

SUPPORTING STATEMENT
U.S. Department of Commerce
National Oceanic & Atmospheric Administration
National Marine Sanctuary Permits
OMB Control No. 0648-0141

SUPPORTING STATEMENT PART A

Abstract

This request is for revision and extension of an existing information collection. The estimated number of permits issued per year is updated from 424 to 567 to reflect the additional estimated permit numbers if the various proposed national marine sanctuary designations are finalized. In particular, this is based on adding an estimated fifteen additional permits and an estimated 59 certifications for the recently designated Chumash Heritage National Marine Sanctuary (89 FR 83554, Oct. 16, 2024), an estimated five additional permits for the proposed designation of the National Marine Sanctuary for the Pacific Remote Islands (88 FR 23624; April 18, 2023), an estimated five additional permits for the recently designated Lake Ontario National Marine Sanctuary (89 FR 48272, June 6, 2024), an estimated five additional permits for proposed Lake Erie Quadrangle National Marine Sanctuary (88 FR 32198, May 19, 2023), an estimated nine permits for the proposed sanctuary in the Hudson Canyon area (87 FR 38387, June 8, 2022), and increasing the numbers of amendments and Tortugas access permits to reflect more recent average permit numbers. The number of baitfish permits was diminished by 35 permits and Florida Keys National Marine Sanctuary has proposed phasing out the bait fishing permits over the next three years (87 FR 42800, July 18, 2022). Changes from the previous submission include updated ONMS permit application and applicant instructions to improve the quality of information initially collected and to make the permit process more efficient. The updated application also requests the applicant to select their affiliation type, and if appropriate, the U.S. Small Business Administration's code and if they are a small entity.

This data collection request is for information collected in support of the review of Office of National Marine Sanctuaries (ONMS) permit applications and the issuance of permits in a manner that protects sanctuary resources and qualities. Permit decisions must be consistent with the purposes and policies of the National Marine Sanctuaries Act (NMSA; 16 U.S.C. §§ 1431 *et seq.*), the purposes for which the sanctuary was designated, and the regulations governing the National Marine Sanctuary System (15 CFR Part 922). The regulations list specific activities that are prohibited in national marine sanctuaries and establish that otherwise prohibited activities may be conducted if such activity is specifically authorized by and conducted in accordance with the scope, purpose, terms and conditions of a permit issued by ONMS. For most permit types, persons desiring a permit must submit an application, and anyone obtaining a permit is generally required to submit one or more reports on the activity allowed under the permit. The information collection supports determinations on whether proposed activities comply with ONMS permit categories and applicable regulatory review criteria. It allows ONMS to make decisions on possible permit terms and conditions deemed reasonably necessary to protect sanctuary resources and qualities, such as terms and conditions to avoid, minimize, or mitigate injury to sanctuary resources.

Justification

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

The National Marine Sanctuaries Act ([NMSA](#); 16 U.S.C. §§ 1431 *et seq.*), provides for the designation, protection, and management of national marine sanctuaries (NMSs) which possess conservation, ecological, recreational, research, educational, historical, cultural or aesthetic qualities giving them national, and in some cases, international significance. The National Oceanic and Atmospheric Administration (NOAA), Office of National Marine Sanctuaries (ONMS) has promulgated regulations to implement the NMSA and each sanctuary designation at [15 CFR Part 922](#). In subparts specific to each sanctuary, these regulations define the boundaries of the sites as well as prohibit or otherwise regulate the conduct of certain activities in order to protect the resources of each sanctuary. In order to conduct an otherwise prohibited activity, an entity must apply for and be issued an ONMS permit.

ONMS updated the regulations governing the permitting process in 2023. A final rule was published in the Federal Register (88 FR 953, Jan. 6, 2023) and became effective, after several technical corrections, on April 7, 2023 (88 FR 19824, April 4, 2023). This rule reorganized the existing regulations, eliminated redundancies across sanctuaries, eliminated outmoded regulations, adopted standard boundary descriptions, and consolidated permitting procedures in a new Subpart D of 15 CFR Part 922.

