

**SUPPORTING STATEMENT
BASIC REQUIREMENTS FOR SPECIAL EXCEPTION PERMITS AND
AUTHORIZATIONS TO TAKE, IMPORT AND EXPORT MARINE MAMMALS, AND
ENDANGERED AND THREATENED SPECIES, AND FOR MAINTAINING A CAPTIVE
MARINE MAMMAL INVENTORY UNDER THE MARINE MAMMAL PROTECTION
ACT, THE FUR SEAL ACT, AND THE ENDANGERED SPECIES ACT
OMB CONTROL NO. 0648-0084**

A. JUSTIFICATION

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

The National Marine Fisheries Service (NMFS), Office of Protected Resources Permits, Conservation and Education Division (Permits Division) has the responsibility for processing permits for taking marine mammals under the Marine Mammal Protection Act and endangered and threatened species under the Endangered Species Act. This information collection applies to protected species for which NMFS is responsible, including the marine mammal species of cetaceans (whales, dolphins and porpoises) and pinnipeds (seals and sea lions); and threatened and endangered species including sea turtles (in water), white abalone, smalltooth sawfish, and shortnose sturgeon. This information collection excludes permits for taking salmonids and other Pacific fish species, which are processed in the NMFS Regional Offices under Office of Management and Budget (OMB) Control No. 0648-0402 and 0648-0399.

Information in this information collection represents an extension of a currently approved collection, with minor clarifications.

This information collection includes the following: (1) application instructions for scientific research and enhancement permits; (2) letters of intent for the General Authorization for Scientific Research Studies; (3) photography permit guidelines; (4) application instructions for public display permits; and (5) marine mammal public display inventory reports (Mammal Transfer/Transport Notification, Marine Mammal Data Sheet, Marine, and Person/Holder/Facility Sheet). The collection instruments with justification of the information collection requirements for each instrument are included.

The Marine Mammal Protection Act (16 U.S.C. 1361 *et seq.*; MMPA), the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*; ESA), and the Fur Seal Act of 1966 (16 U.S.C. 1151 *et seq.*; FSA), hereafter referenced collectively as "the Acts," mandate the protection and conservation and prohibit the taking, importation, and export of marine mammal and endangered and threatened species or their parts or products except under certain limited circumstances. Exemptions for scientific research, enhancement, educational or commercial photography, public display, and certain other limited purposes are allowed, provided permits are applied for and received or other necessary authorizations obtained.

The Marine Mammal Protection Act (MMPA) - Section 101(a)(1) of the MMPA states: "...consistent with the provisions of Section 104, permits may be issued by the Secretary for taking and importation for purposes of scientific research, public display or enhancing the survival or recovery of a species or stock...". Section 104(b) requires that "Any permit issued under this Section shall (1) be consistent with any applicable regulation established by the

Secretary...and (2) specify (A) the number and kind of animals which are authorized to be taken or imported, (B) the location and manner (which manner must be determined by the Secretary to be humane) in which they may be taken, or from which they may be imported, (C) the period during which the permit is valid, and (D) any other terms or conditions which the Secretary deems appropriate." Section 104(c) states: "Any permit...shall specify, in addition to the conditions required by subSection (b) of this Section, the methods of capture, supervision, care, and transportation which must be observed..." And finally: "Any person authorized to take or import a marine mammal for purposes of scientific research, public display, or enhancing the survival or recovery of a species or stock shall furnish to the Secretary a report on all activities carried out by him pursuant to that authority."

