

**SUPPORTING STATEMENT
NATIONAL MARINE SANCTUARY PERMITS
OMB CONTROL NO. 0648-0141**

A. JUSTIFICATION

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

The National Marine Sanctuaries Act ([NMSA](#); 16 U.S.C. 1431 et seq.), provides for the designation, protection, and management of national marine sanctuaries (NMSs) which possess conservation, ecological, recreational, research, educational, historical, cultural or aesthetic qualities giving them national, and in some cases, international, significance. The National Oceanic and Atmospheric Administration (NOAA), Office of National Marine Sanctuaries (ONMS) has promulgated regulations to implement the NMSA and each sanctuary designation at [15 CFR Part 922](#). In subparts specific to each sanctuary, these regulations define the boundaries of the sites as well as prohibit the conduct of certain activities as are necessary to protect the resources of each sanctuary.

Both the NMSA and ONMS regulations prescribe procedures by which certain activities that would otherwise be prohibited may be conducted through the issuance of a permit. Any person proposing to conduct an activity prohibited by ONMS regulations must apply for and receive a permit prior to conducting that activity. There are nine types of permits, including those for research, education, and special use activities. In this document, the term “permit” refers generally to any form of approval granted by the ONMS to allow an activity that would otherwise not be allowed to take place due to ONMS regulatory prohibitions.¹

Because the issuance of a permit by the office is discretionary, the ONMS regulations also establish criteria against which permit applications are reviewed and decisions ultimately made. ONMS regulations also provide permit applicants with guidance in submitting the appropriate level of information in a permit application. This collection of information is to ensure the ONMS has enough information from the permit applicant to process the request in accordance with program regulations, make a decision consistent with the established criteria, and, if issued, monitor compliance with the permit and its effect on NOAA trust resources.

This renewal request includes the merger of OMB Control No. 0648-0418, Tortugas Access Permits, into this collection.

¹ In this document, the term “permit” includes “national marine sanctuary permits” processed pursuant to 15 CFR §922.48 and site-specific regulations; “authorizations” of other agency permits processed pursuant to 15 CFR §922.49; “special use permits” processed pursuant to section 310 of the NMSA (16 U.S.C. §1441); and “certifications” processed pursuant to 15 CFR §922.47. The term also includes requests for amendments to any of these.

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 information submitted by permit applicants will be used by the ONMS staff to determine whether to approve or deny a permit application. In making this decision, ONMS regulations requires NOAA to consider such factors as:

- The professional qualifications and financial ability of the applicant as related to the proposed activity;
- The duration of the activity and its effects;
- The appropriateness of the methods and procedures proposed by the applicant for the conduct of the activity;
- The extent to which the conduct of the activity may diminish or enhance the qualities for which the sanctuary was designated;
- The end value of the applicant's activity; and
- Other such matters as ONMS staff deem appropriate.

In addition to inform the ONMS's decisions on permit applications, information submitted in permit applications and reports submitted pursuant to permit conditions may also be used by the ONMS to, in some circumstances, inform:

- Administrative appeals of permit decisions;
- Decisions on a permit amendment request or another permit application; or
- Other management actions (e.g., emergency response and enforcement).

The ONMS has a 3-tiered permit application review system, which determines the specific staff within the program that must review any particular application. "Class A" permits are for relatively routine activities with negligible impacts on sanctuary resources and are reviewed entirely by sanctuary superintendents and their staff located at ONMS field offices. "Class B" permits are activities with unknown or moderate impacts on NMS resources and are reviewed primarily by site superintendents and staff as assisted by additional subject experts located at ONMS headquarters. "Class C" permits are for activities which may have significant impacts on sanctuary resources or are in some way precedent-setting or controversial. These permits require concurrent review by field and headquarters personnel as well as clearance by NOAA legal counsel. Depending on the class of the permit, any of these individuals will potentially use information submitted by permit applicants.

