

# INSTRUCTIONS FOR SUBMITTING APPLICATIONS FOR NATIONAL MARINE SANCTUARY PERMITS AND AUTHORIZATIONS

## I. GENERAL GUIDANCE

### **Background**

The National Marine Sanctuaries Act (16 U.S.C. 1431 *et seq.*) directs the Secretary of Commerce to designate and manage areas of the marine environment with nationally significant aesthetic, ecological, historical, or recreational values as national marine sanctuaries. The Office of National Marine Sanctuaries (ONMS) has issued regulations to implement this act, safeguard resources within sanctuary boundaries, and prohibit the conduct of some activities. Program regulations (15 CFR Part 922) outline the procedure and criteria under which the ONMS will issue permits to allow certain activities beneficial to sanctuaries that would otherwise be prohibited. These instructions describe the requirements and process by which an applicant may apply for a permit under this authority.

Permits are typically issued by the sanctuary superintendents. The type of activities that qualify for a permit vary from sanctuary to sanctuary, but in general include research on sanctuary natural and cultural resources, educational activities, and activities that further sanctuary management objectives.

In addition to permits, in certain sanctuaries a superintendent can authorize an activity that is permitted by a valid lease, permit, license, approval or other authorization issued by any federal, state, or local authority of competent jurisdiction. Such authorizations may be only be issued for activities in the Florida Keys, Flower Garden Banks, Monterey Bay, Stellwagen Bank, Olympic Coast, and Thunder Bay national marine sanctuaries. Since the general process and requirements governing the handling of authorizations and permits are very similar, in these guidelines the term “permit” applies to both permits and authorizations.

### **When is a permit required?**

A permit is required whenever an individual wishes to conduct an activity within a sanctuary that would otherwise be prohibited by sanctuary regulations. A list of sanctuary prohibitions can be found on the web at <http://www.sanctuaries.noaa.gov/management/permits/welcome.html>.

### **What types of activities can be permitted?**

The types of activities able to be permitted vary by site but typically include research, education, and management activities, among others. Applicants should check with sanctuary staff to ensure their activity is able to be permitted.

### **How do I obtain a permit?**

An ONMS permit application must be completed. A complete permit application will include the required information as described in Part II of these instructions, including sufficient detail so that a reasonably educated non-specialist can understand what you are proposing. If a funding application, work plan, or similar document already exists, then elements of that proposal may be excerpted and pasted into the application, or attached as supplemental information. The amount and depth of information to be given in an application depends on the complexity of the proposed activity. Note that more or less information may be required for certain permit types.

### **When should I apply?**

Permit applications must be submitted at least thirty (30) calendar days in advance of the requested effective date to allow time for evaluation and processing. Sensitive or complicated requests, requests for collection of sensitive species, or requests which may require the ONMS to undertake certain NEPA or consultation requirements should be submitted at least ninety (90) calendar days in advance, if not sooner. Applications that may require ONMS to prepare an environmental impact statement prior to issuance will typically require at least twelve (12) months to process. In order to expedite processing, applicants are encouraged to contact the appropriate sanctuary staff well in advance of submitting a formal application to discuss any questions or issues they feel may complicate or delay the application process. Applications not received within the time frames specified above are not guaranteed to be processed before the requested effective date.

### **How do I apply?**

Permit applications can be obtained from any sanctuary office or online at <http://www.sanctuaries.noaa.gov/management/permits/welcome.html>.

### **Where do I apply?**

The completed permit application and any supplemental materials should be submitted to the office for the sanctuary in which you plan to conduct the activity. Completed applications can be submitted via email (preferred) or via mail or fax. A list of sanctuary offices and staff contacts can be found at <http://www.sanctuaries.noaa.gov/management/permits/welcome.html>. For activities proposed to take place in multiple sanctuaries, a “lead” sanctuary office may be designated to handle the application.

### **Are there situations when I don't need to complete the regular permit application or need to submit additional information?**

Yes. Applications for the following activities require less information, an expanded application, and/or have additional guidance that applies; for details see the referenced appendices or guidance:

- Overflight of aircraft in restricted zones of the Channel Islands, Monterey Bay, Gulf of the Farallones, and Olympic Coast NMSs (Appendix A);
- Fireworks and pyrotechnics displays in Monterey Bay NMS (Appendix B)
- Construction, including coastal armoring or hardening, in Monterey Bay NMS (Appendix C)
- Baitfish permits in Florida Keys NMS (Appendix D)
- Special use permits (Appendix E)
- Activities involving archeological resources within any sanctuary, including cultural, maritime heritage, and archeological resources (Appendix F);
- Applications for artificial reefs (see ONMS policy statement and guidelines at [http://www.sanctuaries.noaa.gov/management/conservation\\_faq.html](http://www.sanctuaries.noaa.gov/management/conservation_faq.html))

### **How are permit applications evaluated?**

Permit applications are typically processed in the order received. They are first reviewed for completeness and adherence to these instructions. Applicants will be contacted for clarification or if applications are incomplete, or otherwise not in compliance with these instructions, within twenty (20) calendar days of receipt of the application. If sanctuary staff requests such

additional information, and no response has been received from the applicant within ninety (90) calendar days, the application will be deemed withdrawn, no further action will be taken on the application by the ONMS, and any application for this activity will have to be resubmitted by the applicant as a new request.

Complete applications are reviewed by ONMS staff and may be peer-reviewed by outside experts. ONMS staff will also initiate any actions required to comply with the National Environmental Policy Act (NEPA) and other laws, regulations, and policies. Permits will not be issued until these requirements are fulfilled. There may be situations when the NEPA process or certain consultations cannot be completed prior to the applicant's requested start date. ONMS staff will notify the applicant as soon as possible when that is the case.

