SUPPORTING STATEMENT
MARINE MAMMAL STRANDING REPORTS/MARINE MAMMAL REHABILITATION DISPOSITION REPORT/HUMAN INTERACTION DATA SHEET
OMB CONTROL NO. 0648-0178

A. Justification

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

This request is for revision and extension of this previously approved data collection. A Human Interaction Data Sheet will be added to this data collection, and the currently approved forms in this collection (the Stranding Report form and Rehabilitation Disposition data sheet) have been slightly modified.

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

In addition, determinations must be made on the sustainability of population stocks, on the impact of fisheries and other human activities on marine mammals and endangered species, and on the health of marine mammals and related environmental considerations. NOAA's National Marine Fisheries Service (NMFS) has the responsibility to carry out these mandates.

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

Specifically, the data from the Marine Mammal Stranding Report (MMSR) forms provide NMFS with information on the morphology, life history, biology, general health, health and stranding trends, causes of mortality, and distribution of marine mammal species. These data provide reference information necessary to detect epizootic diseases such as the morbillivirus outbreak in the bottlenose dolphin die-offs of 1987-88 and 2013, the leptospirosis outbreak in California sea lions in 1984, and the

morbillivirus epizootic in bottlenose dolphins in the Gulf of Mexico in 1994. These data also provide information which may help in making assessments on the status of population stocks. Recording data on gross mortalities may serve as an indicator that a particular population is impacted, threatened or at increased risk, and when provided in a timely manner, aid in dynamic management practices. Changes in sex ratios, age composition, or age at sexual maturity may also indicate stressed populations and can be detected with stranding data. Stranding data also provide an important baseline for detecting and monitoring the impacts of environmental phenomena, such as El Niño, seen in California sea lions and gray whales in 1998 and again in 2015, and Harmful Algal Blooms (HABs) such as domoic acid (repeatedly detected in California) and brevetoxin or red tide impacting bottlenose dolphins along the Florida Panhandle.

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

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

The Marine Mammal Rehabilitation Disposition Report (MMRDR) provides NMFS with information on the disposition of animals brought in for rehabilitation, the success of medical treatment, and the number of animals released. This information will assist the Agency in tracking marine mammals that move into captive display and in the monitoring of rehabilitation and release. The data will also be used to assess the burden on stranding network centers. This form will be filled out only in the case of live-stranded marine mammals. The form will be required from rehabilitation centers in all five NMFS Regions. Each of the NMFS regions approves and issues a Letter of Agreement (LOA) or other form of agreement to marine mammal rehabilitation centers under §112(c) of the MMPA, which allows the Secretary to enter into agreements in order to fulfill the general purposes of the Act, and under §403 of the MMPA, which provides specific authority to enter into such stranding response agreements. These data will be monitored as part of the Rehabilitation Facilities Inspection (RFI) program.

Under MMPA section 104(c)(10) [16 U.S.C. 1374(c)(10)], NMFS is required to maintain an inventory of live marine mammals held under permits for rehabilitation or captive display. The data in the Marine Mammal Rehabilitation Disposition report are required to monitor and track animals during rehabilitation and during transfer to permanent-permitted status. For public display facilities which participate in the program as a rehabilitation center, reporting becomes a critical record if the animal is

retained and put on display. If that happens, reporting requirements transfer to those mandated under OMB Control No. 0648-0084.

The Protocol for Examining Marine Mammals for Signs of Human Interaction will provide NMFS with consistent and detailed information on signs of human interaction in stranded marine mammals. This form also includes a subjective section that allows the examiner to evaluate the likelihood that human interaction contributed to the stranding of the animal. This information will assist the Agency in tracking resource conflicts and will provide a solid scientific foundation for conservation and management of marine mammals. With a better understanding of interactions, appropriate measures can be taken to resolve conflicts and, stranding data are the best source of information regarding the occurrence of different types of human interaction. The form will be required in all five NMFS Regions for all species, if the animal is determined to be code 1, 2, or 3, but the requirement to complete this form can be waived by a regional or national stranding coordinator during extraordinary circumstances (i.e., during a large mass stranding or an UME). However, the Protocol for Examining Marine Mammals for Signs of Human Interaction will be required only after it is available for electronic entry into the online national database. The stranding network will receive a 60-day notice before it becomes a required form, which is anticipated to be early 2018. Until that time, the network is highly encouraged to begin using this form voluntarily.