Under Section 104(c)(3)(C) of the MMPA, as amended, persons may be authorized to take marine mammals in the wild by Level B harassment, defined in 50 CFR 216.3 as "any act of pursuit, torment, or annoyance which has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering but which does not have the potential to injure a marine mammal or marine mammal stock in the wild", for purposes of *bona fide* scientific research. Interested persons must submit a letter of intent in accordance with the interim final rule published on October 3, 1994 and submit certain information outlined at 50 CFR 216.45(b) under the General Authorization. Under Section 104(c)(6) of the MMPA, a permit may be issued for photography for educational or commercial purposes involving marine mammals in the wild and that does not exceed Level B harassment. Application Instructions for Photography (50 CFR 216.42, Reserved) have not yet been proposed but applicants are currently provided with interim guidance for photography permit applications, included in this package. This guidance is similar to that required for the General Authorization since the type of takes and level of harassment authorized under these are similar in nature.

Section 104(c)(8) of the MMPA eliminates the need for a permit or additional authorization to possess, sell, purchase, transport, or export captive marine mammals, or their progeny, for public display purposes, provided the recipient and holder meet applicable criteria. However, a 15-day advance notification is required prior to the transport, transfer, sale, or other disposition of captive marine mammals. Further, Section 104(c)(10) of the MMPA, as amended, directs the Secretary to establish and maintain an inventory of captive marine mammals consisting only of the information specified in Section 104(c)(10)(A-H). In addition to the Section 104 provisions, Section 402(b) states that the Secretary shall "...collect and update, periodically, existing information on..." marine mammal rehabilitation procedures and practices. Permits are required for captures from the wild, first time imports, and for retaining a releasable stranded animal for purposes of public display. Provisions implementing specific requirements for public display permits, previously codified at 50 CFR 216.39, have not been finalized; these permits continue to be processed in accordance with 50 CFR 216.33.

The regulations at 50 CFR part 216, subpart D [published May 10, 1996 (61 FR 21926)] consolidate permitting and authorization requirements under the MMPA for marine mammals. The ESA regulations at 50 CFR 222.308 specify that "Permits for marine mammals shall be issued in accordance with part 216, subpart D of this chapter." The regulations at 50 CFR 216 provide procedures for the disposition of rehabilitated stranded marine mammals under special exception permits, marine mammal research and enhancement permits (including ESA-listed

marine mammals), disposition of marine mammal parts, letters of intent under the General Authorization, and reporting requirements.

The Fur Seal Act of 1966 (FSA) - Section 104 of the FSA, as amended in 1983, provides for the Secretary to conduct research on fur seal resources of the North Pacific and to permit, subject to such terms and conditions as he deems desirable, the taking, transportation, importation, exportation, or possession of fur seals or their parts for educational, scientific, or exhibition purposes. Since northern fur seals are also marine mammals, to avoid duplication, applications for permits for scientific research are also processed under the MMPA regulations of part 216, subpart D (59 FR 50372, October 3, 1994).

The Endangered Species Act (ESA) - Section 9 of the ESA prohibits, except under permit, importation, taking, possessing or selling any endangered species of fish or wildlife. In accordance with Section 10(a)(1)(A) the Secretary may permit, under such terms and conditions as he/she may prescribe, taking of listed species for scientific purposes or to enhance the propagation or survival of the affected species. A final rule published in the *Federal Register* in May 1996 revised 50 CFR 222.307(b) permit application procedures so that marine mammal permits would be issued in accordance with the provisions of 50 CFR part 216, subpart D, as mentioned above. The regulations implementing the authority to issue permits for scientific research or enhancement for other ESA-listed species are found at 50 CFR 222. The regulations contain information collections for applications for scientific research and enhancement permits and reporting requirements for permits. When endangered species are involved, the Permits Division is required to consult with the NMFS Endangered Species Division under Section 7 of the ESA to determine whether the permitted activities may jeopardize the continued existence of ESA-listed species. The revised scientific research and enhancement permit application instructions provide clarification of information required for such consultations in hopes to eliminate the need to ask applicants for additional information during the consultation process and reduce the overall processing time for permits involving ESA-listed species.

