 117 or other significant new information obtained under this Act, that impacts on rookeries, mating grounds, or other areas of similar ecological significance to marine mammals may be causing the decline or impeding the recovery of a strategic stock, the Secretary may develop and implement conservation or management measures to alleviate those impacts. Such measures shall be developed and implemented after consultation with the Marine Mammal Commission and the appropriate Federal agencies and after notice and opportunity for public comment.

Taking of Marine Mammals Incidental to Commercial Fishing Operations

16 U.S.C. 1387

Sec. 118. (a) IN GENERAL. —

(1) Effective on the date of enactment of this section [April 30, 1994], and except as provided in section 114 and in paragraphs (2), (3), and (4) of this subsection, the provisions of this section shall govern the incidental taking of marine mammals in the course of commercial fishing operations by persons using vessels of the United States or vessels which have valid fishing permits issued by the Secretary in accordance with section 204(b) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1824(b)). In any event it shall be the immediate goal that the incidental mortality or serious injury of marine mammals occurring in the course of commercial fishing operations be reduced to insignificant levels approaching a zero mortality and serious injury rate within 7 years after the date of enactment of this section [April 30, 2001].

(2) In the case of the incidental taking of marine mammals from species or stocks designated under this Act as depleted on the basis of their listing as threatened species or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), both this section and section 101(a)(5)(E) of this Act shall apply.

(3) Sections 104(h) and title III, and not this section, shall govern the taking of marine mammals in the course of commercial purse seine fishing for yellowfin tuna in the eastern tropical Pacific Ocean.

(4) This section shall not govern the incidental taking of California sea otters and shall not be deemed to amend or repeal the Act of November 7, 1986 (Public Law 99-625; 100 Stat. 3500).

(5) Except as provided in section 101(c), the intentional lethal take of any marine mammal in the course of commercial fishing operations is prohibited.

(6) Sections 103 and 104 shall not apply to the incidental taking of marine mammals under the authority of this section.

(b) ZERO MORTALITY RATE GOAL. —

(1) Commercial fisheries shall reduce incidental mortality and serious injury of marine mammals to insignificant levels approaching a zero mortality and serious injury rate within 7 years after the date of enactment of this section [April 30, 2001].

(2) Fisheries which maintain insignificant serious injury and mortality levels approaching a zero rate shall not be required to further reduce their mortality and serious injury rates.

(3) Three years after such date of enactment [April 30, 1997], the Secretary shall review the progress of all commercial fisheries, by fishery, toward reducing incidental mortality and serious injury to insignificant levels approaching a zero rate. The Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Merchant Marine and Fisheries of the House of Representatives a report setting forth the results of such review within 1 year after commencement of the review. The Secretary shall note any commercial fishery for which additional information is required to accurately assess the level of incidental mortality and serious injury of marine mammals in the fishery.

(4) If the Secretary determines after review under paragraph (3) that the rate of incidental mortality and serious injury of marine mammals in a commercial fishery is not consistent with paragraph (1), then the Secretary shall take appropriate action under subsection (f).

(c) REGISTRATION AND AUTHORIZATION. —

(1) The Secretary shall, within 90 days after the date of enactment of this section [July 29, 1994]—

(A) publish in the Federal Register for public comment, for a period of not less than 90 days, any necessary changes to the Secretary's list of commercial fisheries published under section 114(b)(1) and which is in existence on March 31, 1994 (along with an explanation of such changes and a statement describing the marine mammal stocks interacting with, and the approximate number of vessels or persons actively involved in, each such fishery), with respect to commercial fisheries that have—

(i) frequent incidental mortality and serious injury of marine mammals;

(ii) occasional incidental mortality and serious injury of marine mammals; or

(iii) a remote likelihood of or no known incidental mortality or serious injury of marine mammals;

(B) after the close of the period for such public comment, publish in the Federal Register a revised list of commercial fisheries and an update of information required by subparagraph (A), together with a summary of the provisions of this section and information sufficient to advise vessel owners on how to obtain an authorization and otherwise comply with the requirements of this section; and

(C) at least once each year thereafter, and at such other times as the Secretary considers appropriate, reexamine, based on information gathered under this Act and other relevant sources and after notice and opportunity for public comment, the classification of commercial fisheries and other determinations required under subparagraph (A) and publish in the Federal Register any necessary changes.

(2)(A) An authorization shall be granted by the Secretary in accordance with this section for a vessel engaged in a commercial fishery listed under paragraph (1)(A) (i) or (ii), upon receipt by the Secretary of a completed registration form providing the name of the vessel owner and operator, the name and description of the vessel, the fisheries in which it will be engaged, the approximate time, duration, and location of such fishery operations, and the general type and nature of use of the fishing gear and techniques used. Such information shall be in a readily usable format that can be efficiently entered into and utilized by an automated or computerized data processing system. A decal or other physical evidence that the authorization is current and valid shall be issued by the Secretary at the time an authorization is granted, and so long as the authorization remains current and valid, shall be reissued annually thereafter.

(B) No authorization may be granted under this section to the owner of a vessel unless such vessel—

(i) is a vessel of the United States; or

(ii) has a valid fishing permit issued by the Secretary in accordance with section 204(b) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1824(b)).

(C) Except as provided in subsection (a), an authorization granted under this section shall allow the incidental taking of all species and stocks of marine mammals to which this Act applies.

(3)(A) An owner of a vessel engaged in any fishery listed under paragraph (1)(A) (i) or (ii) shall, in order to engage in the lawful incidental taking of marine mammals in a commercial fishery—

(i) have registered as required under paragraph (2) with the Secretary in order to obtain for each such vessel owned and used in the fishery an authorization for the purpose of incidentally taking marine mammals in accordance with this section, except that owners of vessels holding valid certificates of exemption under section 114 are deemed to have registered for purposes of this subsection for the period during which such exemption is valid;

(ii) ensure that a decal or such other physical evidence of a current and valid authorization as the Secretary may require is displayed on or is in the possession of the master of each such vessel;

(iii) report as required by subsection (e); and

(iv) comply with any applicable take reduction plan and emergency regulations issued under this section.

(B) Any owner of a vessel receiving an authorization under this section for any fishery listed under paragraph (1)(A) (i) or (ii) shall, as a condition of that authorization, take on board an observer if requested to do so by the Secretary.

(C) An owner of a vessel engaged in a fishery listed under paragraph (1)(A) (i) or (ii) who—

(i) fails to obtain from the Secretary an authorization for such vessel under this section;

(ii) fails to maintain a current and valid authorization for such vessel; or

(iii) fails to ensure that a decal or other physical evidence of such authorization issued by the

Secretary is displayed on or is in possession of the master of the vessel,

and the master of any such vessel engaged in such fishery, shall be deemed to have violated this title, and for violations of clauses (i) and (ii) shall be subject to the penalties of this title, and for violations of clause (iii) shall be subject to a fine of not more than \$100 for each offense.

(D) If the owner of a vessel has obtained and maintains a current and valid authorization from the Secretary under this section and meets the requirements set forth in this section, including compliance with any regulations to implement a take reduction plan under this section, the owner of such vessel, and the master and crew members of the vessel, shall not be subject to the penalties set forth in this title for the incidental taking of marine mammals while such vessel is engaged in a fishery to which the authorization applies.

(E) Each owner of a vessel engaged in any fishery not listed under paragraph (1)(A) (i) or (ii), and the master and crew members of such a vessel, shall not be subject to the penalties set forth in this title for the incidental taking of marine mammals if such owner reports to the Secretary, in the form and manner required under subsection (e), instances of incidental mortality or injury of marine mammals in the course of that fishery.

(4)(A) The Secretary shall suspend or revoke an authorization granted under this section and shall not issue a decal or other physical evidence of the authorization for any vessel until the owner of such vessel complies with the reporting requirements under subsection (e) and such requirements to take on board an observer under paragraph (3)(B) as are applicable to such vessel. Previous failure to comply with the requirements of section 114 shall not bar authorization under this section for an owner who complies with the requirements of this section.

(B) The Secretary may suspend or revoke an authorization granted under this subsection, and may not issue a decal or other physical evidence of the authorization for any vessel which fails to comply with a take reduction plan or emergency regulations issued under this section.

(C) The owner and master of a vessel which fails to comply with a take reduction plan shall be subject to the penalties of sections 105 and 107, and may be subject to section 106.

(5)(A) The Secretary shall develop, in consultation with the appropriate States, affected Regional Fishery Management Councils, and other interested persons, the means by which the granting and administration of authorizations under this section shall be integrated and coordinated, to the maximum extent practicable, with existing fishery licenses, registrations, and related programs.

(B) The Secretary shall utilize newspapers of general circulation, fishery trade associations, electronic media, and other means of advising commercial fishermen of the provisions of this section and the means by which they can comply with its requirements.

(C) The Secretary is authorized to charge a fee for the granting of an authorization under this section. The level of fees charged under this subparagraph shall not exceed the administrative costs incurred in granting an authorization. Fees collected under this subparagraph shall be available to the Under Secretary of Commerce for Oceans and Atmosphere for expenses incurred in the granting and administration of authorizations under this section.

(d) MONITORING OF INCIDENTAL TAKES. —

(1) The Secretary shall establish a program to monitor incidental mortality and serious injury of marine mammals during the course of commercial fishing operations. The purposes of the monitoring program shall be to—

(A) obtain statistically reliable estimates of incidental mortality and serious injury;

(B) determine the reliability of reports of incidental mortality and serious injury under subsection (e);
and

(C) identify changes in fishing methods or technology that may increase or decrease incidental mortality and serious injury.

(2) Pursuant to paragraph (1), the Secretary may place observers on board vessels as necessary, subject to the provisions of this section. Observers may, among other tasks—

(A) record incidental mortality and injury, or by catch of other nontarget species;

(B) record numbers of marine mammals sighted; and

(C) perform other scientific investigations.

(3) In determining the distribution of observers among commercial fisheries and vessels within a fishery, the Secretary shall be guided by the following standards:

(A) The requirement to obtain statistically reliable information.

(B) The requirement that assignment of observers is fair and equitable among fisheries and among vessels in a fishery.

(C) The requirement that no individual person or vessel, or group of persons or vessels, be subject to excessive or overly burdensome observer coverage.

(D) To the extent practicable, the need to minimize costs and avoid duplication.

