

SUPPORTING STATEMENT
U.S. Department of Commerce
National Oceanic & Atmospheric Administration
Applications and Reporting Requirements for the Incidental Take of Marine
Mammals by Specified Activities Under the Marine Mammal Protection Act
OMB Control No. 0648-0151

Abstract

This request is for an extension and revision of an existing information collection under OMB Control No. 0648-0151. NMFS does not anticipate that the extension will substantially add to the burden to individual private applicants for incidental take authorizations under the existing Control Number. The main difference we expect related to this extension is that there will be a smaller number of applicants/respondents than accounted for in the existing OMB Control Number. This renewal removes the passive acoustic monitoring (PAM) and protected species observer (PSO) burden estimates. The Office of Protected Resources determined that those activities do not fall under the burden associated with this collection.

The Marine Mammal Protection Act of 1972 (MMPA; 16 U.S.C. 1361 et. seq.) prohibits the “take” of marine mammals unless otherwise authorized or exempted by law. Among the provisions that allow for lawful take of marine mammals, sections 101(a)(5)(A) and (D) of the MMPA direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing), within a specified geographical region if, after notice and opportunity for public comment, we find that the taking will have a negligible impact on the affected species or stock(s) and will not have an immitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant). NMFS also must set forth the permissible methods of taking; other means of effecting the least practicable adverse impact on the species or stock and its habitat (mitigation); and requirements pertaining to the monitoring and reporting of such taking.

Issuance of an incidental take authorization (Authorization) under MMPA section 101(a)(5)(A) (through issuance of a Letter of Authorization (LOA) following issuance of incidental take regulations) or 101(a)(5)(D) (through issuance of an Incidental Harassment Authorization (IHA)) requires three sets of information collection: (1) a complete application for an Authorization, as set forth in NMFS’ implementing regulations at 50 CFR 216.104, which provides the information necessary to make the required statutory determinations, including estimates of take and an assessment of impacts on the affected species and stocks; (2) information relating to required monitoring; and (3) information related to required reporting. As required by the MMPA, these collections of information enable NMFS to: (1) prospectively evaluate the proposed activity’s impact on marine mammals; (2) arrive at the appropriate determinations required by the MMPA and other applicable laws prior to issuing the Authorization; and (3) monitor impacts of activities for which Authorizations have been issued to determine if predictions regarding impacts on marine mammals remain valid.

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 [Marine Mammal Protection Act of 1972](https://www.fisheries.noaa.gov/topic/laws-policies/marine-mammal-protection-act)¹ (MMPA; 16 U.S.C. 1361 *et seq.*) prohibits the “take” of marine mammals unless otherwise authorized or exempted by law. Among the provisions that allow for lawful take of marine mammals, sections 101(a)(5)(A) and (D) of the MMPA direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by United States (U.S.) citizens who engage in a specified activity (other than commercial fishing), within a specified geographical region, if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review. Authorization for incidental takings shall be granted if the Secretary, acting by delegation through the National Marine Fisheries Service (NMFS) finds that the taking will have a negligible impact on the species or stock(s) and will not have an immitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth.

Issuance of an incidental take authorization (Authorization) under section 101(a)(5)(A) or (D) of the MMPA requires three sets of information collection:

- (1) a complete application for an Authorization, as set forth in NMFS’ implementing regulations at [50 CFR 216.104](https://www.ecfr.gov/current/title-50/chapter-II/subchapter-C/part-216/subpart-I/section-216.104)², which provides the information necessary to make the required statutory determinations;
- (2) information relating to statutorily-required monitoring; and
- (3) information related to statutorily-required reporting.

As required by the MMPA, these collections of information enable us to:

- (1) evaluate the proposed activity’s impact on marine mammals;
- (2) arrive at the appropriate determinations required by the MMPA and other applicable laws prior to issuing the Authorization; and
- (3) monitor impacts of activities for which we, NMFS, have issued Authorizations to determine if predictions regarding impacts on marine mammals were valid.

