

SUPPORTING STATEMENT
U.S. Department of Commerce
National Oceanic & Atmospheric Administration
Application Form for Membership on a National Marine Sanctuary Council
OMB Control No. 0648-0397

Abstract

This request is for revision and extension of this information collection. NOAA is proposing changes to both the youth and general advisory council applications and the changes are outlined in response to Question 1.

Section 315 of the [National Marine Sanctuaries Act](#) (NMSA) (16 U.S.C. § 1445a) authorizes the Secretary of Commerce to establish one or more advisory councils to advise and make recommendations to the Secretary regarding the designation and management of national marine sanctuaries. Executive Order 13178 (December 4, 2000) similarly established a Coral Reef Ecosystem Reserve Council pursuant to the NMSA to provide advice and recommendations regarding the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve. Councils are individually chartered to meet the specific needs of a sanctuary site or of the sanctuary system; 16 councils—15 sanctuary advisory councils and one reserve advisory council—currently exist. Once a council has been chartered, and as vacancies occur for existing councils, the Office of National Marine Sanctuaries starts a process to recruit members for that council by providing notice to the public and asking interested parties to apply for the available seats. An application form has been developed to help ease the application process for the public and facilitate the review process for the sanctuary superintendent.

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.**

As mentioned above, an application form for advisory council membership was developed to help ease the application process for the public and facilitate the review process for NOAA's Office of National Marine Sanctuaries (ONMS) director. ONMS is proposing minor revisions to the 0648-0397 forms to better understand applicant motivations and how applicants will promote diverse perspectives, to ensure consistency in applications by providing recommended lengths for responses, and to update application language to be more inclusive. This information collection will remain unchanged, with the exception of the revisions noted below. There will be no burden added, and no additional public cost burden associated with these minor revisions.

Revisions: Apart from minor, non-substantive textual changes to update the application (e.g., removal of fax number and reordering of questions) the following changes have been made:

- Addition of a diversity statement to stress the importance of including diverse perspectives on advisory councils.
- Addition of language clarifying the role of advisory councils to provide important context to applicants.
- Removal of language prohibiting anyone from serving on an advisory council who has been a federally registered lobbyist in the last two years, to reflect the Office of Management and Budget's revised guidance on the appointment of lobbyists to federal advisory committees, boards, and commissions (79 F.R. 156).
- Clarification that only candidates who are considered for selection will be vetted through a LEXIS/NEXIS check and a departmental bureau check for potential conflict of interest and other issues in their background.
- Clarified restrictions applicable to federal government employees and state government employees interested in serving on a sanctuary advisory council.
- Updated the requirement of letters of recommendation for youth seat candidates to a recommendation to be more inclusive of those students that may not attend traditional schools.
- Updated instructions for completing both applications (youth and general) to include a recommended length for each question response to reduce the time burden associated with completing the application and to ensure consistency in answers.
- Added and/or modified the following questions to the youth seat application:
 - New question: How did you hear about the opportunity to apply for this sanctuary advisory council seat?
 - Rationale: This question has been added to help inform future recruitment efforts.
 - New question: Describe what engaging underrepresented communities and including diverse perspectives means to you and how you can encourage it in your community.
 - Rationale: This question has been added to understand how the applicant will help the sanctuary engage with historically marginalized and underrepresented communities near the sanctuary.
 - Modified question: Why are you interested in serving on the sanctuary advisory council? Please include what you hope to gain from participating on the sanctuary advisory council.
 - Rationale: Added the second part to this question to better understand the applicant's motivation for applying.
- Added and/or modified the following questions to the general seat application:

- New question: How did you hear about the opportunity to apply for this sanctuary advisory council seat?
 - Rationale: This question has been added to help inform future recruitment efforts.
- New question: Describe how you will work to ensure that diverse perspectives and underrepresented communities are represented through the sanctuary advisory council.
 - Rationale: This question has been added to understand how the applicant will help the sanctuary engage with historically marginalized and underrepresented communities near the sanctuary.
- Modified question: Are you willing to participate in sanctuary advisory council activities (e.g., meetings, constituent outreach, retreats, chairing or participating on a subcommittee or working group, and reviewing written materials)?
 - Rationale: Removed “How much time do you have” from the beginning of this question so applicants are not discouraged to apply if they are time limited.
- Modified question: Why are you interested in serving on the sanctuary advisory council? Please include what you hope to gain from participating on the sanctuary advisory council.
 - Rationale: Added the second part to this question to better understand the applicant's motivation for applying.
- Modified question: One of the key roles of a sanctuary advisory council member is to serve as a liaison between the sanctuary and its community. Explain how you will coordinate with, consult with, and inform the members of the constituency you will represent (ex: a Research seat), if appointed to that seat (ex: for a Research seat, members of the sanctuary’s research constituency). If you are applying for more than one seat, please provide responses for each constituency.
 - Rationale: Added the example of the research seat to provide applicants with context and examples of how they may engage with constituents of the specific seat to which they are applying.

