

**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 and Conservation Division (Permits Division) has the responsibility for processing permits for the taking of 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, black abalone, smalltooth sawfish, largetooth sawfish, shortnose sturgeon, and Atlantic sturgeon. This information collection excludes permits for taking salmonids and other Pacific fish species, which are processed in the NMFS Regional Offices under a separate information collection.

This request is for a revision and extension of a currently approved information collection. The currently approved application and reporting requirements are being revised to include submission of Letters of Intent under the General Authorization via the existing online application system, Authorizations and Permits for Protected Species (APPS). Respondents can currently only apply for scientific research and enhancement permits using APPS. This revision also includes adding Atlantic sturgeon and largetooth sawfish. NMFS listed Atlantic sturgeon as endangered or threatened under the ESA on April 6, 2012 (77 FR 5914 and 77 FR 5580). Largetooth sawfish, which live outside of U.S. waters, were listed as endangered on August 11, 2011 (76 FR 40822). ESA Section 10 permits are required for taking or importing these ESA-listed species for scientific research or enhancement purposes. Other minor revisions include updating contact phone numbers and other minor editorial clarifications based on staff review of the instructions.

This information collection includes instructions for applying for the following:

- (1) Scientific research and enhancement permits;
- (2) Letters of intent for the General Authorization;
- (3) Photography permits; and
- (4) Public display permits.

The information collection also includes marine mammal public display inventory forms (Mammal Transfer/Transport Notification, Marine Mammal Data Sheet, 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 and enhancement (marine mammals and threatened and endangered species), and educational or commercial photography and public display (non-listed marine mammals) are allowed, provided permits are applied for and received, or other necessary authorizations are 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. Level B harassment is 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.

Persons interested in conducting Level B harassment for scientific purposes 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. As part of this revision, we will be making the General Authorization application available on our online system, Authorizations and Permits for Protected Species (APPS; <https://apps.nmfs.noaa.gov/>).

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. Regulations specific to photography permits (50 CFR 216.42, Reserved) have not 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 because 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 and ESA 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. Because 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 222.23(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 scientific research and enhancement permit application instructions provide 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.

Additional ESA-listed species

Five distinct population segments of Atlantic sturgeon were listed as threatened or endangered under the ESA on April 6, 2012 (77 FR 5914 and 77 FR 5580). As ESA section 10 permits are required for any research or enhancement activities with Atlantic sturgeon, researchers who study Atlantic sturgeon are now required to use the scientific research and enhancement permit application instructions to apply for a permit to conduct their work. We are thus including this species to the list of species for which our scientific research and enhancement permit application instructions apply. In 2011, we received 12 permit applications and 2 major amendment applications for research on Atlantic sturgeon.

Largetooth sawfish, which live outside of U.S. waters, were listed as endangered on August 11, 2011 (76 FR 40822). An ESA permit is required for importing largetooth sawfish for research or enhancement purposes. To date we have not received any applications to import largetooth sawfish.

A number of coral species have been proposed to be listed or reclassified under the ESA by NMFS (77 FR 73220). If such listings take effect, the scientific research and enhancement application instructions may be revised to clarify information pertaining to taking ESA-listed coral species. Revisions to the instructions for applying for scientific research and enhancement permits pertaining to corals would occur when and if a final listing rule is published.

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 the activity is highly controversial) 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 include 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 for activities on marine mammals and listed species must provide justification as to why NMFS should grant them a permit or Letter of Confirmation 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 on whether to grant or deny the permit or Letter of Confirmation. This includes determining whether the taking, import, or export is necessary, humane, will not operate to the disadvantage of the species, and is consistent with the purposes and policies of the Acts and implementing regulations.

Taking, importing, or exporting without a permit or authorization is a violation of the Acts and subject to prosecution.

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 whether the proposed taking, import, or export meets the goals and objectives of the Acts and regulations and as a basis for deciding whether to issue or deny a permit or authorization. If certain information required by the Acts and regulations is not provided, NMFS cannot complete a review of the application and the application processing is suspended. For marine mammals, the MMPA also requires that the Marine Mammal Commission review all permit applications.

The information in applications for scientific research and enhancement permits, including the General Authorization for Scientific Research, is submitted and reviewed once 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, a 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.

Reports required annually by 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.

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 (all permit applications and inventory forms) and on-line through the Authorizations and Permits for Protected Species (APPS) database (<https://apps.nmfs.noaa.gov/>) for permits, and now includes General Authorizations.

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 PDF or Word documents (at <http://www.nmfs.noaa.gov/pr/permits/>), and applications can be emailed, faxed, or mailed to applicants if requested. Applications for scientific research and enhancement permits are available via the on-line system, 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 paper application. The system has now been expanded to include the General Authorization. Applicants are able to submit these applications and reports electronically via APPS, thus reducing the need to submit paper applications.