(4) To the extent practicable, the Secretary shall allocate observers among commercial fisheries in accordance with the following priority:

(A) The highest priority for allocation shall be for commercial fisheries that have incidental mortality or serious injury of marine mammals from stocks listed as endangered species or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(B) The second highest priority for allocation shall be for commercial fisheries that have incidental mortality and serious injury of marine mammals from strategic stocks.

(C) The third highest priority for allocation shall be for commercial fisheries that have incidental mortality or serious injury of marine mammals from stocks for which the level of incidental mortality and

serious injury is uncertain.

(5) The Secretary may establish an alternative observer program to provide statistically reliable information on the species and number of marine mammals incidentally taken in the course of commercial fishing operations. The alternative observer program may include direct observation of fishing activities from vessels, airplanes, or points on shore.

(6) The Secretary is not required to place an observer on a vessel in a fishery if the Secretary finds that—

(A) in a situation in which harvesting vessels are delivering fish to a processing vessel and the catch is not taken on board the harvesting vessel, statistically reliable information can be obtained from an observer on board the processing vessel to which the fish are delivered;

(B) the facilities on a vessel for quartering of an observer, or for carrying out observer functions, are so inadequate or unsafe that the health or safety of the observer or the safe operation of the vessel would be jeopardized; or

(C) for reasons beyond the control of the Secretary, an observer is not available.

(7) The Secretary may, with the consent of the vessel owner, station an observer on board a vessel engaged in a fishery not listed under subsection (c)(1)(A) (i) or (ii).

(8) Any proprietary information collected under this subsection shall be confidential and shall not be disclosed except—

(A) to Federal employees whose duties require access to such information;

(B) to State or tribal employees pursuant to an agreement with the Secretary that prevents public disclosure of the identity or business of any person;

(C) when required by court order; or

(D) in the case of scientific information involving fisheries, to employees of Regional Fishery Management Councils who are responsible for fishery management plan development and monitoring.

(9) The Secretary shall prescribe such procedures as may be necessary to preserve such confidentiality, except that the Secretary shall release or make public upon request any such information in aggregate, summary, or other form which does not directly or indirectly disclose the identity or business of any person.

(e) **REPORTING REQUIREMENT.** — The owner or operator of a commercial fishing vessel subject to this Act shall report all incidental mortality and injury of marine mammals in the course of commercial fishing operations to the Secretary by mail or other means acceptable to the Secretary within 48 hours after the end of each fishing trip on a standard postage-paid form to be developed by the Secretary under this section. Such form shall be capable of being readily entered into and usable by an automated or computerized data processing system and shall require the vessel owner or operator to provide the following:

(1) The vessel name, and Federal, State, or tribal registration numbers of the registered vessel.

(2) The name and address of the vessel owner or operator.

(3) The name and description of the fishery.

(4) The species of each marine mammal incidentally killed or injured, and the date, time, and approximate geographic location of such occurrence.

(f) TAKE REDUCTION PLANS. —

(1) The Secretary shall develop and implement a take reduction plan designed to assist in the recovery or prevent the depletion of each strategic stock which interacts with a commercial fishery listed under subsection (c)(1)(A) (i) or (ii), and may develop and implement such a plan for any other marine mammal stocks which interact with a commercial fishery listed under subsection (c)(1)(A)(i) which the Secretary determines, after notice and opportunity for public comment, has a high level of mortality and serious injury across a number of such marine mammal stocks.

(2) The immediate goal of a take reduction plan for a strategic stock shall be to reduce, within 6 months of its implementation, the incidental mortality or serious injury of marine mammals incidentally taken in the course of commercial fishing operations to levels less than the potential biological removal level established for that stock under section 117. The long-term goal of the plan shall be to reduce, within 5 years of its implementation, the incidental mortality or serious injury of marine mammals incidentally taken in the course of commercial fishing operations to insignificant levels approaching a zero mortality and serious injury rate, taking into account the economics of the fishery, the availability of existing technology, and existing State or regional fishery management plans.

(3) If there is insufficient funding available to develop and implement a take reduction plan for all such stocks that interact with commercial fisheries listed under subsection (c)(1)(A) (i) or (ii), the Secretary shall give highest priority to the development and implementation of take reduction plans for species or stocks whose level of incidental mortality and serious injury exceeds the potential biological removal level, those that have a small population size, and those which are declining most rapidly.

(4) Each take reduction plan shall include—

(A) a review of the information in the final stock assessment published under section 117(b) and any substantial new information;

(B) an estimate of the total number and, if possible, age and gender, of animals from the stock that are being incidentally lethally taken or seriously injured each year during the course of commercial fishing operations, by fishery;

(C) recommended regulatory or voluntary measures for the reduction of incidental mortality and serious injury;

(D) recommended dates for achieving the specific objectives of the plan.

(5)(A) For any stock in which incidental mortality and serious injury from commercial fisheries exceeds the potential biological removal level established under section 117, the plan shall include measures the Secretary expects will reduce, within 6 months of the plan's implementation, such mortality and serious injury

to a level below the potential biological removal level.

(B) For any stock in which human-caused mortality and serious injury exceeds the potential biological removal level, other than a stock to which subparagraph (A) applies, the plan shall include measures the Secretary expects will reduce, to the maximum extent practicable within 6 months of the plan's implementation, the incidental mortality and serious injury by such commercial fisheries from that stock. For purposes of this subparagraph, the term "maximum extent practicable" means to the lowest level that is feasible for such fisheries within the 6-month period.

(6)(A) At the earliest possible time (not later than 30 days) after the Secretary issues a final stock assessment under section 117(b) for a strategic stock, the Secretary shall, and for stocks that interact with a fishery listed under subsection (c)(1)(A)(i) for which the Secretary has made a determination under paragraph (1), the Secretary may—

(i) establish a take reduction team for such stock and appoint the members of such team in accordance with subparagraph (C); and

(ii) publish in the Federal Register a notice of the team's establishment, the names of the team's appointed members, the full geographic range of such stock, and a list of all commercial fisheries that cause incidental mortality and serious injury of marine mammals from such stock.

(B) The Secretary may request a take reduction team to address a stock that extends over one or more regions or fisheries, or multiple stocks within a region or fishery, if the Secretary determines that doing so would facilitate the development and implementation of plans required under this subsection.

(C) Members of take reduction teams shall have expertise regarding the conservation or biology of the marine mammal species which the take reduction plan will address, or the fishing practices which result in the incidental mortality and serious injury of such species. Members shall include representatives of Federal agencies, each coastal State which has fisheries which interact with the species or stock, appropriate Regional Fishery Management Councils, interstate fisheries commissions, academic and scientific organizations, environmental groups, all commercial and recreational fisheries groups and gear types which incidentally take the species or stock, Alaska Native organizations or Indian tribal organizations, and others as the Secretary deems appropriate. Take reduction teams shall, to the maximum extent practicable, consist of an equitable balance among representatives of resource user interests and nonuser interests.

(D) Take reduction teams shall not be subject to the Federal Advisory Committee Act (5 App. U.S.C.). Meetings of take reduction teams shall be open to the public, and prior notice of meetings shall be made public in a timely fashion.

(E) Members of take reduction teams shall serve without compensation, but may be reimbursed by the Secretary, upon request, for reasonable travel costs and expenses incurred in performing their duties as members of the team.

(7) Where the human-caused mortality and serious injury from a strategic stock is estimated to be equal to or greater than the potential biological removal level established under section 117 for such stock and such stock interacts with a fishery listed under subsection (c)(1)(A) (i) or (ii), the following procedures shall apply in the development of the take reduction plan for the stock:

(A)(i) Not later than 6 months after the date of establishment of a take reduction team for the stock, the team shall submit a draft take reduction plan for such stock to the Secretary, consistent with the other provisions of this section.

(ii) Such draft take reduction plan shall be developed by consensus. In the event consensus cannot be reached, the team shall advise the Secretary in writing on the range of possibilities considered by the team, and the views of both the majority and minority.

(B)(i) The Secretary shall take the draft take reduction plan into consideration and, not later than 60 days after the submission of the draft plan by the team, the Secretary shall publish in the Federal Register the plan proposed by the team, any changes proposed by the Secretary with an explanation of the reasons therefor, and proposed regulations to implement such plan, for public review and comment during a period of not to exceed 90 days.

(ii) In the event that the take reduction team does not submit a draft plan to the Secretary within 6 months, the Secretary shall, not later than 8 months after the establishment of the team, publish in the Federal Register a proposed take reduction plan and implementing regulations, for public review and comment during a period of not to exceed 90 days.

(C) Not later than 60 days after the close of the comment period required under subparagraph (B), the Secretary shall issue a final take reduction plan and implementing regulations, consistent with the other provisions of this section.

(D) The Secretary shall, during a period of 30 days after publication of a final take reduction plan, utilize newspapers of general circulation, fishery trade associations, electronic media, and other means of advising commercial fishermen of the requirements of the plan and how to comply with them.

(E) The Secretary and the take reduction team shall meet every 6 months, or at such other intervals as the Secretary determines are necessary, to monitor the implementation of the final take reduction plan until such time that the Secretary determines that the objectives of such plan have been met.

(F) The Secretary shall amend the take reduction plan and implementing regulations as necessary to meet the requirements of this section, in accordance with the procedures in this section for the issuance of such plans and regulations.

(8) Where the human-caused mortality and serious injury from a strategic stock is estimated to be less than the potential biological removal level established under section 117 for such stock and such stock interacts with a fishery listed under subsection (c)(1)(A) (i) or (ii), or for any marine mammal stocks which interact with a commercial fishery listed under subsection (c)(1)(A)(i) for which the Secretary has made a determination under paragraph (1), the following procedures shall apply in the development of the take reduction plan for such stock:

(A)(i) Not later than 11 months after the date of establishment of a take reduction team for the stock, the team shall submit a draft take reduction plan for the stock to the Secretary, consistent with the other provisions of this section.

(ii) Such draft take reduction plan shall be developed by consensus. In the event consensus cannot be reached, the team shall advise the Secretary in writing on the range of possibilities

considered by the team, and the views of both the majority and minority.

(B)(i) The Secretary shall take the draft take reduction plan into consideration and, not later than 60 days after the submission of the draft plan by the team, the Secretary shall publish in the Federal Register the plan proposed by the team, any changes proposed by the Secretary with an explanation of the reasons therefor, and proposed regulations to implement such plan, for public review and comment during a period of not to exceed 90 days.