The National Environmental Policy Act (NEPA) (42 U.S.C. 4321 *et seq.*) – Issuance of a permit is considered a major federal action, which is subject to NEPA. While issuance of Letters of Confirmation to work under the General Authorization and some scientific research permits may be categorically excluded from the requirements to prepare extensive environmental analyses, under certain circumstances (e.g., if a threatened or endangered species is involved; if the activity is highly controversial; if the effects of the activity are unknown) preparation of an Environmental Assessment (EA) or an Environmental Impact Statement (EIS) may be necessary. If an application does not contain sufficient information on the environmental impact of the proposed activity to determine whether an EA or EIS is necessary, or if the information is insufficient to complete such analyses, the application may be returned or processing may be delayed. An EA/EIS must consider the potential environmental impacts of the proposed research using the description of the activities provided in the application and the best available information on the effects of such activities. The scientific research and enhancement permit application instructions have updated the existing questions pertaining to NEPA to facilitate complete applications and reduce the processing time for permits requiring more extensive NEPA analyses.

Summary – An applicant who wishes to obtain an exemption to the take prohibitions of the Acts must provide justification as to why NMFS should grant them the permit or Letter of

Confirmation under the General Authorization consistent with the provisions of the Acts and implementing regulations. NMFS needs the information provided in the application in order to make an informed decision as to whether to grant or deny the permit or Letter of Confirmation under the General Authorization and whether the taking, import, export, or release disposition is necessary, humane, will not operate to the disadvantage of the species, is in the best interest of both protected species and the public at large, among other things, and is consistent with the purposes and policies of the Acts and implementing regulations. Taking of a protected species without a permit or Letter of Confirmation under the General Authorization, is subject to prosecution as a violation of the Acts. Public display inventory reports allow NMFS to meet a Congressional mandate and make information available to the general public regarding marine mammals in captivity, which are considered a public trust resource.

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 Director, Office of Protected Resources, NMFS will use the information to determine that the proposed taking, importation, or export meets the goals and objectives of the Acts and regulations and as a basis for a decision on issuance or denial of permits and authorizations. If certain information required by the Acts is not provided, NMFS cannot complete a review of the application and the application processing is suspended. For marine mammals, the MMPA requires that the Marine Mammal Commission review all permit applications. Taking, importing, or exporting without a permit or authorization is a violation of the Acts and subject to prosecution.

The information in applications for scientific research and enhancement permits, including the General Authorization for Scientific Research, is submitted and reviewed one time only unless the submission is inadequate, in which case the application is returned. Unless an amendment of the permit is necessary, the applicant need not submit new information. As permits are valid for up to 5 years, less frequent collection of information is not appropriate for these applications. Holders of marine mammals on public display submit reports when they wish to transport or relinquish custody of animals, export animals, and when an animal gives birth or dies in captivity. They must also provide 15 day notification of transfers and transports, and 30 day notification of births and deaths. The marine mammal inventory reports are mandated by Congress and are used to keep track of the captive marine mammals in public display facilities. The reports required annually by the MMPA permits (50 CFR 216.38 of the regulations and §104(c)(1) of the MMPA) are used by NMFS to ensure that the terms and conditions of the permit are being complied with, to evaluate the potential impacts of research activities on marine mammals, and to coordinate permit activities to ensure that unnecessarily duplicative and potentially cumulative harassments are kept to a minimum. The reports required by the ESA permits (50 CFR 222.308(d)(5)) and Section 10(a)(2)(C)) are also used by NMFS to ensure that the terms and conditions of the permit are being complied with and that the taking of the affected species is not appreciably reducing the likelihood of the survival and recovery of the species.

The information collected is available to the public under the Freedom of Information Act and on-line through the Authorizations and Permits for Protected Species database. The information may be used to support publicly disseminated information. As explained in the preceding paragraphs,

the information gathered has utility. NMFS will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. See response to Question 10 of this Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meet all applicable information quality guidelines. Prior to dissemination, the information will be subjected to quality control measures and a pre-dissemination review pursuant to Section 515 of Public Law 106-554.

