

SUPPORTING STATEMENT
U.S. Department of Commerce
National Oceanic & Atmospheric Administration

Basic Requirements for Special Exception Permits and Authorizations to Take, Import, and Export Marine Mammals, Threatened and Endangered Species, and for Maintaining a Captive Marine Mammal Inventory Under Section 104 of the Marine Mammal Protection Act, the Fur Seal Act, and/or Section 10(a)(1)(A) of the Endangered Species Act
OMB Control No. 0648-0084

SUPPORTING STATEMENT PART A

Abstract

The National Marine Fisheries Service (NMFS), Office of Protected Resources, Permits and Conservation Division is proposing an extension of the currently approved information collection OMB Control Number 0648-0084, with no changes. This information collection is under the authority of the Marine Mammal Protection Act (16 U.S.C. 1361 *et seq.*; MMPA), the Fur Seal Act (16 U.S.C. 1151 *et seq.*; FSA), and the Endangered Species Act (16 U.S.C. 1531 *et seq.*; ESA). The MMPA, FSA, and ESA prohibit “take” (e.g., to harass or harm), import, and export of marine mammals and endangered and threatened species, with limited exceptions. Pursuant to Section 104 of the MMPA and Section 10(a)(1)(A) of the ESA, persons or institutions may apply for special exception permits to take, import, or export marine mammals or endangered or threatened species for scientific research or enhancement purposes. Section 104 of the MMPA also allows for Letters of Confirmation under a General Authorization for scientific research, permits for commercial and educational photography of marine mammals, and permits for capture or import of marine mammals for public display. Issuance of permits is a federal action subject to the provisions of the National Environmental Policy Act (NEPA). Persons or institutions seeking to take, import, or export protected species are required to apply for a permit or authorization and demonstrate that the applicable statutory and regulatory requirements are met. The information required in this collection is used by NMFS to make the determinations under the MMPA, FSA, ESA, NEPA, and their implementing regulations prior to issuing a permit or authorization; to evaluate the impacts on protected species; to establish appropriate permit conditions relative to the activity proposed; and, to ensure compliance with the Acts. Information required includes the name, affiliation, contact information and qualifications; the purpose of the request; the species, age, sex, and number of animals; the proposed methods and mitigation to minimize impacts to the species; a description of the impacts to the species and environment; and the requested time frame of the permit. Permit and authorization holders must submit reports on the activities they carry out. Also, the MMPA mandates NMFS maintain an inventory of marine mammals in public display facilities and for those facilities to report certain information about the marine mammals to NMFS (via the National Inventory of Marine Mammals [NIMM]).

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 NMFS Office of Protected Resources, Permits and Conservation Division (hereafter Permits Division) has the responsibility for processing permits and authorizations for the taking, importing, and

exporting of marine mammals under Section 104 of the MMPA and Section 104 of the FSA, and endangered and threatened species with take prohibitions under Section 10(a)(1)(A). Under the MMPA, the Permits Division also has the responsibility of maintaining an inventory of marine mammals on public display at zoos and aquariums.

This information collection applies to protected species for which NMFS is responsible, including the marine mammal species of cetaceans (whales, dolphins, and porpoises) and pinnipeds (seals and sea lions); and threatened and endangered species including smalltooth sawfish, sea turtles (in water), sturgeon (Atlantic and shortnose), and certain foreign species. The information collection may be used for future ESA-listed species. This information collection excludes permits for taking salmonids and other Pacific fish and invertebrate species, which are processed in NMFS West Coast Regional Offices under a separate information collection.

This information collection includes instructions for applying for:

- MMPA/ESA scientific research and enhancement permits,
- ESA scientific research and enhancement permits,
- MMPA/ESA scientific research permits for import and export of protected species parts,
- MMPA Letters of Intent under the General Authorization,
- MMPA photography permits, and
- MMPA public display permits.

The information collection also includes marine mammal public display inventory forms including:

- Mammal Transfer/Transport Notification,
- Marine Mammal Data Sheet, and
- Person/Holder/Facility Sheet.

The Marine Mammal Protection Act (16 U.S.C. 1361 *et seq.*; MMPA), the Fur Seal Act of 1966 (16 U.S.C. 1151 *et seq.*; FSA), and the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*; ESA), hereafter referenced collectively as “the Acts,” mandate the protection and conservation of and prohibit the taking, import, and export of marine mammal and endangered and threatened species and their parts except under certain limited circumstances. Exceptions for scientific research and enhancement (marine mammals and threatened and endangered species), and educational or commercial photography and public display (non-listed marine mammals) are allowed, provided permits are applied for and received, or other necessary authorizations are obtained. Thus, the information in this collection is required for applicants to receive a permit.

[Marine Mammal Protection Act \(MMPA\)](#) - Section 101(a)(1) of the MMPA states: “...consistent with the provisions of Section 104, permits may be issued by the Secretary for taking and importation for purposes of scientific research, public display or enhancing the survival or recovery of a species or stock...”

Section 104(b) requires that “Any permit issued under this section shall (1) be consistent with any applicable regulation established by the Secretary... and (2) specify (A) the number and kind of animals which are authorized to be taken or imported, (B) the location and manner (which manner must be determined by the Secretary to be humane) in which they may be taken, or from which they may be imported, (C) the period during which the permit is valid, and (D) any other terms or conditions which the Secretary deems appropriate.”

Section 104(c) states: “Any permit...shall specify, in addition to the conditions required by subsection

(b) of this section, the methods of capture, supervision, care, and transportation which must be observed...” And finally: “Any person authorized to take or import a marine mammal for purposes of scientific research, public display, or enhancing the survival or recovery of a species or stock shall furnish to the Secretary a report on all activities carried out by him pursuant to that authority.”

Under Section 104(c)(3)(C) of the MMPA, as amended, persons may be authorized to take marine mammals in the wild by Level B harassment for purposes of *bona fide* scientific research. Level B harassment is defined in 50 CFR §216.3 as “any act of pursuit, torment, or annoyance which has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering but which does not have the potential to injure a marine mammal or marine mammal stock in the wild.” Persons interested in conducting research that may result in Level B harassment must submit a letter of intent in accordance with the interim final rule published on October 3, 1994, and submit certain information outlined at 50 CFR §216.45(b) under the General Authorization.