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

The Marine Mammal Stranding Network (Network) is made up of over 100 organizations authorized by NMFS [i.e., via Stranding Agreement (SA) under §112(c) of the MMPA which allows the Secretary to enter into agreements in order to fulfill the general purposes of the Act, or as government employees acting under §109(h) of the MMPA] to collect scientific data and specimens, record information on stranding events with the NMFS Regional Coordinator, and assist local and Federal authorities in the response to stranded marine mammals under §109(h)of the MMPA. They are also authorized to assist with detection and investigation of marine mammal unusual mortality events. The majority of Network organizations are affiliated with academic institutions, aquaria, rehabilitation centers, or state, federal, and local agencies. Members are requested to submit basic data (i.e., Level A data) on the Marine Mammal Stranding Report form, for all strandings including date and location, species, condition of animal, sex of animal, length, disposition of the animal and tissues or specimens, and any personal observations. As authorized (i.e., typically within 30 days or more frequently depending on type of case), members of the Network complete the stranding forms and forward to their NMFS Regional Stranding Coordinator in a specified time and/or can electronically enter data into the NMFS Marine Mammal Health and Stranding Response Stranding Database. Direct electronic entry is not currently possible but will be developed for the Human Interaction data sheet, prior to requiring completion of the form.

Stranding network participants benefit by gaining access to information, data exchange and tissue samples which might otherwise not be available. Analyses of tissues from strandings by the Network and research laboratories have significantly contributed to the body of knowledge on which management decisions are made and enhanced our understanding of marine mammal health. Non-scientists participating in the Network receive the satisfaction of aiding wildlife, enhancing wildlife

conservation, and furthering scientific understanding of these species. Stranding network members also provide important expertise and involvement in Unusual Mortality Event investigations, when an unusual number of animals are found stranded and an official investigation is launched to determine the factors involved.

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

While the information provided in the current MMSR form is valuable, the previous example highlights the need for more detailed human interaction data. The new Human Interaction Data Sheet will allow NMFS to collect more detailed data in a standardized manner that is consistent across all regions. These data will help the Agency to better monitor and respond to resource conflicts, before they become a widespread problem.

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

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

Over the fifteen year period from 2001-2015, the Network has responded to 87,831 stranded marine mammals, representing 23,364 cetaceans and 64,465 pinnipeds (excluding walrus). A small fraction of marine mammals that are stranded alive are deemed appropriate candidates for rehabilitation and the Network completes the Marine Mammal Rehabilitation Disposition Report. This report provides NMFS with information on the disposition of animals brought in for rehabilitation, types of disease and other health related issues upon admission, types of and response to medical treatment, and the number of animals released. This information assists the Agency in tracking marine mammals that are transferred to captive display facilities following a determination of non-releasability and in the monitoring of

rehabilitation facilities and release protocols.

The Level A Stranding and Rehabilitation Reports and the Examiner's Guide were reviewed internally and grammatical and formatting edits were made. The rest of the changes in these documents are based on comments, as were the changes to the initial draft of the Human Interaction Form.

The Agency will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. As stated in the "Data Access" section found on the back page of the forms, upon written request (including those under the Freedom of Information Act), certain fields of both reports will be provided to the requestor provided that credit is given to the Marine Mammal Stranding Network and the NMFS. All other data may be released to the requestor after permission has been obtained from the contributing stranding network members and NMFS. The privacy standards under FOIA, preventing the release of personal information, including home phone numbers and addresses, will not be released. See response to Question10 of this Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meets all applicable information quality guidelines. Prior to dissemination, the information will be subjected to quality control measures and a pre-dissemination review pursuant to Section 515 of Public Law 106-554.

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

Stranding Network organizations can enter Level A data from both forms to the Marine Mammal Health and Stranding Response Program National Database. The database is password protected and access is limited to SA Network organizations. The Level A examination and Rehabilitation Disposition forms can be filled in online and submitted to the national database. The Human Interaction form is will be added to the national database for electronic submission; this is anticipated in early 2018. Stranding organizations do have access to regional data (i.e., within their own region). NMFS may also require paper copies be submitted to the NMFS Regional Stranding Coordinators in a timely manner as detailed in their SAs. This requirement has been useful for periodic data validation. The forms are also located on the NOAA Fisheries Office of Protected Resources Website http://www.nmfs.noaa.gov/pr/health/publications.htm .

4. Describe efforts to identify duplication.

Although some duplication of reporting (multiple users reporting the same event) may result from the large number of stranding network members responding to and reporting stranding events, it has not been a significant problem to date. Any duplication is eliminated during data review and validation by regional NMFS personnel. Centralizing the data in the National Database provides the most efficient means to distribute information upon requests from other Federal agencies (i.e., Navy, Smithsonian Institute, etc.), Network members, state and local managers.

5. If the collection of information involves small businesses or other small entities, describe the

methods used to minimize burden.

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

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

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

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

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

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

8. Provide 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.

On November 1, 2016 (81 FR 75811), NMFS published a Federal Register Notice to solicit public comments on this proposed revision. During the 60-day comment period, comments were received from members of the national stranding network on all aspects of the data collection (Level A Stranding Form, Rehabilitation Disposition Form, Examiner's Guide, and Human Interaction Datasheet). Comments are addressed below and sorted by data form and general comments.

