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INSTRUCTIONS FOR SUBMITTING APPLICATIONS FOR NATIONAL MARINE SANCTUARY PERMITS AND AUTHORIZATIONS

I. GENERAL GUIDANCE

The National Marine Sanctuaries Act (16 U.S.C. §§ 1431 *et seq.;* NMSA) directs the Secretary of Commerce to designate and manage nationally significant areas of the marine environment, including coastal and ocean waters and the Great Lakes, as national marine sanctuaries. The National Oceanic and Atmospheric Administration (NOAA), Office of National Marine Sanctuaries (ONMS) implementing regulations (15 CFR Part 922) safeguard resources within sanctuary boundaries and prohibit the conduct of some activities. The regulations also establish general permit procedures and criteria for ONMS to allow certain activities that are otherwise prohibited in a sanctuary.

NMSA section 310 (16 U.S.C. § 1441) allows the Secretary of Commerce (delegated to the ONMS) to issue special use permits (SUPs) to authorize the conduct of specific activities in a sanctuary if ONMS determines the SUP is necessary to (1) establish conditions of access to and use of any sanctuary resource or (2) promote public use and understanding of a sanctuary resource. Only specific categories of activities, as identified in public notices issued by ONMS, may qualify for an SUP.

NMSA section 304(c) (16 U.S.C. § 1434(c)) provides that nothing in the NMSA shall be construed as terminating or granting to the Secretary the right to terminate any valid lease, permit, license, or right of subsistence use or access that is in existence on the date of designation of any national marine sanctuary. It further provides that the exercise of such preexisting lease, permit, license, or right is subject to regulation by the Secretary (delegated to ONMS) consistent with the purposes for which the sanctuary is designated. The ONMS regulations implement these provisions and establish requirements for certification of preexisting authorizations or rights.

Six sanctuaries also have regulations that allow authorization of an activity otherwise prohibited if such activity is specifically allowed by a valid lease, permit, license, approval or other authorization issued after the effective date of sanctuary designation or expansion by any federal, state, or local authority of competent jurisdiction. Such authorizations may only be issued for activities in the Florida Keys, Flower Garden Banks, Monterey Bay, Stellwagen Bank, Olympic Coast, and Thunder Bay national marine sanctuaries.

These instructions describe the requirements and process for an applicant to apply for an ONMS permit under this authority. In these instructions, the term "permit" applies to general permits, SUPs, certifications, and authorizations.

What are the categories of permits?
ONMS has four primary ways by which it may allow otherwise prohibited activities in existing sanctuaries: general permits, special use permits, certifications, and authorizations. Some sanctuaries also have site-specific permit categories described in their relevant subpart.

General permits are divided into several categories that correspond with the primary purpose of the proposed activity. The types of activities for which ONMS may issue a general permit varies by site but typically includes research, education, and management activities.

When is a permit required?
A permit is required whenever an individual or entity wants to conduct an activity within a sanctuary (or sanctuaries) that is otherwise prohibited by sanctuary regulations. The Electronic Code of Federal Regulations (e-CFR Title 15 Part 922) contains sanctuary-specific prohibitions in each sanctuary's subpart of the regulations. Applicants should check with sanctuary staff to ensure their activity qualifies for a permit. A list of sanctuary offices and staff contacts is located on the ONMS permitting webpage. The contact information for the local permit coordinator is located under "Where to Apply." In addition, someone performing an activity in a sanctuary for which a permit is not required may wish to register their project with the sanctuary voluntarily in order to allow ONMS to gain a better understanding of ongoing research or activities in the sanctuary.

How do I apply?
You must complete and submit an ONMS permit application. You can get the permit application from any sanctuary office or the ONMS permitting webpage. The application must include the information described in Part II of these instructions in sufficient detail so that a reasonably educated non-specialist can understand what you are proposing. For activities proposed to occur in more than one sanctuary, include information relative to each sanctuary in the application sections. The amount and depth of information provided in your application depends on the complexity of the proposed activity. For certain proposed activities, more or less information may be required (see appendices for information required in permit applications and processes required for specific types of proposed activities).

Submit the completed application and any supplemental materials via email (preferred), mail, or fax to the office for the sanctuary in which you plan to conduct the activity. For activities proposed in multiple sanctuaries, you may submit the application to one sanctuary office. ONMS will designate a lead sanctuary office to process the application.

Permit applications for certain activities are subject to a different application process and information requirements. See the below category "Are there situations when I do not need to complete the regular permit application?" for more information on streamlined permit requirements. See the below category "Are there situations when I need to submit additional information?" for more detail on proposed activities for which specific information in addition to the standard permit application is required.

When should I apply?
While ONMS aims to process applications by the requested permit start date, this is not guaranteed. ONMS generally reviews applications on a first-come, first-served basis (unless sanctuary-specific priorities are established). ONMS typically issues most permits within 45 days of having a complete application with a sufficient level of detailed information. However, processing times may be longer depending on a variety of factors including:

- the sensitivity or complexity of the request;
- the number of pending applications under review at that time of year; and

- any requirements for additional environmental compliance analyses (e.g., environmental assessments) or consultations with other agencies or tribes. Applications that may require ONMS to prepare an environmental impact statement prior to issuance will typically require at least 12 months to process.

In order to plan accordingly, applicants should contact the appropriate sanctuary permit staff well in advance of submitting a formal application to discuss any issues that may affect the application review process.

Are there situations when I do not need to complete the regular permit application?
Yes. Applicants for the following permit types are not required to submit the standard application information and are subject to a separate application process.

- Baitfish permits in Florida Keys National Marine Sanctuary (Appendix A). See more details on the FKNMS permitting webpage.
- Tortugas North access permits in Florida Keys National Marine Sanctuary: Application information for Tortugas North access permits are set forth in FKNMS regulations (15 CFR § 922.167). Applicants are directed to the Tortugas Ecological Reserve North Access Permits page.
- Certification of a valid and pre existing lease, permit, license, approval or other authorization in existence on the effective date of sanctuary designation requires that the holder of the authorization or right comply with certification procedures and criteria promulgated by the sanctuary, and with any terms and conditions on the exercise of such authorization or right imposed by the ONMS Director or sanctuary superintendent as a condition of certification as the Director or superintendent deems necessary to achieve the purposes for which the sanctuary was designated. More detailed instructions for submitting applications for certifications are contained in sanctuary site-specific regulations.
- Voluntary registration. There are no specific timelines or requirements for voluntary registration, but registrants are encouraged to contact the sanctuary permit coordinator in advance of their activity.

Are there situations when I need to submit additional information?
Yes. Applications for the following activities require specific information in addition to the standard permit application. See the appendices and guidance documents noted below for the additional information required, and find more details on the ONMS permitting webpage.

- Overflight of aircraft in NOAA regulated overflight zones in Channel Islands, Monterey Bay, Greater Farallones, or Olympic Coast national marine sanctuaries (Appendix B)
- Fireworks in Monterey Bay National Marine Sanctuary (Appendix C)
- Construction including coastal armoring or hardening in Monterey Bay National Marine Sanctuary (Appendix D)
- Dredge disposal in Monterey Bay National Marine Sanctuary (Appendix E)
- Beneficial Use in Monterey Bay National Marine Sanctuary (Appendix F)
- Special use permits (Appendix G)
- Activities involving archeological resources within any sanctuary, including cultural and maritime heritage resources (Appendix H)
- Submarine cables (see Guidance:

http://sanctuaries.noaa.gov/library/national/cable_guidelines.pdf

Additionally, for authorizations, the following requirements apply in addition to the standard permit application and review process. An applicant must notify the ONMS Director and sanctuary superintendent in writing of the request for an ONMS authorization of an agency approval. This notification must occur within fifteen days after the date the applicant files the application for agency approval, and a copy of the application for the agency approval must accompany the notification. The Director or superintendent may request additional information from the applicant, and the information requested must be received by the Director within 45 days of the postmark date of the Director's request. The Director may seek the views of any person on the application. The Director shall respond in writing to the applicant to inform the applicant of the Director's decision regarding the authorization request. The Director may deny the request or may issue an authorization containing any terms and conditions deemed reasonably necessary to protect sanctuary resources and qualities.

For all permit applications, upon receiving a permit request, the ONMS Director may request such additional information as may be necessary to evaluate the request.

How are permit applications evaluated?

The evaluation process set forth here applies to those general permit applications that are required to submit the standard application information, with or without additional information. First, the ONMS Director[1] reviews applications for completeness and adherence to these instructions. Within approximately thirty (30) days after submission, the Director may contact an applicant for clarification, additional information, or if their applications are otherwise not in compliance with these instructions. The Director may consider an application incomplete, and therefore may refuse to further consider the application, if the applicant has failed to submit any of the information required, failed to submit any additional information requested, failed to pay any outstanding sanctuary penalties, or failed to fully comply with a sanctuary permit. If the ONMS Director requests additional information and does not receive a response from the applicant within thirty (30) calendar days, the application will be deemed withdrawn and no further action will be taken on the application by ONMS. An applicant would have to resubmit a withdrawn application as a new request.

Next, the ONMS Director reviews a completed application and evaluates it relative to ONMS regulatory permit review criteria in 15 CFR Part 922 and other applicable laws, regulations, and policies. The ONMS Director may have an application peer-reviewed by outside experts after redacting any sensitive privacy information. The ONMS Director will initiate any actions required to comply with the National Environmental Policy Act (NEPA) and other laws, regulations, and policies. The ONMS Director will not issue permits until it fulfills these requirements. If the ONMS Director cannot complete the NEPA process or finalize required consultations prior to the applicant's requested start date, the ONMS Director will notify the applicant as soon as possible.

Lastly, based on the application evaluation the ONMS Director will approve or deny the permit. The ONMS Director, at his or her discretion, may subject a permit to such terms and conditions as he or she deems appropriate. If approved, the ONMS Director or the sanctuary superintendent (as

[1] The ONMS Director has delegated to sanctuary superintendents the authority to grant, deny, condition, suspend, revoke, and amend sanctuary permits, including the authority to approve, add terms and conditions to, or object to authorizations.

delegated) will issue the permit and the permittee will receive a copy of the permit via email. If denied, the ONMS Director or sanctuary superintendent will notify the applicant of the reason(s) for denial and inform them of the process to appeal the permit decision.

The ONMS Director or site superintendent reviews certification applications consistent with 15 CFR § 922.47 and any site-specific certification procedures. The ONMS Director or site superintendent reviews applications for authorizations of other agency's leases, licenses, permits, approvals, or other authorizations to conduct a prohibited activity consistent with 15 CFR § 922.49. The Director or superintendent may impose any terms and conditions on authorizations and certifications necessary to achieve the purposes for which the sanctuary was designated.

Once I receive a permit, what do I do?
You must sign/authenticate the permit by either using a digital signature (e.g., Adobe Acrobat) or by printing, signing, and scanning the signature page. You must then return the signed permit to ONMS prior to conducting permitted activities or within 30 days of receiving the issued permit, whichever is first. A copy of the approved permit must be on-site at all times while conducting permitted activities in the sanctuaries.