Based on reviews of the application and following fulfillment of any legal and regulatory requirements, the ONMS will approve or deny the permit. If approved, the sanctuary superintendent will issue the permit. If denied, the sanctuary superintendent will notify the applicant of the reason(s) for denial and inform them of the appeal process.

#### **What conditions will be placed on my permit?**

ONMS regulations allow permits to include conditions to protect sanctuary resources and qualities. A list of permit general conditions can be found on the sanctuary website at <http://www.sanctuaries.noaa.gov/management/permits/welcome.html>. Permits will also include special conditions unique to each activity that describe activity limitations, any required monitoring, reporting requirements, etc.

#### **Once I receive a permit, what do I do?**

If your application is approved and a permit is issued, you will receive a copy of the permit via mail or electronic means to sign and return to sanctuary staff. You must carry a copy of the approved permit at all times while performing your activities in the sanctuary.

#### **Will I be required to submit a report?**

Most permits will require the permittee to submit reports documenting activities conducted under the permit. Depending on the activity, such reports may include (but are not limited to) interim and final reports, cruise or flight logs, catch logs, and sample/collection logs. For most permits, these reports will generally be 1-2 pages in length, although complex activities may call for more extensive documentation. Information required to be included in these reports will vary according to the activity being permitted, but will generally include a brief summary of actions undertaken, field work dates and locations, any results or findings, appropriate charts or photos, samples and collections taken, and any deviations from the planned activity.

#### **How do I extend, renew, or change a permit?**

Once a permit has been issued, changes can be made in the form of an amendment. Requests for amendments (e.g., requests to change the activity location or extend the expiration date) must conform to these guidelines. Persons desiring to continue permitted activities in the sanctuary must request an extension of their current permit at least thirty (30) calendar days before it expires. Reference to the original application may be given in lieu of a new application, provided the scope of work does not change significantly and any required reports pertinent to the original permit have been submitted to and approved by ONMS staff. *Note: requests for*

*amendments not received within the time frame specified above are not guaranteed to be processed before the requested effective date. In addition, expired permits cannot be amended.*

### **Reporting Burden**

Submittal of the information requested in these guidelines is required to obtain a permit pursuant to ONMS regulations (15 CFR Part 922). This data is to evaluate the potential benefits of the activity, determine whether the proposed methods will achieve the proposed results, evaluate any environmental impacts, and determine if issuance of a permit is appropriate. It is through this evaluation that the ONMS is able to use permitting to protect sanctuary resources and qualities.

Applicants are requested to indicate any information that is considered proprietary business information. Such information is typically exempt from disclosure to anyone requesting information pursuant to the Freedom of Information Act (FOIA). NOAA will make all possible attempts to protect such proprietary information, consistent with all applicable FOIA exemptions in 5 U.S.C. 552(b). Typically exempt information includes trade secrets, commercial and financial information (5 U.S.C. 552(b)(4)). Personal information affecting an individual's privacy will also be kept confidential consistent with 5 U.S.C. 552(b)(6).

Public reporting burden for this collection of information, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information is estimated to average one and a half (1.5) hours per response (e.g., initial application, cruise log, final report) except for the following situations:

- Twenty-four (24) hours per response for special use permits;
- Thirteen (13) hours per response for activities involving sanctuary historical resources;
- Fifteen (15) minutes per response for amendments to permits;
- Thirty (30) minutes per response for certification requests;
- Fifteen (15) minutes per response for voluntary registration; and
- Ninety (90) minutes per response for appeals of permit decisions.

Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to National Permit Coordinator, NOAA Office of National Marine Sanctuaries, 1305 East-West Highway (N/ORM6), Silver Spring, Maryland, 20910.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

## II. COMPLETING THE PERMIT APPLICATION

The following is provided to assist applicants in completing permit applications. Applicants are encouraged to direct any questions to the sanctuary office to which they are applying.

### Section A – General

Check the boxes for the sanctuaries in which are you applying to work and note the appropriate type of application. For changes, renewals, or amendments, include your current permit number.

### Section B – Applicant Information

Provide name, title, address, telephone and fax number, email, and institutional affiliation of the primary applicant/principal investigator. Add co-applicant/additional investigator, if applicable.

### Section C – Project Information

Adhere to character limits throughout. Requested permit start (effective) and stop (expiration) dates should be inclusive of the period in which operations in the field that involve prohibited activities in a sanctuary are to be conducted. If the proposed activity involves any collecting or sampling, complete the Collections Data Form in addition to the permit application.

Project abstract should summarize project objectives, methods, and significance and should be suitable for use in the public press. The methods and protocol description should include, as applicable: descriptions of any instrumentation or equipment to be used and the duration of deployment; description of all phases of activity, including equipment removal; and description of activity frequency (e.g., daily, monthly), as appropriate. Research activities should include the hypothesis being tested.

For activity location, if the activity is proposed to be conducted in specific locations within a sanctuary, describe in detail the location(s) within the sanctuary the activity will take place (examples: “Alligator Reef SPA”; “2 miles west of Point Lobos”; “Within a 100 yard radius of point X”; “At the following lat/long positions:...”) in the field provided. In addition, if the activity will take place anywhere other than within an area with an existing, known geographical boundary or definition (such as a marine reserve or sanctuary preservation area), the applicant must provide a file with the specific locations, sampling sites, etc. in decimal minutes or decimal degrees format. This data file can be submitted electronically with the application. If in doubt about whether or not to provide this data, applicants should check with the appropriate sanctuary office. This is not required for any activity proposed to be conducted throughout a sanctuary.

