SUPPORTING STATEMENT
REPORTING OF SEA TURTLE ENTANGLEMENT IN FISHING GEAR OR MARINE DEBRIS
OMB CONTROL NO. 0648-0496

A. JUSTIFICATION

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

This request is for extension of a current information collection.

Four sea turtle species migrate northward along the east coast of the Unites States (U.S.) to forage in nearshore habitats of the Greater Atlantic Region (Virginia through Maine) during the spring, summer, and fall. These species include juvenile and sub-adult loggerhead (*Caretta caretta*), Kemp's ridley (*Lepidochelys kempii*), and green (*Chelonia mydas*) sea turtles, and sub-adult and adult leatherback sea turtles (*Dermochelys coriacea*). The prevalence of vertical line from fixed gear fisheries (pot traps and gill nets) in these nearshore habitats makes the potential for interaction between turtles and fisheries high. From 2002 through 2016, the National Oceanic and Atmospheric Administration's (NOAA) Greater Atlantic Regional Fisheries Office (GARFO) received 507 reports of entangled sea turtles, the majority of which were leatherbacks (415 reports). Of those, 331 were cases confirmed to involve vertical line of commercial fisheries.

GARFO is working to reduce sea turtle mortality and serious injury associated with fixed fishing gear interactions, as well as to increase our understanding of these events through the facilitation of the Sea Turtle Disentanglement Network (STDN). The objectives of this program include: (1) to promote reporting and increase successful disentanglement; (2) to develop and disseminate disentanglement guidelines for the STDN; (3) to disseminate disentanglement tools specific to sea turtles; and (4) to establish a trained and equipped network to respond to reported entanglement incidents. The Sea Turtle Disentanglement Guidelines and the Sea Turtle Entanglement Report Form (STERF) (and associated instructions) have been distributed to members of the STDN for the documentation of all entanglement and disentanglement events.

The STDN is made up of federal and state agencies, as well as members of the Sea Turtle Stranding and Salvage Network (STSSN). The STSSN includes non-profit organizations, state and municipal agencies that are trained and experienced in sea turtle stranding response on land. Their skills and geographic distribution throughout the region make them ideal members of the STDN. Federal and state agencies involved in the STDN include the United States Coast Guard (USCG), state environmental police, state marine patrols, and other agencies whose primary function involves the marine environment. These agencies have line handling and on-water expertise, as well as the accessibility to the marine environment to facilitate a safe and timely response to entangled sea turtles.

Detailed information, including frequency, geographic distribution, configuration, gear description, and associated injury is necessary for NOAA Fisheries to potentially be able to mitigate the threat of entanglement in fixed gear fisheries. Mitigating threats and conserving these species is mandated by the Endangered Species Act of 1973, as amended (ESA). This

information will help to assess the impact of fixed fishing gear entanglement on sea turtle populations in the Greater Atlantic Region and determine if regulatory actions or management measures are necessary. Lack of consistent observer coverage for the majority of pot fisheries makes this information collection especially critical, as it is the only source of information about these events.

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 Sea Turtle Disentanglement Guidelines and STERF were disseminated to the STDN in July of 2004 after OMB emergency clearance, effective June 25, 2004. Full OMB clearance occurred in December of 2004.

Since then, members of the public have been requested to report any entangled sea turtles to NOAA Fisheries (since 2002, approximately 53% of telephone reports came from private citizens, 21% from businesses (including charter vessels, ferries, and commercial fishermen), 12% from federal agencies, 7% from state and local agencies, and 7% from non-profit institutions or researchers). Information provided in these phone calls includes: reporting party name and contact information, date and time of observation, location (including latitude and longitude), description of turtle for species identification, condition of turtle– alive or dead, description of entangling gear (rope, line, buoys, colors, ID numbers), location of entangling gear on turtle (head, flippers, single wrap, multiple wraps), description of any visible injuries, and if photo documentation can be obtained. Upon receiving a report of an entangled sea turtle, the appropriate STDN member is deployed to respond, for further documentation, disentanglement, and/or treatment of the animal. The STDN member uses the information from the initial report, plus details obtained during response, to fill out the STERF. The STERF is submitted to NOAA Fisheries via fax, postal mail, or email.

