

Supporting Statement for Paperwork Reduction Act Submission

OMB Control #1024-0026

Special Park Use Applications (Portions of 36 CFR 1-7, 3, 20, 34)

Previous OMB Terms of Clearance: None

A. JUSTIFICATION

1. Legal Justification

General Discussion

The National Park Service's (NPS) legislative mandate is to preserve America's natural wonders unimpaired for future generations, while also making them available for the enjoyment of the visitor (16 U.S.C. 1). Meeting this mandate requires the NPS to balance preservation with use. Maintaining a good balance requires both information and limits. NPS needs to measure the levels of public use to correlate use with damage and preservation. NPS also needs to limit use in some areas to protect the natural and cultural wonders in its care, as well as to safeguard public health and safety and to preserve wilderness values.

Regulations, codified at Title 36 Code of Federal Regulations, are promulgated to further the NPS mission. That is, NPS areas are presumed to be open, without restriction, to uses that conform to the long-range preservation of the resource. Parks are presumed to be closed to activities plainly in derogation of those values. A narrow range of activities fits between these points, usually due either to a scarcity of the resource, or susceptibility of the resource to damage by overuse. It is in these narrow areas that NPS collects information to regulate use or to decide upon proposed uses that may conflict with resource protection or the rights of users. The specific uses covered under these applications have the following attributes in common: The use may not be available to the general public and the use may assign short-term primary use of an area to the applicant.

Specific Authorities

16 U.S.C. 1 Creation of National Park Service

"The Service thus established shall . . . conserve the scenery and the natural and historic objects and wildlife there-in . . . in such manner and by such means and as will leave them **unimpaired** for the enjoyment of future generations." [emphasis added]

16 U.S.C. 1a Administration of the National Park System

". . . The authorization of activities shall be construed and the protection, management and administration of these areas shall be conducted in light of the high public value and integrity of the National Park System and shall not be exercised in derogation of the values and purposes for which these various areas have been established . . . "

16 U.S.C. 1c-(b) General administration provisions

“Each area of the National Park System shall be administered in accordance with the provisions of any statute made specifically applicable to that area . . . “

16 U.S.C. 3 Rules and Regulations

“The Secretary of the Interior shall make and publish such rules and regulations as he may deem necessary or proper for the use and management of the parks, monuments and reservations under the jurisdiction of the National Park Service . . . “

16 U.S.C. 3a Recovery of Cost Associated with Special Use Permits

“Notwithstanding any other provision of law, the National Park Service may hereafter recover all costs of providing necessary services associated with special use permits, such reimbursements to be credited to the appropriation current at that time.”

16 U.S.C. 460l-6d Recovery of Costs Associated with Commercial Filming and Still Photography Permits

"The Secretary of the Interior ... shall require a permit and shall establish a reasonable fee for commercial filming activities ... on Federal lands ... (and) shall also collect any costs incurred..."

Regulations resulting in information collection

36 CFR 1.6 Permits

36 CFR 2.5 Collection permits for Scientific research specimens

Included under this collection are the following sections of Part 7 of 36 CFR which provide specific requirements for this activity in the listed parks:

- 7.36 Permit for remote exploration of cave at Mammoth Cave NP
- 7.39 Permit for remote exploration of cliff dwelling at Mesa Verde NP
- 7.47 Permit for remote exploration of cave at Carlsbad Caverns

36 CFR 2.10 Camping and Food Storage

36 CFR 2.12 Operation of power saw or power motor

36 CFR 2.17 Permit for delivery of persons by aircraft.

Included under this collection are the following sections of Part 7 of 36 CFR which provide specific requirements for this activity in the listed parks:

- 7.12(a)(4) Gulf Islands NS
- 7.15(b) Shenandoah NP
- 7.16(c) Yosemite NP
- 7.57(d) Lake Meredith NRA
- 7.71(f) Delaware Water Gap
- 7.80(a) Sleeping Bear Dunes NL
- 7.81(a) Point Reyes NS
- 7.88(b) Indiana Dunes NL