### Section D – Environmental Impacts

Summarize the direct and indirect impacts (effects) of the proposed activity. Direct impacts are those caused by the permitted action that occur at the same time and place (e.g., the direct impacts of dredging a channel include removal of the bottom materials and any associated flora/fauna, sedimentation of adjacent communities, etc.). Indirect impacts are those caused by the action that are later in time or farther removed in distance, but still reasonably foreseeable (e.g., the indirect impacts of channel dredging may include increased vessel use and decreased fish populations due to habitat loss).

Note any environmental analysis (e.g., environmental impact statement) completed or in progress for this activity by any other state, Federal, or other agency. ONMS staff may ask for copies of these analyses to assist in their review of the application.

### **Section E – Rationale**

ONMS regulations require sanctuary staff to consider certain review criteria before issuing a permit. The information provided in this section facilitates review of the application in light of those criteria.

Some sanctuaries include areas of special designation that protect habitats, restore the ecological integrity of these areas, or manage activities. Examples of these special sanctuary zones include sanctuary preservation areas, marine reserves, research-only areas, and state preserves. For any activity or portion of activity proposed to take place in a special zone, describe why it is necessary to conduct this activity in a particular zone and how it will further the understanding and/or management of the zone or sanctuary.

For methods and duration of activity, applicants should describe: how their proposed methods are appropriate to achieve the goal of the proposal; how and if they incorporate best practices; why other methods having less impact were not selected; and what factors were considered in determining the activity dates and duration.

Applicants should provide sufficient background on both their qualifications to conduct the activity and the financial support behind the project so that ONMS is assured the project is well-managed by trained personnel and can be completed with minimum impact on sanctuary resources. For funding, provide contract number, performance period, and name of sponsoring agency, as applicable. CVs and project budgets are not required unless specifically requested but may be included with the application, if desired. If the applicant is a student at an institution, a letter of support from a professor or sponsor may be required.

### **Section F – Other Information**

ONMS has limited on-site sanctuary staff, facilities and equipment that may be used to support permitted activities under special circumstances. Requests for support should include details on the support requested, justification, dates and length required, and options if ONMS support is not available. With regard to vessel support, if vessel(s) are available at the requested time, applicants will be responsible for fuel costs, at a minimum.

In some cases, other federal or state agency permits, consultations, or approvals may be required before a sanctuary permit can be issued. ONMS may also want to coordinate the issuance of its permit with any other agencies that also must approve the activity. Check the appropriate box for any other permits known to be required and include copies of any permits already obtained with the application. If those permit requests or consultations are pending, report the status of those to the sanctuary staff when applying.

### **Section G – Certification**

Sign and date if submitting in hardcopy (mail or fax) or as a scanned Adobe pdf file. In all other situations, this acknowledgement can be made in writing via email at the time of application. Verbal certifications (e.g., via telephone) are not permitted.

## **APPENDIX A OVERFLIGHT AUTHORIZATIONS**

Overflights of aircraft below 1000 feet are prohibited by NMSP regulations in the following locations in order to protect certain seabird and marine mammal habitats from disturbance:

- A. Within one nautical mile of any of the islands within the Channel Islands National Marine Sanctuary.
- B. Within one nautical mile of the Farallon Islands, Bolinas Lagoon, or any Area of Special Biological Significance within Gulf of the Farallones National Marine Sanctuary.
- C. Within four prescribed zones of the Monterey Bay National Marine Sanctuary as defined in sanctuary regulations at 15 CFR Part 922.132(a)(6).

In addition, overflights below 2000 feet altitude are prohibited within four prescribed zones of the Olympic Coast National Marine Sanctuary as defined in sanctuary regulations at 15 CFR Part 922.152(a)(6).

In addition to the standard guidance for NMSP permit applications given in this document, the following additional guidance applies for any application for a sanctuary permit or authorization requesting overflight of aircraft in the Channel Islands, Gulf of the Farallones, Monterey Bay, or Olympic Coast national marine sanctuaries:

**Project rationale** – In the rationale, describe why it is preferable that the low-altitude overflight occur within an overflight restriction zone(s) of the sanctuary.

**Methods** – The methods description should also include:

- A. The intended start date, frequency, anticipated duration of the activity, and hours of flight operations;
- B. The number and type of aircraft to be used (make and model), including aircraft markings and tail numbers;
- C. The lowest planned flight altitude;
- D. The flight plan and schedule, including detailed flight patterns (repeat transects, circling, hovering, diving, etc.), refueling plan, and landing/takeoff locations;
- E. Any special equipment that will be mounted on, lowered, or towed from the aircraft, and any object planned for release from the aircraft;
- F. A communications plan that identifies call signs and frequencies for all aircraft and project participants.

**Qualifications** – Applicant must provide a copy of a current Federal Aviation Administration (FAA) pilot's license and FAA medical certificate for each pilot operating aircraft as part of the proposed activity within the sanctuary.

All other guidance for NMSP permit applications, including procedures, timelines, and points of contact, apply to aircraft overflight permit and authorization requests.

## **APPENDIX B MONTEREY BAY NMS FIREWORKS AUTHORIZATIONS**

Monterey Bay National Marine Sanctuary (MBNMS) regulations prohibit the discharge or deposition of any material into the waters of the sanctuary (except for specific material exempted in the regulations). In addition, the regulations prohibit the discharge or deposition of any material outside the boundary of the sanctuary that subsequently enters the sanctuary and injures a sanctuary resource or quality (except for specific material exempted in the regulations). Both prohibitions can be found in MBNMS regulations (15 CFR Part 922, Subpart M).