These report forms are archived by NOAA's Protected Resources Division. This information is used to monitor the level and nature of incidental take of sea turtles in fixed gear fisheries in the region. The information is distributed to the Northeast Fisheries Science Center (NFSC) and the Office of Protected Resources (OPR), as needed and as requested. It is also used within GARFO for management actions such as ESA section 7 consultations.

From 2004 to 2016, the STDN received 472 sea turtle entanglement reports, and documentation has been of much higher quality than prior to 2004. The STDN has been able to obtain more high quality images and video, increasing the number of "confirmed" reports (410 or 87% of total reports) and expanding our understanding of sea turtle entanglements. We use the information collected in the "Gear Type" and "Gear Details" sections of the STERF to positively identify the target fishery and, when possible, the gear owner involved in entanglements. Identification of target fishery allows for better monitoring of the number of takes per fishery. Identification of gear owner allows us to conduct a follow-up interview to learn more about how and where the gear was set and its configuration. This information cannot be collected through alternate means and is invaluable to better understanding of entanglements and potential mitigation measures.

GARFO's Protected Resources Division gear team conducts these interviews, which gather the following information:

1) Gear type and target species;
2) Gear configuration and construction;
3) Date and location gear was last set;
4) Bottom type and current influence;
5) Location of turtle in the gear configuration; and
6) Whether the fisherman witnessed the entanglement and, if so, a description of the chain of events.

The "Entanglement /Wound Description" and "Behavioral Observations" sections provide vital information, including location of the gear on the turtle, associated wounds, and turtle demeanor, to allow us to estimate post interaction mortality. Information is also collected on the sea turtle's size and sex in order to define the age and sex classes that are most impacted by entanglement.

There are three steps involved in this data collection:

1. The initial report comes in from a private boater or other source. Some of this initial information will later be used to fill out the entanglement form. The reporting party will often also stand by the turtle to wait for responders to arrive.
2. The STDN responds and while they are on scene, they collect the rest of the information to fill out the form.
3. If there is gear identification information (buoy numbers, etc.) that allows identification of the gear owner, our gear team can conduct an interview.

Detailed information on the type and configuration of fishing gear, location of gear on the turtle, severity of injuries, location and date of the event, and demographics of entangled turtles create a base of knowledge of sea turtle entanglement in fixed fishing gear. This information will help direct future research on gear modification and other potential mitigation measures. In addition, it will help us identify the safest and most efficient methods and tools for disentangling sea turtles, with the direct result of decreasing sea turtle serious injury and mortality in these events. The use of these data is consistent with the general actions stated in the sea turtle recovery plans (i.e., minimize mortality from commercial fisheries).

It is anticipated that the information collected will be disseminated to the public or used to support publicly disseminated information. NOAA Fisheries 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.

Members of the general public are requested to report all sea turtle entanglements via telephone to the STDN or to NOAA Fisheries directly. The STDN members that complete the STERF will do so either electronically using the fillable PDF or in hard copy that is later scanned. In the last three years, nearly 100% of submissions to NOAA Fisheries were done via electronic mail. As only trained STDN responders are authorized to disentangle sea turtles, we only post the disentanglement guidelines and STERF on a private website with limited access.

4. Describe efforts to identify duplication.

Historically, NOAA Fisheries did not collect this information directly but occasionally received reports from a variety of agencies and the public. The establishment of the STDN developed consistent disentanglement guidelines and reporting protocols to standardize the collection of this information. These documents ensure that takes are reported and vital information on sea turtle entanglements are recorded on a real-time basis. The data requested in the Sea Turtle Disentanglement Guidelines and STERF were not required or requested prior to the first PRA submission in 2004 and they are not collected elsewhere.

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

This information collection will not have a significant impact on small entities. Small entities, including STDN members (typically non-profit institutions) and fishermen, are involved in this information collection but the impacts are minimized by the relatively infrequent nature of the reporting. Sea turtles are typically present in the Greater Atlantic Region from May to November; therefore, reporting and information collection occurs only during these months. All information collection is opportunistic and, therefore, is only collected as frequently as entangled turtles are encountered. The number of reports varies annually, but the most reports per year to date was 77, which occurred in 2013. The STERF is available in an electronically-fillable form, which allows STDN members to fill it out on the computer and send it to NOAA Fisheries using electronic mail. This method saves the cost of postage and requires less time for submission. The cost of documentation involving photographs is minimized through the use of digital cameras often supplied to the STDN by NOAA Fisheries. Digital photographs can also be sent via electronic mail, meaning there is no cost to developing or sending these images. NOAA Fisheries also covers the cost associated with shipping forms, photos, video and any removed gear, as necessary. There would be no financial burden to fishermen because interview calls would be made by NOAA Fisheries staff and all information would be gathered during that call.