In this document, the term “permit” refers generally to any form of approval granted by the ONMS to allow an activity that would otherwise be prohibited under ONMS regulations and other types of permit actions provided for in statute or regulation. ONMS permits include general permits, special use permits, certifications, and authorizations.¹

General permits are divided into several categories that correspond with the primary purpose of the proposed activity. Most site-specific sanctuary regulations have at least three categories of general permits: (1) management; (2) education; and (3) research. Three other site-specific general permit categories include:

- Monterey Bay NMS: jade removal;
- Olympic Coast NMS: tribal self-determination; and
- Florida Keys NMS: activity furthers sanctuary purposes to the extent compatible with the primary objective of resource protection.

Because the issuance of a permit by the office is discretionary, the ONMS regulations also establish criteria against which permit applications are reviewed. In addition, a few sanctuaries have site-specific categories, procedures, and criteria for permit issuance that are unique to that sanctuary. These site-specific permit categories only apply to the specific sanctuary.

The ONMS regulations, permit application, and applicant guidance also provide permit applicants with guidance in submitting the appropriate level of information in a permit application. This collection of information in the permit application is necessary to ensure the ONMS has enough information from the permit applicant to process the request in accordance with program regulations, make a decision consistent with the established criteria, establish appropriate terms and conditions to the permit to

¹ For the purpose of this document, the term “permit” includes “general permits” processed pursuant to 15 CFR § 922.30 and site-specific regulations; “authorizations” processed pursuant to 15 CFR § 922.36; “special use permits” processed pursuant to section 310 of the NMSA (16 U.S.C. § 1441; 15 CFR §§ 922.31, 922.35); “certifications” processed pursuant to 15 CFR § 922.10; “amendments” to any permit action (15 CFR § 922.34); and administrative permit “appeals” 15 CFR § 922.37.

protect sanctuary resources and qualities, including to avoid, minimize, or mitigate adverse effects, and if issued, monitor compliance with the permitted activities and their effect on NOAA trust resources.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

Permit applicants submit project information through a permit application form called the NOAA National Marine Sanctuary Permit Application. Permit applications are submitted via email or mail to the Sanctuary Superintendent through the site's Permit Coordinator. ONMS is working on the potential to have electronic submission of the permit application through a secure web interface.

General information is collected on the sanctuary site(s) in which the proposed activities would take place and whether it is a new permit application or an amendment to a previously issued permit. Information on the applicant (and co-applicant, if applicable) is collected, including their name, affiliation, organization address, phone number, and email address. The permit applicant provides information on the project: title, project summary, requested project dates, abstract, methods and protocols, and proposed project locations. If the collection of samples is being proposed, there is a section on the application where applicants should describe the type, quantity, and size of sample to be collected and the intended sampling locations. The applicant describes the anticipated direct and indirect environmental effects of the proposed activities. The applicant provides additional information on collections activity, where applicable. The applicant also describes the rationale for proposing to conduct the activities in a national marine sanctuary and provides justification for how their project meets the ONMS regulatory permit review criteria. If an activity is proposed to be in a special management zone, the information must support a justification that it is an appropriate activity for that zone. Lastly, information is collected on whether there are other known associated permits/authorizations or consultations required for the project and whether there are existing environmental compliance analyses conducted pursuant to other statutes (e.g., National Environmental Policy Act).

The information submitted by permit applicants is used to determine whether the proposed project is consistent with any of the potential ONMS approval authorities and their unique statutory or regulatory requirements. For general permits, ONMS regulations require certain findings be made before making a permit decision per 15 CFR § 922.33(a):

- (1) The proposed activity will 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 or cumulative effects of the activity;
- (2) It is necessary to conduct the proposed activity within the national marine sanctuary to achieve its stated purpose;
- (3) The methods and procedures proposed by the applicant are appropriate to achieve the proposed activity's stated purpose and avoid, minimize, or otherwise mitigate adverse effects on sanctuary resources and qualities as much as possible;
- (4) The duration of the proposed activity and its effects are no longer than necessary to achieve the activity's stated purpose;

- (5) The expected end value of the activity to the furtherance of national marine sanctuary goals and purposes outweighs any potential adverse impacts on sanctuary resources and qualities from the conduct of the activity;
- (6) The applicant is professionally qualified to conduct and complete the proposed activity;
- (7) The applicant has adequate financial resources available to conduct and complete the proposed activity and terms and conditions of the permit;
- (8) There are no other factors that would make the issuance of a permit for the activity inappropriate; and
- (9) For Olympic Coast National Marine Sanctuary, the activity as proposed does not adversely affect any Washington Coast treaty tribe.