(ii) In the event that the take reduction team does not submit a draft plan to the Secretary within 11 months, the Secretary shall, not later than 13 months after the establishment of the team, publish in the Federal Register a proposed take reduction plan and implementing regulations, for public review and comment during a period of not to exceed 90 days.

(C) Not later than 60 days after the close of the comment period required under subparagraph (B), the Secretary shall issue a final take reduction plan and implementing regulations, consistent with the other provisions of this section.

(D) The Secretary shall, during a period of 30 days after publication of a final take reduction plan, utilize newspapers of general circulation, fishery trade associations, electronic media, and other means of advising commercial fishermen of the requirements of the plan and how to comply with them.

(E) The Secretary and the take reduction team shall meet on an annual basis, or at such other intervals as the Secretary determines are necessary, to monitor the implementation of the final take reduction plan until such time that the Secretary determines that the objectives of such plan have been met.

(F) The Secretary shall amend the take reduction plan and implementing regulations as necessary to meet the requirements of this section, in accordance with the procedures in this section for the issuance of such plans and regulations.

(9) In implementing a take reduction plan developed pursuant to this subsection, the Secretary may, where necessary to implement a take reduction plan to protect or restore a marine mammal stock or species covered by such plan, promulgate regulations which include, but are not limited to, measures to—

(A) establish fishery-specific limits on incidental mortality and serious injury of marine mammals in commercial fisheries or restrict commercial fisheries by time or area;

(B) require the use of alternative commercial fishing gear or techniques and new technologies, encourage the development of such gear or technology, or convene expert skippers' panels;

(C) educate commercial fishermen, through workshops and other means, on the importance of reducing the incidental mortality and serious injury of marine mammals in affected commercial fisheries; and

(D) monitor, in accordance with subsection (d), the effectiveness of measures taken to reduce the level of incidental mortality and serious injury of marine mammals in the course of commercial fishing operations.

(10)(A) Notwithstanding paragraph (6), in the case of any stock to which paragraph (1) applies for which a final stock assessment has not been published under section 117(b)(3) by April 1, 1995, due to a proceeding under section 117(b)(2), or any Federal court review of such proceeding, the Secretary shall establish a take reduction team under paragraph (6) for such stock as if a final stock assessment had been published.

(B) The draft stock assessment published for such stock under section 117(b)(1) shall be deemed the final stock assessment for purposes of preparing and implementing a take reduction plan for such stock under this section.

(C) Upon publication of a final stock assessment for such stock under section 117(b)(3) the Secretary shall immediately reconvene the take reduction team for such stock for the purpose of amending the take reduction plan, and any regulations issued to implement such plan, if necessary, to reflect the final stock assessment or court action. Such amendments shall be made in accordance with paragraph (7)(F) or (8)(F), as appropriate.

(D) A draft stock assessment may only be used as the basis for a take reduction plan under this paragraph for a period of not to exceed two years, or until a final stock assessment is published, whichever is earlier. If, at the end of the two-year period, a final stock assessment has not been published, the Secretary shall categorize such stock under section 117(a)(5)(A) and shall revoke any regulations to implement a take reduction plan for such stock.

(E) Subparagraph (D) shall not apply for any period beyond two years during which a final stock assessment for such stock has not been published due to review of a proceeding on such stock assessment by a Federal court. Immediately upon final action by such court, the Secretary shall proceed under subparagraph (C).

(11) Take reduction plans developed under this section for a species or stock listed as a threatened species or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) shall be consistent with any recovery plan developed for such species or stock under section 4 of such Act.

(g) EMERGENCY REGULATIONS. —

(1) If the Secretary finds that the incidental mortality and serious injury of marine mammals from commercial fisheries is having, or is likely to have, an immediate and significant adverse impact on a stock or species, the Secretary shall take actions as follows:

(A) In the case of a stock or species for which a take reduction plan is in effect, the Secretary shall—

(i) prescribe emergency regulations that, consistent with such plan to the maximum extent practicable, reduce incidental mortality and serious injury in that fishery; and

(ii) approve and implement, on an expedited basis, any amendments to such plan that are recommended by the take reduction team to address such adverse impact.

(B) In the case of a stock or species for which a take reduction plan is being developed, the Secretary shall—

(i) prescribe emergency regulations to reduce such incidental mortality and serious injury in that fishery; and

(ii) approve and implement, on an expedited basis, such plan, which shall provide methods to address such adverse impact if still necessary.

(C) In the case of a stock or species for which a take reduction plan does not exist and is not being developed, or in the case of a commercial fishery listed under subsection (c)(1)(A)(iii) which the Secretary believes may be contributing to such adverse impact, the Secretary shall—

(i) prescribe emergency regulations to reduce such incidental mortality and serious injury in that fishery, to the extent necessary to mitigate such adverse impact;

(ii) immediately review the stock assessment for such stock or species and the classification of such commercial fishery under this section to determine if a take reduction team should be established; and

(iii) may, where necessary to address such adverse impact on a species or stock listed as a threatened species or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), place observers on vessels in a commercial fishery listed under subsection (c)(1)(A)(iii), if the Secretary has reason to believe such vessels may be causing the incidental mortality and serious injury to marine mammals from such stock.

(2) Prior to taking action under paragraph (1) (A), (B), or (C), the Secretary shall consult with the Marine Mammal Commission, all appropriate Regional Fishery Management Councils, State fishery managers, and the appropriate take reduction team (if established).

(3) Emergency regulations prescribed under this subsection—

(A) shall be published in the Federal Register, together with an explanation thereof;

(B) shall remain in effect for not more than 180 days or until the end of the applicable commercial fishing season, whichever is earlier; and

(C) may be terminated by the Secretary at an earlier date by publication in the Federal Register of a notice of termination, if the Secretary determines that the reasons for emergency regulations no longer exist.

(4) If the Secretary finds that incidental mortality and serious injury of marine mammals in a commercial fishery is continuing to have an immediate and significant adverse impact on a stock or species, the Secretary may extend the emergency regulations for an additional period of not more than 90 days or until reasons for the emergency no longer exist, whichever is earlier.

(h) PENALTIES. — Except as provided in subsection (c), any person who violates this section shall be subject to the provisions of sections 105 and 107, and may be subject to section 106 as the Secretary shall establish by regulations.

(i) ASSISTANCE. — The Secretary shall provide assistance to Regional Fishery Management Councils, States,

interstate fishery commissions, and Indian tribal organizations in meeting the goal of reducing incidental mortality and serious injury to insignificant levels approaching a zero mortality and serious injury rate.

(j) CONTRIBUTIONS. — For purposes of carrying out this section, the Secretary may accept, solicit, receive, hold, administer, and use gifts, devises, and bequests.

(k) CONSULTATION WITH SECRETARY OF THE INTERIOR. — The Secretary shall consult with the Secretary of the Interior prior to taking actions or making determinations under this section that affect or relate to species or population stocks of marine mammals for which the Secretary of the Interior is responsible under this title.

(l) DEFINITIONS. — As used in this section and section 101(a)(5)(E), each of the terms "fishery" and "vessel of the United States" has the same meaning it does in section 3 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1802).

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U.S.C. 1001, or to penalties under the Marine Mammal Protection Act of 1972.

(b) Either one of two exhibits shall be attached to such affidavit, and will contain either:

(1) Records or other available evidence showing that the product consists of or is composed in whole or in part of marine mammals taken prior to the effective date of the MMPA. Such records or other evidentiary material must include information on how, when, where, and by whom the animals were taken, what processing has taken place since taking, and the date and location of such processing; or

(2) A statement from a government agency of the country of origin exercising jurisdiction over marine mammals that any and all such mammals from which the products sought to be imported were derived were taken prior to December 21, 1972.

(c) No pre-Act marine mammal or pre-Act marine mammal product may be imported unless the requirements of this section have been fulfilled.

(d) This section has no application to any marine mammal or marine mammal product intended to be imported pursuant to §§ 216.21, 216.31 or § 216.32.

[39 FR 1852, Jan. 15, 1974, as amended at 59 FR 50375, 50376, Oct. 3, 1994]

§ 216.15 Depleted species.

The following species or population stocks have been designated by the Assistant Administrator as depleted under the provisions of the MMPA.

(a) Hawaiian monk seal (*Monachus schauinslandi*).

(b) Bowhead whale (*Balaena mysticetus*).

(c) North Pacific fur seal (*Callorhinus ursinus*). Pribilof Island population.

(d) Bottlenose dolphin (*Tursiops truncatus*), coastal-migratory stock along the U.S. mid-Atlantic coast.

(e) Eastern spinner dolphin (*Stenella longirostris orientalis*).

(f) Northeastern offshore spotted dolphin (*Stenella attenuata*).

(g) Cook Inlet, Alaska, stock of beluga whales (*Delphinapterus leucas*). The stock includes all beluga whales occurring in waters of the Gulf of Alaska north of 58° North latitude including, but not limited to, Cook Inlet, Kamishak Bay, Chinitna Bay, Tuxedni

Bay, Prince William Sound, Yakutat Bay, Shelikof Strait, and off Kodiak Island and freshwater tributaries to these waters.

[53 FR 17899, May 18, 1988, as amended at 58 FR 17791, Apr. 6, 1993; 58 FR 45074, Aug. 26, 1993; 58 FR 58297, Nov. 1, 1993; 59 FR 50376, Oct. 3, 1994; 65 FR 34597, May 31, 2000]

§ 216.16 Prohibitions under the General Authorization for Level B harassment for scientific research.

It shall be unlawful for any person to:

(a) Provide false information in a letter of intent submitted pursuant to § 216.45(b);

(b) Violate any term or condition imposed pursuant to § 216.45(d).

[59 FR 50376, Oct. 3, 1994]

Subpart C—General Exceptions

§ 216.21 Actions permitted by international treaty, convention, or agreement.

The MMPA and these regulations shall not apply to the extent that they are inconsistent with the provisions of any international treaty, convention or agreement, or any statute implementing the same relating to the taking or importation of marine mammals or marine mammal products, which was existing and in force prior to December 21, 1972, and to which the United States was a party. Specifically, the regulations in subpart B of this part and the provisions of the MMPA shall not apply to activities carried out pursuant to the Interim Convention on the Conservation of North Pacific Fur Seals signed at Washington on February 9, 1957, and the Fur Seal Act of 1966, 16 U.S.C. 1151 through 1187, as in each case, from time to time amended.