Level A Stranding Data Form

Comment 1: Some commenters were concerned about the age classes used on the form and the definitions of these age classes in the Examiner's Guide. Specifically,

commenters were concerned about age classes for immature age classes and felt that for both cetaceans and pinnipeds, the age classes could be refined to reflect the life history of different species and varying organizational definitions. One commenter would like to add a 'Young of the Year" category for pinnipeds, while another commenter would like to make the categories broader to be either mature or immature. Lastly, one

commenter would like NMFS to clarify that a responder may not be certain about the age class of an animal unless a detailed necropsy can be performed.

Response 1:
NMFS recognizes that age classes are not consistent across different marine mammal taxa and the age classes used on the Level A form may be defined differently by various stranding response groups. Additionally, the age class may sometimes be a best estimate, especially when determining if an animal is a calf or a yearling. In an effort to ensure national consistency, NMFS has determined that the age class names should remain the same, while clarifying the definitions in the Examiner's Guide to ensure that age classes are recorded consistently across the country to the extent possible. The name and description of this category has been revised to emphasize that age class may sometimes be an estimate on the part of the responder. The revised estimated age class definitions are:

ESTIMATED AGE CLASS (Check One): Check the box indicating the estimated age class of the animal. If possible, use information based on reproductive organs, teeth, or accepted length/age data to estimate the age class of the animal, as age class may not always be determinable without necropsy and examination of reproductive organs.

- **Adult**: Animal is judged to be an adult; or found upon necropsy to be sexually mature.
- **Subadult**: Animal is judged to be greater than two years old, but not yet mature.
- **Yearling**: Animal is judged to be approximately between one and two years old. The animal's standard length or the time of year (e.g. for pinniped pup cohorts) may be used to estimate the approximate age of the animal.
- **Pup/Calf:** Animal is smaller than yearling size, or estimated to be younger than one year old.
- **Unknown**: Unable to determine the age class.

Comment 2: One commenter would like to change the "EXAMINER NAME" field to "Report Submitted by", as they felt this field caused confusion if the examiner was different than the person who entered the Level A data into the national database.

Response 2: The purpose of this field is to ensure that the examiner can be contacted later if any information submitted on the Level A form needs to be clarified. Therefore, the name of the person that examined the animal and gathered the Level A data should be recorded in this field. Additionally, the vast majority of Level A data sheets are submitted electronically, and as part of the electronic submission, the username of the person who submitted the report is recorded. This will allow NMFS to contact the report submitter, if they are different from the examiner.

Comment 3: One commenter thought it would be helpful to add a "Pending" option to answer whether or not a necropsy has been conducted, as this would allow a responder to convey that a frozen carcass is slated for necropsy at a future time.

Response 3: There is a "Frozen for Later Examination" option under "CARCASS STATUS". NMFS intended this option to capture the data the commenter mentions. We have clarified this option by renaming it "Frozen for Later Examination/Necropsy Pending". NMFS intends this option to be checked while a carcass is still frozen; once the necropsy has been completed, the examiner should edit the Level A form to reflect the final disposition of the post-necropsy remains.

Comment 4: One commenter would like a subcategory of "Bullet/Projectile Recovered" added under the "Findings of Human Interaction – Shot" category.

Response 4: NMFS recognizes the need to capture whether a bullet/projectile has been recovered from an animal that was shot. Therefore, the "Gear Collected" section has been modified to read "Gear/HI Items Collected". NMFS envisions that this section will be used to record if any items related to human interaction (i.e., fishing gear, marine debris, projectiles, etc.) are collected, and the disposition of those items. These directions have also been added to the Examiner's Guide. Specific information regarding the type of gear/HI item collected can be captured in the Comments section.

Comment 5: Some commenters were confused as to how they should record the straight length of a partial animal. The commenters wanted NMFS to clarify if the numeric value entered for partial remains should be the actual length of the remains, or the estimated length of a whole animal (due to the actual/estimated checkboxes located below the length section). The commenter also recommended moving "Whole Animal" and "Partial Animal" from below "Weight" and inserting it under "Straight Length". Lastly, one commenter noted that in some cases, the examiner does not take a straight length and enters "0", and in other cases, the examiner enters "0" for partial animal remains, per the Examiner's Guide. The commenter suggested that in order to clarify if the animal was measured, a new check box, "Not Measured", be added under the straight length category.

Response 5: "Actual" should be checked when the numeric value entered is a physical measurement (i.e., using a tape measure), while "Estimated" is a visual estimate on the animal straight length (e.g., the animal was in an area that was inaccessible to responders or the length was estimated from a photograph). "Estimated" should also be used for all partial carcasses, if a measurement is taken. If an examiner measures the partial remains of the carcass, the numeric value can be entered in the numeric fields, and the examiner must select "Estimated". The numeric value entered should be the physical measurement of the partial remains, not an estimated size of the animal when it was intact. This has been clarified in the Examiner's Guide.