To issue a special use permit per 15 CFR § 922.31, the ONMS Director must determine that the special use permit is necessary to establish conditions of access to and use of sanctuary resources or to promote public use and understanding of a sanctuary resource; additional requirements are contained in NMSA section 310 (16 U.S.C. § 1441). For authorizations and certifications, information on the underlying federal, state, or local permit, approval, or right is also required. 15 CFR §§ 922.10, 922.36. The ONMS Director must consider these same regulatory review criteria for authorizations as for general permits per 15 CFR § 922.36(c)(2).

The application information allows ONMS to determine whether to approve (in whole or in part) or deny a permit application. The information also informs any special terms and conditions that should be placed on the conduct of the activities that would further protect sanctuary resources and avoid, minimize, or mitigate any adverse effects to sanctuary resources or qualities.

In addition to informing ONMS's decisions on permit applications, information submitted in permit applications and reports submitted pursuant to permit conditions may also be used by ONMS to, in some circumstances, inform:

- Administrative appeals of permit decisions;
- Decisions on a permit amendment request or another permit application; or
- Other management actions (e.g., emergency response and enforcement).

The information submitted in permit applications will, in general, only be used at the time the application is submitted to make a final decision on the application. Some of the information may also be used subsequent to the initial decision-making to inform ONMS management actions or decision-making. For example, a survey of a project location by one permit applicant may be used by ONMS in the future to respond to a vessel grounding in the same area. Information submitted in a permit report will be used to assess the permittee's compliance with permit terms and conditions, assist in evaluating the appropriateness of the permitted activity, and determine its actual impacts on sanctuary resources. It also supports ONMS' federal environmental compliance requirements pursuant to the National and Environmental Policy Act (NEPA) and other consultations.

ONMS has developed an internal database which tracks applicant information, details on permit conditions and issuance, permit compliance, and any reporting products submitted for each permit. The permit applications are the primary source of information entered into the database. This data is used to evaluate the ONMS permit system by tracking such things as the permit process (number of days to

issue a permit, etc.), permittee compliance, and the location and effects of the activity as reported. This data and tracking ability are necessary for ONMS to evaluate the effectiveness of sanctuary protection and the role of permitted activities in that protection.

ONMS will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. See response to Question 10 of this supporting statement for more information on confidentiality and privacy. The information collected is designed to yield data that meet all applicable information quality guidelines. In certain instances, limited relevant information may be shared with state co-managers or in consultation with tribal entities. Although the information collected is not disseminated directly to the public, results may be used in scientific, management, technical, or general informational publications. Should ONMS decide to disseminate the information, it will be subject to the quality control measures and pre-dissemination review pursuant to [Section 515 of Public Law 106-554](#).

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

ONMS accepts and encourages the submission of permit applications, logs, and reports via email. The permit application form and instructions are available on the Internet at <https://sanctuaries.noaa.gov/management/permits/> and include a “fillable and printable” Adobe PDF option to facilitate more efficient and accurate data entry by applicants. In addition, ONMS is planning an Internet-based permit application system which would allow permit applicants to submit their permit applications, logs, and final reports directly via a NOAA Internet website. The estimated implementation date for this Internet-based permit application system is pending hiring staff and still to be determined.

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

ONMS’s permit decisions are subject to specific statutory and regulatory requirements with respect to process and review criteria, considering the project-specific proposals and the unique resource and human use considerations at each sanctuary. When designating each sanctuary, NOAA consults with the relevant states and Federal agencies regarding their permitting requirements and procedures. Where appropriate, agreements are put in place to use a coordinated permit process. Post-designation, ONMS continuously works with other state and Federal agencies to identify and eliminate duplication of permit requirements or conditions and, when appropriate, coordinate reviews of applications. In addition, ONMS routinely accepts information developed for other purposes (e.g., a report on an activity developed for another agency) as part of an ONMS permit application or to meet requirements of an ONMS permit condition.

