

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Date 11/29/2010

Department of Commerce
National Oceanic and Atmospheric Administration
FOR CERTIFYING OFFICIAL: Simon Szykman
FOR CLEARANCE OFFICER: Diana Hynek

In accordance with the Paperwork Reduction Act, OMB has taken action on your request received 10/01/2010

ACTION REQUESTED: New collection (Request for a new OMB Control Number)
TYPE OF REVIEW REQUESTED: Regular
ICR REFERENCE NUMBER: 201008-0648-010
AGENCY ICR TRACKING NUMBER:
TITLE: COOK INLET BELUGA WHALE PROTECTION PRETEST ECONOMIC SURVEY
LIST OF INFORMATION COLLECTIONS: See next page

OMB ACTION: Approved with change
OMB CONTROL NUMBER: 0648-0621

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: 11/30/2011

DISCONTINUE DATE:

| BURDEN: | RESPONSES | HOURS | COSTS |
|--|-----------|-------|-------|
| Previous | 0 | 0 | 0 |
| New | 504 | 149 | 0 |
| Difference | | | |
| Change due to New Statute | 0 | 0 | 0 |
| Change due to Agency Discretion | 504 | 149 | 0 |
| Change due to Agency Adjustment | 0 | 0 | 0 |
| Change Due to Potential Violation of the PRA | 0 | 0 | 0 |

TERMS OF CLEARANCE: Approval is given for the Cook Inlet Beluga Whale Protection Pretest Economic Survey. Once the pretest is completed, NOAA should summarize and report the results to OMB. The summary should include: the overall response rate, item non-response rates for key questions, and response rates to different incentive amounts.

OMB Authorizing Official: Kevin F. Neyland
Deputy Administrator,
Office Of Information And Regulatory Affairs

List of ICs

| IC Title | Form No. | Form Name | CFR Citation |
|---|----------|--|--------------|
| Cook Inlet Beluga Whale Protection Pretest Economic Survey | NA | The Future of Cook Inlet Beluga Whales - What is Your Opinion? | |
| Follow-up telephone questions for those not responding so far | NA | Telephone follow-up | |

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. <u>P</u> 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. <u>P</u> 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
COOK INLET BELUGA WHALE PROTECTION PRETEST ECONOMIC SURVEY
OMB CONTROL NO. 0648-XXXX**

A. JUSTIFICATION

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

The population of Cook Inlet beluga whales (*Delphinapterus leucas*), found in the Cook Inlet of Alaska, is one of five distinct population segments (DPSs) in United States (U.S.) waters. It was listed as endangered under the [Endangered Species Act](#) (ESA) on October 22, 2008 (73 FR 62919). It is also a depleted species under the [Marine Mammal Protection Act](#) (MMPA) of 1972 (16 U.S.C. 1362). The public benefits associated with the results of protection actions on the Cook Inlet beluga whale (CIBW), such as population increases, are primarily the result of the non-consumptive value people attribute to such protection (e.g., active use values associated with being able to view beluga whales and passive use values unrelated to direct human use). Little is known about these values, yet such information is needed for decision makers to more fully understand the trade-offs involved in choosing among potential protection alternatives and to complement other information available about the costs, benefits, and impacts of protection alternatives. A general population survey is needed that will collect information that provide insights into public values for protection of CIBWs and the impacts of that protection.

The National Marine Fisheries Service (NMFS) is the primary agency responsible for the protection of marine mammals, including Cook Inlet beluga whales. Multiple management actions will be considered by NMFS in its efforts to protect and aid the recovery of the CIBW DPS. In deciding between management actions, policy makers must balance the ESA and MMPA goals of protecting CIBWs from further declines with economic activities and development in the Cook Inlet region. Cook Inlet beluga whale protection actions may be subject to [Executive Order 12866](#) (58 FR 51735), which requires regulatory agencies to consider costs and benefits in deciding among alternative management actions.

This information collection request is for a pretest that precedes the full survey implementation that is anticipated to be implemented to measure public preferences for Cook Inlet beluga whale protection. The pretest will provide researchers with feedback to evaluate the survey instrument. In particular, the pretest will gather a sufficient number of responses to evaluate the information presentation, reliability, internal consistency, response variability, and other properties of a newly developed survey. Results from these activities will be used to make improvements to the survey instrument and survey administration approach. Further development of the survey cannot proceed without the pretest.

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 pretest consists of implementing a small-scale mail survey on a sample of United States (U.S.) households. We will mail questionnaires to members of the sample; in addition, we will send follow-up mailings to encourage response. Among the follow-up efforts will be a telephone contact with those sample households for whom we have telephone numbers. We will try to obtain some survey information during this telephone follow-up. The survey administration protocols and procedures for assessing non-response behavior are anticipated to be used in the full implementation, so their performance in the pretest will be used to evaluate them.

Mail Questionnaire

Two principal types of information will be gathered from the pretest mail survey—responses to survey questions and information about the survey administration. Survey responses gathered from the pretest mail questionnaire include information about the following:

- a. Public preferences regarding the protection of Cook Inlet beluga whales.
- b. The factors that affect the public's preferences for protecting Cook Inlet beluga whales, such as the risk of extinction to the DPS, listing status, and protection costs.
- c. Information on general attitudes toward protecting threatened and endangered species.

Stated preference response data collected through the pretest will be used by NMFS to gauge the feasibility of the set of attributes and attribute levels being considered and to aid in developing the experimental design for the final survey implementation. In the full implementation, these data will be used by NMFS to estimate a preference function for explaining choices between protection programs that differ in the extinction risk levels, ESA listing status, and costs. This estimated function will provide NMFS with information on public preferences and values for alternative Cook Inlet beluga whale protection programs, and what factors affect these values. This information can then be compared with program costs and other impacts when evaluating protection alternatives. Although the small sample size in the pretest will preclude statistically robust results for this purpose, preliminary analysis of the pretest data will provide results sufficient to aid in the experimental design and determine the feasibility of the set of attributes and attribute levels being considered.

The pretest will also provide information about the survey implementation, particularly indicators of response rates to the survey as a whole with different monetary pre-incentive amounts and to individual questions and factors affecting response behavior. The survey administration protocols will include contacting non-responding individuals via telephone, encouraging them to respond, and if they refuse, asking a set of questions to assist in determining whether there are differences between respondents and non-respondents. These processes are described in more detail in Part B. The pretest affords the only opportunity to test the telephone scripts and determine cooperation rates for the telephone follow-up efforts. Additionally, since this is a new survey instrument involving a public good with low salience for the public at large,

overall response rates from the pretest are needed to determine the incentive amount that maximizes response rates and the size of the initial sample to contact for the full implementation that will ensure a sufficiently large number of completed surveys for analysis.

The following is a discussion of how particular questions in the mail questionnaire will be ultimately used. Generally, the survey asks respondents for information regarding their knowledge and opinions of Cook Inlet beluga whales, other endangered species, other seals and sea lions, and potential goals and impacts of management options available to protect the endangered population of Cook Inlet beluga whales, in addition to standard socio-demographic information needed to classify respondents. It is divided into several sections.

Section 1: The Issue: Endangered Cook Inlet Beluga Whales

Prior to the first section, respondents are asked a general social issues question. To put the issue of protecting threatened and endangered species in the context that there are many social issues (each with costs), and thus to reduce survey “importance bias”, Q1 asks the respondent whether less, about the same, or more should be done with respect to several other issues facing the U.S. In addition to protection of threatened and endangered species, the set of issues listed includes government efficiency, education, road and highway improvements, economic growth and jobs, and air and water pollution.

The first section identifies the Cook Inlet beluga whale as a species protected under the Endangered Species Act and presents information about the Endangered Species Act (ESA), including definitions for “endangered” and “threatened” species, which are important to the policy questions in the survey. Since the Cook Inlet beluga whale is protected as a DPS, not as a distinct species, under the ESA, respondents are informed that the ESA also may protect a DPS. The introductory material also presents a breakdown of how many species are protected under the ESA to help place Cook Inlet beluga whales in context as one of many ESA-protected species. Finally, the introduction identifies that the ESA requires reasonable actions be taken, which begins to motivate the questions about alternative actions to consider. The section also lists reasons people may care about threatened and endangered species and the types of costs that result from protecting them.

- Q2 asks how positive or negative the respondent’s reaction is when they think about the Endangered Species Act. This simple question identifies people’s general feelings toward endangered species protection. It provides an easy start to the process of thinking about threatened and endangered species, and it sets a tone of neutrality by allowing positive and negative reactions right from the start. In initial testing (and a past study), responses to this question were good predictors of how respondents would answer the stated preference questions.
- Q3 asks respondents whether they are aware that the ESA protects distinct population segments in addition to entire species. This question is used as a way to encourage respondents to read and understand the information regarding the ESA and its protection of DPSs in addition to entire species.

- After providing some general reasons for and against protecting threatened and endangered species (again providing a neutral perspective), Q4 addresses the importance to the respondent of general protection of threatened and endangered species, and whether protecting jobs is more or less important than threatened and endangered species protection to the respondent. Responses to this question were also found to be correlated with response patterns to stated choice questions in initial qualitative testing (i.e., focus group).

To properly value Cook Inlet beluga whales, it is vital to accurately define the good and to provide the context within which it exists to ensure that respondents fully understand what they are to value. Part of the process of providing context for the valuation involves discussing the species that may serve as substitutes in individual's minds for Cook Inlet beluga whales. In focus groups, a natural set of substitutes that people identified for Cook Inlet beluga whales is other whale species.

This section provides a graphic of endangered whales residing in U.S. waters, with some information about whether the entire species or only one or more DPSs are protected. This graphic is useful for illustrating that the Cook Inlet beluga whale is one of several whale species in the U.S. that are protected by the ESA.

- Q5 is used to determine whether respondents have had prior experience observing whales, and aids in encouraging respondents to review the information provided.

Section 2: Some Beluga Whale Facts

This brief section introduces several facts about beluga whales generally.

- Like Q5, Q6 is intended to get respondents to begin thinking about beluga whales and determine whether they are familiar with beluga whales prior to reading the survey.

Section 3: Beluga Whales in the U.S.

This brief section provides a map and table describing where the five beluga whale DPSs are, what their population sizes are, and what the population trend is for each.

- Q7 is another question intended to put the issue of Cook Inlet beluga whales in a larger context (all beluga whales) and asks respondents whether they are concerned about the DPSs that are declining given that other DPSs are stable or increasing.

Section 4: Cook Inlet Beluga Whales

This section describes how the Cook Inlet beluga whale DPS is different from the other DPSs, where it is located, its ESA listing, the past and current threats to it, its population trend, and past and present efforts to protect it, as well as the current estimated risk of extinction for the DPS under current conditions. This and the next section define the baseline of current and expected

future conditions with current management programs, which is required for proper valuation of alternative levels of protection.

- Q8, which asks whether the respondent has ever lived in or visited areas where the Cook Inlet beluga lives, is intended to get the individual to review the map that indicates where the Western and Eastern stocks are and relate the map to their own experiences.
- Respondents are asked how concerned they are about the Cook Inlet beluga whale in Q9. This information serves dual purposes. First, it encourages the respondent to read and understand what is occurring with the DPS, and second, provides information that can be used to check for consistency of preferences with responses to stated preference questions.
- Q10 asks specifically about the risk of extinction information. It is intended to encourage the respondent to read the information on extinction risk carefully and consider whether the estimate is concerning from the respondent's perspective.

Section 5: New Cook Inlet Beluga Whale Protection Actions

This section introduces the idea that more can be done to protect Cook Inlet beluga whales and sets the stage for asking about specific protection alternatives in the stated preference questions. In the section, protection actions that would help Cook Inlet beluga whales to recover are described, the term "recover" is defined, and the costs of additional protection actions (payment vehicle) are discussed in terms of the effects they would have on individual households.

- Q11 asks respondents to what extent they agree with two statements, one indicating a desire to help the Cook Inlet beluga whale recover, even if it costs more money; and the other stating that the most effective protection actions should be used even if businesses and individuals are negatively affected. The question serves the purpose of acknowledging that there are costs to protecting Cook Inlet beluga whales and informing the respondent about these costs. This is important for maintaining a neutral stance regarding protection and minimizing information bias. Additionally, agreeing with the first statement indicates a willingness to spend money to protect the DPS, while disagreement suggests individuals may not choose costly programs to help the DPS. Disagreement with the second statement provides a reason why individuals may not be willing to spend additional money to protect Cook Inlet beluga whales.

Section 6: What Alternatives Do You Prefer?

This section contains the stated preference questions, which are in a choice experiment, or stated choice, framework. The section begins with instructions for answering the questions and a budget reminder. In addition, a "cheap talk" script (e.g., Cummings and Taylor [1999]) is included to minimize potential hypothetical bias. The instructions and cheap talk script are followed by four stated choice questions (Q12, Q13, Q14, and Q15) and follow-up questions (Q16, Q17). The information from these questions will be used to estimate a Cook Inlet beluga whale protection preference function.

- In each of the four choice questions (Q12 through Q15), respondents are confronted with three alternatives that differ in what they do and how much they cost, the current Cook Inlet beluga whale protection program (Alternative A), which is the status quo alternative, and two others that do more and cost more, which are uniquely labeled Alternatives B through I in the survey to encourage respondents to view the non-status quo alternatives as distinct across choice questions. These alternatives are described by their expected results with respect to the following attributes:

1. Population status in 50 years
2. Risk of extinction by the year 2110
3. Added household cost¹

Respondents are then asked to choose the alternative they most prefer, and which they least prefer. The status quo is always the first option to make it easy for respondents to select it (and reduce any unintended bias in selecting alternatives to do more and spend more), and to allow rank ordering of non-status quo alternatives relative to the baseline (Alternative A), which provides statistical efficiency gains over paired choices.

- In Q16, respondents are asked to agree or disagree with several statements that are used to help address several concerns about people’s responses, including whether respondents feel it is their responsibility to pay for Cook Inlet beluga whale protection at all (potential protest), whether respondents had enough information to make an informed choice (the effect of uncertainty on values), whether respondents were paying just for Cook Inlet beluga whales or if they believed other species were being protected by the alternatives considered (potential embedding), whether respondents believed the federal government could effectively manage the Cook Inlet beluga whale protection programs to bring about the results being valued (potential protest), whether respondents feel they should not have to pay more federal taxes for any reason (potential protest), whether the scientific estimates of future extinction risk were believable to the respondent (potential protest), a statement about whether the respondent felt qualified to choose between different extinction risks (potential protest), and a statement indicating an unwillingness to pay if there is any risk of extinction.
- Q17 identifies how confident individuals are about their answers to the stated preference questions. Respondents stating they are “not at all confident” in their answers may be excluded from the estimation since these individuals, for whatever reason, are uncertain that their answers reflect how they feel.
- The final question (Q18) in the section is intended to gauge respondents’ general environmental attitudes using questions from the New Ecological Paradigm, a series of Likert scale questions that measure pro-environmental sentiments on several dimensions

¹ In cognitive interviews, individuals were specifically asked in what form they believed they would be paying for Cook Inlet beluga whale protection programs. The vast majority responded that the added cost in the choice questions simply represents money out of their pocket, mostly in the form of federal taxes, but also from some additional expenditures on seafood products.

(Dunlap, van Liere, Mertig, and Jones, 2001). These questions have been used frequently in numerous environmental surveys. An understanding of general environmental attitudes may be helpful to explain responses to stated preference questions and enable classification of respondents.

Section 7: About You and Your Household

This final section consists of eleven questions, Q19 through Q29, that collect information about the respondent and the respondent's household to be used as explanatory variables in the stated preference model, for comparing the sample to the population (coverage or sampling bias), and for comparing respondents to non-respondents (non-response bias). To the extent possible, the questions and response categories parallel those used by the Census Bureau to allow the most direct comparisons.

- Socioeconomic, demographic, and classification information collected includes gender (Q19), age (Q20), household size (Q21), employment status (Q22), membership in an environmental or conservation program (Q23), recent fishing and hunting behavior (Q24), educational attainment (Q25), household ownership status (Q26), ethnicity (Q27), race (Q28), and income (Q29).

Telephone Follow-Up

Following the initial mailing and postcard reminder, we will contact non-respondents by telephone to encourage them to complete the mail survey² and to collect limited information from those who decide not to participate in the mail survey at all.³ The information provided by these non-respondents can be compared with that from respondents to address issues concerning non-response bias. Selected socioeconomic and demographic questions, along with a few key attitudinal questions, are asked to enable conducting statistical tests in the full survey to determine whether non-respondents differ from respondents with respect to these characteristics. The attitudinal questions include versions of Q1 and Q4 from the mail questionnaire. Responses to questions like these have been shown to be correlated to responses to stated preference questions in earlier rounds of focus groups and cognitive interviews. This information can be used to evaluate and adjust the results for potential non-response bias among sample members.

As explained in the preceding paragraphs, the information gathered has utility. The National Oceanic and Atmospheric Administration (NOAA) 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. See response to Question 10 of this Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meet all applicable information quality guidelines. Although the information collected is not expected to be disseminated directly to the public, results may be used in scientific, management, technical or general informational

² Those needing a replacement survey will be mailed one following the telephone interview.

³ In the telephone follow-up, a limited amount of information may also be collected from those agreeing to return the mail survey.

publications. Should NOAA decide to disseminate the information, it will be subject to the quality control measures and 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 collection techniques or other forms of information technology.