Under Section 104(c)(6) of the MMPA, a permit may be issued for photography for educational or commercial purposes involving marine mammals in the wild and that does not exceed Level B harassment. Regulations specific to photography permits (50 CFR §216.42, Reserved) have not been proposed but applicants are currently provided with interim guidance for photography permit applications, included in this package. This guidance is like that required for the General Authorization because the type of activities and level of harassment authorized under these are similar in nature.

Section 104(c)(8) of the MMPA eliminates the need for a permit or additional authorization to possess, sell, purchase, transport, or export captive marine mammals, or their progeny, for public display purposes, provided the recipient and holder meet applicable criteria. However, a 15-day advance notification is required prior to the transport, transfer, sale, or other disposition of captive marine mammals. Under this section, holders of marine mammals must also report births of marine mammals within 30 days of the date of birth. Further, Section 104(c)(10) of the MMPA, as amended, directs the Secretary to establish and maintain an inventory of captive marine mammals with information specified in Section 104(c)(10)(A-H). Holders of captive marine mammals are mandated to provide this inventory information. Permits are required for captures from the wild, imports, and retaining a releasable stranded marine mammal for purposes of public display. Provisions implementing specific requirements for public display permits, previously codified at 50 CFR §216.39, have not been finalized; these permits continue to be processed in accordance with 50 CFR §216.33 and §216.34.

The regulations at [50 CFR Part 216, Subpart D](#) [published May 10, 1996 (61 FR 21926)] consolidate permitting and authorization requirements under the MMPA, FSA, and ESA for marine mammals. The ESA regulations at [50 CFR §222.308](#) specify that: “Permits for marine mammals shall be issued in accordance with Part 216, Subpart D of this chapter.” The regulations at 50 CFR Part 216 also provide procedures for the disposition of rehabilitated stranded marine mammals, applying for marine mammal research and enhancement permits (including ESA-listed marine mammals), disposition of marine mammal parts, and applying for letters of intent under the General Authorization.

[Fur Seal Act of 1966 \(FSA\)](#) - Section 104 of the FSA, as amended in 1983, provides for the Secretary to conduct research on fur seal resources of the North Pacific and to permit, subject to such terms and conditions as he deems desirable, the taking, transportation, importation, exportation, or possession of fur seals or their parts for educational, scientific, or exhibition purposes. Because northern fur seals are also marine mammals, to avoid duplication, applications for permits for scientific research are processed under the MMPA regulations of Part 216, Subpart D (59 FR 50372, October 3, 1994).

[The Endangered Species Act \(ESA\)](#) - Section 9 of the ESA prohibits import, export, or taking endangered species of fish or wildlife and threatened species with the same protections afforded via regulation unless authorized by permit. In accordance with ESA Section 10(a)(1)(A), the Secretary may permit, under such terms and conditions as he/she may prescribe, taking of listed species for scientific purposes or to enhance the propagation or survival of the affected species. A final rule published in the *Federal Register* in May 1996 revised 50 CFR §222.23(b) permit application procedures so that ESA-listed marine mammal permits would be issued in accordance with the provisions of 50 CFR Part 216, Subpart D, as mentioned above.

The regulations implementing the authority to issue permits for scientific research or enhancement for other ESA-listed species are found at 50 CFR Part 222. The regulations contain information collections for applications for scientific research and enhancement permits and reporting requirements for permits.

When endangered or threatened species are involved, the Permits Division is required to consult with the NMFS Endangered Species Act Interagency Cooperation Division under Section 7 of the ESA to determine whether the permitted activities may jeopardize the continued existence of ESA-listed species. The scientific research and enhancement permit application instructions provide information required for such consultations to eliminate the need to ask applicants for additional information during the consultation process and reduce the burden and overall processing time for ESA permits. Since 2017, the Permits Division has completed four programmatic consultations for cetaceans, sawfish, sea turtles, and sturgeon, whereby individual ESA Section 7 consultations are no longer required for individual permit applications that fall under the scope of a programmatic biological opinion. This has resulted in streamlined permitting and reduction in processing time by approximately 50%.

[National Environmental Policy Act \(NEPA\)](#) (42 U.S.C. 4321 *et seq.*) – Issuance of a permit is considered a major federal action, which is subject to NEPA. While the issuance of permits is generally categorically excluded from the requirements to prepare extensive environmental analyses, under certain circumstances (e.g., if the activity is novel or controversial for environmental reasons) preparation of an Environmental Assessment (EA) or an Environmental Impact Statement (EIS) may be necessary. If an application does not contain sufficient information on the environmental impact of the proposed activity to determine whether an EA or EIS is necessary, or if the information is insufficient to complete such analyses, the application may be returned, or processing may be delayed. An EA/EIS must consider the potential environmental impacts of the proposed research using the description of the activities provided in the application and the best available information on the effects of such activities. All permit application instructions include questions pertaining to impacts to the environment to facilitate complete applications and ensure sufficient information is included to make the appropriate determination on the level of NEPA analysis required.

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.

Information required in these permit applications includes the name, affiliation, contact information and qualifications of the applicant and others listed on the application; the purpose of the request; the species, age, sex, and number of animals; the proposed methods and mitigation to minimize impacts to the species; a description of the impacts to the species and environment; and the requested time frame of the permit. Permit and authorization holders must submit reports on the activities they carry out including how they met their permitted objectives; the number and species of animals taken, imported, or exported; the observed effects of the activities; problems encountered; and coordination with other

permit holders. Information is collected from individuals; business or other for-profit organizations; not-for-profit institutions; State, Local, or Tribal governments; and the Federal government.