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

This collection of information has minimal economic impact on small entities such as small businesses or other small entities. Most permit applications are for activities conducted by either large institutions (such as academic institutions, salvage companies, and state and Federal agencies) or individuals. The majority of small businesses affected by ONMS permits are those applying for baitfish collection

permits in the Florida Keys NMS, which has a streamlined application process (see response to Question 12(b) of this statement) to minimize burden on small business applicants. Changes to this information collection include revisions to the permit application and instructions to improve clarity intended to result in improved information collection, which is intended to minimize burden to all potential permit applicants. In order to collect information about impacts on small businesses or other small entities, ONMS has updated the permit application. The questions are modeled after questions in another NOAA permit, the National Marine Fisheries Service (NMFS) permit application for vessels fishing in the Exclusive Economic Zone (EEZ) (section 12 of the application). The questions include a request to select the affiliation type, to select the U.S. Small Business Administration's North American Industry Classification System (NAICS) (see <https://www.sba.gov/document/support--table-size-standards>) code and the label, and to check the box if the applicant represents a small entity.

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

If the information collection is not conducted, or is conducted less frequently, the management objectives of ONMS and individual sanctuaries could not be met. ONMS must be able to allow the conduct of otherwise prohibited activities to facilitate important research, education, and management activities that are consistent with the goals and objectives of the sanctuary and the purposes and policies of the NMSA. The issuance of permits also fulfills ONMS' statutory mandate to facilitate public and private uses that are compatible with sanctuary resource protection (see NMSA Sec. 301(b)(6) (16 U.S.C. § 1431(b)(6))). Furthermore, the permit process allows these activities to take place with appropriate limitations issued through the permit terms and conditions to ensure that the primary mandate of resource protection is achieved.

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

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

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

A *Federal Register* notice was published on May 14, 2024 (89 FR 41943), and solicited public comments for 60 days. No comments were received.

In addition to the 60-day notice described above, ONMS asked recent permittees from Flower Garden Banks and Monterey Bay national marine sanctuaries the following questions in accordance with the instructions above:

- (1.) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility;
- (2.) The accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information;
- (3.) Ways to enhance the quality, utility, and clarity of the information to be collected; and
- (4.) Ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

All respondents agreed that the information requested in the application is reasonable and relevant to executing the permit program. Two of the three respondents also agreed the time/burden estimates for a general permit vary but are generally accurate at 1.5 hours per application and 0.5 hours for an amendment application. One respondent indicated that for complicated permit applications which span several sanctuaries and include a multitude of activities (e.g. tagging and overflights), the application could take much longer, on the scale of eight hours, and for amendments take up to four hours, however, they acknowledged their project was more unusual than typical projects sanctuaries permit. One respondent indicated they deal with a wide array of permit applications and is thankful the sanctuary application is the same for all sanctuaries and collects all the necessary information. One respondent indicated they would like to see ONMS clarify the temporal and spatial bounds when asking about the indirect effects in the permit application. Two of the respondents indicated they preferred pdf formats because they could share it with co-workers when preparing the application but another respondent indicated an online application could increase efficiency for both the applicant and the permit coordinator processing the application. When discussing the possibility of developing an ONMS online application portal, the respondent indicated they wanted ONMS to consider the user experience and model it after streamlined portals which use the latest technology to help with various aspects of permitting, such as the annual reporting and survey notifications. ONMS will consider this feedback in considering whether it is able to move forward with plans for an online permitting system.

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

No payments or gifts are provided to any respondents.

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

Information about confidentiality of proprietary business information and a Privacy Act Statement are provided in the Permit Application Instructions. These instructions state, in relevant part:

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, 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).

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. Section 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.

The collected information is captured in the Privacy Impact Assessment for [NOAA6602](#). NOAA6602 stores personally identifiable information (PII) on an ad-hoc basis. The permit coordinators assign each permit application a unique number in the encrypted permit database, called OSPREY, and the PII is stored in this secure web interface which has restricted access.