The pretest survey will not utilize any specialized information technology.

4. Describe efforts to identify duplication.

The economics literature was consulted extensively to identify studies that valued Cook Inlet beluga whales. To date, there has not been any study that provides economic value information for Cook Inlet beluga whales. However, a recent unpublished government study by Olar, et al. (2007) valued the protection of beluga whales in the St. Lawrence Estuary in Canada, which is classified as threatened under the Species at Risk Act (SARA) in Canada. The study uses stated preference choice experiment data collected from a survey of Canadian households using an Internet-enabled web panel that achieved a cooperation rate of 52%. Mean household willingness to pay for improving the St. Lawrence Estuary beluga whale from its currently threatened status to a special concern status was estimated to be \$107 (Canadian dollars), with a standard deviation of about \$12. For a larger improvement, from threatened to not at risk, the mean household WTP was estimated to be \$122 (Canadian dollars) with a standard deviation of about \$17. While these results suggest a positive WTP for improving the status of beluga whales in the St. Lawrence Estuary, the WTP is for Canadian households and does not speak to U.S. households' preferences and values.

Although there are no existing survey efforts to understand the public's preferences and values for protecting Cook Inlet beluga whales, there are numerous examples of studies conducted to estimate the non-consumptive use value of other endangered species and marine mammals. Examples include Bosetti and Pearce (2003), Langford, et al. (2001), Jakobsson and Dragun (2001), Fredman (1995), Hagen, et al. (1992), among others. All these studies utilized contingent valuation methods, as do the vast majority of species valuation studies.⁴ As a result, they are unable to fully analyze marginal values of attributes of the species protection. The proposed study departs from most of the existing literature in its use of a stated choice framework that allows marginal values of attributes of protection programs to be estimated. The added information provided by this approach arms decision makers with better information about how much the public would benefit from programs that lead to differing results, and thus represents a flexible tool for management. A recent study by Lew, Layton, and Rowe (2010) illustrates an application of this approach with respect to the valuation of protection for a U.S. threatened and endangered species (the Steller sea lion).

⁴ See Loomis and White (1996) and Richardson and Loomis (2009) for summaries of the literature related to the valuation of threatened and endangered species.

5. If the collection of information impacts small businesses or other small identities, describe any methods used to minimize burden.

The collection does not involve small businesses or other small identities.

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

The pretest is necessary to assess whether the survey administration protocols and materials are adequate for implementing the full survey that will gather data for estimating public values for protecting Cook Inlet beluga whales. Without the pretest, there will be insufficient responses to develop a reliable experimental design and to evaluate the information presentation, reliability, internal consistency, response variability, and other properties of the survey. This is a critical step needed to be confident that the questionnaire is functioning in the way in which it is intended and can be successfully implemented and to evaluate the efficacy of the survey implementation methods.

If the pretest collection (and hence full collection) is not conducted, NMFS will have to rely on information about public values for other species to infer the value of protecting Cook Inlet beluga whales using benefits transfer methods to consider along with other important information in decisions about Cook Inlet beluga whale management alternatives.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner inconsistent with OMB guidelines.

The collection is consistent with 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 December 30, 2009 (74 FR 69062) solicited comments on the information collection. No comments were received.

In addition, the pretest survey instrument presents the latest information on Cook Inlet beluga whales, current population trends, alternative management options, and likely impacts of management options. To ensure that the information is as accurate as possible, numerous Cook Inlet beluga whale researchers and biologists have reviewed the survey instrument, including Dr. Kaja Brix and Dr. Lew Queirolo of the NMFS Alaska Regional Office, and Dr. Kim Shelden and Dr. Rod Hobbs of the National Marine Mammal Laboratory.

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

Inclusion of an incentive acts as a sign of goodwill on the part of the study sponsors and encourages reciprocity of that goodwill by the respondent. Singer (2002) provides a comprehensive review of the use of incentives in surveys. She notes that giving respondents a small financial incentive (even a token amount) in the first mailing increases response rates in mail-based surveys and are cost-effective. Such prepaid incentives are more effective than larger promised incentives that are contingent on completion of the questionnaire. In tests conducted by Lesser, et al (1999), including a \$2 incentive in a mailing with four contact points was shown to increase response rates by an additional 19 to 31 percentage points. Thus, even a small upfront incentive typically is more cost effective than additional follow-up steps that are often considered.

To encourage participation in the mail survey, one of three honorarium amounts will be provided to the participants in the initial mailing. Statistical tests of differences in response rates associated with upfront respondent incentives of \$2, \$5, and \$10 conducted during a pilot pretest implementation for the Steller sea lion economic survey (conducted under OMB Control No.: 0648-0511) indicated that a \$10 incentive led to a statistically higher response rate compared to the \$2 and \$5 treatments at the 1% and 10% levels, respectively.⁵ *The \$10 incentive was the only one to achieve a response rate over 50% (57% compared to 35% for \$2 and 49% for \$5), which will be critical to make the results more defensible in the professional peer review process.* Actual implementation of the final version of that survey (conducted under OMB Control No.: 0648-0554) using a \$10 upfront incentive resulted in a response rate of over 70% for an Alaska household sample and 60% for a rest of U.S. household sample. In this formal pretest, we will test three incentive amounts to determine whether lower incentive amounts lead to statistically similar response rates for this particular survey, which may allow for cost savings in the full implementation over using a \$10 incentive that proved effective in the Steller sea lion economic survey. The upfront respondent incentives to be tested in this survey are \$1, \$5, and \$10, each of which will be provided to equal-sized samples (one-third of the overall sample).

There are several reasons why we believe inclusion of both a financial incentive and follow-up contacts will be needed to reach desired response rates. First, the survey is about an unfamiliar issue to many Americans. As such, the chance that respondents will not be motivated to complete the survey is higher than for a survey on a more familiar subject (such as a survey of licensed anglers about managing local fishing sites). Second, although every attempt is being made to ensure the survey is easy to read, understand, and complete, the amount of information it needs to present and the number of questions it needs to ask contribute to a 16 page survey requiring more respondent attention than some surveys. For these reasons, and because of the survey protocols followed and resulting response rates for the Steller sea lion economic survey

⁵ In fact, the statistical tests of differences between the response rates of the three treatments suggest that the \$5 treatment and \$10 response rates are significantly larger than the \$2 treatment, with corresponding p-values of 0.00235 and 0.000281, respectively (for a one-sided statistical test with a null hypothesis of equal response rates). In addition, the \$10 treatment response rate is statistically different from the \$5 treatment response rate at the 10% level (p-value of 0.0711).

that used a similar survey instrument, we expect both incentives and follow-up contacts will be required to obtain a suitable response rate.

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

In the cover letter accompanying each mailing, respondents will be told that their name and address information will be kept separate from their responses and that only their responses will be given to researchers. The cover page of the survey will also include the following statement (not on attached survey's cover page, but will be added with the OMB Control Number following OMB approval):

‘Your name and address will be kept separate from your responses, and only responses will be delivered to researchers for analysis.’

Following completion of the data collection, the survey firm will delete any information identifying individuals (i.e., name and addresses) before any data file is delivered to NMFS or any other participating researchers and agencies.

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 asked in the survey.

12. Provide estimates of the hour burden of the collection of information.

The pretest mail survey will be sent to a random sample of approximately 600 addresses. The random sample will be purchased from a professional sampling vendor.⁶ Based on previous experience, up to 15% of these types of samples can be expected to be bad or unusable addresses, which means the number of households receiving the survey will be approximately 510. We expect a final response rate of at least 60 percent (of the valid sample), leading to over 306 (= 510 × 0.60) responding households returning completed surveys (for the purpose of computing burden hours, we assume no more than 320, 256 completed from the initial mailing and postcard reminder and 64 completed following the second full mailing and contact via phone). The cover letter will solicit the participation of an adult head of the household to complete the survey. Our experience suggests respondents typically complete the survey in 20 to 25 minutes, so we assume 25 minutes in our computation of the potential burden hours. As a result, those ultimately completing the survey are expected to contribute up to 133 hours to the overall hour burden.

⁶ For the purpose of the pretest, the variations in samples from different vendors will have little influence on the results with respect to the objectives of the pretest. During the review and pretest period, additional data will be collected to evaluate vendors for the final survey. Candidate vendors for the pretest and final survey include Acxiom, Experian, Survey Sampling Int'l, and Genesys, all of whom are high quality vendors with high population coverage rates (85% to 95%), but which vary in the methods used to assemble lists and in the percent of their population with telephone numbers.

Following the initial mailing and postcard, we expect approximately 80% of expected completes or 256 households to have returned completed surveys (based on results from Steller sea lion economic survey). Households that have not responded after the initial mailing and postcard reminder will be contacted by telephone and encouraged to complete and return the survey or asked to answer a few questions if they indicate they will not be returning the survey. Thus, the telephone follow-up serves the dual purpose of increasing the number of mail responses and gathering information by telephone needed to estimate the impact of non-response. Households that need a replacement questionnaire will be identified and sent a new one. The phone interview is expected to take 5 minutes on average to complete, and we expect to attempt to reach and complete interviews with up to 36% of the 510 potential respondents, or up to 184 individuals, for a total of approximately 15 burden hours ($184 \times 5 \text{ min}$).⁷

Following the telephone prompts, a second full mailing will be attempted. This will not result in any additional burden hours (included in burden hours from completed and returned surveys).

The total number of unique respondents to all survey contacts will be 440 (320 from mail survey plus an additional 120 who only complete the short telephone interview). This number consists of respondents who return the questionnaire (320) and respondents who do not return the questionnaire but do provide some survey information during the telephone contact (120).

| Survey instrument | Estimated number of respondents | Estimated number of responses | Estimated time per respondent (minutes) | Estimated total annual burden hours (hours) |
|---|--|--------------------------------------|--|--|
| Mail survey (from initial mailing and postcard reminder) | 256 | 256 | 25 | 107 |
| Mail survey (returned after phone contact and follow-up full mailing) | 64 | 64 | 25 | 27 |
| Follow-up phone survey | 184 ^a | 184 | 5 ^c | 15 |
| Total respondents | 440^b | 504 | | 149 |

^a Number of successful phone contacts of households that have not returned completed surveys following initial mailing and postcard reminder.

^b Total respondents reflect the total sample size minus the households that do not complete either the mail survey or phone interview.

^c This average time includes time for those who provide survey information.

⁷ Although we will attempt to reach all households in the sample that have not returned a completed survey to this point, we do not expect to be able to reach more than 184 in a timely and affordable manner.

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

No additional cost burden will be imposed on respondents aside from the burden hours indicated above.

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

Annual cost to the Federal government of the pretest is approximately \$25,000 divided as follows: \$15,000 in contract award money and \$10,000 in staff time and resources. Contractor services include conducting the pretest implementation.

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

This is a new collection.

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

Internal memoranda and supporting materials will be prepared that document the sampling procedures and response rates, provides statistical summaries (i.e., means, variances, and frequency distributions) of data collected in the survey, and preliminary analysis that will be used to aid in the design of the final experimental design and in improving the survey design. These materials will not be published.

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.

This item is not applicable, as the expiration date for OMB approval of the information collection will be shown on the survey.

18. Explain each exception to the certification statement.

There are no exceptions.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

- 1. Describe (including a numerical estimate) the potential respondent universe and any sampling or other respondent selection method to be used. Data on the number of entities (e.g. establishments, State and local governmental units, households, or persons) in the universe and the corresponding sample are to be provided in tabular form. The tabulation must also include expected response rates for the collection as a whole. If the collection has been conducted before, provide the actual response rate achieved.**

The potential respondent universe is all U.S. households (approximately 106 million according to the 2000 Census). A stratified random sampling approach involving an initial mailing to 600 Alaska and non-Alaska households will be utilized that we expect will result in approximately 58 Alaska households and 262 non-Alaska U.S. households completing the mail survey and providing information in the pretest (based on the expected maximum number of completed surveys in Part A.12). Alaskan households are oversampled to ensure the inclusion of their preferences, since they are potentially more directly affected by actions to protect Cook Inlet beluga whales and are likely to have more familiarity with Cook Inlet beluga whales. The non-Alaska U.S. household sample is larger, recognizing the importance of sample size considerations for the ultimate goal of generating reliable national estimates.

For the collection as a whole, a response rate in excess of 60% is anticipated for the mail survey. This estimate is based on the results from a previously fielded stated preference valuation survey (the Steller sea lion economic survey), which used similar survey protocols and survey instrument.

- 2. Describe the procedures for the collection, including: the statistical methodology for stratification and sample selection; the estimation procedure; the degree of accuracy needed for the purpose described in the justification; any unusual problems requiring specialized sampling procedures; and any use of periodic (less frequent than annual) data collection cycles to reduce burden.**

The pretest will use a stratified random sample of approximately 600 households purchased from a professional sampling vendor. The population is stratified into Alaska and non-Alaska households with the Alaska household stratum consisting of approximately 110 households and the non-Alaska stratum consisting of approximately 490 households. The advance letter and cover letter accompanying the initial mailing will solicit the participation of a male or female head of household to complete the survey.

For each stratum, a sample of households will be purchased. Up to 15% of the purchased sample may be invalid, leading to valid samples of 94 and 417, respectively, for the two strata.

As noted earlier, survey responses will be used to evaluate the feasibility of the set of attributes and attribute levels. Given the expected response rates, the sample sizes described above should be sufficiently large for basic data analysis to evaluate these features of the survey. Summary statistics (means, medians, standard deviations, minimums, and maximums) will be calculated for responses to questions.

In addition, the overall sample will be stratified by incentive amount provided in the initial mailing. This stratification will be done to ensure an equal number of surveys are sent out with each of the three monetary pre-incentives being tested (\$1, \$5, and \$10).

- 3. Describe the methods used to maximize response rates and to deal with nonresponse. The accuracy and reliability of the information collected must be shown to be adequate for the intended uses. For collections based on sampling, a special justification must be provided if they will not yield “reliable” data that can be generalized to the universe studied.**

Numerous steps have been, and will be, taken to maximize response rates and deal with non-response behavior. These efforts are described below.

Maximizing Response Rates

The first step in achieving a high response rate is to develop an appealing questionnaire that is easy for respondents to complete. Significant effort has been spent on developing a good survey instrument. The research team developing the survey has considerable experience in economic survey design and testing, as well as stated preference techniques. The current survey instrument has also benefited from input on earlier versions from several focus groups and one-on-one interviews (verbal protocols and cognitive interviews), and peer review by experts in survey design and non-market valuation, and by scientists who study Cook Inlet beluga whales and other marine mammals. In the focus groups and interviews, the information presented was tested to ensure key concepts and terms were understood, figures and graphics were tested for proper comprehension and appearance, and key economic and design issues were evaluated. In addition, cognitive interviews were used to ensure the survey instrument was not too technical, used words people could understand, and was a comfortable length and easy to complete. The result is a high-quality and professional-looking survey instrument.

The implementation techniques that will be employed are consistent with methods that maximize response rates. Implementation of the mail survey will follow the Dillman Tailored Design Method (2007), which consists of multiple contacts. The specific set of contacts that will be employed is the following:

1. An **advance letter** notifying respondents a few days prior to the questionnaire arriving. This will be the first contact for households in the sample.
2. An **initial mailing** sent a few days after the advance letter. Each mailing will contain a personalized cover letter, questionnaire, and a pre-addressed stamped return envelope. The initial mailing will also include an incentive of \$1, \$5, or \$10, depending upon the treatment.
3. A **postcard follow-up reminder** to be mailed about a week after the initial mailing.
4. A **follow-up phone call** to encourage response. Individuals needing an additional copy of the survey will be sent one with another cover letter and return envelope.
5. A **second full mailing** sent about one week after the conclusion of the telephone interview effort.

Non-respondents

To better understand why non-respondents did not return the survey and to determine if there are systematic differences between respondents and non-respondents, those contacted in follow-up phone call(s) and identified as non-respondents will be asked a few questions to gauge their reasons for not responding to the mail survey (these are the 78 individuals who do not complete the survey but provide responses to the follow-up telephone survey in the table in Part A.12). These include select socioeconomic and demographic classification questions and a few attitudinal questions. Information collected from non-respondents will aid in improving the survey implementation and potentially to correct for non-response bias where necessary (e.g., Heckman method).

In the final survey implementation we anticipate additional steps to further address potential combined coverage and non-response bias, but this is not a key component of the pretest given that small sample sizes will limit the effectiveness of such exercises. Additional steps anticipated in the final survey include comparing respondent socio-demographic characteristics to the population (U.S. and Alaska) based on the Current Population Statistics and comparing responses to environmental and social attitude questions in the survey to responses reported in established national surveys.

4. Describe any tests of procedures or methods to be undertaken. Tests are encouraged as effective means to refine collections, but if ten or more test respondents are involved OMB must give prior approval.

Three focus groups with fewer than ten members of the general public (with different questions for each group) were conducted during the survey design phase to test concepts and presentation of elements of the survey. These focus groups were conducted in Seattle, Sacramento, and Marin County. The survey instrument was then further evaluated and revised using input from one-on-one interviews conducted in Salt Lake City. Both verbal protocol (talk aloud) and self-administered interviews were conducted, both with follow-up debriefing by team members. Moreover, the survey design and implementation plan have benefited from expert review by Dr. Kristy Wallmo of the Office of Science and Technology within NMFS, as well as reviews by environmental economists, Dr. Elizabeth Pienaar (NYU) and Dr. Kora Dabrowska (NOAA Knauss Fellow).