Persons may apply online for scientific research and enhancement permits and General Authorizations using the Authorizations and Permits for Protected Species (APPS) online application system (<https://apps.nmfs.noaa.gov/>). We plan to make photography and public display applications available via APPS when resources allow. All permit applications are available as Word and PDF instructions on our website (<https://www.fisheries.noaa.gov/permits-and-forms#protected-resources>) and may be emailed or mailed. Marine mammal inventory forms are available on our website (<https://www.fisheries.noaa.gov/national/marine-mammal-protection/national-inventory-marine-mammals>) and submitted via email or mail. The public may request information collected in this collection (i.e., applications, permits, amendments, reports, and public display inventory information) under the Freedom of Information Act ([FOIA](#)).

The Permits Division and the Director, Office of Protected Resources, use the information to determine whether the proposed taking, import, or export is consistent with the Acts and regulations and as a basis for deciding whether to issue or deny a permit or authorization. Since January 1, 2020, this information collection has been used to issue approximately 175 new permits, 37 General Authorizations, and over 750 permit modifications and authorization letters.

The information in applications for permits is submitted once, unless the submission is incomplete, in which case the application is returned with explanation of the deficiencies or, additional information is requested to complete the application. Revised applications are reviewed again for completeness, and ESA permit applications are also reviewed by ESA Section 7 consulting biologists. Once a permit application is deemed complete, the Acts require that we publish notice in the *Federal Register* making each application available to the public for comment for a minimum of 30 days. The MMPA directs the U.S. Marine Mammal Commission to review all applications for marine mammal scientific research, enhancement, or public display permits. Applications are also sent for review to subject-matter experts within or outside the agency.

Once issued, MMPA permits are currently valid for a maximum of five years (and may be extended in the future), and ESA permits may be valid for up to 10 years. Unless an amendment of the permit is necessary, the applicant need not submit new information for the application once it is deemed complete. Permit holders may apply for major amendments or modifications to permits to change species, location, methods, number of animals, and duration of the permit; these amendments or modifications are subject to a 30-day public comment period. Permit holders may apply for minor amendments and authorizations to change personnel, make minor adjustments to their methods, or to allow film companies or other non-essential personnel to accompany researchers for specific purposes (e.g., documentary films). Those authorizations require additional information for processing but are not required to have a public comment period. As permits are valid for at least 5 years and up to 10 years, a less frequent collection of information is not appropriate for these applications.

Annual reports are required by MMPA/ESA permits (50 CFR §216.38 of the regulations; Section 104[c][1] of the MMPA) and ESA permits (50 CFR §222.308[d][5]); Section 10[a][2][C] of the ESA). Reports are used by NMFS to: 1) ensure that the terms and conditions of the permit are being complied with, 2) evaluate the impacts of research activities on protected species, 3) ensure that unnecessarily duplicative and potentially cumulative harassments are kept to a minimum, and 4) ensure that permit holders are making the results of their work accessible to the public (e.g., through publication of scientific papers). For ESA species, reports are also used to determine that the taking of the affected

species is not appreciably reducing the likelihood of the survival and recovery of the species, and to determine if re-initiation of ESA Section 7 consultation is required.

Holders of marine mammals on public display must report the following inventory information as required in Section 104(c)(10) of the MMPA: births (including estimated or actual birth date), name or other identification of the animal, sex, source of the animal, date the animal enters and leaves a facility and where it goes, whether the animal was from a stranding, and date and cause of death (when determined). Holders must report when an animal gives birth within 30 days of the date of the birth. As a policy, we request death information within 30 days, consistent with birth reporting. They must also provide notification of transfers (i.e., change in custody) and transports (i.e., change in location) at least 15 days prior to the transfer or transport. The marine mammal inventory reporting is mandated by Congress.

Over time, this ongoing collection has been revised to be formatted and written in plain language to improve readability; edited to include examples of information needed for different taxa or methods to improve the quality of applications received; and reorganized to streamline the content. There are no changes proposed to the collection at this time. See also response to Question 8.

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.

All application instructions are available on the internet as PDF or Word documents (at <https://www.fisheries.noaa.gov/permits-and-forms#protected-resources>), and applications can be emailed to applicants if requested. Applications for scientific research and enhancement permits and Letters of Intent under the General Authorization are available via the on-line system, APPS, found at <https://apps.nmfs.noaa.gov/>. The APPS on-line system provides an efficient electronic format for the public to apply for these permits and provide reports for these permits. We plan to expand the APPS system to include programming for specific modules for applying online for photography permits and public display permits, as resources and time allow. For those permits, applicants typically email a Word or PDF version of their application for processing. We plan to also program specific modules in APPS for applications and reports for permits to import or export protected species parts (i.e., “parts permits” with no live animals involved) to streamline these applications, which typically require less information than applications involving work with live animals. It is required by the regulations (50 CFR §216.33[a] and §222.308[b][13]) that the application be signed, and in 2020, we began accepting electronic signatures. Reports may be submitted via APPS, by email, or by mail. Since 2020, we have received few paper applications or reports and most applications have been either submitted via APPS or via email.

Electronic records are maintained for the Administrative Record for each permit file. The files include application and permit processing information. Electronic records are maintained in APPS and on the NMFS Office of Protected Resources shared network. Electronic applications are distributed by email to NMFS experts, other expert reviewers, and the Marine Mammal Commission during the permit process. NMFS corresponds electronically via email with the applicant. Automated e-mails generated by APPS are sent to remind permit holders of when reports are due and when permits expire so that they have ample time to prepare a new permit application.

As required by regulation (50 CFR §216.33[d] and §222.303[b]), a summary of each application is published in the *Federal Register* (which is available online on a real-time basis), and from that anyone from the interested public may contact NMFS for the complete application, which can be sent to them electronically. The public can search and view publicly available applications online via APPS.