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.

Available seats and positions are announced by the appropriate site and ONMS headquarters through various public outreach channels, including a site’s website and local media (e.g., newspapers) and through an annual federal register notice summarizing the recruitment process and providing contact information for potential applicants to contact at each site regarding current vacancies, how to apply, and additional information. Interested persons can request an application kit (containing the application form, a copy of the council’s charter, the council

handbook and information about the site itself) by phone or email. The applicant then completes and returns the form to the site office, by traditional mail or electronically. Several sites per year will have to fill some vacancies on existing councils; new councils may be created if new sites are proposed for designation.

The specific information requested by the applications will be used in the following ways:

- Seat applying for (applicants are asked to check a box for the seat(s) for which they are applying): This information is used to determine the seat(s) on the council in which the applicant is interested.
- Name, addresses and phone numbers: This is basic contact information that is necessary in order to conduct a LEXIS/NEXIS check and a departmental bureau check for potential conflict of interest and other issues in their background; and to notify the applicant about whether he or she will serve on the council. If the applicant becomes a member of the council, this information is used to keep them informed of meeting dates, upcoming events, etc.
- Question 1: How applicants heard about the opportunity: This information is used to help ONMS improve recruitment efforts to ensure we are reaching a broad audience.
- Questions 2-7 (Questions 2-6 youth application): This information is used to determine the qualifications of the applicant for the seat(s) for which (s)he is applying, relative to those of other applicants for the same seat.
- Question 8 (Question 7 youth application): This information is used to help ONMS understand how the applicant will help increase engagement with historically marginalized and underrepresented communities.
- Questions 9-10 (Questions 8-9 youth application): This information is used to determine the qualifications of the applicant for the seat(s) for which (s)he is applying, relative to those of other applicants for the same seat.

ONMS will retain control over the information and safeguard it from improper access, modification and destruction, consistent with National Oceanic and Atmospheric Administration (NOAA) standards for confidentiality, privacy and electronic information. See response to Question 10 of this Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meet all applicable information quality guidelines. Should NOAA decide to disseminate information other than members' names and addresses, it will be subject to the quality control measures and 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.

ONMS provides a broad opportunity for the public to apply for membership on councils. The revised application kit will be available in the updated Council Handbook once the updated Handbook is completed and posted on the SAC website. Applications can be submitted through the mail, by fax, or email.

In addition, ONMS is planning to develop a web-based advisory council application form, which would allow applicants to submit their applications directly via a NOAA website. The estimated implementation date for this online advisory council application form is pending funding and still to be determined.

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.

Advisory councils are bodies unique to ONMS; no other collection of information meets the needs of ONMS for the purpose of selecting members of councils.

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

This collection of information is directed at individuals. No small businesses or other small entities are included.

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.

Councils serve an important function in the management of sanctuaries, by providing advice to ONMS (from a variety of different perspectives and interests) and helping link the sanctuary to the community. In recognition of this importance, the National Marine Sanctuaries Act provided ONMS with its own authority to have councils, making the councils exempt from the [Federal Advisory Committee Act](#). Being able to collect this information allows ONMS to choose the best applicants to serve as council members. Without this information collection, council work would not be done effectively.

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

The collection is 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. 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.

A *Federal Register* Notice published on February 5, 2021 (86 FR 8343) solicited public comment. No comments were received.

We selected three national marine sanctuaries: Flower Garden Banks, Stellwagen, and Hawaiian Island Humpback Whale and asked members of their Sanctuary Advisory Councils the following questions:

1. Is the current SAC application form easy to understand, to complete, and to submit?
2. Are the instructions and information provided in the SAC application enough and clear?
3. Do you think enough information is requested from the applicants? Are there other questions you think should be included in the application?

We received 3 responses, and overall, comments stated that the form is clear and easy to understand, to complete, and submit. Also, the respondents think the instructions on the form are clear. One respondent recommended adding in approximate lengths for question responses to reduce the burden on applicant reviewers and to ensure consistency across all applications. In general, all respondents think the amount of information asked is enough and no additional information should be required. One respondent suggested that perhaps too much information is required but understands that it may be helpful in selecting the advisory council members. On the other hand, another respondent thinks that adding language to a current question to understand applicants' expectations for participating on an advisory council would help the review committee understand the applicant's motivation for applying.

As a result of this feedback, two changes were made to the form:

- Updated instructions for completing both applications (youth and general) to include a recommended length (no more than 2-3 paragraphs) for each question response.
- Modified question 5 to include the following statement, "Please include what you hope to gain from participating on the sanctuary advisory council."

The next revision will take place within 2-3 years.

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

Applicants are not given payments or gifts. When selected to serve on a council, members are eligible for travel expenses (including per diem in lieu of subsistence) for travel to and from official meetings (per 5 U.S.C. §§ 5702-5703).

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.