As noted in previous sections, three pre-incentive amounts will be tested in the formal pretest. Three treatments will be implemented, each with a different monetary pre-incentive--\$1, \$5, or \$10. The overall sample of 600 will be divided evenly between these treatments so that a total of 200 surveys will be sent with each of the three incentive amounts. The response rates resulting from each of these treatments will be tested to determine whether there are statistically significant differences.

5. Provide the name and telephone number of individuals consulted on the statistical aspects of the design, and the name of the agency unit, contractor(s), grantee(s), or other person(s) who will actually collect and/or analyze the information for the agency.

Several individuals were consulted on the statistical aspects of the design:

Dr. Dan Lew
Economist
National Marine Fisheries Service
(206) 526-4252

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The Future of Cook Inlet Beluga Whales

What is Your Opinion?



The population of beluga whales in the Cook Inlet of Alaska declined rapidly during the 1990s and consequently was listed as an endangered species under the Endangered Species Act in 2008. Some actions have been taken to protect Cook Inlet beluga whales and more actions are now being considered. This survey collects public opinions about these possible new actions. Government officials will consider your opinions, along with information from scientists and planners, when selecting what and how much to do.

Even though you may not be familiar with this issue, your opinions matter. Government actions to protect Cook Inlet beluga whales will affect all U.S. households through federal government spending.



The material in this survey is based on the best available information from government, university, and industry scientists.

This survey is funded by the National Oceanic and Atmospheric Administration, a U.S. government agency charged with making decisions about Cook Inlet beluga whale management activities.

Public reporting burden for this collection of information is estimated at 25 minutes, including time for reviewing instructions, reviewing existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number. Your name and address will be kept separate from your responses. Only your responses will be provided to the researchers for analysis.

Q1 Protecting threatened and endangered species is one of many issues facing the U.S. To help us place this issue in perspective, answer this question based on what you know now. For each issue, compared to what is being done now in the U.S., do you think we should be doing less, doing about the same, or doing more? *For each item, check one box.*

| | Do less ▼ | Do about the same ▼ | Do more ▼ |
|--|--------------------------|---------------------------|--------------------------|
| Make government more efficient..... | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Improve education..... | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Protect threatened and endangered species..... | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Improve roads and highways..... | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Encourage economic growth and jobs..... | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Clean up air and water pollution..... | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

The Issue: Endangered Cook Inlet Beluga Whales

The Cook Inlet beluga whale is protected as an endangered species under the U.S. Endangered Species Act. According to the act:

An endangered species is a plant or animal species that is in danger of going extinct in areas where it normally lives.

A threatened species is a species that is at risk of becoming endangered in areas where it normally lives.

The Endangered Species Act requires the federal government to take reasonable actions to protect threatened and endangered species, such as limiting human activities that may harm them or protecting the places where they live.

Q2 The Endangered Species Act currently protects 86 mammals, 90 birds, 138 fish, 294 other species such as reptiles and insects, and 718 plants. When you think of the Endangered Species Act, how positive or negative is your general reaction? *Check one box.*

- Mostly positive
- Somewhat positive
- Neither positive nor negative
- Somewhat negative
- Mostly negative
- Don't know

The Endangered Species Act protects either the entire species, or one or more distinct populations within a species. Distinct populations are different from the rest of the species because of physical, genetic, ecological, or behavioral characteristics.

Cook Inlet beluga whales are a distinct population of beluga whales that are geographically isolated and do not interact with other beluga whale populations in Alaska.

Q3 Before today, were you aware that the Endangered Species Act protects distinct populations for some species in addition to entire species? *Check one box.*

- Yes
- No

Some people are interested in protecting threatened and endangered species because they:

- Are a source of enjoyment and learning for people now and in the future.
- May help to show whether the environment and ecosystem are healthy.
- May provide medicines and other helpful substances for humans someday, even if we don't yet know what these uses are.
- Have a right to exist and should not be endangered by man's actions.

Some people are concerned about actions to protect threatened and endangered species because they:

- May place restrictions on what people can do, such as limiting recreation, forestry, land development and use, and hunting and fishing activities.
- May increase the cost of producing and providing goods such as food, housing, drinking water, and lumber, which increases some of the prices consumers pay.
- May not be effective if the decline of the species is due to causes beyond the control of humans.
- Use government funds and resources that could be used for other important issues.

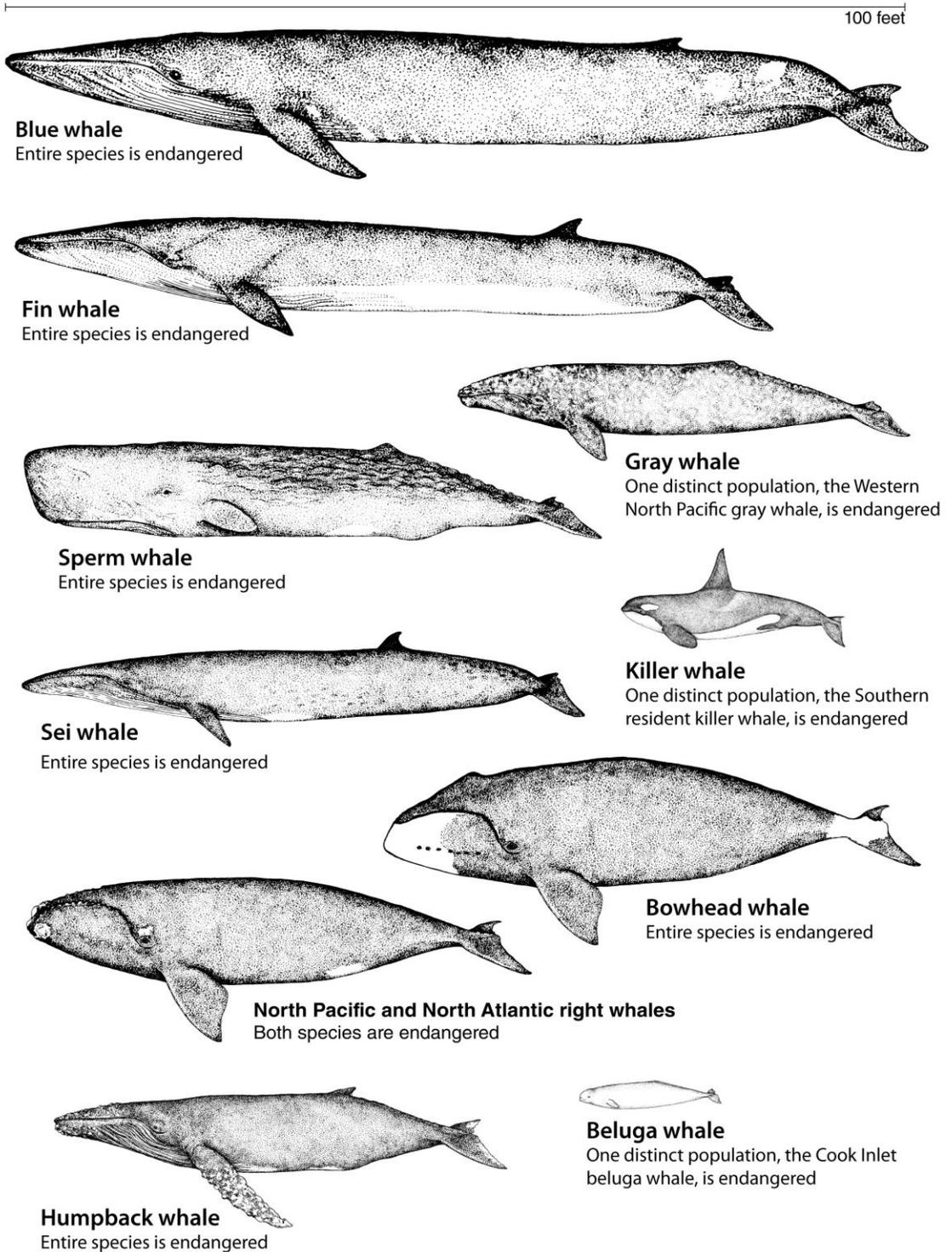
Q4 From strongly disagree to strongly agree, how do you feel about these statements?

Check one box for each statement.

| | Strongly disagree ▼ | Somewhat disagree ▼ | Neither agree nor disagree ▼ | Somewhat agree ▼ | Strongly agree ▼ |
|--|--------------------------|--------------------------|---------------------------------|--------------------------|--------------------------|
| Protecting threatened and endangered species is important to me..... | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Protecting jobs is more important than protecting threatened and endangered species..... | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

The beluga whale is one of 11 whale species found in U.S. waters that are listed as Endangered under the Endangered Species Act. The figure below shows these endangered whale species (pictures are to scale).

Endangered Whales in U.S. Waters



Q5 Have you personally observed whales in nature (outside of aquariums)? *Check one box.*

- Yes
- No
- Don't know

Some Beluga Whale Facts

- **Adult beluga whales are white in appearance, can grow to an average of 15 feet long, weigh over 3,000 pounds, and live about 30 years. Males are larger than females.**
- **They are social animals, and typically hunt, travel, and interact in small groups.**
- **Beluga whales are found in Arctic and subarctic regions of Russia, Greenland, and North America, usually in areas of the ocean that are covered by ice during part of the year.**
- **There are 29 distinct populations of beluga whales in the world, including 5 in Alaska.**
- **In Alaska, beluga whales mostly eat fish, such as cod and salmon. An adult beluga whale may eat 50 pounds of food in a day.**
- **Some beluga whale distinct populations migrate, but others live in one area year round.**

Q6 Before today, had you ever seen, heard about, or read about beluga whales? *Check one box.*

- Yes
- No
- Don't know

Beluga Whales in the U.S.



From: National Oceanic and Atmospheric Administration, Fisheries Service. 2008.

Five beluga whale populations (or “stocks”) live in U.S. waters off the coast of the State of Alaska in the Beaufort Sea, Chukchi Sea, Bering Sea, Bristol Bay, and Cook Inlet (see map).

Population estimates for the 5 distinct populations of beluga whales in the U.S.:

| U.S. beluga whale distinct population | Approximate size of distinct population (current population trend) |
|---------------------------------------|---|
| Beaufort Sea | 32,000 (not known if increasing or decreasing) |
| Eastern Chukchi Sea | 3,700 (appears to be stable) |
| Eastern Bering Sea | 15,000 (not known if increasing or decreasing) |
| Bristol Bay | 4,000 (appears to be stable or increasing) |
| <i>Cook Inlet</i> | <i>321 (decreasing)</i> |

Q7 From strongly disagree to strongly agree, how do you feel about the following statement?
Check one box.

Strongly disagree Somewhat disagree Neither agree nor disagree Somewhat agree Strongly agree
 ▼ ▼ ▼ ▼ ▼

Since some distinct populations of U.S. beluga whales are increasing or stable, I am not concerned about the ones that are decreasing.....

Cook Inlet Beluga Whales

Of the five distinct populations of beluga whales found in the U.S., the Cook Inlet beluga whale is considered by scientists to be the most isolated, both geographically and genetically, from the other populations. It is also the smallest of the five U.S. populations of beluga whale. The Cook Inlet beluga whale lives in Cook Inlet year round.

Currently, the Cook Inlet beluga whale is listed as endangered under the Endangered Species Act.

Q8 Before today, had you ever seen, heard about, or read about Cook Inlet beluga whales?

Check one box.

- Yes
- No
- Don't know

Cook Inlet beluga whales live most of the year in the northern part of Cook Inlet near Anchorage, Alaska's largest city. Because of where it lives, the population of Cook Inlet beluga whales is vulnerable to pollution and human activities.

- In Alaska, Alaska Native tribes have hunted beluga whales for food, oil, and traditional uses for centuries. Beluga whale hunting in U.S. waters is only permitted for Native tribes and is illegal for all others.
- Between 1994 and 1998, over 300 beluga whales were killed in the Cook Inlet by Alaska Natives in legal hunts. This was a dramatic increase from the small hunts reported in the past.
- The population declined by almost a half during this period of increased hunting.

Scientists believe Alaska Native hunting was the primary cause of this decline. In 1998, the federal government began restricting Cook Inlet beluga whale hunting by Alaska Natives.

- Between 1999 and 2006, Alaska Natives killed a total of five beluga whales in legal hunts in the Cook Inlet.
- Beginning in 2007, all hunting of Cook Inlet beluga whales was suspended until the population has recovered enough for hunting to resume.

As a result of these protection actions, scientists believed the Cook Inlet beluga whale population would begin increasing by 2% to 6% per year.

Despite these measures, the population of Cook Inlet beluga whales is not growing as scientists had expected and has declined to 321 whales. It is not known whether this is a result of natural factors, human-related factors, or a combination of both.

Numerous factors are believed to contribute to the continuing decline of Cook Inlet beluga whales, and the extent to which each factor affects the population is being investigated by scientists. They include the following:

Natural factors

- Beluga whales becoming stranded in the mud during low tide
- Killer whales chasing and eating beluga whales
- Illness caused by parasites and disease

Human-related factors

- Illegal hunting of beluga whales
- Commercial and recreational fishing, decreasing the food available for beluga whales to eat
- Pollution from sewage, airports, cities, and other sources causing illness or injury
- Oil spills and noise from oil tankers and drilling platforms harming beluga whales
- Dredging and building activities where beluga whales live
- Ships and boats hitting or disturbing beluga whales
- Underwater noise, damaging or interfering with beluga whales' hearing

Q9 After looking at the information in this handout, how concerned are you, if at all, about the Cook Inlet beluga whale? *Please check one box.*

| | | | | |
|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| Not at all concerned | A little concerned | Somewhat concerned | Very concerned | Extremely concerned |
| ▼ | ▼ | ▼ | ▼ | ▼ |
| <input type="checkbox"/> |

Scientists have predicted that without changes to reverse the decline of the Cook Inlet beluga population from the current 321 whales, the population is likely to disappear permanently. With a small population, Cook Inlet beluga whales are more vulnerable to rare events, such as oil spills or there being few successful births.

Using the best information and prediction methods available, scientists have estimated that under current conditions, there is a 25 percent risk (1 in 4 chance) that the population will be extinct in 100 years (by the year 2110).

Q10 How much do you agree or disagree with the following statement? *Check one box.*

| | | | | | |
|---|--------------------------|--------------------------|----------------------------------|--------------------------|--------------------------|
| | Strongly disagree | Somewhat disagree | Neither agree nor disagree | Somewhat agree | Strongly agree |
| | ▼ | ▼ | ▼ | ▼ | ▼ |
| A 25% risk of extinction in 100 years for Cook Inlet beluga whales makes me concerned that they will actually go extinct. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

New Cook Inlet Beluga Whale Protection Actions

To help the population recover, the federal government is considering additional actions to protect Cook Inlet beluga whales and their habitat from human activities that may increase the risk of extinction.

- **Recover** means the species’ population has increased to the point where, the risk of extinction in the foreseeable future is very small and the species can be removed from the list of endangered and threatened species.
- Examples of possible protection actions include restricting vessel traffic and speed in parts of the Cook Inlet, further regulating commercial fishing, reducing sources of pollution, ensuring coastal development minimizes impacts on Cook Inlet beluga whales, and increasing surveillance activities to identify and rescue stranded whales and prevent illegal hunting.
- The costs of the protection actions vary a great deal and depend upon the specific actions taken. Regardless of the type of action taken, these actions will require more enforcement of existing restrictions, and more monitoring and research to improve our understanding of the distinct population and the threats to it, particularly in the areas of the Cook Inlet used most by beluga whales.

Additional protection actions, above and beyond those currently in place for the Cook Inlet beluga whale, will cost every U.S. household more money.

- Your household’s costs increase through higher prices for products you buy and through increases in your federal taxes.
- Most of the increased cost will occur in the first 10 years while industries adjust to new requirements, and to fund more government enforcement and monitoring.

Q11 How much do you agree or disagree with the following statement? *Please check one box.*

| | Strongly disagree | Somewhat disagree | Neither agree nor disagree | Somewhat agree | Strongly agree |
|---|--------------------------|--------------------------|----------------------------|--------------------------|--------------------------|
| | ▼ | ▼ | ▼ | ▼ | ▼ |
| Even if it costs us more money, we should do more so that the Cook Inlet beluga whale recovers..... | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Even if businesses and individuals are negatively affected by them, the most effective protection actions should be used to protect Cook Inlet beluga whales..... | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

What Alternatives Do You Prefer?

As we have discussed, new alternatives are being considered to protect Cook Inlet beluga whales. Your opinions are important to help understand what alternatives the public prefers, and will be used to help decision makers set policy. So, your responses are likely to affect government spending and the amount and use of your taxes.

The next questions compare the expected results for the Cook Inlet beluga population after 50 years under alternative programs of regulations, and government enforcement and monitoring. In each question, you are asked to compare Alternative A with two other alternatives:

- **Alternative A** presents the expected Endangered Species Act status and risk of extinction of the Cook Inlet beluga population after 50 years without additional protection actions beyond those currently in place. Continuing the current actions would not increase the costs to your household.
- **Alternatives B through I** present the expected Endangered Species Act status and risk of extinction of the Cook Inlet beluga whale population after 50 years under a range of the many possible alternatives that do more and cost more to protect Cook Inlet beluga whales.
 - The added cost to your household each year for 10 years above the cost of the current program is also listed.
 - Remember, if you spend money for this, it won't be available to buy other things.