Public display inventory materials and reports are electronic forms that are received by email (NIMM.inventory@noaa.gov) and are entered into an electronic database (National Inventory of Marine Mammals, NIMM). The forms used by public display facilities to report marine mammal inventory changes and transfers and transports of animals are available as fillable and printable PDF or Word forms on the Office of Protected Resources website at <https://www.fisheries.noaa.gov/national/marine-mammal-protection/national-inventory-marine-mammals>. The NIMM forms include an institutional contact form, a marine mammal data sheet (MMDS), and a transfer/transport notification form. Inventory information required by the MMPA includes the animal's name or other identification; sex; birth date; date animal enters and leaves a collection; source of the animal (e.g., stranding); where an animal is transferred or transported; and date and cause of death (when determined). Exporting facilities must provide documentation to NMFS that the recipient facility meets standards comparable to those required in the United States.

The NIMM database tracks all NMFS regulated marine mammals held in captive facilities within the United States and includes foreign facilities when U.S. source marine mammals are exported. NIMM is a web-based program that replaced a previous DOS-based inventory system (Permit Program Information Management System, PPIMS) in September 2012. If resources and time allow, over the next 3 years, NMFS plans on programming the NIMM system to be accessible to the regulated marine mammal holders to enter their inventory information as an option in lieu of submitting forms via email. NIMM currently produces two types of reports: 1) a summary of marine mammals that lists the current holding facility or the facility where the animal died, and 2) data sheets that reflect the history of any particular animal's movements among facilities. Inventory information is frequently requested by the public and made available under FOIA. These inventory reports are generally made available as an Excel file but are also made available via a PDF or a mailed hard copy if requested; monthly reports are now available in the FOIA reading room to FOIA requestors.

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

There is no overlap or duplication for permits requested under the MMPA, ESA, or FSA because a single application and permit covers all requirements of these Acts. For example, if a researcher proposes to work on ESA-listed endangered Steller sea lions, MMPA-depleted Northern fur seals, and non-endangered California sea lions (protected only under the MMPA), the researcher will apply for one permit using one set of instructions that cover the ESA, FSA, and MMPA. In addition, when a permit holder applies for a new permit to continue their work, they can copy over their previous application in APPS and use that for the basis of their new application. To avoid duplication with requirements under the ESA for necessary Section 7 consultations and requirements under NEPA, the instructions in this instrument collection also include information requirements for these statutes.

There may be some duplication of information for researchers required to obtain approval by an Institutional Animal Care and Use Committee (IACUC) under the Animal Welfare Act (AWA), which is administered by the U.S. Department of Agriculture, Animal and Plant Health Inspection Service. However, researchers should be able to use the same information in a permit application in their IACUC application, and vice versa. We accept IACUC approvals and protocols to support determinations under

the MMPA that the proposed research is humane, but it does not substitute for the requirements under the MMPA or ESA because these laws are separate from the AWA. As well, researchers may have to apply for and obtain special use permits to work in protected areas such as National Marine Sanctuaries, National Parks, or to work in Antarctica. Such permits are under separate jurisdictions and cannot be combined.

Some duplication may occur with the public display inventory, NIMM, and a private company that maintains zoo and aquarium animal information. However, any duplicative reporting to a private company is voluntary on the part of the marine mammal holders. Inventory reporting is mandatory under the MMPA.

1NMFS and the U.S. Fish and Wildlife Service (USFWS) share responsibilities under Section 104 of the MMPA and Section 10(a)(1)(A) of the ESA. The USFWS has jurisdiction over walrus, polar bears, sea otters, dugongs, manatee, and sea turtles on land. NMFS has jurisdiction over cetaceans, seals, sea lions, and sea turtles in water. If an applicant wishes to work with species regulated by NMFS and USFWS, they must secure permits from both agencies. The USFWS requests similar information but has a different application process (see <http://www.fws.gov/permits/>). Prior to launching our online application system, APPS, in 2008, NMFS and the USFWS processed joint permits. The USFWS was not able to provide funding to program APPS to include their species; thus, we no longer process joint MMPA/ESA permits with USFWS.

For applicants importing or exporting protected species or their parts, a Convention on International Trade of Endangered Species of Flora and Fauna (CITES) permit may also be required. CITES permits are administered by the USFWS. Some duplication is unavoidable because applicants are required by law to secure any necessary CITES permit to import or export CITES-listed wildlife.

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

1There should not be a significant burden to small businesses or other small entities. MMPA permits may be valid for a 5-year period, and ESA permits may be valid for a 10-year period, avoiding the need to apply for a permit annually. Over the next 3 years, we anticipate implementing extended durations (e.g., up to 10 years) of MMPA permits if we are able to publish a proposed and final rule to amend the regulations at 50 CFR §216.35 to remove the regulatory 5-year restriction on MMPA permit durations.

Permit reports are only required annually, except under special circumstances when an incident report is required (e.g., exceeding authorized take by killing an animal). We provide a web page for researchers to review the information required in a report in advance of the report being due at <https://www.fisheries.noaa.gov/national/endangered-species-conservation/reports-protected-species-permits>.

Information requests for holders of marine mammals on public display are short forms and do not require much time to complete. These reports are accessible online and can be submitted via email as described above. As resources and time allow, we plan to make the NIMM online inventory system available in the future to the regulated community to submit their inventory information directly online as an option in lieu of filling out and emailing a form.

Because permit applicants and holders of marine mammals use computers in the conduct of their daily work as researchers, professional filmmakers, and public display marine mammal holders, they do not

have to purchase computers or other equipment simply to apply for a permit or to email information in this information collection. NMFS developed the online system, APPS, in 2008 to simplify information collection processes. We are continually working to improve the functionality of APPS to better serve our permit holders. Over the next 3 years, we will be working with developers to replace the aging APPS system, which is using outdated software, with a new web-based platform and database for protected species permits and authorizations.

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.

Without a permit application that demonstrates the MMPA, FSA, and ESA statutory and regulatory requirements have been met, NMFS cannot legally grant such permits. Without a permit, researchers and others who work with protected species could not conduct their work legally. NMFS is mandated by the MMPA to collect certain information on marine mammals, so NMFS science center researchers will always require a permit to conduct marine mammal surveys. Most permits granted are for scientific research on marine mammals and threatened and endangered species. The information obtained from this work results in published literature that provides the best available science to inform the public on the status and threats to these species and inform NMFS and other agencies that manage and protect these species.