To clarify if the animal was measured, a new check box, “Not Measured”, has been added under the “Straight Length” category. An examiner can now check that the numeric value entered is either the actual length, estimated (i.e., visual approximation), or if the animal was not measured. A “0” should be entered into the numeric field if the animal was not measured. A similar field, “Not Weighed” has been added under “Weight”, and if the animal was not weighed, a “0” ” should be entered into the numeric field.

The “Whole Animal” and “Partial Animal” fields have been moved above the “Straight Length” section, to clarify that this designation applies to both weight and length measurements.

Comment 6: One commenter thought that “Unknown” should not be an option under the “Level A Examination” section. By definition, an animal that was examined should have a known condition at the time of examination.

Response 6: NMFS agrees and this option has been removed.

Comment 7: One commenter suggested that the “Demographic Information” section should be renamed “Morphological Information”, as this was a more appropriate name for the data collected under this section.

Response 7: NMFS agrees and the title of this section has been changed to “Morphological Information”.

Comment 8: One commenter suggested adding “Skeletal/Osteological” as an option under the “Samples Collected” section.

Response 8: NMFS agrees and this option has been added under the “Samples Collected” section.

Comment 9: One commenter was concerned about the level of detail NMFS would require for parts disposition, noting that the Examiner’s Guide directs examiners to record the transitory and final disposition of samples and specimens.

Response 9: It is not NMFS’ intent for individual stranding networks to track secondary transfers of specimens and samples that originated from their facilities. In this case, transitory applies to the disposition of the samples and specimens when retained within the stranding network, and final disposition refers to a transfer of specimens and samples to an entity outside of the organization. Subsequent transfers of samples and specimens by the receiving organization do not need to be tracked on the Level A form. This has been clarified in the Examiner’s Guide.

Comment 10: One commenter noted that the “Group Event” section contains no option for Unusual Mortality Events (UME)s, but the online version of the form does have an UME option.

Response 10: In an effort to ensure consistency between electronic submission and paper submission, a UME option has been added to this section.

Comment 11: One commenter was confused as to when “N/A” would be selected as an option for “Necropsied?”, as they thought it should be either a “Yes” or “No” question.

Response 11: The “N/A” option was a holdover from previous iterations of the form and was to be used to indicate that the animal was alive. This question has been reorganized into the “Dead Animal” section. Therefore, the “N/A” is no longer needed and has been removed.

Comment 12: One commenter suggested adding a place to record the presence of pathology or injury associated with tagging.

Response 12: A question under the "Tag Data" has been added: "Absent but Suspect Prior Tag". This will allow organizations to note when they find the presence of signs including pathology or injury associated with a prior tag. The Examiner's Guide also directs examiners to use the "Additional Remarks" section to elaborate on the type of injury or marks seen on the animal.

Comment 13: There were several comments on the "Findings of Human Interaction" section under the "Occurrence Details". One commenter asked us to clarify why we were requiring examiners that marked "CBD (could not be determined)" for "Findings of Human Interaction" to indicate if there was evidence of certain types of human interaction. Other comments focused on refining the types of human interaction that were asked for on the Level A form, including renaming "Ship Strike" as "Vessel Interaction". Other suggestions included adding a "marine debris" option and replacing the current options with entanglement/entrainment, and trauma.

Lastly, one commenter found the "likelihood that the human interaction contributed to the stranding event" to be problematic. The commenter noted that this question was repetitive from the Human Interaction Data Sheet, and was concerned that this question would be misleading, as it is a subjective question, and would be missing the context of the data provided on the Human Interaction Data Sheet. Therefore, the commenter advised that NMFS should remove this question from the Level A form.

Response 13: The "Ship Strike" option has been renamed as "Vessel Interaction" to clarify that marine mammals can interact with vessels of all sizes, not just large ships.

The requirement for filling out "Evidence of" has been modified. It is now only required if the examiner selects "Yes" for "Evidence of Human Interaction". However, if the examiner cannot determine if there are signs of human interaction (i.e., check "CBD"), but can conclusively rule out vessel interaction, shot, or fishery interaction, they are encouraged to select "No". For example, if an examiner found a wound that they suspect was caused by a line wrap, but they are not sure and select "CBD" for "Findings of Human Interaction", the examiner can check "No" for "Shot" and "Vessel Interaction".

NMFS recognizes that there are more types of human interaction than these three categories (shot, vessel interaction, and fishery interaction). However, these three categories are specifically included on the Level A form as they are of the most interest to natural resource managers in the Office of Protected Resources. The inclusion of

these three specific categories on the Level A form will allow NMFS to query these types of human interaction quickly. The more in-depth Human Interaction Data Sheet will help NMFS to better understand the circumstances of each case, and determine what other forms of human interaction impact marine mammals. Additionally, the Human Interaction Data sheet has been modified to better capture marine mammal marine debris interactions, with the addition of a "Gear-Debris" section in the "Detailed Exam of Anatomical Areas". Therefore, NMFS disagrees that the "Evidence of" categories should be expanded or reduced to broader categories on the Level A form.