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

All permit and General Authorization applications are available on the internet as Portable Document Format (PDF) or Word documents (at <http://www.nmfs.noaa.gov/pr/permits/>) (all to be fillable PDF forms no later than October 1, 2009) and applications can be emailed, faxed, or mailed to applicants if requested. Applications for scientific research and enhancement permits are now available via an on-line system known as Authorizations and Permits for Protected Species (APPS) found at <https://apps.nmfs.noaa.gov/>. The intent of the APPS on-line system is to provide a user-friendly and efficient electronic format for the public to apply for MMPA/ESA scientific research and enhancement permits for protected species, as an alternative to our currently approved paper application. Eventually the system will be expanded to include the General Authorization, photography, and public display permits. Applicants are able to submit applications and reports electronically via APPS, thus substantially reducing the need to submit paper applications. Applicants therefore can submit paper or electronic permit and authorization application materials and reports for scientific research and enhancement permits, depending on their preference. It is required by the regulations [50 CFR 216.33 (a) and 222.308 (b)(13)] that the application be signed, and a signature must be on file (faxed or mailed in).

Paper files are maintained for the Administrative Record in addition to electronic records of application summary information and permit processing information maintained in APPS and on the NMFS Office of Protected Resources shared network. Electronic applications are distributed externally to NMFS and other reviewers during the permit process. During application processing, NMFS corresponds electronically with the applicant as much as possible and automated e-mails are generated by APPS and sent to remind permit holders of when reports are due and when permits expire. As required by regulation (50 CFR 216.33 (d) and 222.303(b)), a summary of each application is published in the *Federal Register* (which is available online on a real-time basis), and from that anyone from the interested public may contact NMFS for the complete application, which can be sent to them electronically. Or, the public can search and view publicly-available permit applications online via APPS.

Public display inventory materials and reports are paper forms that are received primarily by fax, or by mail, and are entered into a DOS-based electronic database (Permit Program Information Management System (PPIMS)). The forms used by public display facilities to report marine mammal inventory changes and transfers and transports of animals will be made available as fillable and printable in the NMFS forms portal by October 1, 2009, where they will be available to the public via the Office of Protected Resources website (<http://www.nmfs.noaa.gov/pr/>) on the internet and can be completed online and printed. Results of these forms will not be made available on the internet and will be entered into PPIMS.

PPIMS generates a Marine Mammal Inventory Report Summary (MMIRS), listing all marine mammals held in public display facilities in the U.S., and for exports, the foreign receiving facilities. The MMIRS report is generally only available in paper form. The MMIRS is frequently requested by the public and made available under the Freedom of Information Act (FOIA). NMFS and a private entity, the International Species Information System (ISIS), have a Cooperative Agreement, and marine mammal inventory information is shared. If funding is secured, a streamlined reporting method will be implemented and when fully operational, this system may be available on the internet to holders of marine mammals on public display and to the general public.

4. Describe efforts to identify duplication.

There is no overlap or duplication for MMPA actions under the ESA or FSA as a single application and permit covers all requirements of these Acts. The Permits Division also includes non-mammal ESA-listed species into the scientific research and enhancement permit application to better streamline processing efforts. As well, in order to avoid duplication with requirements under the ESA for Section 7 consultations and requirements under the National Environmental Policy Act for determinations on the effects of proposed activities on the environment, we have clarified information requirements for these statutes so that additional or duplicative information will not be required during the permit process.

NMFS has not identified instances where duplicative information is required for stranded marine mammal placement disposition. This information is coordinated with NMFS Regional Offices as required by regulation (50 CFR 216.27). Some duplication has been identified with the public display inventory, MMIRS, and the private company, ISIS, as mentioned above in Question 3. However, any duplicative reporting is voluntary on the part of the marine mammal holders, as they are not required to report to ISIS and ISIS is not a federal agency.

