

## SUPPORTING STATEMENT

### ANNUAL NORTHERN FUR SEAL SUBSISTENCE HARVEST REPORTING, ST. GEORGE ISLAND, ALASKA

OMB CONTROL NO. 0648-0699

This is a resubmission, with Final Rule 0648-BD12, of a request for a new information collection (existing collection in use without an OMB Control Number).

The subsistence harvest of northern fur seals is cooperatively managed by the National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS) and the Tribal Governments of St. Paul and St. George Islands under § 119 of the [Marine Mammal Protection Act](#), 16 U.S.C. 1388 (MMPA) and governed by regulations found in [50 CFR part 216 subpart F](#), Taking for Subsistence Purposes. The regulations, laws, and cooperative agreement are focused on conserving northern fur seals through cooperative effort and consultation regarding effective management of human activities related to the subsistence harvests of northern fur seals and Steller sea lions. It was not until spring of 2013 that it was realized that the reporting public, the Tribes of St. Paul and St. George, needed to be approved under the Paperwork Reduction Act. This was unintentional on our part and an inadvertent oversight which is corrected with this new collection-of-information.

This request is for an information collection for the annual subsistence harvest of juvenile male northern fur seals by Alaska Natives (Aleuts) in the communities of St. Paul and St. George, Alaska (Pribilof Islands) under 50 CFR 216 subpart F. In addition, NMFS is amending, in this final rule, the regulations at 50 CFR 216 subpart F to create a second fur seal subsistence harvest season for St. George Island on which NMFS is responsible for reporting in consultation with the Tribal government of St. George.

The estimates of subsistence needed to comply with 50 CFR 216.672(b) are derived from historic harvest levels reported by, and in direct consultation with, the Tribal Governments of St. Paul and St. George Islands in Alaska and their respective local Native corporations (Tanadgusix and Tanaq).

#### BACKGROUND

The northern fur seal (*Callorhinus ursinus*) ranges throughout the North Pacific Ocean from southern California north to the Bering Sea and west to the Okhotsk Sea and Honshu Island, Japan. Breeding is restricted to only a few sites on some of the islands in the Pribilof, Kuril and Commander Island groups and on Bogoslof, San Miguel, and Robben Islands. Northern fur seals pup, mate, and suckle on land in isolated breeding and resting areas, forage in the marine environment within a few hundred nautical miles (nmi) of these locations, and migrate into the marine environment for the winter and spring each year before returning to their breeding islands.

On the Pribilof Islands, lactating females forage within a few hundred nmi of the breeding areas. Pups are weaned in November and December, at about 125 days old, and abruptly depart to sea for an 18-month at sea migratory period before returning to land. Most females, weaned young

of the year, and sub-adults leave the Bering Sea by December and migrate south as far as Southern California in the eastern North Pacific and Japan in the western North Pacific. They remain in the pelagic marine environment of the North Pacific Ocean until March, when they begin their northward migration. Adult males are believed to migrate only as far south as the Gulf of Alaska (GOA).

NMFS Alaska Region and the Tribal Governments of St. Paul and St. George Islands cooperatively manage the subsistence harvest of northern fur seals under § 119 of the MMPA. Representatives of the Tribal Governments of St. Paul and St. George Islands (Pribilof Islands) signed and maintain agreements declaring a shared interest in the conservation and management of fur seals. These agreements also designate co-management councils which meet with NMFS throughout the year to discuss the status of the northern fur seals. NMFS representatives are responsible for compiling information related to sources of human-caused mortality and serious injury of marine mammals. The Tribal representatives are responsible for reporting their subsistence needs and actual level of subsistence take. This information is critical to updating stock assessment reports and for making determinations under § 216.72. Collection of information from § 216.72 includes dates, locations, and numbers of seals harvested, the extent of utilization of fur seals taken, and other information necessary for the Assistant Administrator to make determinations under § 216.72(f) and estimating the subsistence needs of the Pribilovians every 3 years under § 216.72(b).

## **INTRODUCTION**

The subsistence harvest of northern fur seals on the Pribilof Islands, Alaska, is governed by regulations found in 50 CFR part 216 subpart F--Taking for Subsistence Purposes. These regulations were published under the authority of the Fur Seal Act, 16 U.S.C. 1151, et seq., and the MMPA. The purpose of these regulations is to (1) limit the take of fur seals to a level that provides for the subsistence needs, (2) take of fur seals is done using humane harvesting methods, and (3) restrict the take of fur seals by sex, age, and season for herd management purposes.