If annual permit reports are not submitted, NMFS will not be able to adequately monitor the permit activities and compliance with permit conditions. The information gained from the annual reports is also used to inform management decisions to aid in the recovery of listed species, assessing impacts of the permitted activities on the subject species, and in assisting with analyses required under Section 7 of the ESA and NEPA.

Transfers, transports, births, and deaths of marine mammals in public display facilities must be reported. If the information on the inventory forms is not provided, the holders of marine mammals would be in violation of the MMPA, and the public would not have access to an accurate inventory of captive marine mammals.

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

In some cases, we may require respondents to report information to the agency more often than quarterly or may require respondents to prepare a written response in fewer than 30 days, as follows:

- A notification form must be provided to NMFS at least 15 days in advance of a proposed transport, transfer, or export of public display marine mammals, and births of marine mammals in captivity must be reported within 30 days of the date of the birth. This is a statutory requirement in MMPA Section 104(c)(2)(E) imposed by Congress.
- 50 CFR §216.45 of the MMPA implementing regulations requires General Authorization Letter of Confirmation holders to notify the Regional Administrator (RA) at least 2 weeks in advance of starting the research to allow the RA to coordinate activities with other researchers that may be working in the area. The coordination of research decreases the impact of multiple activities on the marine species.

- Also, according to the MMPA implementing regulations, unless a Letter of Confirmation holder also has an ESA permit, taking of an ESA-listed species during conduct of the research must be reported within 12 hours and the research suspended.
- MMPA and ESA permits have conditions with similar reporting requirements as the General Authorization (i.e., reporting activities 2 weeks prior to going into the field) to allow for NMFS Regional coordination of activities to minimize impacts to the species.
- For permit reports involving incidents (e.g., an unauthorized mortality or serious injury of an animal, exceeding the authorized take, or the taking of a species not authorized by the permit), notification for these events must take place within two days of the event, and an incident report must be submitted within two weeks that describes what happened and what will be done to prevent it from happening again. When such incidents occur, permit holders must cease activities until the event has been reviewed by NMFS. The timing of these reports allows for a quick response by NMFS to determine the magnitude of the impacts to protected species, whether additional mitigation measures are required before the permitted activities can continue, or if ESA Section 7 consultation must be re-initiated prior to the activities continuing.

Respondents may be required to retain issued permits for more than three years. Permit Holders must retain issued permits for the duration they are authorized to conduct take, import, or export activities on protected species or for the duration they retain protected species parts. This may be for more than three years if a permit has a 5- or 10-year duration. The permit provides legal authorization for a permit holder to conduct activities that would otherwise be unlawful.

Other than the items listed above, this collection 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.

The PRA *Federal Register* notice ([88 FR 41887](#)) published on June 28, 2023, for a 60-day comment period. One public comment was received on July 1, 2023, from Jean Public.¹ Ms. Public did not request a copy of the information collection, and we do not consider the comment substantive or relevant to the information required in this information collection. Contrary to what Ms. Public claims, we do not allow permit holders to “kill animals 99% of the time.” Ms. Public also states our decisions are “not environmentally sound” but does not provide a rationale for the comment.

In this notice, we had originally proposed to provide additional guidance to improve the reasonableness

¹ The comment stated: “we need to save the creatuers [sic] in our oceans the whales, sea turtles, seals, etc. this agency gives out permits to kill them 99% of the time and they are approved. this is far too often. it shows no discrimination. this agency has no idea what the word protectoin [sic] means. it never thinks about full protection. this agency lets profiteers run wild. this agency in allowing all those permit to kill shows anti environmental actions.it is time an investigation of this pro killing stance of this agency should be investigated for criminality. the decisions of this agency are not environmentally sound. these decisions are not helpful to a healthful american life. i woulkd [sic] grade this agency with a grade of f minus or zero. the usa public needs to be heard on the devastation in our seas caused by this careless negligent agency. this comment is for thue [sic] public record. jean publiee[sic] jeanpublic1@gmail.com”

of our applicant's take estimates and the accuracy of their subsequent reporting. However, we are no longer proposing those changes due to resource limitations at this time. We plan to work on developing additional take guidance for permit applicants as time and resources allow.

In the previous PRA review (see 84 FR 50409 published on September 25, 2019; approved on November 27, 2020), we changed the formatting of the application instructions and made clarifications to improve readability. During that process, we actively solicited input from our regulated community and stakeholders and received 7 letters with substantive comments from individuals or organizations comprising permit holders, non-governmental organizations (i.e., one letter was signed by 9 animal welfare organizations), public display organizations, and the U.S. Marine Mammal Commission. Those comments and responses were addressed in the previous PRA submission.

In addition to seeking comment through the PRA *Federal Register* notices, we regularly receive input from the scientific research, photography, and public display community. Such information exchanges typically occur via email from permit applicants/holders during application processing or in final reports. Currently, in our final report, we solicit voluntary feedback on APPS and the permit. We propose to revise this question to clarify we are also seeking feedback on the application instructions that accompany APPS. In addition, we also receive real-time input via our apps.feedback@noaa.gov email account (these generally include problems logging into APPS or accessing a permit file, which are addressed expeditiously by permit staff). Over the past 3 years (during 2020-2023), we received feedback from at least 50 permit holders via email or in permit final reports, many of which were positive comments on the ease in of use of APPS. These comments are summarized in Appendix A.

We also regularly receive input from the Marine Mammal Commission on the information required in this collection. Such information exchanges typically occur via email during application processing and correspondence with the Marine Mammal Commission's permit officer. Over the past 3 years, the Marine Mammal Commission has provided fewer reviews of our permit applications due to limited resources. However, for those applications they do provide comments on, a recurring comment is in support of our agency making sure all applicants follow the instructions and use the Qualifications Form included in this collection. The Marine Mammal Commission also regularly comments on the need for NMFS to be consistent in its review of applications especially those involving active acoustic sound sources that may impact marine mammals. In response, we are working on developing internal guidance to address processing of permit applications with different sound sources to provide permit analysts with consistent guidance. We may also need to develop additional guidance in these instructions for permit applicants using various sound sources in their research.