What conditions will be placed on my permit?
ONMS regulations allow permits to include terms and conditions. You can find a list of standard/typical permit general conditions on the ONMS permitting webpage. Permit conditions may also be modified or include special conditions unique to each activity that may describe activity limitations, any required monitoring, reporting requirements, etc.

Will I be required to submit a report?
Yes, most permits require the permittee to submit reports documenting activities conducted under the permit. Depending on the activity, such reports may include (but are not limited to) interim and final reports, cruise or flight logs, catch logs, sample/collection logs, video or images, raw data, and published journal articles. For most permits, these reports will generally be relatively brief, although complex activities may call for more extensive documentation. Information required to be included in these reports will vary according to the activity being permitted, but will generally include a brief summary of actions undertaken, field work dates and locations, any results or findings, appropriate charts or photos, samples and collections taken, if any historical resources were found or disturbed, and any deviations from the planned activity.

Can I request an extension or other changes to a permit?
Yes, once the ONMS Director issues a permit, changes can be made in the form of an amendment. A permittee may request to amend the permit at any time while that permit is valid. A permittee desiring to extend the expiration date or apply for minor changes of the permitted activities should request an amendment at least thirty (30) calendar days before the permit expires. Reference to the original application may be given in lieu of a new application, provided the scope of work does not change significantly and any required reports pertinent to the original permit have been submitted to and approved by ONMS. Requests for major amendments (e.g., requests to modify the scope of work that could lead to new or different impacts to sanctuary resources) must conform to these permit instructions.

Requests for amendments not received at least thirty (30) calendar days before the permit expires are not guaranteed to be processed before the requested effective date. ONMS cannot amend

expired permits.

Upon receiving a permit amendment request, the ONMS Director may request such additional information as may be necessary to evaluate the request. The ONMS Director will approve or deny the permit amendment request. The ONMS Director, at his or her discretion, may subject an amended permit to such terms and conditions as he or she deems appropriate.

What additional information should I know about the permit application process?
ONMS meets the purposes and policies of the NMSA and goals of the sanctuary through the review and evaluation of permit applications. Submittal of the information outlined in these instructions is required pursuant to ONMS regulations in order for a permit to be issued (15 CFR Part 922). ONMS uses this information to evaluate the potential benefits of the activity, determine whether the proposed methods will achieve the results, evaluate any environmental impacts, and determine if issuance of a permit is appropriate.

Sensitive Information
Applicants should identify any proprietary business information in the application. Such information is typically exempt from disclosure to anyone requesting information pursuant to the Freedom of Information Act (FOIA). If disclosure is requested under FOIA, NOAA will withhold proprietary information and protect the privacy of permit applicants to the extent possible and consistent with all applicable FOIA exemptions in 5 U.S.C. § 552(b). Typically, exempt information includes trade secrets, and commercial and financial information (5 U.S.C. § 552(b)(4)). Typically, exempt information also includes personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy under 5 U.S.C. § 552(b)(6).

Appeal Process
The ONMS regulations establish a process for appealing the granting, denial, conditioning, amendment, suspension or revocation by the ONMS Director or sanctuary superintendent of a permit. An appeal must be made in writing to the Assistant Administrator for Ocean Services and Coastal Zone Management, must state the action(s) being appealed, state the reason(s) for the appeal, and be received within 30 days of the appellant's receipt of notice of the action by the Director or superintendent. For additional information, refer to the ONMS regulations. 15 CFR § 922.50.

Reporting Burden
Public reporting burden for this collection of information, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information is estimated to average one and a half (1.5) hours per response (e.g., initial application, cruise log, final report) for general permits and authorizations, except for the following situations:

- Fifteen (15) minutes per response for Tortugas North access permits;
- Fifteen (15) minutes per response for a voluntary registration;
- Thirty (30) minutes per response for amendments to permits;
- Thirty (30) minutes per response for a certification request;
- Forty (40) minutes per response for baitfish permits;
- Eight (8) hours per response for special use permits;
- Thirteen (13) hours per response for sanctuary archaeological resources permits; and

- Twenty-four (24) hours per response for appeals of permit decisions.

Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the National Permit Coordinator, NOAA Office of National Marine Sanctuaries, 1305 East-West Highway, N/NMS, Silver Spring, Maryland 20910.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

Privacy Act Statement
Authority: The collection of this information is authorized under 5 U.S.C. § 301 (*Departmental regulations*), 5 U.S.C. § 552a (*Records maintained on individuals*), 15 U.S.C. § 1512 (*Powers and duties of Department*), 44 U.S.C. § 2904 (*General responsibilities for records management*), and 16 U.S.C. § 1431 *et seq*. (*National Marine Sanctuaries Act (NMSA)*).

Purpose: The collection of names, addresses, contact information, professional information, completed permit application form, and supporting information is required in order for NOAA to review and render decisions on requests to conduct certain activities in national marine sanctuaries, as required under the NMSA and its implementing regulations at 15 CFR Part 922.

Routine Uses: NOAA will use this information for the purpose set forth above and the information may be used consistent with all of the published routine uses as identified in the Privacy Act System of Records Notice COMMERCE/NOAA-12, Marine Mammals, Endangered and Threatened Species, Permits and Authorizations Applicants. Disclosure of this information is permitted under the Privacy Act of 1974 (5 U.S.C. § 552a) to be shared among Department staff for work-related purposes.

Disclosure: Furnishing this information is voluntary; however, if the information is not provided or if the individual does not consent to the routine uses of the information described in this Statement, NOAA could not review and render a decision on the permit request.

II. COMPLETING THE PERMIT APPLICATION

Adhere to character limits throughout the permit application. Applicants are encouraged to direct any questions regarding the application to the permit coordinator in the sanctuary office to which they are applying.

Section A – General

Check the boxes for the sanctuaries in which you are applying to work and note the appropriate type of application (new or amendment). For an amendment to an existing permit, include your current permit number. Additionally, provide any previously issued ONMS permit number(s) relevant to this project.

Section B – Applicant Information

Provide name, title, organization name, and represented department (if applicable), organization address, telephone number, and email of the primary permit applicant. Select affiliation type and for small businesses, also provide information in Section G. Add the same information for a co-applicant, if applicable.

If an Applicant is an organization, institution, or agency, then the application must indicate an Authorized Representative who is able to sign on behalf of the entity.

Applicants who are issued a permit (permittees) and personnel alike must strictly comply with the scope, purpose, terms, and conditions of the sanctuary-issued permit. It is the responsibility of the permittee(s) to ensure their personnel do not violate any permit or any permit terms and conditions. One of the general terms and conditions of the permit will indicate the permit/authorization holder shall indemnify and hold harmless the Office of National Marine Sanctuaries, NOAA, the Department of Commerce and the United States for and against any claims arising from the conduct of any authorized activities to the extent that such conduct is not in accordance with any permit or any permit terms and conditions.

Section C – Project Information

Project title and summary (maximum 300 characters)

Provide a concise project title. Describe the main focus of the project. Describe the primary activities and proposed location. Identify what makes the project unique. Spell out all acronyms and add the acronym in parentheses. ONMS may revise the title for the purpose of processing the permit to ensure key information is included for our administrative record.

Project dates

Enter the requested permit start (effective) and stop (expiration) dates. The proposed project dates should be inclusive of the period in which field operations involving prohibited activities would be conducted in a sanctuary.

Project abstract (maximum 3,000 characters)

The abstract should summarize the project's purpose and objectives, activities, methods, and significance. The abstract should be written in plain language suitable for the general public.

Methods and protocols (maximum 10,000 characters)

The methods and protocol description should include details on what will occur, how, when, where, and for how long.

- For field experiments, include the hypothesis being tested
- For monitoring activities, state the purpose.
- If equipment is required, fully describe and attach supporting diagrams, as applicable. Describe the duration of equipment deployment; describe all phases of activity, including equipment removal; and describe activity frequency (e.g., daily, monthly), as appropriate.
- For proposed collections, provide sampling season, frequency, and justification for sample numbers.
- For all projects (including lab component) provide experimental design and statistical analysis methods and a timetable for completion of the activity.

Activity location

Describe in detail the location(s) within the sanctuary where the proposed activity would take place. Provide map(s) showing GPS coordinates (in decimal degrees) for individual points, point with radius, or polygon(s) with bounding coordinates. In the field provided, list any special management zones such as marine reserves, no-take areas, research areas, sanctuary preservation areas, or state reserves (e.g., "Alligator Reef SPA;" "2 miles west of Point Lobos;" "Within a 100 yard radius of point X;" or "At the following latitude/longitude positions"). Provide an electronic file with GPS coordinates with the application. If there is uncertainty or if in doubt about whether or not to provide this data, check with the appropriate sanctuary office.

Section D: Collections Data

Complete this section when requesting collections as part of this activity. Collections include biological, geological and hydrological samples. Provide scientific nomenclature where possible. Complete/attach additional pages if necessary. Leave Section D blank if the proposed project does not include collections.

Type of Collection

Include whether the requested collection is biological, geological, or hydrological. Include species name, sediment type, or water sample, as appropriate.

Quantity

Identify the number of requested samples per year or per permit period (if less than one year).

Sample Limits

Identify proposed maximum or minimum size of each sample, number of samples per individual organism (e.g., number of coral tissue samples or number of fin clips per fish), or other relevant parameters.

Location

Identify proposed location GPS coordinates (decimal degrees), site name, and note if in special management zone.

Section E – Environmental Effects

Summarize the direct and indirect effects of the proposed activity.

***Direct effects (maximum 1,000 characters*)**
Direct effects are those effects caused by the permitted action that occur at the same time and place as a result of this activity. For example, the direct effects of channel dredging include removal of the bottom materials and any associated flora/fauna, and sedimentation of adjacent communities. Describe any direct effects on sanctuary resources or qualities. If equipment use is proposed, describe the anticipated level and scope of disturbance to species, habitats, or maritime heritage resources. If biological sample collection is proposed, explain the resulting effects to individuals or populations. If geological sample collection is proposed, explain how much of the seafloor will be disturbed and for how long.

***Indirect effects (maximum 1,000 characters*)**
Indirect effects are those effects caused by the action that are later in time or farther removed in distance, or incidental to other species or habitats as result of the activity, but still reasonably foreseeable. For example, the indirect effects of channel dredging may include increased vessel use and decreased fish populations due to habitat loss. Describe any indirect effects on sanctuary resources or qualities. If equipment use is proposed, describe its potential to cause unintended impacts to species or habitats. Describe how field experiments could alter the behavior of non-target species.

Section F – Rationale *(maximum 1,000 characters per question*)
ONMS regulations require certain information to be included in permit applications and require ONMS to evaluate permit review criteria before issuing a permit. The information provided in this section facilitates review of the application in light of the required information and the permit review criteria.

1. *Describe how the proposed activity would be conducted in a manner compatible with the primary objective of protection of sanctuary resources and qualities.*

   Describe how the proposed activity would be conducted in a manner compatible with the primary objective of protection of national marine sanctuary resources and qualities, taking into account the following factors: the extent to which the conduct of the activity may diminish or enhance national marine sanctuary resources and qualities; and any indirect effects of the activity.

