

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

**SUPPORTING STATEMENT PART A**

**Abstract**

This request is for a revision and extension of an existing information collection necessary to provide the American public an opportunity to nominate marine areas which the National Oceanic and Atmospheric Administration (NOAA) may consider for designation as a national marine sanctuary, under the [National Marine Sanctuaries Act](#) (NMSA). The revision adds a Request for Additional Information to accurately reflect the burden imposed by requesting follow-up information.

**Justification**

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

The National Marine Sanctuaries Act allows NOAA to identify, designate and protect areas of the marine and Great Lakes environment with special national significance due to their conservation, recreational, ecological, historical, scientific, cultural, archaeological, educational, or aesthetic qualities as national marine sanctuaries. NOAA uses a sanctuary nomination process, promulgated through the final rulemaking action, Re-Establishing the Sanctuary Nomination Process, [79 FR 33851](#) (June 13, 2014) (“final rule”), to accept proposals generated and driven by local and regional community groups and coalitions for possible future sanctuary designation. The nominating groups are responsible for submitting all information in support of their nominations. NOAA began accepting new sanctuary nominations in 2014, after an OMB Control Number for this information collection was confirmed. NOAA renewed this information collection in 2017 and 2021.

**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.**

- **What type of information will be collected - reported or recorded? (If there are pieces of information that are especially burdensome in the collection, a specific explanation should be provided.)**

The information collected should include details about a nominated area, and should include enough supporting information for NOAA to evaluate the final criteria and considerations as listed in the final rule discussed above. NOAA will analyze any nominations received for national marine sanctuaries based on the final criteria and considerations as established in the final rule.

- **From whom will the information be collected? If there are different respondent categories (e.g., loan applicant versus a bank versus an appraiser), each should be described along with**

**the type of collection activity that applies.**

The nominations are submitted by communities that seek to highlight and protect special places of national significance. Communities, in this context, are defined as a collection of interested individuals or groups (e.g., a friends of group, a chamber of commerce); local, tribal, state, or national agencies; elected officials; or topic-based stakeholder groups, at the local, regional or national level (e.g., a local chapter of an environmental organization, a regionally-based fishing group, a national-level recreation or tourism organization, academia or science-based group, or an industry association).

**• How will the information be collected (e.g., forms, non-forms, electronically, face-to-face, over the phone, over the Internet)?**

Nominations are open-ended (no form), but are limited to 25 pages to describe how a nominated area meets the 11 criteria and considerations listed in the final rule.

**• What will this information be used for - provide ALL uses? If there are different user categories (e.g., government agencies, the general public, a private sector, etc.), each should be described along with the type of use that applies. For existing collections, indicate how the information has been used by NOAA in the past and if that will continue or if there are other uses planned.**

NOAA can identify areas to consider for national marine sanctuary designation through the community-based Sanctuary Nomination Process. The information collected from nominating communities will allow NOAA to review nominations to determine if they meet the 11 criteria and considerations discussed in the final rule mentioned above. This information may also be used by NOAA to inform requests for nomination amendments. Nominations that successfully complete the process are added to an inventory of areas NOAA could consider for sanctuary designation. NOAA has a public website to publicly post information submitted through the sanctuary nomination process. This can be found at <https://nominate.noaa.gov>. If a nomination moves into the sanctuary designation process, the information contained in the nomination may also be used to inform the National Environmental Policy Act (NEPA) public scoping process and provide initial information to coordinate with state and local partners during and after the designation process. There are no other uses planned for this information.

**• Does the respondent have multiple options for providing the information? If so, what are they?**

Nominators may submit their nominations via email or by mail.

**• How frequently will the information be collected?**

Nominations are typically only submitted to NOAA once, although there have been times where additional information was necessary to determine if a nomination met the criteria and considerations. In those cases, NOAA requests additional information and may receive an entirely new nomination, or receive supplemental information. These occasional additional requests for information are also accounted for in the response to Question 12 below.