NMFS understands the concerns of the commenter that the "likelihood that the human interaction contributed to the stranding event" should be answered only after the Human Interaction Data Sheet has been completed. To ensure data quality, NMFS had included on the proposed revisions a question that asked the examiner if they had completed the Human Interaction Data Sheet. This will help NMFS to ascertain the quality of all of the data provided in the "Findings of Human Interaction", including the "likelihood that the human interaction contributed to the stranding event" question. Additionally, the Examiner's Guide states that for this question, the answer MUST match the examiner's answer on the Human Interaction Data Sheet, if it was filled out. If they did not fill out the Human Interaction Data Sheet, then the examiner should leave this section blank. While including these two questions may be repetitive, it will allow NMFS to quickly query and select quality human interaction data on the national database. No such query currently exists for data on the Human Interaction Data Sheet, which is why it is important that it appear on this iteration of the Level A form as well.

Comment 14: Some commenters questioned the need for confidence codes on the Level A form. The commenters did not see the need for confidence codes that were less than "confirmed-high", as they were unsure of the definitions of the different confidence codes. The commenters proposed different criteria for confidence codes, but all agreed that physical evidence must exist in order for a stranding to be considered confirmed. The commenters also questioned how the confidence codes help NMFS perform data analysis, and were concerned that lower quality data may be used in stock assessment reports.

Response 14: The inclusion of confidence codes on the Level A form will create more national consistency, ensuring that data that is submitted on the paper form matches data submitted electronically. The confidence code field, which has been a required field for electronic submission for many years, has been added to the paper form. The confidence code categories and definitions used in the Level A form and Examiner's Guide are an exact match to what is required for direct data entry. Therefore, this field is not asking for more information than is already required if the examiner enters the data

directly into the database (which NMFS estimates is a large proportion of the national network). Currently, physical evidence (i.e., a photo, genetic samples, etc.) is required for a “Confirmed – High” report, while a “Confirmed – Medium” report is used when the animal is examined, but the data collected are incomplete. If there is no response, “Confirmed – Minimum” or “Unconfirmed” are used, depending upon the level of detail gathered from the reporting party. These lower levels of confirmation are more frequently used in certain parts of the country, particularly remote areas, and may not be frequently used in more populous regions, but NMFS needs these categories to meet the needs of the national network.

These confirmation codes are necessary, as they allow NMFS to ensure data quality, and are useful when different types of queries or analyses are performed. For example, an analysis of the number of reported stranded marine mammal might include data that is “Confirmed – Minimum”, while an analysis of the number of strandings of a specific species may exclude data that is not “Confirmed – High”. Data analyses may contain data with different confidence codes, depending upon the goal of the analysis.

Rehabilitation Disposition Form

Comment 1: One commenter would like to add a fourth line in the tag data section on this form as well as the Level A form.

Response 1: Unfortunately, there is not enough space on the form to add a fourth line in the tag data section. However, NMFS can explore ways to add more lines on the online database entry.

Comment 2: One commenter would like to be able to query the national database for tag data, to be able to determine how many times an animal has been previously admitted to rehabilitation.

Response 2: NMFS will explore ways to add this functionality to the national database.

Comment 3: One commenter noted that currently sex and admission to rehabilitation date are automatically transferred from the Level A form to a rehabilitation form. They noted that several other fields could also be auto-transferred, such as the restrand checkbox, Level A Examination date, weight, straight length, necropsy, and specimen tracking information.

Response 3: NMFS will explore ways to add this functionality to the online data entry forms.

Human Interaction Form

Comment 1: Several commenters pointed out that the definitions on the form did not apply to all of the questions. Specifically, examiners were directed to enter either "Yes" or "No" if they did/did not "….find signs of human interaction". The commenters pointed out that several questions, such as findings of natural markings or external pathologies, were by definition not human-caused.

Additionally, one commenter noted that an important aspect of "External Pathology" was left out of the form. The commenter requested that "fungal patches" be added to this question, as they are often used to identify pinniped species in their region.

Response 1: The definition of "Yes" and "No" have been broadened to fit all categories. The directions now read found/did not find "signs of this pathology, natural marking, or human interaction". Additionally, "fungal patches" have been added as an example under "natural markings" and clarified in the Examiner's Guide. Lastly, "External Pathology" and "Natural Markings" have been moved to the top of the list, to highlight that these two categories are not the result of human interaction.

Comment 2: One commenter mentioned that neck entanglements in marine debris is a major issue in their region, and this form would not accurately capture that data. The commenter suggested adding "neck" as an anatomical area to examine. Additionally, they suggested adding "packing bands" and "hooks" under the "Origin of Lesion" section, as these are two common forms of gear/marine debris that interact with marine mammals.