[39 FR 1852, Jan. 15, 1974, as amended at 59 FR 50376, Oct. 3, 1994]

§ 216.22 Taking by State or local government officials.

(a) A State or local government official or employee may take a marine mammal in the normal course of his duties as an official or employee, and no permit shall be required, if such taking:

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(1) Is accomplished in a humane manner;

(2) Is for the protection or welfare of such mammal or for the protection of the public health or welfare; and

(3) Includes steps designed to insure return of such mammal, if not killed in the course of such taking, to its natural habitat. In addition, any such official or employee may, incidental to such taking, possess and transport, but not sell or offer for sale, such mammal and use any port, harbor, or other place under the jurisdiction of the United States. All steps reasonably practicable under the circumstances shall be taken by any such employee or official to prevent injury or death to the marine mammal as the result of such taking. Where the marine mammal in question is injured or sick, it shall be permissible to place it in temporary captivity until such time as it is able to be returned to its natural habitat. It shall be permissible to dispose of a carcass of a marine mammal taken in accordance with this subsection whether the animal is dead at the time of taking or dies subsequent thereto.

(b) Each taking permitted under this section shall be included in a written report to be submitted to the Secretary every six months beginning December 31, 1973. Unless otherwise permitted by the Secretary, the report shall contain a description of:

(1) The animal involved;

(2) The circumstances requiring the taking;

(3) The method of taking;

(4) The name and official position of the State official or employee involved;

(5) The disposition of the animal, including in cases where the animal has been retained in captivity, a description of the place and means of confinement and the measures taken for its maintenance and care; and

(6) Such other information as the Secretary may require.

(c) Salvage of dead stranded marine mammals or parts therefrom and subsequent transfer.

(1) *Salvage.* In the performance of official duties, a state or local government employee; an employee of the National Marine Fisheries Service, the U.S. Fish and Wildlife Service, or any other Federal agency with jurisdiction

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and conservation responsibilities in marine shoreline areas; or a person authorized under 16 U.S.C. 1382(c) may take and salvage a marine mammal specimen if it is stranded and dead or it was stranded or rescued and died during treatment, transport, captivity or other rehabilitation subsequent to that stranding or distress if salvage is for the purpose of utilization in scientific research or for the purpose of maintenance in a properly curated, professionally accredited scientific collection.

(2) *Registration.* A person salvaging a dead marine mammal specimen under this section must register the salvage of the specimen with the appropriate Regional Office of the National Marine Fisheries Service within 30 days after the taking or death occurs. The registration must include:

(i) The name, address, and any official position of the individual engaged in the taking and salvage;

(ii) A description of the marine mammal specimen salvaged including the scientific and common names of the species;

(iii) A description of the parts salvaged;

(iv) The date and the location of the taking;

(v) Such other information as deemed necessary by the Assistant Administrator.

(3) *Identification and curation.* The Regional Director will assign a single unique number to each carcass, and the parts thereof, that are salvaged under the provisions of this section. The person who salvaged the specimen may designate the number to be assigned. After this number is assigned, the person who salvaged the specimen must permanently mark that number on each separate hard part of that specimen and must affix that number with tags or labels to each soft part of that specimen or the containers in which that soft part is kept. Each specimen salvaged under this section must be curated in accordance with professional standards.

(4) *No sale or commercial trade.* No person may sell or trade for commercial purposes any marine mammal specimen salvaged under this section.

(5) *Transfer without prior authorization.* A person who salvages a marine mammal specimen under this section may transfer that specimen to another person if:

(i) The person transferring the marine mammal specimen does not receive remuneration for the specimen;

(ii) The person receiving the marine mammal specimen is an employee of the National Marine Fisheries Service, the U.S. Fish and Wildlife Service, or any other Federal agency with jurisdiction and conservation responsibilities in marine shoreline areas; is a person authorized under 16 U.S.C. 1382(c); or is a person who has received prior authorization under paragraph (c)(6) of this section;

(iii) The marine mammal specimen is transferred for the purpose of scientific research, for the purpose of maintenance in a properly curated, professionally accredited scientific collection, or for educational purposes;

(iv) The unique number assigned by the National Marine Fisheries Service is on, marked on, or affixed to the marine mammal specimen or container; and

(v) Except as provided under paragraph (c)(8) of this section, the person transferring the marine mammal specimen notifies the appropriate Regional Office of the National Marine Fisheries Service of the transfer, including notification of the number of the specimen transferred and the person to whom the specimen was transferred, within 30 days after the transfer occurs.

(6) *Other transfers within the United States.* Except as provided under paragraphs (c)(5) and (c)(8) of this section, a person who salvages a marine mammal specimen, or who has received a marine mammal specimen under the provisions of this section, may not transfer that specimen to another person within the United States unless the Regional Director of the appropriate Regional Office of the National Marine Fisheries Service grants prior written authorization for the transfer. The Regional Director may grant authorization for the transfer if there is evidence that the conditions listed under paragraphs (c)(5)(i), (c)(5)(iii), and (c)(5)(iv) of this section are met.

(7) *Transfers outside of the United States.* A person who salvages a marine mammal specimen, or a person who has received a marine mammal specimen under the provisions of this section, may not transfer that specimen to a person outside of the United States unless the Assistant Administrator grants prior written authorization for the transfer. The Assistant Administrator may grant authorization for the transfer if there is evidence that the conditions listed under paragraphs (c)(5)(i), (c)(5)(iii), and (c)(5)(iv) of this section are met.

(8) *Exceptions to requirements for notification or prior authorization.* A person may transfer a marine mammal specimen salvaged under this section without the notification required in paragraph (c)(5)(v) of this section or the prior authorization required in paragraph (c)(6) of this section if:

(i) The transfer is a temporary transfer to a laboratory or research facility within the United States so that analyses can be performed for the person salvaging the specimen; or

(ii) The transfer is a loan of not more than 1 year to another professionally accredited scientific collection within the United States.

[39 FR 1852, Jan. 15, 1974, as amended at 56 FR 41307, Aug. 20, 1991]

§ 216.23 Native exceptions.

(a) *Taking.* Notwithstanding the prohibitions of subpart B of this part 216, but subject to the restrictions contained in this section, any Indian, Aleut, or Eskimo who resides on the coast of the North Pacific Ocean or the Arctic Ocean may take any marine mammal without a permit, if such taking is:

(1) By Alaskan Natives who reside in Alaska for subsistence, or

(2) For purposes of creating and selling authentic native articles of handicraft and clothing, and

(3) In each case, not accomplished in a wasteful manner.

(b) *Restrictions.* (1) No marine mammal taken for subsistence may be sold or otherwise transferred to any person other than an Alaskan Native or delivered, carried, transported, or shipped in interstate or foreign commerce, unless:

DEPARTMENT OF COMMERCE**International Trade Administration**

[A 588-707]

Granular Polytetrafluoroethylene Resin From Japan: Rescission of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of rescission of antidumping duty administrative review.

SUMMARY: On September 30, 2003, the Department of Commerce initiated an administrative review of the antidumping duty order on granular polytetrafluoroethylene resin from Japan for the period August 1, 2002, through July 31, 2003. The Department is rescinding this review after receiving timely withdrawals from the parties requesting the review.

EFFECTIVE DATE: November 28, 2003.

FOR FURTHER INFORMATION CONTACT: Dunyako Ahmadu or Richard Rimlinger, AD/CVD Enforcement 3, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482-0198 or (202) 482-4477, respectively.

Background

On August 1, 2003, the Department of Commerce (the Department) published in the **Federal Register** a notice of opportunity to request an administrative review of the antidumping duty order on granular polytetrafluoroethylene resin from Japan. *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review* (68 FR 45218). On August 28, 2003, Asahi Glass Fluoropolymers Co., Ltd. and Asahi Glass Fluoropolymers USA Inc. (collectively AGF) requested that the Department conduct an administrative review of AGF's exports and imports for the period August 1, 2002, through July 31, 2003. On September 30, 2003, the Department published in the **Federal Register** a notice of initiation of this administrative review. *See Notice of Initiation of Antidumping and Countervailing Duty Administrative Reviews, Request for Revocation in Part and Deferral of Administrative Review* (68 FR 56262).

On October 20, 2003, AGF withdrew its request for review and requested that Department rescind the administrative review.

Rescission of Review

Pursuant to 19 CFR 351.213(d)(1), the Department will rescind an administrative review if a party that requested the review withdraws the request within 90 days of the date of publication of the notice of initiation of the requested review. Because AGF submitted its request for rescission within the 90-day time limit and there were no requests for a review from other interested parties, we are rescinding this review. As such, we will issue appropriate appraisal instructions directly to the U.S. Customs and Border Protection.

This notice is in accordance with section 777(i) of the Act and 19 CFR 351.213(d)(4).

Dated: November 21, 2003.

Jeffrey May,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 03-29718 Filed 11-26-03; 8:45 am]

BILLING CODE 3510-DS-M

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

[I.D.112103B]

Proposed Information Collection; Comment Request; Marine Mammal Stranding Report/Marine Mammal Rehabilitation Disposition Report

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before January 27, 2004.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at dHynek@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Janet Whaley, 301-713-2322

(or via the Internet at Janet.Whaley@noaa.gov).

SUPPLEMENTARY INFORMATION:**I. Abstract**

The marine mammal stranding report provides information on strandings so that the National Marine Fisheries Service (NMFS) can compile and analyze by region the species, numbers, conditions, and causes of illnesses and deaths in stranded marine mammals. The Agency requires this information to fulfill its management responsibilities under the Marine Mammal Protection Act (16 U.S.C. 1421a). The Agency is also responsible for the welfare of marine mammals while in rehabilitation status. The data from the marine mammal rehabilitation disposition report are required for monitoring and tracking of marine mammals held at various NMFS-authorized facilities. This information is submitted primarily by volunteer members of the marine mammal stranding networks who are authorized by the Agency.

II. Method of Collection

Paper forms are used. Online entry of data into the national database is also used.

III. Data

OMB Number: 0648-0178.

Form Number: NOAA Form 89-864.

Type of Review: Regular submission.

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

Estimated Number of Respondents: 400.

Estimated Time Per Response: 30 minutes.

Estimated Total Annual Burden Hours: 2,400.

Estimated Total Annual Cost to Public: \$2,500.