Pyrotechnic devices detonated over or near the ocean produce "fallout" or residue that falls directly into the water or is carried to the water by winds. Deposition of such matter is a violation of sanctuary regulations governing discharges unless written authorization is issued by the NMSP. The sanctuary program is interested in documenting the type, concentration, and mass of chemicals and material entering the water as a result of exploding rockets or shells. For the above reasons, any individual or organization sponsoring a fireworks display that will affect the MBNMS must apply for sanctuary authorization to conduct such activity.

### **Definitions**

The following definitions apply to MBNMS fireworks authorizations guidance:

- A. Aerial shell - a pyrotechnic device launched or fired into the air
- B. Contractor - a state licensed pyrotechnic exhibitor
- C. Display - fireworks display
- D. Fireworks display - a demonstration of pyrotechnic devices requiring a state operator's license
- E. Impact area - perimeter in which aerial shells explode or detonate and deposit debris
- F. Organization sponsor - the party responsible for initiating and/or contracting the fireworks display
- G. Pyrotechnic device - any device containing a combustible substance that is designed to ignite or explode, creating a visual and/or audible effect (includes aerial shells and ground devices)
- H. Shell - aerial shell

### **Applications**

Application for sanctuary authorization to conduct a fireworks display should be submitted by the person (individual) who will assume full supervisory responsibility for the event. An individual will be named in the authorization document in order to identify a sole point of contact for the event. Authorization must be requested by a member of the organization sponsoring the event - not by the contractor performing the fireworks display.

Applicants for MBNMS fireworks authorizations are not required to submit the standard application information described in section III of the standard NMSP permit application guidelines. Instead, the request may be in letter form and should provide a full description of the



agenda, procedures, and pyrotechnic devices associated with executing the display. The letter should include, but is not limited to:

- A. The general location where the fireworks display will occur;
- B. The date and time that the display will occur;
- C. The duration of the display;
- D. A description of the purpose for (event related to) the display;
- E. Anticipated effects of the display on the sanctuary or sanctuary resources;
- F. Name, address, and phone number of the sponsor and authorization holder;
- G. Name, address, and state license number of the company or party that will actually handle and ignite pyrotechnic devices;
- H. A common-name description of each type of pyrotechnic device to be ignited or launched;
- I. A description of the contents, dimensions, and weight of each type of pyrotechnic device to be ignited or launched;
- J. A description of the chemical elements (and respective volumes) present in each type of pyrotechnic device to be ignited or launched;
- K. The number of aerial shells that will be launched;
- L. A description of the range and detonation altitude of each shell type;
- M. The exact location at which pyrotechnic devices will be ignited or launched;
- N. A description of the impact area (a map of the impact area is acceptable).

In addition, copies of the following documents are required as part of the application:

- A. Local fire marshal permit
- B. Applicable city and county use permits
- C. Certificate of comprehensive general liability insurance covering the display sponsor against damages caused by the fireworks display
- D. U.S. Coast Guard marine events permit if the fireworks display will occur over the water or will in any way affect navigation
- E. Any other relevant permits.

If fireworks are to be ignited or launched from an offshore platform, the details of such operation must be included in the authorization request. The MBNMS sanctuary superintendent may request additional information as needed to consider any authorization request.

All other guidance for NMS permit applications, including procedures and timelines, apply to MBNMS fireworks authorization requests.

## **APPENDIX C**

### **MONTEREY BAY NMS CONSTRUCTION AUTHORIZATIONS**

Authorizations for construction activities in Monterey Bay National Marine Sanctuary (MBNMS) may be issued by the sanctuary superintendent under special circumstances for construction activities otherwise prohibited by sanctuary regulations if 1) an activity has been authorized by a valid lease, permit, license, approval or other authorization issued after the effective date of sanctuary designation by any federal, state, or local authority of competent jurisdiction; 2) the superintendent finds that the activity will not cause long-term or severe impacts to sanctuary resources, and 3) the applicant complies with all applicable regulations and any specific conditions/terms specified by the superintendent.

In addition to the standard guidance for NMSP permit applications given in this document, the following additional guidance applies for any application for a sanctuary permit or authorization requesting construction in MBNMS:

**Methods** – The methods description should clearly describe the rationale behind selecting the proposed construction methods over any alternative methods.

**Supporting Documentation and Special Concerns** – Ensure the following is also included:

- A. A map showing the proposed study or project location(s) and a description of the habitat at the project site. If not to scale, maps must be annotated to describe depth and planned dimensions of the constructed/installed object and the impact area. Maps should also indicate the position of the mean-lower-low-water and mean-high-water lines relative to the project site and the survey data used to define these lines.
- B. A copy of the construction plan to include comprehensive, detailed descriptions of methods and procedures for accomplishing various tasks (e.g. type of equipment to be used, installation techniques, materials, etc.)
- C. Details concerning any maintenance or future modifications associated with the project.

All other guidance for NMSP permit applications, including procedures, timelines, and points of contact, apply to MBNMS construction authorization requests.

**APPENDIX D  
FLORIDA KEYS NMS BAITFISH PERMITS**

Florida Keys National Marine Sanctuary (FKNMS) baitfish permits allow the permit holder to catch baitfish in certain Sanctuary Preservation Areas (SPAs) using a cast net or modified lampara net.

FKNMS baitfish permits are issued free of charge and last for one calendar year. Baitfish permits are issued to an individual and may be used on more than one vessel, but may not be used by more than one person.

Applicants for FKNMS baitfish permits are not required to submit the standard application information described in section III of the standard NMSP permit application guidelines. Instead, the request should include:

- A. Applicant name, mailing address, and telephone number;
- B. Boat name(s) and documentation numbers, when known.

