

1SUPPORTING STATEMENT
U.S. Department of Commerce
National Oceanic & Atmospheric Administration
Nomination Process for National Marine Sanctuaries
OMB Control No. 0648-0682

Abstract

This request is for an extension of an existing information collection 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, under the [National Marine Sanctuaries Act](#) (NMSA).

Justification

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

The National Marine Sanctuaries Act allows NOAA to identify, designate and protect areas of the marine and Great Lakes environment with special national significance due to their conservation, recreational, ecological, historical, scientific, cultural, archaeological, educational, or aesthetic qualities as national marine sanctuaries. This sanctuary nomination process, as finalized on June 13, 2014 (79 FR 33851), accepts proposals generated and driven by local and regional community groups and coalitions; these groups are responsible for submitting all information in support of their respective nominations. NOAA began accepting new sanctuary nominations in 2014, after an OMB Control Number for this information collection was confirmed. NOAA renewed this information collection in 2017.

Additionally, in the face of the accelerating impacts of climate change, biodiversity loss, and increasing human pressures on the ocean, the Biden Administration released Executive Order 14008 of January 27, 2021, “Tackling the Climate Crisis at Home and Abroad” (Published February 1, 2021, 86 FR 7619). Section 216 of Executive Order 14008, “Conserving Our Nation’s Lands and Waters,” sets the goal of conserving at least 30 percent of our lands and waters by 2030. The sanctuary nomination process could aid in identifying and conserving more marine and Great Lakes waters that could help reach the goal of 30 percent by the year 2030.

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.

NOAA identifies areas to consider for national marine sanctuary designation through the community-based Sanctuary Nomination Process. Nominations that successfully complete the process are added to an inventory of areas NOAA could consider for designation. The information collected from nominating communities will allow NOAA to review nominations to determine if they meet the 11 criteria discussed below.

This information may also be used by NOAA to inform requests for nomination amendments. NOAA has developed a public website to store information submitted on nominations.

Nomination Criteria

NOAA will analyze any nominations received for national marine sanctuaries based on the final criteria and considerations below, as established in the June 13, 2014 final rule. Nominations should include information regarding the following:

National Significance Criteria:

- 1) The area's natural resources and ecological qualities are of special significance and contribute to: biological productivity or diversity; maintenance or enhancement of ecosystem structure and function; maintenance of ecologically or commercially important species or species assemblages; maintenance or enhancement of critical habitat, representative biogeographic assemblages, or both; or maintenance or enhancement of connectivity to other ecologically significant resources.
- 2) The area contains submerged maritime heritage resources of special historical, cultural, or archaeological significance, that: individually or collectively are consistent with the criteria of eligibility for listing on the National Register of Historic Places¹; have met or which would meet the criteria for designation as a National Historic Landmark; or have special or sacred meaning to the indigenous people of the region or nation.
- 3) The area supports present and potential economic uses, such as: tourism; commercial and recreational fishing; subsistence and traditional uses; diving; and other recreational uses that depend on conservation and management of the area's resources.
- 4) The publicly-derived benefits of the area, such as aesthetic value, public recreation, and access to places depend on conservation and management of the area's resources.

Management Considerations:

- 1) The area provides or enhances opportunities for research in marine science, including marine archaeology.
- 2) The area provides or enhances opportunities for education, including the understanding and appreciation of the marine and Great Lakes environments.
- 3) Adverse impacts from current or future uses and activities threaten the area's significance, values, qualities, and resources.
- 4) A national marine sanctuary would provide unique conservation and management value for this

¹ The National Register of Historic Places criteria are for resources which:

- a) are associated with events that have made a significant contribution to the broad patterns of our history;
- b) are associated with the lives of significant persons in our past;
- c) embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- d) have yielded or may likely yield, information important in history or prehistory.

area or adjacent areas.

- 5) The existing regulatory and management authorities for the area could be supplemented or complemented to meet the conservation and management goals for the area.
- 6) There are commitments or possible commitments for partnerships opportunities such as cost sharing, office space, exhibit space, vessel time, or other collaborations to aid conservation or management programs for the area.
- 7) There is community-based support for the nomination expressed by a broad range of interests, such as: individuals or locally-based groups (e.g., friends of group, chamber of commerce); local, tribal, state, or national elected officials; or topic-based stakeholder groups, at the local, regional or national level (e.g., a local chapter of an environmental organization, a regionally-based fishing group, a national-level recreation or tourism organization, academia or science-based group, or an industry association).