NMFS and the U.S. Fish and Wildlife Service (USFWS) share responsibilities under the MMPA and ESA for certain species. If an applicant wishes to work with species under both NMFS and USFWS jurisdiction, a joint permit may be issued. In those cases, the applicant would need to apply to only one agency, and the agencies would coordinate to issue the applicant one permit. Joint permits are considered on a case-by-case basis. For applicants importing or exporting species or parts, two applications may be required, one for the MMPA/ESA permit, and one for the Convention on International Trade of Endangered Species (CITES) of Flora and Fauna. Some duplication is unavoidable because the USFWS issues CITES permits for all CITES-listed plants and wildlife.

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

There should not be a significant burden to small businesses or other small entities. The information is submitted one time for each permit, unless the applicant requests a modification or amendment to the permit. Permits are typically issued for up to 5 years to provide continuity in research and avoid the need to apply for a permit each year. Permit reports are required annually, except under special circumstances (e.g., exceeding authorized take). Applicants are requested to provide only that information required by the Acts and implementing regulations. Information

requests for holders of marine mammals on public display are short forms and do not require much time to complete.

Because the majority of permit applicants and holders of marine mammals use computers in the conduct of their research and administration of their public display activities, NMFS has developed APPS, an online application system, to simplify information collection processes as described above in Question 3.

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

Without a permit application which follows the statutory and regulatory requirements, NMFS cannot legally grant such a permit. If annual permit reports are not submitted, NMFS will not be able to adequately monitor the permit activities and compliance with permit conditions. The information gained from the annual reports is also used in making management decisions to aid in the recovery of listed species, assessing impacts of the permitted activities on the subject species, and in assisting with analyses required under Section 7 of the ESA and the National Environmental Policy Act.

Transfers, transports, exports, births, and deaths of marine mammals in public display facilities must be reported within a statutory timeframe. If the information is not provided, the public would not have access to information on the status of animals in captivity, which are considered a public trust resource.

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

The collection is consistent with OMB guidelines except for the following:

- A notification report must be provided at least 15 days in advance of a proposed transport, transfer, or export of public display marine mammals, which is a statutory requirement imposed by Congress.
- Section 216.45 of the MMPA implementing regulations requires General Authorization Letter of Confirmation holders to notify the Regional Administrator (RA) at least two weeks in advance of starting the research to allow the RA to coordinate activities with others researchers that may be working in the area. The coordination of research decreases the impact of multiple activities on the marine species. The General Authorization does not provide an exemption from the ESA prohibitions. Unless a Letter of Confirmation holder also has an ESA permit, taking of an ESA-listed species during conduct of the research must be reported within 12 hours and the research suspended.
- Permits for research and enhancement have similar reporting requirements to allow for NMFS Regional coordination of activities to minimize impacts to the species or stocks. In some cases for permit reports involving significant events taking place (e.g., mortality or serious injury of an animal, exceeding the authorized take, or the taking of a species not authorized by the permit), notification for these events must take place typically within two days to two weeks after the event, to allow for quick response by NMFS and the

Permit Holder to incidents with a significant impact on protected and listed species and that were not authorized by the permit and therefore not anticipated.

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 April 6, 2009 (4 FR 15458), solicited public comment.

NMFS received one comment from the Marine Mammal Commission in support of the information collection. No other comments were received.

NMFS receives input regularly from the scientific research and public display community, and other interested parties, to obtain their views on the availability of data, frequency of collection, clarity of instructions and record keeping, the amount of burden imposed, and ways to minimize burden. Such information exchanges occur via phone/email from permit applicants/holders, and during meetings such as the Biennial Conference on Marine Mammals, the American Zoo Registrars' annual meetings, the American Zoological Association's annual meetings, and other national and international protected species meetings and workshops.

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

No payment or gifts will be provided to respondents.

