

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Date 08/04/2015

Department of Commerce
National Oceanic and Atmospheric Administration

FOR CERTIFYING OFFICIAL: Jennifer Jessup

FOR CLEARANCE OFFICER: Jennifer Jessup

In accordance with the Paperwork Reduction Act, OMB has taken action on your request received 06/24/2015

ACTION REQUESTED: Extension without change of a currently approved collection

TYPE OF REVIEW REQUESTED: Regular

ICR REFERENCE NUMBER: 201506-0648-014

AGENCY ICR TRACKING NUMBER:

TITLE: Report of Whaling Operations

LIST OF INFORMATION COLLECTIONS: See next page

OMB ACTION: Approved without change

OMB CONTROL NUMBER: 0648-0311

The agency is required to display the OMB Control Number and inform respondents of its legal significance in accordance with 5 CFR 1320.5(b).

EXPIRATION DATE: 08/31/2018

DISCONTINUE DATE:

BURDEN:	RESPONSES	HOURS	COSTS
Previous	87	45	100
New	87	45	100
Difference			
Change due to New Statute	0	0	0
Change due to Agency Discretion	0	0	0
Change due to Agency Adjustment	0	0	0
Change due to PRA Violation	0	0	0

TERMS OF CLEARANCE:

OMB Authorizing Official: Dominic J. Mancini
Acting Deputy Administrator,
Office Of Information And Regulatory Affairs

List of ICs

IC Title	Form No.	Form Name	CFR Citation
Captains' reports			50 CFR 230.8
Commission reports			50 CFR 230.8

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.

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

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
REPORT OF WHALING OPERATIONS
OMB CONTROL NO. 0648-0311**

A. JUSTIFICATION

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

This request is for extension of this information collection.

The information to be submitted under this collection of information is necessary to comply with obligations under the International Convention for the Regulation of Whaling (1946). The Schedule of the Convention is binding on the United States and requires that this information be submitted for all whaling operations authorized by the International Whaling Commission (IWC), including the aboriginal subsistence whaling being conducted by Native Americans. The [Whaling Convention Act](#) (16 U.S.C. 916 et seq.) authorizes the collection of this information. Regulations codifying the provisions of this act are at [50 CFR Part 230](#). Information on the retrieval and use of dead whales (“stinkers”) is requested in order to have a record of all whales brought to shore and to ensure that whales killed under the IWC quotas are not claimed to have been found dead.

The required reports from whaling captains must include at least the following information:

- (1) The number, dates, and locations of each strike, attempted strike, or landing;
- (2) The length (taken as the straight-line measurement from the tip of the upper jaw to the notch between the tail flukes) and the sex of the whales landed;
- (3) The length and sex of a fetus, if present in a landed whale; and
- (4) An explanation of circumstances associated with the striking or attempted striking of any whale not landed.

Any person salvaging a stinker shall submit to the Assistant Administrator or his/her representative an oral or written report describing the circumstances of the salvage within 12 hours of such salvage.

The reports are to be submitted to the Native American whaling commissions, which then submit them to NMFS. There are two Native American whaling commissions. These are the Alaskan Eskimo Whaling Commission (AEWC), which oversees whaling in the eleven traditional whaling villages in Alaska, and the Makah Whaling Commission, which oversees any whaling activities in Neah Bay, WA on the Makah reservation. Any Makah whale hunt must first satisfy domestic legal requirements; no hunt is currently authorized.

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 reports from the individual whaling captains are used on a daily basis during the whaling seasons by the relevant Native American Whaling Commission to monitor the hunt and ensure

that quotas are not exceeded. In addition, the information is reported yearly to the IWC, which uses it to monitor compliance with its regulations. Biological information on the size and sex of the whale, length and sex of any fetus, etc. are used on an “as needed” basis by scientists and by the Scientific Committee of the IWC as part of an ongoing effort to monitor the recovery of the harvested species (bowhead and gray whales) and to understand the population dynamics of both species.

It is anticipated that the information collected will be disseminated to the public or used to support publicly disseminated information. See response to Question 10 of this Supporting Statement for information on confidentiality and privacy. The information collection is designed to yield data that meet 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.