NOAA 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 that would be collected is designed to yield data that meet all applicable information quality guidelines. The general information about an area'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. The Office of National Marine Sanctuaries (ONMS) makes it clear in the final rule that all the information submitted in the nomination will be published on the ONMS website. 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 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.

NOAA will accept the submission of new national marine sanctuary nominations via email and through regular mail. NOAA will not provide a nomination form or application online, but will provide a guide on its website. Nominations will be limited to a maximum of 25 pages, excluding attachments. All submission received as hard copies will be scanned and posted on the website along with electronic submissions.

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 Question 2

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

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

This collection of information does not involve small businesses or other small entities.

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.

If the information collection is not conducted, NOAA would not be able to evaluate nominations for potential sanctuary designation.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner inconsistent with OMB guidelines.

This collection of information will be conducted in a manner consistent with OMB guidelines.

8. If applicable, provide a copy and identify the date and page number of publications 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 describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

A Federal Register Notice published on March 11, 2020 (85 FR 14187) solicited public comments. One comment was received during the public comment period. The commenter requested changes be made to two of the nomination criteria, specifically on the criteria for broad support, requesting more criteria be developed to define “broad support” and that “accurate and practical metrics be developed to qualitatively weigh” what is meant by broad support for each nomination. Secondly, the commenter requested more detail on what constitutes an area of national significance.

Response: NOAA created the sanctuary nomination process through a public comment and response rulemaking process. ONMS is unable to change the criteria without putting a new proposed rule out for publication. We are unable to do so in the time frame for this renewal, and therefore cannot change the criteria the way the commenter requests in the first comment, however ONMS will take this into consideration if and when we review new nominations, and will consider making updates to the regulations if we update the process in the future. However, ONMS also published a notice (“Clarification of Procedures for the Sanctuary Nomination Process”) in the Federal Register (84 FR 61546). Regarding defining “national significance,” ONMS did respond to comments in the final rule on this matter (79 FR 33851), indicating that there are so many unique locations that have different qualities of significance that a definition would not be useful, and too constricting for this process.

Non-NOAA Stakeholder Comments: ONMS contacted three of the nominating communities who submitted nominations since 2014, and held interviews with each. The nominators all commented that the process – and therefore this collection number – is invaluable to allow a community-driven process to nominating special places. They also all commented on the expertise in NOAA and the importance of the nominating communities being able to reach out to the regional point of contact to help them navigate the nomination process.

One commenter noted an improvement to the process could be to provide greater access to ONMS

staff for their expertise but realized this was not always possible, and noted that the support they did get from regional ONMS staff was extremely valuable. To this end, one commenter stated that some of the instructions were not entirely clear, and they needed to seek answers from ONMS before answering them. Another commenter suggested that an Advisory Council or Board might be useful from the beginning of the process to help guide the data collection needed. While two of the commenters stated that the estimated burden for data collection was accurate, the third commenter suggested the hours seemed low considering they had lay people working on the nomination and therefore the level of effort required to gather information either would take longer or require higher-level staff with higher costs. They did not suggest changing the burden estimate, however. Last, this commenter stated that some of the criteria in the process had overlap and repetition.

Response to non-NOAA stakeholder comments: As noted by the nominating community representatives, ONMS Headquarters and Regional staff are available to assist interested nominating communities to guide them through the nomination process. The way the nomination process is set up, ONMS would not be able to support or sponsor a NOAA-formed Advisory Group or Council as suggested by the commenters, but does advocate that nominating communities should be well-established themselves and can and do form independent groups to draft the nomination and to develop broad community support for each nomination. Regarding burden estimate, the commenters did not recommend making changes to the estimates. Regarding repetition in the criteria, ONMS realizes that some information may be repeated for some criteria, but also that not all the criteria will have responses. This is part of the nature of allowing communities to rally behind nominating areas they deem to be of national significance and making the case to NOAA to designate these areas as national marine sanctuaries; each site will be unique and meet different criteria.

The implementing final regulations of June 13, 2014 (79 FR 33851), provided significant detail on the process for submitting national marine sanctuary nominations in section IV of the final rule (see pages 79 FR 33854-33855). The process outlining what actions will occur at each of the six steps is set forth in detail in the final rule, including possible outcomes of the process, opportunities for nominators to discuss the process with NOAA, and how the ONMS Director will determine at the end of the review if a nomination is accepted into the inventory.

