

SUPPORTING STATEMENT
U.S. Department of Commerce
National Oceanic & Atmospheric Administration
Papahānaumokuākea National Marine Monument Permit
Applications and Reports for Permits
OMB Control No. 0648-0548

A. JUSTIFICATION

This request is for revision and extension of a currently approved information collection. There will be minor changes to the forms and instructions.

1. Explain the circumstances that make the collection of information necessary. Cite all applicable authorities for this information collection.

President Bush established the Papahānaumokuākea Marine National Monument (Monument) by issuing Presidential Proclamation 8031 on June 15, 2006, (71 FR 36443, June 26, 2006) under the authority of the Antiquities Act (Act) (16 U.S.C. 431). The Proclamation reserves all lands and interests in lands owned or controlled by the Government of the United States in the Northwestern Hawaiian Islands (NWHI), including emergent and submerged lands and waters, out to a distance of approximately 50 nautical miles (nmi) from the islands. The boundaries of the Monument as described in Presidential Proclamation 8031 are 100 miles wide and extend approximately 1200 miles around coral islands, seamounts, banks, and shoals. The area includes the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve, the Midway Atoll National Wildlife Refuge, the Hawaiian Islands National Wildlife Refuge, and the Battle of Midway National Memorial.

The Secretary of Commerce, through the National Oceanic and Atmospheric Administration (NOAA), has primary responsibility regarding the management of the marine areas of the Monument, in consultation with the Secretary of the Interior. Similarly, the Secretary of the Interior, through the Fish and Wildlife Service (FWS), has sole responsibility for management of the areas of the Monument that overlay the Midway Atoll National Wildlife Refuge, the Battle of Midway National Memorial, and the Hawaiian Islands National Wildlife Refuge, in consultation with the Secretary of Commerce.

The Proclamation includes restrictions and prohibitions regarding activities in the Monument consistent with the authority provided by the Act. The Proclamation prohibits access to the Monument except when passing through the Monument without interruption or as allowed under a permit issued by the agencies. Vessels passing through the Monument without interruption are required to notify the agencies upon entering into and leaving the Monument. Individuals wishing to access the Monument to conduct certain regulated activities must first apply for and be granted a permit issued by the agencies pursuant to the Proclamation. Applicants must also certify compliance with certain vessel monitoring system requirements.

On August 29, 2006, NOAA and FWS published a final rule in the Federal Register (71 FR 51134) codifying the provisions of the Proclamation at 50 CFR Part 404. These agencies have since worked extensively with the State to ensure the permitting requirements and processes of all three entities are sufficiently coordinated to ensure applicants for permits for Monument activities require only a single application and receive one, combined agency permit.

2. Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with all applicable Information Quality Guidelines.

The information submitted by permit applicants will be used by the agencies' staff to decide whether to approve or deny a permit application. In making this decision, the agencies will consider such factors as:

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

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

- administrative appeals of permit decisions;
- decision making on a permit amendment request or another permit application; or
- other management actions (e.g., emergency response and enforcement).

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

The agencies will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA and FWS 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. Publication is not planned; however, prior to any 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-related guidance and documents (downloadable and fillable where applicable) are

found on the Monument website. In addition, the agencies are currently developing an Internet-based permit tracking system. This system will ultimately allow permit applicants to submit their permit applications, logs, and final reports via the Internet. Currently, agencies will accept electronic permit applications, logs, and reports via email. Individuals passing through the Monument without interruption can provide the required notification via email as well. Information on installed vessel monitoring systems (VMS) is included in each permit application.

4. Describe efforts to identify duplication.

The agencies and the State have developed a fully coordinated and integrated permitting system for the Monument that minimizes duplication wherever possible. Applicants will be required to submit only a single application for a combined permit that meets the requirements of both the agencies and the State.

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

This collection of information has minimal impact on small entities such as small businesses, organizations, or government bodies. The majority of permit applications are for activities conducted by large institutions (such as academic institutions), individuals, and government agencies. There may be some small impact on small businesses that wish to conduct commercial activities within the Monument; however, this impact is not likely to include a significant financial burden.