Letters of Authorization – MMPA § 101(a)(5)(A)

In 1981, Congress amended the MMPA to provide for Authorizations for activities other than commercial fishing, provided that we found that the takings would consist of small numbers and would have no more than a "negligible impact" on those marine mammal species not listed as depleted under the MMPA, and not having an "immitigable adverse impact" on subsistence harvests of these species by Alaskan Natives. NMFS may prescribe regulations authorizing take for periods of up to five consecutive years. NMFS’ implementing regulations require that any such regulations set forth:

- Permissible methods and the specified geographical region of taking;
- The means of effecting the least practicable adverse impact on the species or stock and its habitat

¹ <https://www.fisheries.noaa.gov/topic/laws-policies/marine-mammal-protection-act>

² <https://www.ecfr.gov/current/title-50/chapter-II/subchapter-C/part-216/subpart-I/section-216.104>

and on the availability of the species or stock for "subsistence" uses; and,

- Requirements for monitoring and reporting, including requirements for the independent peer-review of proposed monitoring plans where the proposed activity may affect the availability of a species or stock for taking for subsistence uses.

[50 CFR 216.105³](#). Once NMFS issues the regulations to authorize the taking, those conducting the activity must request and obtain a subsequent Letter of Authorization. Once NMFS issues the Authorization, the applicant must abide by the prescribed reporting requirements.

Incidental Harassment Authorization – MMPA § 101(a)(5)(D)

In 1994, Congress amended MMPA section 101(a)(5) to establish an expedited process by which U.S. citizens can apply for an authorization to take incidentally, but not intentionally, small numbers of marine mammals by harassment. This amendment eliminates the need for applying for regulations but retains the requirements for applications for the IHA, including monitoring and reporting interactions with marine mammals. This type of Authorization does not reduce the paperwork burdens significantly, but, rather, it expedites NMFS' review and subsequent decision regarding the application. The 1994 amendments also established specific time limits for public notice and comment on requests for an IHA.

The Endangered Species Act

In 1986, Congress amended both the MMPA and the [Endangered Species Act⁴](#) (ESA; 16 U.S.C. 1531 *et seq.*) to authorize takings of depleted (and endangered or threatened) marine mammals. The amendments required that the taking (lethal, injurious, or harassment) would be small in number and would have a negligible impact on marine mammals. The 1986 amendments provided for an authorization to incidentally take ESA-listed marine mammals provided the taking (including mortality) was authorized under section 101(a)(5) of the MMPA. As a result, NMFS must authorize any take of ESA-listed marine mammals under both the MMPA as well as the ESA.

The National Environmental Policy Act

Issuance of an Authorization is subject to our conducting an environmental review under the [National Environmental Policy Act⁵](#) (NEPA; 42 U.S.C. 4321 *et seq.*) which may take the form of either an Environmental Assessment (EA) or an Environmental Impact Statement (EIS) or we may Categorically Exclude the action from further NEPA review. Adequate and complete applications allow a determination regarding the appropriate level of NEPA analysis for each action once an applicant has submitted all necessary information. On the other hand, incomplete applications or applications without sufficient information on the environmental impact of the proposed activity would typically delay evaluation under NEPA.

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.

If the applicant determines that their activity has the potential to cause take, they may request an Authorization under the MMPA. Once the applicant determines that it is appropriate to request an Authorization, it is their responsibility to collect the information required to answer the fourteen

³ <https://www.ecfr.gov/current/title-50/chapter-II/subchapter-C/part-216/subpart-I/section-216.105>

⁴ <https://uscode.house.gov/view.xhtml?path=/prelim@title16/chapter35&edition=prelim>

⁵ [https://uscode.house.gov/view.xhtml?req=\(title:42%20section:4321%20edition:prelim\)](https://uscode.house.gov/view.xhtml?req=(title:42%20section:4321%20edition:prelim))

questions listed in [50 CFR 216.104\(a\)\(1-14\)](https://www.ecfr.gov/current/title-50/chapter-II/subchapter-C/part-216/subpart-I/section-216.104)⁶ to support their request. We provide additional guidance on the fourteen questions (including PRA statement) online at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/apply-incidental-take-authorization>).

