

**SUPPORTING STATEMENT
NATIONAL MARINE SANCTUARY NOMINATION
OMB CONTROL NO. 0648-XXXX**

A. JUSTIFICATION

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

This request is for a new information collection in conjunction with a June 28, 2013 proposed rule (78 FR 38848, RIN 0648-BD20) proposing criteria, process, and regulatory changes necessary to provide the American public an opportunity to nominate marine areas which the National Oceanic and Atmospheric Administration (NOAA) may consider for designation as a national marine sanctuary. This new sanctuary nomination process intends to focus on proposals generated and driven by local and regional community groups and coalitions; these groups will be responsible for submitting all information in support of their respective nominations. This new process replaces NOAA's Site Evaluation List (SEL) process, which tended towards an agency-driven, "top-down" approach, with a more grassroots, "bottom-up" approach to sanctuary nominations. The SEL has been deactivated since 1995. NOAA is proposing to remove all terminology referencing the SEL in order to emphasize that the new sanctuary nomination process ultimately implemented by NOAA is more community driven, open to public input and analysis, and that any sites ultimately designated as national marine sanctuaries have widespread community support. NOAA will begin accepting new sanctuary nominations following issuance of an information collection request, and a final rule, which will be published after consideration of public comment on the proposed criteria and regulations. NOAA is not accepting nominations for new national marine sanctuaries until an OMB Control Number for this information collection is issued.

NOAA's final nomination criteria will be consistent with the existing standards in section 303(b) of the [National Marine Sanctuaries Act](#) (NMSA). In deciding to pursue an eligible site for designation, NOAA can, and will, contemplate additional factors, such as the Office of National Marine Sanctuary's (ONMS') fiscal capability to manage any area as a national marine sanctuary. Ultimately, the agency seeks to have the most robust means possible for designating areas of special national significance as new national marine sanctuaries.

Request for Public Comments

In the June 28, 2013 proposed rule, NOAA requested public comment on: 1) the completeness and utility of the following twelve criteria for evaluating areas of the marine environment as possible new national marine sanctuaries; 2) NOAA's proposed process steps for receiving sanctuary nominations; and 3) proposed amendments to ONMS regulations (78 FR 38848).

Proposed Nomination Criteria

NOAA will analyze the comments on these criteria and any additional criteria proposed by the public and publish the final evaluation criteria and final process guidelines in its final rule. The twelve criteria NOAA proposes to evaluate areas of the marine environment as possible new national marine sanctuaries are:

- The area's natural resource and ecological qualities, including its contribution to biological productivity, maintenance of ecosystem structure, maintenance of ecologically or commercially important or threatened species or species assemblages, maintenance of critical habitat of endangered species, and the biogeographic representation of the site.
- The area's historical, cultural, archaeological, or paleontological significance.
- The present and potential uses of the area that depend on maintenance of the area's resources, including commercial and recreational fishing, subsistence uses, other commercial and recreational activities, and research and education.
- The present and potential activities that may adversely affect the significance, values, qualities, resources and uses identified above.
- The existing State and Federal regulatory and management authorities applicable to the area and the adequacy of those authorities to fulfill the purposes and policies of the NMSA.
- The manageability of the area, including such factors as its size, its ability to be identified as a discrete ecological unit with definable boundaries, its accessibility, and its suitability for monitoring and enforcement activities.
- The public benefits to be derived from sanctuary status, with emphasis on the benefits of long-term protection of nationally significant resources, vital habitats, and resources which generate tourism.
- The negative impacts produced by management restrictions on income-generating activities such as living and nonliving resources development.
- The socioeconomic effects of sanctuary designation.
- The area's scientific value and value for monitoring the resources and natural processes that occur there.
- The feasibility of employing innovative management approaches to protect sanctuary resources or to manage compatible uses.
- The value of the area as an addition to the System.

Commenters need supply only their name, or name of their organization, and are not required to include all contact information requested by Regs.gov.

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 nominees will principally be used by NOAA to determine whether a nominated site is eligible to be designated as a new national marine sanctuary.

This information may also be used by NOAA to inform:

- Requests for nomination amendments;
- Expansions of existing national marine sanctuaries; or
- Adaptation of management actions at existing national marine sanctuaries.

NOAA intends to develop an ONMS-internal database which tracks nominations and information submitted as part of those nominations. This data, and any potential additional information provided by a site's nominators, would be the principal means by which NOAA evaluates the nominated areas for possible eligibility for sanctuary designation.

NOAA would 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 that would be collected is designed to yield data that meet all applicable information quality guidelines. The general information about a site's special characteristics, qualities, and resources would form the basis of public notices and may be used in scientific, management, technical, general information, and Federal Regulatory publications. Should ONMS decide to disseminate the information for any particular site nomination, the nominators would be made aware of the use of the information for this purpose upon submission, and the information would be subject to the quality control measures and pre-dissemination review pursuant to [Sections 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.