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

If the information collection is not conducted, or is conducted less frequently, it is likely that the management objectives of the agencies could not be met. The agencies must be able to allow the conduct of otherwise prohibited activities to facilitate important research, education, and management activities. Furthermore, the permit process allows these activities to take place under controlled conditions to ensure that the primary mandate of resource protection is fulfilled.

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

The collection of this information is consistent with OMB guidelines.

8. Provide information on the PRA Federal Register Notice that solicited public comments on the information collection prior to this submission.

- **Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments.**
- **Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions**

and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

A Federal Register Notice published on October 9, 2019 (84 FR54116) solicited public comments. No public comments on the information collection requirements were received.

Several respondents were contacted for feedback on the Monument permit application process and information requested. Respondents' comments are summarized and our responses are listed below.

- 1) Permit report templates could be modified for some fields that do not necessarily need to be reported in a spreadsheet format.

PMNM agency staff are working to develop a revised report template that could potentially be filled in by permittees online.

- 2) The permit application process is easy to navigate with the support of agency staff.

PMNM agency staff thanked the respondent and offered assistance for potential future permit applications the respondent may be working on.

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

No payments or gifts will be provided to any respondents.

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

Permit applicants are requested to indicate any information they wish to be kept confidential, including proprietary business information and locations of historic shipwrecks and artifacts. Such information is typically exempt from disclosure to anyone requesting information pursuant to the Freedom of Information Act (FOIA). The agencies will make all possible attempts to protect such information, consistent with all applicable FOIA exemptions in 5 U.S.C. 552(b). Typically exempt information includes trade secrets, commercial and financial information (5 U.S.C. 552(b)(4)). For all permit types, personal information affecting an individual's privacy will be kept confidential consistent with 5 U.S.C. 552(b)(6).

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

No sensitive questions are asked.

12. **Provide an estimate in hours of the burden of the collection of information. (add rows as necessary) For wage costs: use www.bls.gov/oes , then click on OES Data in the left-hand column, then National to find Occupational Employment Wage Rates for the current year. Find the appropriate Occupational Title of the Respondent completing the Information Collection and use the Mean hourly wage.**

This collection of information has six different categories distinguished by the number of responses per permit and the time per response. Please see the table following this supporting statement for response and burden totals. Annual responses total 1,003. Annual hours total 1,343. The forms and instructions to applicants that will be used to collect most categories of information (as specified below) are included in this request.

(a) General Permits:

Scope of this category. This category includes all permits not specifically addressed in other permit types listed below; typically, permit applications for scientific research, education, and management activities permits fall into this category.

Burden estimate. Each respondent will submit an application for a permit, a cruise log (or some other form of activity report) and a final summary report after the activity is complete for an average of three responses per permit. On average, each response is expected to take the respondent 5 hours to complete (longer for the application, shorter for the logs/reports). The agencies estimate that it will process approximately 60 permit applications with related documents under this category (180 responses) annually resulting from the final rule. **The total burden hours would be 900 annually under this category.**

(b) Special Ocean Use Permits:

Scope of this category. This category includes all permit applications processed for special ocean uses pursuant to the Proclamation.

Burden Estimate. For special ocean use permits, an application, a final report, and a financial report are required for each permit (total of 3 responses per permit). An average response time of 10 hours is estimated for each of these activities. Financial reports (due on December 31 of each year) may take less time but the application will take more time particularly if additional National Environmental Protection Agency (NEPA) documentation is required and prepared by the respondent. **The agencies expect a total of 9 permit applications under this category each year for a total of 27 responses and 270 burden hours annually.**

(c) Native Hawaiian Practice Permits:

Scope of this category. This category includes all permit applications for the conduct of Native Hawaiian practices within the Monument.

Burden Estimate. For this category, an average time of 8 hours is estimated for each response (more for the application, less for the annual and

summary trip reports). **The agencies estimate it will process approximately 3 permit applications in this category each year for a total of 9 responses and 72 burden hours annually.**

(d) Recreation Permits:

Scope of this category. This category includes all requests to conduct non-extractive recreational activities within the Midway Atoll Special Management Area of the Monument.