In terms of frequency of use, the information submitted in permit applications will, in general, only be used at the time the application is submitted to make a final decision on the application. Some of the information may also be used subsequent to the initial decisionmaking to inform ONMS management actions or decisionmaking. For example, a survey of a project location by one permit applicant may be used by the ONMS in the future to respond to a vessel grounding in the same area in addition to facilitating the ONMS's decision on that application. Information submitted in a report will be used to assess the permittee's compliance with permit terms and

conditions, assist in evaluating the appropriateness of the permitted activity, and determine its actual impacts on sanctuary resources.

The ONMS has developed an internal database which tracks applicant information, details on permit conditions and issuance, permit compliance, and any reporting products submitted for each permit. The permit applications are the primary source of information entered into the database. This data is used to evaluate the ONMS permit system by tracking such things as the permit process (number of days to issue a permit, etc.), the compliance of the permittee, and the location and effects of the activity as reported. This data and tracking ability are necessary for ONMS to evaluate the effectiveness of sanctuary protection and the role of permitted activities in that protection. In addition, the database assists in the evaluation of the cumulative impacts of permitted activities on sanctuary resources as required by the National Environmental Policy Act (NEPA) and informs future management planning.

As explained in the previous paragraphs, the information gathered has utility. ONMS 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 #10 of this supporting statement for more information on confidentiality and privacy. The information collected is designed to yield data that meet all applicable information quality guidelines. Although the information collected is not expected to be disseminated directly to the public, results may be used in scientific, management, technical, or general informational publications. Should ONMS decide to disseminate the information, it will be subject to the quality control measures and 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.

ONMS accepts and encourages the submission of permit applications, logs, and reports via email. Permit application forms and instructions are available on the Internet at <http://www.sanctuaries.noaa.gov/management/permits/welcome.html> and starting with this renewal will include a “fillable and printable” Adobe pdf option to facilitate more efficient and accurate data entry by applicants. In addition, the ONMS is developing an Internet-based permit application system which would allow permit applicants to submit their permit applications, logs, and final reports directly via a NOAA Internet website.

4. Describe efforts to identify duplication.

When designating each sanctuary, NOAA consulted with the relevant states and Federal agencies regarding their permitting requirements and procedures. Where appropriate, agreements were put in place to use a coordinated permit process. Post-designation, the ONMS continuously works with other state and Federal agencies to identify and eliminate duplication of permit requirements or conditions and, when appropriate, coordinate reviews of applications. In addition, the ONMS routinely accepts information developed for other purposes (e.g., a report on

an activity developed for another agency) as part of an ONMS permit application or to meet requirements of an ONMS permit condition.

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

This collection of information has minimal economic impact on small entities such as small businesses, organizations, or government bodies. Most general permit applications are for activities conducted by either large institutions (such as academic institutions, salvage companies, and state and Federal agencies) or individuals. The majority of small businesses affected by ONMS permits are those applying for baitfish collection permits in the Florida Keys NMS; a special, streamlined application process (see response #12(b) of this statement) has been developed for these baitfish permits, thereby minimizing any burden on small business applicants.

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

If the information collection is not conducted, or is conducted less frequently, the management objectives of the ONMS and individual sanctuaries could not be met. The ONMS must be able to allow the conduct of otherwise prohibited activities to facilitate important research, education and management activities. The issuance of permits also allows fulfillment of the ONMS's statutory mandate to facilitate public and private uses that are compatible with sanctuary resource protection. Furthermore, the permit process allows these activities to take place under controlled conditions to ensure that the primary mandate of resource protection is fulfilled.

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

No special circumstances exist, are foreseen, or anticipated requiring the collection of information to be conducted in a manner inconsistent with the OMB guidelines.

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 February 13, 2008 (73 FR 8292) solicited public comment on this renewal. No comments were received.

The ONMS receives constant, informal feedback on its permitting process during staff interaction with applicants and permittees. This has resulted in several changes in ONMS permit processes with benefits to the public. For example, the ONMS now routinely issues permits to

academic or government institutions that cover a wide range of planned activities over a five-year period; doing so eliminates the need for these institutions to apply for a permit for each individual action. The new, more logically arranged permit application also resulted, in part, from this informal permittee feedback.

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 any respondents.

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

Permit applicants are requested to indicate any information that is considered proprietary business information. Such information is generally found in special use permit applications (for commercial activities) and 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)). For all permit types, personal information affecting an individual's privacy will be kept confidential consistent with 5 U.S.C. 552(b)(6).