2. *Describe why this activity needs to be conducted within the sanctuary instead of outside the sanctuary to achieve its stated purpose.*

   Applications must demonstrate that the proposed activities must occur within the sanctuary to achieve the project goals and objectives. It is often possible for any given activity to occur outside a sanctuary, and if it is, ONMS may not issue a permit for that activity within a sanctuary. Describe why the project cannot be successful if conducted outside the sanctuary.

3. *If this activity is proposed to occur in any special management zone (e.g., marine reserves, no-take areas, research areas, sanctuary preservation areas, NOAA regulated overflight zones, state preserves), explain why this is necessary and how it would further the understanding or purposes of the zone.*

   Some sanctuaries include areas of special designation that protect habitats, restore ecological

integrity, or manage activities. For any activity or portion of activity proposed to take place in a special management zone, describe why it is necessary to conduct this activity in a particular zone, how it would further the understanding and/or management of the zone or sanctuary, or how it would further the purposes for which the zone was created.

4. *Describe how the proposed methods and procedures are appropriate to achieve the proposed activity's stated purpose and avoid, minimize, or mitigate adverse effects on sanctuary resources and qualities as much as possible.*

   Describe how the proposed methods are appropriate to achieve the goal of the proposed activity. Describe how the project incorporates best practices to avoid, minimize, or mitigate potential adverse effects. Describe why other methods that may have less impact on sanctuary resources and qualities were not selected, if appropriate. If collections of the proposed type already exist in a repository, explain why additional collecting is necessary.

5. *Describe how the proposed permit duration, seasonality and frequency of the activity requested are appropriate for this activity and are no greater than necessary to achieve the activity's stated purpose.*

   Describe what factors were considered in determining the proposed dates and duration of the activity, including why the sampling season and/or frequency were selected.

6. *Describe how the expected end value of the proposed activity furthers sanctuary goals and purposes and outweighs any potential adverse effects on sanctuary resources and qualities. Describe any benefits this activity has for the sanctuary or sanctuary system.*

   Describe how the end value of the proposed activity furthers sanctuary goals and purposes and outweighs any potential adverse effects on sanctuary resources and qualities from the conduct of the activity. Also describe any benefits this activity would have for the national marine sanctuary or national marine sanctuary system.

7. *Provide a statement describing the applicant's professional qualifications and the professional qualifications of any personnel to conduct and complete the proposed activity.*

   Provide sufficient background on the applicant(s) qualifications to conduct the activity so that ONMS is assured the project would be well-managed by trained personnel and could be completed with minimum impact on sanctuary resources. Resumes are not required unless requested, but you may include them with the application. A letter of support from a professor or sponsor may be required if the applicant is a student at an institution.

8. *Provide information to demonstrate that the applicant has adequate financial resources available to conduct and complete the proposed activity and meet the terms and conditions of the permit.*

   Provide sufficient information on the financial support and funding source for the project. For funding, provide contract number, performance period, and name of sponsoring agency, as applicable. Project budgets may be included with the application, if desired, but are not required unless requested.

9. *Provide information relevant to any other sanctuary-specific permit review criteria, as applicable. Enter N/A if not applicable.*

   Provide information that pertains to other sanctuary-specific permit review criteria. Examples include, but may not be limited to, certain circumstances in Florida Keys National Marine Sanctuary (15 CFR 922 Subpart P) and activities that may adversely affect any Washington Coast treaty tribe in Olympic Coast National Marine Sanctuary (15 CFR 922 Subpart O).

Section G – Other Information

Small Business information

For regulatory compliance with the U. S. Small Business Administration's (SBA's) Regulatory Flexibility Act (RFA), as part of rulemakings NOAA must assess the impacts to small businesses. Having self reported data from the applicant (user of the sanctuary) will help to inform NOAA staff about the types of small entities and number of small entities using sanctuaries.

The U.S. Small Business Administration establishes size standards for determining whether a business entity qualifies as small. For additional information, please see the "Table of size standards" on the SBA's Size Standards Webpage (https://www.sba.gov/document/support-table-size-standards). NOAA has analyzed the types of entities which have applied for permits in the past and identified the relevant industries impacted in the table below with the most recent size standards published by the U.S. Small Business Administration (2023). Size standards are based upon the average annual receipts (all revenue) or the average employment of a firm.

ONMS requires the applicant to describe their industry (i.e. academia, non-profit, recreational service provider, etc.) and if they consider themselves to be a small business. The revenue and employment estimates for the most recent complete calendar year your business or organization was active should include the revenues and employees of ALL affiliated businesses or organizations. In general, businesses or organizations are affiliated with each other when one business or organization controls or has the power to control another business or organization, or a third party controls or has the power to control both. Specifically, businesses or organizations are considered to be affiliated if they have 50% or more ownership in common. For e.g., if the same individual or individuals own or co-own multiple businesses, those businesses would be considered affiliated and thus should be treated as a single operation for the purpose of estimating annual gross revenues and employment. Estimates should account for the revenues and employees of all businesses and organizations with which the applicant's business or organization is affiliated.

Table 1. Selected 2023 Size Standard in Millions of Dollars by North American Classification System (NAICS) Code and Industry Description for Selected Industries. The size standards are for the most part expressed in either millions of dollars (those preceded by "$") or number of employees (those without the "$" and indicated by *). A size standard is the largest that a concern can be and still qualify as a small business for Federal Government programs. For the most part, size standards are the average annual receipts or the average employment of a firm.

NAICS code	NAICS Industry Description	Size standard (millions of dollars*)
112511	Finfish Farming and Fish Hatcheries	$3.75
112512	Shellfish Farming	$3.75
112519	Other Aquaculture	$3.75
114111	Finfish Fishing	$25.0
114112	Shellfish Fishing	$14.0
114119	Other Marine Fishing	$11.5
221111	Hydroelectric Power Generation	750**
221114	Solar Electric Power Generation	500**
221115	Wind Electric Power Generation	1,150**
221116	Geothermal Electric Power Generation	250**
221320	Sewage Treatment Facilities	$35.0
236220	Commercial and Institutional Building Construction	$45.0
237110	Water and Sewer Line and Related Structures Construction	$45.0
237120	Oil and Gas Pipeline and Related Structures Construction	$45.0
237130	Power and Communication Line and Related Structures Construction	$45.0
237990	Dredging and Surface Cleanup Activities	$37.0
336611	Ship Building and Repairing	1,300**
336612	Boat Building	1,000**
441210	Recreational Vehicle Dealers	$40.0
441222	Boat Dealers	$40.0
483111	Deep Sea Freight	1,050**
483112	Deep Sea Passenger Transportation	1,050**
483113	Coastal and Great Lakes Freight Transportation	800**
483114	Coastal and Great Lakes Passenger Transportation	550**
512110	Motion Picture and Video Production	$40.0
512120	Motion Picture and Video Distribution	$39.0
516120	Television Broadcasting Stations	$47.0
517111	Wired Telecommunications Carriers	1,500**
541360	Geophysical Surveying and Mapping Services	$28.5
541370	Surveying and Mapping (except Geophysical) Services	$19.0
541380	Testing Laboratories and Services	$19.0
541620	Environmental Consulting Services	$19.0
541690	Other Scientific and Technical Consulting Services	$19.0
541922	Commercial Photography	$9.0
561520	Tour Operators	$25.0
561920	Convention and Trade Show Organizers	$20.0
562910	Environmental Remediation Services	1,000*
611310	Colleges, universities and professional schools	$34.5
611512	Flight Training	$34.0
611513	Apprenticeship Training	$11.5
611620	Sports and Recreation Instruction	$9.0

711320	Promoters of Performing Arts, Sports and Similar Events without Facilities	$22.0
711510	Independent Artists, Writers, and Performers	$9.0
712110	Museums	$34.0
713930	Marinas	$11.0
721110	Hotels (except Casino Hotels) and Motels	$40.0
812210	Funeral Homes and Funeral Services	$12.5
812220	Cemeteries and Crematories	$25.0
813312	Environment, Conservation and Wildlife Organizations	$19.5
813410	Civic and Social Organizations	$9.5
813910	Business Associations	$15.5
813920	Professional Organizations	$23.5
	OTHER:	

*Source: 13 CFR part 121, 2023

**Number of employees. A size standard is not identified in dollars.

Other permits and consultations

In some cases, other tribal, federal, state, or local agency reviews, permits, consultations, or approvals may be required before a sanctuary permit can be issued. ONMS may also want to coordinate the issuance of its permit or environmental compliance with any other agencies that also must approve the activity.

Check the appropriate box for any other permits or consultations required and list the permit number and effective dates (if applicable). Include copies of any permits already obtained with the application. If those permit requests or consultations have not yet been initiated, or are pending, report the status of those when applying.

Identify any environmental analysis (e.g., categorical exclusion memorandum, environmental assessment, or environmental impact statement) completed or in progress for this activity by any other Federal, state, or other agency or entity. ONMS staff may ask for copies of these analyses and the decision documents (e.g., Finding of No Significant Impact or Record of Decision) to assist in their review of the application.

Section H – Certification

Sign and date if submitting in hardcopy by mail or fax, or as a scanned file submitted by email. Applications may also be authenticated by digital signature (e.g., via Adobe Acrobat) and submitted by email.

APPENDIX A
FLORIDA KEYS NATIONAL MARINE SANCTUARY
BAITFISH PERMITS

Florida Keys National Marine Sanctuary (FKNMS) baitfish permits allow the permit holder to catch baitfish in certain Sanctuary Preservation Areas (SPAs) using a cast net or modified lampara net.

FKNMS baitfish permits last for one calendar year. Baitfish permits are issued to an individual and may be used on more than one vessel, but may not be used by more than one person.

Applicants for FKNMS baitfish permits are not required to submit the standard application information described in section II of the standard ONMS permit application instructions. Instead, the request should include:

A. Applicant name, mailing address, and telephone number; and
B. Boat name(s) and documentation numbers, when known.

This information may be submitted by telephone by calling the individual listed below, or in writing via email or regular mail.