IV. Request for Comments

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: November 19, 2003.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 03-29732 Filed 11-26-03; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D.112103C]

Proposed Information Collection; Comment Request; NOAA Space-Based Data Collection System (DCS) Agreements.

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before January 27, 2004.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at dHynek@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Robert Bassett at 301-757-5681 or at Robert.Bassett@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

NOAA operates two space-based data collection systems: the Geostationary Operational Environmental Satellite (GOES) Data Collection System and the Argos Data Collection System. Both systems are operated to support environmental applications. Since the entire capacity of the systems is not used by NOAA, this extra capacity is made available to other users who meet

certain criteria set forth in 15 CFR Part 911.

II. Method of Collection

Applications are submitted on paper forms, which can be mailed or faxed to NOAA.

III. Data

OMB Number: 0648-0157.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Not-for-profit institutions; business or other for-profit organizations; individuals or households; and State, Local, or Tribal Government.

Estimated Number of Respondents: 390.

Estimated Time Per Respon: 3 hours for a GOES application, and 1 hour for an Argos application.

Estimated Total Annual Burden Hours: 440.

Estimated Total Annual Cost to Public: \$488.

IV. Request for Comments

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: November 19, 2003.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 03-29733 Filed 11-26-03; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D.112103D]

Proposed Information Collection; Comment Request; Red Crab and Exempted Fishing Permit Interactive Voice Response (IVR) System Collection

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before January 27, 2004.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at dHynek@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Brian Hooker, National Marine Fisheries Service, 1 Blackburn Drive, Gloucester, MA 01930.

SUPPLEMENTARY INFORMATION:

I. Abstract

Vessels with red crab limited access permits, or vessels bearing an Exempted (Experimental) Fishing Permit (EFP), are required to report their catches. This submission seeks to authorize the collection of this information via an Interactive Voice Response (IVR) system. The collection of information in this manner is necessary to monitor catch levels in a timely manner, so that effort controls can be implemented before catch limits are attained. The information necessary for IVR catch reports is a fraction of that required by vessel logbooks.

The collection of catch data for red crab is authorized at 50 CFR 648.7(b)(iii), which requires catch reports to be submitted via IVR within 24 hours after offloading. The authorization for the collection of EFP catch reports is at § 600.745(c)(2).

**Comments received on OMB 0648-0178
(Level A Stranding Data Form)**

GENERAL:

The burden of time per response is hugely underestimated. Although the time to fill out the basic data may be close to accurate for an experienced team (we estimate at least two people for 30 minutes, or one person for one hour), it does not take into account the actual response time required to get to and retrieve (when possible) the stranded animal. In Virginia, we respond to marine mammal strandings across the state including uninhabited barrier islands accessible only by boat. The average travel time for a response is 2 hours and response times range from 45 minutes to 6 or more hours. In addition to travel times, stranding response involves gear collection, report verification, necropsy and sampling, photo documentation, carcass disposal, data and sample processing and reporting. For a moderately decomposed cetacean (our most common stranding event), these additional activities require a minimum of 8 hours of staff and volunteer time. It is important to note that these many and varied activities are required in order for the stranding form to be properly completed.

Response: While the time burden for “stranding response” may include all of these activities, we maintain that the time involved in collecting the data required for this data collection (the “Level A” data) is minimal. This time should involve a visual inspection of the animal and the collection of a few standard measurements (length and weight if possible), determination of sex, and gross examination for any obvious external marks of human interaction or cause of death. Carcass collection, necropsy, tissue sampling, carcass disposal, and sample processing, while essential parts of a stranding response, are not considered part of the “Level A” data, and as such, were not taken into account for this collection. While the time to locate and travel to the animal is generally greater than the estimate given in the FR notice, it is also EXTREMELY variable, and cannot be properly estimated by our agency. As such, we have based our estimate on the amount of time necessary to complete the form, both paper and electronic.

The total cost to the public also seems unrealistic based upon the total effort required to collect the level A data. While most stranding response organizations were not paid directly for their services by NOAA/NMFS prior to the Prescott Stranding Grant Program, many currently do receive federal and often state funding. In addition, many respondents and cooperators in the national stranding network are federal and state employees (from the national parks and wildlife refuges, state parks, coast guard, marine police). In addition, each NMFS region has a regional coordinator and one or more assistants who work with the network responders to collect and compile data. All of these people, and many at NOAA/NMFS headquarters work in some way with stranding response and associated data. It seems as though these contributions should be factored into the estimates of total costs for collecting level A stranding data.

Response: We believe that these comments are due to a misunderstanding as to what the “cost burden to the public” represents. The cost given in the FR notice is entirely that of the forms - photocopying, printing, postage, etc. It does not (and should not) take into account the

operating costs of the organization, such as salary or facilities. We believe that the estimate presented of \$2500 does accurately represent the costs associated with the forms.

The upcoming National Marine Mammal Stranding Database is likely to add a substantial burden on the respondents in the area of data entry. From what we understand, it is unlikely initially we will be able to simultaneously enter data to own databases and to the National database. In effect, we will have to enter these data twice. Investing in a PDA system like those used by UPS and other companies may allow us to fill out the data sheets electronically and uplink the completed forms to the National database. We could then print the form and/or spend our own time/resources to be able to uplink the data to our organization's database. Although development costs would be relatively high, the cost of PDAs is pretty low and organizations could potentially purchase needed equipment with Prescott or other funds.

Response: We invite members of the stranding network to investigate using technology such as PDA's to reduce their burden for filling out this form in both the paper and database. However, we do not believe that the burden will be "substantial." Applicants will be able to fill out the database form, and then print it to keep a copy for their files (rather than filling out a copy by hand). Alternatively, participants can first fill out a paper sheet by hand and then enter the data from that form directly into the database. As the data fields are identical, the time for data entry should be no more than 10 minutes. If the participants wish to continue to maintain their own, independent database systems, download of the Level A data will be possible. However, any additional data entered into these systems is at the discretion of the organization, and should not be considered part of this data collection.

- My primary concern is that no instructions for filling out the form were submitted for review and comment. One of the biggest issues surrounding the use of this form and the value of the data gathered on it is the lack of guidance in how to fill it out. Every region, and in fact every institution, seems to define its own parameters for each category. I suggest that the next time the forms are submitted for comment that the instructions accompany them to allow us to better evaluate the forms. The instructions should work much the same way as other federal form instructions (like tax forms): they can be broken down by section (Location, Occurrence Details, etc), then go line by line (or item by item) and clearly define what type of information should be entered.

- We are concerned that these forms were distributed without metadata or data field explanations. It is difficult to trust that information will be consistently recorded by all observers when it is not clear what each data field means. There are many other examples of how data fields could be interpreted differently by multiple observers without proper direction. We suggest that information gleaned from this comment period may not be constructive without the directions for the data form and the accompanying explanations of the data fields.

- I think there is one main goal of this form: to gather accurate data about stranded marine mammals. In order to accomplish this goal, I think we need two things:

1. Complete instructions for completing the form.
2. Adequate definitions within these instructions to ensure that we are all collecting AND reporting the same data (e.g. we are providing comparable data so that when analyzed we are not trying to compare apples and oranges).

Response: A complete user's guide and instructions for the completion of both of the paper forms and for entering data into the database have been prepared, including a comprehensive definition guide. These will be distributed to the stranding network members, but will not be included with each copy of the form.

I would like to offer one comment that I see as constructive. The person who completes the forms (24-hour and Level A) really needs to get a receipt, however brief. How good it was when, once, Jenny Litz, sent back, "Got it." Call it acknowledgment, perhaps. Make it automatic or robotic, but let the sender know the reports reached their destinations.

Response: We agree that this would be beneficial, but leave acknowledgment of receipt of the paper forms to the Regional Stranding Coordinators. The database may send a confirmation e-mail upon completion of the form.

Also, regarding both forms, if a given facility has had multiple strandings (either dead or live) in a short time period, is it possible to collect the forms and send them in together, for instance, at the end of the month, rather than individually with each separate event?

Response: This is at the discretion of the Regional Stranding Coordinator, but, generally, organizations are encouraged to collect several forms before sending them. This can be monthly, bimonthly, etc., but should be arranged with the Regional Stranding Coordinator.

Finally, I presume this would be a one-sheet, 2-sided form? If not, we'll need a line at the top with an identifier linking it with the first page, as we can guarantee some will get separated.

Response: This form is 2-sided, one piece of paper.

As an aside, any hope of creating a "mass stranding event form" with options like 1+2 so that individual animal data isn't mixed with event data? AK has even had mixed species mass strandings which the level A data form isn't able to handle.

Response: At this time, there are no plans to create such a form, but we will look into it.

this information is necessary for proper performance of this agency.

there are no additional suggestions for shortening this form.

Response: We appreciate your comment.

MARINE MAMMAL STRANDING REPORT - LEVEL A DATA

HEADER:

We suggest that fonts are corrected so that they are consistent across the fields to make the whole section less visually confusing. Currently, some field titles are bold and others are not (**Genus is bold**, Species is regular).

Response: Done. All field titles have been bolded.

A further step might be to draw a horizontal bar separating the true header info from the examiner information if that distinction was the reason for the bold in some areas.

Response: We believe that putting the field titles in bold will be sufficient to separate the areas without additional lines.

Letterholder & Affiliation - I've found these 2 fields still cause confusion. Maybe Letterholder should read "Authorized organization" to include 109h's and to indicate we want an organization instead of a person's name. Do we need "affiliation" also? For so many organizations they are the same. If we need both, maybe affiliation could be better defined.

Response: Both exist on the form for the case of organizations which are "designees" (designated under a Letter of Agreement issued to a different organization). This has been defined in the User's Guide. For organizations which are LOA holders, these two fields should be the same. In the National Database, these fields should automatically be filled in upon the log-in of the user, so this will cease to be a problem.

National Database

This field does not need to appear on the form, as it is assigned automatically by the National Database and has no utility for the agency or the regions. The Field # and the NMFS Regional # are the only numbers that have practical value in linking the stranding report to the National Database.

Response: If the data is entered directly into the database and the form is printed, this field will display on the form. For consistency, we want to have it on the paper form as well. The number will be automatically assigned by the database, but organizations can choose to utilize this field by writing in the number. This could assist them in their record-keeping.