Since the first Aleuts were brought to the islands in the late 1700s, fur seal meat has been a dietary staple; parts of the fur seal can be used in the creation of authentic native articles of handicraft under § 216.73. The estimated number of seals needed for subsistence purposes has varied dramatically. These estimates were derived from a variety of historical records and extrapolations; the estimates of subsistence need were generally much higher than the actual subsistence take. In 1986, NMFS restricted the subsistence harvest of northern fur seals to a level providing for the legitimate subsistence needs of the Pribilovians.

The commercial harvest, not the subsistence harvest, of fur seals was a major source of human-induced mortality for more than 200 years, and the abundance of fur seals has fluctuated greatly in the past, largely due to commercial harvests that included females. Commercial harvest of fur seals peaked during 1961 with more than 126,000 animals harvested, and ended in 1985. The northern fur seal was listed as a depleted stock under the MMPA in 1988 as a result of the steep decline in abundance. Amendments to the MMPA passed into law on 23 November 1988 (P.L. 100-711) directed the Secretary of Commerce to develop a conservation plan for northern fur seals.

The Pribilof Islands Northern Fur Seal Conservation Plan was signed by the Assistant Administrator, published by NMFS in June 1993, and revised, updated and published in December 2007. This Conservation Plan includes information on the status of fur seals on the Pribilof Islands, causes of declines, threats to the species, critical information gaps, and recommended research and management actions for meeting the objectives of the plan. The goal of the Conservation Plan will be met when northern fur seal abundance of the Eastern Pacific Stock has increased to the level where NMFS can remove it from the depleted stock list under the MMPA.

The actual number needed and the manner in which the seals were taken was the subject of controversy between the late 1970s, the cessation of the commercial harvest and the depleted listing in 1988, resulting in litigation between NMFS and conservation groups over the commercial harvest. NMFS subsequently published emergency interim subsistence harvest regulations in 1985. Since 1995, the subsistence harvest has stabilized, and the subsistence harvest is not controversial. Alaska Natives residing on the Pribilof Islands are allowed an annual subsistence harvest of northern fur seals, with a take range determined from household surveys and recent information from the Tribal Governments of St. Paul and St. George.

NMFS' final rule will revise the northern fur seal subsistence harvest regulations for St. George Island based on a petition from the Aleut Community of St. George Island, Traditional Council (Council). NMFS has evaluated the effects of the final rule to authorize residents of St. George Island to take up to 350 sub-adult male fur seals and up to 150 male young of the year (i.e., pups) during a second autumn harvest season at all available breeding and hauling grounds, as coordinated between NMFS and the Council under co-management.

## **A. JUSTIFICATION**

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

Regulations for northern fur seal subsistence harvest have been in existence since 1985. However, an information collection to support those regulations for St. Paul and St. George Island sub-adult subsistence harvest season did not previously exist. This collection would be added in association with Final Rule 0648-BD12, that modifies certain details in the northern fur seal subsistence harvest regulations, creating an extra autumn harvest season that apply to St. George Island only. These requirements are necessary to promote wise use of fur seals during subsistence harvesting and to ensure compliance with the regulatory provisions which set harvest seasons, subsistence needs and other restrictions on taking for subsistence purposes.

NMFS would set the annual Pribilof Islands fur seal subsistence take ranges as required by regulations at 50 CFR 216.72(b). NMFS must publish in the Federal Register a summary of the preceding three years of harvesting by Alaskan Native residents annually on the Pribilof Islands (i.e., Pribilovians) and the expected upper and lower range of annual harvest levels for the next three years. NMFS completed this process on August 6, 2014 (79 FR 45728). These ranges were developed through close consultation with the Tribal Governments of St. Paul and St. George Islands and have been determined as adequate to provide flexibility to meet the local subsistence needs for the Aleut community living in the Pribilof Islands (Pribilovians).

**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.**

**a. Annual northern fur seal subsistence harvest report**

The rule states that Pribilovians are responsible for reporting their subsistence needs and actual level of subsistence take. The final rule will continue the annual sub-adult male subsistence harvest reporting for St. Paul and St. George by the Pribilovians as has occurred for the past decade through the tribal governments under co-management. NMFS will collect the information regarding all fur seal harvests during the second season in the autumn on St. George Island. Reporting of the actual harvests during the second harvest season will be the responsibility of NMFS in consultation with the St. George tribal council under co-management.