Whaling captains may report catches by telephone or fax if they are available, but this is not required. The AEWG currently faxes or emails summaries of whaling activities to NOAA. The basis for adopting these means of collection is pragmatic: given the small number of reporting individuals, any available method for notifying the AEWG of catches is acceptable. Because of the remote villages in which whaling takes place, however, the use of new information technology to reduce the burden on the public would be effective only to the degree that it is available and affordable to subsistence hunters.

In the past, the Makah whaling operation has been very small-scale (one whale killed in 1999). There would be no limitations on how the information would be submitted if this hunt were to resume.

4. Describe efforts to identify duplication.

NOAA is the agency responsible for managing whaling. Therefore, there is no other source of this information, and no other agency requires similar reports.

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

This collection of information has no impact on small businesses. Whaling is not a business. The meat from aboriginal subsistence whaling cannot be sold. Traditional native handicrafts from whalebone can be sold, but the reporting of whaling operations will have no effect on such sales.

The collection of information will affect some tribal governments. The Makah Tribal Council has been involved in the collection of information about Makah whaling. Although the issue of whaling itself has had a major impact on the Makah Tribal Council due to the opposition of anti-whaling groups, this collection of information would not have a significant impact if Makah whaling were to resume. So far, the Makah has killed only one whale under a Whaling Convention Act authorization since the IWC approved its request for a quota in 1997.

At present, the only authorized whalers belong to the Alaska Eskimo Whaling Commission, to which the Eskimo whalers have given authority to regulate their whaling. The reporting burden on the AEWC is considered insignificant. The time required to report is not great, and these entities would need to gather much of the information in any case in order to monitor quota compliance.

No other tribes have expressed an interest in whaling to the United States (U.S.) Government.

6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

If the information were not collected, the U.S. Government would be in violation of its obligations to the IWC. The most egregious violation could be exceeding the catch limit authorized by the IWC.

If the information were collected less frequently, quotas might be exceeded inadvertently.

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

The collection of information would be inconsistent with the first two OMB guidelines for information collections (not requiring respondents to report information more often than quarterly, and not requiring respondents to prepare a written response in fewer than thirty days after they receive a request). In order to ensure that the quota is not exceeded, whaling captains need to report to the Native American Whaling Commission as soon as a strike is made. The whaling seasons in Alaska are short, and in good years the small quotas given to each village can be filled within a few days. The collection is otherwise consistent with the OMB guidelines.

8. Provide information on 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. 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.

A Federal Register Notice, published on February 27, 2015 (80 FR 10667) solicited public comments on this renewal. Additionally, notification of the comment period and a request for comment was emailed directly to four non-NOAA constituent groups. Four comments were received during the public comment period, all solicited separately, but the Marine Mammal Commission comment was also sent to DOC in direct response to the FRN:

- (1) The Makah Tribal Council stated it had no comments on the renewal of this information collection. *Response:* Comment noted.
- (2) The Marine Mammal Commission stated that the specified information is crucial to overseeing compliance with the requirements of the U.S. Whaling Convention Act, and the United States' obligations under the International Convention for the Regulation of

Whaling and the International Whaling Commission's Schedule. The Commission views the collection of information's burden to be reasonable and considers it appropriate for the relevant Native whaling organization to be responsible for reporting the information. *Response:* Comment noted.

- (3) The AEWC stated that it can take longer to create the final report under this collection of information than is currently estimated; however, they did not have an exact estimate of the burden at this time. They plan to estimate the time it takes to finalize these reports over the next three years and will provide that information for consideration when the collection of information is next up for renewal. *Response:* No changes will be made to the estimate of burden at this time. The burden may be updated in the future if and when the AEWC provides an updated estimate of the time it takes to create the final reports.
- (4) The Animal Welfare Institute indicated that the information collected in this collection of information is both valuable in regard to domestic monitoring of the hunts and also to allow the United States to meet its reporting duties to the International Whaling Commission. They stated that they do not support a potential hunt by the Makah Tribe. They further recommended additional types of information NOAA should require be collected and reported. *Response:* This comment is noted. This collection of information does not apply to the Makah Tribe since no hunt is currently authorized. With respect to the recommendation for additional types of information to collect, changes to the collection of information would require changes to the existing regulations under 50 CFR Part 230 and the Cooperative Agreement between NOAA and the AEWC. Such changes would require extensive consultation; therefore, such additional requirements for information collection cannot be made at this time. NOAA will consider the recommendation for additional information collection when the NOAA-AEWC Cooperative Agreement is renewed in 2018.