Questions 12, 13, 14, and 15 cover a range of alternatives and costs. Since scientists are still working on the alternatives and estimating the possible costs, the results and costs for the alternatives may vary across questions. Please answer each question considering only the results and costs presented in that question.

For hypothetical questions like these, studies have shown that many people say they are willing to pay more for protecting threatened and endangered species than they actually would pay out of their pockets. We believe this happens because people do not really consider how big an impact an extra cost actually has to their family's budget when answering these types of questions. It is easy to be generous when you do not really need to open your wallet.

To avoid this, as you consider each question, please imagine your household actually paying the cost of the alternative you select out of your household's budget.

Q12 Which of the following three alternatives do you most prefer, and which do you least prefer?
 Please indicate your responses below the table.

| | Results in 50 years for each alternative | | |
|---|--|---------------|---------------|
| | Alternative A Current program | Alternative B | Alternative C |
| Population status..... (endangered now) | Endangered | Threatened | Endangered |
| Risk of extinction by the year 2110..... (25% now) | 25% | 15% | 20% |
| Added cost to your household each year for 10 years..... | \$0 | \$40 | \$10 |

| | <u>Alternative A</u> | <u>Alternative B</u> | <u>Alternative C</u> |
|--|--------------------------|--------------------------|--------------------------|
| Which alternative do you <u>prefer</u> the most? Check one box-----> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Which alternative do you <u>prefer</u> the least? Check one box-----> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Q13 Here is the current program with two different alternatives. Which alternative do you most prefer, and which do you least prefer? Please indicate your responses below the table.

| | Results in 50 years for each alternative | | |
|---|--|---------------|---------------|
| | Alternative A Current program | Alternative D | Alternative E |
| Population status..... (endangered now) | Endangered | Endangered | Recovered |
| Risk of extinction by the year 2110..... (25% now) | 25% | 23% | 2% |
| Added cost to your household each year for 10 years..... | \$0 | \$5 | \$80 |

| | <u>Alternative A</u> | <u>Alternative D</u> | <u>Alternative E</u> |
|--|--------------------------|--------------------------|--------------------------|
| Which alternative do you <u>prefer</u> the most? Check one box-----> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Which alternative do you <u>prefer</u> the least? Check one box-----> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Q14 Here is the current program and two more alternatives. Below the table, indicate which of these three alternatives you most prefer, and which you least prefer.

| | Results in 50 years for each alternative | | |
|---|--|---------------|---------------|
| | Alternative A Current program | Alternative F | Alternative G |
| Population status..... (endangered now) | Endangered | Threatened | Threatened |
| Risk of extinction by the year 2110..... (25% now) | 25% | 15% | 20% |
| Added cost to your household each year for 10 years..... | \$0 | \$40 | \$20 |

Alternative A

Alternative F

Alternative G

Which alternative do you prefer the most? Check one box----->

Which alternative do you prefer the least? Check one box----->

Q15 Here, again, is the current program and two other alternatives. Below the table, indicate which of these three alternatives you most prefer, and which you least prefer.

| | Results in 50 years for each alternative | | |
|---|--|---------------|---------------|
| | Alternative A Current program | Alternative H | Alternative I |
| Population status..... (endangered now) | Endangered | Recovered | Threatened |
| Risk of extinction by the year 2110..... (25% now) | 25% | 1% | 10% |
| Added cost to your household each year for 10 years..... | \$0 | \$100 | \$50 |

Alternative A

Alternative H

Alternative I

Which alternative do you prefer the most? Check one box----->

Which alternative do you prefer the least? Check one box----->

Q16 The following are statements some people tell us about their answers to Q12, Q13, Q14, and Q15. How much do you agree or disagree with each of the following statements? Mark the box of your response for each statement.

| <i>When answering Q12, Q13, Q14, and Q15...</i> | Strongly disagree | Somewhat disagree | Neither agree nor disagree | Somewhat agree | Strongly agree |
|--|--------------------------|--------------------------|----------------------------|--------------------------|--------------------------|
| | ▼ | ▼ | ▼ | ▼ | ▼ |
| I did not feel it was my responsibility to pay for the protection of Cook Inlet beluga whales..... | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| There was not enough information for me to make an informed choice between the alternatives..... | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| The added costs I was willing to pay were just to protect Cook Inlet beluga whales, and not to protect other species..... | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| I was concerned that the federal government will not effectively protect Cook Inlet beluga whales..... | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| I felt I should not have to pay more federal taxes for any reason..... | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| I didn't think that scientists can make good predictions about what will happen in 50 or 100 years..... | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| I didn't feel qualified to choose between different levels of risks of extinction..... | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| I didn't want to pay for Cook Inlet beluga whale protections if there is still a risk it may become extinct in the future..... | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Q17 These questions were asked to obtain public input for decision makers to consider along with information from scientists and planners. People feel differently about how confident they are with their selection of alternatives and the costs they would have to pay.

How confident are you that your answers in Q12 through Q15 accurately reflect how you feel about the alternatives for protecting Cook Inlet beluga whales? Check the best answer.

| | | | | |
|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| Not at all confident | Slightly confident | Somewhat confident | Very confident | Extremely confident |
| <input type="checkbox"/> |

Q18 Listed below are statements about the relationship between humans and the environment. For each statement please indicate how much you agree or disagree by checking the appropriate box.

| | Strongly disagree | Somewhat disagree | Neither agree nor disagree | Somewhat agree | Strongly agree |
|--|--------------------------|--------------------------|----------------------------|--------------------------|--------------------------|
| | ▼ | ▼ | ▼ | ▼ | ▼ |
| We are approaching the limit of the number of people the earth can support..... | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Humans have the right to modify the natural environment to suit their needs..... | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| When humans interfere with nature it often produces disastrous consequences..... | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Human ingenuity will insure that we do not make the earth unlivable..... | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Humans are abusing the environment..... | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| The earth has plenty of natural resources if we just learn how to develop them..... | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Plants and animals have as much right as humans to exist..... | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| The balance of nature is strong enough to cope with the impacts of modern industrial nations..... | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Humans will eventually learn enough about how nature works to be able to control it... | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| If things continue on their present course we will soon experience an environmental catastrophe..... | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

About You and Your Household

This information is used to compare our survey respondents with the U.S. population. Your responses will be kept confidential and separate from your name and address. Material identifying you will be destroyed at the end of the study.

Q19 Are you male or female?

- Male
 Female

Q20 In what year were you born? 19_____

Q21 How many people do you live with in each of the following age groups?
If none for a category please write "0".

_____ Under 18 _____ 18 to 35 _____ 36 to 60 _____ Over 60

Q22 Which of the following best describes your employment status? *Check the box of your answer.*

- | | |
|---|---|
| <input type="checkbox"/> Employed full-time | <input type="checkbox"/> Retired |
| <input type="checkbox"/> Employed part-time | <input type="checkbox"/> Currently unemployed |
| <input type="checkbox"/> Homemaker | <input type="checkbox"/> Other (<i>please specify</i>)_____ |
| <input type="checkbox"/> Student | |

Q23 Have you ever been a member or contributed time or money to an environmental or conservation organization? *Check the box of the best answer.*

- Yes
 No
 Don't know

Q24 How many hunting trips and sport or non-commercial fishing trips, if any, have you taken in the last 3 years? *For each type of trip, check the best answer.*

- | | |
|---|---|
| <i>Hunting trips:</i> <input type="checkbox"/> None | <i>Fishing trips:</i> <input type="checkbox"/> None |
| <input type="checkbox"/> 1 to 3 | <input type="checkbox"/> 1 to 3 |
| <input type="checkbox"/> 4 or more | <input type="checkbox"/> 4 or more |

Q25 What is the highest grade or level of school you have completed? *Check the best answer.*

- Some high school or less
- High school diploma or equivalent
- Some college
- Two year college degree (AA, AS) or technical school
- Four year college graduate (BA, BS)
- Some graduate work but did not receive a graduate degree
- Graduate degree (MA, MS, MBA, PhD, JD, MD, etc.)

Q26 Do you own or rent your residence? *Check your answer.*

- Own
- Rent

Q27 Are you Hispanic or Latino? *Check the box of the best answer.*

- Yes
- No

Q28 Which of the following best describes you? *Check one or more.*

- Asian
- American Indian or Alaska Native
- Black or African American
- Native Hawaiian or Other Pacific Islander
- White

Q29 What was your household income (before taxes) in 2006? *Check the box of the best answer.*

- | | |
|---|---|
| <input type="checkbox"/> Less than \$10,000 | <input type="checkbox"/> \$60,000 to \$79,999 |
| <input type="checkbox"/> \$10,000 to \$19,999 | <input type="checkbox"/> \$80,000 to \$99,999 |
| <input type="checkbox"/> \$20,000 to \$29,999 | <input type="checkbox"/> \$100,000 to \$124,999 |
| <input type="checkbox"/> \$30,000 to \$39,999 | <input type="checkbox"/> \$125,000 to \$149,999 |
| <input type="checkbox"/> \$40,000 to \$49,999 | <input type="checkbox"/> \$150,000 to \$200,000 |
| <input type="checkbox"/> \$50,000 to \$59,999 | <input type="checkbox"/> \$200,000 or more |

Is there anything we overlooked?

Please use the space below to provide us with any other comments you would like to make.

YOUR PARTICIPATION IS GREATLY APPRECIATED!

Telephone Follow-Up

[IF OBVIOUS YOUTH – Ask to speak with an adult]

Hello, my name is _____ and I am calling from TBD in [City, State] on behalf of the National Oceanic and Atmospheric Administration. I am trying to reach [name on address].

[IF RESPONDENT IS NOT AVAILABLE] → Is there another adult of the household that I could speak to?

[IF NOT AVAILABLE] → Thank you, I will call back later. When would be a good time to reach [name, or another adult head of household]?

[IF QUALIFIED RESPONDENT IS ON THE PHONE]

QA Recently, we mailed you a questionnaire asking your opinions about the future of Cook Inlet beluga whales in Alaska and \$X as a token of our appreciation for completing the survey. The survey had a picture of a Cook Inlet beluga whale on the cover and some color graphics inside. Do you remember receiving that questionnaire?

- 1 YES
- 2 NO [*SKIP TO QA2*]

QA1 As of today, we have not received your completed questionnaire. Your household is part of a small group of people we are asking for opinions, so your response is very important. If we send you another survey, could you find the time to complete the survey and return it to us within a week of receiving it?

- 1 YES – SEND NEW SURVEY [*SKIP TO VERIFY*]
- 2 YES – DO NOT NEED ANOTHER SURVEY [*THANK YOU. SKIP TO CONTINUE*]
- 3 SURVEY HAS ALREADY BEEN RETURNED [*THANK YOU, SKIP TO CONTINUE*]
- 4 NO [*SKIP TO QB*]

QA2 We are collecting public opinions for the federal government to consider when developing action plans for threatened and endangered species in Alaska. Your household is part of a small group of people we are asking for opinions, so your response is very important. If we send you another survey, could you return the survey to us within a week after you receive it?

- 1 YES – SEND NEW SURVEY [*SKIP TO VERIFY*]
- 2 YES – DO NOT NEED ANOTHER SURVEY [*SKIP TO CONTINUE*]
- 3 NO [*SKIP TO QA3*]

QA3 Since we are only contacting a small number of households, it is very important that we hear from your household. Your opinions will represent those of other households

similar to you. The survey does not require any special knowledge. Is there another adult head of household that would be interested in completing the survey?

- 1 YES, GETTING THEM TO THE PHONE *[REPEAT QA2]*
- 2 YES, BUT NOT AVAILABLE AT THIS TIME *[SET CALLBACK]*
- 3 NO *[SKIP TO QB]*

QB It is very important for our analysis that we understand how those who haven't returned the survey compare to those who did. This way we will not misinterpret the results. Could I take about 4 minutes to ask you a few questions that will help us with our work? I'd like to remind you that all of your answers are confidential and your name will not be revealed to anyone.

- 1 YES *[SKIP TO Q1]*
- 2 NO *[ASK FOR A MORE CONVENIENT TIME, OTHERWISE, THANK AND TERMINATE]*

VERIFY (If new survey needs to be sent)

I would like to verify some information that I have. I have your name as...

NAME _____
STREET ADDRESS _____
CITY _____ STATE _____ ZIP _____
PHONE _____

Thank you, I will send another questionnaire out today.

CONTINUE (If they indicate survey has been or will be returned)

Receiving your completed questionnaire will be very helpful. Could I take 3 minutes to ask you 4 questions to help us with our preliminary results until we receive your completed questionnaire?

- 1 NO, or NOT NOW → OK. We look forward to receiving your completed questionnaire. *[SKIP TO TERMINATE]*.
- 2 YES → *[CONTINUE WITH EVALUATE]*

EVALUATE

Q1 This question is about your overall opinion of the Endangered Species Act. Currently there are 74 mammals, 92 birds, 115 fish, 236 other species such as reptiles and insects, and 746 plants protected under the Endangered Species Act. When you think of the Endangered Species Act, how positive or negative is your general reaction? Is it... (Read answer options)

- 1 Mostly positive
- 2 Somewhat positive
- 3 Neutral
- 4 Somewhat negative
- 5 Mostly negative
- 9 [DON'T READ – BUT CODE IF STATED] Don't know

Q2 I will now read two statements. For each, tell me if you strongly disagree, somewhat disagree, neither agree nor disagree, somewhat agree, or strongly agree.

| | Strongly disagree ▼ | Somewhat disagree ▼ | Neither agree nor disagree ▼ | Somewhat agree ▼ | Strongly agree ▼ |
|--|----------------------------|----------------------------|---------------------------------|----------------------------|----------------------------|
| Protecting threatened and endangered species is important to me..... | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> | 3 <input type="checkbox"/> | 4 <input type="checkbox"/> | 5 <input type="checkbox"/> |
| Protecting jobs is more important than protecting threatened and endangered species..... | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> | 3 <input type="checkbox"/> | 4 <input type="checkbox"/> | 5 <input type="checkbox"/> |

[RETURNING SURVEY] → I have just 2 quick questions about you and your household to help us group your responses with others.

[NOT RETURNING SURVEY] → I have just 3 quick questions about you and your household to help us group your responses with others.

Q3 In what year were you born? 19_____
Refused

Q4 [SKIP Q4 IF THEY INDICATE THEY ARE RETURNING THE SURVEY] Which of the following best describes the highest level of education you have completed?

- 1 Some high school or less
- 2 High school diploma or equivalent
- 3 Some college
- 4 Two year college degree (AA, AS) or technical school
- 5 Four year college graduate (BA, BS)
- 6 Some graduate work but did not receive a graduate degree
- 7 Graduate degree (MA, MS, MBA, PhD, JD, MD, etc.)
- 9 REFUSED

Q5 Into which of the following groups does your total annual household income fall before taxes?

- 1 Under \$30,000
- 2 \$30,000 - \$49,999
- 3 \$50,000 - \$79,999
- 4 \$80,000 and over

[IF RETURNING SURVEY] → Thank you, this will help with our preliminary analysis. Receiving your completed questionnaire will greatly help to have an accurate understanding of public opinion about government actions to protect Cook Inlet beluga whales.

[IF NOT RETURNING QUESTIONNAIRE] → That's all the questions I have for you. Do you have any comments that you would like to add? Thank you for your time. We really appreciate your participation in this brief survey. Thanks again, and have a good evening.

TERMINATE

[TO BE COMPLETED BY INTERVIEWER]

Respondent gender: MALE
 FEMALE

LANG Language or other barrier:

- 1 YES, POSSIBLE LANGUAGE BARRIER
- 2 YES, DEFINITE LANGUAGE BARRIER
- 3 NO LANGUAGE, BUT OTHER TYPE OF BARRIER *[SPECIFY]*
- 4 NO BARRIERS

DID THE RESPONDENT INDICATE ANY OF THE FOLLOWING?

| | | |
|--|----|-----|
| A I don't care about Cook Inlet beluga whales or T&E species | NO | YES |
| B I don't know about Cook Inlet beluga whales, T&E species, etc. | | NO |
| YES | | |

OTHER RESPONDENT COMMENTS

QUESTIONS/COMMENTS AND ANSWERS

[If concerned about purpose of the call] This is not a marketing or sales call. We are collecting public input for government, industry, and citizen groups to consider when developing action plans for threatened and endangered species in Alaska. I want to assure you that your answers will be kept confidential and your name will not be revealed to anyone.

[If asking about the study sponsor] This survey is sponsored by the National Oceanic and Atmospheric Administration, a U.S. government agency charged with making decisions about threatened and endangered marine mammals.

[Response to: “Why did you send money with the survey?”] The survey is very important and we find we can get more citizen input for less money by including a small token of our appreciation with the survey. More people return the survey faster, so we don’t have to contact as many households, or contact you as often, to get an accurate sample of the public’s input.

[I don’t know anything about Cook Inlet beluga whales or beluga whales]. The survey does not require to you have any special knowledge, we just ask that you consider each question and respond with your own opinion.

[I don’t care about Cook Inlet beluga whales]. It is important that we hear that on the survey. If we only receive surveys from people who care a lot, that would result in biased results about what public opinion really is.