As described in the background, the collection of information includes dates, locations, and numbers of seals harvested and their sex, the extent of utilization of fur seals taken, and other information necessary for the Assistant Administrator to make determinations under § 216.72(f) and estimating the subsistence needs of the Pribilovians every 3 years under § 216.72(b).

The Assistant Administrator is required to suspend the take of fur seals if he determines under § 216.72(f) that the subsistence needs have been met, the harvest is being conducted in a wasteful manner, or the lower end of the harvest range has been reached. These determinations are made based on information collected from the NMFS monitoring and Pribilovians harvest reports. NMFS collects information every three years in order to estimate the subsistence needs of the Pribilovians during the upcoming 3 years. The Council and NMFS regularly meet to share information and discuss cooperative management of the subsistence harvest of marine mammals under the co-management agreement.

NMFS receives electronic copies of the northern fur seal subsistence harvest reports from the tribal governments of St. Paul and St. George annually and subsequently posts these reports online [alaskafisheries.noaa.gov/protectedresources/seals/fur.htm](http://alaskafisheries.noaa.gov/protectedresources/seals/fur.htm) and includes the relevant data in the annual NOAA Technical Memorandum series, Fur Seal Investigations, and the annual Alaska Marine Mammal Stock Assessment Report.

<b>Harvest Report, Respondent</b>	
<b>Number of respondents</b>	<b>2</b>
<b>Total annual responses</b>	<b>2</b>
Frequency of response = 1	
<b>Total burden hours</b>	<b>40 hr</b>
Time per response = 20 hr	
<b>Total personnel cost (\$25/hr)</b>	<b>\$1,000</b>
<b>Total miscellaneous cost</b>	<b>\$8</b>
Internet access/hour = 0.20 x 40	

<b>Harvest report, Federal Government</b>	
<b>Total annual responses</b>	<b>2</b>
<b>Total burden hours</b>	<b>32 hr</b>
Time per response = 16	
<b>Total personnel cost (\$50/hr)</b>	<b>\$1,600</b>
<b>Total miscellaneous cost</b>	<b>\$0</b>

By April 1 of every third year, the Assistant Administrator has published in the Federal Register a summary of the preceding three years of harvesting and a discussion of the number of seals expected to be taken annually over the next 3 years to satisfy the subsistence requirements of each island. This discussion includes:

- ◆ An assessment of factors and conditions on St. Paul and St. George Islands that influence the need by Pribilovians to take fur seals for subsistence uses, and
- ◆ An assessment of any changes to those conditions indicating that the number of fur seals that may be taken for subsistence each year should be made higher or lower.

Most recently NMFS published the 2011-2013 harvests levels, proposed 2014-2016 harvest levels, and request for comments (79 FR 27550; May 14, 2014). NMFS published a final notification of the expected annual harvest levels for 2014-2016 (79 FR 45728; August, 6, 2014).

The sub-adult male harvest reports from the tribal governments of St. Paul and St. George have included the following information: 1) number, sex, and dates of fur seals harvested, 2) methods of gathering and herding of fur seals during the harvesting period, 3) environmental conditions, 4) cases of death due to hyperthermia, 5) occurrence of adult male and females fur seals harvested, 6) occurrence of flipper-tagged fur seals, 7) number of fur seals entangled in marine debris and the number of seals disentangled, 8) health status of fur seals and oil contamination of pelts, 9) incidence of by-products and waste during the harvest process, 10) research conducted during the harvest and visitors requesting to view the harvest. We expect future reports will contain the same information, and anticipate that the information provided in the reports will include that necessary to make determinations under 50 CFR 216.72(f) and 50 CFR 216.72(b).

NMFS has received actual sub-adult male harvest reports from both tribal governments via the co-management process for the past decade. NMFS has chosen to create formal instructions for information collection based on the current reporting effort which assists NMFS in making the required determinations under the northern fur seal subsistence harvest regulations.

It is anticipated that the information collected will be disseminated to the public or used to support publicly disseminated information. NMFS will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. 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. Prior to dissemination, the information will be subjected to quality control measures and a pre-dissemination review pursuant to [Section 515 of Public Law 106-554](#).

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

This collection consists of one annual report from each island which may be submitted as an attachment to an email. Instructions will be available via a Web site (url to be announced) and distributed in the communities.