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

No assurance of confidentiality is given. A notice of receipt of permit applications is required to be published in the *Federal Register* and applications and supporting documentation are available for review by the public during processing and during the life of the permit. The public is able to search on-line via APPS and obtain information available to the public in an electronic format. All permit and authorization documentation including reports and the MMIRS is subject to the FOIA. However, any personal information that is subject to the Privacy Act is redacted when released under FOIA. The information in this collection is part of a Privacy Act System of Records, COMMERCE/NOAA #12, Marine Mammals, Endangered and Threatened Species, Permits and Exemptions Applicants.

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.

There are no requirements for submission of information of a sensitive nature.

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

Estimated total annual hours – 7,716

Total number of respondents – 514

- 51 Applicants for new permit and General Authorization applications
- 200 Permit holders
- 35 General Authorization holders
- 213 Holders of public display marine mammals
- 15 Rehabilitation facilities

Total number of responses – 939 (see table below)

Type of information	Estimated number per year	Hours to complete	Total hours per year
Permit and authorization applications			
Scientific research and/or enhancement (SR/EN)	35	50	1,750
Public display (PD)	3	30	90
Photography (PH)	3	10	30
General Authorization (GA)	10	10	100
Amendments to existing permits and authorizations			
Major (actions requiring environmental analyses under NEPA and/or ESA)	50	35	1,750
Minor/Authorizations (Actions not requiring environmental review)	105	3	315
GA changes	5	3	15
Reports to existing permits and authorizations and for public display inventory			
SR/EN	200	12	2,400
PD	5	2	10
PH	10	2	20
GA	35	8	280
PD Inventory	213	2	426
Record Keeping			
SR/EN	200	2	400
PD	5	2	10
PH	10	2	20
GA	35	2	70
Retain or transfer rehabilitated animals	15	2	30
TOTALS	939		7,716

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 Question 12 above).

The total annual operations and maintenance cost burden is estimated at \$2,000. These costs were estimated from discussions with NMFS staff who receive applications and process permits. The estimates include costs for postage at \$0.42, overnight express service deliveries at approximately \$35 per package, and certified or express postal deliveries estimated at \$25 per package. Applicants are now able to apply on-line; and therefore, we anticipate over the

next three year period that fewer applicants will be mailing applications. Therefore, while mailing costs have gone up, our overall cost burden has only increased by a small amount.

We do not estimate any additional costs beyond those necessary by normal business practices and/or research purposes (i.e., no costs for equipment such as computers). To publish research results or to justify research funding, a permit holder must maintain detailed records. Holders of marine mammals on public display are required to maintain inventory records for all animals in their collections. Therefore, we are not aware of any additional costs incurred by holders associated with this information collection.

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

The estimated annual cost to the Federal Government is \$372,505, calculated at \$35 per hour as follows:

Type of Action	Estimated number per year	Processing Time (per action)	Total cost per year in \$ (number per year x processing time x \$35)
Permit and authorization applications			
SREN Permit Applications	35	120	147,000
PD Permit Applications	3	80	8,400
Photography Permit Applications	3	40	4,200
General Authorization (GA)	10	30	10,500
Amendments to existing permits and authorizations			
Major	50	80	140,000
Minor/Authorizations	105	5	18,375
GA changes	5	5	875
Reports to existing permits and authorizations and for public display inventory			
SR/EN	200	4	28,000
PD	5	2	350
PH	10	2	700
GA	35	2	2,450
PD Inventory	213	1	7,455
Retain or transfer rehabilitated animals	15	8	4,200
Estimated total cost			372,575

The estimated annual number of permit applications and requests to retain or transfer rehabilitated animals has been adjusted as described in Question 12 above. The number of hours to process applications has been updated to reflect the current workload, including increased requirements for environmental analyses under NEPA and ESA:

- Processing time for scientific research and enhancement permit applications has been increased from 80 hours to 120 hours.
- Processing time for public display permit and photography permits has been included separate from scientific research and enhancement permits. These were previously

lumped in a category for all permits, but do not require as much time to process as scientific research and enhancement permits.

