

**1SUPPORTING STATEMENT A
FOR PAPERWOK REDUCTION ACT SUBMISSION**

**NATIONAL CAPITAL AREA APPLICATION FOR PUBLIC GATHERING
36 CFR 7.96(g)
OMB Control Number 1024-0021**

Terms of Clearance: None

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.

The Public Gathering Permit System is an extension of the National Park Service's (NPS) statutory responsibility to protect the park areas it administers and to manage the public use thereof (54 U.S.C. §100101). NPS regulations contained in Title 36, Code of Federal Regulations, Section 7.96 implement statutory mandates to provide for resource protection and public enjoyment. These regulations reflect the special demands on many of the urban parks sites in the National Capital Area (NCA) for demonstrations and special events.

Each year, the NPS receives on average, 1,885 applications for permits to conduct demonstrations and special events on Federal public lands managed by NCA in Maryland, Virginia and the Washington, D.C. areas. These applications do not include many of the small-scale demonstrations that occur without a permit. The demand continues to necessitate a system by which the resources in a few park areas are equitably allocated. The present permit system accomplishes this allocation on a "first-come-first-served basis," requiring information from applicants as to the time, location, and numbers involved in their events. At the same time, this keen demand for use of park areas necessitates restrictions on demonstrations and special events to protect park resources. Therefore, the present permit system requires information from applicants as to the nature of their activities. Finally, the demand for use of public areas in urban areas necessitates effective law enforcement, especially around the White House. The NPS has responsibilities to ensure the security of that location and conduct of business within the site. In addition, the NPS must protect the public and demonstrators during large gatherings. It is not unusual for two groups with diametrically opposed views to request the same area at the same time.

Legal Authorities:

- National Park Service and Related Program, 54 U.S.C. §100101
- National Capital Region, Title 36, C.F.R., Section 7.96

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection. Be specific. If this collection is a form or a questionnaire, every question needs to be justified.

NPS Form 10-941 "Application for a Permit to Conduct a Demonstration or Special Event in Park Areas" collects information that is used to identify:

1. the person(s) or organization(s) requesting authorization to conduct a demonstration and or special event, and to determine whether the applicant(s) meets statutory requirements to conduct the activity
2. the nature of the proposed activity and determine the statutory authority to grant the permit
3. any offensive or derogatory activities that are in opposition to park values or purposes
4. the relationship between the proposed activity and the primary purpose(s) for which the park area was established and relevant park planning documents
5. a legitimate NPS need or interest in the proposed activity
6. if the proposed activity would require a commitment of public resources or facilities, and if such commitments are legitimate, appropriate, and available
7. adverse effects (long or short-term) on park resources, facilities, or programs
8. special conditions or mitigating measures needed before the permit is issued
9. the total cost to the park of monitoring proposed activity
10. the need to grant a waiver of numerical limitations on the White House sidewalk and/or Lafayette Park
11. Law enforcement resources needed to assure public safety and site security, especially at the White House, during the activity.

The information collected using NPS Form 10-941 (e.g., name, address, email, and telephone number) is necessary to issue a permit. Additional information pertaining to demonstrations or special event is limited to the basic facts necessary for the NCA to make the determinations described above that apply to the particular request. A request for renewal requires written or verbal confirmation to confirm that the existing information remains accurate.

Depending on the size and complexity of the proposed activity, applicants may be required to submit supporting documents such as:

- **Site Plan.** A complete site plan must be submitted if tents, stages, or any other type of structure are to be placed on parkland; stakes driven; or any other ground-disturbing activity conducted. The site plan must clearly display all structures, including food, beverage and first-aid tents, sound and lighting towers, generators and cable runs, and security or crowd-control fencing. Large-scale structures, such as tents and towers, may require the submission of engineered drawings stamped by a structural engineer licensed in the United States.
- **Sign Plan.** The sign plan will provide the overall size, number, and design of any signs or banners. We will use this information to ensure that authorized sponsor recognition is in keeping with NPS policy, regulations, and law, and is appropriate to the scale and theme of the activity.
- **Risk Management Plan.** For events with significant equipment use during set-up and tear-

down, we may require a risk management plan. The plan must cover equipment setup, equipment operation, materials storage and handling, fire protection, and property and personnel protection.

- **Administrative Documents.** We may require applicants submit a portable toilet contract, evidence of liability insurance coverage, IRS W-9 form, or an electronic funds transfer form.