Burden Estimate. For this category, each respondent will submit an application for a permit, an activity report, and a final summary report after the activity is complete, for an average of three responses per permit. The agencies estimate an applicant would require an average of 6 hours per response (more for the application, less for annual and final summary reports). **The agencies estimate a total of 2 permit applications under this category each year, for a total of 6 responses and burden hour estimate of 36 hours annually.**

(e) Entry and Exit Notification:

Scope of this category. This category includes all notices to the agencies of entry into and exit from the Monument. This category includes notification by persons engaged in passage without interruption.

Burden Estimate. The agencies estimate there would be approximately 192 respondents passing through the proposed sanctuary without interruption. Each respondent would have to provide telephone or email notification up to four times depending on the area(s) of entry and exit (one entry at the Monument boundary, one entry into an Area To Be Avoided (ATBA), one exit from an ATBA, and one exit notification at the Monument boundary), for a total of 768 responses. **For this category, the agencies estimate each response would require 5 minutes, for a total of 3,840 minutes (64 hours) per year.**

(f) VMS Unit Certification:

Scope of this category. This category includes all certifications to NOAA's Office of Law Enforcement (OLE) that an installed VMS complies with the applicable requirements.

Burden Estimate. The agencies estimate there would be approximately 50 respondents subject to this certification requirement, on a one-time basis. This estimate includes all applicants for general permits, special ocean use permits, Native Hawaiian Practice permits, and recreational activities permits annually. **Each certification would take 5 minutes to complete, for a total of 4 hours one time, annualized to 1 hour.**

Total respondents are 192 (74 permittees plus an additional 118 non-permittees transiting without interruption, only). Total responses are 1,003. Total hours are 1,343.

Table 1. Hourly burden of the information collection

| Information Collection | Type of Respondent (Occupational Title) | # of Respondents | Annual # of Responses / Respondent | Total # of Annual Responses | Burden Hrs / Response | Total Annual Burden Hrs | Mean Hourly Wage Rate (for Type of Respondent) | Total Annual Wage Burden Costs |
|----------------------------------|---|------------------|------------------------------------|-----------------------------|-----------------------|-------------------------|--|--------------------------------|
| General permit | Applicant | 60 | 3 | 180 | 5 | 900 | \$36.62 | \$32,958.00 |
| Special Ocean Use permit | Applicant | 9 | 3 | 27 | 10 | 270 | \$40.83 | \$11,024.10 |
| Native Hawaiian Practices permit | Applicant | 3 | 3 | 9 | 8 | 72 | \$36.62 | \$2,636.64 |
| Recreation Permits | Applicant | 2 | 3 | 6 | 6 | 36 | \$24.98 | \$899.28 |
| Entry and Exit Notifications | Vessel Operators | 192 | 4 | 768 | 5 minutes | 64 | \$39.61 | \$2,535.04 |
| VMS Certification | Vessel Operators | 50 | 0.25 | 12.5 (13) | 5 minutes | 1 | \$39.61 | \$39.61 |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| Totals | | | | 1003 | | 1343 | | \$50,092.67 |

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). (add rows as necessary)

In addition to the information collections listed in Table 1 above, the following collections, as explained below represent a cost burden although they do not have an hourly reporting burden. See Table 2 below for a breakdown on total costs.

VMS Installation:

This category includes all holders of Monument permits (74), with approximately 30 with a VMS not yet installed. The cost of the Thrane & Thrane Sailor specified unit or a Faria WatchDog 750 VMS specified unit is \$3,150 (annualized over 3 years, the life of the unit = \$1050.00). Based on an estimated 30 respondents required to purchase a VMS unit, the total annual cost to respondents, annualized over 3 years, totals \$31,500.00 ($\1050.00×30 respondents = \$31,500.00).

VMS Maintenance:

This category includes all owners or potential owners of VMS units.