Applicants, therefore, can submit paper or electronic permit and authorization application materials and reports 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) for both paper and on-line submissions. In the next 2-3 years, depending on funding availability, photography and public display permits will also be available as on-line applications in APPS.

Paper files and electronic records are maintained for the Administrative Record for each permit file. The files include application and permit processing information. Electronic records are 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 scientific research 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 an electronic database (National Inventory of Marine Mammals, NIMM). The forms used by public display facilities to report marine mammal inventory changes and transfers and transports of animals are available as fillable and printable PDF forms on the Office of Protected Resources website at <http://www.nmfs.noaa.gov/pr/permits/inventory.htm>. Information on the submitted forms is entered into the NIMM electronic inventory database.

The NIMM database tracks all NMFS regulated marine mammals held in captive facilities within the U.S. and also includes foreign facilities where U.S. source marine mammals are exported. NIMM is a web-based program that replaced the previous DOS-based inventory system (Permit Program Information Management System, PPIMS) in September 2012. NIMM currently produces two types of reports: (1) a summary of marine mammals which indicates the current holding facility or the facility where the animal died, and (2) data sheets that reflect the history of any particular animal's movements. These reports are currently available via hard copy or can be electronically transmitted in the form of a PDF file. Inventory data is frequently requested by the public and made available under the Freedom of Information Act. NMFS intends to convert the NIMM system to a publicly accessible website where marine mammal inventory information can be accessed directly by marine mammal holders and the general public. The development of this

is contingent upon funding; there is no contract in place at this time and no established timeline for converting the NIMM system to a public website.

NMFS no longer has a Cooperative Agreement with the private entity, the International Species Information System (ISIS), and marine mammal inventory information is no longer shared between NMFS and ISIS as had been done in the past. The cooperative agreement was dependent on the development of a new zoological database, which would have incorporated NMFS needs into the development. Timing and finances prevented this cooperative agreement from moving forward. Holders of marine mammals in captivity may choose to use ISIS as part of their record keeping, but it is a separate database from NIMM and is not a requirement.

4. Describe efforts to identify duplication.

There is no overlap or duplication for MMPA actions under the ESA or FSA because 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.

To avoid duplication with requirements under the ESA for section 7 consultations and requirements under the National Environmental Policy Act, these instructions include information requirements for these statutes as applicable so that 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, NIMM, 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 mandated to collect inventory information.

NMFS and the U.S. Fish and Wildlife Service (USFWS), a bureau of the Department of the Interior, share responsibilities under the MMPA and ESA for certain species (e.g., marine mammals). The USFWS has jurisdiction over walrus, polar bears, sea otters, dugongs, and manatee. NMFS has jurisdiction over cetaceans and pinnipeds except walrus. If an applicant wishes to work with species under both NMFS and USFWS jurisdictions, they must secure permits from both agencies. The USFWS requests similar information but has a different application process (<http://www.fws.gov/permits/>). Prior to launching our online application system, APPS, NMFS and the USFWS processed joint permits for applicants seeking to conduct work with species under both agencies' jurisdictions. The USFWS was not able to provide funding to program APPS to include their species; thus, we no longer process joint permits with USFWS.

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 of Flora and Fauna (CITES). 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.

1There 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 as described in the applications. 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.

1Without a permit application which follows the statutory and regulatory requirements, NMFS cannot legally grant such permits. 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, birth, 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 1significant 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 January 18, 2013 (78 FR 4127), 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, 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 and 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.

Prior to the public launch of our online system, APPS, which occurred in October 2008, we asked a group of current permit holders to test the system and provide feedback. These beta testers were recruited at various professional meetings and conferences throughout the year. We used their responses to improve APPS and the online application instructions including such items as improving online navigation and increasing the number of characters allowed for fillable fields. Other comments received after going live with APPS led to improving the "search" page to give the public more options to search for permits (e.g., by species and

location). In some cases we are not able to address comments received. For example, we have received comments that the take table format is difficult to use and should be changed to allow users to freeze panes when scrolling through the table. This was not something that could be programmed within the APPS system.

Most recently, one researcher commented that the estimate for completing the scientific research and enhancement permit applications (average of 50 hours) is low. However, this comment came from a person working with endangered marine mammals. We explained that the burden estimate includes the average time for completing applications for both ESA-listed and non-listed species. Applications for ESA listed species do take longer because more information is required; but when averaged with non-listed species that require less information, the burden estimate is lowered.

We have informed applicants that once they have applied using our online system, the next time they apply for a 5-year permit they have the ability to copy their application online, thus reducing the time to apply for subsequent permits.