Finally, NCA uses NPS Form 10-941 to

- ensure that permit information remains accurate;
- assess the cumulative effects of permitted activities on park resources and programs,
- assure the original permit justifications remain valid,
- evaluate requests for new permits, and
- contact permittees to relay information concerning changes in permits or conditions.

The minor grammatical changes were made to the form to provide clarity of the instruction needed to complete the form. These changes do not impact the nature of the information solicited.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden and specifically how this collection meets GPEA requirements.

For security reasons, the application is currently available online as a fillable PDF that can be mailed or brought into the office. Completed applications require an original signature as well as supporting information consisting of drawings, maps, site plans, photographs and other images.

In 2020, NCA completed the planning phase for the option of an electronic form and associated computer database to be hosted within a cloud-based solution. The development of code for the online permitting solution is part of our Phase 2 which is not expected to be completed until late 2020.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

We have not identified any duplication of effort. The information collected is unique and specific to request the events and demonstration in NCA. This is the only information that allows NCA to evaluate facility or area carrying capacities to prevent conflicting uses and to set program priorities in response to scheduled activities or park uses. Furthermore, the NPS General Special Use Application (1024-0026) does not address or is intended to capture the special regulations found in 36 CFR 7.96 which requires information related to demonstrations conducted in President's Park.

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

Any impact of small business or other small entities completing NPS Form 10-941, is considered a part of normal business practices. In addition, this collection does not impose a greater or different burden to a small entity than is placed on an individual.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

Failure or inability of the NCA to collect the information necessary to provide a permit for activities or demonstrations in the NCA will be in direct violation of National Capital Region, Title 36, C.F.R., Section 7.96 which prohibits unauthorized or unpermitted activity within the NCA.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- requiring respondents to report information to the agency more often than quarterly;
- requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;
- requiring respondents to submit more than an original and two copies of any document;
- requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;
- in connection with a statistical survey that is not designed to produce valid and reliable results that can be generalized to the universe of study;
- requiring the use of a statistical data classification that has not been reviewed and approved by OMB;
- that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or
- requiring respondents to submit proprietary trade secrets, or other confidential information, unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

There are no circumstances that require us to collect the information in a manner inconsistent with OMB guidelines.

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and in response to the PRA statement associated with the collection over the past three years, and describe actions taken by the agency in response to these comments. Specifically address

comments received on cost and hour burden.

Describe 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.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every three years — even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

On March 12, 2020, we published in the Federal Register (85 FR 14502) a notice of our intent to request that OMB renew this information collection. In that Notice, we solicited comments for 60 days, ending on May 11, 2020. We did not receive any comments in response to that notice.

In addition to the Federal Register notice, we reached out to nine (9) individuals and five (5) of those validated our time burden estimate and provided responses to the comments on the questions below Table 8.2.

Table 8.1 Persons Contact Outside the Agency

Title	Affiliation
Race Coordinator	Marine Corps Marathon
Independent Consultant	HP Events DC
Executive Director	Korean War Veterans Memorial Foundation Inc.
Operations Manager	Super Holiday Tours
Activist, Organizer	DC Action Lab

Based on respondent feedback, the following changes were made to the form to increase clarity and reduce confusion for form users:

Table 8.2 Recommended changes to the form.

Page	Original Question	Recommended Updated	Accepted Change
2	Tents Quantity	Tent size as well as the number of tents should be considered	Added size for clarity.
2	Jumbotrons	The size of the Jumbotrons should be considered	Added size for clarity.
2	Banner/Signs	Sign width is not a limiting factor	Information not needed.
2	Turf Protective Covers	Change “Protective” to “Protection” Add “type” for clarification	Reworded for clarity. Added “type” to allow applicants to identify what would serve as turf protection.
2	Please indicate any of these items that will be	Oftentime more space is needed to reply to this question.	Added to advise applicant that a supplemental sheet can be provided

Page	Original Question	Recommended Updated	Accepted Change
	used during the proposed activity		for additional information.
1	At least one person must be listed as in charge of the activity	This question should be modified to alternate contact information in case the person in charge can't be reached.	Clarifies what contact information is needed and the actual person in charge of the event, versus people who have specific roles like logistical coordinator or volunteer coordinator.