We also receive feedback from constituents during annual and bi-annual conferences such as the American Fisheries Society, the Biennial Conference on the Biology of Marine Mammals, the Southeast and Mid-Atlantic Marine Mammal Symposium, the International Sea Turtle Symposium, and annual meetings related to public display (e.g., the Association of Zoos and Aquariums, Alliance of Marine Mammal Parks and Aquariums, and the Zoo Registrars Association). Many of these conferences are now virtual, so our ability to interact in person with our constituents has been less frequent since 2020. Over the next 3 years (provided we have sufficient resources), we hope to increase our outreach capabilities and host webinars and in-person workshops to educate our constituents on the information required in this collection including the process to obtain a permit and reporting requirements.

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

No payment or gifts will be provided to 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.

We do not collect SSNs. The information in this collection is part of a Privacy Act System of Records, COMMERCE/NOAA #12, Marine Mammals, Endangered and Threatened Species, Permits and Exemptions Applicants.

For all permit applications, we tell applicants not to include personally identifiable information. They provide an address, email, and phone number for correspondence purposes. The MMPA and ESA require that we make the permit applications available for review by the public once an application is deemed complete. During the public comment period and after a permit is issued, the public can search on-line via APPS and access MMPA and ESA scientific research and enhancement permit applications and Letters of Intent under the General Authorization. All permit and authorization documentation including annual reports, and the marine mammal inventory, is subject to FOIA. However, any personal information that may have voluntarily been included that is subject to the Privacy Act is redacted prior to release under FOIA.

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.

There are no requirements for submission of such information of a sensitive nature.

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

Table 1. Estimate in hours of burden of collection of information with average hourly wages.

Information Collection	Type of Respondent (e.g., Profession)	# of Annual Respondents	Annual # of Responses / Respondent	Total # of Annual Responses	Burden Hrs / Response	Total Annual Burden Hrs	Hourly Wage Rate* (for Type of Respondent)	Total Annual Wage Burden Costs
Scientific research and enhancement (SR/EN)	Researcher (Zoologist and Wildlife Biologist)	30	1	30	50	1500	34.91	52365
SR/EN parts only	Researcher (Zoologist and Wildlife Biologist)	12	1	12	20	240	34.91	8378.4
Public display (PD)	Zoo Registrar (Executive Administrative Assistant)	1	1	1	50	50	34.16	1708
Photography (PH)	Film producer	10	1	10	10	100	53.2	5320
General Authorization (GA)	Researcher (Zoologist and Wildlife Biologist)	10	1	10	10	100	34.91	3491
Major amendments/modifications to permits	Any of the above (Researcher salary used b/c most predominant)	20	1	20	35	700	34.91	24437
Minor/ authorizations	Any of the above (Researcher salary used b/c most predominant)	190	1	190	3	570	34.91	19898.7
SR/EN reports	Researcher (Zoologist and Wildlife Biologist)	140	1	140	12	1680	34.91	58648.8
SR/EN parts only reports	Researcher (Zoologist and Wildlife Biologist)	43	1	43	8	344	34.91	12009.04
PD reports (3 total)	Zoo Registrar (Executive Administrative Assistant)	1	1	1	2	2	34.16	68.32
PH reports	Film producer	11	1	11	2	22	53.2	1170.4
GA reports	Researcher (Zoologist and Wildlife Biologist)	35	1	35	8	280	34.91	9774.8
PD inventory forms	Zoo Registrar (Executive Administrative Assistant)	130	1	130	2	260	34.16	8881.6
General permit record keeping	Any of the above (Researcher salary used b/c most predominant)	230	1	230	2	460	34.91	16058.6
General PD inventory record keeping	Registrar	130	1	130	2	260	34.16	8881.6
Totals				993**		6568		231091.3

*The source of hourly wage rate is the U.S. Bureau of Labor Statistic's wage data <https://www.bls.gov/bls/blswage.htm> (see below).

Zoologist and Wildlife Biologist mean hourly annual wage = \$34.91 (<https://www.bls.gov/oes/current/oes191023.htm>).

Zoo Registrar/Executive Admin Asst mean hourly wage = \$34.16 (<https://www.bls.gov/oes/current/oes436011.htm>).

Film producer mean hourly wage = \$53.20
(<https://www.bls.gov/oes/current/oes272012.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).

There are no capital/start-up or ongoing operation/maintenance costs associated with this information collection.

Table 2. Estimate of annual cost burden excluding burden hours.

Information Collection	# of Respondents	Annual # of Responses / Respondent	Total # of Annual Responses	Cost Burden / Respondent	Total Annual Cost Burden	
All	3	1	3	1.05	3.15	(postage)
All	1	1	1	\$50	50	(overnight)
All	1	1	1	26.95	26.95	(USPS Express)
TOTALS	5		5		80	Reduced from \$1000 in 2019

The total annual operations and maintenance cost burden is substantially reduced from approximately \$1,000 in 2019 to \$80 in 2023. These costs were estimated from discussions with NMFS staff that receive applications. We are now primarily accepting electronic submissions online via APPS, or via email for those applications not available online. Since 2020, we have been accepting electronic signatures. We also accept PDFs of signed documents. Following COVID, we now have few applicants mailing applications, reports, or inventory forms. While estimated mailing costs have gone up, our overall cost burden estimate has been substantially reduced and is expected to be reduced even further over the next 3 years where we expect few to no mailings.

We do not estimate any additional costs beyond those necessary by normal business practices and/or research purposes (i.e., no costs for equipment such as computers because our applicants would already have computers). To publish research results or to justify research funding, a permit holder must maintain detailed records. Holders of marine mammals on public display are mandated to maintain inventory records for all animals in their collections. Therefore, we are not aware of any additional costs incurred by holders 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.

Table 3. Estimated annualized cost to the Federal Government.