The collection of information is the responsibility of the individual, organization, state, local, or tribal government, or business petitioning us for an authorization to allow the incidental, but not intentional, taking of small numbers of marine mammals. Without this collection of information requirement, NMFS cannot authorize the incidental taking of marine mammals for an applicant's activities. The Authorization does not permit the underlying activity and only authorizes the incidental take of marine mammals during the course of that activity. Failure to obtain an Authorization does not mean the activity cannot take place, but if an applicant takes a marine mammal (by harassment, injury, serious injury, or mortality) while conducting that activity, the applicant may be subject to penalties under the MMPA as a result of the unauthorized take.

The Director, Office of Protected Resources will use the information collection as:

- (1) a basis for a decision on issuance or denial of an Authorization under the MMPA (application); and
- (2) a basis for monitoring and evaluating the impacts of the authorized activity's impact on marine mammals (monitoring and reporting);

Information Collection – Application and Supporting Documentation

NMFS' implementing regulations require applicants to include responses to fourteen questions listed in [50 CFR 216.104\(a\)\(1-14\)](https://www.ecfr.gov/current/title-50/chapter-II/subchapter-C/part-216/subpart-I/section-216.104).

All applications for Authorizations must include this information in sufficient detail necessary for NMFS to conduct appropriate analyses and make necessary findings under the MMPA and other applicable laws. In addition to the information collection required under 50 CFR 216.104, applicants often voluntarily provide environmental analyses, raw data, and/or geospatial data files to further support their request for an incidental take authorization (ITA).

NMFS uses the information to:

- (1) review the application and ensure that it is adequate and complete.
- (2) determine the status of the proposed action under the ESA and NEPA.
- (3) determine the size, scope and duration of the proposed activity (Questions 1 and 2).
- (4) determine the environmental setting of the activity (Questions 3 and 4).
- (5) complete an analysis of the effects of the action on marine mammals, their habitat, and subsistence uses (including methods of take) (Questions 5 -10).
- (6) verify an estimate of the numbers of animals likely to be taken (Questions 5-10).
- (7) ensure that the applicant included adequate mitigation measures (Question 11).
- (8) ensure the applicant included adequate monitoring and reporting measures (Question 13).

⁶ <https://www.ecfr.gov/current/title-50/chapter-II/subchapter-C/part-216/subpart-I/section-216.104>

Question 12 is specific to actions in Alaska. For activities conducted in the Arctic, the MMPA and/or implementing regulations require that the applicant's monitoring plan undergo an independent review. Question 14 requests information on what plans the applicant may have to conduct research on the impacts on marine mammals from the activity. This information is requested to effectuate legislative intent behind the 1981 Amendments to the MMPA (H. Rept. 97-228, p. 20) that persons operating under the incidental take authority engage in appropriate research designed to reduce incidental take.

NMFS reviews the application and analyzes the information collection to make statutory findings under the MMPA that the taking: will satisfy the small numbers requirement, where applicable; will have a negligible impact on the species or stock(s) (Questions 1-11); and will not have an immitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant) (Questions 8, 11, and 12). The authorization (if issued) must set forth the permissible methods of taking, other means of effecting the least practicable adverse impact on the species or stock and its habitat, and monitoring and reporting of such takings.

NMFS' review of a complete application is followed by one 30-day public comment period in the Federal Register for an Incidental Harassment Authorization (Section 101(a)(5)(D)) or by two public comment periods (e.g., one 30-day upon receipt and one 30-45-day period when regulations are proposed) for regulations and subsequent Letters of Authorization ([Section 101\(a\)\(5\)\(A\)](#)).

Information Collection – Monitoring and Reporting

NMFS uses monitoring and reporting requirements to determine:

- (1) if the activity took place as described in the request for an Authorization;
- (2) if the applicant complied with the requirements of the Authorization;
- (3) if the applicant conducted the monitoring plan as required;
- (4) if the taking of marine mammals was more than that authorized; and
- (5) if the impacts of the activity are consistent with what NMFS analyzed and permitted in the Authorization.

The reports must include a description of the activity including the time, location, and place; a summary of the monitoring program; and an assessment of the effects of the activity on marine mammals including the estimated level of incidental take by species.

NMFS may require additional reporting requirements (submission of raw data and/or geospatial data files) on a case-by-case basis for activity-specific regulations and authorizations.

Compliance with the Information Quality Act Guidelines

NMFS disseminates the information collection to the public to provide a detailed description of the proposed action and to explain how we arrived at a determination (either preliminary or final) that an Authorization is or is not appropriate under the MMPA.