**4. Describe efforts to identify duplication.**

None of the information collected as part of this information collection duplicates other collections.

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

This action would not have a significant economic impact on a substantial number of small entities. The harvest of northern fur seals on the Pribilof Islands, Alaska, is for subsistence purposes only. This action directly regulates the subsistence harvest of northern fur seals by Alaska Natives in the communities of St. George and St. Paul. The estimates of subsistence need are derived based on historic harvest levels and direct consultation with the Tribal Government from St. George and St. Paul. The action regulates only the practices and behavior of individual subsistence fur seal hunters on St. Paul and St. George Islands, none of whom meet the definition of 'small entity' under SBA criteria.

This action would have no adverse economic impact and may provide a net benefit for the community of St. George and St. Paul Islands. The community members will experience an opportunity to initiate a cultural tradition and obtain fresh subsistence foods and resources within the proposed harvest ranges.

The subsistence harvest of fur seals provides a local source of fresh meat for the communities' consumption. Fresh meat is commercially unavailable on St. George and St. Paul Islands; subsistence hunting and fishing are the primary means by which the communities meet their dietary needs. No other fish or wildlife species are predictably available to replace fresh fur seal meat. Replacement of the fur seal meat with livestock meat that is shipped to the islands is expensive and only available when air and barge service can deliver it frozen. In addition, marine mammals such as fur seals are the preferred meat resource for Pribilovians.

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

This action is necessary to improve recordkeeping and reporting efficiency and to improve the quality of data obtained by the Alaska Native tribes for northern fur seal management purposes. If this collection were not conducted, NMFS estimates of direct sources of human-caused mortality would be significantly compromised. NMFS ability to implement harvests management measures would be compromised. NMFS ability to confirm the compliance with harvest restrictions would be impossible. NMFS ability to estimate the potential effects of

harvest on the ability of the population to recover would suffer from increased uncertainty and decreased ability to implement science-based management measures.

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

Not Applicable.

**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.**

NMFS Alaska Region published a proposed rule, RIN 0648-BD12, (July 24, 2014; 79 FR 43007) soliciting public comments on this collection. No comments were received on the information collection aspects of this rule.

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

This action requires the collection of information about the annual subsistence harvest of northern fur seals on St. George and St. Paul Islands. NMFS funding through the Alaska Native Co-management Funding Program provides the opportunity for both the St. George Island Traditional Council and the Aleut Community of St. Paul Island tribal government to apply for grant funds to support subsistence harvest monitoring and reporting. Both tribal governments have received funding in the past from NMFS to report the subsistence harvests of northern fur seals, and continue to submit annual funding proposals under the Alaska Native Co-management Funding Program.

No payment or gift is provided under this program.

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

The information collected is not confidential.

**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.**

Not Applicable.

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

Total estimated unique respondents: 2. Total estimated responses: 2. Total estimated burden: 40 hr. Total estimated personnel cost: \$1,000.

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

Total estimated miscellaneous costs: \$8 for mailing, if the reports are not sent by e-mail.

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

Total estimated annual burden: 32 hours. Total estimated personnel cost: \$1,600. Total annualized capital costs: \$0.

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

This is a new program.

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

Annually NMFS will review the northern fur seal subsistence harvest reports received from the tribal governments of St. George and St. Paul islands. If any revisions or corrections are identified by NMFS in the harvest reports, NMFS will request the revised reports prior to their publication online by NMFS. In addition data extracted from the report will be referenced and used in NOAA's Fur Seal Investigations and the Alaska Marine Mammal Stock Assessment Reports.

By April 1 of every third year, beginning after publication of the rule, the Assistant Administrator will publish in the Federal Register a summary of the preceding three years of harvesting and a discussion of the number of seals expected to be taken annually over the next three years to satisfy the subsistence requirements of each island. This discussion will include the development of best harvest practices, an assessment of factors and conditions on St. Paul and St. George Islands that influence the need by Pribilovians to take fur seals for subsistence uses, and an assessment of any changes to those conditions indicating that the number of fur seals that may be taken for subsistence each year should be made higher or lower. Following a 30-day public comment period, a final notification of the expected annual harvest levels for the next three years will 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.**

The seal harvest report is not a form, and therefore will not show the expiration date.

**18. Explain each exception to the certification statement.**

Not applicable.

**B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS**

This collection does not employ statistical methods.