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

No sensitive questions are asked.

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

Because the number of responses and the time per response varies amongst the various types of permit actions, each of the eight types is explained in subsections (a) through (i) below and summarized in the table. The types of permit actions are grouped into these categories based on similar collection of information requirements and burden estimates. Additionally, the permit types described below are further detailed in the permit application instructions.

(a) General Permits and Authorizations

General permits include applications to conduct scientific research, education, and management activities, as well as several other listed activities, which involve an otherwise prohibited activity processed pursuant to 15 CFR § 922.30. This category also includes requests for authorizations of another agency lease, permit, license, approval, or other authorization processed pursuant to 15 CFR § 922.36.

The number of general permits issued annually is expected to increase from 424 to 567 to reflect the additional estimated permit numbers if the various proposed national marine sanctuary designations are finalized. In particular, this is based on adding an estimated fifteen additional permits and about 59 certifications for the proposed Chumash Heritage National Marine Sanctuary (88 FR 58123, August 25, 2023), an estimated five additional permits for the proposed designation of the National Marine Sanctuary for the Pacific Remote Islands (88 FR 23624; April 18, 2023), an estimated five additional permits for Lake Ontario National Marine Sanctuary (89 FR 48272, June 6, 2024), an estimated five additional permits for proposed Lake Erie Quadrangle National Marine Sanctuary (88 FR 32198, May 19, 2023), an estimated nine permits for the proposed sanctuary in the Hudson Canyon area (87 FR 38387, June 8, 2022), and increasing the numbers of amendments and Tortugas access permits to reflect more recent average permit numbers. The number of baitfish permits was diminished by 35 permits and Florida Keys National Marine Sanctuary has proposed phasing out the bait fishing permits over the next three years (87 FR 42800, July 18, 2022).

Each respondent will generally submit an application for a permit, a cruise or flight log (or some other form of activity report) and a final summary report after the activity is complete, for an average of three responses per permit.

(b) Baitfish Permits

This category includes applications for a permit to collect baitfish in certain Sanctuary Preservation Areas (SPAs) of Florida Keys National Marine Sanctuary that are otherwise closed to fishing. There are two types of baitfish permits that may be issued depending on the gear used (castnet or lampara). As discussed above, Florida Keys National Marine Sanctuary has proposed eliminating the practice of issuing baitfish permits in SPAs over the next three years.

To apply for a baitfish permit, an applicant must simply submit (via phone, fax, or email) his/her name and address and boat name(s) and documentation number(s), when known. A log of the number of fish caught is required at the end of the permit term. The estimated burden time for applying for a baitfish permit and providing the log is 25 minutes.

(c) Archeological Research Permits

This category includes all permit applications for activities aimed at historical, cultural, maritime heritage, and/or submerged archaeological resources of sanctuaries.

Due to the sensitive and complex nature of any work involving such resources, for these permits an average response time of 13 hours is estimated for each response (application, cruise log, and report.)

(d) Special Use Permits

This category includes all permit applications processed under section 310 of the NMSA (16 U.S.C. § 1441) (and 15 CFR § 922.31, 922.35). The NMSA requires NOAA to publish “appropriate public notice before identifying any category of activity subject to a special use permit” before NOAA can issue special use permits for those activities. 16 U.S.C. § 1441(b)). Presently, these activities are as follows:

- 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.
- 4) The disposal of cremated human remains within or into any national marine sanctuary.
- 5) Recreational diving near the USS *Monitor*.
- 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 in Monterey Bay National Marine Sanctuary.
- 9) The operation of tethered underwater mobile systems at shipwreck sites within Lake Ontario National Marine Sanctuary.

For special use permits, an application, a final report, and a financial report are required for each permit (total of three responses per permit). An average response time of eight hours is estimated for each of these activities. Financial reports (an annual report required by section 310(f) of the NMSA (16 U.S.C. § 1441(f)); due on December 31 of each year) may take less than eight hours but the application will take more time, particularly if additional NEPA documentation is required and information is needed by the respondent.

(e) Certification

This category includes all requests, processed under 15 CFR § 922.10, for ONMS to certify activities that are being conducted pursuant to a valid lease, permit, license, or right of subsistence use or access in existence on the date of a sanctuary being designated or expanded (commonly known as “grandfathered” activities).