Advance Letter

<DATE>

John Smith
123 Main Street
Anywhere, USA 12345

Dear <Name>,

We need your help to learn what the public thinks about protecting Cook Inlet beluga whales. The population of beluga whales in the Cook Inlet of Alaska declined rapidly during the 1990s and is not recovering as scientists expected since then. Some actions have been taken to protect Cook Inlet beluga whales, and the government is considering what more, if anything, to do to protect them. Even though you may not be familiar with this issue, your opinion matters. Government actions to protect Cook Inlet beluga whales affect all U.S. households through federal government spending.

In the next few days, you will receive a survey in the mail with pictures and questions about the Cook Inlet beluga whale and other whales. The survey does not require any special knowledge.

We know your time is valuable. You will find \$X included with your survey as a small token of our appreciation for your participation. Your household is part of a small number of households across the country scientifically selected to help. To make sure we hear from a true cross-section of households, we need to hear from you.

This survey is being conducted by the National Oceanic and Atmospheric Administration, a U.S. government agency charged with making decisions about Cook Inlet beluga whale management activities.

Thank you in advance for your help.

Sincerely,

Dan Lew and Brian Garber-Yonts
Project Directors
National Oceanic and Atmospheric Administration

Letter with First Mailing of Survey

<DATE>

John Smith
123 Main Street
Anywhere, USA 12345

Dear <Name>,

Enclosed is the questionnaire I wrote to you about last week.

We need your help to learn what the public thinks about protecting Cook Inlet beluga whales. The population of Cook Inlet beluga whales declined rapidly during the 1990s and since then has not recovering as expected. The federal government is considering what more, if anything, to do to protect them.

Even though you may not be familiar with this issue, your opinion matters. Any government actions to protect Cook Inlet beluga whales will affect all U.S. households through federal government spending. Your household is one of only a select few from across the country scientifically selected to provide opinions to be considered along with information from scientists and planners. To keep costs low and to make sure we hear from a true cross-section of the public, we need to hear from you.

Your questionnaire should be completed by either the male or female head of your household. The survey takes most people about 20 minutes to complete, sometimes more, sometimes less. The survey does not require any special knowledge – we just ask that you consider each question and respond with your own opinion.

Your name and address will be kept separate from your responses. Only your responses will be provided to the researchers for analysis. The identification number on the back of the survey is there so that XXXXXXXXX, a survey firm hired to assist us, can check your name off when the questionnaire is returned. If you have any questions, please call XXXXXXXXX toll-free at 1-800-XXX-XXXX.

Thank you for your help, and please remember to complete all the questions.

Sincerely,

Dan Lew and Brian Garber-Yonts
Project Directors
National Oceanic and Atmospheric Administration

Reminder Postcard

<DATE>

Last week a questionnaire was mailed to you seeking your opinions about the Cook Inlet beluga whale, a species protected under the Endangered Species Act.

If you have already completed and returned the questionnaire, please accept our sincere thanks. If you have not completed and returned the survey, we ask that you do so today.

It is very important that we hear from you. You are one of a small number of households across the country selected to give your opinions on this matter. Your response will help shape decisions about federal government actions and spending on this topic. However, a high rate of participation is required to include public opinion from the questionnaire in these decisions.

If you need another copy of the questionnaire, please call XXXXXXXX, a survey firm hired to assist us, at 1-800-XXX-XXXX and a questionnaire will be mailed to you today.

Thank you for your help.

Dan Lew and Brian Garber-Yonts
Project Directors
National Oceanic and Atmospheric Administration

Letter with Second Mailing of Survey

<DATE>

John Smith
123 Main Street
Anywhere, USA 12345

Dear NAME

We realize you are busy but we need your help to learn what the public thinks about protecting Cook Inlet beluga whales. The population of Cook Inlet beluga whales declined rapidly during the 1990s and since then has not recovering as expected. The federal government is considering what more, if anything, to do to protect them.

It is important that we hear from you:

- Even though you may not be familiar with Cook Inlet beluga whales, any additional government actions to protect them will affect all U.S. households through federal government spending.
- Your household is one of only a select few from across the country scientifically selected to provide opinions [to represent the entire U.S.] [to represent all Alaska residents.]

Your questionnaire can be completed by either the male or female head of your household. The survey takes most people about 20 minutes to complete and does not require any special knowledge – we just ask that you consider each question and respond with your own opinion.

Your name and address will be kept separate from your responses. Only your responses will be provided to the researchers for analysis. The identification number on the back of the survey is there so that XXXXXXXXXXXX, a survey firm hired to assist us, can check your name off when the questionnaire is returned. If you have any questions, please call XXXXXXXXXXXX at XXXXXXXXXXXX toll-free at 1-800-XXX-XXXX.

Thank you for your help, and please remember to complete all the questions. When the results are analyzed, we will send you a postcard listing a web site where you can see a summary of the results.

Sincerely,

Dan Lew and Brian Garber-Yonts
Project Directors
National Oceanic and Atmospheric Administration

**Executive Order 12866 of September 30, 1993, as amended by E.O. 13258 of February 26, 2002
and E.O. 13422 of January 18, 2007**

REGULATORY PLANNING AND REVIEW

The American people deserve a regulatory system that works for them, not against them: a regulatory system that protects and improves their health, safety, environment, and well-being and improves the performance of the economy without imposing unacceptable or unreasonable costs on society; regulatory policies that recognize that the private sector and private markets are the best engine for economic growth; regulatory approaches that respect the role of State, local, and tribal governments; and regulations that are effective, consistent, sensible, and understandable. We do not have such a regulatory system today.

With this Executive order, the Federal Government begins a program to reform and make more efficient the regulatory process. The objectives of this Executive order are to enhance planning and coordination with respect to both new and existing regulations; to reaffirm the primacy of Federal agencies in the regulatory decision-making process; to restore the integrity and legitimacy of regulatory review and oversight; and to make the process more accessible and open to the public. In pursuing these objectives, the regulatory process shall be conducted so as to meet applicable statutory requirements and with due regard to the discretion that has been entrusted to the Federal agencies.

Accordingly, by the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. *Statement of Regulatory Philosophy and Principles.* (a) *The Regulatory Philosophy.* Federal agencies should promulgate only such regulations as are required by law, are necessary to interpret the law, or are made necessary by compelling public need, such as material failures of private markets to protect or improve the health and safety of the public, the environment, or the well-being of the American people. In deciding whether and how to regulate, agencies should assess all costs and benefits of available regulatory alternatives, including the alternative of not regulating. Costs and benefits shall be understood to include both quantifiable measures (to the fullest extent that these can be usefully estimated) and qualitative measures of costs and benefits that are difficult to quantify, but nevertheless essential to consider. Further, in choosing among alternative regulatory approaches, agencies should select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity), unless a statute requires another regulatory approach.

(b) *The Principles of Regulation.* To ensure that the agencies' regulatory programs are consistent with the philosophy set forth above, agencies should adhere to the following principles, to the extent permitted by law and where applicable:

(1) Each agency shall identify in writing the specific market failure (such as externalities, market power, lack of information) or other specific problem that it intends to address (including, where applicable, the failures of public institutions) that warrant new agency action, as well as assess the significance of that problem, to enable assessment of whether any new regulation is warranted.

(2) Each agency shall examine whether existing regulations (or other law) have created, or contributed to, the problem that a new regulation is intended to correct and whether those regulations (or other law) should be modified to achieve the intended goal of regulation more effectively.

(3) Each agency shall identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public.

(4) In setting regulatory priorities, each agency shall consider, to the extent reasonable, the degree and nature of the risks posed by various substances or activities within its jurisdiction.

(5) When an agency determines that a regulation is the best available method of achieving the regulatory objective, it shall design its regulations in the most cost-effective manner to achieve the regulatory objective. In doing so, each agency shall consider incentives for innovation, consistency, predictability, the costs of enforcement and compliance (to the government, regulated entities, and the public), flexibility, distributive impacts, and equity.

(6) Each agency shall assess both the costs and the benefits of the intended regulation and, recognizing that some costs and benefits are difficult to quantify, propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs.

(7) Each agency shall base its decisions on the best reasonably obtainable scientific, technical, economic, and other information concerning the need for, and consequences of, the intended regulation or guidance document.

(8) Each agency shall identify and assess alternative forms of regulation and shall, to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt.

(9) Wherever feasible, agencies shall seek views of appropriate State, local, and tribal officials before imposing regulatory requirements that might significantly or uniquely affect those governmental entities. Each agency shall assess the effects of Federal regulations on State, local, and tribal governments, including specifically the availability of resources to carry out those mandates, and seek to minimize those burdens that uniquely or significantly affect such governmental entities, consistent with achieving regulatory objectives. In addition, as appropriate, agencies shall seek to harmonize Federal regulatory actions with related State, local, and tribal regulatory and other governmental functions.

(10) Each agency shall avoid regulations and guidance documents that are inconsistent, incompatible, or duplicative with its other regulations and guidance documents or those of other Federal agencies.

(11) Each agency shall tailor its regulations and guidance documents to impose the least burden on society, including individuals, businesses of differing sizes, and other entities (including small communities and governmental entities), consistent with obtaining the regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations.

(12) Each agency shall draft its regulations and guidance documents to be simple and easy to understand, with the goal of minimizing the potential for uncertainty and litigation arising from such uncertainty.

Sec. 2. Organization. An efficient regulatory planning and review process is vital to ensure that the Federal Government's regulatory system best serves the American people.

(a) *The Agencies.* Because Federal agencies are the repositories of significant substantive expertise and experience, they are responsible for developing regulations and guidance documents and assuring that the regulations and guidance documents are consistent with applicable law, the President's priorities, and the principles set forth in this Executive order.

(b) *The Office of Management and Budget.* Coordinated review of agency rulemaking is necessary to ensure that regulations and guidance documents are consistent with applicable law, the President's priorities, and the principles set forth in this Executive order, and that decisions made by one agency do not conflict with the policies or actions taken or planned by another agency. The Office of Management and Budget (OMB) shall carry out that review function. Within OMB, the Office of Information and Regulatory Affairs (OIRA) is the repository of expertise concerning regulatory issues, including methodologies and procedures that affect more than one agency, this Executive order, and the President's regulatory policies. To the extent permitted by law, OMB shall provide guidance to agencies and assist the President and regulatory policy advisors to the President in regulatory planning and shall be the entity that reviews individual regulations and guidance documents, as provided by this Executive order.

(c) *Assistance.* In fulfilling his responsibilities under this Executive order, the President shall be assisted by the regulatory policy advisors within the Executive Office of the President and by such agency officials and personnel as the President may, from time to time, consult.

Sec. 3. Definitions. For purposes of this Executive order: (a) "Advisors" refers to such regulatory policy advisors to the President as the President may from time to time consult, including, among others: (1) the Director of OMB; (2) the Chair (or another member) of the Council of Economic Advisers; (3) the Assistant to the President for Economic Policy; (4) the Assistant to the President for Domestic Policy; (5) the Assistant to the President for National Security Affairs; (6) the Director of the Office of Science and Technology Policy; (7) the Deputy Assistant to the President and Director for Intergovernmental Affairs; (8) the Assistant to the President and Staff Secretary; (9) the Assistant to the President and Chief of Staff to the Vice President; (10) the Assistant to the President and Counsel to the President; (11) the Chairman of the Council on Environmental Quality and Director of the Office on Environmental Quality; (12) the Assistant to the President for Homeland Security; and (13) the Administrator of OIRA, who also shall coordinate

communications relating to this Executive order among the agencies, OMB, the other Advisors, and the Office of the Vice President.

(b) “Agency,” unless otherwise indicated, means any authority of the United States that is an “agency” under 44 U.S.C. 3502(1), other than those considered to be independent regulatory agencies, as defined in 44 U.S.C. 3502(10).

(c) “Director” means the Director of OMB.

(d) “Regulation” means an agency statement of general applicability and future effect, which the agency intends to have the force and effect of law, that is designed to implement, interpret, or prescribe law or policy or to describe the procedure or practice requirements of an agency. It does not, however, include:

(1) Regulations issued in accordance with the formal rulemaking provisions of 5 U.S.C. 556, 557;

(2) Regulations that pertain to a military or foreign affairs function of the United States, other than procurement regulations and regulations involving the import or export of non-defense articles and services;

(3) Regulations that are limited to agency organization, management, or personnel matters; or

(4) Any other category of regulations exempted by the Administrator of OIRA.

(e) “Regulatory action” means any substantive action by an agency (normally published in the **Federal Register**) that promulgates or is expected to lead to the promulgation of a final regulation, including notices of inquiry, advance notices of proposed rulemaking, and notices of proposed rulemaking.

(f) “Significant regulatory action” means any regulatory action that is likely to result in a regulation that may:

(1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President’s priorities, or the principles set forth in this Executive order.

(g) “Guidance document” means an agency statement of general applicability and future effect, other than a regulatory action, that sets forth a policy on a statutory, regulatory or technical issue or an interpretation of a statutory or regulatory issue

(h) “Significant guidance document” –

(1) means a guidance document disseminated to regulated entities or the general public that, for purposes of this order, may reasonably be anticipated to:

(A) lead to an annual effect of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(B) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(C) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights or obligations of recipients thereof; or

(D) Raise novel legal or policy issues arising out of legal mandates, the President’s priorities, or the principles set forth in this Executive order; and

(2) does not include:

(A) Guidance documents on regulations issued in accordance with the formal rulemaking provisions of 5 U.S.C. 556, 557;

(B) Guidance documents that pertain to a military or foreign affairs function of the United States, other than procurement regulations and regulations involving the import or export of non-defense articles and services;

(C) Guidance documents on regulations that are limited to agency organization, management, or personnel matters; or

(D) Any other category of guidance documents exempted by the Administrator of OIRA.

Sec. 4. *Planning Mechanism.* In order to have an effective regulatory program, to provide for coordination of regulations, to maximize consultation and the resolution of potential conflicts at an early stage, to involve the public and its State, local, and tribal officials in regulatory planning, and to ensure that new or revised regulations promote the President's priorities and the principles set forth in this Executive order, these procedures shall be followed, to the extent permitted by law:

(a) *Agencies' Policy Meeting.* The Director may convene a meeting of agency heads and other government personnel as appropriate to seek a common understanding of priorities and to coordinate regulatory efforts to be accomplished in the upcoming year.

(b) *Unified Regulatory Agenda.* For purposes of this subsection, the term "agency" or "agencies" shall also include those considered to be independent regulatory agencies, as defined in 44 U.S.C. 3502(10). Each agency shall prepare an agenda of all regulations under development or review, at a time and in a manner specified by the Administrator of OIRA. The description of each regulatory action shall contain, at a minimum, a regulation identifier number, a brief summary of the action, the legal authority for the action, any legal deadline for the action, and the name and telephone number of a knowledgeable agency official. Agencies may incorporate the information required under 5 U.S.C. 602 and 41 U.S.C. 402 into these agendas.

(c) *The Regulatory Plan.* For purposes of this subsection, the term "agency" or "agencies" shall also include those considered to be independent regulatory agencies, as defined in 44 U.S.C. 3502(10). (1) As part of the Unified Regulatory Agenda, beginning in 1994, each agency shall prepare a Regulatory Plan (Plan) of the most important significant regulatory actions that the agency reasonably expects to issue in proposed or final form in that fiscal year or thereafter. Unless specifically authorized by the head of the agency, no rulemaking shall commence nor be included on the Plan without the approval of the agency's Regulatory Policy Officer, and the Plan shall contain at a minimum:

(A) A statement of the agency's regulatory objectives and priorities and how they relate to the President's priorities;

(B) A summary of each planned significant regulatory action including, to the extent possible, alternatives to be considered and preliminary estimates of the anticipated costs and benefits of each rule as well as the agency's best estimate of the combined aggregate costs and benefits of all its regulations planned for that calendar year to assist with the identification of priorities;

(C) A summary of the legal basis for each such action, including whether any aspect of the action is required by statute or court order, and specific citation to such statute, order, or other legal authority;

(D) A statement of the need for each such action and, if applicable, how the action will reduce risks to public health, safety, or the environment, as well as how the magnitude of the risk addressed by the action relates to other risks within the jurisdiction of the agency;

(E) The agency's schedule for action, including a statement of any applicable statutory or judicial deadlines; and

(F) The name, address, and telephone number of a person the public may contact for additional information about the planned regulatory action.

(2) Each agency shall forward its Plan to OIRA by June 1st of each year.

(3) Within 10 calendar days after OIRA has received an agency's Plan, OIRA shall circulate it to other affected agencies and the Advisors.

(4) An agency head who believes that a planned regulatory action of another agency may conflict with its own policy or action taken or planned shall promptly notify, in writing, the Administrator of OIRA, who shall forward that communication to the issuing agency and the Advisors.

(5) If the Administrator of OIRA believes that a planned regulatory action of an agency may be inconsistent with the President's priorities or the principles set forth in this Executive order or may be in conflict with any policy or action taken or planned by another agency, the Administrator of OIRA shall promptly notify, in writing, the affected agencies and the Advisors.

(6) The Director may consult with the heads of agencies with respect to their Plans and, in appropriate instances, request further consideration or inter-agency coordination.