Response 2: The "Detailed Exam of Anatomical Areas" section has been reworked to include all of the commenter's suggestions. Row 19 has been renamed as "Head and/or neck", and examiners can use this row to document signs of human interaction on either the head or neck. The "Origin of Lesion" section has also been edited similar to the commenter's suggestions. "Gear" has been split into two categories; "Gear – Line" and "Gear/Debris". The "Gear/Line" section is a condensed version of the old "Gear" section, and collapsed the "Monofilament", "Multifilament", and "CBD" into a single check box. The examiner should enter "MO" in this box if the type of line is determined to be monofilament, "MU" if the line is determined to be multifilament, and "CBD" if the type of line cannot be determined. The "Gear/Debris" section asks for the presence of "Hooks", "Packing Bands", and "Other/CBD". These checkboxes should be marked if a fishing hook or packing band is found on the animal, or if other types of marine debris and/or gear are found on the animal. This section will help NMFS to collect data that are more detailed on marine mammal-marine debris interactions.

Comment 3: One commenter noted that one area under the "Detailed Exam of Anatomical Areas" is "Body R L", where "R" and "L" denote "right" and "left", respectively, and are meant to be circled depending upon which side of the body has signs of human interaction. The commenter suggested splitting the line in two, so that there are separate "Right Body" and "Left Body" lines.

Response 3: The single "Body L R" line has been split into two lines, "L Body" and "R Body".

Comment 4: Several commenters questioned the rationale for requiring the Human Interaction Data Sheet for only a limited subset of stranded species. Specifically, they were concerned that the data collected would not be robust, as it would exclude pinniped species that are not listed under the Endangered Species Act (ESA). The commenters were also concerned that the form would not be evaluated by an independent committee, and that some parts of the network may not complete the form correctly. The commenters suggested that training on how to fill out the form should be provided to the network, to ensure that the form is filled out in a consistent manner. Additionally, the commenters proposed requiring photographic evidence be attached to each Human Interaction Data Sheet, if signs of human interaction are found, as the commenters believe that signs of human interaction cannot be confirmed without physical evidence. Lastly, the commenters questioned if the Human Interaction Data Sheet required proprietary level B and C data, and if network member affiliations will be publicly identified during data requests.

Response 4: NMFS understands the commenters' concerns, and we have altered the approach to the Human Interaction Data Sheet. This form will now be required for all species, regardless of ESA listing status, that strand as a code 1, 2, or 3. The implementation of this requirement will be delayed until the data for the Human Interaction Data Sheet can be submitted electronically, via the direct entry into the national database. NMFS expects this to take approximately 12 months, and will give the stranding network 60 days' notice when the Human Interaction Data Sheet becomes mandatory for these cases. Until that time, the use of the form is highly encouraged to allow network members to become familiar with the form.

Before the Human Interaction Data Sheet becomes required, NMFS will work to train the network on how to fill out this form, as well as the revised Level A form. This will be accomplished using webinars, and in person if possible. NMFS believes that this approach of requiring the Human Interaction Data Sheet for all species and after a period of training will allow data to be collected in a more consistent manner. NMFS shares the commenters' concerns that the data collection needs to be standardized, which was the rationale for requiring the Human Interaction Data Sheet.

The little human interaction data currently collected on the Level A form is already being used in a range of analyses, and the more detailed Human Interaction Data Sheet will provide more context and allow managers to make better informed decisions. For this reason, NMFS encourages examiners to submit evidence of positively identified human interaction cases (i.e., photographs, sketches, drawings, etc.), and this has been updated in the Examiner's Guide. However, given the range of resources between different stranding network members, NMFS does not think it reasonable to require that photographs of every human interaction case be taken and submitted to the national database.

NMFS understands the commenters' concerns regarding level B and C data. Therefore, the fields that would require level B and C data are not required, but strongly encouraged, whenever possible. We have also clarified in the Examiner's Guide that the HI form should be filled out to the extent of the examination that was done, but does not dictate that level of exam. Therefore, if a necropsy or internal examination can be performed it should be, but if it is not, the network member would indicate that no internal exam was conducted.

As mentioned previously, NMFS believes it can and should be collecting data on human interaction cases, to better manage marine mammal populations, and the limited human interaction data provided on the Level A form is already being used for these purposes. The data gathered by the Human Interaction Data Sheet will provide more context for human interaction cases, and so it is highly encouraged that network members share as much data on the form as they are comfortable reporting. This will help NMFS to identify anthropogenic impacts and conflicts, which will ultimately help NMFS better manage these populations and ensure that these species are adequately protected.

NMFS does share the concern that network members may be publicly identified during data requests, and whenever possible, does not release network affiliations as part of data requests. NMFS is also exploring the possibility of regulations that make it a punishable offense to harass network members, similar to the protections extended to fishery observers.

Examiner's Guide

Comment 1: One commenter wanted to remove "including skeleton" from the carcass status descriptions, as the skeletons could be retained while the other remains were disposed of in a different manner.

