

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

**NATIONAL CAPITAL AREA APPLICATION FOR PUBLIC GATHERING
OMB Control Number 1024-0021**

Terms of Clearance: None

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

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

Each year, the NPS receives on average, 1,890 applications for permits to conduct demonstrations and special events on Federal public lands managed by NCA in Maryland, Virginia, and the Washington, D.C. areas. These applications do not include many of the small-scale demonstrations that occur without a permit. The demand continues to necessitate a system by which the resources in a few park areas are equitably allocated. The present permit system accomplishes this allocation on a "first-come-first-served basis," requiring information from applicants as to the time, location, and numbers involved in their events. At the same time, this keen demand for the use of park areas necessitates restrictions on demonstrations and special events to protect park resources. Therefore, the present permit system requires information from applicants as to the nature of their activities. Finally, the demand for use of public areas in urban areas necessitates effective law enforcement, especially around the White House. The NPS has responsibilities to ensure the security of that location and conduct of business within the site. In addition, the NPS must protect the public and demonstrators during large gatherings. It is not unusual for two groups with opposing views to request the same area at the same time.

Legal Authorities:

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

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

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

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

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

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

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

in keeping with NPS policy, regulations, and law, and is appropriate to the scale and theme of the activity.

- **Risk Management Plan.** For events with significant equipment use during set-up and tear-down, we may require a risk management plan. The plan must cover equipment setup, equipment operation, materials storage and handling, fire protection, and property and personnel protection.
- **Administrative Documents.** We may require applicants submit a portable toilet contract, evidence of liability insurance coverage, IRS W-9 form, or an electronic funds transfer form.
- **Temporary Food Establishment.** May be required for culturally expressive food events, and events serving food.

Finally, NCA uses NPS Form 10-941 to

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

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

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

In 2023, NCA completed Phase 1 to create an electronic form and associated computer database to be hosted within a cloud-based solution. The development of code for the online permitting solution is Phase 2 which is expected to be completed in 2024.

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

We have not identified any duplication of effort. The information collected is unique and specific to request the events and demonstrations in NCA. This is the only information that allows NCA to evaluate facility or area carrying capacities to prevent conflicting uses and to set program

priorities in response to scheduled activities or park uses. Furthermore, the NPS General Special Use Application (1024-0026) does not address or is intended to capture the special regulations found in 36 CFR 7.96 which requires information related to demonstrations conducted in President's Park.

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

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

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

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

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

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

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

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

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

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

On January 12, 2023, we published in the Federal Register (88 FR 2121) a notice of our intent to request that OMB renew this information collection. In that Notice, we solicited comments for 60 days, ending on March 14, 2023. We did not receive any comments in response to that notice.

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

Table 8.1 Persons Contact Outside the Agency

Title	Affiliation
1. Race Coordinator	Marine Corps Marathon
2. Independent Consultant	HP Events DC
3. Executive Director	The Widow's Pantry, Inc.
4. Advocate, Organizer	Indigenous Rights Center
5. Independent, Special Event	Military Ceremony, Promotions

The respondents contacted also provided feedback on the following questions:

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

unnecessary.”

Comments: All the respondents that were contacted had a combination of answers, that were very forthcoming on the responses given. A few individuals were unclear on certain sections of the application. Some respondents were lost on certain questions because they didn't seem relevant or to the point. Others felt the questions were clear and pertinent. The following are specific comments:

1. “Section 3 – Event Logistics. This is hard to navigate because the boxes were big that you typed and the information was big in font, therefore cutting off the numbers and then it becomes unreadable.
2. Should be an area to write down more dates over a span of multiple months other than a primary and alternate date.
3. Regarding to the collection of information, one respondent stated, “For the rally we were planning, I believe the application was a bit too much and quite extensive since we are a small group and not using any equipment like stages or huge audio systems.
4. Good questions. and I think all the changes you have done are for the best.
5. “I believe this form is necessary to collect the necessary information pertaining to ceremonies conducted on the National Mall.”