(7) The Plans developed by the issuing agency shall be published annually in the October publication of the Unified Regulatory Agenda. This publication shall be made available to the Congress; State, local, and tribal governments; and the public. Any views on any aspect of any agency Plan, including whether any planned regulatory action might conflict with any other planned or existing regulation, impose any unintended consequences on the public, or confer any unclaimed benefits on the public, should be directed to the issuing agency, with a copy to OIRA.

(d) *Regulatory Working Group.* Within 30 days of the date of this Executive order, the Administrator of OIRA shall convene a Regulatory Working Group ("Working Group"), which shall consist of representatives of the heads of each agency that the Administrator determines to have significant domestic regulatory responsibility and the Advisors. The Administrator of OIRA shall chair the Working Group and shall periodically advise the Director on the activities of the Working Group. The Working Group shall serve as a forum to assist agencies in identifying and analyzing important regulatory issues (including, among others (1) the development of innovative regulatory techniques, (2) the methods, efficacy, and utility of comparative risk assessment in regulatory decision-making, and (3) the development of short forms and other streamlined regulatory approaches for small businesses and other entities). The Working Group shall meet at least quarterly and may meet as a whole or in subgroups of agencies with an interest in particular issues or subject areas. To inform its discussions, the Working Group may commission analytical studies and reports by OIRA, the Administrative Conference of the United States, or any other agency.

(e) *Conferences.* The Administrator of OIRA shall meet quarterly with representatives of State, local, and tribal governments to identify both existing and proposed regulations that may uniquely or significantly affect those governmental entities. The Administrator of OIRA shall also convene, from time to time, conferences with representatives of businesses, nongovernmental organizations, and the public to discuss regulatory issues of common concern.

Sec. 5. Existing Regulations. In order to reduce the regulatory burden on the American people, their families, their communities, their State, local, and tribal governments, and their industries; to determine whether regulations promulgated by the executive branch of the Federal Government have become unjustified or unnecessary as a result of changed circumstances; to confirm that regulations are both compatible with each other and not duplicative or inappropriately burdensome in the aggregate; to ensure that all regulations are consistent with the President's priorities and the principles set forth in this Executive order, within applicable law; and to otherwise improve the effectiveness of existing regulations: (a) Within 90 days of the date of this Executive order, each agency shall submit to OIRA a program, consistent with its resources and regulatory priorities, under which the agency will periodically review its existing significant regulations to determine whether any such regulations should be modified or eliminated so as to make the agency's regulatory program more effective in achieving the regulatory objectives, less burdensome, or in greater alignment with the President's priorities and the principles set forth in this Executive order. Any significant regulations selected for review shall be included in the agency's annual Plan. The agency shall also identify any legislative mandates that require the agency to promulgate or continue to impose regulations that the agency believes are unnecessary or outdated by reason of changed circumstances.

(b) The Administrator of OIRA shall work with the Regulatory Working Group and other interested entities to pursue the objectives of this section. State, local, and tribal governments are specifically encouraged to assist in the identification of regulations that impose significant or unique burdens on those governmental entities and that appear to have outlived their justification or be otherwise inconsistent with the public interest.

(c) The Director, in consultation with the Advisors, may identify for review by the appropriate agency or agencies other existing regulations of an agency or groups of regulations of more than one agency that affect a particular group, industry, or sector of the economy, or may identify legislative mandates that may be appropriate for reconsideration by the Congress.

Sec. 6. Centralized Review of Regulations. The guidelines set forth below shall apply to all regulatory actions, for both new and existing regulations, by agencies other than those agencies specifically exempted by the Administrator of OIRA:

(a) *Agency Responsibilities.* (1) Each agency shall (consistent with its own rules, regulations, or procedures) provide the public with meaningful participation in the regulatory process. In particular, before issuing a notice of proposed rulemaking, each agency should, where appropriate, seek the involvement of those who are intended to benefit from and those expected to be burdened by any regulation (including, specifically, State, local, and tribal officials). In addition, each agency should afford the public a meaningful opportunity to comment on any proposed regulation, which in most cases should include a comment period of not less than 60 days. In consultation with OIRA, each agency may also consider whether to utilize formal rulemaking procedures under 5 U.S.C. 556 and 557 for the resolution of complex determinations. Each agency also is directed to explore and, where appropriate, use consensual mechanisms for developing regulations, including negotiated rulemaking.

(2) Within 60 days of the date of this Executive order, each agency head shall designate one of the agency's Presidential Appointees to be its Regulatory Policy Officer, advise OMB of such designation, and annually update OMB on the status of this designation. The Regulatory Policy Officer shall be involved at each stage of the regulatory process to foster the development of effective, innovative, and least burdensome regulations and to further the principles set forth in this Executive order.

(3) In addition to adhering to its own rules and procedures and to the requirements of the Administrative Procedure Act, the Regulatory Flexibility Act, the Paperwork Reduction Act, and other applicable law, each agency shall develop its regulatory actions in a timely fashion and adhere to the following procedures with respect to a regulatory action:

(A) Each agency shall provide OIRA, at such times and in the manner specified by the Administrator of OIRA, with a list of its planned regulatory actions, indicating those which the agency believes are significant regulatory actions within the meaning of this Executive order. Absent a material change in the development of the planned regulatory action, those not designated as significant will not be subject to review under this section unless, within 10 working days of receipt of the list, the Administrator of OIRA notifies the agency that OIRA has determined that a planned regulation is a significant regulatory action within the meaning of this Executive order. The Administrator of OIRA may waive review of any planned regulatory action designated by the agency as significant, in which case the agency need not further comply with subsection (a)(3)(B) or subsection (a)(3)(C) of this section.

(B) For each matter identified as, or determined by the Administrator of OIRA to be, a significant regulatory action, the issuing agency shall provide to OIRA:

(i) The text of the draft regulatory action, together with a reasonably detailed description of the need for the regulatory action and an explanation of how the regulatory action will meet that need; and

(ii) An assessment of the potential costs and benefits of the regulatory action, including an explanation of the manner in which the regulatory action is consistent with a statutory mandate and, to the extent permitted by law, promotes the President's priorities and avoids undue interference with State, local, and tribal governments in the exercise of their governmental functions.

(C) For those matters identified as, or determined by the Administrator of OIRA to be, a significant regulatory action within the scope of section 3(f)(1), the agency shall also provide to OIRA the following additional information developed as part of the agency's decision-making process (unless prohibited by law):

(i) An assessment, including the underlying analysis, of benefits anticipated from the regulatory action (such as, but not limited to, the promotion of the efficient functioning of the economy and private markets, the enhancement of health and safety, the protection of the natural environment, and the elimination or reduction of discrimination or bias) together with, to the extent feasible, a quantification of those benefits;

(ii) An assessment, including the underlying analysis, of costs anticipated from the regulatory action (such as, but not limited to, the direct cost both to the government in administering the regulation and to businesses and others in complying with the regulation, and any adverse effects on the efficient functioning of the economy, private markets (including productivity, employment, and competitiveness), health, safety, and the natural environment), together with, to the extent feasible, a quantification of those costs; and

(iii) An assessment, including the underlying analysis, of costs and benefits of potentially effective and reasonably feasible alternatives to the planned regulation, identified by the agencies or the public (including improving the current regulation and reasonably viable nonregulatory actions), and an explanation why the planned regulatory action is preferable to the identified potential alternatives.

(D) In emergency situations or when an agency is obligated by law to act more quickly than normal review procedures allow, the agency shall notify OIRA as soon as possible and, to the extent practicable, comply with subsections (a)(3)(B) and (C) of this section. For those regulatory actions that are governed by a statutory or court-imposed deadline, the agency shall, to the extent practicable, schedule rulemaking proceedings so as to permit sufficient time for OIRA to conduct its review, as set forth below in subsection (b)(2) through (4) of this section.

(E) After the regulatory action has been published in the Federal Register or otherwise issued to the public, the agency shall:

(i) Make available to the public the information set forth in subsections (a)(3)(B) and (C);

(ii) Identify for the public, in a complete, clear, and simple manner, the substantive changes between the draft submitted to OIRA for review and the action subsequently announced; and

(iii) Identify for the public those changes in the regulatory action that were made at the suggestion or recommendation of OIRA.

(F) All information provided to the public by the agency shall be in plain, understandable language.

(b) *OIRA Responsibilities.* The Administrator of OIRA shall provide meaningful guidance and oversight so that each agency's regulatory actions are consistent with applicable law, the President's priorities, and the principles set forth in this Executive order and do not conflict with the policies or actions of another agency. OIRA shall, to the extent permitted by law, adhere to the following guidelines:

(1) OIRA may review only actions identified by the agency or by OIRA as significant regulatory actions under subsection (a)(3)(A) of this section.

(2) OIRA shall waive review or notify the agency in writing of the results of its review within the following time periods:

(A) For any notices of inquiry, advance notices of proposed rulemaking, or other preliminary regulatory actions prior to a Notice of Proposed Rulemaking, within 10 working days after the date of submission of the draft action to OIRA;

(B) For all other regulatory actions, within 90 calendar days after the date of submission of the information set forth in subsections (a)(3)(B) and (C) of this section, unless OIRA has previously reviewed this information and, since that review, there has been no material change in the facts and circumstances upon which the regulatory action is based, in which case, OIRA shall complete its review within 45 days; and

(C) The review process may be extended (1) once by no more than 30 calendar days upon the written approval of the Director and (2) at the request of the agency head.

(3) For each regulatory action that the Administrator of OIRA returns to an agency for further consideration of some or all of its provisions, the Administrator of OIRA shall provide the issuing agency a written explanation for such return, setting forth the pertinent provision of this Executive order on which OIRA is relying. If the agency head disagrees with some or all of the bases for the return, the agency head shall so inform the Administrator of OIRA in writing.

(4) Except as otherwise provided by law or required by a Court, in order to ensure greater openness, accessibility, and accountability in the regulatory review process, OIRA shall be governed by the following disclosure requirements:

(A) Only the Administrator of OIRA (or a particular designee) shall receive oral communications initiated by persons not employed by the executive branch of the Federal Government regarding the substance of a regulatory action under OIRA review;

(B) All substantive communications between OIRA personnel and persons not employed by the executive branch of the Federal Government regarding a regulatory action under review shall be governed by the following guidelines: (i) A representative from the issuing agency shall be invited to any meeting between OIRA personnel and such person(s);

(ii) OIRA shall forward to the issuing agency, within 10 working days of receipt of the communication(s), all written communications, regardless of format, between OIRA personnel and any person who is not employed by the executive branch of the Federal Government, and the dates and names of individuals involved in all substantive oral communications (including meetings to which an agency representative was invited, but did not attend, and telephone conversations between OIRA personnel and any such persons); and

(iii) OIRA shall publicly disclose relevant information about such communication(s), as set forth below in subsection (b)(4)(C) of this section.

(C) OIRA shall maintain a publicly available log that shall contain, at a minimum, the following information pertinent to regulatory actions under review:

(i) The status of all regulatory actions, including if (and if so, when and by whom) Presidential consideration was requested;

(ii) A notation of all written communications forwarded to an issuing agency under subsection (b)(4)(B)(ii) of this section; and

(iii) The dates and names of individuals involved in all substantive oral communications, including meetings and telephone conversations, between OIRA personnel and any person not employed by the executive branch of the Federal Government, and the subject matter discussed during such communications.

(D) After the regulatory action has been published in the **Federal Register** or otherwise issued to the public, or after the agency has announced its decision not to publish or issue the regulatory action, OIRA shall make available to the public all documents exchanged between OIRA and the agency during the review by OIRA under this section.

(5) All information provided to the public by OIRA shall be in plain, understandable language.

Sec. 7. Resolution of Conflicts. (a) To the extent permitted by law, disagreements or conflicts between or among agency heads or between OMB and any agency that cannot be resolved by the Administrator of OIRA shall be resolved by the President, with the assistance of the Chief of Staff to the President (“Chief of Staff”), acting at the request of the President, with the relevant agency head (and, as appropriate, other interested government officials). Presidential consideration of such disagreements may be initiated only by the Director, by the head of the issuing agency, or by the head of an agency that has a significant interest in the regulatory action at issue. Such review will not be undertaken at the request of other persons, entities, or their agents.

(b) Resolution of such conflicts shall be informed by recommendations developed by the Chief of Staff, after consultation with the Advisors (and other executive branch officials or personnel whose responsibilities to the President include the subject matter at issue). The development of these recommendations shall be concluded within 60 days after review has been requested.

(c) During the Presidential review period, communications with any person not employed by the Federal Government relating to the substance of the regulatory action under review and directed to the Advisors or their staffs or to the staff of the Chief of Staff shall be in writing and shall be forwarded by the recipient to the affected agency(ies) for inclusion in the public docket(s). When the communication is not in writing, such Advisors or staff members shall inform the outside party that the matter is under review and that any comments should be submitted in writing.

(d) At the end of this review process, the President, or the Chief of Staff acting at the request of the President, shall notify the affected agency and the Administrator of OIRA of the President’s decision with respect to the matter.

Sec. 8. Publication. Except to the extent required by law, an agency shall not publish in the **Federal Register** or otherwise issue to the public any regulatory action that is subject to review under section 6 of this Executive order until (1) the Administrator of OIRA notifies the agency that OIRA has waived its review of the action or has completed its review without any requests for further consideration, or (2) the applicable time period in section 6(b)(2) expires without OIRA having notified the agency that it is returning the regulatory action for further consideration under section 6(b)(3), whichever occurs first. If the terms of the preceding sentence have not been satisfied and an agency wants to publish or otherwise issue a regulatory action, the head of that agency may request Presidential consideration through the Director, as provided under section 7 of this order. Upon receipt of this request, the Director shall notify OIRA and

the Advisors. The guidelines and time period set forth in section 7 shall apply to the publication of regulatory actions for which Presidential consideration has been sought.

Sec. 9. *Significant Guidance Documents.* Each agency shall provide OIRA, at such times and in the manner specified by the Administrator of OIRA, with advance notification of any significant guidance documents. Each agency shall take such steps as are necessary for its Regulatory Policy Officer to ensure the agency's compliance with the requirements of this section. Upon the request of the Administrator, for each matter identified as, or determined by the Administrator to be, a significant guidance document, the issuing agency shall provide to OIRA the content of the draft guidance document, together with a brief explanation of the need for the guidance document and how it will meet that need. The OIRA Administrator shall notify the agency when additional consultation will be required before issuance of the significant guidance document.

Sec. 10. *Preservation of Agency Authority.* Nothing in this order shall be construed to impair or otherwise affect the authority vested by law in an agency or the head thereof, including the authority of the Attorney General relating to litigation.

Sec. 11. *Judicial Review.* Nothing in this Executive order shall affect any otherwise available judicial review of agency action. This Executive order is intended only to improve the internal management of the Federal Government and does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

Sec. 12. *Revocations.* Executive Orders Nos. 12291 and 12498; all amendments to those Executive orders; all guidelines issued under those orders; and any exemptions from those orders heretofore granted for any category of rule are revoked.

Definitions

16 U.S.C. 1362

Sec. 3. For the purposes of this chapter—

(1) The term “depletion” or “depleted” means any case in which—

(A) the Secretary, after consultation with the Marine Mammal Commission and the Committee of Scientific Advisors on Marine Mammals established under subchapter III of this chapter, determines that a species or population stock is below its optimum sustainable population;

(B) a State, to which authority for the conservation and management of a species or population stock is transferred under section 1379 of this title, determines that such species or stock is below its optimum sustainable population; or

(C) a species or population stock is listed as an endangered species or a threatened species under the Endangered Species Act of 1973 [16 U.S.C. 1531 et seq.].

(2) The terms “conservation” and “management” means the collection and application of biological information for the purposes of increasing and maintaining the number of animals within species and populations of marine mammals at their optimum sustainable population. Such terms include the entire scope of activities that constitute a modern scientific resource program, including, but not limited to, research, census, law enforcement, and habitat acquisition and improvement. Also included within these terms, when and where appropriate, is the periodic or total protection of species or populations as well as regulated taking.

(3) The term “district court of the United States” includes the District Court of Guam, District Court of the Virgin Islands, District Court of Puerto Rico, District Court of the Canal Zone, and, in the case of American Samoa and the Trust Territory of the Pacific Islands, the District Court of the United States for the District of Hawaii.

(4) The term “humane” in the context of the taking of a marine mammal means that method of taking which involves the least possible degree of pain and suffering practicable to the mammal involved.

(5) The term “intermediary nation” means a nation that exports yellowfin tuna or yellowfin tuna products to the United States and that imports yellowfin tuna or yellowfin tuna products that are subject to a direct ban on importation into the United States pursuant to section 1371 (a)(2)(B) of this title.

(6) The term “marine mammal” means any mammal which

(A) is morphologically adapted to the marine environment (including sea otters and members of the orders Sirenia, Pinnipedia and Cetacea), or

(B) primarily inhabits the marine environment (such as the polar bear); and, for the purposes of this chapter, includes any part of any such marine mammal, including its raw, dressed, or dyed fur or skin.

(7) The term “marine mammal product” means any item of merchandise which consists, or is composed in whole or in part, of any marine mammal.

(8) The term “moratorium” means a complete cessation of the taking of marine mammals and a complete ban on the importation into the United States of marine mammals and marine mammal products, except as provided in this chapter.

(9) The term “optimum sustainable population” means, with respect to any population stock, the number of animals which will result in the maximum productivity of the

population or the species, keeping in mind the carrying capacity of the habitat and the health of the ecosystem of which they form a constituent element.