All baitfish permit holders are required to maintain a catch log (example attached) and submit this log upon expiration of their permit. An electronic version of this log is available at http://www.floridakeys.noaa.gov/permits/baitfish.html or can be obtained from the sanctuary point-of-contact. The log should be filled out and mailed to the contact person within thirty (30) days before the permit expires. Please use the following codes for the SPA name on the log:

SPA Name	Code	SPA Name	Code
Carysfort/South Carysfort	CAR	Cheeca Rocks	CHE
The Elbow	ELB	Alligator Reef	ALL
Dry Rocks	KYL	Coffins Patch	COF
Grecian Rocks	GDR	Sombrero Key	SOM
French Reef	FRE	Newfound Harbor Key	NHK
Molasses Reef	MOL	Looe Key	LKS
Conch Reef	CON	Eastern Dry Rocks	EDR
Hen and Chickens	HNC	Rock Key	RKK
Davis Reef	DAV	Sand Key	SAN

Point-of-contact for FKNMS baitfish permits is:
Permit Coordinator
Florida Keys National Marine Sanctuary
P.O. Box 1083
Key Largo, FL 33037
305-809-4714
Email: Joanne.Delaney@noaa.gov

Submit a copy of this log between Dec. 1-31 to:
Permit Coordinator
Florida Keys National Marine Sanctuary
P.O. Box 1083
Key Largo, FL 33037
Fax: 305-853-0877

NAME:
PERMIT #:
ADDRESS:
PHONE:
BOAT NAME/DOC# (IF KNOWN):

FKNMS Baitfish Log

USE THIS LOG FORM TO RECORD ALL BAITFISH CAUGHT BY CAST NET OR LAMPARA NET, WHETHER INSIDE OR OUTSIDE OF THE SPAS.							
DATE (mm/dd/yy)	**FISHING LOCATION** (GPS & name)	**IS LOCATION INSIDE OR OUTSIDE SPA?**	**SPA NAME** (use code)	**NET TYPE** (castnet or lampara)	**AMOUNT of BAITFISH** (number or pounds)	**BYCATCH** (species & quantity)	**ON-WATER CONTACTS OR OBSERVATIONS** (if any)

☐ **CHECK HERE TO REQUEST RENEWAL PERMIT FOR FOLLOWING YEAR**

APPENDIX B
PERMITS FOR OVERFLIGHTS

Disturbing marine mammals or seabirds by flying motorized aircraft below 1000 feet is prohibited by ONMS regulations, subject to certain exceptions identified in the regulations, in the following locations:

- Within one nautical mile of any of the islands within Channel Islands National Marine Sanctuary, 15 CFR § 922.72(a)(7);
- Within seven NOAA regulated overflight zones within Greater Farallones National Marine Sanctuary as defined in 15 CFR § 922.82(a)(11); and
- Within four NOAA regulated overflight zones of Monterey Bay National Marine Sanctuary as defined in sanctuary regulations at 15 CFR § 922.132(a)(6).

Overflights below 2000 feet altitude are prohibited within four prescribed zones of Olympic Coast National Marine Sanctuary as defined in sanctuary regulations at 15 CFR § 922.152(a)(7).

In addition to the standard instructions for ONMS permit applications given in this document, the following information must be included in an application requesting overflight of aircraft below the altitude limitations in the locations described above. Requests for overflight of aircraft below the altitude limitations for research, management, or education purposes are subject to general permit application procedures and criteria, and requests for overflight or aircraft for commercial purposes below the altitude limitations are subject to special use permit procedures and criteria. Permit applications for either must contain the following information.

Project rationale – In the rationale, describe why it is preferable that the low-altitude overflight occur within a NOAA regulated overflight zone.

Methods – The methods description should include:

A. The intended start date, frequency, anticipated duration of the activity, and hours of flight operations;
B. The number and type of aircraft to be used (make and model), including aircraft markings and tail numbers;
C. The lowest planned flight altitude;
D. The flight plan and schedule, including detailed flight patterns (repeat transects, circling, hovering, diving, etc.), refueling plan, and landing/takeoff locations;
E. Any special equipment that will be mounted on, lowered, or towed from the aircraft, and any object planned for release from the aircraft;
F. A communications plan that identifies call signs and frequencies for all aircraft and project participants;
G. How the applicant will avoid disturbing marine mammals, birds and turtles;
H. Describe concurrent activities (if any); and
I. Retrieval strategies should the aircraft go in the water.

Qualifications – Applicant must identify the pilot's name and organization and provide a copy of a current Federal Aviation Administration (FAA) pilot's license and FAA medical certificate for each pilot operating aircraft as part of the proposed activity within the sanctuary.

APPENDIX C
MONTEREY BAY NATIONAL MARINE SANCTUARY
FIREWORKS AUTHORIZATIONS

Monterey Bay National Marine Sanctuary (MBNMS) regulations prohibit the discharge or deposition of any material into the waters of the sanctuary (except for specific material exempted in the regulations). In addition, the regulations prohibit the discharge or deposition of any material outside the boundary of the sanctuary that subsequently enters the sanctuary and injures a sanctuary resource or quality (except for specific material exempted in the regulations). Both prohibitions can be found in MBNMS regulations (15 CFR Part 922, Subpart M). This appendix provides information on authorizations that may be issued for certain fireworks displays, including the potential valid underlying Federal, state, or local lease, permit, license, approval, or other authorization issued after the effective date of MBNMS designation.

Pyrotechnic devices detonated over or near the ocean produce "fallout" or residue that falls directly into the water or is carried to the water by winds. Deposition of such matter is a violation of sanctuary regulations governing discharges unless written authorization is issued by ONMS. ONMS is interested in documenting the type, concentration, and mass of chemicals and material entering the water as a result of exploding rockets or shells. For the above reasons, any individual or organization sponsoring a fireworks display that will result in the discharge or deposition of materials in MBNMS waters or the discharge or deposition of any material outside the boundary of the sanctuary that subsequently enters the sanctuary and injures a sanctuary resource or quality must apply for an authorization to conduct such activity.

All other instructions for ONMS permit applications, including procedures and timelines, apply to MBNMS fireworks authorization requests.

Definitions

The following definitions apply to MBNMS fireworks authorizations guidance:

- Aerial shell - a pyrotechnic device launched or fired into the air
- Contractor - a state licensed pyrotechnic exhibitor
- Display - fireworks display
- Fireworks display - a demonstration of pyrotechnic devices requiring a state operator's license
- Impact area - perimeter in which aerial shells explode or detonate and deposit debris
- Organization sponsor - the party responsible for initiating and/or contracting the fireworks display
- Pyrotechnic device - any device containing a combustible substance that is designed to ignite or explode, creating a visual and/or audible effect (includes aerial shells and ground devices)
- Shell - aerial shell

An application to conduct a fireworks display should be submitted by the person (individual) who will assume full supervisory responsibility for the event. In addition to the standard instructions for ONMS permit applications given in this document, the following information must be included in an application:

A. The general location where the fireworks display will occur;
B. The date and time that the display will occur;
C. The duration of the display;
D. A description of the purpose for (event related to) the display;
E. Anticipated effects of the display on the sanctuary or sanctuary resources;
F. Name, address, and phone number of the sponsor and authorization holder;
G. Name, address, and state license number of the company or party that will handle and ignite pyrotechnic devices;
H. A common-name description of each type of pyrotechnic device to be ignited or launched;
I. A description of the contents, dimensions, and weight of each type of pyrotechnic device to be ignited or launched;
J. A description of the chemical elements (and respective volumes) present in each type of pyrotechnic device to be ignited or launched;
K. The number of aerial shells that will be launched;
L. A description of the range and detonation altitude of each shell type;
M. The exact location at which pyrotechnic devices will be ignited or launched; and
N. A description of the impact area and a map of the impact area.

In addition, copies of the following underlying valid Federal, state, or local lease, permit, license, approval, or other authorization issued after the effective date of MBNMS designation, as applicable, are required as part of the application:

A. Local fire marshal permit;
B. Applicable city and county use permits;
C. Certificate of comprehensive general liability insurance covering the display sponsor against damages caused by the fireworks display;
D. U.S. Coast Guard marine events permit if the fireworks display will occur over the water or will in any way affect navigation; and
E. Any other relevant permits such as a California Coastal Commission Coastal Development Permit.

If fireworks are to be ignited or launched from an offshore platform, the details of such operations must be included in the application. The MBNMS superintendent may request additional information as needed.

APPENDIX D
MONTEREY BAY NATIONAL MARINE SANCTUARY
CONSTRUCTION AUTHORIZATIONS

The Monterey Bay National Marine Sanctuary (MBNMS) superintendent may consider authorizing construction activities if the activities have been authorized by a valid lease, permit, license, approval or other authorization issued after the effective date of sanctuary designation by any federal, state, or local authority of competent jurisdiction.

In addition to the standard instructions for ONMS permit applications given in this document, the following information must be included in an application requesting construction in MBNMS.

Methods – The methods description should clearly describe the rationale behind selecting the proposed construction methods over any alternative methods.

Supporting Documentation– Ensure the following items are also included:

A. A copy of the valid lease, permit, license, approval or other authorization or the application provided to the permitting, authorizing or licensing agency, for example, please provide a copy of the California Coastal Commission Coastal Development Permit application.
B. A map showing the proposed study or project location(s) and a description of the habitat at the project site. If not to scale, maps must be annotated to describe depth and planned dimensions of the constructed/installed object and the impact area. Maps should also indicate the position of the mean-lower-low-water and mean-high-water lines relative to the project site and the survey data used to define these lines;
C. A copy of the construction plan to include comprehensive, detailed descriptions of methods and procedures for accomplishing various tasks (e.g., type of equipment to be used, installation techniques, materials, etc.); and
D. Details concerning any maintenance or future modifications associated with the project.

APPENDIX E
MONTEREY BAY NATIONAL MARINE SANCTUARY
DREDGE DISPOSAL AUTHORIZATION

Monterey Bay National Marine Sanctuary (MBNMS or sanctuary) does not directly regulate harbor dredging (i.e., the removal of sediment from the harbors and their channels) but does have a regulatory role in the disposal of dredged materials. Sanctuary regulations (15 CFR § 922.132) prohibit the discharge or deposition of any material into the waters of the sanctuary (except for specific material exempted in the regulations). In addition, the regulations prohibit the discharge or deposition of any material outside the boundary of the sanctuary that subsequently enters the sanctuary and injures a sanctuary resource or quality (except for specific material exempted in the regulations). Finally, the regulations prohibit permitting the disposal of dredged material within the sanctuary except for dredged material deposited at disposal sites authorized by the U.S. Environmental Protection Agency (EPA) (in consultation with the U.S. Army Corps of Engineers (COE)) prior to the effective date of sanctuary designation (January 1, 1993). 15 CFR § 922.132(f). An authorization from ONMS must be obtained when disposing of dredged sediments at these disposal sites in MBNMS (pursuant to MBNMS regulations at 15 CFR §§ 922.132(a)(2) and 922.49).

Disposal of dredged material from the four harbors (Pillar Point, Santa Cruz, Moss Landing and Monterey) is allowed at designated disposal sites within MBNMS, provided it complies with COE and EPA standards for grain size and contaminant levels under the Clean Water Act. MBNMS staff work collectively with many agencies and MBNMS may authorize other agency permits, typically a Coastal Development Permit (CDP) issued by the California Coastal Commission (CCC). The ONMS authorization is decided on a case-by-case basis and can come in the form of:

- A "no objection" authorization letter to the permitting agency, such as CCC, and to the applicant who represents the harbor conducting the dredging operations; or
- An authorization letter to the agency that recommends special conditions be added to that agency's primary permit; or
- An authorization issued directly to the applicant (e.g., the harbor) that includes special conditions to ensure sediments disposed in MBNMS will not adversely affect the marine ecosystem and MBNMS resources.

ONMS will respond in writing to the applicant to inform the applicant of the decision regarding the authorization request. ONMS may approve or deny an authorization request. ONMS may issue an authorization containing terms and conditions deemed reasonably necessary to protect sanctuary resources and qualities.