**• Will the information be shared with any other organizations inside or outside the Department of Commerce or the government?**

Possibly. NOAA posts nominations on our external website, <https://nominate.noaa.gov>, so it is available to the general public. The information collected may be used not only to inform the criteria review process for potential sanctuary designation, but may also be used as supporting material in any subsequent part of the designation process. For instance, socioeconomic information may be used to support regulatory flexibility analysis for small businesses in the event NOAA initiates a designation process for the nominated site. Information about the natural, cultural or historic resources or threats to those resources described in the nomination may be used by NOAA when conducting analysis under the National Environmental Policy Act (NEPA), which would be part of the designation process. In addition, information about historical or cultural resources may help to support evaluation under the National Historic Preservation Act, Section 106 review, which is also conducted during a sanctuary designation. In addition, information contained in the nomination may be shared with local and state partners during the designation process, and with Congress and relevant constituent organizations per designation procedures described by section 304 of the NMSA (16 U.S.C. § 1434). Finally, once the information collected becomes a government record, it may be subject to disclosure under the Freedom of Information Act (5 U.S.C. § 552).

• **If this is an ongoing collection, how have the collection requirements changed over time?**

The collection requirements have not changed. NOAA plans to use the information in the same manner as in the past. To date, this information collection has resulted in the addition of nine successful nominations to the inventory and the designation of three new national marine sanctuaries. An additional four national marine sanctuary nominations are currently in the sanctuary designation process.

**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.**

The collection does not involve the use of automated or electronic collection, other than email. NOAA will accept the submission of new national marine sanctuary nominations via email and through regular mail. The basis for the decision for adopting this means of collection is described in the final rule. That rule described: “There is no required form for the nominations; however, to guide nominators, NOAA has posted a nomination guide on the ONMS website (<https://nominate.noaa.gov>). The maximum length for a nomination is not to exceed 25 pages, including attachments. All nominations will be made publicly available in their entirety on the ONMS website. Do not submit confidential business, personal, sensitive, or protected information in a nomination. Personal information within all nominations will be kept confidential consistent with 5 U.S.C. 552 and other federal laws. NOAA encourages nominators to contact NOAA if there are questions about what to include or what will be posted online. The nominator shall not deliver any copyrighted information without first acquiring for or granting to the Government a copyright license for the information. There are no deadlines for submission of nominations while the nomination process is open.” All submissions received as hard copies will be scanned and posted on the website along with electronic submissions. All nominations received to date have been received electronically.

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

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

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

This collection of information is not expected to impact small businesses or other small entities.

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

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

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

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

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

A Federal Register Notice published on April 30, 2024 (89 FR 34215) solicited public comments on this information collection. No comments were received during the public comment period.

**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.**

Non-NOAA Stakeholder Comments: NOAA routinely reaches out to current stakeholders to obtain their views regarding the availability of this 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. However only two new nominations have been received in the past three years so there were few current stakeholders to reach out to for this renewal. For this renewal, ONMS contacted one of the two nominating communities who submitted nominations since the last renewal in 2021.

On March 11, 2023, the Pacific Remote Islands Coalition, a non-profit organization based in Hawai'i, submitted a nomination for a potential national marine sanctuary in the Pacific Remote Islands to NOAA through the Sanctuary Nomination Process. However, before NOAA was able to fully evaluate the nomination package and act upon the request, on March 24, 2023, President Biden issued a Presidential Memorandum on "Conserving the Natural and Cultural Heritage of the Pacific Remote Islands." That Presidential Memorandum directed the Secretary of Commerce to consider initiating the designation of a national marine sanctuary pursuant to the NMSA "to provide the most comprehensive and lasting protections to the significant natural and cultural resources of the submerged lands and waters surrounding the seven islands, atolls, and reefs of the Pacific Remote Islands Marine National Monument – both within and outside the Monument boundary, to the full extent of the seaward limit of the United States Exclusive Economic Zone (EEZ) — including marine life, shoals, seamounts, reefs, banks, and sediments high in minerals and sequestered carbon dioxide for the benefit of present and future generations." On April 18, 2023, NOAA issued a Notice of Intent to Conduct Scoping and to Prepare a Draft Environmental Impact Statement for the Proposed Designation of a National Marine Sanctuary for the Pacific Remote Islands, 88 FR 23624, which initiated the designation process. Because NOAA initiated the national marine sanctuary designation process through an administrative action based upon guidance from President Biden, the nomination package was not fully reviewed or added to the inventory of sites to consider for future designation. Therefore, we did not conduct an interview with this nominator because we did not complete a review of or use their nomination.