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 [Freedom of Information Act](#) (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 of responses, 971, and annual hours, 7,730.

Total number of respondents – 536.

- 61 Applicants for new permits and General Authorizations
- 210 Permit holders
- 35 General Authorization holders
- 215 Holders of public display marine mammals
- 15 Rehabilitation facilities

Type of information	Estimated number per year	Hours to complete	Total hours per year
Permit and authorization applications (requiring environmental analyses under NEPA, MMPA and/or ESA)			
Scientific research and/or enhancement (SR/EN)	45	50	2,250
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 or a public comment period)	30	35	1,050
Minor/Authorizations (Actions not requiring environmental review or a public comment period)	125	3	375
GA changes	15	3	45
Reports to existing permits and authorizations and for public display inventory			
SR/EN	210	12	2,520
PD	5	2	10
PH	5 (10)	2	10
GA	35	8	280
PD Inventory	215 (2)	2	430
Record Keeping			
SR/EN	210	2	420
PD	5	2	10
PH	5	2	10
GA	35	2	70
Retain or transfer rehabilitated animals	15	2	30
TOTAL	971		7,730

All permit and authorization applications require environmental analyses under NEPA. Marine mammal permits require analyses under the MMPA, and many marine mammals and other species require additional analyses under the ESA. These analyses require ample time to complete. Of the different types of permits and authorizations, scientific research and enhancement (SR/EN) permits are the most complex and often involve multiple species and procedures.

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, the same cost as currently approved. These costs were estimated from discussions with NMFS staff who receive applications and process permits. The estimates include costs for postage at \$0.46 (increased from \$0.42), overnight express service deliveries at approximately \$40 per package (increased from \$35), and certified or express postal deliveries estimated at \$30 per package (increased from \$25). Applicants are now able to apply on-line and thus we have

fewer applicants mailing applications. Therefore, while estimated mailing costs have gone up, our overall cost burden estimate has not increased.

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 \$415,000 calculated at \$40 per hour, as follows:

Type of Action	Estimated number per year	Processing Time (per action)	Total cost per year in \$
Permit and authorization applications			
SREN Permit Applications	45	120	216,000
PD Permit Applications	3	80	9,600
Photography Permit Applications	3	40	4,800
General Authorization (GA)	10	30	12,000
Amendments to existing permits and authorizations			
Major	30	80	96,000
Minor/Authorizations	125	5	25,000
GA changes	5	5	1,000
Reports to existing permits and authorizations and for public display inventory			
SR/EN	210	4	33,600
PD	5	2	400
PH	5	2	400
GA	35	2	2,800
PD Inventory	215	1	8,600
Retain or transfer rehabilitated animals	15	8	4,800
Estimated total cost			415,000

The estimated annual number of permit applications and modification requests and total number of facilities holding marine mammals and Permit Holders have been adjusted as listed in Question 12 above and described in Question 15 below.

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

Program Changes:

Regarding the two added species: we received approximately 12 SR/EN permit applications, 12 related reports, 12 recordkeeping responses, and 2 major amendment applications, for research on Atlantic sturgeon. No applications were received to import longtooth sawfish. Total added hours were 600 for new applications, 144 hours for SR/EN reporting, 24 for recordkeeping and 70 in major amendments (adding Atlantic sturgeon requests to currently held permits).

Total added responses: 38; hours, 838.

Adjustments:

SR/EN Permits – There was a decrease from 35 to 33 scientific research and enhancement permit applications per year, with 2 fewer reports and 2 fewer recordkeeping responses, with related decreases of 100 hours for permits, 24 hours for reporting and 4 hours for recordkeeping : this estimate resulted from averaging the number of permit applications received over the past three years. We do not anticipate large increases or decreases 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. (-6; -128)

Holder/Marine Mammals – Increase from 213 to 215 Holders and PD inventories, with a related increase of 4 hours in reporting: there was a slight increase in the number of facilities holding marine mammals for public display purposes. There is no related permit application burden; PD facilities are not required to apply for permits. That is only if they are importing marine mammals for PD, which not all facilities do. (2; 4)

Amendments to Existing Permits and Authorizations: There was a decrease in the average number of major amendments received annually (from 50 to 28, with 770 fewer hours), an increase in the average number of minor amendments received annually (from 105 to 125, with 60 additional hours), and an increase in the number of GA changes received annually (from 5 to 15, with 30 additional hours). (8; -680)

Photography permit reporting and recordkeeping responses each decreased from 10 to 5, with a decrease of 20 hours total. (-10;-20)

Total net adjustments: Six fewer responses and 824 fewer hours.

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.

Not Applicable.

18. Explain each exception to the certification statement.

Not Applicable.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

The information collection does not employ statistical methods.