The last formal consultation with the AEWC on reporting requirements was in 2015, when the most recent annual amendment to the cooperative agreement was signed. NOAA last informally consulted with the AEWC in 2015. The existing reporting format was devised by the AEWC and they are free to change the format.

NOAA last informally consulted with the Makah Tribe in 2015. It agreed to provide the information needed by the IWC and contained in this collection of information if they resumed whaling activities. NOAA would consult with the Makah Tribe prior to any resumption of whaling. NOAA last formally consulted with the Makah Tribal Council in 2001 when the last cooperative agreement was signed with regard to whaling.

There is a great deal of contact between NOAA and both Native American Whaling Commissions in which any problems in reporting could be handled as they arise.

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

No payments or gifts to respondents is offered or considered.

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

Confidentiality of the information provided cannot be assured. The summaries of the information are reported to the International Whaling Commission and are a matter of international record. The individual reports are releasable under the Freedom of Information Act. However, the Native American Whaling Commission has not identified confidentiality of the data supplied under this collection of information as an issue.

The AEWIC provides NOAA with the names of the whaling captains and the approximate location of strikes. Because the ice conditions vary each year and the migration patterns are unpredictable, releasing information on location of strikes does not reveal any “secrets” about good places to find whales.

The public watches the Makah closely. If the Makah were to resume whaling, the location of any strike would be well known.

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.

There are no questions of a sensitive nature required by these regulations.

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

The estimate of hours provided in the February 27, 2015, Federal Register Notice (80 FR 10667) was incorrect. The burden outlined in that Federal Register Notice over-estimated the true burden of this collection of information. The estimate is corrected in the text below.

Burden per whale strike report:

- Whale measurement: 5 minutes
- Visual inspection to determine sex: 1 minute
- Visual inspection to determine sex of fetus: 1 minute
- Notation of approximate location, to the level of detail provided by the Native American Whaling Commission: 2 minutes
- Call to the Commission to report the catch: 10 minutes
- If a whale is struck but not landed, a description of the circumstances is required: 15 minutes, but in this case, no measurement requirement.

An estimate of 30 minutes per whale struck is, therefore, judged to be a reasonable average of how long it should take to report a whale. The same estimate applies to “stinker” reports. For reasons that can be imagined, “stinkers” are rarely landed. In most years there are no “stinker” reports.

There are approximately 157 whaling captains. However, many of them do not strike or land a whale in a given year. The current maximum number of bowhead whales allowed to be struck by Alaska Eskimos is 75. The total number of whales struck each year should therefore be at most

75, and, in practice is less than that number in most years. **Therefore, the maximum number of whales harvested that would require responses would not exceed 75, and the hourly burden would be 75 x 30 minutes, or 37.5 (38) hours** (the February 2015 Federal Register Notice incorrectly estimated this burden based on all 157 whaling captains, instead of the maximum of 75 strikes, and reports, per year)

There are no specific forms required for the submission of information by the whaling captains, nor is there a specific form for the Native American Whaling Commissions to report to NOAA. Each Commission developed the current format of the reports.

The Native American Whaling Commissions must compile the captains' reports and submit them to NOAA. Using their own spreadsheets containing the required data elements, it is estimated to take about 5 minutes to type in each whale report. **Based on a maximum of 75 whale reports, this would amount to 6 hours, 15 minutes (6 hours) per year.**

The cooperative agreement with the AEWG requires that they provide a full report (i.e. their spreadsheet current as of the date provided) to NOAA following the conclusions of the spring and fall hunts on the information required above (2 reports). Additionally, there are requirements for interim reports (again, updated spreadsheets) occasionally throughout the hunting season to provide information on the number of whales struck and landed. This requirement is monthly for the AEWG during the spring and fall seasons (a total of 10 months and 10 reports per year). These reports can be written or oral, but the AEWG currently provides these reports via fax or email. Submitting the information to NOAA is estimated to take 5 minutes twelve times per year (two end of season reports, and ten reports during the seasons), or **one hour per year.**

The total amount of time required for Native American Whaling Commissions reporting is judged, therefore, to be about **7 hours, 15 minutes per year.**

The summary of the burden is:

157 captains (maximum) make a total of a maximum of 75 responses/yr x 30 minutes/response.
Total = 37.5 (38) hours

AEWG records the captains' reports and submits current information to NOAA in 12 reports per year:

75 whale maximum x 5 minutes each to record = 6 hours, 15 minutes (6 hours)

12 reports submitted each year x 5 minutes each to send = 1 hour

Total = 7 hours, 15 minutes (7 hours).