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.

No sensitive questions are asked.

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

The ONMS estimates a total of 1,436 hours to collect this information. This is based on an estimate of 424 permits requiring approximately 992 total responses. Because the number of responses per permit and the time per response varies amongst the various types of permits, each of the nine types is explained in subsections (a) through (i) below and summarized in the table at the end of this document. The types of permits are grouped into these categories based on similar collection of information requirements and burden estimates. Additionally, the permit types described in (a) through (d) below are further detailed in the permit application instructions.

(a) General Permits

Scope of this category. This category includes all permits not specifically addressed in subsections (b) through (h) below; typically, permit applications for scientific research, education, management, and salvage (excluding activities aimed at historical resources) activities permits fall into this category. This category also includes requests for authorizations of other agency permits processed pursuant to 15 CFR §922.49.

Burden estimate. Each respondent will generally submit an application for a permit, a cruise or flight log (or some other form of activity report) and a final summary report after the activity is complete, for an average of three responses per permit. On average, each response is expected to take the respondent 1 hour and 30 minutes to complete. The ONMS estimates that it will process approximately 140 permit applications in this category for a total of 420 responses and 630 burden hours annually.

Applicant guidelines. Details regarding collection of this information are explained in the attached “*Instructions for Submitting Applications for National Marine Sanctuary Permits and Authorizations.*” Special, streamlined application procedures for certain general permit activities involving over-flights of sanctuaries, fireworks in Monterey Bay National Marine Sanctuary (MBNMS), and construction in MBNMS are described in appendices A, B, and C of the instructions, respectively.

(b) Baitfish Permits

Scope of this category. This category includes applications for permits to collect baitfish in certain Sanctuary Preservation Areas (SPAs) of the Florida Keys National Marine Sanctuary that are otherwise closed to fishing. There are two types of baitfish permits that may be issued depending on the gear used (castnet or hairhook).

Burden Estimate. To apply for a castnet baitfish permit, an applicant must simply submit (via phone, fax, or email) his/her name and address. To apply for a hairhook baitfish permit, an applicant must also include a brief statement explaining experience and qualifications. For both permit types, a log of number of fish caught is required at the end of the permit term. The ONMS expects completion of the application to average 15 minutes and the log, 45 minutes, for an average response time of 30 minutes. The ONMS expects to process an average of 195 permits in this category each year, for a total of 390 responses and 195 burden hours annually.

Applicant guidelines. Details regarding collection of this information are explained in the attached “*Instructions for Submitting Applications for National Marine Sanctuary Permits and Authorizations.*” The special application procedures for baitfish permits are described in Appendix D of the instructions.

(c) Special Use Permits

Scope of this category. This category includes all permit applications processed under section 310 of the NMSA (16 U.S.C. §1441). Activities must be noticed in the Federal Register before NOAA can issue special use permits for those activities. Presently, these activities are as follows:

- The disposal of cremated human remains by a commercial operator in any national marine sanctuary
- The operation of aircraft below the minimum altitude in restricted zones of national marine sanctuaries for commercial purposes

- The placement and subsequent recovery of objects associated with public events on non-living substrate of the seabed
- The discharge and immediate recovery of objects related to special effects of motion pictures; and
- The continued presence of submarine cables beneath or on the seabed.

Burden Estimate. For special use permits, an application, a final report, and a financial report are required for each permit (total of 3 responses per permit). An average response time of eight hours is estimated for each of these activities. Financial reports (annual report required by section 310 of the NMSA; due on December 31 of each year) may take less than eight hours but the application will take more time, particularly if additional NEPA documentation is required and prepared by the respondent. A total of six permit applications is expected under this category each year, for a total of 18 responses and 144 burden hours annually.

Applicant guidelines. Details regarding collection of this information are explained in the attached “*Instructions for Submitting Applications for National Marine Sanctuary Permits and Authorizations.*” Special requirements for Special Use Permit applications are described in Appendix E of the instructions.

(d) Historical Resource Permits

Scope of this category. This category includes all permit applications for activities aimed at historical, cultural, and/or maritime heritage resources of sanctuaries.