Providing up-to-date and detailed information about the dredge disposal activities allows ONMS to determine how to minimize impacts to sanctuary resources while allowing the continued operation of our critical local harbors. In addition to the standard instructions for ONMS permit applications given in this document, the following information must be included in an application for dredge material disposal at an authorized disposal site in MBNMS:

A. The detailed description of the locations (e.g., SF-12, SF-14 or as beach nourishment if the sand content is 80% or greater) where the disposal will occur;
B. The dates and duration of the disposal;

C. Anticipated effects on the sanctuary or sanctuary resources (e.g., how much sediment will be placed at each disposal site);
D. A description of how sediments will be transported to the disposal site (e.g., submerged pipeline or by barge)
E. Description of sediment samples to be taken in the sanctuary, in addition to where sediment samples are to be collected in the harbor, as part of the Sampling and Analysis Plan (please include mechanism of collection, how much sediment will be collected and location of samples to be collected);
F. A description of the reports and recordkeeping and any logs such as disposal and endangered/threatened species observation logs that will be kept.

In addition, copies of the following documents, where applicable, are required as part of the application:

A. Sampling and Analysis Plan (SAP);
B. Public Notice from U.S. Army Corps of Engineers;
C. Coastal Development Permit (CDP) Application;
D. NEPA documentation such as Biological Assessments, National Marine Fisheries Service (NMFS) and/or United States Fish and Wildlife Service (USFWS) Biological Opinion(s) and Essential Fish Habitat (EFH) consultations;
E. Harbor Sediment Quality Evaluation Report or Sampling and Analysis Report (SAR) for determining whether Harbor sediments are suitable for aquatic disposal and/or beneficial reuse as beach nourishment;
F. Dredging Plan;
G. CDP report and exhibits; and/or
H. Any other relevant permits such as a U.S. Army Corps of Engineers Permit, Regional Water Quality Control Board Water Quality Certification, or Air Resources Board permit.

ONMS may request additional information as needed.

APPENDIX F
BENEFICIAL USE IN MONTEREY BAY NATIONAL MARINE SANCTUARY

Beneficial Use Permitting Guidelines

I. Introduction

In 2021, NOAA added a new definition for "beneficial use of dredged material" to Monterey Bay National Marine Sanctuary (MBNMS) regulations and clarified NOAA's ability to authorize beneficial use of suitable dredged material for habitat protection and restoration purposes within MBNMS. This regulatory change was conducted so that suitable harbor dredge material from the four local harbors can be used for habitat protection and restoration projects. For the purposes of the "beneficial use of dredged material" definition, "habitat protection" means placing sediment at sites in the sanctuary to protect against habitat degradation and reduce the need for future habitat restoration. As an example of how habitat protection may proactively reduce the need for future habitat restoration, a well-designed project could help minimize coastal erosion by providing a buffer of protection during seasonally dynamic storm cycles that could otherwise remove or replace large volumes of sand. Furthermore, when a coastal beach habitat is restored or protected, the adjacent upland resources such as shoreline infrastructure may also be protected. NOAA amended the sanctuary-wide regulations to add a definition for the phrase "beneficial use of dredged material" at 15 CFR § 922.131:

> *"Beneficial use of dredged material means the use of dredged material removed from any of the four public harbors adjacent to the sanctuary (Pillar Point, Santa Cruz, Moss Landing, and Monterey) that has been determined by the Director to be suitable as a resource for habitat protection or restoration purposes only. Beneficial use of dredged material is not disposal of dredged material."*

In addition, NOAA amended 15 CFR § 922.132(f) by inserting the following sentence immediately before the last sentence in the existing paragraph:

> *"For the purposes of this Subpart, the disposal of dredged material does not include the beneficial use of dredged material as defined by 15 CFR § 922.131."*

This action clarifies NOAA has the authority to review and permit beneficial use of dredged material projects within the sanctuary (i.e., below the mean high water line) for the purposes of habitat protection and restoration.

Suitable dredged material is allowed for beneficial use within MBNMS, provided it complies with U.S. Army Corps of Engineers (USACE) and U.S. Environmental Protection Agency (EPA) standards for grain size and contaminant levels, as defined by the Clean Water Act, as well as MBNMS criteria.

Potential sediment sources include the following. For more information, refer to the 2021 MBNMS Regulations in the Federal Register.

- (rule III A.2. b) sediment from local harbors adjacent to the sanctuary
- (rule III A.2. c) upland and onshore sediment sources
- (rule III A.2. d) offshore sources within the sanctuary

Potential sediment placement options include within the sanctuary boundaries, outside the sanctuary boundaries such as above mean high water, or along the 12 mile coastline off San Francisco, Daly City, and Pacifica.

The four harbors immediately adjacent to the sanctuary, and no other harbors, are considered eligible sources of material for protecting or restoring habitats for several reasons. First, the four harbors and the sanctuary are in the same local sediment transport cell, which means that the sediments that settle in the four harbor channels generally come from the same sources as those that settle in the sanctuary. Local sediments are not likely a source of an introduced species, which are prohibited from being introduced into the sanctuary by MBNMS regulations (15 CFR 922.131 and 922.132(a)(12)). Second, if the four harbors adjacent to the sanctuary did not exist, sand and other sediment would not settle in the harbors and would thus remain in the coastal transport cell. Therefore, the regulatory clarifications regarding the permitted use of suitable dredged material from the four named harbors for beneficial use projects achieve the intent of helping restore the normal transport of sediment along the coast within the sanctuary.

II. Permitting Process

At least two activities, if they are conducted within the sanctuary, related to beneficial use of dredged material will need to be permitted by MBNMS because they are prohibited activities:

1. Alteration of the submerged lands of the sanctuary or placement of material on or in the submerged lands of the sanctuary (e.g. to collect sediment samples, to place the material and to lay pipelines) (15 CFR § 922.132(a)(4))
2. Discharge of material into the sanctuary (15 CFR § 922.132(a)(2)(i))

Proposed projects involving use of dredged material are eligible for approval by MBNMS if the projects demonstrate a sanctuary habitat protection or restoration purpose under the definition at 15 CFR §§ 922.11 and 922.131, and if the projects otherwise meet the permit or authorization procedures and review criteria described in 15 CFR §§ 922.48, 922.49, 922.133, 922.30, 922.32, and 922.33.

MBNMS uses an established process for approving disposal of dredge material from the four public harbors (Pillar Point, Santa Cruz, Moss Landing, and Monterey) in designated disposal sites (e.g. SF-12 and SF-14) within MBNMS. For example, MBNMS collaborate with other agency staff and MBNMS can authorize other agency permits, such as the California Coastal Commission's Coastal Development Permit. A similar process is used for applicants to place beneficial dredge material from the four public harbors for habitat protection and restoration purposes in locations of the sanctuary other than the designated proposal sites. However, placement of beneficial use material might require two separate permits or authorizations. For example, if the entity performing the beneficial use of dredge material is not the same entity as the one conducting the dredging operations, each entity might have to apply separately for an authorization or permit. Another example occurs when an entity would have to first collect sediment samples within MBNMS prior to designing and conducting the beneficial use project.

III. Information Needed for Permit Application

This section describes the information needed to submit a complete permit application.

Providing up-to-date and detailed information about proposed dredging and beneficial use activities allows MBNMS to determine how to minimize impacts to sanctuary resources while allowing the continued operation of our local harbors. In addition to the standard instructions for the NOAA Office of National Marine Sanctuaries (ONMS) permit application, the following information should be included in an application for dredge beneficial use in MBNMS:

1. Request an U.S. Army Corps of Engineers (USACE) led inter-agency meeting. This meeting is not required, yet provides a venue for USACE, MBNMS, and other agencies to participate and ask questions with the project lead: https://www.spn.usace.army.mil/Missions/Regulatory/Interagency-Meetings/
    a. Information to bring to the meeting includes:
        i. Project purpose
        ii. Any alternatives being considered
        iii. Any known sensitive issues or controversies about the project
2. Submit an ONMS permit application with the following information:
    a. Define the purpose and goals of the project;
    b. Provide a detailed description of the beach segment where the beneficial use will occur;
        i. Length and width of placement area
        ii. Total area of placement of material within the sanctuary (below mean high water)
        iii. Quantity of material
        iv. Habitat(s) in placement area (e.g. sandy beach)

v. Map of area and sediment sample locations
vi. How long the operation will take (e.g. the starting and ending dates for the material to be placed at the site)
vii. Anticipated effects on the sanctuary or sanctuary resources. Effects can be direct and indirect and beneficial or adverse:
    1. Direct effects are those effects caused by the permitted action occurring at the same time and place as a result of this activity. For example, the direct adverse effects of dredge material placement could include burial of flora/fauna, turbidity, and sedimentation of adjacent communities. Describe the anticipated level and scope of disturbance to species, habitats, or maritime heritage resources from sediment movement. Describe effects to individuals or populations from biological sample collection. If geological sample collection is proposed, explain how much of the seafloor will be disturbed and for how long.
    2. Indirect effects are those effects caused by the action later in time, or farther removed in distance, or incidental to other species or habitats as result of the activity, but still reasonably foreseeable. For example, the indirect effects of channel dredging may include increased vessel use to allow for deeper draft vessels. If heavy equipment use is proposed, describe its potential to cause adverse or beneficial impacts to species or habitats later in time.

c. A description of how sediments will be transported to the site (e.g. submerged pipeline, trucks, or by barge);
d. Sampling and Analysis Plan for harbor dredge material, including reference to the following;
    i. Include all sections required by U.S. Army Corps of Engineers (USACE), U.S. Environmental Protection Agency (EPA), and Regional Water Quality Control Boards per Section 404 of the Clean Water Act. This is based primarily on the USACE/EPA document titled Evaluation of Dredged Material Proposed For Discharge in Waters of the U.S. - Testing Manual (aka Inland Testing Manual)
e. Description of sediment sample collection;
    i. Provide detail of sample locations within MBNMS (i.e. beach segment)
    ii. Provide detail of sample collection within the harbor of the material to be dredged
    iii. Include mechanism of collection, treatment of the sample (i.e. composite) and quantity of sample collected
f. Grain size analysis and distribution: gravel (>2.00 mm), very coarse sand (1.0 - 2.0 mm), coarse sand (0.5 - 1.0 mm), medium sand (0.25 - 0.50 mm), fine sand (0.125 - 0.25 mm), very fine sand (0.0625 - 0.125 mm), silt (0.0039 - 0.0625

mm), clay (<0.0039 mm), percent fines (silt and clay combined) per method American Society for Testing and Materials D4464 (M);

i. Grain size must be >80% sand to be eligible for beneficial use on beaches.

g. Additional analysis will be required if there are any exceedances of water quality objectives based on the California Ocean Plan. This may include toxicity analysis or bio-accumulation analysis depending on the characteristics of the chemical in question. Organic compound classes of priority pollutants with the greatest potential to bioaccumulate are polycyclic aromatic hydrocarbons (PAHs), polychlorinated biphenyls (PABs), pesticides, and some phthalate esters (EPA/USACE 1998). If the water is not fully decanted off the sediment in the harbor, decant water analysis may be required and will be compared with the California Ocean Plan water quality objectives or Central Coast Regional Water Control Board Water Discharge Requirements Program;
h. Additional analysis (similar to g. above) may be required if results exceed background levels of pollutants of concern as compared to the beach reference samples and/or the average ambient samples collected from Monterey Bay or San Francisco Bay;
i. A description of the reports, record-keeping, and any logs, including endangered/threatened species observation logs, must be kept up while conducting the authorized activities;
j. After the Sampling and Analysis Plan is approved by MBNMS, the applicant will provide the Harbor Sediment Quality Evaluation Report or Sampling and Analysis Report for determining whether harbor sediments are suitable for aquatic disposal and/or beneficial use for beach habitat protection and restoration. Additional analysis may be required based on the results of the Sampling and Analysis Report. The Sampling and Analysis Report is developed by the harbor (or the consulting agency hired by the harbor) for each dredging project. The Sampling and Analysis Report includes all analyses listed in the Sampling and Analysis Plan; and
k. A monitoring plan (Section VI) to determine movement of the placed material within the sanctuary.