(10) The term “person” includes

(A) any private person or entity, and

(B) any officer, employee, agent, department, or instrumentality of the Federal Government, of any State or political subdivision thereof, or of any foreign government.

(11) The term “population stock” or “stock” means a group of marine mammals of the same species or smaller taxa in a common spatial arrangement, that interbreed when mature.

(12)

(A) Except as provided in subparagraph (B), the term “Secretary” means—

(i) the Secretary of the department in which the National Oceanic and Atmospheric Administration is operating, as to all responsibility, authority, funding, and duties under this chapter with respect to members of the order Cetacea and members, other than walruses, of the order Pinnipedia, and

(ii) the Secretary of the Interior as to all responsibility, authority, funding, and duties under this chapter with respect to all other marine mammals covered by this chapter.

(B) in [1] section 1387 of this title and subchapter V of this chapter (other than section 1421f-1 of this title) the term “Secretary” means the Secretary of Commerce.

(13) The term “take” means to harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill any marine mammal.

(14) The term “United States” includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, American Samoa, Guam, and Northern Mariana Islands.

(15) The term “waters under the jurisdiction of the United States” means—

(A) the territorial sea of the United States;

(B) the waters included within a zone, contiguous to the territorial sea of the United States, of which the inner boundary is a line coterminous with the seaward boundary of each coastal State, and the other boundary is a line drawn in such a manner that each point on it is 200 nautical miles from the baseline from which the territorial sea is measured; and

(C) the areas referred to as eastern special areas in Article 3(1) of the Agreement between the United States of America and the Union of Soviet Socialist Republics on the Maritime Boundary, signed June 1, 1990; in particular, those areas east of the maritime boundary, as defined in that Agreement, that lie within 200 nautical miles of the baselines from which the breadth of the territorial sea of Russia is measured but beyond 200 nautical miles of the baselines from which the breadth of the territorial sea of the United States is measured, except that this subparagraph shall not apply before the date on which the Agreement between the United States and the Union of Soviet Socialist Republics on the Maritime Boundary, signed June 1, 1990, enters into force for the United States.

(16) The term “fishery” means—

(A) one or more stocks of fish which can be treated as a unit for purposes of conservation and management and which are identified on the basis of geographical, scientific, technical, recreational, and economic characteristics; and

(B) any fishing for such stocks.

(17) The term “competent regional organization”—

(A) for the tuna fishery in the eastern tropical Pacific Ocean, means the Inter-American Tropical Tuna Commission; and

(B) in any other case, means an organization consisting of those nations participating in a tuna fishery, the purpose of which is the conservation and management of that fishery and the management of issues relating to that fishery.

(18)

(A) The term “harassment” means any act of pursuit, torment, or annoyance which—

(i) has the potential to injure a marine mammal or marine mammal stock in the wild; or

(ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering.

(B) In the case of a military readiness activity (as defined in section 315(f) of Public Law 107–314; 16 U.S.C. 703 note) or a scientific research activity conducted by or on behalf of the Federal Government consistent with section 1374 (c)(3) of this title, the term “harassment” means—

(i) any act that injures or has the significant potential to injure a marine mammal or marine mammal stock in the wild; or

(ii) any act that disturbs or is likely to disturb a marine mammal or marine mammal stock in the wild by causing disruption of natural behavioral patterns, including, but not limited to, migration, surfacing, nursing, breeding, feeding, or sheltering, to a point where such behavioral patterns are abandoned or significantly altered.

(C) The term “Level A harassment” means harassment described in subparagraph (A)(i) or, in the case of a military readiness activity or scientific research activity described in subparagraph (B), harassment described in subparagraph (B)(i).

(D) The term “Level B harassment” means harassment described in subparagraph (A)(ii) or, in the case of a military readiness activity or scientific research activity described in subparagraph (B), harassment described in subparagraph (B)(ii).

(19) The term “strategic stock” means a marine mammal stock—

(A) for which the level of direct human-caused mortality exceeds the potential biological removal level;

(B) which, based on the best available scientific information, is declining and is likely to be listed as a threatened species under the Endangered Species Act of 1973 [16 U.S.C. 1531 et seq.] within the foreseeable future; or

(C) which is listed as a threatened species or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), or is designated as depleted under this chapter.

(20) The term “potential biological removal level” means the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population. The potential biological removal level is the product of the following factors:

(A) The minimum population estimate of the stock.

(B) One-half the maximum theoretical or estimated net productivity rate of the stock at a small population size.

(C) A recovery factor of between 0.1 and 1.0.

(21) The term “Regional Fishery Management Council” means a Regional Fishery Management Council established under section 1852 of this title.

(22) The term “bona fide research” means scientific research on marine mammals, the results of which—

(A) likely would be accepted for publication in a referred scientific journal;

(B) are likely to contribute to the basic knowledge of marine mammal biology or ecology; or

(C) are likely to identify, evaluate, or resolve conservation problems.

(23) The term “Alaska Native organization” means a group designated by law or formally chartered which represents or consists of Indians, Aleuts, or Eskimos residing in Alaska.

(24) The term “take reduction plan” means a plan developed under section 1387 of this title.

(25) The term “take reduction team” means a team established under section 1387 of this title.

(26) The term “net productivity rate” means the annual per capita rate of increase in a stock resulting from additions due to reproduction, less losses due to mortality.

(27) The term “minimum population estimate” means an estimate of the number of animals in a stock that—

(A) is based on the best available scientific information on abundance, incorporating the precision and variability associated with such information; and

(B) provides reasonable assurance that the stock size is equal to or greater than the estimate.

(28) The term “International Dolphin Conservation Program” means the international program established by the agreement signed in LaJolla, California, in June, 1992, as formalized, modified, and enhanced in accordance with the Declaration of Panama.

(29) The term “Declaration of Panama” means the declaration signed in Panama City, Republic of Panama, on October 4, 1995

Effective Date

Sec. 4. The provisions of this Act shall take effect upon the expiration of the sixty-day period following the date of its enactment [December 21, 1972].

amount equal to five percent of the combined amounts covered each fiscal year into the Federal aid to wildlife restoration fund under section 3 of the Act of September 2, 1937, and paid, transferred, or otherwise credited each fiscal year to the Sport Fishing Restoration Account established under 1016 of the Act of July 18, 1984.

(2) Amounts deposited into the special fund are authorized to be appropriated annually and allocated in accordance with subsection (d) of this section.

INTERAGENCY COOPERATION

SEC. 7. [16 U.S.C. 1536] (a) FEDERAL AGENCY ACTIONS AND CONSULTATIONS.—(1) The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act. All other Federal agencies shall, in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered species and threatened species listed pursuant to section 4 of this Act.

(2) Each Federal agency shall, in consultation with and with the assistance of the Secretary, insure that any action authorized, funded, or carried out by such agency (hereinafter in this section referred to as an “agency action”) is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat of such species which is determined by the Secretary, after consultation as appropriate with affected States, to be critical, unless such agency has been granted an exemption for such action by the Committee pursuant to subsection (h) of this section. In fulfilling the requirements of this paragraph each agency shall use the best scientific and commercial data available.

(3) Subject to such guidelines as the Secretary may establish, a Federal agency shall consult with the Secretary on any prospective agency action at the request of, and in cooperation with, the prospective permit or license applicant if the applicant has reason to believe that an endangered species or a threatened species may be present in the area affected by his project and that implementation of such action will likely affect such species.

(4) Each Federal agency shall confer with the Secretary on any agency action which is likely to jeopardize the continued existence of any species proposed to be listed under section 4 or result in the destruction or adverse modification of critical habitat proposed to be designated for such species. This paragraph does not require a limitation on the commitment of resources as described in subsection (d).

(b) OPINION OF SECRETARY.—(1)(A) Consultation under subsection (a)(2) with respect to any agency action shall be concluded within the 90-day period beginning on the date on which initiated or, subject to subparagraph (B), within such other period of time as is mutually agreeable to the Secretary and the Federal agency.

(B) In the case of an agency action involving a permit or license applicant, the Secretary and the Federal agency may not mutually agree to conclude consultation within a period exceeding 90 days unless the Secretary, before the close of the 90th day referred to in subparagraph (A)—

(i) if the consultation period proposed to be agreed to will end before the 150th day after the date on which consultation was initiated, submits to the applicant a written statement setting forth—

(I) the reasons why a longer period is required;

(II) the information that is required to complete the consultation; and

(III) the estimated date on which consultation will be completed; or

(ii) if the consultation period proposed to be agreed to will end 150 or more days after the date on which consultation was initiated, obtains the consent of the applicant to such period.

The Secretary and the Federal agency may mutually agree to extend a consultation period established under the preceding sentence if the Secretary, before the close of such period, obtains the consent of the applicant to the extension.

(2) Consultation under subsection (a)(3) shall be concluded within such period as is agreeable to the Secretary, the Federal agency, and the applicant concerned.

(3)(A) Promptly after conclusion of consultation under paragraph (2) or (3) of subsection (a), the Secretary shall provide to the Federal agency and the applicant, if any, a written statement setting forth the Secretary's opinion, and a summary of the information on which the opinion is based, detailing how the agency action affects the species or its critical habitat. If jeopardy or adverse modification is found, the Secretary shall suggest those reasonable and prudent alternatives which he believes would not violate subsection (a)(2) and can be taken by the Federal agency or applicant in implementing the agency action.

(B) Consultation under subsection (a)(3), and an opinion based by the Secretary incident to such consultation, regarding an agency action shall be treated respectively as a consultation under subsection (a)(2), and as an opinion issued after consultation under such subsection, regarding that action if the Secretary reviews the action before it is commenced by the Federal agency and finds, and notifies such agency, that no significant changes have been made with respect to the action and that no significant change has occurred regarding the information used during the initial consultation.

(4) If after consultation under subsection (a)(2) of this section, the Secretary concludes that—

(A) the agency action will not violate such subsection, or offers reasonable and prudent alternatives which the Secretary believes would not violate such subsection;

(B) the taking of an endangered species or a threatened species incidental to the agency action will not violate such subsection; and

(C) if an endangered species or threatened species of a marine mammal is involved, the taking is authorized pursuant to section 101(a)(5) of the Marine Mammal Protection Act of 1972; the Secretary shall provide the Federal agency and the applicant concerned, if any, with a written statement that—

(i) specifies the impact of such incidental taking on the species,

(ii) specifies those reasonable and prudent measures that the Secretary considers necessary or appropriate to minimize such impact,

(iii) in the case of marine mammals, specifies those measures that are necessary to comply with section 101(a)(5) of the Marine Mammal Protection Act of 1972 with regard to such taking, and

(iv) sets forth the terms and conditions (including, but not limited to, reporting requirements) that must be complied with by the Federal agency or applicant (if any), or both, to implement the measures specified under clauses (ii) and (iii).

(c) **BIOLOGICAL ASSESSMENT.**—(1) To facilitate compliance with the requirements of subsection (a)(2) each Federal agency shall, with respect to any agency action of such agency for which no contract for construction has been entered into and for which no construction has begun on the date of enactment of the Endangered Species Act Amendments of 1978, request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action. If the Secretary advises, based on the best scientific and commercial data available, that such species may be present, such agency shall conduct a biological assessment for the purpose of identifying any endangered species or threatened species which is likely to be affected by such action. Such assessment shall be completed within 180 days after the date on which initiated (or within such other period as in mutually agreed to by the Secretary and such agency, except that if a permit or license applicant is involved, the 180-day period may not be extended unless such agency provides the applicant, before the close of such period, with a written statement setting forth the estimated length of the proposed extension and the reasons therefor) and, before any contract for construction is entered into and before construction is begun with respect to such action. Such assessment may be undertaken as part of a Federal agency's compliance with the requirements of section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

(2) Any person who may wish to apply for an exemption under subsection (g) of this section for that action may conduct a biological assessment to identify any endangered species or threatened species which is likely to be affected by such action. Any such biological assessment must, however, be conducted in cooperation with the Secretary and under the supervision of the appropriate Federal agency.

(d) **LIMITATION ON COMMITMENT OF RESOURCES.**—After initiation of consultation required under subsection (a)(2), the Federal agency and the permit or license applicant shall not make any irreversible or irretrievable commitment of resources with respect to the agency action which has the effect of foreclosing the formulation or implementation of any reasonable and prudent alternative measures which would not violate subsection (a)(2).

(e)(1) **ESTABLISHMENT OF COMMITTEE.**—There is established a committee to be known as the Endangered Species Committee (hereinafter in this section referred to as the "Committee").

(2) The Committee shall review any application submitted to it pursuant to this section and determine in accordance with sub-

section (h) of this section whether or not to grant an exemption from the requirements of subsection (a)(2) of this action for the action set forth in such application.

(3) The Committee shall be composed of seven members as follows:

- (A) The Secretary of Agriculture.
- (B) The Secretary of the Army.
- (C) The Chairman of the Council of Economic Advisors.
- (D) The Administrator of the Environmental Protection Agency. Agency.¹
- (E) The Secretary of the Interior.
- (F) The Administrator of the National Oceanic and Atmospheric Administration.

(G) The President, after consideration of any recommendations received pursuant to subsection (g)(2)(B) shall appoint one individual from each affected State, as determined by the Secretary, to be a member of the Committee for the consideration of the application for exemption for an agency action with respect to which such recommendations are made, not later than 30 days after an application is submitted pursuant to this section.

(4)(A) Members of the Committee shall receive no additional pay on account of their service on the Committee.

(B) While away from their homes or regular places of business in the performance of services for the Committee, members of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5 of the United States Code¹

(5)(A) Five members of the Committee or their representatives shall constitute a quorum for the transaction of any function of the Committee, except that, in no case shall any representative be considered in determining the existence of a quorum for the transaction of any function of the Committee if that function involves a vote by the Committee on any matter before the Committee.

(B) The Secretary of the Interior shall be the Chairman of the Committee.

(C) The Committee shall meet at the call of the Chairman or five of its members.

(D) All meetings and records of the Committee shall be open to the public.

(6) Upon request of the Committee, the head of any Federal agency is authorized to detail, on a nonreimbursable basis, any of the personnel of such agency to the Committee to assist it in carrying out its duties under this section.

(7)(A) The Committee may for the purpose of carrying out its duties under this section hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Committee deems advisable.

¹So in law. At the end of section 7(e)(3)(D) of the Endangered Species Act of 1973, the second "Agency." should had been stricken.

¹So in law. At the end of section 7(e)(4)(B) of the Endangered Species Act of 1973, the period at end of the paragraph was omitted.

(B) When so authorized by the Committee, any member or agent of the Committee may take any action which the Committee is authorized to take by this paragraph.

(C) Subject to the Privacy Act, the Committee may secure directly from any Federal agency information necessary to enable it to carry out its duties under this section. Upon request of the Chairman of the Committee, the head of such Federal agency shall furnish such information to the Committee.

(D) The Committee may use the United States mails in the same manner and upon the same conditions as a Federal agency.

(E) The Administrator of General Services shall provide to the Committee on a reimbursable basis such administrative support services as the Committee may request.

(8) In carrying out its duties under this section, the Committee may promulgate and amend such rules, regulations, and procedures, and issue and amend such orders as it deems necessary.

(9) For the purpose of obtaining information necessary for the consideration of an application for an exemption under this section the Committee may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents.

(10) In no case shall any representative, including a representative of a member designated pursuant to paragraph (3)(G) of this subsection, be eligible to cast a vote on behalf of any member.

(f) REGULATIONS.—Not later than 90 days after the date of enactment of the Endangered Species Act Amendments of 1978, the Secretary shall promulgate regulations which set forth the form and manner in which applications for exemption shall be submitted to the Secretary and the information to be contained in such applications. Such regulations shall require that information submitted in an application by the head of any Federal agency with respect to any agency action include but not be limited to—

(1) a description of the consultation process carried out pursuant to subsection (a)(2) of this section between the head of the Federal agency and the Secretary; and

(2) a statement describing why such action cannot be altered or modified to conform with the requirements of subsection (a)(2) of this section.

(g) APPLICATION FOR EXEMPTION AND REPORT TO THE COMMITTEE.—(1) A Federal agency, the Governor of the State in which an agency action will occur, if any, or a permit or license applicant may apply to the Secretary for an exemption for an agency action of such agency if, after consultation under subsection (a)(2), the Secretary's opinion under subsection (b) indicates that the agency action would violate subsection (a)(2). An application for an exemption shall be considered initially by the Secretary in the manner provided for in this subsection, and shall be considered by the Committee for a final determination under subsection (h) after a report is made pursuant to paragraph (5). The applicant for an exemption shall be referred to as the "exemption applicant" in this section.

(2)(A) An exemption applicant shall submit a written application to the Secretary, in a form prescribed under subsection (f), not later than 90 days after the completion of the consultation process; except that, in the case of any agency action involving a permit or

license applicant, such application shall be submitted not later than 90 days after the date on which the Federal agency concerned takes final agency action with respect to the issuance of the permit or license. For purposes of the preceding sentence, the term "final agency action" means (i) a disposition by an agency with respect to the issuance of a permit or license that is subject to administrative review, whether or not such disposition is subject to judicial review; or (ii) if administrative review is sought with respect to such disposition, the decision resulting after such review. Such application shall set forth the reasons why the exemption applicant considers that the agency action meets the requirements for an exemption under this subsection.