We did conduct an interview with the other nominating community, for the Aleut Community of St. Paul Islands National Marine Sanctuary nomination. This nomination was submitted on December 17, 2021, and added to the inventory of successful nominations on June 8, 2022. The nominator stated that the page limit of 25 pages seemed restrictive as nominators would have liked to include more information and lengthier descriptions of certain elements of the proposed sanctuary. The nominator stated this was not a huge issue, but said it did take additional effort to consolidate the final document. They noted that just an additional five pages would have helped them. The nominator also noted some redundancy in the categories required and suggested additional guidance may be helpful to nominating parties. They mentioned they did not pay attention to the burden estimate and did not realize there was one, but they believe they had a pretty high effort to gather community support, and write the nomination. They did not suggest changing the burden estimate. This commenter stated that there is not much of a need to enhance the nomination process, stating there are many examples of successful nominations that a prospective applicant can look to for guidance and there is plenty of guidance language via resources offered through ONMS websites. They said they didn't know before submitting the nomination what the review process would look like or who they would work with during the review, especially being an indigenous community. However, they were very surprised that the Office of National Marine Sanctuaries' Pacific Island Region (PIR) – with particular expertise and experience dealing with tribal issues – was assigned to review the nomination, and they were very pleased with the outcome. They said, "PIR capacity to work with communities and understand tribal trust responsibilities was extremely helpful and made the process easier and more enjoyable. For indigenous communities, knowing that the nomination was being reviewed by an office that has an understanding of indigenous cultural needs, circumstances, etc. would have been beneficial and was beneficial in this instance."

Response to non-NOAA stakeholder comments: As noted by the nominating guidelines and by the nominating community representatives, NOAA staff are available to assist interested nominating communities to guide them through the nomination process. Regarding the burden estimate, the

commenters did not recommend making changes to the estimates. Regarding redundancy in the criteria, NOAA realizes that some information may be repeated for some criteria, but also that not all the criteria will have responses. This is part of the nature of allowing communities to nominate areas they deem to be of national significance and making the case to NOAA to designate these areas as national marine sanctuaries; each site will be unique and meet different criteria. Regarding the length of the nomination application, NOAA still believes that 25 pages is a reasonable length for a nominating community to provide the most relevant points for a sanctuary nomination. However, NOAA will consider this recommendation if it updates the sanctuary nomination process in the future.

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

No payments or gifts have been or will be provided to any respondents.

**10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy. If the collection requires a systems of records notice (SORN) or privacy impact assessment (PIA), those should be cited and described here.**

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

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

No questions of a sensitive nature are asked.

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

Information Collection	Type of Respondent (e.g., Occupational Title)	# of Respondents / year (a)	Annual # of Responses / Respondent (b)	Total # of Annual Responses (c) = (a) x (b)	Burden Hrs / Response (d)	Total Annual Burden Hrs (e) = (c) x (d)	Hourly Wage Rate (for Type of Respondent) (f)	Total Annual Wage Burden Costs (g) = (e) x (f)
National Marine Sanctuary Nomination	Public	5	1	5	115	575	\$31.48	\$18,101.00
Additional Information Request	Public	2	1	2	8	16	\$31.48	\$503.68
<b>Totals</b>				<b>7</b>		<b>591</b>		<b>\$18,604.68</b>

\* The most recently available (May 2023) BLS Occupational Employment Data was used to calculate the Hourly Wage Rate for the respondent. Because a wide variety of individuals work on this process, the mean hourly wage for [All Occupations \(00-0000\)](https://www.bls.gov/bls/blswage.htm) was used. <https://www.bls.gov/bls/blswage.htm>

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

Information Collection	# of Respondents /year (a)	Annual # of Responses / Respondent (b)	Total # of Annual Responses (c) = (a) x (b)	Cost Burden / Respondent (h)	Total Annual Cost Burden (i) = (c) x (h)
National Marine Sanctuary Nominations	5	1	5	\$24.00	\$120.00
Additional Information Requests	2	1	2	24.00	48.00
<b>TOTALS</b>			<b>7</b>		<b>\$168.00</b>

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

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

Cost Descriptions	Grade/ Step	Loaded Salary /Cost	% of Effort	Fringe (if Applicable)	Total Cost to Government
<b>Federal Oversight</b>	ZP-5 (3)	\$231,832	1% x3		\$13,500
Scientific Review	ZP-4 (5)	\$159,090	1% x5		\$84,665
Administrative Support	ZA-3 (2)	\$108,288	1% x2		\$22,792
<b>Contractor Cost</b>					
<b>Travel</b>					
<b>Other Costs:</b>					
<b>TOTAL</b>					<b>\$120,957</b>

NOAA employees review the submitted nominations for completeness and responsiveness to the nomination criteria. In our initial review, NOAA considers whether or not the nomination contains enough information to conduct a complete review. If the proposal does not meet the basic requirements, NOAA may decline it or send it back to the community for additional information (these are listed in question 13 as potential “additional information requests”). For nominations that meet the minimum requirements for review, NOAA will take a closer look at all the different factors that make the nominated place a potential candidate for sanctuary designation. NOAA then makes a determination of whether to accept the nomination into the inventory of areas it could consider for potential designation, and notifies the nominating community.