Total Burden = 158 respondents (157 captains and one commission), approximately 87 responses (75 captains' responses and 12 reports by the commission), and 45 hours. This total burden is a correction to the estimate provided in the February 2015 Federal Register notice, which incorrectly estimated this burden based on all 157 whaling captains, instead of the maximum of 75 strikes, and reports, per year.

13. Provide an estimate of the total annual recordkeeping/reporting cost burden to the respondents resulting from the collection (excluding the value of the burden hours in Question 12 above).

Annual costs to the respondents are practically zero. The whalers can call in their reports to the AEWC, so there is a telephone cost. The AEWC has a computer for other reasons and likewise has a fax machine and telephones for general activities. The only costs would be telephone calls and the cost of the fax reports. Total costs are estimated at \$100 or less.

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

The annualized costs to the U.S. Government are calculated as follows:

Twelve reports submitted to be filed: 18 minutes x 12 = 3.6 hours

Compilation of reports for submission to IWC: 2 hours.

Total time: 5.6 hours (6 hours) @ \$39.90/hour = \$239.40.

15. Explain the reasons for any program changes or adjustments.

There are no program changes or adjustments.

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

The required information will be submitted to the IWC, which publishes a summary of the report each year in its Annual Report. The Annual Report is compiled by the IWC Secretariat staff and is published at the IWC's expense.

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.

The collection is contained only in regulations. Because a form has been determined to be impractical, display of the expiration date is not warranted.

18. Explain each exception to the certification statement.

Not Applicable.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

There will be no statistical sampling or analysis.

From: Mike Gosliner <MGosliner@mmc.gov>

Sent: Tuesday, April 28, 2015 12:34 PM

To: Jessup, Jennifer

Cc: Garcia, Melissa; Rebecca Lent

Subject: Comments on Proposed Information Collection; Comment Request; Report of Whaling Operations

Dear Ms. Jessup:

The Marine Mammal Commission has reviewed the Department's *Federal Register* notice concerning the proposed collection of information related to aboriginal subsistence hunting of whales (80 Fed. Reg. 10667). The Commission believes that the specified information is crucial to overseeing compliance with the requirements of the Whaling Convention Act and its implementing regulations and in meeting the United States' obligations under the International Convention for the Regulation of Whaling and the International Whaling Commission's Schedule. The Commission does not believe that there are less burdensome ways to collect the necessary information, particularly given the remoteness of the areas where whaling occurs. The Commission agrees that it is appropriate for the relevant Native whaling organizations to act as a clearinghouse for these reports in light of their oversight roles for subsistence whaling and their responsibilities under the applicable cooperative agreements. We support the continuation of the existing reporting requirements.

Michael Gosliner

General Counsel

From: **Jessica Lefevre** <jessica@lefevrelaw.org>
Date: Fri, Apr 24, 2015 at 5:39 PM
Subject: Re: Technical Proposal - Bowhead Sharing
To: Melissa Andersen Garcia <melissa.garcia@noaa.gov>

Thanks, Melissa.

Yes, you can take my email as our comments at this point. I've asked Wildlife to give us an estimate of time on the IWC forms once they finish for this year and will pass that along to you for future reference.

On Apr 24, 2015, at 4:35 PM, Melissa Garcia - NOAA Federal
<melissa.garcia@noaa.gov> wrote:

Hi Jessica,
Should I take your email below as your comments on the PRA renewal? Thanks!