In addition, copies of the following documents are required as part of the application:

- Public Notice from U.S. Army Corps of Engineers;
- Coastal Development Permit Application;
- Dredging Plan;
- Coastal Development Permit report and exhibits; and/or
- Any other relevant permits such as a U.S. Army Corps of Engineers permit, Regional Water Quality Control Board Water Quality certification, or Air Resources Board permit.

The MBNMS superintendent may request additional information as needed.

IV. National Environmental Policy Act (NEPA) Compliance

The analysis of effects from the beach nourishment projects will be documented in a categorical exclusion memorandum (CE memo), an environmental assessment (EA), or an environmental impact statement (EIS), depending on the anticipated level of impact on the human environment. MBNMS managers will determine if the federal action (i.e., issuing a permit or authorization) qualifies for a CE memo by considering the extraordinary circumstances (see ONMS Environmental Compliance Handbook). To ensure the decision memos provide a sufficient administrative record for the permit decision, they should explain how the proposed project fits within the definitions provided within the final rule (15 CFR 922.131) of "habitat restoration" or "habitat protection."

In reviewing any proposed beneficial use project, NOAA may choose to adopt an existing NEPA analysis (i.e., an EA or EIS) prepared by another federal agency, work to prepare a joint NEPA analysis, or prepare a separate NEPA analysis, as appropriate, to ensure compliance for NOAA's action associated with the beneficial use project. This would also include conducting any required interagency consultations to avoid or minimize adverse effects on protected resources. Programmatic EA or EIS could apply and ONMS could choose to develop a programmatic EA for beneficial use of dredged material in MBNMS if numerous projects are requested or as warranted.

MBNMS managers will work with other agency managers to determine if any NEPA documents were prepared for the project such as environmental assessments (EA), environmental impact statements (EIS), or categorical exclusion determinations. Additional environmental compliance documentation such as biological evaluations or assessments, National Historic Preservation Act (i.e. Section 106 consultations), tribal consultations, National Marine Fisheries Service, and/or U.S. Fish and Wildlife Service biological opinion(s), and/or essential fish habitat assessments prepared as part of consultations will be requested too. If an EA or EIS needs to be developed, a lead agency will be identified and opportunities for cooperating agencies will be assessed. A cooperating agency may adopt a lead agency's NEPA document without recirculating it if it concludes that its NEPA requirements and its comments and suggestions have been satisfied.

The administration record folder will include key decision points and supporting communication from ONMS for consultations. All relevant documents will be uploaded in the ONMS permit database.

V. Follow up Monitoring and Reporting

MBNMS requires a monitoring plan of the area where the beneficial use of suitable dredged material for habitat protection and restoration purposes is placed within MBNMS. Subsequent annual monitoring and permit reports will also be required. Site monitoring is conducted to ensure the environmental integrity of the beneficial use site and the areas adjacent below mean high water. Compliance with beneficial use site criteria and permit requirements is verified via monitoring, as well as tracking movement of the sediment as it travels down current and offshore.

1. The monitoring plan for any location, including surf zone, intertidal or subtidal, will include:
    a. Baseline monitoring to characterize hard/soft bottom habitats and benthic biota, and measure background concentrations of contaminants of concern for both sediment and water quality parameters. This includes photos and video imagery, and mapping the spatial distribution of disposed dredged material on the seafloor
    b. Monitoring goals and objectives to include protection of the marine environment, documentation of beneficial use activities, and site surveys before and after placement
    c. Post monitoring to include sediment material tracking and effects of sediment placement to measure any changes at the site
    d. Post monitoring will include the same parameters as baseline monitoring (see a. above) including benthic biota, sediment, and water quality parameters. This also includes photos and video imagery, and mapping the spatial distribution of disposed dredged material on the seafloor
2. Monitoring reports will need to include:
    a. Baseline and post monitoring results
    b. Monitoring plan deviations
    c. If monitoring plan objectives have been reached
3. Permit reports will need to include:
    a. Final length and width of final placement area
    b. Total area of placement of material within the sanctuary (below mean high water)
    c. Quantity/volume of material placed
    d. Habitat(s) in placement area
    e. Map of final placement area
    f. Changes in the beach profile (before and after placement of the material)

VI. Table of Reference Concentrations for Chemicals of Concern

In almost all situations involving dredge material, the Evaluation of Dredged Material Proposed For Discharge in Waters of the U.S. - Testing Manual is used by the U.S. Environmental Protection Agency (EPA) and U.S. Army Corp of Engineers (USACE), also known as the Inland Testing Manual (EPA/USACE. 1998). The Inland Testing Manual provides testing protocols that are intended solely as guidance. There are currently no regulatory sediment quality criteria for the marine environment. Regulatory sediment criteria for beneficial use in MBNMS have not been established. In other similar situations (e.g. Elkhorn Slough National Estuarine Research Reserve), the Central Coast Regional Water Quality Control Board and EPA determined projects may reasonably base sediment suitability criteria on ambient concentrations at the material placement site. Current available data which may be used for additional comparison is sediment chemistry collected in Monterey Bay by the Central Coast Long-term Environmental Assessment Network (CCLEAN) and ambient values collected in San Francisco Bay.

The table below provides background concentrations of constituents of concern in Monterey Bay and San Francisco Bay sediment. These are two locations that have years of sediment sampling results that provide a comparison of conditions. Note that the grain size is very different between CCLEAN ambient averages in Monterey Bay and those of San Francisco Bay ambient values. The CCLEAN sites contain predominantly fine material which are more likely to bind to chemicals of concern. The San Francisco Bay samples contain less than 40% fines which are more representative of the type of material suitable for beach nourishment but may not be exactly representative of Monterey Bay background concentrations. San Francisco Bay and Monterey Bay have many different inputs of chemicals of concern and are listed as impaired for dichlorodiphenyltrichloroethane (DDTs), chlordane, dieldrin, and polychlorinated biphenyls (PABs) so those values should not be considered as a benchmark for acceptability for those compounds. As of March 2024, Monterey Bay was added to the Federal Clean Water Act 303(d) list of impaired water bodies. In addition, it is important to note that grain size must be greater than 80% sand to be eligible for beach nourishment projects (see Section III.2.f). The values in this table will be used as a comparison for chemical concentrations in the proposed material for beach nourishment, taking grain size into account, and recognizing that chemical concentrations will likely be higher in samples with smaller grain size (i.e., CCLEAN samples). In addition, there are data gaps in the table as indicated by the empty boxes. NOAA's Effects Range Low (ERL) is defined as the concentration below which effects are rarely observed or predicted among sensitive life stages. NOAA's Effects Range Medium (ERM) is the concentration above which effects are frequently or always observed among most species. The ERL, ERM, and San Francisco Bay Ambient Values

were considered by the Elkhorn Slough National Estuarine Research Reserve for the Minhoto-Hester Marsh restoration project.

Analyte	CCLEAN Ambient Average Values (>80% fines)	ERL	ERM	SF Bay Ambient Values (<40% fines)
Metals (mg/kg)				
Arsenic		8.2	70	13.5
Cadmium		1.2	9.6	0.25
Chromium		81	370	91.4
Copper		34	270	31.7
Lead		46.7	218	20.3
Mercury		0.15	0.71	0.25
Nickel		20.9	51.6	92.9
Selenium				0.59
Silver		1	3.7	0.31
Zinc		150	410	97.8
Organochlorine Pesticides/PCBs (ug/kg)				
DDTs, sum	4.66	1.58	46.1	2.8
Chlordanes, sum	0.05	0.5	6	0.42
Dieldrin	0.02	0.02	8	0.18
Hexachlorocyclohexane, sum	0.04			0.31
Hexachlorobenzene	0.03			
PCBs, sum	0.44	22.7	180	8.6
Polycyclic Aromatic Hydrocarbons (ug/kg)				
PAHs, total	110.96	4,022	44,792	211
Low molecular weight PAHs, sum		552	3,160	37.9
High molecular weight PAHs, sum		1,700	9,600	256
1-Methylnaphthalene				6.8
1-Methylphenanthrene				4.5
2,3,5-Trimethylnaphthalene				3.3
2,6-Dimethylnaphthalene				5
2-Methylnaphthalene	6.30	70	670	9.4
2-Methylphenanthrene				11.3
3-Methylphenanthrene				
Acenaphthene	0.44	16	500	2.2
Acenaphthylene	1.02	44	640	11.3
Anthracene	1.25	85.3	1,100	9.3
Benz(a)anthracene	4.28	261	1,600	16
Benxo(a)pyrene	4.68	430	1,600	18
Benzo(e)pyrene				17.3
Benzo(b)fluoranthene				32.1
Benzo(g,h,i)perylene				22.9
Benzo(k)fluoranthene				29.2
Biphenyl				6.5
Chrysene	5.89	384	2,800	19.4
Dibenz(a,h)anthracene	0.75	63.4	260	3
Fluoranthene	8.52	600	5,100	78.7
Fluorene	0.80	19	540	4
Indeno(1,2,3-c.d)pyrene				19
Naphthalene	5.96	160	2,100	8.8
Perylene				24
Phenanthrene	9.10	240	1,500	17.8
Pyrene	10.91	665	2,600	64.6

Table 1: Background concentrations of constituents of concern in Monterey Bay (CCLEAN) and San Francisco Bay sediment.