Cost Descriptions	Grade/Step	Loaded Salary /Cost	% of Effort	Fringe (if Applicable)	Total Cost to Government
Federal Oversight	ZP IV	138,708	80%		110966.4
	ZP III	112,711	80%		90168.8
	ZP III	112,711	80%		90168.8
	ZP III	112,711	80%		90168.8
	ZP III	112,711	80%		90168.8
	ZP III	112,711	80%		90168.8
	ZP III	112,711	80%		90168.8

Cost Descriptions	Grade/Step	Loaded Salary /Cost	% of Effort	Fringe (if Applicable)	Total Cost to Government
Contractor Cost		112,711	80%		90168.8
Travel					
Other Costs (misc)					5,000
TOTAL					747,148

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

Table 4. Program adjustments (changes in the number of responses) and reasons.

Information Collection	Respondents		Responses		Annual Burden Hours		Reason for change or adjustment
	Current Renewal	Previous Renewal / Revision	Current Renewal	Previous Renewal / Revision	Current Renewal	Previous Renewal / Revision	
ESA and ESA/MMPA scientific research and enhancement (SR/EN)	30	35	30	35	1500	1750	Decrease in average number of SR/EN applications received over past 3 years and that anticipated for the next 3 years; e.g., increased implementation of programmatic permitting with 10 year permits
SR/EN parts only	12	12	12	12	240	240	N/A
Public display (PD)	1	3	1	3	50	150	Decrease in average number of PD applications received over past 3 years and that anticipated over next 3 years
Photography (PH)	10	5	10	5	100	50	Increase in number of PH applications received over past 3 years and that anticipated over next 3 years
General Authorization (GA)	10	10	10	10	100	100	N/A
Major amendment/modification to permits	20	35	20	35	700	700	Technically, a decrease in number of major amend/mod and anticipated next 3 years but appears we miscalculated it last PRA
Minor/authorizations	190	155	190	155	570	465	Increase in average number of minor mods/authorizations over past 3 years and anticipated over next 3 years
SR/EN reports	140	145	140	145	1680	1740	Decrease in average number of SR/EN permits over past 3 years and that are anticipated to report over next 3 years

Information Collection	Respondents		Responses		Annual Burden Hours		Reason for change or adjustment
	Current Renewal	Previous Renewal / Revision	Current Renewal	Previous Renewal / Revision	Current Renewal	Previous Renewal / Revision	
SR/EN parts only reports	43	35	43	35	344	280	Increase in average number of parts permits over past 3 years and that anticipated over next 3 years
PD reports	1	3	1	3	2	6	Decrease in average number of PD permits over past 3 years and that anticipated over next 3 years
PH reports	11	5	11	5	22	10	Increase in average number of PH permits over past 3 years and that anticipated over next 3 years
GA reports	35	35	35	35	280	280	N/A
PD inventory forms	130	135	130	135	260	270	Decreased number of PD facilities; more accurate number from NIMM database of U.S. facilities holding marine mammals
All permits general record keeping	230	215	230	215	460	430	Increase in number of active permits anticipated in next 3 years
PD inventory general record keeping	130	135	130	135	260	270	Decreased number of PD facilities; more accurate number from NIMM database of U.S. facilities holding marine mammals
Total for Collection	993	963	993	963	6568	6741	

Miscellaneous costs were reduced from \$988 to \$80 as a result of most applications being submitted electronically.

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.

As mentioned above, permit applications submitted by researchers, filmmakers, and zoos and aquariums are published in a *Federal Register* notice making the application available for a minimum 30-day public comment period, as required by law. In those notices, we summarize the activities in one to two paragraphs and refer the public to 1) the APPS online system for the full application, 2) a NMFS contact email to request a copy of applications not yet available via APPS, or in some cases, 3) to a web page with the application as a PDF. We also publish a *Federal Register* notice of issuance to inform the public that a permit has been issued.

Applications are distributed externally to the U.S. Marine Mammal Commission and other relevant agencies for review and comment. Applications are also distributed internally to NMFS subject matter experts and managers. Currently, the public is required to submit a FOIA request to obtain a permit report. In the next 3 years, we may make permit reports publicly available via APPS.

The marine mammal inventory (known as a Marine Mammal Inventory Report Summary) is

available as a downloaded Excel file from NIMM to the public via a FOIA request; monthly reports are available in the FOIA reading room to FOIA requestors.

Currently there are no other plans for publication of the information collected.

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 agency plans to display the expiration date for OMB approval of the information collection on all instruments.

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\(b\)\(3\)](#).

Appendix A: Comments Received on 0084 from 2020-2023.

In addition to seeking comment through the PRA *Federal Register* notices, we regularly seek and receive input from the scientific research, photography, and public display community. Such information exchanges typically occur via email from permit applicants/holders during application processing or in final reports (where we solicit voluntary feedback). In addition, we also receive real-time input via our apps.feedback@noaa.gov email account (these generally include problems logging into APPS or accessing a permit file, which are addressed expeditiously by permit staff).

Over the past 3 years (during 2020-2023), we received some form of feedback from at least 50 permit holders via email or in permit final reports. In many cases, the comments were to thank and commend permit analysts for their customer service. Comments on the application instructions, process, and use of APPS are summarized below. Most comments are about the use of the online application system, [APPS](#).

- Positive comments on the ease in use of APPS, include the following remarks:
 - “APPS is easy to use and convenient for reporting on, submitting, and amending permits.”
 - “The APPS system has been very easy to use.”
 - “I found the online system to be easy to use and intuitive.”
 - “We have not had any problems using APPS and find it clear and efficient to navigate.”
 - “I think the process for applications and permits was efficient.”
 - “We did not have any problems using APPS.”
 - “The APPS reporting system is a great product.”
 - “I had no problems with APPS.”
 - “The process of using APPS has been straightforward and consistent.”
 - “Overall, using APPS is efficient and fairly straightforward to navigate. No problems entering data or text for this report.”
 - “I had no problems using APPS or meeting permit conditions.”
 - “The APPS system seems to be updated and much more user friendly compared to when the permit was issued in 2016.”
 - “We did not have any issues with APPS. Thank you for your time during the last 5 years with permitting for this research.”
 - “The process of applying for this permit and our new 5 year permit was reasonable and valuable. The transition to the APPS system was a positive step forward. The recent changes to the system for evaluating CI experience and capability are useful and builds on the system we originally developed to manage the large permit.”
 - “There have been no problems with APPS, and we greatly appreciate the help and input received from NOAA permit analysts...as we complete reporting requirements each

year.”