LOCATION:

Ocean:

- this seems like an odd piece of info to gather, but I'm guessing there are instances where it would be beneficial (e.g. for floaters, etc.)
- I suggest that "Ocean" be replaced with "body of water". In addition to ocean strandings, at least 50% of our strandings occur in bays or other waterways. This inclusion would also serve as a useful prompt to our volunteers who sometimes fill out the forms and inadvertently forget to list the body of water.

Response: We are changing the terminology to "Body of Water" to encompass bays, straights, and other waterways. We believe it will be beneficial for animals initially observed floating, but also for all strandings, as a means of location description.

- We suggest this field is removed because the data is already being captured elsewhere on the form. We suggest that the data which is intended to be captured in this field can be extracted using the Lat/Long fields instead and such means would create more sound data. We suspect that to create an *Ocean* field may generate some confusion and result in inconsistent or muddled data as some network members may choose more localized bodies of water (*Buzzard's Bay* etc) while others size upwards to enter *Atlantic Ocean*.

- This field does not need to appear on the form. The only reason it has been added to the form is because it is a data field in the National Database. It has no utility for the agency or the regions, as it is readily apparent from the state in which the stranding occurred as to which ocean is involved. If the agency feels that it really needs this information, the National Database can be set up to automatically record which ocean is involved by being linked to Pacific Coast states vs. Atlantic Coast states.

Response: In the National Database, the options for this field are listed in a list. Respondents will therefore be constrained to a previously determined set of options, which should help them to decide the most appropriate scale of their response. Respondents will be instructed to choose the most specific option that applies to their situation (so, in the above given example, the network member would choose "Buzzard's Bay" rather than "Atlantic Ocean" if both were options on the list). After network members familiarize themselves with the National Database, we hope that they will be aware of the list of options from which they can choose and will utilize one of these options when filling out the form by hand. Again, we believe that having this field may help stranding network members to organize their forms, and will certainly assist them in making database queries to find all records of animals that stranded in a given location.

Latitude/Longitude

- the Lat/Long needs to be specified as Degrees.decimal, Degrees minute.decimal, or Degrees minutes seconds (the first is the best option). While the degree will get the stranding to the right location, variations of these three options could move the stranding miles in any direction. This could leave many interesting analyses of data not possible (i.e. if the carcass was from estuarine waters instead of the ocean front). This is not a simple problem to solve as most GPS devices will present the location in any of the three options and the recorder might not be aware of the difference. While a national standard would be good, if the form were set up as Degree.decimal to begin with that would help future data interpretations. This is how most of the plotting programs want data entered so would be easier to start collecting it that way.

Response: We have continued to provide respondents formatting options of notation of latitude and longitude. This is included in the User's Guide.

- Looks good. I like the addition to the bottom requiring a notation of how the lat/long were determined.

How determined

Remove computer and add "software/internet" as a check box

Response: Done.

Under "Location" (first box). I'd suggest changing that to "LOCATION OF INITIAL OBSERVATION", as often carcasses may be washed back out to sea (or be otherwise moved) and re-appear elsewhere. This would also be consistent with the category shown below that, "DATE OF INITIAL OBSERVATION".

Response: Done.

Locality Details

The spaces between the lines for recording text is too small. The spacing needs to be enlarged to the size found on the stranding report form that expired in 1994.

Response: Given the space constraints of the form, this wasn't possible.

OCCURRENCE DETAILS:

In general, we are concerned this box is visually confusing and therefore suggest that a horizontal bar is inserted between the *Group event*, *if Yes options* and *Signs of Human Interaction* section.

Response: Given the space constraints of the form, this wasn't possible. A space was inserted.

Group Event:

- I am not sure how the responder will know if the individual stranding is a; Pre-Event Investigation, Unusual Mortality Event, Repeat Event ?? Technically, every stranding is a Pre-Event Investigation as they all begin w/ one stranding. Additionally, UMEs are always determined after the first 10-50-100 animals strand, not from an individual stranding. And what exactly is a Repeat Event anyway (as was evident during the discussion at the UME workshop)??

- Hazmat or oil spill, UME, and Repeat Event: it seems that all of these situations must be designated by an outside source (hazmat= USCG, UME = WGMMUME, Repeat Event= WGMMUME or Regional Coordinator, assuming this refers to former UMEs that are now repeat events...such as sea lion domoic acid in CA)

- None of the type of group events listed should appear on the form except for the Mass Stranding and the Cow/Calf Pair options. The only reason the other group event options have been added to the form is because they are data fields in the National Database. All of the other choices need to be made by the regional stranding coordinators after the stranding report has already been received, as a number of strandings will have already occurred before a determination can be made that the strandings are related to those other options. Documentation of these events can occur in the National Database by the stranding network coordinators through a database generated prompt which asks "Is this stranding affiliated with a group event?"

Response: These fields will be removed from the paper form but incorporated into the database in some form. It is understood that an animal may not be classified into one of these groups (UME, Pre-Event Investigation, Haz. Mat, etc.) until some time after the Level A form is filled out, but we believe that this is a necessary function in the database, as we need the ability to create queries to identify all of the animals involved in a particular event.

- We feel this is a specific area that will require explicit instructions on the meaning of each option, and how to select. We are unsure of the meaning of *Pre-Event Investigation*.

- "Group Event"- a broad definition is needed here.

- The terms Pre-event Investigation and Repeat Event need to be very clearly and specifically defined.

Response: As previously stated, these fields will be removed from the Level A form. They will be available in the database. Definitions will be provided, and should be well understood.

- allow for multiple animal events to be described by range: High, Best, Low. This is closer to survey methods and provides a tighter estimate range than jotting down 'estimate' next to a number. We frequently have this in AK with mudflat strandings seen only from the air or at a distance from solid ground.

Response: The Best estimate should be filled out on the line provided, with "Estimate" checked. The Minimum/Maximum numbers can be included as comments for better precision.

- I'd recommend that "Hazmat" be spelled out ("Hazardous Materials"), or at least be presented as "Haz.Mat." Many may not be familiar with the acronym.

Response: This field will be removed from the form.

Signs of Human Interaction:

- Signs of Human Interaction: are these ALL signs of human interaction including obvious healed and/or postmortem signs? How does one indicate their confidence in recognizing and identifying the signs they are observing? What does (and does not) constitute a sign of human interaction? Where and how does an observer indicate their experience/training in determining human interaction? The term "other causes" suggests that the observation of "signs of human interaction" implies causality, which may or may not be true.

- Signs of Human Interaction: in defining this term, the language should be clear: are we talking about observing ANY evidence of HI on the animal, or do we only report HI that caused the death of the animal? There are MANY discrepancies in how folks both evaluate and report this info. How do we determine if the examiner was qualified to make this determination? Many folks check off "No" when CBD is actually more appropriate. We should think ahead to having a certification program for evaluating human interaction.

Response: These questions are answered in the instructions which will be provided to the stranding network members. We have changed the term "Other Causes" to "Other Signs" in order to better represent our meaning - all signs of conditions or occurrences that may have contributed to the animal's stranding should be included. At present, there is no certification program or determination of an examiner's qualifications to make an HI determination. We may implement these steps in the future.

- We are seeking clarification on the intent and meaning of the *How Determined* and *Other Causes* fields. If these fields are intended to relate directly to HI, we suggest they are all boxed together, separately from the Group Event Data. Please clarify.

- The sub-session on "SIGNS OF HUMAN INTERACTION" be separated from the text above, perhaps by a dotted line, so that it is clear that all that follows (e.g., "how determined") is related to human interactions (as it is now contained in a mini-box of its own).

- Under occurrence details, "how determined" should read "How HI determined" for clarity. For "other causes" should read "other causes of stranding or death"

- How Determined should stipulate the relationship to the Human Interaction Examination (and a check box for whether the form was completed) e.g. How HI Determined: External Exam Internal Exam etc.

- Other Causes prompt should be e.g. Other Causes of the Stranding and another How Determined section should coincide with this occurrence detail in addition to the description and

additional remarks sections e.g. How Other Causes Determined: _External Exam _Internal Exam etc.

Response: An line for “Describe How Determined” has been added to both the Findings of Human Interaction and Other Findings sections. It is now a descriptive line (rather than three check boxes). The User’s Guide provides further instruction.

- In the "Occurrence Details" box, where the fishery interaction info is, it would be helpful to add a line to inform whether or not voucher specimens were taken (e.g. the "photos/videos taken" section under "Morphological Data"). It would also be really helpful to add a section asking whether any gear was found on the animal, with lines to provide a description of the gear and indicate its disposition (and whether this too was photo-documented).

Response: The addition of a Yes/No checkbox to indicate if gear was removed from the animal and a line to describe the disposition of the gear was added. Comments about the type of gear may be included on the reverse of the form.

- Occurrence Details Data Block: Signs of Human Interaction Yes/No/Could Not Be Determined

This field does not need to appear on the form, as it has no utility for the agency or the regions. It is far more important for the agency and regions to know the type of human interaction that occurred than if a human interaction did or did not occur. Therefore, the data block should be restructured as follows:

Type of Occurrence:

1. Boat Collision
2. Shooting
3. Fishery Interaction (Record the type of fishery interaction)
4. Other Human Interaction (Record the other type of human interaction)
5. Natural Causes (Record the type of natural cause)
6. Unknown/Cannot Be Determined

Response: After further communications with this commenter, we have restructured the data block to mutual agreement.

- Boat collision: the definition should indicate that this can mean both blunt trauma and prop wounds.

Response: This definition is found in the instruction guide.

Other causes:

definitions: what type of info are you looking for here..... necropsy results? Shark attack?

Response: Two options are now provided for the “Other Signs” - injury and illness, as well as an “Other.” This will give respondents a better idea of what is included in this category. Other examples are also included in the instructions for the form.

DATE OF INITIAL OBSERVATION:

The biggest question here is what qualifies as the initial observation.....is it the first date an institution received a report about the animal? If so, this also leads to a more fundamental

question: what animals should be reported on these forms? At the Cape Cod Stranding Network, Inc. we only fill out forms for animals that we handled, animals that required some form of intervention (relocation, disentanglement, collection for necropsy, dead animals that have Level A data collected, etc). Some institutions may assign field numbers and fill out these reports on any animal they receive a report on, artificially inflating stranding numbers. It seems that these reports should only be filled out on animals for which there are voucher samples (skin, teeth, photograph or the like.). Thus, healthy animals that are reported and observed, but don't require any further investigation or intervention, would not need to be reported. (We have phone logs on which we record these other activities and a separate database, to record these sightings and our effort in investigating them.)