NOAA has also provided the nomination and review process for the public and interested parties at <https://nominate.noaa.gov>. This webpage describes the steps for a nomination to be developed and submitted to NOAA (steps 1 and 2). During steps 3 and 4, NOAA conducts reviews of the nomination in an initial sufficiency review (step 3) of the nomination to determine if it contains enough information to conduct a full review (step 4). After its review, the nominators will be notified if the nomination has met the criteria (step 5), and it may be accepted into an inventory of areas for potential designation (step 6).

In addition, NOAA has prepared a process guide for interested parties at <https://nominate.noaa.gov/guide.html>. This guide addresses many questions about nominations, including a nomination preparation checklist, and what should be included to demonstrate the area meets the national significance and management criteria.

9. Explain any decision to provide any payment or gift 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 the assurance in statute, regulation, or agency policy. If the collection requires a systems of records notice (SORN) or privacy impact assessment (PIA), those should be cited and described here.

NOAA does not anticipate any confidential or proprietary information will be submitted with in conjunction with its final nomination process or its guidelines. Therefore, NOAA does not make any confidentiality statements in this request.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior or 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 questions of a sensitive nature are asked.

12. Provide estimates of the hour burden of the collection of information.

| Information Collection | Type of Respondent (e.g., Occupational Title) | # of Respondents / year (a) | Annual # of Responses / Respondent (b) | Total # of Annual Responses (c) = (a) x (b) | Burden Hrs / Response (d) | Total Annual Burden Hrs (e) = (c) x (d) | Hourly Wage Rate (for Type of Respondent) (f) | Total Annual Wage Burden Costs (g) = (e) x (f) |
|--------------------------------------|---|-----------------------------|--|---|---------------------------|---|---|--|
| National Marine Sanctuary Nomination | Public | 5 | 1 | 5 | 115 | 575 | \$25.72 | \$14,789.00 |
| Additional Information Request | Public | 2 | 1 | 2 | 8 | 16 | \$25.72 | \$411.52 |
| Totals | | | | 7 | | 591 | | \$15,200.52 |

* The BLS Occupational Employment Data was used to calculate the Hourly Wage Rate for the respondent. Because a wide variety of individuals work on this process, the mean hourly wage for All Occupations (00-0000) was used. <https://www.bls.gov/bls/blswage.htm>

13. Provide an estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected on the burden worksheet).

| Information Collection | # of Respondents/year (a) | Annual # of Responses / Respondent (b) | Total # of Annual Responses (c) = (a) x (b) | Cost Burden / Respondent (h) | Total Annual Cost Burden (i) = (c) x (h) |
|---------------------------------------|---------------------------|--|---|------------------------------|--|
| National Marine Sanctuary Nominations | 5 | 1 | 5 | \$24.00 | \$120.00 |
| Additional Information Requests | 2 | 1 | 2 | 0 | 0 |
| TOTALS | | | 7 | | \$120.00 |

There are no capital costs or operating and maintenance costs associated with this information collection.

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.

| Cost Descriptions | Grade/Step | Loaded Salary /Cost | % of Effort | Fringe (if Applicable) | Total Cost to Government |
|------------------------|------------|---------------------|-------------|------------------------|--------------------------|
| Federal Oversight | ZP-5 (3) | \$190,215 | 1% x3 | | \$17,119.35 |
| Scientific Review | ZP-4 (5) | \$136,820 | 1% x5 | | \$34,205.00 |
| Administrative Support | ZA-3 (2) | \$96,014 | 1% x2 | | \$3,840.56 |
| | | | | | |
| Contractor Cost | | | | | |
| Travel | | | | | |
| Other Costs: | | | | | |
| TOTAL | | | | | \$55,164.91 |

15. Explain the reasons for any program changes or adjustments reported in ROCIS.

There are no changes to this information 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.

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 statements, 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 not display the expiration date for OMB approval of the information collection, explain the reasons that 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, and other materials related to the sanctuary nomination process, including the final rule implementing the new sanctuary nomination process, and any subsequent notices announcing sites that have been added to the inventory of possible areas for designation as new national marine sanctuaries. 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 identified in “Certification for Paperwork Reduction Act Submissions.”

Certification Statement for Paperwork Reduction Act Submissions

The agency certifies compliance with [5 CFR 1320.9](#) and the related provisions of [5 CFR 1320.8\(b\)\(3\)](#).

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.