Because the national marine sanctuary system is nation-wide and a number of individuals from

across the system may work on reviewing any given nomination, the U.S. Locality [CAPS Standard Pay Table](#) for “Rest of United States” was used. Reviews are conducted with a broad team of NOAA staff, including ZA and ZP bands 3 through 5. Federal oversight and management is approximately a ZA-5 Band 3 position. These positions are estimated to have a \$180,000 salary rate. The loaded annual salary is estimated to be 1.5 times the base salary, or \$270,000. Across the system, managers, superintendents, and/or regional directors devote about half of 1% effort to reviewing nominations. A \$270,000 loaded salary multiplied by 0.05% equals \$1,350 cost per manager. We estimate a headquarters and regional manager might be involved in the review. Therefore, the annual total cost associated with their involvement is \$1,350 multiplied by two, or \$2,700. Multiply this by an estimated 5 nominations and the total would be a maximum of \$13,500.

Scientific specialists and subject matter experts from resource protection to archeologists process the nominations and evaluate the sanctuary nomination review criteria. These specialists are approximately a ZA-4 step 04 position, and are estimated to have a \$161,243 salary rate. The loaded annual salary is estimated to be 1.5 times the base salary, or \$241,865. Across the system, subject matter specialists devote about 1% effort to processing nominations. A \$241,865 loaded salary multiplied by 1% equals \$2,419 cost per subject matter specialist. There are typically five scientific or subject matter specialists involved in processing nominations. Therefore, the annual total cost associated with their involvement is \$2,419 multiplied by 5, or \$12,095, multiplied by a maximum of 7 (5 nominations plus 2 potential requests for information), and the total cost could be \$84,665.

Finally, administrative support is utilized to coordinate meetings for the reviews, and to draft the final nomination review results and decision documents. Administrative support is estimated to be a ZA-3 step 03 position, and the position is estimated to have a \$108,548 salary rate. The loaded annual salary is estimated to be 1.5 times the base salary, or \$162,822. Across the system, administrative support or other sanctuary staff devote about 1% effort to processing nominations. A \$162,822 loaded salary multiplied by 1% equals \$1,628 cost per specialist. There are typically two administrative support or sanctuary staff involved in processing nominations. Therefore, the annual total cost associated with their involvement is \$1,628 multiplied by 2, or \$3,256, times a possible 7 nominations/responses, which brings us to a maximum cost of \$22,792.

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

There are no changes to the sanctuary nomination process. However, NOAA added an additional information collection to cover the burden imposed by requesting additional information from submitting parties. This added two additional responses, 16 hours, and \$48 in miscellaneous costs.

#### **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.**

NOAA posts the nomination as it is received from the nominating communities, without change, as indicated on the <https://nominate.noaa.gov> website, and will post copies of correspondence with nominating communities. These are typically posted to the website within days (sometimes hours) of receipt of these materials. NOAA has not used complex analytical techniques in processing data received through this collection and does not anticipate doing so in the future.

NOAA will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic

information. See response to Question 10 of this Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meet all applicable information quality guidelines. Although the information collected is not expected to be disseminated directly to the public, and results may be used in scientific, management, technical or general informational publications. Should NOAA decide to disseminate the information, it will be subject to the quality control measures and pre-dissemination review pursuant to Section 515 of Public Law 106-554.

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

The OMB Control No. and expiration date for this information collection will be displayed on the instructions for the nomination, and on the nomination website, and other materials related to the sanctuary nomination process, including the final rule implementing the new sanctuary nomination process, and any subsequent notices announcing sites that have been added to the inventory of possible areas for designation as new national marine sanctuaries. For any nominations that are submitted via email, they would not have the OMB Control Number on them, and NOAA would subsequently need to email the number and expiration date will be provided in a confirmation email of receipt of the nomination.

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

**Certification Statement for Paperwork Reduction Act Submissions**

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

**B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS**

This collection does not employ statistical methods.