❖ ***NPS Response/Action Taken:*** *After taking into consideration everyone's response and carefully examining certain sections, we felt each question remained necessary. However, in certain sections, we would try to change the font size or perhaps the size of the box.*

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

Comments: The respondent's time estimated to fill out the application ranged from ten (10) minutes (experienced) to one hour (novice). One respondent took even longer since it was their first time and more information was needed for a larger event that he didn't have all the information at the time of applying online. Feedback included the following:

1. A few respondents stated that having all the information they need to fill out the application would cut down the time but instead they just type in TBD or N/A if that section or box of information is unknown at the time.
2. “With the time to fill out the application a bit time consuming, any ideas or suggestions to shorten this process, and is the online PDF function of the permit user-friendly?”
3. “The online application is pretty straightforward and user friendly, just wish I could submit it by email or electronically rather than having to drive all the way to your office, just to turn it in.”

4. "With doing so many of them, I usually spend 10 – 15 minutes on filling out each application before dropping it off at the permit's office."

NPS Response/Action Taken: Information provided on the form and within supplemental FAQs are used to ease the application process and reduce the burden placed on applicants. Additional resources, including information on the park website and within the Requirements for Special Events Held on Parkland are also provided to help ease the process. The park currently maintains the capacity to help returning applicants re-apply for the same event without needing to resubmit all materials. This capacity will become even more efficient when the park is able to implement the software solution (accessible on the Internet) to support the application process in 2024. Meanwhile, the time reported for respondents to complete applications remains true, on average. Some, especially repeat respondents, require less time and those new to planning an event may take longer. Most of our applicants have significant experience planning for such events.

"Do you have any suggestions for us on ways to enhance the quality, utility, and clarity of the information to be collected?"

Comments: All of the respondents felt that there should be a way to submit applications online along with accepting digital signatures. Feedback included the following:

1. "I can't believe your office won't accept applications online or by email. It would help out a lot and accept digital signatures. Having to hold the application process for this is just foolish."
2. "Start accepting online applications. Smaller state parks and recreations centers are able and so should the National Park Service."
3. A few responders suggested that we have an online calendar to determine the date availability of some events happening on the National Mall. Lots of times their original dates are in conflicts.

NPS Response/Action Taken: Phase II of the NPS Permits Management Division includes an online application solution which will further streamline the application process. We are moving forward with accepting applications with original or digitally signed signatures with Adobe reader / DocuSign. Meanwhile, the park will ensure that maps showing NPS property and suggested event routes are made available on the park website.

"Any ideas you might suggest which would minimize the burden of the collection of information on respondents?"

Comments: More than half of respondents felt than an online version would minimize the time and streamline the process better.

1. "My only suggestion would be to allow digital signatures." It would save time and speed up the process." The application doesn't state that you need an original signature, it just says a valid signature."

2. The application is somewhat confusing on whether or not my event falls under a first amendment demonstration or special event. A little more clarity would be helpful.”

NPS Response/Action Taken: We are working toward implementing an online application process in 2024. That solution will include integration with Pay.gov for secure electronic payment. The same solution will include the capability to determine open dates vs reserved dates. For security purposes we do not plan to offer a more detailed calendar to the public.

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

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

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

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

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

No sensitive questions of this nature are asked.

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

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

activities should not be included here.

We anticipate receiving approximately 7,166 responses annually, totaling 6,617 burden hours. We estimate the total dollar value of the annual burden hours for this collection to be \$293,075(rounded). We used the rates listed below in accordance with the Bureau of Labor Statistics (BLS) news release (USDL-23-1971, September 12, 2023, Employer Costs for Employee Compensation—June 2023¹), to calculate the total annual burden. Table 1 lists the hourly rate (Including benefits) for all workers in the following categories as:

- Individuals: \$43.26
- Private Sector: \$41.03
- State/Local/Tribal Government: \$58.25