Response: The definition for “Initial Observation” is in the instruction manual.

- We suggest a vertical bar be placed between the *Date of Initial Observation* section and the *Date of Examination* section as on the previous Level A form.
- missing a vertical line between Date of initial obs. section and date of exam section
- This data block should be separated from the Date of Examination data block.

Response: Done.

First Observed: Beach or land Floating Swimming.

- We suggest this field is not added to the Level A because it is likely to generate confusion and/or unusable data. We are unsure of why this field may be necessary and it seems in many stranding cases there would not be a clear cut option to choose. It seems problematic to ask the network to make a distinction when a carcass may be floating in a few feet of water, rolling in the surf and on the beach at the initial observation and thus such a field would not produce sound data.
- These options do not need to appear on the form, as they have no utility to the agency or regions as searchable entities. The majority of all strandings recorded on this form will be beach strandings. Carcasses that are floating offshore can be documented in the Remarks data block. If an animal is free-swimming, then it is not a stranding, and should not be documented on this form until it becomes a stranding. However, if the agency or some regions want to document a free-swimming animal, this can also be done in the Remarks data block.

Response: We feel that this data is of use to the agency and regions. The most helpful uses of this data block will be to conduct queries to investigate the effort necessary to respond to stranded animals. In general, the response to a floating animal will require more effort, because personnel will have to travel to the location of the carcass to sample in situ and/or tow the animal to the shore for sampling. Also, an Unusual Mortality Event that occurred in 2003 involved whale carcasses observed by airplanes that were floating over 175 miles offshore. These animals were responded to by Stranding Network members, and samples were collected. To quantify this and other similar situations, we believe it is useful to have such a block. With regards to the “swimming” designation, under our regulations, a “stranded” marine mammal may also be one that is out of habitat and unable to return to its habitat under its own power. These “out of habitat” animals may well be swimming, but may be trapped in a lake, canal, river, etc. This data would be captured in this block.

Status:

- We feel that it would be helpful to add an "Unknown" category in addition to the 6 options listed here for those cases when the initial reporter could not distinguish between the animal being live or dead.

Response: The option "Dead - Condition Unknown" was changed to "Unknown" to encompass both live and dead animals where an assessment of condition was not made.

- The stages of decomposition do not need to appear in this data block. Status refers to whether an animal is alive or dead. These are the only options that need to appear in this data block. The stage of decomposition only needs to be recorded once, under Condition in the Date of Examination data block

Response: We have changed the word "Status" to "Condition" to reflect that these are the same states. However, we have decided to keep this information here, in the case that an animal is initially observed, and a condition is noted, but then there is no follow-up examination. In this case, we wish to capture the data from the initial observation.

DATE OF EXAMINATION:

Under Date of Exam- the 6. Dead- Condition Unknown seems unnecessary here. If one did not examine the carcass enough to get a condition code, it should be checked Not able to Examine.

Response: This option was removed.

INITIAL LIVE ANIMAL DISPOSITION:

- the variety of choices listed for this section begs the question of what constitutes a stranding and therefore should be reported on this form? For example, if one responds to a reported stranding and finds an "apparently healthy" animal that is "left at site", it would seem that no stranding report should be filed.

Response: This question is beyond the scope of these instructions, and will be discussed at the National Stranding Network Meeting and Regional Meetings. We believe that there are situations when the animal may be "apparently healthy" or "left at site" and it would still constitute a stranding.

- Under Initial Live Animal Disposition- I would like to see the option of Euthanised after transport. It is not uncommon to first take an animal off the beach just to control the situation, then conduct an evaluation and determine to euthanise then.

Response: Done.

- Change 9. Other to 9. Other (Record other live animal disposition)

- Perhaps add a line under number 9 for folks to elaborate on their choice of "other".

Response: Done.

Condition

- The form indicates to “check ONE”, but more than one condition may apply – such as both “sick” and “injured”, both “apparently healthy” and “out of habitat”. An observer may not be able to determine the underlying cause of an animal’s condition upon initial examination (not easy in 20-30min) – therefore is “other” also equivalent to unknown?
- Why is it check one only? An animal can be out of habitat and sick or out of habitat and healthy

Response: Changed to “Check one or more”

- The spacing is off on the options. We suggest they are placed in three columns as on the current Level A Form.
- missing a space between sick and apparently healthy.
- formatting change: tab number 3 over so it is lined up vertically with number 4

Response: Done.

- Change 5. Other to 5. Other (Record other live animal condition)

Response: Done.

- The comments section for this data block should be eliminated; it is too small to provide any meaningful information.

Response: Respondents may fill as much as possible in this block, and continue on to the back of the form if necessary.

MORPHOLOGICAL DATA:

Sex:

- Spacing is awkward, we suggest Male, Female and Unknown fall in a single column as on the current Level A.
- formatting: move number 3 under number 2.

Response: Done.

Age Class:

- We feel these new fields of fetus/neonate may be problematic. In our region there is already complaints regarding the age class fields being subjective and not consistently defined throughout the region/country. To add these fields may only add to the confusion, unless clear specific instructions are provided outlining criteria for selecting the correct age class.
- Eliminate the fetus and neonate options, as they are just sub-categorizations of the pup/calf option. If the agency or a certain region wants to track these sub-categorizations, this can be done in the Remarks data block.

Response: These changes have been removed; the age classes are now the same as they were previously.

- What qualifies an animal as a neonate or fetus, or pup/calf? We shouldn't take for granted that we all use the same observed cues to make these determinations.

- How does one determine age class? Can length be used as a proxy and will there be standardized data sets for these determinations? How confident of the age class should an observer be, and when should one check “unknown” instead of guessing on the age class?

Response: Definitions for the age classes present on the form will be provided in the User’s Guide.

- I would also suggest that under Age Class, neonate be listed before fetus. That would seem to fit better with the pattern of age progression as it is stated in this category.

Response: These categories were removed.

Photos/Videos Taken:

"Disposition" should read "photo disposition". A lot of people tend to give us the disposition of other things here.

Response: Done. Changed to Photo/Video Disposition.

Under Morphological Data, provide for reporting of multiple animals; perhaps with "Multiple Animals involved -# of individual reports to follow: ___" [Currently, this detail is added in as a note when needed.]

Response: This should be covered under the Mass Stranding (where the # of individuals can be filled out). In the database, all of the Level A forms for multiple animals involved in a stranding event will be grouped by the Group Event # (GE# on the form), and will be available to the network members once it has been assigned. Animals will then be linked by this number. This detail should continue to be added in as a comment, if desired.

TAG DATA:

- since there's room at the bottom of the box, perhaps we could put some space between the lines to make it easier to fill out and also to read.

Response: Unfortunately, after modifying this section there is no longer room at the bottom.

- The format should be changed to Tags Applied (Y/N) and Tags Present (Y/N). Under the proposed format, if tags are not applied or tags are not present, the data field is left blank. This makes it very difficult for the regional stranding coordinator to determine if this data block was accidentally passed over by the stranding network member or if indeed, no tags were present or applied.

Response: This section has been redone to incorporate these changes.

WHOLE CARCASS DISPOSAL:

- Whole carcass Disposal and Specimen Disposition: If there is room in this box, it would be nice to have more lines for comments.

- The comments section for this data block should be eliminated; it is too small to provide any meaningful information.

Response: Respondents may fill as much as possible in this block, and continue on to the back of the form if necessary.

- What exactly constitutes a 'carcass'? (the unwanted remains, after samples have been taken?; the entire animal, if no samples are taken?). It seems to me that the definition of a carcass will be directly related to how in-depth an examination it is made.

Response: This definition will be in the instructions.

Whole Carcass Disposal:

- Add a Lat/Long field next to the "Towed" check box.

Response: Done.

- Add a "Landfill" check box

- can we include sanitation landfill?

- I would also suggest that the option "Landfill" is added to the list, as many carcasses are taken to landfills (at least here in Florida).

- In the "whole carcass disposal" field, we would like to see "landfill" added as one of the choices, and/or an "other" category. We dispose of most of our carcasses at a local landfill and currently check the "buried" option. Landfill disposal is quite different from beach burial.

Tracking the number of carcasses sent to landfills may become important as the logistics and costs of disposal are becoming issues for many local stranding networks.

Response: Done. Landfill was added as option No. 7.

- add option for "Other _____"

Response: Done.

- This data block should be separated from the Specimen Disposition data block.

Response: We feel these two blocks are linked, and that a blank line is enough separation.

- Option 6. Frozen for Later Examination should be eliminated, as this is a specimen disposition option, not a carcass disposal option.

Response: This option is retained. As explained in the form instructions, this field should be used to mark the disposal of the carcass post-Level A data collection. If no necropsy was conducted at that time, but the carcass was retained for a later further examination, this is the appropriate option to choose. If the network member wishes to go back, at some point in the future, after the necropsy has been performed, and fill in the eventual disposal of the animal, as well as the "Necropsied Date," then they should do that. This can also be reflected in the database. This option of this field could prove useful if a question arises about what animals are currently available for necropsy, as a search on this field would identify those animals that were not yet necropsied but retained.

Specimen Disposition:

- What constitutes “Scientific collection” versus “Educational collection”? If a broken bone is collected to take a histological sample and then saved for future training purposes, is it scientific or educational or does it really matter?

Response: This will be covered in the User’s Guide, and in training including the National Stranding Network Meeting.

STRANDING REMARKS:

- The comments section should be added at the bottom of the form just as it appears on the stranding report form that expired in 1994. This is where comments should appear on the type of specimen collected, the number of each type of specimen collected, the name of the educational or scientific facility to which a specimen may be transferred, the date of transfer, and any other information pertinent to the disposition of the specimen(s).

Response: We feel there is adequate space provided in the area on the back page of the form for comments.

MARINE MAMMAL REHABILITATION DISPOSITION REPORT

GENERAL

- In general, the comments for this form are similar to those for the stranding report. The most important point is that the form should have instructions including detailed explanations for each data field.

- As with the Stranding Report Form, instructions with clear definition are essential to the effectiveness of this report form.

Response: Instructions, entitled The Examiner's Guide to the Marine Mammal Rehabilitation Disposition Report, have been prepared and updated. These will be distributed to the stranding network members, but will not be included with each copy of the form.