Thanks!
Melissa

From: **Jessica Lefevre** <jessica@lefevrelaw.org>
Date: Fri, Apr 24, 2015 at 3:28 PM
Subject: Fwd: Technical Proposal - Bowhead Sharing
To: Melissa Andersen Garcia <melissa.garcia@noaa.gov>

Melissa -

Also, I'm not hearing back from folks on the OMB information request. Everyone is very busy right now. We don't track time devoted to filling out forms, so it's hard to know for sure what those numbers would look like. I'm not sure that it is requested specifically, but we do devote many person-hours to filling out the IWC information requests. The work begins at AEWC and Wildlife Management and then comes to me. Collating and filling in forms can take several hours of my time and I would guess at least a day's worth of time, total, for the folks involved up north.

Thanks,
Jessica



Animal Welfare Institute

900 Pennsylvania Avenue, SE, Washington, DC 20003 • www.awionline.org
telephone: (202) 337-2332 • facsimile: (202) 446-2131

April 28, 2015

BY ELECTRONIC MAIL (jjessup@noaa.gov)

Ms. Jennifer Jessup
Departmental Paperwork Clearance Officer
Department of Commerce, Room 6616
14th and Constitution Avenue NW.
Washington, DC 20230

Re: Proposed Information Collection – Report of Whaling Operations

Dear Ms. Jessup:

On behalf of the Animal Welfare Institute (AWI), I submit the following comments on the National Oceanic and Atmospheric Administration's (NOAA) proposed information collection related to aboriginal subsistence whaling (80 Federal Register 10667). AWI appreciates the opportunity to participate in this decision-making process and commends NOAA for allowing it and other interested parties to provide input on the type of information that aboriginal subsistence whalers in the United States should provide to document their whaling practices. As indicated in the notice, this information is both valuable in regard to domestic monitoring of the hunts but also to allow the United States to meet its reporting duties to the International Whaling Commission (IWC).

At present, only native Alaskans from eleven whaling villages are permitted to hunt bowhead whales pursuant to an aboriginal subsistence whaling (ASW) quota approved by the IWC. AWI believes that the current native Alaskan whaling villages satisfy the relevant IWC standards in order to qualify for an ASW quota. AWI does not oppose the bowhead hunt although it continues to question whether the need for whales is properly calculated, it is concerned about the humaneness of the hunt, and it has serious questions about the number of struck but lost whales. AWI concedes that the efficiency of the hunt (i.e., the number of whales struck and landed compared to those struck and lost) is variable and strongly influenced by weather and ice conditions outside the control of the hunters. Nevertheless, given that 16 of 53 bowhead whales struck in 2014 were lost (approximately 30 percent lost), it is imperative that the Alaska Eskimo Whaling Commission (AEWC), whaling captains, their whaling teams, and the U.S. government increase their efforts to improve the efficiency of the hunt.

In addition, efforts to reduce the suffering of struck whales also must continue to improve. AWI is aware of the high cost of penthrite grenades, the difficulty and expense of transporting those weapons, and the need for training to ensure that the whalers can use these weapons safely and efficiently. It is also aware of the pending petition before the Bureau of Alcohol, Tobacco, and Firearms to permit the manufacture of penthrite grenades in the U.S. Despite these issues, it is imperative that the AEWC and U.S. government strive to attain 100 percent use of penthrite grenades in Alaskan ASW whaling by 2018.

at the latest. While AWI does not condone the intentional killing of any whale, given the legitimate needs of the native people in Alaska's eleven whaling villages, if they are to be permitted to kill whales it must be done humanely. At present, penthrite grenades represent the least cruel method to kill whales if used properly.

To achieve this goal of 100 percent use of penthrite for ASW in Alaska, it is imperative that the U.S. government through the National Marine Fisheries Service:

- 1) Allocate sufficient funds to assist the AEWK in purchasing penthrite grenades, harpoon canons, and other equipment required for the use of penthrite;
- 2) Provide funding and/or seek military assistance to facilitate the transportation of penthrite grenades and other equipment to the Alaskan villages;
- 3) Provide funding to ensure that all Alaskan whalers, including whaling captains and their crew, receive proper training in the use of penthrite, maintenance and care for the grenades and other equipment, and permit the whalers to make repairs to the equipment if/when necessary to reduce costs;
- 4) Encourage the ATF to allow for the manufacture of penthrite grenades and other equipment needed by the Alaskan whalers in the U.S. in order to reduce costs.