- “The APPS system had streamlined the application and reporting process considerably, and we have not had any problems using the system.”
- “APPS was easy to use and the automated emails reminding us of deadlines were very helpful.”
- “The APPS program works well and our permit as is allows us to continue archiving and loaning specimens to assist research into marine mammals.”
- “The APPS system is convenient and easy to use.”
- “The modification process was easy when permit conditions needed to be altered.”
- “We did not experience any problems using APPS and the permit conditions were clear.”
- “APPS is generally easy to use once you get familiar with it.”
- “The APPS program works well and is self-explanatory.”
- “We find APPS straightforward to use!”
- Positive comments from permit holders that they appreciated receiving automated emails in advance of the permit expiring to allow sufficient time to prepare a new permit application.
- Questions from permit holders who conduct studies on captive marine mammals seeking clarity on the annual report questions, which appear more applicable to wild animals.
 - Response: The majority (~97%) of our permits authorize activities involving animals in the wild. However, we plan to address this comment in the future as resources allow by developing annual report questions specific to captive animals, which have some different considerations and requirements.
- Comments that the APPS system would benefit from an auto save capability.
 - Response: The instructions and the APPS website inform applicants to save their work every 20 minutes. Programming an auto save capability is something we plan to develop in the future as resources allow.
- Questions on how to reflect a delay in using a permit due to the pandemic.
 - Response: There is a check box in the APPS report form if work wasn’t conducted in a given year, which prompts the permit holder to provide a justification for not conducting the work.
- A comment that NMFS could “perhaps consider a FAQ section” for using APPS, but they did not provide questions to address.
 - Response: We have plans to create a new web page in the future with a FAQ for permit holders that covers a variety of questions we regularly receive.
- Comments that it would be helpful to be able to review all the report questions prior to having to fill out a report in APPS when it is due, and that within the APPS report, “it would be nice if you

could see all questions on one page vs. needed to click on ‘next’ after every two questions.” And that if APPS questions change in future years, the new template of questions should be sent to all permitted researchers in advance so reports can be prepared properly.

- Response: We have created a permit report web page (<https://www.fisheries.noaa.gov/national/rules-and-regulations/reports-protected-species-permits>) that is linked in the permit so permit holders can review the questions prior to the report being due. We are considering adding a new appendix to each permit that includes all report questions, so the permit holder has them in writing with the permit versus having to go to the website. We will explore the APPS programming to determine whether we can show more than two questions per web page.

In addition, over the next 3 years (provided we have sufficient resources), we hope to increase our outreach capabilities and host webinars and in-person workshops to educate our constituents on the information required in this collection including permit reporting requirements.

- Comments that it was confusing to know if the final report should include both unreported last year findings and 5-year findings, or, if there would be 2 separate reports.
 - Response: The final report is one report that encompasses the last year of the permit as well as separate questions pertaining to the 5-year period. This is evident in the final report questions. See also response above regarding increasing outreach on reporting requirements.
- Comments that the take table can be “cumbersome” and hard to navigate. Overtime we have received suggestions and requests to improve the take table format including such things as adding the capability to upload an Excel table (in addition to being able to download an Excel table, which is already programmed); making the rows closer together; making the details more clear in the last column to distinguish invasive procedures; having the ability to insert new rows anywhere in the table instead of just at the end.
 - Response: The APPS take table is by far the most complex aspect of APPS and the most challenging to program. Some suggestions are not possible due to programming and software constraints of the APPS system. One such example is the proposal to insert new rows in the middle of the table. Also an uploaded Excel table cannot be easily integrated into the APPS database. Attached files are not searchable and as a result, we would not be able to query the numbers to analyze the data. That said, in 2023 we launched major editorial revisions to the take table which include new icons to facilitate editing, copying, and saving rows and the ability to edit more than five rows at a time (previously a constraint). Because they are new, most of our permit holders have not yet had the opportunity to test and comment on these features.
- A question on whether updated qualifications need to be submitted to support the application, or can an individual upload their qualifications to their own APPS account to be used on multiple permits?
 - Response: Permit personnel only need to have one updated qualifications form attached to their APPS profile. That profile links to every permit action they are associated with, so there is no need to upload the qualifications to multiple places.

- A question from an applicant on how to use the search feature to identify contacts that are already in the APPS system.
 - Response: Guidance is provided in Chapter 2 of the APPS system and on the Contacts page to “search” for a contact by name prior to adding a new contact. In this case, a permit analyst assisted the applicant in adding new contact names.
- A question on whether issued permits can be downloaded from APPS.
 - Response: APPS is not programmed to have issued permits added. We will be looking into adding that capability in the future.
- Comments from several permit holders who received errors when using APPS.
 - Response: Anytime errors are encountered, NMFS staff immediately contact the APPS programmer for assistance in resolving the error. Such errors can be the result of access/firewall issues or system-wide programming problems that occur intermittently. Examples include:
 - In 2020, we discovered the APPS backup system had not been working for about a month. We worked with the server host and the programmer to fix the problem and then conducted outreach to applicants who may have lost saved information in their drafts.
 - Some applicants could not submit a report until certain characters were removed, due to a firewall. Often a small change can be made to the document, which allows the report to be submitted. Those errors and fixes are conveyed to the NOAA IT security team.
 - Error messages have been encountered when trying to download previously submitted reports. We worked with the programmer to ensure the reports could be downloaded.
 - Error messages have been encountered when trying to attach a file due to file size. There are size limitations for attaching documents in APPS. Often, permit holders can resolve it by saving in a different format to shrink the file size. Or we will work with our programmer to accommodate the file size if possible.