HEADER

- Field # - often institutions that do primarily rehab receive an animal and assign to it their own field number. It may be helpful to indicate here (in the instructions, or directly on the form) that the INITIAL field number given to the animal when it stranded is to be entered here. One option might be to create an additional field for *Rehabilitation field no, if applicable* or something similar. Anything to assure that the initial field # ends up on the Rehabilitation Disposition form, otherwise it can be difficult to match Level As to R/D forms.

- Field #: Could we please define what is entered in this space. Is it the field number assigned by the collecting institution? Or is it one assigned by the rehab facility. It seems logical that the FIELD NUMBER be the same throughout the course of collection, rehab, transfers, etc. Thus additional numbers would be noted on the back as with the Stranding Report Form.

- One important issue to consider is tracking of the various identifiers associated with an animal. Each organization that handles an animal (sometimes as many as three or more) may issue their own unique identification number and this may be useful to record as animals are transferred from the original field responders and beyond. Theoretically, the NMFS number should be consistent throughout the process, but stranding network members have their own data management systems that often rely on their unique identifiers to track information.

Response: The instructions clearly define which number should be entered here - this entry should reflect the INITIAL number given to the animal, and should be identical to the number on the Level A data form. If the Rehabilitation Facility wishes to assign the animal a new number, they may indicate it on the back of the form in the "Additional Identifiers" Remarks.

- often-times the initial responder is not the same entity as the rehabber, it would be nice to include a line up at the top to indicate which facility provided the response to the event. This would help us to better track the chain of events.

Response: This is reflected in the "Admission into Rehabilitation" box, where the "Received From:" indicates which organization the animal was transferred from, if any. If there were additional institutions involved, these should be reflected in the comments section.

- National Database #: This field does not need to appear on the form, as it is assigned automatically by the National Database and has no utility for the agency or the regions. The

Field # and the NMFS Regional # are the only numbers that have practical value in linking the stranding report to the National Database.

Response: If the data is entered directly into the database and the form is printed, this field will display on the form. For consistency, we want to have it on the paper form as well. The number will be automatically assigned by the database, but organizations can choose to utilize this field by writing in the number. This could assist them in their record-keeping.

STRANDING/BIRTH HISTORY

- We suggest an added field to capture the location of the initial stranding. This would be very helpful in matching up cases where the initial field no is not recorded. There is not much room left in this box, but even a simple field for *Stranding State: __* would be helpful.

Response: A Location: State , County, City line was added to the form.

- use a different terminology for "mother"

- Was this animal born to a mother in rehab: Spacing is visually awkward - Since the whole section doesn't fit into the right column, we suggest that the 2.No option is pulled up onto the previous line to save a row of space.

Response: Terminology was changed to "Was this animal born to a female in rehab?" The spacing was reworked, and the entire question is now on a new line.

- This data block should be separated from the Admission Into Rehabilitation data block.

Response: Done.

ADMISSION INTO REHABILITATION

- This data block should be separated from the Stranding/Birth History data block.

Response: Done.

- The straight length and weight data fields should be eliminated from this data block, as this information has already been collected in the Stranding/Birth History data block and will most likely be identical, as animals are usually taken into rehabilitation within days of stranding.

Response: These lines were eliminated from the Stranding/Birth History Box, as this information is probably the same as the admission into rehabilitation. Data collected here should adequately reflect the animal's size and body condition upon admission to the facility. Additional information regarding the animal at the time of stranding can be found on the Level A Data form for that animal.

MEDICAL RECORD AND SPECIMEN TRACKING

- In the 2nd box under "Samples collected", the "o" in "NO" is typed with the number zero rather than the letter.

- For *Samples collected: 2. No*, the '0' in *NO* looks strange, perhaps it is a zero instead of an O?

Response: Changed.

- Also, it seems there shouldn't be a need for Unknown categories under Samples collected, and pre-release health screen, this should be known information.

- Option 3. "Unknown" should be deleted from the form. If an animal is admitted into a rehabilitation facility, it should be known whether or not a health screen was conducted and whether or not samples were collected..

Response: Deleted.

- Sample Type/Diagnostic Test/Disposition: it is not clear as to which the disposition is being requested for. Is the disposition of the sample or the location for the diagnostic test to be performed or the location for the results from the diagnostic test performed being asked?

Response: As stated in the instructions, the disposition refers to the disposition of the sample.

- "Sample type/Diagnostic test/Disposition" - I think in most cases, there are too many samples to list here so many people leave it blank. Is it possible to have a checklist of common samples with a space for "other" ? Or maybe just a request for where the medical records/test results reside??? Or limit it only to "diagnostic tests"

Response: Due to space constraints, a checklist wasn't possible. If desired, the reponder may fill in information about where the samples/test results reside in this space in a general statement, rather than listing each sample separately.

- What is meant by "other specimens", other than diagnostic? If it's from a necropsy, this section of the form should be updated on the level A to reflect necropsy date/time, carcass disposal, and specimen distribution

Response: This entry on the form has been updated to read "Specimen tracking" (formerly "Other Specimen Tracking"). This includes any samples taken for non-diagnostic tests (i.e. skin for genetic testing, blubber for contaminants, bones for skeletal preparations, etc.). These samples are not necessarily from a necropsy.

- The space following option 3. Other should be smaller. More space is needed to record the type of specimen collected, the number of each type of specimen collected, the name of the educational or scientific facility to which a specimen may be transferred, the date of transfer, and any other information pertinent to the disposition of the specimen(s).

Response: The form was reworked, which changed the spacing under 3. Other. However, due to space constraints, the same amount of space was kept for the specimen type/diagnostic test/disposition lines.

DISPOSITION

Morphological Data:

- the length, weight and age section (listed under the Released subsection) should be it's own subsection after the TAG DATA, such that that final impression doesn't appear to be limited to just the released animals.

- I feel the following fields should be filled out regardless of disposition: Straight length, weight, age class. Maybe they can be moved under tag data, boxed off and labeled something like "measurements at time of Disposition"

Response: This section of the form was reworked. Morphological data and age class were previously listed under "Released;" therefore, they were only filled in if the animal was released. They have been moved to the top of the "Disposition" block, and should be filled in upon the disposal of all animals, by any means.

Age Class:

- In that same box, under "4. Released", I'm wondering about the category "Age Class". I think there should be something here to indicate how this was determined (akin to your "estimated" or "actual" notations in other categories, this could be anything from an exact age based on knowledge of birth date, to a highly educated estimate based on an aged tooth, to a guesstimate based on size). It would probably be wise to provide a list of age class categories (ideally, if you have enough space, indicate somehow what your criteria are for placement in a particular category) or your answers will be inconsistent.
- We see the *Age Class* field as problematic for all the reasons listed in the Age Class section for the level A. Furthermore, the Age Class field here is especially problematic because it is a blank field instead of a list of options. If this field needs to be on the R/D Form, it must appear identical to how it appears on the rehab disposition form or it will be like comparing apples and oranges (i.e. on the level A we are forced to pick *subadult*, whereas on the R/D form we could enter *juvenile*). The categories must be consistent.
- the Age Class should be a check box option as it is on the LAD.

Response: Changed to add the check boxes that are found on the Level A form. Comments to this effect may be made in the comment section.

Animal Disposition:

- In the 3rd box, next to "Disposition", it should read "Check one or more" (rather than "of more").
- in the (check one of more) there is a typo and it should be OR.

Response: Changed.

- (Check one of more) should be deleted from the form. There should only be one type of disposition per form.

Response: This form may follow the animal through several different dispositions - transferred to a different rehabilitation facility, where it subsequently dies, etc.

1. Transferred to Another Facility:

- The Comments section needs to be expanded. The straight length, weight, and age class data fields need to be added to this option following the Comments section.

Response: As mentioned earlier, this section was restructured so that the straight length, weight and age class data are filled out for all disposition categories.

2. Retained following Rehabilitation:

- The Comments section needs to be expanded. The straight length, weight, and age class data fields need to be added to this option following the Comments section.

Response: As mentioned earlier, this section was restructured so that the straight length, weight and age class data are filled out for all disposition categories.

- The I.D. # section should be deleted from the form. This number is assigned by Headquarters once an animal is transferred into public display and is not readily available to the regions. Once an animal is transferred to public display, it is tracked via Headquarters' Marine Mammal Inventory Database, and no longer needs to be tracked through the National Stranding Database.
Response: This number may be filled in in the National Database. The number will be automatically assigned by NMFS, but organizations can choose to utilize this field by writing in the number. This could assist them in their record-keeping.

3. Died:

- We suggest the following fields are added to the R/D form as they are on the Level A, to capture this same data on rehab animals that later die, long after the Level As have been submitted.

Necropsied Yes No Date: _____

Necropsied by: _____

- under the #3 Died subsection a prompt like (update Level A Data sheet) should be included to prompt folks to enter information pertinent to the whole carcass disposal, specimen disposition and necropsy information.

- The new data fields Necropsied: Y/N, Date of Necropsy _____, and Necropsied By _____ need to be added to this section.

Response: Added.

- Under the heading "Died" can we list euthanized Y or N ?

- Just to make the form more clear, under Disposition, number 3...I think it would be more accurate to to title it "Died / Euthanized, then make the distinction clear under cause of death.

Response: There is not enough room in this section to add a Y/N check box for Euthanized. However, the title was changed to be "Died/Euthanized" and it is expected that "euthanasia" can be listed as the cause of death, if applicable.

- The Comments section needs to be expanded. The straight length, weight, and age class data fields need to be added to this option following the Comments section.

Response: As mentioned earlier, this section was restructured so that the straight length, weight and age class data are filled out for all disposition categories.

4. Released:

Another suggestion under the released category might be a field listing *Last Day of Meds*: _____. This would help streamline this information from the release request into the stranding data.

Response: Added.

Tag Data:

- the Key for the tag placement codes is provided twice (next to "tag data" and again below that whole tag section). Might be nice to indicate type of tag???

- Also, remove the descriptions for tag placement that is beside the "Tag Data" title. It is all ready listed on the form at the bottom.

Response: The duplicate tag placement codes at the bottom of the page was deleted. The type of tag is already requested on the line with ID#/color/type.

- This data block should be separated from the Disposition data block. The format should be changed to Tags Applied (Y/N). Under the proposed format, if tags are not applied, the data field is left blank. This makes it very difficult for the regional stranding coordinator to determine if this data block was accidentally passed over by the stranding network member or if indeed, no tags were applied.

Response: Added.