VII. References

1) Environmental Protection Agency/U.S. Army Corps of Engineers. 1998. Evaluation of Dredged Material Proposed for Discharge in Waters of the U.S. - Testing Manual (aka Inland Testing Manual). EPA-823 -B-98 -O04, Washington, D.C.
    a) Table 9-1 is contained in this manual and includes a list of contaminant classes to be considered for monitoring. Table 13 is an example of the list of constituents recently required for the Moss Landing Harbor dredge project.
2) Environmental Protection Agency/U.S. Army Corps of Engineers. 1977. Environmental Protection Agency/U.S. Army Corps of Engineers Technical Committee on Criteria for Dredged and Fill Material, Ecological Evaluation of Proposed Discharge of Dredged Material into Ocean Waters. Implementation Manual for Section 103 of Public Law 92-532 (Marine Protection, Research, and Sanctuaries Act of 1972). July 1977 (2nd printing April 1978). Environmental Effects Laboratory, U.S. Army Engineer Waterways Experiment Station, Vicksburg, MS.
3) Evaluation of Dredged Material Proposed for Ocean Disposal - Testing Manual (aka Green Book)
4) Final Environmental Assessment of Monterey Bay National Marine Sanctuary Management Plan. 2021; 36-38.
5) San Francisco Bay Regional Water Quality Control Board. 2000. Beneficial Reuse of Dredged Materials: Sediment Screening and Testing Guidelines. San Francisco Bay Regional Water Quality Control Board Draft Staff Report, 35 pp.
6) Foley, M. M., Christian E., Goeden, B., Ross, B. 2020. Expert review of the sediment screen guidelines for the beneficial reuse of dredged material in San Francisco Bay. SFEI Contribution No. 978. San Francisco Estuary Institute, Richmond, CA.
7) Environmental Science Associates memo titled “Elkhorn Slough Restoration Design Criteria”
8) USFWS Biological Opinion for Moss Landing Harbor District Maintenance Dredging Project Monterey County, California (Corps File Number: 002-26356S) and Amendment (includes beach replenishment activities)
9) Bay Protection and Toxic Clean-up Program
10) Federal Register for 2021 MBNMS Regulations

APPENDIX G
SPECIAL USE PERMITS

Section 310 of the National Marine Sanctuaries Act (16 U.S.C. § 1441; NMSA) allows the Secretary of Commerce (delegated to the Office of National Marine Sanctuaries (ONMS)) to issue special use permits to authorize the conduct of specific activities in a sanctuary if such SUP is necessary (1) to establish conditions of access to and use of any sanctuary resource or (2) to promote public use and understanding of a sanctuary resource.

Public notice

The NMSA requires, among other things, ONMS to provide "appropriate public notice before identifying any category of activity subject to a special use permit" (see section 310(b) of the NMSA, 16 U.S.C. § 1441(b)). Accordingly, ONMS has issued *Federal Register* notices that describe the types of activities for which it can require the issuance of a special use permit (78 FR 25957 (May 3, 2013), 82 FR 42298 (September 7, 2017) and ; 89 FR 48272 (June 6, 2024)). To qualify for a special use permit, an activity must be among those listed in these public notices. The notices list the following activities:

1. The placement and recovery of objects associated with public or private events on non-living substrate of the submerged lands of any national marine sanctuary.
2. The placement and recovery of objects related to commercial filming.
3. The continued presence of commercial submarine cables on or within the submerged lands of any national marine sanctuary. (Note, 89 FR 66689 [August 16, 2024] modified this SUP category so that, for a two-year period, this SUP category does not apply to commercial submarine cables in any new sanctuaries designated after August 16, 2024).
4. The disposal of cremated human remains within or into any national marine sanctuary.
5. Recreational diving near the USS *Monitor* (located in Monitor National Marine Sanctuary).
6. Fireworks displays.
7. The operation of aircraft below the minimum altitude in restricted zones of national marine sanctuaries.
8. The continued presence of a pipeline transporting seawater to or from a desalination facility within Monterey Bay National Marine Sanctuary.
9. The operation of tethered underwater mobile systems at shipwreck sites within Lake Ontario National Marine Sanctuary

If a proposed activity does not fall within the description of one of the types of activities for which ONMS has provided public notice, ONMS would need to publish a new *Federal Register* notice and solicit public comments on the use of special use permits for the type of activity proposed prior to issuing a permit.

Terms of special use permits

The NMSA places four conditions on special use permits. The NMSA requires that special use permits:

A. Shall authorize the conduct of an activity only if that activity is compatible with the purposes for which the sanctuary is designated and with protection of sanctuary resources;

B. Shall not authorize the conduct of any activity for a period of more than 5 years

unless renewed by the Secretary;

C. Shall require that activities carried out under the permit be conducted in a manner that does not destroy, cause the loss of, or injure sanctuary resources; and

D. Shall require the permittee to purchase and maintain comprehensive general liability insurance, or post an equivalent bond, against claims arising out of activities conducted under the permit and to agree to hold the United States harmless against such claims.

Permit fees

The NMSA allows ONMS to assess and collect fees for the conduct of any activity under a special use permit. If it is assessed, the amount of the total fee is assessed as follows:

A. The costs incurred, or expected to be incurred, by the Secretary in issuing the permit, including but not limited to a non-refundable $50 application fee for each SUP application submitted;

B. The costs incurred, or expected to be incurred, by the Secretary as a direct result of the conduct of the activity for which the permit is issued, including costs of monitoring the conduct of the activity; and

C. An amount that represents the fair market value of the use of the sanctuary resource.

NOAA may accept in-kind contributions in lieu of a fee, or waive or reduce any fee assessed for any activity that does not derive profit from the access to or use of sanctuary resources.

NOAA established standard procedures for assessing fee components associated with the application for and issuance of special use permits via public notice in the Federal Register at 80 FR 72415 (November 19, 2015) and 82 FR 42298 (September 7, 2017). Applicants for special use permits are directed to these procedures for additional information on the specific fee schedule that may be associated with their proposed activity, and are encouraged to contact permit staff at the sanctuary in which activities are proposed to occur for further guidance. The contact information for the local permit coordinator is located under "Where to Apply" on the ONMS permitting webpage.

Information requirements

Applicants for special use permits should submit all of the information requested in the standard instructions for ONMS permit applications given in this document. In addition, the following will also be required:

A. Comprehensive Liability Insurance. Applicants will be required to purchase and maintain comprehensive general liability insurance, or to post an equivalent bond, against claims arising out of activities conducted under the permit and to agree to hold the United States harmless against such claims. Applicants should provide proof of such insurance with the rest of the application materials.

B. Annual financial report. In addition to standard permit reporting, special use permit recipients are required to submit financial reports on or before December 31 of each year the permit is valid. These reports should detail the activities conducted under the permit during the reporting year and any revenues derived from those activities.

APPENDIX H
ARCHEOLOGICAL RESEARCH PERMITS

The following instructions have been prepared for applicants proposing to conduct activities involving historical resources of the National Marine Sanctuary System (including submerged cultural resources, maritime heritage resources, and submerged archaeological resources). These guidelines have been prepared in compliance with the Federal Archaeological Program laws, regulations and guidelines including the –

A. Secretary of Interior's Standards and Guidelines for Archaeology and Historic Preservation;
B. Abandoned Shipwreck Act Final Guidelines (55 FR 233, December 4, 1990);
C. Archaeological Resources Protection Act of 1979;
D. Final Uniform Regulations on Protection of Archeological Resources (43 CFR Part 7); and
E. Programmatic agreements involving archeological resources and/or historical resource management.

The primary purpose of these instructions is to assist potential permit applicants in submitting their application materials to the ONMS for consideration. While some of the information requirements described in the standard instructions for permits and authorizations applies to permits for historical resources, much of the required information is different. Applications of this type should adhere to the following guidance instead.

I. Cover Sheet – The cover sheet shall identify:
A. Title of project (e.g., "Survey of the USS *Alligator*");
B. Applicant's name, address, telephone number, and affiliation;
C. Name, address, affiliation, and of other key personnel;
D. Proposed date of project and anticipated duration;
E. Demonstrate reasonable ability to fund each phase of intended investigation covered by the permit; and
F. Glossary/key words.

II. Project Summary – The applicant should provide a 250-word (maximum) summary of the project including a brief statement of research objectives, scientific methods to be used, and the significance of the proposed work to the established management plan goals of the sanctuary. Also include a chart that shows the location and the latitude and longitude of the proposed work area.

III. Technical Information – The applicant should provide clear, concise, and complete statements for the following information. Documentation and excavation must follow standard archaeological methodology. Please note that an archaeological survey must be conducted on a site before a Research/Recovery Permit can be issued (See section VIII of this appendix).

A. Research Plan. A research plan describing in detail the specific research objectives and goals (methodologies should be addressed in the Operational Plan – see below). The plan should include a description of:

- The archaeological goals and methods to be employed;
- The problems toward which the research will be directed (i.e., what questions will this research answer); and
- The ways in which other researchers have sought to answer them.

B. Project Significance. The applicant should discuss significant previous research in the area of interest and how the proposed effort may enhance or contribute to improving the state of knowledge of history, anthropology or archaeology. Explain why the proposed effort should be performed in the sanctuary and any potential benefits that might be imparted to the public's interest and to sanctuary resources protection and management. Discuss potential benefits that might result from the addition of artifacts to the pool of artifacts available for display. Discuss how the project may provide public access to artifacts embedded in submerged lands and not able to be directly examined or physically displayed to the public without removal.

C. Operational Plan. The applicant should describe the tasks required to accomplish the project's objectives. Describe the proposed methods to be used for site documentation, excavation, recovery and the storage of artifacts and related materials on site and at the storage lab. Describe the rationale for selecting the proposed methods over any alternative methods.

D. Required Reports and Recordkeeping. If a permit is issued the following reports will be required (See sections VII and VIII of this appendix):

1. Seasonal Reports.
2. Final Project Report.
3. Artifact Conservation Report.
4. Project Log – Master copies of standard logbook sheets shall be supplied to the permittee who shall make sufficient copies and fill them out on a daily basis. Copies of all completed field logs must be turned over to ONMS following the completion of the project.
5. Artifact Log – An Artifact Log should be kept at the site and in the storage lab.
6. Each artifact will be assigned a Field Number. A description of the artifact, archaeological provenience data and the recorder’s name and the date should be recorded in the log. A copy of the Artifact Log will be turned over to the ONMS at the completion of the project.
7. Photographs and Videotapes – Applicants should provide photographs and/or videotapes (optional) of significant individual site features and/or artifact clusters both in situ and after removal. Images should include photo scale, north arrow and date/site name board.

E. Artifact Handling Plan. The applicant should provide an Artifact Handling Plan that includes the following:

1. Artifact removal – Discuss techniques for removal of various types of artifacts expected to be encountered. Specifically address types of artifacts requiring special care such as glass or ceramics and organic artifacts such as rope, leather, textiles, and other fragile objects.
2. Artifact processing – Discuss plans for artifact storage between the field and conservation lab. Discuss proposed artifact inventory methodology. Each artifact

should be tagged with a Field Catalog Number to be assigned as soon as it is removed from the water at the site. Additional tags bearing accession numbers may be assigned and affixed by the ONMS. In this case, ONMS will maintain public records linking the original Field Catalog Number and any additional numbers assigned.

3. Unique or valuable artifacts should be photographed from two perspectives with a bar scale, date and the Catalog Number tag prominently displayed. The Field Catalog Number tag should be sturdy and waterproof and should be attached to the artifact in a non-destructive manner so as to accompany the artifact through storage and the conservation process. Bulk or highly repetitive artifacts, such as coins, musket balls, pottery shards, etc., need not be photographed individually, but should be photographed in groups with the artifact tag number containing the Field Catalog number visible.