The information collected is available to the public under the Freedom of Information Act and online at: <https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection->

[act](#). The information is provided in a standard data format (Adobe PDF files) and in unit style conventions within the Federal Register notice to facilitate the public's understanding.

Before disseminating information in any format, NMFS reviews the data internally (pursuant to [Section 515 of Public Law 106-554](#)) to ensure that it is scientifically sound and meets standards for data quality. The review process for Authorizations includes review of the application by a lead analyst to ensure that the applicant has met the requirements under section 101(a)(5) of the MMPA. The lead analyst's supervisor and NOAA's Office of General Counsel review the proposed and final Federal Register notices for the Authorization, as well as the actual Authorization. If applicable, a NMFS biologist also conducts an independent review of the action's effects on ESA-listed species under Section 7 of the ESA.

NMFS' dissemination of all electronic information adheres to the standards set out in Appendix III, Security of Automated Information Resources, [Office of Management and Budget Circular A-130](#)⁷; and the [Federal Information Security Modernization Act \(FISMA\) of 2014](#)⁸.

NMFS retains control over the information and safeguards it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. See Response #10 of this Supporting Statement for more information on confidentiality and privacy.

This information collection meets the standards for utility under the Paperwork Reduction Act, as we use the information collection to meet statutory requirements under the MMPA, ESA (e.g., ESA section 7 and/or section 10), and NEPA.

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.

Applicants may transmit an electronic application or report (e.g., a Microsoft Word (.docx) or Adobe Acrobat (.pdf) file) via email or deliver paper forms via hand delivery, the U.S. Postal Service, fax, or by an overnight delivery service. During the processing of the application for an Authorization, NMFS corresponds with the applicant either by e-mail or by telephone.

All Authorization applications and reports are available on the internet as Adobe Acrobat .pdf files at <https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act> as electronic format allows the public easy access to applications and activity reports. The interested public may also obtain a copy of the application by contacting the analyst listed in the Federal Register notice.

The application instructions are available for downloading online at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/apply-incidental-take-authorization>. Upon request, NMFS can forward these instructions to the interested party via e-mail in either Adobe Acrobat or Microsoft Word format.

⁷ <https://obamawhitehouse.archives.gov/sites/default/files/omb/assets/OMB/circulars/a130/a130revised.pdf>

⁸ <https://www.govinfo.gov/app/details/PLAW-113publ283/>

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

NMFS and the U.S. Fish and Wildlife Service (USFWS), Department of the Interior (DOI), are responsible for different species under the MMPA. NMFS' trust species include whales, dolphins, porpoise, seals, and sea lions and the USFWS is responsible for the manatee, dugong, sea otter, walrus, and polar bear populations. The applicant may submit a single application to both agencies when there is a potential to take a marine mammal species within the same activity under each agency's jurisdiction.

The Bureau of Ocean Energy Management (BOEM) of the DOI has an overlapping collection requirement with us and the USFWS for reporting impacts on the marine environment from offshore energy activities. This is a large information collection which mostly does not involve NMFS (or the USFWS). There is a small overlap of collecting responsibilities when energy companies apply for an Authorization. When there is an overlap, we work cooperatively with the USFWS and BOEM to implement unified mitigation, monitoring and reporting requirements to reduce duplicative information collection on the part of the applicant.

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

There should not be a significant burden to small businesses or other small entities. We do not anticipate significant impacts to small businesses, unless they are involved in an activity that will otherwise have an unauthorized taking of a marine mammal (e.g., they have not applied for an Incidental Take Authorization and are subject to penalty).

We anticipate that the affected applicants would include university researchers, municipalities, oil and gas exploration companies, other energy companies, and their contractors. While contractors fall within the category of a small business, in many cases they supply the information required under this collection to Federal agencies, and thereby obtain a benefit. Otherwise, they are unaffected.

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

Without the information collection, required by statute and regulations, NMFS would be:

- (1) unaware of the applicant's need for an exemption to the MMPA's moratorium on taking marine mammals;
- (2) unable to evaluate the proposed activity's impact on marine mammals;
- (3) unable to arrive at the appropriate determinations required by the MMPA and other applicable laws prior to issuing the authorization;
- (4) unable to meet the "shall allow" or "shall issue" requirements of the MMPA due to the agency's inability to make the appropriate determinations without adequate information; and
- (5) unable to monitor impacts of activities for which take authorizations have been issued to determine if predictions regarding impacts on marine mammals were valid.