Average annual maintenance costs are \$100. All permit respondents would be required to conduct maintenance on each respective VMS unit, therefore, the total annual maintenance cost is \$7,400 (74 respondents \times $\$100 = \$7,400$).

Hourly VMS Reports:

This category includes all owners or potential owners of VMS units.

Transmission costs are \$1.28 per day. The current estimate is that a vessel would average 150 days per year in the Monument: $150 \times 74 \times \$1.28 = \$14,208$.

The estimated annual costs are \$53,108.00 (\$31,500.00 in capital costs and \$21,608.00 in operations and maintenance costs). Please see the Applicant Burden table following this supporting statement.

Table 2. Cost burden of the information collection

| Information Collection | # of Respondents | Annual # of Responses / Respondent | Total # of Annual Responses | Cost Burden / Respondent | Total Annual Cost Burden |
|----------------------------------|------------------|------------------------------------|-----------------------------|--------------------------|--------------------------|
| General permit | 60 | 3 | 180 | \$1.00 | \$180.00 |
| Special Ocean Use permit | 9 | 3 | 27 | \$1.00 | \$27.00 |
| Native Hawaiian Practices permit | 3 | 3 | 9 | \$1.00 | \$9.00 |
| Recreation permit | 2 | 3 | 6 | \$1.00 | \$6.00 |
| Entry and Exit Notifications | 192 | 4 | 768 | \$0.00 | \$0.00 |
| Purchase and installation of VMS | 30 | N/A | N/A | \$1050 | \$31,500.00 |
| VMS Maintenance | 74 | N/A | N/A | \$100.00 | \$7400 |
| VMS Certification | 50 | 0.25 | 12.5 (13) | \$0.25 | \$3.00 |
| Hourly VMS reports | 74 | N/A | N/A | \$1.28/day X150 days | \$14208.00 |
| TOTALS | | | 1003 | | \$53,333.00 |

14. Provide estimates of annualized cost to the Federal government. (add rows/information as necessary)

The cost to the Federal government is listed in the table below. All costs are for time to process applications and reports. Hours estimated annually are 2,363, at \$13 per hour, **with the total cost \$30,719.**

| Cost Descriptions | Grade/Step | Loaded Salary /Cost | % of Effort | Fringe (if Applicable) | Total Cost to Government |
|--------------------------|------------|---------------------|-------------|------------------------|--------------------------|
| Federal Oversight | | | | | |
| Positions | Z4 | \$127,128.00 | 10 | | \$12,712.00 |
| Contractor Cost | | \$44,000.00 | 95 | | \$41800.00 |
| Travel | | | | | |
| Other Costs | | | | | |
| TOTAL | | \$171,128.00 | | | \$54,512.00 |

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

N/A.

The following tables show the changes and in the number of respondents, responses, time estimates, labor costs, and miscellaneous costs; and explains the reasons for these changes.

| Information Collection | Respondents | | Responses | | Burden Hours | | Reason for change or adjustment |
|-----------------------------|----------------------------------|-----------------------------------|----------------------------------|-----------------------------------|----------------------------------|-----------------------------------|---------------------------------|
| | Current Renewal / Revision | Previous Renewal / Revision | Current Renewal / Revision | Previous Renewal / Revision | Current Renewal / Revision | Previous Renewal / Revision | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| Total for Collection | | | | | | | |

| Information Collection | Labor Costs | | Miscellaneous Costs | | Reason for change or adjustment |
|--|-------------|----------|---------------------|-------------|---|
| | Current | Previous | Current | Previous | |
| VMS Purchase, Installation, Maintenance, Certification, & Hourly Reports | | | \$53,333.00 | \$61,783.00 | Cost adjusted for number of respondents required to purchase a VMS and current cost of VMS. |
| | | | | | |
| | | | | | |
| Total for Collection | | | | | |

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

The information collected will not be published.

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

The expiration date for OMB approval of the information collection will be displayed.

18. Explain each exception to the certification statement.

There are no exceptions for compliance with provisions in the certification statement.