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

NOAA Fisheries believes that sea turtle entanglement in fixed fishing gear is a significant source of mortality for leatherback and loggerhead sea turtles based on anecdotal reports and information collected to-date by the STDN and the STSSN. There is very little observer coverage in pot gear fisheries, which means that data collected using the STERF are the most comprehensive way of assessing sea turtle take in these fisheries. If NOAA Fisheries does not continue to disseminate disentanglement guidelines and STERFs, information on sea turtle

entanglement in fixed gear fisheries would likely become inconsistent, slow, and potentially incomplete. The disentanglement guidelines also provide the STDN with standard methodology for disentanglement that will ensure consistent and appropriate actions to maximize positive outcomes in these events.

In addition, if reports are not received in a timely manner, turtles that are injured by entanglement in fixed fishing gear would not receive appropriate medical treatment. Dead entangled turtles would not be documented through thorough data collection and, if appropriate, necropsy by the STDN. GARFO has dedicated a significant amount of funding and staff time to establishing the STDN and collecting information that is essential to understanding sea turtle entanglement in fixed fishing gear and mitigating the negative impact of these interactions. Acquiring this information to fulfill the aforementioned objectives is an important aspect of the GARFO sea turtle program.

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

The collection of this information may be inconsistent with the OMB guidelines, Item #1. Item #1 states that the information collection should not require respondents to report information more often than quarterly. Real-time reporting of entangled sea turtles is critical for STDN responders to be able to locate and free entangled sea turtles, thereby increasing their chance of survival. Reporting and documentation of entanglement would thus need to be collected more frequently than on a quarterly basis. Sea turtles are generally present in the Greater Atlantic Region from May to November and there could be reports of entangled sea turtles at any time during that period. For example, multiple entangled sea turtles may be encountered in one day or one entangled sea turtle may be encountered in a month. Given the necessity for real-time reporting, there is the potential for members of the STDN, though likely not any other specific member of the public, to report sea turtle entanglements more often than quarterly.

8. Provide information on the PRA Federal Register Notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

A Federal Register Notice published on March 10, 2017 (82 FR 13309) solicited public comment. No comments were received as a result of this notice.

The Sea Turtle Disentanglement Guidelines and STERF were originally compiled with input from the following organizations external to NOAA Fisheries: the Greater Atlantic Region STDN, state agencies, Canada Department of Fisheries and Oceans, Dalhousie University, U.S. Coast Guard, U.S. Fish and Wildlife Service, Sea Grant, and fishermen.

NOAA Fisheries solicited comments about this data collection from STDN members during the renewal process in 2017. Mystic Aquarium, Virginia Aquarium, and Atlantic Marine

Conservation Society responded in support of the time burden estimated for this collection and had only minor editorial comments on the form that were incorporated into the final draft.

NOAA Fisheries received no further questions or comments.

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

No payments or gifts will be provided to respondents.

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

Personal identifiers and any commercial information will be kept confidential to the extent permitted under the Freedom of Information Act (FOIA) (5 U.S.C. 552), the Department of Commerce FOIA regulations (15 CFR Part 4, Subtitle A), the Trade Secrets Act (18 U.S.C. 1905), and NOAA Administrative Order 216-100.

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.

This collection of information does not involve any questions of a sensitive nature.

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

The total hour estimate for the reporting requirement was determined from the following information:

The number of reports was determined by the anticipated number of entangled sea turtles to be encountered annually in the waters of the Greater Atlantic Region. Since OMB's initial clearance of the Sea Turtle Disentanglement Guidelines and STERF in 2004, NOAA Fisheries has received 472 reports of entangled sea turtles in the region. Those reports ranged from a low of 12 in 2006 to a high of 77 in 2013, with an average of 36.3 reports per year. We used the highest number of annual reports in this calculation as we expect an overall trend of increasing reports over time with increased awareness due to outreach, but recognizing that 2013 was likely an outlier and the three years since then have been significantly lower.