Burden Estimate. Due to the sensitive and complex nature of any work involving such resources, for these permits an average response time of 13 hours is estimated for each response (application, cruise log, and report). The ONMS estimates it will process approximately 10 permit applications in this category each year, for a total of 30 responses and 390 burden hours annually.

Applicant guidelines. Details regarding collection of this information are explained in the attached “*Instructions for Submitting Applications for National Marine Sanctuary Permits and Authorizations.*” Special requirements for Historical Resource Permits are described in Appendix F of the instructions.

(e) Permit Amendments

Scope of this category. This category includes all requests by permittees to amend permits. Typically, this is a request to extend the expiration date (i.e., renewal request), but can also be requests to modify the nature or geographic scope of the permitted activity.

Burden Estimate. For minor changes (such as a name change or extension request), permittees may apply for an amendment via a brief email, letter, or even a phone call. For significant changes to the permitted activity, more information or even a new application may be required. On average, the response is estimated to average 30 minutes. The ONMS expects approximately

40 requests under this category each year, for a total of 40 responses and 20 burden hours annually.

Applicant guidelines. Details regarding collection of this information are explained in the attached “*Instructions for Submitting Applications for National Marine Sanctuary Permits and Authorizations.*”

(f) Certification

Scope of this category. This category includes all requests for the ONMS to certify activities that are being conducted pursuant to a valid government authorization prior to a sanctuary being designated (commonly known as “grandfathered” activities).

Burden Estimate. Because this process is typically only valid within the first 90 days of a sanctuary designation, there are currently no applications being processed under this category; however, a placeholder burden of 30 minutes is included in the total burden estimate for this collection. For any sanctuary that may be designated before the expiration of the approval sought under this document, an average response time of 30 minutes is estimated for providing an application.

Applicant guidelines. Because the process for obtaining permits under this category may be different each time a sanctuary is designated, guidance on obtaining this permit would be included in public notices (e.g., final rule, notice of designation) at the time a sanctuary is designated. Therefore, no additional guidelines are necessary.

(g) Voluntary Registry

Scope of this category. This category is for researchers who are conducting activities that are not otherwise prohibited. The registry allows them to register their activity, which adds to the database of research activities within a sanctuary.

Burden Estimate. An average response time of 15 minutes is estimated for submission of registry information. The ONMS estimates one total response under this category for a total burden of 15 minutes annually.

Applicant guidelines. There are no specific guidelines for voluntary submissions.

(h) Appeal

Scope of this category. Applicants or permittees have the right to appeal a permit action (e.g., denied application, unacceptable conditions, revoked permit) pursuant to 15 CFR §922.50. This category includes information requirements for all such appeals.

Burden Estimate. The applicant/permittee must submit the reason for appealing the permit action. The Assistant Administrator of NOAA’s National Ocean Service (NOS) may request additional information upon receipt of the appeal. These two submissions (original appeal and

reply to a request for additional information) have an average burden estimate of 24 hours. The ONMS estimates processing 1 appeal for a total of 2 responses and 48 burden hours annually.

Applicant guidelines. Guidelines for filing appeals are contained in ONMS regulations at 15 CFR §922.50. No additional guidelines are deemed necessary.

(i) Tortugas Access Permits

Scope of this category. In 2001, NOAA established the Tortugas Ecological Reserve in the Florida Keys National Marine Sanctuary. Regulations implementing the reserve include controlling access to the reserve through the granting of “access permits” (15 CFR §922.167). Applicants give their information and receive their permit orally, via phone or VHF radio, prior to entering the reserve. The applicant must provide the following information: (1) the names, addresses, and telephone numbers of owner, captain, and applicant; (2) vessel name and home port; (3) USCG documentation number, state license, or boat registration number; (4) Length of vessel and primary propulsion type (i.e., motor or sail); (5) Number of divers aboard; and (6) requested effective date and duration of permit.

Burden Estimate. Applicants will average 3 responses per application (call to apply for a permit, call reporting entering the reserve, and call reporting exiting the reserve). These calls are estimated to average 5 minutes each. The ONMS estimates processing 30 applications for a total of 90 responses and 7.5 (8) burden hours annually.