An average response time of 30 minutes is estimated for providing an application.

(f) Permit Amendments

This category includes requests by permittees to amend permits (15 CFR § 922.34). Typically, this is a request to extend the expiration date, but they can also be requests to modify the nature or geographic scope of the permitted activity.

For minor changes that do not significantly change the scope of work of the permit (such as a name change or extension request), permittees may apply for an amendment via a brief email, letter, or even a phone call rather than via submission of a new application form. For significant changes to the permitted activity, more information or even a new application may be required. On average, the response is estimated to average 30 minutes.

(g) Tortugas North Access Permits

In 2001, NOAA established the Tortugas Ecological Reserve in the Florida Keys National Marine Sanctuary. Regulations implementing the reserve include controlling access to the reserve through the granting of “access permits” (15 CFR §922.167; note that Florida Keys National Marine Sanctuary has proposed re-codifying this provision to 15 CFR § 922.166 (see 87 FR 42800, July 18, 2022)). Applicants give their information and receive their permit via phone or email prior to entering the reserve. The applicant must provide the applicable information listed on the [Tortugas Ecological Reserve North Access Permits page](#).

Applicants will average three responses per application (call to apply for a permit, call reporting entering the reserve, and call reporting exiting the reserve). These calls are estimated to average 5 minutes.

(h) Voluntary Registry

This category is for activities not otherwise prohibited. The registry allows interested parties to register their activity with sanctuaries, which adds to the knowledge database of activities within a sanctuary. Examples of voluntary registry can be researchers who are deploying an ROV in the water column or repairing a dock or pier. An average response time of 15 minutes is estimated for submission of registry information.

(i) Appeals

Applicants or permittees have the right to appeal a permit action (e.g., the denial, conditioning, amendment, suspension, or revocation of a permit) pursuant to 15 CFR § 922.37. This category includes information requirements for all such appeals.

The applicant/permittee must submit an appeal in writing, state the action(s) being appealed, and state the reason(s) for the appeal. The Assistant Administrator of NOAA’s National Ocean Service (NOS) may request additional information upon receipt of the appeal. These two submissions (original appeal and reply to a request for additional information) have an average burden estimate of 24 hours.

Information Collection	Type of Respondent (e.g., Occupational Title)	# of Respondents/year (a)	Annual # of Responses / Respondent (b)	Total # of Annual Responses (c) = (a) x (b)	Burden Hrs / Response (d)	Total Annual Burden Hrs (e) = (c) x (d)	Hourly Wage Rate (for Type of Respondent) (f)	Total Annual Wage Burden Costs (g) = (e) x (f)
General permits and authorizations	Any person	297	3	891	1.5	1336.5	\$80.42	\$107,481.33
Baitfish permits	Any person	60	2	120	0.42	50.4	\$80.42	\$4,053.17
Archeological research permits	Any person	7	3	21	13	273	\$80.42	\$ 21,954.66
Special use permits	Any person	22	3	66	8	528	\$80.42	\$42,461.76
Certifications	Any person	60	1	60	0.5	30	\$80.42	\$2,412.60
Permit amendments	Any person	50	1	50	0.5	25	\$80.42	\$2,010.50
Tortugas North access permits	Any person	65	3	195	0.08	15.6	\$80.42	\$1,254.55
Voluntary registrations	Any person	5	1	5	0.25	1.25	\$80.42	\$100.53
Appeals	See regulations for individuals eligible to appeal permit decisions	1	2	2	24	48	\$80.42	\$3,860.16
Totals				1,410		2,307.75		\$185,589.26

Given many of the permit applicants are from academic institutions, this information collection renewal uses the US Bureau of Labor Statistics (BLS) Occupational Employment and Wages (May 2022) for the [Life, Physical, and Social Science Occupations](https://www.bls.gov/oes/current/oes_nat.htm). For this group, BLS estimated a mean hourly wage of \$40.21 (https://www.bls.gov/oes/current/oes_nat.htm). The 2016 Guidelines for Regulatory Impact Analysis indicates for a fully-loaded wage rate, multiply pre-tax wages by a factor of “2” (Table 4.2 on pg. 28 of [HHS RIAGuidance.pdf](#)). Therefore, ONMS used a total of \$80.42 per hour as the hourly wage rate.