The required reporting must summarize activities conducted during the reporting period. If the applicant does not submit this information, NMFS would not be able to adequately monitor compliance with the requirements of the Authorization. Additionally, NMFS uses the information mined from the annual reports in making management decisions to aid in assessment of potential impacts of the incidental take on marine mammals. This information is also used to comply with any analyses required under section 7 of the ESA and/or the NEPA.

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

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

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

A notice soliciting public comments for 60 days on this information collection was published in the Federal Register on March 31, 2025 (90 FR 14249). We did not receive any public comments on this notice.

External Consultation: We receive input regularly from the Marine Mammal Commission, industry, the scientific community, and other interested parties, to obtain their views on the availability of data, frequency of collection, clarity of instructions and record keeping, the amount of burden imposed, and ways to minimize burden. Such information exchanges occur via phone/email from applicants and during professional society meetings such as the Biennial Conference on Marine Mammals and other national and international protected species meetings and workshops.

Solicitation of Comments from Stakeholders: NMFS solicited comments on the associated burden with the application and reporting requirements outlined in this renewal from recent applicants for ITAs at the Lamont Doherty Earth Observatory, Sonoma County Water Agency, and the Alaska Department of Transportation & Public Facilities. NMFS did not receive any comments from the three applicants.

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

NMFS does not provide payments or gifts to respondents.

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

The information collection is a matter of public record (with the exception of classified military

materials), and the MMPA and NMFS' implementing regulations do not require the submission of confidential material.

The statute and NMFS' regulations require that we publish a notice of receipt of an application in the Federal Register requesting comments on the proposed action. The interested public can review the application and supporting documentation at <https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act> and submit comments electronically. For each Federal Register notice, a disclaimer is included that a commenter should not submit Personal Identifying Information (for example, name, address, etc.), confidential business information, or otherwise sensitive or protected information with his/her public comment, as NMFS typically posts the comments online without change.

The authorization documentation, including reports, is subject to the Freedom of Information Act⁹ (FOIA). However, any personal information that is subject to the Privacy Act¹⁰ is redacted if contained within documents released under FOIA.

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

The statute and regulations do not require the submission of sensitive material.

⁹ <https://www.justice.gov/archives/oip/blog/foia-update-freedom-information-act-5-usc-sect-552-amended-public-law-no-104-231-110-stat>

¹⁰ <https://www.govinfo.gov/content/pkg/USCODE-2018-title5/pdf/USCODE-2018-title5-partI-chap5-subchapII-sec552a.pdf>

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

NMFS estimates the total annual burden hours at 77,056 hours, as shown in the below tables. These burden estimates are based on discussions with current Authorization holders from three different sectors (e.g., oil and gas, state agency, and other non-NOAA Federal agencies) and an accounting of the number and different types of actions that have been processed recently and that are expected to be processed during this renewal.

As the application process has not changed, NMFS does not anticipate a substantial increase in burden hours per applicant as a result of this extension. The complexity of the information required in applications or reports varies greatly due to the following: (a) level of controversy over the activity; (b) level and type of incidental take of marine mammals; and (c) level of unresolved questions involving the activity's long-term impact on marine mammals, habitat and/or subsistence needs for marine mammals. Response times will vary for the public based upon the complexity of the requested action.