7.97(b) Golden Gate NRA
7.100(c) Appalachian National Scenic Trail

36 CFR 2.37 Permit for Noncommercial Solicitation

36 CFR 2.38 Permit to possess or use explosives.

36 CFR 2.50 Permit to conduct special events.

36 CFR 2.51 Permit to conduct public assemblies and meetings.

36 CFR 2.52 Permit for sale or distribution of printed matter.

36 CFR 2.60 Permit to graze livestock.

Included under this collection are the following sections of Part 7 of 36 CFR that provide specific requirements for this activity in the listed parks.

7.22(c) Grand Teton NP
7.63(b) Dinosaur NM
7.85(f) Big Thicket NP

36 CFR 2.61 Permit to reside on park areas.

Included under this collection are the following sections of 36 CFR which provide specific requirements for this activity in the listed parks:

13.17 Alaska parks
20.2 Isle Royal NP

36 CFR 2.62 Permit for installation of a memorial, tablet etc.

36 CFR 3.3 Permit for use of a vessel in otherwise closed areas.

Included under this collection is the following section of Part 7 of 36 CFR which provides specific requirements for this activity in the listed parks:

7.13 Yellowstone NP

36 CFR 4.10 Permit for operating a motor vehicle off established roadways.

Included under this collection are the following sections of Part 7 of 36 CFR which provide specific requirements for this activity in the listed parks:

7.12(b) Gulf Islands NS
7.20(a) Fire Island NS
7.29 (b) Gateway NRA
7.65(b) Assateague Island NS

7.67(a) Cape Code NS

36 CFR 4.11 Permit for overweight or overwidth vehicle.

36 CFR 5.1 Permit for commercial advertisements.

36 CFR 5.2 Permit for sale of alcoholic beverages.

36 CFR 5.5 Permit to engage in commercial photography.

36 CFR 5.6 Permit for commercial vehicles in parks.

Included under this collection are the following sections of Part 7 of 36 CFR which provide specific requirements for this activity in the listed parks.

7.7(b) Rocky Mountain NP

7.13 (a) Yellowstone NP

7.16(m) Yosemite NP

7.23 Badlands NP

36 CFR 5.7 Permit to construct facilities.

Included under this collection are the following sections of Part 7 of 36 CFR which provide specific requirements for this activity in the listed parks and the forms specified in the individual sections:

7.8(d) Sequoia and Kings Canyon NPS

7.26(a) Death Valley NP

7.28(e) Olympic NP

36 CFR 7.83 SCUBA diving in Ozark National Scenic Riverways.

36 CFR 7.85 (c) Hunting and Trapping Permits

36 CFR 7.96 Special Regulations for the National Capital Region

36 CFR 7.97(a) Private Boat Landing at Alcatraz

36 CFR 13.21 Permit for commercial fishing in Alaska parks.

36 CFR 13.65 Permit for boats in Glacier Bay NP.

2. Purpose of Information Collection

Park Managers use the information to determine if the requested use is consistent with the NPS laws referenced above and is consistent with the public interest. It may be used to determine the legal basis for a use, or to measure the suitability of the person (or group) to engage in the activity.

3. Method of collection

The information is collected from respondents by Form 10-930, 10-931, or 10-932 (Application for Special Use Permit [General], Application for Photography/Filming Permit [Short], and Application for Photography/Filming Permit [Long]). Each form is customized for each unit of the National Park system by the addition of the park's name, address and the amount of the application fee. Currently a limited (less than 25% of 390) of the park units have the forms available on the NPS web site. A new Director's Order due out early in 2007 directs all parks to post the applications on their park web site. Currently some parks (less than 10 %) accept application submission by electronic fax or e-mail. Currently some parks also accept electronic payment of cost recovery charges and fees. The Department of the Interior is currently working on a procedure for e-signatures. Once the departmental e-signature procedure is developed the National Park Service will work with individual parks to make the electronic filing of permit applications available.