(B) Upon receipt of an application for exemption for an agency action under paragraph (1), the Secretary shall promptly (i) notify the Governor of each affected State, if any, as determined by the Secretary, and request the Governors so notified to recommend individuals to be appointed to the Endangered Species Committee for consideration of such application; and (ii) publish notice of receipt of the application in the Federal Register, including a summary of the information contained in the application and a description of the agency action with respect to which the application for exemption has been filed.

(3) The Secretary shall within 20 days after the receipt of an application for exemption, or within such other period of time as is mutually agreeable to the exemption applicant and the Secretary—

(A) determine that the Federal agency concerned and the exemption applicant have—

(i) carried out the consultation responsibilities described in subsection (a) in good faith and made a reasonable and responsible effort to develop and fairly consider modifications or reasonable and prudent alternatives to the proposed agency action which would not violate subsection (a)(2);

(ii) conducted any biological assessment required by subsection (c); and

(iii) to the extent determinable within the time provided herein, refrained from making any irreversible or irretrievable commitment of resources prohibited by subsection (d); or

(B) deny the application for exemption because the Federal agency concerned or the exemption applicant have not met the requirements set forth in subparagraph (A)(i), (ii), and (iii).

The denial of an application under subparagraph (B) shall be considered final agency action for purposes of chapter 7 of title 5, United States Code.

(4) If the Secretary determines that the Federal agency concerned and the exemption applicant have met the requirements set forth in paragraph (3)(A) (i), (ii) and (iii) he shall, in consultation with the Members of the Committee, hold a hearing on the application for exemption in accordance with sections 554, 555, and 556 (other than subsection (b) (1) and (2) thereof) of title 5, United States Code, and prepare the report to be submitted pursuant to paragraph (5).

(5) Within 140 days after making the determinations under paragraph (3) or within such other period of time as in mutually agreeable to the exemption applicant and the Secretary, the Secretary shall submit to the Committee a report discussing—

(A) the availability and reasonable and prudent alternatives to the agency action, and the nature and extent of the benefits of the agency action and of alternative courses of action consistent with conserving the species of the critical habitat;

(B) a summary of the evidence concerning whether or not the agency action is in the public interest and is of national or regional significance;

(C) appropriate reasonable mitigation and enhancement measures which should be considered by the Committee; and

(D) whether the Federal agency concerned and the exemption applicant refrained from making any irreversible or irretrievable commitment of resources prohibited by subsection (d).

(6) To the extent practicable within the time required for action under subsection (g) of this section, and except to the extent inconsistent with the requirements of this section, the consideration of any application for an exemption under this section and the conduct of any hearing under this subsection shall be in accordance with sections 554, 555, and 556 (other than subsection (b)(3) of section 556) of title 5, United States Code.

(7) Upon request of the Secretary, the head of any Federal agency is authorized to detail, on a nonreimbursable basis, any of the personnel of such agency to the Secretary to assist him in carrying out his duties under this section.

(8) All meetings and records resulting from activities pursuant to this subsection shall be open to the public.

(h) EXEMPTION.—(1) The Committee shall make a final determination whether or not to grant an exemption within 30 days after receiving the report of the Secretary pursuant to subsection (g)(5). The Committee shall grant an exemption from the requirements of subsection (a)(2) for an agency action if, by a vote of not less than five of its members voting in person—

(A) it determines on the record, based on the report of the Secretary, the record of the hearing held under subsection (g)(4), and on such other testimony or evidence as it may receive, that—

(i) there are no reasonable and prudent alternatives to the agency action;

(ii) the benefits of such action clearly outweigh the benefits of alternative courses of action consistent with conserving the species or its critical habitat, and such action is in the public interest;

(iii) the action is of regional or national significance; and

(iv) neither the Federal agency concerned nor the exemption applicant made any irreversible or irretrievable commitment of resources prohibited by subsection (d); and

(B) it establishes such reasonable mitigation and enhancement measures, including, but not limited to, live propagation, transplantation, and habitat acquisition and improvement, as

are necessary and appropriate to minimize the adverse effects of the agency action upon the endangered species, threatened species, or critical habitat concerned.

Any final determination by Committee under this subsection shall be considered final agency action for purposes of chapter 7 of title 5 of the United States Code.

(2)(A) Except as provided in subparagraph (B), an exemption for an agency action granted under paragraph (1) shall constitute a permanent exemption with respect to all endangered or threatened species for the purposes of completing such agency action—

(i) regardless whether the species was identified in the biological assessment; and

(ii) only if a biological assessment has been conducted under subsection (c) with respect to such agency action.

(B) An exemption shall be permanent under subparagraph (A) unless—

(i) the Secretary finds, based on the best scientific and commercial data available, that such exemption would result in the extinction of a species that was not the subject of consultation under subsection (a)(2) or was not identified in any biological assessment conducted under subsection (c), and

(ii) the Committee determines within 60 days after the date of the Secretary's finding that the exemption should not be permanent.

If the Secretary makes a finding described in clause (i), the Committee shall meet with respect to the matter within 30 days after the date of the finding.

(i) REVIEW BY SECRETARY OF STATE.—Notwithstanding any other provision of this Act, the Committee shall be prohibited from considering for exemption any application made to it, if the Secretary of State, after a review of the proposed agency action and its potential implications, and after hearing, certifies, in writing, to the Committee within 60 days of any application made under this section that the granting of any such exemption and the carrying out of such action would be in violation of an international treaty obligation or other international obligation of the United States. The Secretary of State shall, at the time of such certification, publish a copy thereof in the Federal Register.

(j) Notwithstanding any other provision of this Act, the Committee shall grant an exemption for any agency action if the Secretary of Defense finds that such exemption is necessary for reasons of national security.

(k) SPECIAL PROVISIONS.—An exemption decision by the Committee under this section shall not be a major Federal action for purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.): *Provided*, That an environmental impact statement which discusses the impacts upon endangered species or threatened species or their critical habitats shall have been previously prepared with respect to any agency action exempted by such order.

(l) COMMITTEE ORDERS.—(1) If the Committee determines under subsection (h) that an exemption should be granted with respect to any agency action, the Committee shall issue an order granting the exemption and specifying the mitigation and enhance-

ment measures established pursuant to subsection (h) which shall be carried out and paid for by the exemption applicant in implementing the agency action. All necessary mitigation and enhancement measures shall be authorized prior to the implementing of the agency action and funded concurrently with all other project features.

(2) The applicant receiving such exemption shall include the costs of such mitigation and enhancement measures within the overall costs of continuing the proposed action. Notwithstanding the preceding sentence the costs of such measures shall not be treated as project costs for the purpose of computing benefit-cost or other ratios for the proposed action. Any applicant may request the Secretary to carry out such mitigation and enhancement measures. The costs incurred by the Secretary in carrying out any such measures shall be paid by the applicant receiving the exemption. No later than one year after the granting of an exemption, the exemption applicant shall submit to the Council on Environmental Quality a report describing its compliance with the mitigation and enhancement measures prescribed by this section. Such report shall be submitted annually until all such mitigation and enhancement measures have been completed. Notice of the public availability of such reports shall be published in the Federal Register by the Council on Environmental Quality.

(m) NOTICE.—The 60-day notice requirement of section 11(g) of this Act shall not apply with respect to review of any final determination of the Committee under subsection (h) of this section granting an exemption from the requirements of subsection (a)(2) of this section.

(n) JUDICIAL REVIEW.—Any person, as defined by section 3(13) of this Act, may obtain judicial review, under chapter 7 of title 5 of the United States Code, of any decision of the Endangered Species Committee under subsection (h) in the United States Court of Appeals for (1) any circuit wherein the agency action concerned will be, or is being, carried out, or (2) in any case in which the agency action will be, or is being, carried out outside of any circuit, the District of Columbia, by filing in such court within 90 days after the date of issuance of the decision, a written petition for review. A copy of such petition shall be transmitted by the clerk of the court to the Committee and the Committee shall file in the court the record in the proceeding, as provided in section 2112, of title 28, United States Code. Attorneys designated by the Endangered Species Committee may appear for, and represent the Committee in any action for review under this subsection.

(o) EXEMPTION AS PROVIDING EXCEPTION ON TAKING OF ENDANGERED SPECIES.—Notwithstanding sections 4(d) and 9(a)(1)(B) and (C) of this Act, sections 101 and 102 of the Marine Mammal Protection Act of 1972, or any regulation promulgated to implement any such section—

(1) any action for which an exemption is granted under subsection (h) of this section shall not be considered to be a taking of any endangered species or threatened species with respect to any activity which is necessary to carry out such action; and

(2) any taking that is in compliance with the terms and conditions specified in a written statement provided under subsection (b)(4)(iv) of this section shall not be considered to be a prohibited taking of the species concerned.

(p) EXEMPTIONS IN PRESIDENTIALLY DECLARED DISASTER AREAS.—In any area which has been declared by the President to be a major disaster area under the Disaster Relief and Emergency Assistance Act, the President is authorized to make the determinations required by subsections (g) and (h) of this section for any project for the repair or replacement of a public facility substantially as it existed prior to the disaster under section 405 or 406 of the Disaster Relief and Emergency Assistance Act, and which the President determines (1) is necessary to prevent the recurrence of such a natural disaster and to reduce the potential loss of human life, and (2) to involve an emergency situation which does not allow the ordinary procedures of this section to be followed. Notwithstanding any other provision of this section, the Committee shall accept the determinations of the President under this subsection.

INTERNATIONAL COOPERATION

SEC. 8. [16 U.S.C. 1537] (a) FINANCIAL ASSISTANCE.—As a demonstration of the commitment of the United States to the worldwide protection of endangered species and threatened species, the President may, subject to the provisions of section 1415 of the Supplemental Appropriation Act, 1953 (31 U.S.C. 724), use foreign currencies accruing to the United States Government under the Agricultural Trade Development and Assistance Act of 1954 or any other law to provide to any foreign country (with its consent) assistance in the development and management of programs in that country which the Secretary determines to be necessary or useful for the conservation of any endangered species or threatened species listed by the Secretary pursuant to section 4 of this Act. The President shall provide assistance (which includes, but is not limited to, the acquisition, by lease or otherwise, of lands, waters, or interests therein) to foreign countries under this section under such terms and conditions as he deems appropriate. Whenever foreign currencies are available for the provision of assistance under this section, such currencies shall be used in preference to funds appropriated under the authority of section 15 of this Act.

(b) ENCOURAGEMENT OF FOREIGN PROGRAMS.—In order to carry out further the provisions of this Act, the Secretary, through the Secretary of State shall encourage—

(1) foreign countries to provide for the conservation of fish or wildlife and plants including endangered species and threatened species listed pursuant to section 4 of this Act;

(2) the entering into of bilateral or multilateral agreements with foreign countries to provide for such conservation; and

(3) foreign persons who directly or indirectly take fish or wildlife or plants in foreign countries or on the high seas for importation into the United States for commercial or other purposes to develop and carry out with such assistance as he may provide, conservation practices designed to enhance such fish or wildlife or plants and their habitat.

Definition of Terms

Components of Coverage Error—The two components of census coverage error are census omissions (missed persons or housing units) and erroneous enumerations (persons or housing units enumerated in the census that should not have been). Examples of erroneous enumerations are persons or housing units enumerated in the census that should not have been enumerated at all, persons or housing units enumerated in an incorrect location, and persons or housing units enumerated more than once (duplicates).

Net Coverage Error—Net Coverage Error is a measure of the difference between census omissions and erroneous enumerations. A positive net error indicates an undercount, while a negative net error indicates an overcount.

For more information about the Census 2010 Coverage Measurement Program, please visit the following page of the Census Bureau's Web site: <http://www.census.gov/cac/www/pdf/coverage-measurement-program.pdf>.

III. Data

OMB Control Number: None.

Form Number: D-1301, D-1301(PR), D-1301.2, D-1301.2(PR).

Type of Review: Regular submission.

Affected Public: Individuals or Households.

Estimated Number of Respondents: 57,776 sample addresses for PFU and 8,667 sample addresses for PFU RI.

Estimated Time per Response: 15 minutes.

Estimated Total Annual Burden Hours: 16,611 hours.

Estimated Total Annual Cost: No cost to the respondents except for their time to respond.

Respondent's Obligation: Mandatory.

Legal Authority: Title 13, U.S. Code, Sections 141, 193, and 221.

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: December 24, 2009.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E9-30954 Filed 12-29-09; 8:45 am]

BILLING CODE 3510-07-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Cook Inlet Beluga Whale Pilot Economic Survey

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 March 1, 2010.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 7845, 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 Dr. Dan Lew, (530) 752-1746 or Dan.Lew@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

The population of Cook Inlet beluga whales found in the Cook Inlet of Alaska is one of five distinct population segments in United States (U.S.) waters. It was listed as endangered under the *Endangered Species Act* on October 22, 2008 (73 FR 62919). The public benefits associated with the results of protective actions on the Cook Inlet beluga whale, such as population increases, are primarily the result of the non-consumptive value people attribute to such protection (e.g., active use values

associated with being able to view beluga whales and passive use values unrelated to direct human use). Little is known about these values, yet such information is needed for decision makers to more fully understand the trade-offs involved in choosing among potential protection alternatives and to complement other information available about the costs, benefits, and impacts of protection alternatives.

The National Marine Fisheries Service plans to conduct a pilot survey to test a survey instrument that will be used to collect data for measuring the economic benefits the public receives for providing additional protection, beyond current levels, to the Cook Inlet beluga whale. These preferences are currently not known, but are needed to assist in the evaluation of alternative measures to further protect and recover the species' population, such as in the evaluation of critical habitat designations. The pilot survey consists of conducting a small-scale mail-telephone survey of U.S. households that will collect information needed to evaluate the survey instrument and implementation procedures.

II. Method of Collection

Data will be collected primarily through a mail survey of a random sample of U.S. households with an oversampling of Alaska households. Additional data will be collected in telephone interviews with individuals who do not respond to the mail survey.

III. Data

OMB Control Number: None.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Households.

Estimated Number of Respondents: 240.

Estimated Time per Response: 25 minutes.

Estimated Total Annual Burden Hours: 34.

Estimated Total Annual Cost to Public: \$0.

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.C

Dated: December 23, 2009.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E9-30924 Filed 12-29-09; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

Census Bureau

Proposed Information Collection; Comment Request; Quarterly Survey of State and Local Tax Revenues

AGENCY: U.S. Census Bureau, 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, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

DATES: To ensure consideration, written comments must be submitted on or before March 1, 2010.

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(s) and instructions should be directed to Cheryl Lee, Chief, State Finance and Tax Statistics Branch, Governments Division, U.S. Census Bureau, 4600 Silver Hill Road, Washington, DC 20233 (301-763-5635).

SUPPLEMENTARY INFORMATION:

I. Abstract

The Census Bureau conducts the Quarterly Summary of State and Local Tax Revenue, using the F-71 (Quarterly Survey of Property Tax Collection), F-72 (Quarterly Survey of State Tax Collections), and F-73 (Quarterly

Survey of Non-Property Taxes) forms. The Census Bureau is requesting a revision to the F-73 form, which surveys local governments on the non-property taxes they collect. The revised form will collect additional information about local government revenue, covering areas such as motor fuel sales, public utilities, alcohol sales, tobacco sales, motor vehicle licenses and operator's licenses corporate income and all other non-property taxes. The Census Bureau needs local tax data to publish benchmark statistics on public sector taxes, to provide data to the Bureau of Economic Analysis for Gross Domestic Product (GDP) calculations and other economic indicators, and to provide data for economic research and comparative studies of governmental finances. Data are collected on a quarterly basis from State and local government tax collecting agencies.

Tax collection data are used to measure economic activity for the Nation as a whole, as well as for comparison among the various States. These data also are useful in comparing the mix of taxes employed by individual localities, and in determining the revenue raising capacity of different types of taxes.

The Quarterly Survey of Non-Property Taxes (Form F-73) will be sent to approximately 3,000 local tax collection agencies known to have substantial collections of local general sales and/or local individual income taxes every quarter. A new sample frame is being developed to accompany the new survey design. The new sample is designed to meet the Office of Management and Budget's statistical standards for data quality.

II. Method of Collection

The F-73 forms are sent to respondents by direct mail. Respondents submit the forms by mail, e-mail, facsimile or Internet. (E-mail and facsimile are accepted but not encouraged.)

In those instances when we are not able to obtain a response we conduct follow-up operations using e-mail and phone calls.

III. Data

OMB Control Number: 0607-0112.
Form Number: F-71, F-72, F-73.
Type of Review: Regular submission.
Affected Public: Local governments.
Estimated Number of Respondents: 3,800.
Estimated Time per Response: 45 minutes.
Estimated Total Annual Burden Hours: 11,400.

Estimated Total Annual Cost: \$269,154.

Respondent's Obligation: Voluntary.

Legal Authority: Title 13 U.S.C. Section 182.

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: December 24, 2009.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E9-30969 Filed 12-29-09; 8:45 am]

BILLING CODE 3510-07-P

DEPARTMENT OF COMMERCE

Census Bureau

Proposed Information Collection; Comment Request; Internet Reinterview Evaluation

AGENCY: U.S. Census Bureau, 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, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

DATES: To ensure consideration, written comments must be submitted on or before March 1, 2010.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625,