The respondents contacted also provided feedback on the following questions:

“Whether or not the collection of information is necessary, including whether or not the information will have practical utility; whether there are any questions they felt were unnecessary”

Comments: Over half of the respondents explained that they felt the information was clear in explanation, but portions of sections were redundant, repetitive and could have been streamlined better. Some individuals commented certain sections were unclear and redundant as well. The following are specific comments:

- “Section 3 - Logistics. This could be one question consisting of the total time the gathering will take place on a specific date, instead of breaking it down into setup, event, and tear-down. often have to re-write my full contact information several times in a permit application.”
- I think a lot of the questions are repeated- particularly around name, address, phone number etc. There are also some that are always asked at the meetings but not included in the permit (risking arrests, medical plans, selling things, etc.) that I think can be more streamlined if they were a part of the application.”
- “I believe this form is necessary to collect the necessary information pertaining to ceremonies conducted on the National Mall.”

NPS Response/Action Taken: After taking into consideration each individual’s response and carefully examining certain sections, we felt each question remained necessary. However, in certain sections, we did implement ways to minimize repeating the same information as indicated by the feedback received.

“What is your estimate of the amount of time it takes to complete each form in order to verify the accuracy of our estimate of the burden for this collection of information?”

Comments: The respondent’s time estimates for filling out the application ranged from 10-20 minutes to upwards of one hour for completion. One respondent stated it was acceptable to take around 10-20 minutes to complete the application and ensure the information entered was accurate. Feedback included the following:

- “Depends on the scope of the project. For small events of 1,000 people or less- 20 minutes. For 1,000- 5,000- 1 hour. For 5,000 people or more- several hours.”

- “I usually spend 10 - 15 minutes on filling out each application to ensure it is correct and understandable.”

NPS Response/Action Taken: Information provided on the form and within supplemental FAQs are used to ease the application process and reduce the burden placed on applicants. Additional resources, including information on the park website and within the Requirements for Special Events Held on Parkland are also provided to help ease the process. The park currently maintains the capacity to help returning applicants re-apply for the same event without needing to resubmit all materials. This capacity will become even more efficient when the park is able to implement the software solution (accessible on the Internet) to support the application process in 2022. Meanwhile, the time reported for respondents to complete applications remains true, on average. Some, especially repeat respondents, require less time and those new to planning an event may take longer. Most of our applicants have significant experience planning for such events.

“Do you have any suggestions for us on ways to enhance the quality, utility, and clarity of the information to be collected and does it ease the practicality of using this application?”

Comments: More than half of respondents felt that there should be a way to submit applications online. Feedback included the following:

- “If I were to eliminate any section of this application, it would be the information pertaining to “Marshalls.” I feel it is redundant because the person applying for the application is responsible for ALL cleanup and responsibilities for the ceremonies conducted.”
- “ACCEPT ONLINE APPLICATIONS!- I love seeing you all, but there are computer programs that could streamline a lot of this; in particular the system LA has for their public spaces.”
- “As stated above, the most efficient way to complete this application would be online. Online billing and forms are now standard in a myriad of companies throughout the U.S.A.”

NPS Response/Action Taken: Phase II of the NPS Permits Management Division includes an online application solution which will further streamline the application process. Meanwhile, the park will ensure that maps showing NPS property and suggested event routes are made available on the park website.

“With the time to fill out the application a bit time consuming, any ideas or suggestions to shorten this process or any ideas that would minimize the burden of the collection of information on respondents?”

Comments: One specific suggestion would be to have the permit application, along with the application cost, available to be completed and paid online through a link on the NPS web page. Additionally, once the application and payment has been received, it would be extremely valuable to have some type of notification that it was received along with the estimated time it will take to be approved.

Several respondents suggested the ability of an online calendar to determine what events are going on around the National Mall, especially if you live outside the area. Also whether or not they have to

pay a fee for their event. Additional feedback included the following:

- “Don't ask for your address, phone number, etc. a million times.”
- “I guess the biggest burden with the application must be signed with the original signature and sent or dropped off at the Permit office. Mostly all signature paperwork these days can be transmitted electronically. If there is a reason that the original signature must be on the application, it probably should be made known to the submitting party. Just a thought.”

NPS Response/Action Taken: We are working toward implementing an online application process in 2022. That solution will include integration with Pay.gov for secure electronic payment. The same solution will include the capability to determine open dates vs reserved dates. For security purposes we do not plan to offer a more detailed calendar to the public.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

No payment or gifts of any kind are made to respondents.

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

We do not provide any assurance of confidentiality, however, the information is protected in accordance with the Privacy Act, and we maintain the information in a secure system of records (Special Use Permits—Interior, NPS—1, 79 FR 9272, published February 18, 2014).

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. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

No sensitive questions of this nature are asked.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- * Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.
- * If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens.

* Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here

We estimate that there will be approximately 1,885 respondents. We anticipate receiving approximately 6,267 responses annually, totaling 5,221 burden hours. We estimate the total dollar value of the annual burden hours for this collection to be \$197,913 (rounded). We used the rates listed below in accordance with Bureau of Labor Statistics news release [USDL-20-0451](#), March 19, 2020, Employer Costs for Employee Compensation—December 2019, to calculate the total annual burden. Table 1 lists the hourly rate (Including benefits) for all workers in the following categories as:

- Individuals: \$37.10
- Private Sector: \$34.72
- State/Local/Tribal Government: \$52.14

TABLE 12. 1. Total Estimated Annualized Burden

Activity	Total Annual Responses	Completion Time per Response (Hours)	Total Annual Burden Hours*	Hourly Rate (incl. benefits)	\$ Value of Annual Burden Hours*
Application - Public Gathering					
Individuals	118	.5	59	\$37.10	** Expression is faulty **2,189
Private Sector	1091	.5	546	\$34.72	\$18,957
State/Local/Tribal Government	292	.5	146	\$52.14	\$7,612
Site Plan					
Individuals	100	1	100	\$37.10	\$3,710
Private Sector	899	1	899	\$34.72	\$31,213
State/Local/Tribal Government	200	1	200	\$52.14	\$10,428
Sign Plan					
Individuals	100	.5	50	\$37.10	\$1,855
Private Sector	889	.5	445	\$34.72	\$15,450
State/Local/Tribal Government	200	.5	100	\$52.14	\$5,214
Risk Management Plan					
Individuals	100	1.5	150	\$37.10	\$5,565
Private Sector	889	1.5	1,334	\$34.72	\$46,316
State/Local/Tribal Government	200	1.5	300	\$52.14	\$15,642
Administrative Documents					
Individuals	100	.75	75	\$37.10	\$2,783
Private Sector	889	.75	667	\$34.72	\$23,158
State/Local/Tribal Government	200	.75	150	\$52.14	\$7,821
Totals	6,267		5,221		** Expression is faulty **

*rounded

13. Provide an estimate of the total annual non-hour cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected in item 12.)

- * The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information (including filing fees paid for form processing). Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.
- * If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.
 - * Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

The application processing cost of \$120.00 is submitted with each special event application to recover the cost of processing the application. There is no application fee for permits to cover first amendment activities. Of the 1,209 (private and individual) applications received annually, approximately 68% (n=882) are for special events. Therefore, the estimated annual non hour cost burden associated with this information collection is \$105,840 (\$120 x 882).

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information.

Time necessary to process applications and supporting documents varies based on complexity and is accounted for in the average minutes/permit numbers in the table below. The total estimated cost to the Federal government for processing applications is \$324,804 (1,885 applications x \$172.31 rounded).

To determine average hourly rates for the Federal positions identified below, we used Office of Personnel Management Salary Table [2020-DCB](#). We used the Bureau of Labor Statistics news release [USDL-20-0451](#), March 19, 2020, Employer Costs for Employee Compensation—December 2019, to calculate benefits.

Table 14.1 Annualized costs to the Federal Government

Position	Grade/Step	2020-DC Hourly Pay Rate	Hourly Rate Including Benefits (1.6 x hourly rate)	Time Spent on Each Permit (minutes)	Weighted Average
Clerical	GS-05/05	\$ 21.34	\$ 34.14	20	\$ 11.27
Clerical	GS-08/05	29.27	46.83	10	7.80
Park Ranger	GS-12/05	46.88	75.01	40	50.01
Park Ranger	GS-13/05	55.75	89.20	40	59.47
Supv. Park Ranger	GS-14/05	65.88	105.41	20	35.14
Park Ranger	GS-09/05	32.33	51.73	10	8.62
Average Processing Cost Per Permit:					0

15. Explain the reasons for any program changes or adjustments in hour or cost burden.

There are no programmatic changes associated with the forms requested in this extension. The net decrease of 1,210 responses and 967 burden hours is due to an administrative change in how applications are recorded in the permit database. We worked to improve methods to more accurately make distinctions between individual and private sector respondents. These efforts aided in reducing duplication and improving record-keeping within the permit database have lowered our estimation of annual responses for this renewal.

We are reporting a reduction of \$46,440 in non-hour burden costs associated with the corrected method of tracking the application for First Amendment activities. This is a more accurate response of the annual non-hour burden costs associated with this collection.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

We will not publish the results of this information collection.

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

We will display the OMB control number and expiration date on the application form and other appropriate documents.

18. Explain each exception to the topics of the certification statement identified in "Certification for Paperwork Reduction Act Submissions."

There are no exceptions to the certification statement.