If chosen to serve on a council, members are informed that their names and business contact information (or other contact information as the member prefers) are made available so that constituents from the segment of the community the member represents can contact him or her. The application form states that ONMS intends to disclose applications only to Department of Commerce/NOAA staff, including employees, grantees, and contractors, with a need to know the information in the applications to complete the application review process, and to current sanctuary advisory council members who serve on the applicant review panel. Applicants are also informed on the application that some information contained in the application may be subject to release under a request from the [Freedom of Information Act](#), through a court order, or in response to a Congressional inquiry. However, if disclosure is requested under FOIA, ONMS will endeavor to protect the privacy of applicants by withholding personal information, such as home addresses and telephone numbers of applicants, as well as names or other identifying information of applicants who are not chosen as members of the council.

Protection of applications (for both selected and non-selected applicants) is as follows:

- Council Applications for Selected Applicants: These are retained and filed in a secure location inaccessible to non-staff. When no longer needed, they are shredded. For record-keeping purposes, applications are retained for five years beyond the expiration of their seat term.
- Council Applications for Non-Selected Applicants: These applications are retained and filed in a secure location as described above. Applications are filed according to the seat applied for. It is useful to have this information to solicit qualified, non-selected applicants to apply again when council seats are vacated. When no longer needed, they are shredded. For record-keeping purposes, these applications are retained for five years beyond their application date.

The information collected is authorized under system of record notice [COMMERCE/NOAA-11](#), Contact Information for Members of the Public Requesting or Providing Information Related to NOAA's Mission. This information is stored in NOAA system [6602](#), Office of National Marine Sanctuaries, and a current Privacy Impact Assessment is on file.

- 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.

Approximately 1000 applications will be sent out by request or downloaded from the Internet. Of these, approximately 75%, or 750, are expected to be completed and returned (720 adult and 30 youth), with an estimated time per applicant of one hour for obtaining, completing and returning the application, for a total annual response time of 750 hours.

Information Collection	Type of Respondent (e.g., Occupational Title)	# of Respondents (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)
General Sanctuary Advisory Council Application	Individual (All Occupations)	720	1	720	1	720	\$ 27.07	\$ 19,490.40
Youth Sanctuary Advisory Council Application	Individual (All Occupations)	30	1	30	1	30	\$ 13.54	\$ 406.05
Totals				750		750		\$ 19,896.45

* The Mean Hourly Wage Rate for All Occupations from the BLS [2020 Occupational Employment and Wage Estimates](#) was used since respondents will likely span all occupational categories. For the Mean Hourly Wage Rate for the Youth applications, the All Occupations rate was divided in half since most individuals under age 18 will be making minimum wage or slight above, if they are working.

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).

There are no capital or start-up costs. No special equipment will need to be obtained for this information collection. ONMS expects applications to cost about \$1 per person for the cost of mailing the completed application, for a total annual cost to the public of \$750.00. However, less than 25% (188) of applications are mailed. This reduces the total annual burden to \$188.00.

Information Collection	# of Respondents Submitting by Mail (a)	Annual # of Responses / Respondent (b)	Total # of Annual Mailed Responses (c) = (a) x (b)	Cost Burden / Respondent (h)	Total Annual Cost Burden (i) = (c) x (h)
General Sanctuary Advisory Council Application	180	1	180	\$ 1.00	\$ 180.00
Youth Sanctuary Advisory Council Application	8	1	8	\$ 1.00	\$ 8.00
TOTALS			750		\$ 188.00

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	ZA-4	\$ 188,610.00	72%		\$ 135,799
Other Federal Positions					
Contractor Cost					
Travel					
Other Costs: Postage, Photocopying					\$ 1,240
TOTAL					\$ 137,039

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

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	
General Sanctuary Advisory Council Application	720	500	720	500	720	500	The increased number of respondents is based on the addition of new advisory councils during the 3-year period.
Youth Sanctuary Advisory Council Application	30	20	30	20	30	20	
Total for Collection	750	520	750	520	750	520	
Difference	230		230		230		

Information Collection	Labor Costs		Miscellaneous Costs		Reason for change or adjustment
	Current	Previous	Current	Previous	
General Sanctuary Advisory Council Application	\$ 19,490.40	Not previously calculated	\$ 180.00	\$ 853.00	Miscellaneous costs have decreased because most respondents submit applications by electronic means.
Youth Sanctuary Advisory Council Application	\$ 406.05		\$ 8.00	\$ 30.00	
Total for Collection	\$ 19,896.45		\$ 188.00	\$ 883.00	
Difference	\$19,896.45		(\$ 695.00)		

The costs to the federal government increased for several reasons. First, due to the increased number of advisory councils, there is a direct increase in the cost of copying and postage. Second, a more accurate reflection of the government labor rate was used, rather than using a flat rate of \$20/hour.

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.

Only the name and preferred contact information for each successful applicant would be published. Such information would likely appear on the individual sanctuary's web page and in newsletters and other usual information outlets for that sanctuary. New council members are usually announced about 30-60 days after the deadline for accepting applications has passed.

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.

No exemptions are being sought.

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

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