AWI is strongly opposed to whaling by the Makah tribe in Northwest Washington. Unlike the Alaskan native whalers, the Makah do not meet the IWC standards to obtain an ASW quota. The U.S. has only been successful in obtaining IWC approval for a gray whale quota by combining its request -- made on behalf of the Makah Tribe -- with the Russian Federation's request to satisfy its native whalers in Chukotka. The Makah Tribe does not have a demonstrable need for whale meat and they do not need to kill a single whale to ensure that its cultural and traditional activities associated with whales and whaling continue. In the event that the pending decision-making process related to the Makah whaling proposal results in a decision by the National Marine Fisheries Service to permit the Makah to whale, NOAA must engage in a similar effort as here to determine the information collection requirements for a whale hunt conducted by the Makah. While some elements of both the Alaskan and proposed Makah hunts are the same, there are vast differences between the two hunts which require separate information collection standards.

In regard to the type of information that should be collected from Alaskan aboriginal whalers, AWI notes that the following data are already collected pursuant to the Cooperative Agreement between the National Oceanic and Atmospheric Administration and the Alaska Eskimo Whaling Commission, as amended in 2013:

- 1) The date and the exact, to the extent practicable, location of strike for each whale struck or landed, including, at a minimum, the estimated distance and bearing from the village or whaling camp;

- 2) The length (as measured from the point of the upper jaw to the notch between the tail flukes) and the sex of the whales landed;
- 3) The length and sex of a fetus, if present, in a landed whale; and
- 4) An explanation of circumstances associated with the striking of any whale not landed, and an estimate of whether a harpoon or bomb emplacement caused a wound which might be fatal to the animal (e.g., the harpoon entered a major organ of the body cavity and the bomb exploded).

Additional information that should be required to be collected and reported to the U.S. government includes:

- 1) The approximate location on the body where whales are struck with the primary, secondary or additional strikes and the type of weapon used. The collection of such data could help identify the ideal shot placement and type and caliber of weapon that results in the most rapid time to death of the animals thereby reducing the cruelty inherent to the hunt. The collection of similar data for any additional strikes needed to kill the whale would also be valuable data to use to improve the efficiency of the hunt. A member of the whaling crew could be assigned the responsibility to document, per instructions from the whaling captain or harpooner, the placement of each strike on the whale's body and the type of weapon used. An image of a whale could be used to record such information or perhaps the information can be recorded electronically on any hand held device that may be available to the whaling team.
- 2) The proximity of sea ice to the location of the initial strike of a whale. In past reports on the efficiency of the Alaskan hunt, a frequent cause of the loss of a struck whale is because the whale went under the ice. This suggests that there is a correlation between the proximity of sea ice to the whale when initially struck and its subsequent loss. Obtaining data on sea ice location could, therefore, be used to determine the risks (in terms of striking and losing a whale) of hunting bowhead whales within a certain proximity of sea ice versus targeting those whales that are in more open water. If such a correlation exists, whaling captains could be advised to focus their efforts on whales in more open waters to reduce the potential for strike and loss which does not benefit the whalers or, of course, the struck whales;
- 3) Time to death data. It is imperative that time to death data be collected to advance efforts to reduce the suffering of bowhead whales targeted in the Alaskan ASW hunt. While data on struck and lost is important, understanding how long struck whales suffer before succumbing to their injuries/wounds is also paramount to improving the ability of Alaskan whaling captains to rapidly dispatch targeted whales. It is inconceivable, particularly given modern time pieces that can withstand water and extreme temperatures, that a member of a whaling crew cannot note the time when a whale was first struck and when the whale appeared to be dead. Since the IWC has agreed that its current criteria for determining the onset of irreversible insensibility and death are inadequate (Resolution 2004-3), the U.S. could engage in a separate research and decision-making process to develop better criteria to determine if a whale is irreversibly insensible or dead.

AWI notes that the development of reporting requirements for Alaskan native whalers, while important, must not be limited to this current decision-making process. Instead, the U.S. government should revisit this issue at least every two years by publishing a notice in the Federal Register soliciting additional comments on the information collection standards for ASW hunts in the U.S. In such future notices, the U.S. should include links to any existing forms used to collect information from Alaskan whalers to permit the public the opportunity to review such forms.

Thank you in advance for considering this input. Should you have any questions or need additional information, please contact Mr. D.J. Schubert at dj@awionline.org or, by telephone, at 609-601-2875. Any additional notices or other information distributed regarding this issue should be sent to D.J. at the email address provided above or, by mail, to 202 Cranberry Court, Egg Harbor Township, NJ 08234.