Response 1: NMFS agrees with the commenter and has removed" including skeleton"

from the descriptions in this section.

Comment 2: One commenter was concerned that level B and C data could be released by an UME coordinator, without the approval of the network. The commenter suggested that we clarify in the Examiner's Guide either (1) an UME coordinator cannot release data without the prior approval of the examiner generating the data, (2) only the examiner can release data, or (3) have NMFS create some legal protections against backlash from industry or other stakeholder affected by the release of UME data.

Response 2: This is not a new policy, and reflects long established protocols that are unique to the UME program. UMEs are high profile federal investigations, and some circumstances may require that we release information without the network's consent. This policy is outlined in Article III of all Stranding Agreements, as well as the 1996 UME Contingency Plan. Both of these documents stress that, "In order to protect the interests of individual researchers, it is the position of NMFS and FWS that partial result of an investigation shall not be released to the general public except under compelling circumstances. Once an investigation has been completed, however, the investigative results may be subject to disclosure." The language in the Examiner's Guide has been clarified to highlight that the release of level B and C data can only be from NMFS (or the respondent) and NMFS will only release these types of data during Federal investigations such as UMEs and oil spills. To protect network members from harassment and reprisals due to the release of their data, NMFS will explore ways create legal protections for network members, similar to the protections extended to fisheries observers.

Comment 3: One commenter suggested adding "shave mark" under 'Tag Data Type".

Response 3: "Shave mark" has been added under the "Tag Data Type" descriptions in the Examiner's Guide.

Comment 4: A commenter was concerned that the Examiner's Guide instructs users to fill out a level A form for animals incidentally taken during research surveys. Currently, animals incidentally taken during NMFS research surveys are tracked using the Protected Species Incidental Take (PSIT) database. The commenter suggested that double entry into different databases might create an extra burden on NMFS employees.

Response 4: While NMFS OPR endeavors to reduce double database entry whenever possible, the National Stranding Database does not currently share data with the PSIT database. NMFS OPR can explore ways to have these database share data, but until they are integrated, animals that are incidentally taken during NMFS research surveys should be entered into both databases. Also, the PSIT database is only for NMFS research cruises, while "research surveys" is defined more broadly to include researchers from outside of NMFS (state governments, universities, etc.) as well.

Comment 5: One commenter noted that the Examiner's Guide states that the "Pre-Release Health Screen Date" and "GPS Coordinates of Release" are required fields for the Rehabilitation Disposition form. However, they are not required for direct electronic submission. The commenter would like NMFS to clarify if they are required, although the commenter did advocate for these two fields to be required.

Response 5: NMFS agrees with the commenter that these fields should be required on the Rehabilitation Disposition form and will work to make them required fields during electronic submission.

General Comments

Comment 1: Many of the comments received focused on specific grammar or punctuation errors.

Response 1: NMFS has accepted all of these grammatical corrections and incorporated them into all documents.

Comment 2: One commenter disagreed with the estimated reporting time burden, as it was their view that the Human Interaction Data Sheet and Level A form required a necropsy. As necropsies can take several hours, the commenter thought that the reporting time burden was underestimated.

Response 2: The reporting time burden refers to the amount of time that it will take a member of the public to physically fill out the form, not how long it will take to gather the data. As mentioned earlier, a necropsy is not required for the Level A form or Human Interaction Data Sheet, as that is considered level B and C data. Only level A data will be required to be entered on the Level A form and Human Interaction Data Sheet; level B and C data will only be highly encouraged on the Human Interaction Data Sheet.

Comment 3: One commenter suggested that the Human Interaction Data Sheet be a fillable PDF form, so that responders do not have to fill it out by hand and scan the copies.

Response 3: NMFS intends to provide all forms as fillable PDF forms. As mentioned previously, the Human Interaction Data Sheet will only be required after electronic submission directly into the national database is available.

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

No payments or gifts are provided to respondents.

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

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

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

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

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

There are three required forms: the Marine Mammal Stranding Report, the Marine Mammal Rehabilitation Disposition Report, and the Human Interaction data sheet. These forms are required nationwide; however, the Marine Mammal Rehabilitation Disposition Report is required only for live animal strandings, and the Human Interaction data sheet will be required for all cases that are determined to be code 1, 2, or 3 once electronic submission is available. The annual average response nationally is estimated at 6,300 Marine Mammal Stranding Reports. Approximately 2,600 live stranded animals are taken to rehabilitation centers annually, and require Rehabilitation Disposition forms. There are approximately 5,050 Code 1, 2, or 3 strandings that would receive a Human Interaction Form.

There are approximately 100 institutions authorized by NMFS to participate in the Marine Mammal Stranding Network. Responses are filed as marine mammals are stranded and multiple people at each organization may fill out reports. NMFS estimates that approximately 4 people per institution will file reports for a total of 400 respondents. Therefore, the number of reports filed per respondent varies considerably. Some Network members do not have an occasion to respond to a stranding during a year; however, others may file up several hundred reports.