This information may be submitted by telephone by calling the individual listed below, or in writing via fax, email, courier, or regular mail.

All baitfish permit holders are required to maintain a catch log (attached) and submit this log upon expiration of their permit. An electronic version of this log is available at [www.floridakeys.noaa.gov](http://www.floridakeys.noaa.gov) or can be obtained from the sanctuary point-of-contact. The log should be filled out and mailed to the contact person within thirty (30) days before the permit expires. Please use the following codes for the SPA name on the log:

<u>SPA Name</u>	<u>Code</u>	<u>SPA Name</u>	<u>Code</u>
Carysfort/South Carysfort	CAR	Cheeca Rocks	CHE
The Elbow	ELB	Alligator Reef	ALL
Dry Rocks	KYL	Coffins Patch	COF
Grecian Rocks	GDR	Sombrero Key	SOM
French Reef	FRE	Newfound Harbor Key	NHK
Molasses Reef	MOL	Looe Key	LKS
Conch Reef	CON	Eastern Dry Rocks	EDR
Hen and Chickens	HNC	Rock Key	RKK
Davis Reef	DAV	Sand Key	SAN

Point-of-contact for FKNMS baitfish permits is:  
 Permit Coordinator  
 Florida Keys National Marine Sanctuary  
 P.O. Box 500368  
 Marathon, FL 33050  
 305-743-2437  
 Fax: 305-743-2357  
 Email: Joanne.Delaney@noaa.gov

Submit a copy of this log between Dec. 1-31 to:  
 Permit Coordinator  
 FKNMS  
 P. O. Box 500368  
 Marathon, FL 33050  
 Fax: 305-743-2357

**FLORIDA KEYS NATIONAL MARINE SANCTUARY  
BAITFISH LOG**

**Name:** \_\_\_\_\_

**Permit #:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Phone:** \_\_\_\_\_

**Boat Name / Doc # (if known):** \_\_\_\_\_

USE THIS LOG FORM TO RECORD ALL BAITFISH CAUGHT BY CAST NET OR LAMPARA NET, WHETHER INSIDE OR OUTSIDE OF THE SPAS.							
DATE (mm/dd/yy)	FISHING LOCATION (GPS & name)	IS LOCATION INSIDE OR OUTSIDE SPA?	SPA NAME (use code)	NET TYPE (castnet or lampara)	AMOUNT OF BAITFISH (number or pounds)	BYCATCH (species & quantity)	ON-WATER CONTACTS OR OBSERVATIONS (if any)

## **APPENDIX E SPECIAL USE PERMITS**

Section 310 of the National Marine Sanctuaries Act (16 U.S.C. § 1441; NMSA) allows the Secretary of Commerce (delegated to the National Marine Sanctuary Program (NMSP)) to issue special use permits to authorize the conduct of specific activities in a sanctuary if such authorization is necessary (1) to establish conditions of access to and use of any sanctuary resource or (2) to promote public use and understanding of a sanctuary resource. Special use permits are generally issued for concessionaire-type activities and other commercial activities that require access to the sanctuary to achieve a desired goal.

### **Public notice**

The NMSA requires, among other things, the NMSP to provide “appropriate public notice before identifying any category of activity subject to a special use permit” (see section 310(b) of the NMSA). To comply with this directive from Congress, the NMSP has issued a *Federal Register* notice that describes the types of activities for which it can require the issuance of a special use permit (67 FR 35501). To qualify for a special use permit, an activity must be among those listed in this notice. The notice lists the following activities:

- A. The disposal of cremated human remains by a commercial operator in any national marine sanctuary;
- B. The operation of aircraft below the minimum altitude in restricted zones of national marine sanctuaries for commercial purposes;
- C. The placement and subsequent recovery of objects associated with public events on non-living substrate of the seabed;
- D. The discharge and immediate recovery of objects related to special effects of motion pictures; and
- E. The continued presence of submarine cables beneath or on the seabed.

If a proposed activity does not fall within the description of one of the types of activities for which NMSP has provided public notice, NMSP would need to publish a new *Federal Register* notice and solicit public comments on the use of special use permits for the type of activity proposed prior to issuing a permit.

### **Terms of special use permits**

The NMSA provides four conditions on special use permits. The NMSA requires that special use permits:

- A. Shall authorize the conduct of an activity only if that activity is compatible with the purposes for which the sanctuary is designated and with protection of sanctuary resources;
- B. Shall not authorize the conduct of any activity for a period of more than 5 years unless renewed by the Secretary;
- C. Shall require that activities carried out under the permit be conducted in a manner that does not destroy, cause the loss of, or injure sanctuary resources; and

- D. Shall require the permittee to purchase and maintain comprehensive general liability insurance, or post an equivalent bond, against claims arising out of activities conducted under the permit and to agree to hold the United States harmless against such claims.

### **Permit fees**

The NMSA allows the NMSP to assess and collect fees for the conduct of any activity under a special use permit. If it is assessed, the amount of the fee is calculated by adding all of the following.

- A. The costs incurred, or expected to be incurred, by the Secretary in issuing the permit;
- B. The costs incurred, or expected to be incurred, by the Secretary as a direct result of the conduct of the activity for which the permit is issued, including costs of monitoring the conduct of the activity; and
- C. An amount that represents the fair market value of the use of the sanctuary resource.

### **Information requirements**

Applicants for special use permits should submit all of the information requested in the standard guidance for NMSP permit applications given in this document. In addition, the following will also be required:

- A. Comprehensive Liability Insurance. Applicants will be required to purchase and maintain comprehensive general liability insurance, or to post an equivalent bond, against claims arising out of activities conducted under the permit and to agree to hold the United States harmless against such claims. Applicants should show proof of such insurance with the rest of the application materials.
- B. Annual financial report. Most permits require some form of reporting. Special use permit recipients are also required to submit financial reports on or before December 31 of each year the permit is valid. These reports should detail the activities conducted under the permit during the reporting year and any revenues derived from those activities.