- Processing time for Letters of Intent to work under the General Authorization has been increased from 20 to 30 hours.
- Processing time for major amendments has been increased from 50 to 80 hours.
- Processing time for minor amendments/authorizations has been reduced from 10 to 5 hours.

The number of hours to process reports has been updated to reflect the on-line system available for applicants to submit reports electronically, reducing processing time necessary by staff. Processing time for reviewing reports has been decreased as follows: for scientific research/enhancement permits from 10 to 4 hours; for photography and Letters of Confirmation under the General Authorization, from 5 to 2 hours; for public display inventory reports, from 2 to 1 hour. The processing time for requests to retain non-releasable rehabilitated animals was increased from 2 to 8 hours. The cost per hour to process these actions was increased from \$25/hour to \$35/hour.

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

Summary of Changes in 2009: There was a net decrease of 4 respondents and 54 responses, and a net increase of 988 hours due to adjustments.

SR/EN Permits – Decrease from 40 to 35 scientific research and enhancement permit applications per year: this resulted from averaging the number of permit applications received over the past three years. We do not anticipate large increases in the number of applications received each year, as permits are valid for a 5-year period. The number of permits expiring and the number of new applications received are usually similar in number each year.

Average increase from 32 hours to 50 hours to complete a scientific research and enhancement permit application: this is considered an average processing times for both non-ESA listed marine mammal permits issued under the MMPA, and threatened and endangered species permits issued under the ESA and MMPA. The processing time for non-ESA listed species is considerably lower than for ESA species. For the latter, NMFS is required to complete increasingly detailed environmental analyses when permits involve threatened and endangered species or their critical habitats; and therefore, additional information is often required from the applicant to obtain the appropriate information needed for NEPA and ESA Section 7 consultations. This increase takes into account these analyses as well as feedback we have received from our permit applicants.

Increase from 20 to 35 hours to complete a major amendment request: increased requirements under the ESA and NEPA, as discussed above. In general, major amendment requests are similar to but less involved than a permit application request, and thus require less time to complete. Major amendment requests will require some, but not all, of the same information to be submitted as for a new permit application, and are subject to the same level of NEPA and ESA analysis when threatened or endangered species are involved.

Public Display Permits – Decrease from 4 to 3 permits per year and increase from 20 to 30 hours to complete an application: The number of public display permits is estimated based on the number received annually over the past three years. The increase from 20 to 30 hours is based on

the increased requirements under NEPA. This also takes into consideration time factored in during the application process when substantial public comments are received, which often occurs with public display permits.

Photography Permits – Decrease from 10 to 3 photography permits received annually and decrease from 25 to 10 reports received annually: This is based on the average number of photography permits received over the past three years, and there are fewer holders of photography permits requiring reports. Many photography permits have expired and generally, photography permits are for discrete projects and are not renewed after expiration.

General Authorization (GA) – Decrease from 50 to 35 reports and record keeping: there are fewer holders of Letters of Confirmation under the GA requiring reports because many Letters of Confirmation have expired. There has not been an increase in the number of Letters of Intent under the GA over the past three years.

Holders/Marine Mammals – Increase from 194 to 213 Holders and PD inventories: there was an increase in the number of facilities holding marine mammals for public display purposes.

Costs increased from \$1,800 to \$2,000 due to postage increases. This change is not reflected ROCIS, as it was previously rounded up to \$2,000 in the system.

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

Permit-related activities are summarized and published in The Marine Mammal Commission Annual Report to Congress the subsequent year after permits have been issued. This report is a general summary of the number of applications received and the number of permits and authorizations issued. This report is available on the Commission's web site (<http://www.mmc.gov/>), which in turn is available on the Office of Protected Resources' web site (<http://www.nmfs.noaa.gov/pr/>). A hard copy of the Marine Mammal Inventory Report Summary is available to the public at any time, upon request. Currently there are no other plans for publication of the information collected.

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.

NA.

18. Explain each exception to the certification statement.

NA.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

The information collection does not employ statistical methods.