The Stranding Report form and Rehabilitation Disposition form are either filled out on paper and mailed to a regional stranding coordinator or entered directly into NMFS' national database by the stranding network. It is estimated that the average time necessary to complete the Marine Mammal Stranding Report and the Marine Mammal Rehabilitation Disposition Report is 30 minutes each, either for the paper form or for entry into the national database. The average time to complete the paper Human Interaction data sheet is 45 minutes. Electronic submission of this form is not possible at this time, but will be available prior to the form being required. The total estimated annual response time for the three forms is shown below.

Form	Approx. # of responses annually	Approx. total # hours required
Stranding Report	6,300	3,150
Disposition Report	2,600	1,300
Human Interaction Sheet	5,050	3,788
TOTAL	13,950	8,238

Using an average wage rate of $10/hour, the annualized cost to all respondents is estimated at approximately $31,500, $13,000, and $37,850 for the forms, respectively. For all respondents combined, the total annual cost of reporting is approximately $82,350. The cost to each respondent will vary depending on number of strandings in that response area (ranging from 0 to 1,500). We estimate the average labor cost to each responder, at 35 submissions per year, to be $205.88 per responder to complete these forms annually.

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in Question12 above).

There should be no cost to respondents in terms of capital and start-up costs. The sole cost for operations would involve the cost of reproducing the paper Stranding Report form and postage for mailing the completed reports to the appropriate NMFS Regional Office (if the stranding network does not submit the data electronically). The cost of reproducing the paper form and mailing the forms is estimated to be approximately $1,055.51 annually for the entire network. This cost was calculated using 6,300 Stranding Report forms where 3% are submitted by mail and 97% are online electronic submissions. Therefore, 6,300 * .03 = 189 responses submitted on paper * $0.10 (photocopying) = $18.90 and $189 responses submitted on paper * $0.49 (postage) = $92.61. All Rehabilitation Disposition forms are submitted electronically, so there are no additional costs associated with this form. Currently, there is no electronic submission of the Human Interaction data sheet, but it will be available when this form is required. It is anticipated that approximately 97% of the submissions will be made electronically, similar to the Level A form. The cost for paper submission will be 3,788 * 0.03 = 113.55 * $0.10 (photocopying) = $11.36 and 113.55 * $0.49 (postage) = $55.64. The total manual submission costs are: $18.90 + $92.61 + $11.36 +$55.64 = $178.51 ($179).

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

It is estimated that ten staff months are involved in data processing and analysis. An estimate of three staff months was provided by the Southwest Region which has the highest number of strandings. Two staff months has been applied to the Northeast, Northwest, and Southeast Regions. An estimate of one staff month has been applied to Alaska and the Pacific Islands Regions, where the total number of reports are considerably less than in other Regions. Two staff months have been estimated for headquarters staff. The total cost to the Federal government is estimated at $94,101.62. This figure includes:

$ 64,321 in salaries

$ 10,934.57 for leave at a rate of 17 % of salaries

$ 18,846.05 for employer's contribution to benefits at 29.3% percent of salaries.

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

Adjustments:

Based on recent submissions, we estimate 8,900 responses per year for the two existing forms (Stranding Reports and Rehabilitation Disposition forms), an increase of 3,100 from the last extension. There is an associated increase of 1,550 hours. This increase is solely due to an increase in the number of strandings, and not a change in the estimated amount of time it will take to fill out the forms. A five year average was used to estimate the number of annual responses, and in recent years there has been an increase in cases requiring Stranding Reports and Rehabilitation Disposition forms, mostly attributed to several high profile Unusual Mortality Events (UMEs). As these UMEs subside, the number of cases requiring these forms should decrease.

There is an increase in cost associated with increased postage, but due to a significant increase in electronic submission, there is a net decrease from $1,299 to $111.51 for the Stranding Reports and Rehabilitation Disposition forms.

Program Change:

Using a five year average of the number of strandings that will require this form (i.e., all cases that are code 1-3), we estimate that the new Human Interaction data sheet will increase the total amount of hours by 3,788. Due to the creation of an electronic submission format before the form is required, and based on the current percent usage of the two existing electronic forms, we estimate that only 3% of respondents will submit paper forms. Therefore, the associated total cost will only increase by $67.00.

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

Data from the Marine Mammal Stranding form, the Marine Mammal Rehabilitation Disposition form and the Human Interaction form will be entered into the database, reviewed by the NMFS regional stranding coordinators, summarized, and compiled. The regional stranding coordinators will summarize and provide data upon written request. Information may also be used as baselines for comparisons of die-offs and may be included in official NMFS technical memos, peer reviewed publications, and posted on the NMFS Web site: http://www.nmfs.noaa.gov/pr/health/publications.htm.

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.

Not Applicable.

18. Explain each exception to the certification statement.

Not Applicable.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.