## APPENDIX F ARCHEOLOGICAL RESEARCH PERMITS

The following guidelines have been prepared for applicants proposing to conduct activities involving historical resources of the National Marine Sanctuary System (including submerged cultural resources, maritime heritage resources, and submerged archaeological resources). These guidelines have been prepared in compliance with the Federal Archaeological Program laws, regulations and guidelines including the—

- A. Secretary of Interior's Standards and Guidelines for Archaeology and Historic Preservation;
- B. Abandoned Shipwreck Act Final Guidelines (55 FR 233, December 4, 1990);
- C. Archaeological Resources Protection Act of 1979;
- D. Final Uniform Regulations on Protection of Archeological Resources (43 CFR Part 7); and
- E. Programmatic agreements involving archeological resources and/or historical resource management.

The primary purpose of these guidelines is to assist potential permit applicants in submitting their application materials to the NMSP for consideration. While some of the information requirements described in the standard guidelines for permits and authorizations applies to permits for historical resources, much of the required information is different. Applications of this type should adhere to the following guidance instead.

**I. Cover Sheet** – The cover sheet shall identify:

- A. Title of project (e.g., "Survey of the USS *Alligator*");
- B. Applicant's name, address, telephone number, and affiliation;
- C. Name, address, affiliation, and of other key personnel;
- D. Proposed date of project and anticipated duration;
- E. Demonstrate reasonable ability to fund each phase of intended investigation covered by the permit.
- F. Glossary/key words.

**II. Project Summary** – The applicant should provide a 250-word (maximum) summary of the project including a brief statement of research objectives, scientific methods to be used, and the significance of the proposed work to the established management plan goals of the sanctuary. Also include a chart that shows the location and the latitude and longitude of the proposed work area.

**III. Technical Information** – The applicant should provide clear, concise, and complete statements for the following information. Documentation and excavation must follow standard archaeological methodology. Please note that an archaeological survey must be conducted on a site before a Research/Recovery Permit can be issued (See section VIII of this appendix).

- A. Research Plan. A research plan describing in detail the specific research objectives and goals (methodologies should be addressed in the Operational Plan - see below). The plan should include a description of:
  - 1. The archaeological goals and methods to be employed;

2. The problems toward which the research will be directed (i.e., what questions will this research answer); and
  3. The ways in which other researchers have sought to answer them.
- B. Project Significance. The applicant should discuss significant previous research in the area of interest and how the proposed effort may enhance or contribute to improving the state of knowledge of history, anthropology or archaeology. Explain why the proposed effort should be performed in the sanctuary and any potential benefits that might be imparted to the public's interest and to sanctuary resources protection and management. Discuss potential benefits that might result from the addition of artifacts to the pool of artifacts available for display. Discuss how the project may provide public access to artifacts embedded in submerged lands and not able to be directly examined or physically displayed to the public without removal.
- C. Operational Plan. The applicant should describe the tasks required to accomplish the project's objectives. Describe the proposed methods to be used for site documentation, excavation, recovery and the storage of artifacts and related materials on site and at the storage lab. Describe the rationale for selecting the proposed methods over any alternative methods.
- D. Required Reports and Recordkeeping. If a permit is issued the following reports will be required (See sections VII and VIII of this appendix):
1. Seasonal Reports.
  2. Final Project Report.
  3. Artifact Conservation Report.
  4. Project Log - Master copies of standard logbook sheets shall be supplied to the permittee who shall make sufficient copies and fill them out on a daily basis. Copies of all completed field logs must be turned over to NMSP following the completion of the project.
  5. Artifact Log - An Artifact Log should be kept at the site and in the storage lab. Each artifact will be assigned a Field Number. A description of the artifact, archaeological provenience data and the recorder's name and the date should be recorded in the log. A copy of the Artifact Log will be turned over to the NMSP at the completion of the project.
  6. Photographs and Videotapes - Applicant should provide photographs and/or videotapes (optional) of significant individual site features and/or artifact clusters both in situ and after removal. Images should include photo scale, north arrow and date/site name board.
- E. Artifact Handling Plan. The applicant should provide an Artifact Handling Plan that includes the following:
1. Artifact removal – Discuss techniques for removal of various types of artifacts expected to be encountered. Specifically address types of artifacts requiring special care such as glass or ceramics and organic artifacts such as rope, leather, textiles, and other fragile objects.
  2. Artifact processing – Discuss plans for artifact storage between the field and conservation lab. Discuss proposed artifact inventory methodology. Each artifact



should be tagged with a Field Catalogue Number to be assigned as soon as it is removed from the water at the site. Additional tags bearing accession numbers may be assigned and affixed by the NMSP. In this case, NMSP will maintain public records linking the original Field Catalogue Number and any additional numbers assigned.