4. Duplication

The information requested is not otherwise available in the NPS.

5. Impact on small businesses

This collection does not pose a burden for small entities.

6. Consequences of not collecting the data

The NPS legislative mandate is to preserve America's natural wonders unimpaired for future generations, while also making them available for the enjoyment of the visitor. Our latest direction from Congress, expressed in Public Law 106-206 (June 2000) for commercial filming, specifically directs the Secretary to "not permit any filming, still photography or other related activity if the Secretary determines...there is a likelihood of resource damage; there would be an unreasonable disruption of the public's use and enjoyment of the site; or that the activity poses health or safety risks to the public. Meeting this mandate requires the NPS to balance preservation with use. Maintaining a good balance requires both information and limits. These collections contribute directly to the NPS ability to meet its dual mission: To provide for the use and enjoyment of the parks **"while leaving them unimpaired for the enjoyment of future generations."** Scientific and equitable management of limited, fragile and highly sought after natural and cultural resources requires an accurate measure of human use. Preservation of those resources may then require fairly administered limitations of use. NPS needs to gather the information needed to measure the levels of public use, the resultant likelihood of damage, and the dictates of preservation.

7. Special circumstances

Not applicable.

8. Consultation outside the agency

The information gathered by the three forms covered in this Supporting Statement appeared in a 60 Day public notice requesting comments published in the Federal Register on October 17, 2006

(Volume 71, Number 200) pages 61069 - 61070. One comment was received as a result of the Federal Register publication. The respondent wanted to know how to obtain information on the types of special park uses that were being approved using the forms. There were no specific comments on the forms. The information collection forms were first approved in September 2000. No comments concerning the forms were received from September 2000 through October 2006.

9. Payments or gifts

Not applicable. No payments or gifts will be given to respondents.

10. Confidential guarantees

Under direction of the Treasury Department, the NPS has been directed to collect social security numbers and/or tax identification numbers. To accomplish this, the information is collected on the face of the forms listed in item 3. Should one or more of the forms be requested under FOIA or some other legal requirement of disclosure, the request would require redaction of the sensitive information prior to release.

11. Sensitive questions

No sensitive questions are asked beyond those addressed in Item 10.

12. Burden hour estimate

The Special Use Permit applications cover a range of park activities. The requested uses are in the following general categories:

<i>Collection type</i>	<i># per year</i>	<i>Unit time</i>	<i>Total</i>
Special event permit	12,500	.5 hour	6,250
First Amendment permits/ Distribution of printed material	700	1 hour	700
Vehicle use permit	2,400	.5 hour	1,200
Commercial Filming permit	1,500	1 hour	1,500
Still Photography permit	700	1 hour	700
Agricultural use	300	1 hour	300
Access to otherwise closed area	500	1 hour	500
TOTAL	18,600		11,150

An estimate of \$25.00 per hour was used to convert hours to dollars, which results in a dollar equivalent of \$278,750. (\$25 X 11,150)

13. Annual [non-hour] cost burden to respondents or record-keepers

A minimum application fee of \$50.00 is required to recover the cost of processing each application (16 U.S.C. 3a). This results in an additional annual cost burden to respondents of \$930,000. (\$50.00 x 18,600)

14. Annual cost to the Federal Government

Lower graded employees usually do information collection. Consideration of, and decisions based upon, the information is performed at a higher level. A GS-9/5 pay rate was used to calculate the cost. The number of hours spent collecting the information equals the number spent by the public providing the information. (11,150 hours x \$20.73 = \$231,140)

15. Discussion of changes to estimated burden

There were no changes in the estimated hour or non-hour burdens.

16. Plans for tabulation

NPS uses the data collected in a variety of documents measuring resource impact as a function of use. These are generally available to the public upon request. The data gathered may be used in public decision making processes relating to public use limits. However, no large-scale publication of the data is anticipated and no information specific to individual users will be published.

17. Display of OMB control number

This number will be displayed on all three forms.

18. Exceptions to Certification

Not applicable. No exceptions.