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

There are no capital/start-up or ongoing operation/maintenance costs associated with this information collection. The submission of information under this collection is primarily via email, phone, or fax and does not result in additional costs to the public.

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

The cost to the Federal government is calculated and provided in the table below.

Cost Descriptions	Grade/Step	Loaded Salary /Cost	% of Effort	Fringe (if Applicable)	Total Cost to Government
Superintendent permit issuance	ZA-5	\$270,000 x 17	1%		\$45,900
Permit coordination	ZA-3	\$172,115 x 22	30%		\$1,135,959
TOTAL					\$1,181,859

Permit issuance authority is delegated to the Sanctuary Superintendent, which is approximately a ZA-5 Band 3 position. Using the US Locality CAPS Standard Pay Table (https://www.commerce.gov/sites/default/files/2024-01/CAPS_rpStandard_2024.pdf) (Rest of U.S.), the position is estimated to have a \$180,000 salary rate. The loaded annual salary is estimated to be 1.5 times the base salary, or \$270,000. Across the system, superintendents devote about 1% effort to issuing permits. \$270,000 loaded salary multiplied by 1% equals \$2,700 cost per superintendent. There are seventeen superintendents that may be involved in issuing permits. Therefore the annual total cost associated with their involvement is \$2,700 multiplied by seventeen, or \$45,900.

Site permit coordinators process the permit applications, evaluate the permit review criteria, conduct any necessary environmental compliance or consultations, and draft the final permit and decision documents. Permit coordinators are approximately a ZA-3 step 04 position. Using the US Locality CAPS Standard Pay Table (Rest of U.S.), the position is estimated to have a \$114,743 salary rate. The loaded annual salary is estimated to be 1.5 times the base salary, or \$172,115. Across the system, permit coordinators devote about 30% effort to processing permits. \$172,115 loaded salary multiplied by 30% equals \$51,634.50 cost per permit coordinator. There are twenty-two permit coordinators involved in processing permits. Therefore the annual total cost associated with their involvement is \$51,634.50 multiplied by 22, or \$1,135,959.

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

The large change in the calculation of cost to the federal government results from guidance issued by OMB on the method to use to estimate cost. The cost estimate for this information collection was previously only based on operational expenses (e.g., printing) and underestimated the value of the time of staff who are involved in reviewing and issuing ONMS permits.

Information Collection	Respondents		Responses		Burden Hours		Reason for change or adjustment
	Current Renewal / Revision	Previous Renewal / Revision	Current Renewal / Revision	Previous Renewal / Revision	Current Renewal / Revision	Previous Renewal / Revision	
General Permits & Reports	297	258	891	774	1,336.5	1,161	Increase by 39 due to the known and anticipated addition of new sanctuaries since the previous renewal.
Special Use Permits	22	22	66	66	528	528	No change.
Historical Resources Permits	7	7	21	21	273	273	No change.
Baitfish	60	95	120	190	50.4	79.8	Decrease due to phasing out of bait fishing permits over the next three years is anticipated
Permit Amendments	50	7	50	7	25	3.5	Increased based on the most recent volume of amendments over the past three years.
Certification	60	1	60	1	30	0.5	Increase due to the anticipated addition of new sanctuaries since the previous renewal.
Voluntary Registration	5	1	5	1	1.25	0.25	Increased based on most current inquiries.
Appeals	1	1	2	2	48	48	No change.
Tortugas Access	65	32	195	96	15.6	8	Increased based on most recent volumes.
Total for Collection	567	424	1,410	1,158	2,307.75	2,102.05	
Difference	+143		+252		+205.7		

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

The information collected will not be published.

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

The OMB approval number and expiration date for this information collection will be displayed on the permit application form and in the permit instructions for any activities not required to use the application form. For Tortugas Access Permits, which are handled orally and therefore do not involve an application form, the OMB Control Number and expiration date will be provided over the phone.

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

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