Sincerely,

A handwritten signature in black ink, appearing to read "D.J. Schubert". The signature is written in a cursive style with a large initial "D" and "J".

DJ Schubert
Wildlife Biologist

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****Proposed Information Collection; Comment Request; Report of Whaling Operations**

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

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.

DATES: Written comments must be submitted on or before April 28, 2015.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at Jjessup@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Melissa Garcia, National Marine Fisheries Service (NMFS), Office for International Affairs and Seafood Inspection, 1315 East West Hwy, Silver Spring, MD 20910; (301) 427-8385 or melissa.garcia@noaa.gov.

SUPPLEMENTARY INFORMATION:**I. Abstract**

This request is for extension of a current information collection.

Native Americans may conduct certain aboriginal subsistence whaling in accordance with the provisions of the International Whaling Commission (IWC). In order to respond to obligations under the International Convention for the Regulation of Whaling, and the IWC, captains participating in these operations must submit certain information to the relevant Native American whaling organization about strikes on and catch of whales. Anyone retrieving a dead whale is also required to report. Captains must place a distinctive permanent identification mark on any harpoon, lance, or explosive dart used, and must also provide information on the mark and self-identification information. The relevant Native American whaling organization receives the reports,

compiles them, and submits the information to NOAA.

The information is used to monitor the hunt and to ensure that quotas are not exceeded. The information is also provided to the International Whaling Commission (IWC), which uses it to monitor compliance with its requirements.

II. Method of Collection

Reports may be made by phone, fax, email, or in writing. Information on equipment marks must be made in writing. No form is used.

III. Data

OMB Control Number: 0648-0311.

Form Number(s): None.

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

Affected Public: Individuals or households; state, local, or tribal governments.

Estimated Number of Respondents: 158 (157 whaling captains, one Native American whaling organization).

Estimated Time per Response: 30 minutes for reports on whales struck or on recovery of dead whales, including providing the information to the relevant Native American whaling organization; 5 minutes for the relevant Native American whaling organization to type in each report; and 5 hours for the relevant Native American whaling organization to consolidate and submit reports.

Estimated Total Annual Burden Hours: 86.

Estimated Total Annual Cost to Public: \$100 in recordkeeping/reporting costs.

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: February 24, 2015.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2015-04144 Filed 2-26-15; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****ENVIRONMENTAL PROTECTION AGENCY****Coastal Nonpoint Pollution Control Program: Finding That Oregon Has Not Submitted a Fully Approvable Coastal Nonpoint Pollution Control Program**

AGENCY: National Oceanic and Atmospheric Administration, Department of Commerce; Environmental Protection Agency.
ACTION: Notice of availability.

SUMMARY: The National Oceanic and Atmospheric Administration (NOAA) and the U.S. Environmental Protection Agency (EPA) announce the availability of the federal agencies' finding that Oregon has not submitted a fully approvable Coastal Nonpoint Pollution Control Program that meets the requirements of the Coastal Zone Act Reauthorization Amendments (CZARA). CZARA directs states and territories with coastal management programs previously approved under Section 306 of the Coastal Zone Management Act to develop and implement coastal nonpoint pollution control programs which must be submitted to NOAA and EPA for approval.

FOR FURTHER INFORMATION CONTACT: Allison Castellán, Stewardship Division, (N/OCM6), Office for Coastal Management, NOS, NOAA, 1305 East-West Highway, Silver Spring, Maryland 20910, phone (301) 713-3155, x125, email Allison.Castellan@noaa.gov.

(Federal Domestic Assistance Catalog 11.419 Coastal Zone Management Program Administration)

SUPPLEMENTARY INFORMATION: NOAA and EPA (federal agencies) announce the availability of the federal agencies' finding that Oregon has not submitted a fully approvable coastal nonpoint pollution control program (coastal nonpoint program). Section 6217(a) of the Coastal Zone Act Reauthorization Amendments (CZARA), 16 U.S.C. 1455b(a), requires that each state (or territory) with a coastal management program previously approved under section 306 of the Coastal Zone Management Act must prepare and submit to the federal agencies a coastal