NOAA may accept and even encourage the submission of new national marine sanctuary nominations via email and/or through internet portals. NOAA does not, however, have a full nomination form or application online at this time. If one is made available online, it would be found at the following website, with full instructions: <http://sanctuaries.noaa.gov>.

4. Describe efforts to identify duplication.

The information required to evaluate the eligibility of marine areas for sanctuary designation is unique to the NMSA process and is not replicated by other Federal or state marine resources management authorities.

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

NOAA's collection of information would not involve small businesses or other small entities.

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 collected less frequently, NOAA would not be able to evaluate public nominations for potential sanctuary designation.

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

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

The previous SEL process was initiated in a 1982 proposed rule (47 FR 39191), in which NOAA proposed to modify the procedure for identifying and selecting potential marine sanctuary candidates, as well as for designating these sites as national marine sanctuaries. At that time, no PRA request or form was used by the ONMS. A preliminary SEL was published in March of 1983 (48 FR 8537), and finalized in August, 1983 (48 FR 24295). The SEL process and criteria were last revised in 1988, as a result of Congressional action and changes made to the NMSA (53 FR 43802). Therefore, the public had ample notice and opportunity to comment on the process, and to contribute to the list (using the standards in the Administrative Procedures Act (APA) (5 U.S.C. Subchapter II).

Related to this PRA request, NOAA has issued a proposed rule, RIN 0648-BD20 on June 28, 2013 (78 FR 38848) and solicited public comments on the proposal to re-establish the sanctuary nomination process. NOAA also proposed to amend its regulations governing the process for nominating and evaluating sites for eligibility as a national marine sanctuary. This action would replace the currently inactive SEL (discussed above) with a new process for local communities and other interested parties to provide NOAA with robust, criteria-driven proposals for new national marine sanctuaries. The comment period closed on August 27, 2013.

9. Explain any decision 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, regulations, or agency policy.

NOAA would make the following statement in conjunction with its final nomination process guidelines:

“Nominators are requested to indicate any information that is considered proprietary business information. Such information may be found or used in supporting materials for local or nearby businesses that support the nomination of a site. Such information is typically exempted 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)0. For all sanctuary nominations, 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 anticipated.

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

NOAA estimates a total of 290 hours to collect this information. This is based on an estimate of 10 nominations requiring approximately three responses each (initial response and two requests for additional information), for a total of 30 responses.

Burden Estimate. Public reporting burden for this collection of information, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information is estimated to average twenty-nine hours per response (e.g. initial nomination submission, logging records, and follow-up information), as follows:

- Four (4) hours per response collecting information for nomination;
- Twenty (20) hours per response gathering public support and organizing community meetings;
- Two (2) hours per response of public meetings;
- Two (2) hours per response writing and submitting nomination request;
- Thirty (30) minutes per response for amendments to nomination; and
- Thirty (30) minutes per response for follow-up requests.

Total: 29 hours.

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 estimated annual cost for copying and mailing or submitting sanctuary nominations and subsequent responses is \$120. Most nominations will be well suited to submit electronically via email or through a web form, which will be encouraged, and should reduce additional mailing costs.

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

The cost to the Federal government for the estimated number of nominations is estimated to be \$9,795, and is listed in the attached table. All costs are for the staff time required to process, review, and evaluate sanctuary nominations and communicate with nominees.

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

This will be a new information collection.

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

The information collected may be used not only to inform the criteria review process for potential sanctuary designation, but may also be generally used as supporting material in any subsequent part of the designation process. For instance, socioeconomic information may be used to support regulatory flexibility analyses for small businesses. Environmental information may be used in a draft or final environmental impact statement which would be part of the designation process. In addition, information about historical or cultural resources may help to support evaluation under the National Historical Preservation Act, Section 106 review.

17. If seeking approval to no display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.

The OMB Control No. and expiration date for this information collection will be displayed on the instructions for the nomination, and on the nomination website (when developed), and other materials related to the sanctuary nomination process, including the final rule implementing the new sanctuary nomination process. For any nominations that are submitted via email and that do not have the OMB Control Number on them, the number and expiration date will be provided in a confirmation email of receipt of the nomination.

18. Explain each exception to the certification statement.

N/A.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

N/A.

New PRA Information Collection: Burden Estimate

Nominator Average Burden							
	Nominations/ Yr	Responses/ Nomination	Total Responses	Hrs/ Response	Total Hours	Labor Cost/ Response (\$)	Total Cost (\$)
Nomination	10	3	30	29	290	435	4,350
TOTAL	10		30	29	290	435	4,350

Federal Government					
	Number of Personnel	Hrs/Response /Person	Total Hours	\$/Hour	Total Cost (\$)
Scientific review	5	25	125	50	6,250
Management level discussions	3	5	15	65	975

Administrative and staff hours	2	7.5	15	30	450
Additional communications with nominator	Variable	2	40 (2/nomination)	53 (avg.)	2,120
TOTAL	Variable	39.5	195	53	9,795