F. Conservation Plan. The applicant should provide a detailed plan for the conservation of artifacts. Include methods of conservation and intended processes. The Conservation Plan should include:

1. Conservation methodology – Discuss the methods of conservation and the intended processes for each class of artifact (i.e. ceramic, wood, other organic materials, ferrous metal, and non-ferrous metal);
2. Conservation equipment – Describe the conservation facility or facilities;
3. Storage space – Describe the conservation facility's location and size of the storage space.

G. Curation and Display Plan. The applicant should provide a detailed plan for the curation of artifacts to ensure their maintenance and safety and in compliance with 36 CFR 79, Curation of Federally-Owned and Administered Archaeological Collections. The Curation Plan should ensure that the following processes are considered:

1. Curation facility and personnel – Identify the curatorial facility and the professional personnel. Curatorial facilities should have adequate space to ensure the safe storage of artifacts.
2. Artifact storage – Archaeological specimens should be maintained so that their information values are not lost through deterioration. Storage records should be maintained to a professional archival standard.
3. Project records – Project and curation records should be maintained in a manner conforming to standard archival method. Storage should conform to professional archival standards and should allow for accessibility of records to qualified researchers within a reasonable amount of time of having been requested.
4. Artifact availability – Artifact collections must be accessible to qualified researchers within a reasonable amount of time of having been requested.
5. Artifact loans – Artifacts should be available for loan to other institutions for interpretive purposes, subject to reasonable security precautions and scheduling practicalities.
6. Artifact display – Collections should be available for educational and interpretive purposes, subject to reasonable security precautions. A plan for the display exhibit area will be required if artifacts are intended for display. Exhibit

information will include display case design and security, building security and temperature and humidity control. A loan agreement will be prepared between NOAA and the exhibiting institution in keeping with 36 CFR 79 (see above).

IV. Qualifications – Show evidence of the ability of each team member to perform the assigned tasks for the following personnel:

A. Supervising Archaeologist – The Supervising Archaeologist is responsible for archaeological aspects of the project and need not serve as project manager. The applicant should submit a resume detailing the professional qualifications of the Supervising Archaeologist (including citations and examples of archaeological site reports and professional publications). In compliance with the "Secretary of Interior's Standards and Guidelines for Archaeology and Historic Preservation" and the Archaeological Resources Protection Act the Supervising Archaeologist should fulfill the following qualifications:

1. A graduate degree in archaeology, anthropology, maritime history equivalent training and experience;
2. At least one year of professional experience or equivalent specialized training in archaeological research, administration or management;
3. At least four months of supervised field and analytic experience in general North American archaeology and maritime history;
4. Demonstrated ability to carry research to completion;
5. At least one year of full-time professional experience at a supervisory level in the study of historic marine archaeological resources (for historic shipwreck studies) or prehistoric marine archaeological resources (for submerged prehistoric studies); and
6. Ability to demonstrate ability in comprehensive analysis and interpretation through authorship of reports and monographs.

B. Archaeological Assistants – Archaeological Assistants need not meet Supervising Archaeologist qualifications but will serve under the direction of the Supervising Archaeologist. The applicant should provide the name and experience of all qualified archaeological assistants who will assist the Supervising Archaeologist in site documentation and research.

C. Artifact Conservator – The applicant should provide documentation of the Artifact Conservator's demonstrated experience in conservation of artifacts from submerged sites. Professional experience should include experience in the conservation of ferrous and non- ferrous metals, ceramics, glass and organic materials.

V. Environmental Consequences – The applicant should provide an analysis of the extent and nature of potential environmental impacts on sanctuary resources from permitted activity. If impact to natural resources is proposed, the applicant should provide a Site Restoration and Remediation Plan to address any injury or impacts resulting from the project.

VI. Supporting Documentation and Special Concerns

A. Financial Support. Provide contract number, performance period, and name of sponsoring entity, if any. If none, provide sufficient data to substantiate the fiscal

capability to complete the phases of work proposed to be permitted. If artifact recovery is proposed, financial data must address the resources necessary for the conservation, curation and interpretation of the resulting archaeological collection.

B. Coordination with Research in Progress or Proposed. The ONMS encourages coordination and cost-sharing with other investigators to enhance scientific capabilities and avoid unnecessary duplication of efforts, where applicable.

C. Letters of Intent. Applicants should provide letters of intent to participate in this project from the Supervising Archaeologist and Conservator.

D. References. Provide bibliographic references for any citations made in text.

VII. Archeological Research Report and FKNMS Research/Recovery Permit Report Guidelines – If a permit is issued, the permittee will be required to submit certain reports or other records to document permitted activities. This section describes the various report types that will likely be required.

A. Seasonal Reports. The permittee will provide a Seasonal Report within sixty (60) days of the conclusion of each dive season for the duration of the permit. With this report, the applicant should also submit copies of pertinent photographs, video, maps, artifact logs, and field logs. The Seasonal Report should include:

1. A summary of the season's activities;
2. A discussion of any problems encountered that may require a revision of the permit; and
3. Plans for the next field season based on permittee's assessment of the preceding season's work.

B. Final Report. The permittee will provide a Final Report on the activities and results of the project. The Final Report must be reviewed by the Supervising Archaeologist and signed and dated with his/her comments. The Final Report must be submitted within one (1) year of the completion of field work and artifact conservation. The bound Final Report must include:

1. Site Description – a description of the study area;
2. Site History – a contextual history relating the site to the general history of the region;
3. Research Design – the original project design and research goals for the project;
4. Field Work Description – a description of the field activities including a summary of the survey and/or excavation process;
5. Field Observations – all observations of notable occurrences, patterns, etc.;
6. Data Analysis – full analysis and results of recovered data and artifacts to also include:
7. Maps – The permittee should supply the following maps:
    a. An overall map showing site in relation to submerged features and nearest land mass (e.g., NOAA chart);
    b. A pre-excavation plan view (overhead) map showing significant or readily observable exposed artifacts and site features;
    c. An overall plan-view site map showing all excavated hull structure;

d. Detailed feature maps for each significant feature to include location of artifacts removed from site. Artifact locations will include the artifact Field Catalog Number. If numerous artifacts are retrieved from a specific area they may be listed in table form and keyed to the map location by an index number. They will relate the artifact positions to features in the overall site map. The feature maps will include 3 different perspectives, including overhead or plan view, side/profile view, and (if practicable) frontal/sectional view;

e. All maps should show a grid or grid ticks on the outer border of the map in longitude and latitude, or other recognized coordinate system. Smaller-scale maps should have grids with X-Y coordinates related to datum on overall site map. Maps should include a bar scale, North arrow, and title block which identifies the map. The title block should include the permit number, permittee's name, and year of the permit.

8. Project Assessment – The Final Report should include a discussion of the applicant's perceived success of the project and recommendations for updating historical contexts and planning goals.

C. Conservation Report. The Conservation Report should include an account of all work done on artifacts. Note work done on different materials and/or classes of artifacts, work on significant (e.g., unique or fragile) artifacts, and work on composite-type artifacts composed of two or more materials (e.g., wood and iron). The report of the conservation of artifacts should include appendices containing:

1. An artifact list;
2. Copies of the conservation lab records; and
3. Before and after photographs of artifacts at the conservation lab.

VIII. Survey Reporting Guidelines – This section will assist anyone conducting remote sensing surveys of archaeological resources in preparing reports and in submitting the relevant information to the ONMS. This section will also assist in preparing the necessary reports for survey/inventory in FKNMS. For FKNMS, the report and map are necessary before a subsequent Research/Recovery permit can be issued.

A. Survey/Inventory Report. The survey/inventory report should include:

1. Introduction – The introduction should include the dates of the survey; the general region and the parameters of the survey area in latitude and longitude; the number of days spent conducting remote sensing survey; the number of days diving to identify anomalies; the names of people involved with the operation their capacity; and a brief statement outlining the highlights and results of the work.
2. Equipment – Describe any equipment used for navigation and horizontal positioning as well as magnetometer and other types of remote sensing.
3. Equipment use – Explain how equipment was used, calibrated and configured for navigation and horizontal positioning as well as magnetometer and other remote sensing equipment.
4. Recording of survey information – Explain how and when position fixes were recorded, how the magnetometer (and other remote sensing equipment)

correlated to the horizontal position data, and how far apart the parallel passes were and in what direction(s) the survey vessel was navigated (recommended spacing is 150 feet or less).

5. Completion of work – Summarize the work completed. Describe how much work was accomplished and how much is left to accomplish to complete the remote sensing phase of your survey work.
6. Summary statement – Provide a general statement about what you found and how these findings shape your future plans. Discuss and interpret the anomaly patterns. What parts of the anomaly patterns appear to be significant and what parts do not? Are there any significant clusters? Were any anomalies identified? If suspected archaeological remains were found, provide a detailed description including:
    a. The nature of remains (i.e., ship structural features, ballast, and artifacts);
    b. The probable approximate date of site, explaining why you think so;
    c. The distribution and extent of remains;
    d. The integrity of the remains (i.e., does site appear to be disturbed and, if so, recently?); and
    e. The natural environment in the vicinity of the wreck.
7. Report appendices – The report should include the following appendices:
    a. Include as a first appendix a list that assigns each anomaly a unique designation. This index serves as a cross-reference so anomalies identified in the report can be correlated to their plotted positions on the base map. This appendix should include the anomaly identification designation, its location (e.g., latitude and longitude in decimal minutes), and gamma intensity.
    b. Include as a second appendix examples of a dozen or so magnetometer chart sections showing some of the anomalies encountered in your contract area (label each example strip chart section with its corresponding designation as assigned in above).

B. Survey/Inventory Map. The maps submitted following a survey/inventory should include the following:

1. Encompass a large enough area to include all of your contract and show the contract boundaries. The map(s) should also depict the location of the shoreline and other prominent features such as buried cable, rock outcrops, islands, etc.
2. Show a grid or grid ticks on the outer border of the map in longitude and latitude, or other recognized coordinate system including the system used in the anomaly table in the first appendix.
3. Use a bar scale, north arrow, and title block which identifies the map. The title block should include the contract number, contractor's name, and year of the contract.
4. Depict your work progress on the base map.
5. Show the distance and direction of each survey pass made by the survey vessel.
6. Identify each anomaly with a unique indexed number or letter that is to correspond with the appendix listing all anomalies and with all other references to anomalies in the report.

If the survey included limited test excavations and/or limited removal of artifacts or other materials to identify anomalies, please include the following information:

a. A summary of the excavation process including equipment used; number, type and provenience of recovered artifacts; and method of recovery and on-site storage of artifacts.
b. A summary of the conservation process including information on the conservation facility and chief conservator; and a description of the conservation process including appendices containing artifact lists, lab conservation records, before and after conservation photographs of artifacts.
c. A description of post-conservation artifact storage consistent with 36 CFR Part 79.
d. A plan-view map of the excavation or recovery area that includes significant bottom features; at least two datum reference points; significant historical features; and location of recovered material.