Applicant guidelines. Guidelines for applying for Tortugas Access Permits are contained in ONMS regulations at 15 CFR §922.167. Information is also located online at <http://www.fknms.nos.noaa.gov/tortugas/>. No additional guidelines are deemed necessary.

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

The estimated annual cost for copying and mailing permit applications and reports is \$949. Most permit applications and reports are now submitted electronically via email, which is encouraged.

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

The cost to the Federal government for each of the permit types is listed in the attached table. All costs are for the staff time required to process permit applications and any associated reports.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-I.

The overall burden has been adjusted to 1,436 hours from 1,138 hours based on: (1) current trends in the number and types of permits issued as determined by recurring program audits;

(2) adjusted estimates of the hours required to respond to general permits, permit appeals and special use permits; and (3) incorporating the Tortugas Access Permits burden (OMB Control No. 0648-0418) into this renewal.

The overall number of permits issued by the program (not including Tortugas Access Permits) has increased from 336 permits in 2001 to an estimated 400 in 2008, largely due to increased public awareness of ONMS permit requirements. In recent years, the ONMS has been processing fewer general permits but more special use permits, historical resource permits, and permit amendments. This change in distribution is reflected in the estimate provided.

This estimate also increases the hours required per response for general permits from 1.0 to 1.5 hours to account for several additional questions in the permit application form deemed necessary to more completely meet ONMS regulatory review requirements. This affects an estimated 130 permits (390 responses) annually.

In addition, although the ONMS averages less than one permit appeal annually, the estimate has been revised from 1.5 hours to 24 hours per response in acknowledgement that this activity will generally require several individuals to be involved (often to include at least one attorney) over several days to effectively develop and respond to appeal actions. This change is estimated to affect, at most, one applicant annually.

Finally, the time to respond to special use permits requests has been decreased from 24 hours per response to eight. This affects an estimated 6 permits (18 responses) annually.

In addition to the above changes, incorporating Tortugas Access Permits into this approval adds eight hours to the total burden estimate. The previous burden under OMB Control No. 0648-0418 was 13, based on: 1) 49 responses instead of 30, and 2) burden for an appeal being included, which is now covered by the general appeals category for the total burden estimate for OMB Control No. 0648-0141.

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

The information collected will not be published.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.

The OMB approval number and expiration date for this information collection will be displayed on the general permit application form and in the permit instructions for any activities not required to use the general application form. For Tortugas Access Permits, which are handled orally and therefore do not involve an application form, the OMB Control Number and expiration date will be provided over the phone.

18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I.

N/A.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.

BURDEN ESTIMATE
0648-0141

Permit type	Permits/Yr	Responses/ Permit	Applicant		Total Hours	Cost/Reponse (\$)	Total Cost (\$)
			Total Responses	Hr/Response			
(a) General	140	3	420	1.5	630	1.00	420
(b) Baitfish	195	2	390	0.5	195	1.00	390
(c) Special Use	6	3	18	8	144	1.00	18
(d) Historical Resource	10	3	30	13	390	1.00	30
(e) Permit Amendment	40	1	40	0.5	20	1.00	40
(f) Certification	1	1	1	0.5	0.5	1.00	1
(g) Voluntary Registration	1	1	1	0.25	0.25	1.00	1
(h) Appeal	1	2	2	24	48	20.00	40
(i) Tortugas Access	30	3	90	0.083	8	0.10	9
TOTAL	424		992		1,436		\$949
			Federal Government				
Permit type	Permits/Yr	Hr/Permit	Total Hours	\$/Hour	Total Cost (\$)		
(a) General	140	8	1120	13	14560		
(b) Baitfish	195	0.5	97.5	13	1267.5		
(c) Special Use	6	16	96	13	1248		
(d) Historical Resource	10	16	160	13	2080		
(e) Permit Amendment	40	4	160	13	2080		
(f) Certification	1	1	1	13	13		
(g) Voluntary Registration	1	0.5	0.5	13	6.5		
(h) Appeal	1	120	120	13	1560		
(i) Tortugas Access	30	0.5	15	13	195		
TOTAL	424		1,770		\$23,010		