TABLE 12. 1. Total Estimated Annualized Burden

Activity	Total Annual Responses	Completion Time per Response (Hours)	Total Annual Burden Hours*	Hourly Rate (incl. benefits)	\$ Value of Annual Burden Hours*
Application - Public Gathering					
Individuals	246	.5	123	\$43.26	** Expression is faulty **5, 321
Private Sector	1170	.5	585	\$41.03	\$24,003
State/Local/Tribal Government	358	.5	179	\$58.25	\$10,427
Site Plan					
Individuals	200	1	200	\$43.26	\$8,652
Private Sector	925	1	925	\$41.03	\$37,953
State/Local/Tribal Government	223	1	223	\$58.25	\$12,990
Sign Plan					
Individuals	200	1	200	\$43.26	\$8,652
Private Sector	925	1	925	\$41.03	\$37,953
State/Local/Tribal Government	223	1	223	\$58.25	\$12,990
Risk Management Plan					
Individuals	200	1.5	300	\$43.26	\$12,978
Private Sector	925	1.5	1,388	\$41.03	\$56,950
State/Local/Tribal Government	223	1.5	335	\$58.25	\$19,514
Administrative Documents					
Individuals	200	.75	150	\$43.26	\$6,489
Private Sector	925	.75	694	\$41.03	\$28,475
State/Local/Tribal Government	223	.75	167	\$58.25	\$9,728
Totals	7,166		6,617		** Expression is faulty **2 93,075

*rounded to match ROCIS

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

¹ <https://www.bls.gov/news.release/pdf/ecec.pdf>

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

The application processing cost of \$120.00 is submitted with each special event application to recover the cost of processing the application. There is no application fee for permits to cover First Amendment activities. Of the 1, 416 (private and individual) applications received annually, approximately 68% (n=962) are for special events. Therefore, the estimated annual non-hour cost burden associated with this information collection is \$169,920 (\$120 x 1,416).

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

Time necessary to process applications and supporting documents varies based on complexity and is accounted for in the average minutes/permit numbers in the table below. The total estimated cost to the Federal government for processing applications is \$415,831 (1,885 applications x \$220.60 rounded).

To determine average hourly rates for the Federal positions identified below, we used Office of

Personnel Management Salary Table 2023-DCB² We used the Bureau of Labor Statistics news release mentioned above to calculate benefits.

Table 14.1 Annualized Costs to the Federal Government

Position	Grade/Step	2023-DC Hourly Pay Rate	Hourly Rate Including Benefits (1.6 x hourly rate)	Time Spent on Each Permit (minutes)	Weighted Average
Clerical	GS-05/05	\$ 23.28	\$ 37.25	20	\$ 12.42
Clerical	GS-08/05	31.94	51.10	10	8.52
Park Ranger	GS-12/05	51.15	81.84	40	54.56
Park Ranger	GS-13/05	60.83	97.33	40	64.89
Supv. Park Ranger	GS-14/05	71.88	115.01	20	38.33
Park Ranger	GS-09/05	35.27	56.43	10	18.81
Park Ranger	GS-07/05	28.84	46.14	10	7.69
Clerical	GS-07/05	28.84	46.14	20	15.38
Average Processing Cost Per Permit:					0

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

There are no programmatic changes associated with the forms requested in this extension. The net increase of **899** responses and **1,396** burden hours is due to an increase in post-COVID applications. There is a more accurate distinction between individual and private-sector respondents.

We are reporting a net increase of **64,080** in non-hour burden costs. The administrative costs for this collection increased by \$57.40 (from \$81.60 per permit to \$120). This is a more accurate response to the annual non-hour burden costs associated with the increased number of respondents with this collection.

Table 15.1 Program changes or adjustments in hour or cost burden

Activities	Anticipated Completed Responses			Anticipated Respondent Burden (hours)		
	Current Request	Previously Approved	Net Change	Current Request	Previously Approved	Net Change
Applications						
Individuals	246	128	118	123	59	64
Private Sector	1,170	1,091	79	585	39	546
Government	358	292	66	179	146	33
Site Plans						
Individuals	200	100	100	200	100	100
Private Sector	925	899	26	925	899	26
Government	223	200	23	223	200	23
Sign Plans						
Individuals	200	100	100	200	50	150
Private Sector	925	889	36	925	445	480
Government	223	200	23	223	23	100
Risk Management Plan						
Individuals	200	100	100	300	150	150

² https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2023/DCB_h.pdf

Activities	Anticipated Completed Responses			Anticipated Respondent Burden (hours)		
	Current Request	Previously Approved	Net Change	Current Request	Previously Approved	Net Change
Private Sector	925	889	36	1,388	1,334	54
Government	223	200	23	335	300	35
Admin. Documents						
Individuals	200	100	100	150	75	75
Private Sector	925	889	36	694	667	27
Government	223	200	23	167	150	17
TOTAL	7,166	6,267	899	6,617	5,221	1,396

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

We will not publish the results of this information collection.

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

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

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

There are no exceptions to the certification statement.