Each of these 77 reports begins with a telephone call to the STDN or to NOAA Fisheries. The hourly burden for these calls was calculated by assuming a phone report will last for a maximum of one hour. The time of one hour per report is based on reports where the reporting party provides information and also stands by the turtle while a disentanglement responder is dispatched to the scene. Such scenarios encompass the majority of sea turtle entanglement reports. **Therefore, with 77 reports lasting one hour per report, the hourly burden would be 77 hours.**

The STDN responder in closest proximity to the entangled turtle will typically mount a response,

during which they will collect further information about the event and provide photo and video documentation. The STDN member then takes this information, as well as the information from the reporting party, and completes the STERF. They submit the photographs, video, STERF, and any entangling gear collected during the response to NOAA Fisheries. **We estimate that completing the form and data submission will take approximately one hour, requiring approximately an additional 77 hours' time commitment annually.**

Interviews with fishermen can only be conducted if buoy or trap numbers are collected from entangling gear and transferred to the GARFO gear team in a timely manner. In the last five years, identification numbers were collected from entangling gear in approximately 27.5% of sea turtle entanglements. Although interviews were not conducted in all of these cases, 27.5% represents an estimated maximum percentage of cases where interviews would be possible. Therefore, using the maximum number of entanglement reports (77) and the maximum percentage of interviews (27.5%), **the maximum number of potential interviews is 21. We estimate that a fisherman interview will take approximately 30 minutes**.

- 77 reports x one hour for telephone report= 77 hours
- 77 x one hour for completing STERF and submitting STERF, photos and gear= 77 hours
- 21 x one half hour for fishermen interviews= 10.5 (11) hours

Total annual time commitment= 165 hours

There are currently 13 (11 non-profit organizations and 2 state agencies) STDN network members that have the potential to complete and submit the STERF, photos, video, and gear. There are 77 initial reporting parties (most often general public) and an additional 21 fishermen that will receive interviews. **Therefore, the total number of respondents would be 111. Total responses would be the initial 77 reports, plus the 77 associated STERF forms, and 21 interviews for a total of 175.**

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

The cost burden was obtained by using the information on anticipated numbers of reports as presented in Question 12, and the following information:

An estimated 77 reports are anticipated annually. **The cost of a one hour phone call, assuming all were made on a land line, was estimated to be $6 per call. However, the vast majority of calls are made on cell phones, which typically have unlimited talk time; therefore, we have reduced the estimated cost to $100.** The STERF is most often sent via electronic mail. Any shipping costs for STERFs, photos and/or video, and gear are covered by NOAA Fisheries. Finally, fishermen that participate in interviews will receive the telephone call from the NOAA Fisheries Protected Resources gear team staff and, therefore, would not incur a cost.

14. <u>Provide estimates of annualized cost to the Federal government</u>.

The estimated cost to the Federal government will be only in terms of staff hours and supplies. An anticipated 77 reports will be called in to NOAA Fisheries and each call is expected to last a maximum of one hour. As such, the hourly burden of initial reports to NOAA Fisheries would be

77 hours. In addition, NOAA Fisheries staff would receive and compile the STERFs and input the data into a database. Each report is expected to take a maximum of 30 minutes to enter including obtaining follow-up information if any fields are left blank. This would require an additional 39 hours of staff time for a total hourly burden on NOAA Fisheries of 116 hours. Most, if not all of the time, these tasks would be completed by the Sea Turtle Stranding and Disentanglement Coordinator. Therefore, the financial burden to NOAA Fisheries would be 116 hours at approximately $34 per hour, or $3,944.

NOAA Fisheries supplies the STDN with disentanglement kits and digital cameras on an as-needed basis. Disentanglement kits include disentanglement tools and equipment, documentation supplies, and safety gear. Replacing an entire kit costs approximately $500.00 or individual items in a kit may be replaced. Digital cameras are used to document the majority of disentanglement events; the approximate cost of a digital camera is $170.00. The cost of these pieces of equipment would vary on an annual basis depending on whether or not previous equipment needs to be replaced. NOAA Fisheries would also cover shipping of report forms, photographs, video, and any removed gear from the STDN. The cost of this would vary depending on weight of gear shipped (with or without pot, multiple pots, etc.).

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

As explained in Questions 12 and 13, there are minor adjustments to reflect the burden and cost more completely and accurately based on the most recent data.

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

It is not anticipated that the results of this collection 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.

Not Applicable.

18. Explain each exception to the certification statement.

Not Applicable.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This information collection request does not employ statistical methods.