3. Unique or valuable artifacts should be photographed from two perspectives with a bar scale, date and the Catalogue Number tag prominently displayed. The Field Catalogue Number tag should be sturdy and waterproof and should be attached to the artifact in a non-destructive manner so as to accompany the artifact through storage and the conservation process. Bulk or highly repetitive artifacts, such as coins, musket balls, pottery shards, etc. need not be photographed individually, but should be photographed in groups with the artifact tag number containing the Field Catalogue number visible.
- F. Conservation Plan. The applicant should provide a detailed plan for the conservation of artifacts. Include methods of conservation and intended processes. The Conservation Plan should include:
1. Conservation methodology - Discuss the methods of conservation and the intended processes for each class of artifact (i.e. ceramic, wood, other organic materials, ferrous metal, and non-ferrous metal);
  2. Conservation equipment - Describe the conservation facility or facilities;
  3. Storage space - Describe the conservation facility's location and size of the storage space.
- G. Curation and Display Plan. The applicant should provide a detailed plan for the curation of artifacts to ensure their maintenance and safety and in compliance with 36 CFR 79-- Curation of Federally-Owned and Administered Archaeological Collections. The Curation Plan should ensure that the following processes are considered:
1. Curation facility and personnel – Identify the curatorial facility and the professional personnel. Curatorial facilities should have adequate space to ensure the safe storage of artifacts.
  2. Artifact storage – Archaeological specimens should be maintained so that their information values are not lost through deterioration. Storage records should be maintained to a professional archival standard.
  3. Project records – Project and curation records should be maintained in a manner conforming to standard archival method. Storage should conform to professional archival standards and should allow for accessibility of records to qualified researchers within a reasonable amount of time of having been requested.
  4. Artifact availability – Artifact collections must be accessible to qualified researchers within a reasonable amount of time of having been requested.
  5. Artifact loans – Artifacts should be available for loan to other institutions for interpretive purposes, subject to reasonable security precautions and scheduling practicalities.
  6. Artifact display – Collections should be available for educational and interpretive purposes, subject to reasonable security precautions. A plan for the display exhibit area will be required if artifacts are intended for display. Exhibit information will include display case design and security, building security and

temperature and humidity control. A loan agreement will be prepared between NOAA and the exhibiting institution in keeping with 36 CFR 79 (see above).

**IV. Qualifications** – Show evidence of the ability of each team member to perform the assigned tasks for the following personnel:

- A. Supervising Archaeologist – The Supervising Archaeologist is responsible for archaeological aspects of the project and need not serve as project manager. The applicant should submit a resume detailing the professional qualifications of the Supervising Archaeologist (including citations and examples of archaeological site reports and professional publications). In compliance with the “Secretary of Interior’s Standards and Guidelines for Archaeology and Historic Preservation” and the Archaeological Resources Protection Act the Supervising Archaeologist should fulfill the following qualifications:
1. A graduate degree in archaeology, anthropology, maritime history equivalent training and experience;
  2. At least one year of professional experience or equivalent specialized training in archaeological research, administration or management;
  3. At least four months of supervised field and analytic experience in general North American archaeology and maritime history;
  4. Demonstrated ability to carry research to completion;
  5. At least one year of full-time professional experience at a supervisory level in the study of historic marine archaeological resources (for historic shipwreck studies) or prehistoric marine archaeological resources (for submerged prehistoric studies); and
  6. Ability to demonstrate ability in comprehensive analysis and interpretation through authorship of reports and monographs.
- B. Archaeological Assistants – Archaeological Assistants need not meet Supervising Archaeologist qualifications but will serve under the direction of the Supervising Archaeologist. The applicant should provide the name and experience of all qualified archaeological assistants who will assist the Supervising Archaeologist in site documentation and research.
- C. Artifact Conservator – The applicant should provide documentation of the Artifact Conservator’s demonstrated experience in conservation of artifacts from submerged sites. Professional experience should include experience in the conservation of ferrous and non-ferrous metals, ceramics, glass and organic materials.

**V. Environmental Consequences** – The applicant should provide an analysis of the extent and nature of potential environmental impacts on sanctuary resources from permitted activity. If impact to natural resources is proposed, the applicant should provide a Site Restoration and Remediation Plan to address any injury or impacts resulting from the project.

## **VI. Supporting Documentation and Special Concerns**

- A. Financial Support. Provide contract number, performance period, and name of sponsoring entity, if any. If none, provide sufficient data to substantiate the fiscal capability to complete the phases of work proposed to be permitted. If artifact recovery is proposed, financial data must address the resources necessary for the conservation, curation and interpretation of the resulting archaeological collection.
- B. Coordination with Research in Progress or Proposed. The NMSP encourages coordination and cost-sharing with other investigators to enhance scientific capabilities and avoid unnecessary duplication of efforts, where applicable.
- C. Letters of Intent. Applicant should provide letters of intent to participate in this project from the Supervising Archaeologist and Conservator.
- D. References. Provide bibliographic references for any citations made in text.

## **VII. Archeological Research Report and FKNMS Research/Recovery Permit Report**

**Guidelines** – If a permit is issued, the permittee will be required to submit certain reports or other records to document permitted activities. This section describes the various report types that will likely be required.

- A. Seasonal Reports. The permittee will provide a Seasonal Report within sixty (60) days of the conclusion of each dive season for the duration of the permit. With this report, the applicant should also submit copies of pertinent photographs, video, maps, artifact logs, and field logs. The Seasonal Report should include:
  - 1. A summary of the season's activities;
  - 2. A discussion of any problems encountered that may require a revision of the permit;
  - 3. Plans for the next field season based on permittee's assessment of the preceding season's work.
- B. Final Report. The permittee will provide a Final Report on the activities and results of the project. The Final Report must be reviewed by the Supervising Archaeologist and signed and dated with his/her comments. The Final Report must be submitted within one (1) year of the completion of field work and artifact conservation. The bound Final Report must include:
  - 1. Site Description – a description of the study area;
  - 2. Site History – a contextual history relating the site to the general history of the region;
  - 3. Research Design – the original project design and research goals for the project;
  - 4. Field Work Description – a description of the field activities including a summary of the survey and/or excavation process;
  - 5. Field Observations – all observations of notable occurrences, patterns, etc.;
  - 6. Data Analysis – full analysis and results of recovered data and artifacts to also include:

7. Maps – The permittee should supply the following maps:
    - a. An overall map showing site in relation to submerged features and nearest land mass (e.g., NOAA chart);
    - b. A pre-excavation plan view (overhead) map showing significant or readily observable exposed artifacts and site features;
    - c. An overall plan-view site map showing all excavated hull structure;
    - d. Detailed feature maps for each significant feature to include location of artifacts removed from site. Artifact locations will include the artifact Field Catalogue Number. If numerous artifacts are retrieved from a specific area they may be listed in table form and keyed to the map location by an index number. They will relate the artifact positions to features in the overall site map. The feature maps will include 3 different perspectives, including overhead or plan view, side/profile view, and (if practicable) frontal/sectional view;
    - e. All maps should show a grid or grid ticks on the outer border of the map in Loran C, longitude and latitude, or other recognized coordinate system. Smaller-scale maps should have grids with X-Y coordinates related to datum on overall site map. Maps should include a bar scale, North arrow, and title block which identifies the map. The title block should include the permit number, permittee's name, and year of the permit.
  8. Project Assessment – The Final Report should include a discussion of the applicant's perceived success of the project and recommendations for updating historical contexts and planning goals.
- C. Conservation Report. The Conservation Report should include an account of all work done on artifacts. Note work done on different materials and/or classes of artifacts, work on significant (e.g., unique or fragile) artifacts, and work on composite-type artifacts composed of two or more materials (e.g., wood and iron). The report of the conservation of artifacts should include appendices containing:
1. An artifact list;
  2. Copies of the conservation lab records; and
  3. Before and after photographs of artifacts at the conservation lab.

**VIII. Survey Reporting Guidelines** – This section will assist anyone conducting remote sensing surveys of archaeological resources in preparing reports and in submitting the relevant information to the NMSP. This section will also assist in preparing the necessary reports for survey/inventory in FKNMS. For FKNMS, the report and map are necessary before a subsequent Research/Recovery permit can be issued.

- A. Survey/Inventory Report. The survey/inventory report should include:
1. Introduction – The introduction should include the dates of the survey; the general region and the parameters of the survey area in latitude and longitude; the number of days spent conducting remote sensing survey; the number of days diving to identify anomalies; the names of people involved with the operation their capacity; and a brief statement outlining the highlights and results of the work.
  2. Equipment - Describe any equipment used for navigation and horizontal positioning as well as magnetometer and other types of remote sensing.

3. Equipment use - Explain how equipment was used, calibrated and configured for navigation and horizontal positioning as well as magnetometer and other remote sensing equipment.
  4. Recording of survey information – Explain how and when position fixes were recorded, how the magnetometer (and other remote sensing equipment) correlated to the horizontal position data, and how far apart the parallel passes were and in what direction(s) the survey vessel was navigated (recommended spacing is 150 feet or less).
  5. Completion of work - Summarize the work completed. Describe how much work was accomplished and how much is left to accomplish to complete the remote sensing phase of your survey work.
  6. Summary statement - Provide a general statement about what you found and how these findings shape your future plans. Discuss and interpret the anomaly patterns. What parts of the anomaly patterns appear to be significant and what parts do not? Are there any significant clusters? Were any anomalies identified? If suspected archaeological remains were found, provide a detailed description including:
    - a. The nature of remains (i.e., ship structural features, ballast, and artifacts);
    - b. The probable approximate date of site, explaining why you think so;
    - c. The distribution and extent of remains;
    - d. The integrity of the remains (i.e., does site appear to be disturbed and, if so, recently?); and
    - e. The natural environment in the vicinity of the wreck.
  7. Report appendices – The report should include the following appendices:
    - a. Include as a first appendix a list that assigns each anomaly a unique designation. This index serves as a cross-reference so anomalies identified in the report can be correlated to their plotted positions on the base map. This appendix should include the anomaly identification designation, its location (e.g., Loran-C coordinates, or Latitude and Longitude in degrees, minutes, and decimal minutes), and gamma intensity.
    - b. Include as a second appendix examples of a dozen or so magnetometer chart sections showing some of the anomalies encountered in your contract area (label each example strip chart section with its corresponding designation as assigned in above).
- B. Survey/Inventory Map. The maps submitted following a survey/inventory should include the following:
1. Encompass a large enough area to include all of your contract and show the contract boundaries. The map(s) should also depict the location of the shoreline and other prominent features such as buried cable, rock outcrops, islands, etc.
  2. Show a grid or grid ticks on the outer border of the map in Loran C, longitude and latitude, or other recognized coordinate system including the system used in the anomaly table in the first appendix.
  3. Use a bar scale, north arrow, and title block which identifies the map. The title block should include the contract number, contractor's name, and year of the contract.
  4. Depict your work progress on the base map.
  5. Show the distance and direction of each survey pass made by the survey vessel.

6. Identify each anomaly with a unique indexed number or letter that is to correspond with the appendix listing all anomalies and with all other references to anomalies in the report.
7. If the survey included limited test excavations and/or limited removal of artifacts or other materials to identify anomalies, please include the following information:
  - a. A summary of the excavation process including equipment used; number, type and provenience of recovered artifacts; and method of recovery and on-site storage of artifacts.
  - b. A summary of the conservation process including information on the conservation facility and chief conservator; and a description of the conservation process including appendices containing artifact lists, lab conservation records, before and after conservation photographs of artifacts.
  - c. A description of post-conservation artifact storage consistent with 36 CFR Part 79.
  - d. A plan-view map of the excavation or recovery area that includes significant bottom features; at least two datum reference points; significant historical features; and location of recovered material.