Information Collection	Type of Respondent (e.g., Occupational Title)	# of Respondents (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)
1. IHA Application	Zoologist/Wildlife Biologist	50	1	50	281	14,050	\$ 37.46	\$526,313
2.IHA Interim Draft Report	Zoologist/Wildlife Biologist	1	1	1	30	30	\$ 37.46	\$1,123.80
2.IHA Draft Report	Zoologist/Wildlife Biologist	50	1	50	140	7,000	\$ 37.46	\$262,220.00
2.IHA Final Report	Zoologist/Wildlife Biologist	50	1	50	28	1,400	\$ 37.46	\$52,444.00
IC 2 Total		51		101	198	8,430	-	\$ 315,787.80
3.LOA - Initial Application Preparation	Zoologist/Wildlife Biologist	10	1	10	1200	12,000	\$ 37.46	\$449,520.00
3.LOA - Draft Annual Report	Zoologist/Wildlife Biologist	10	1	10	225	2250	\$ 37.46	\$84,285.00
3.LOA - Final Annual Report	Zoologist/Wildlife Biologist	10	1	10	70	700	\$ 37.46	\$26,222.00
IC 3 Total		30		30	498.33	14,950	-	\$ 560,027.00
4.LOA - LOA Draft 5-year Final Report	Zoologist/Wildlife Biologist	10	1	10	640	6,400	\$ 37.46	\$239,744.00
4.LOA - LOA Final 5-year Report	Zoologist/Wildlife Biologist	10	1	10	300	3,000	\$ 37.46	\$112,380.00
IC 4 Total		20		20	940	9,400	-	\$ 352,124.00
5.LOA - Gulf of America (GOA) Annual LOA Application	Zoologist/Wildlife Biologist	127	1	127	70	8,890	\$ 37.46	\$333,019.40
6.GOA - Draft Annual Report	Zoologist/Wildlife Biologist	127	1	127	140	17,780	\$ 37.46	\$666,038.80
6.GOA- Final Annual Report	Zoologist/Wildlife Biologist	127	1	127	28	3,556	\$ 37.46	\$132,207.76
IC 6 Total		127		254	168	21,336	-	\$ 798,246.56
Totals		405		582		77,056		\$2,885,517.76

*Wage rate was determine using Occupational Code 19-1023, Zoologists and Wildlife Biologists, obtained from 2024 Occupational Employment data at https://www.bls.gov/oes/current/oes_nat.htm#19-0000.

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).

NMFS estimates the total annual cost burden to the respondents at \$629,724 (approximately \$1,082.00 per respondent. The reporting and recordkeeping estimates include costs for equipment/software (not required, but incidental based on respondents' needs), copying and printing, faxing/telephony, and postage and shipping. These estimates are based on discussions with Authorization holders from three different sectors (e.g., oil and gas, state agency, and non-profit) from previous efforts. We estimated the operational cost would likely be the same as the last renewal for this information collection for each of the responses.

Information Collection	# of Respondents (a)	Annual # of Responses / Respondent (b)	Total # of Annual Responses (c) = (a) x (b)	Cost Burden / Respondent (h)	Total Annual Cost Burden (i) = (c) x (h)
1.IHA Application	50	1	50	\$ 1,082	\$ 54,100
2.IHA Interim Draft Report	1	1	1	\$ 1,082	\$ 1,082
2.IHA Draft Report	50	1	50	\$ 1,082	\$ 54,100
2.IHA Final Report	50	1	50	\$ 1,082	\$ 54,100
IC 2 Total	101		101	-	\$ 109,282
3.LOA - Initial Application Preparation	10	1	10	\$ 1,082	\$ 10,820
3.LOA - Draft Annual Report	10	1	10	\$ 1,082	\$ 10,820
3.LOA - Final Annual Report	10	1	10	\$ 1,082	\$ 10,820
IC 3 Total	30		30	-	\$ 32,460
4.LOA - LOA Draft 5-year Final Report	10	1	10	\$ 1,082	\$ 10,820
4.LOA - LOA Final 5-year Report	10	1	10	\$ 1,082	\$ 10,820
IC 4 Total	20		20	-	\$ 21,640
5.LOA - Gulf of America (GOA) Annual LOA Application	127	1	127	\$ 1,082	\$ 137,414
6.GOA - Draft Annual Report	127	1	127	\$ 1,082	\$ 137,414
6.GOA - Final Annual Report	127	1	127	\$ 1,082	\$ 137,414
IC 6 Total	127		254	-	\$ 274,828
TOTALS			582		\$ 629,724

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

Cost Descriptions	Grade/Step	Loaded Salary /Cost	% of Effort	Fringe (if Applicable)	Total Cost to Government
Federal Oversight	GS-15 (ZP-5) x 1	280,281	60 (x1)		168,169
Federal Oversight	GS -13/14 (ZP-4) x 8	238,290	75 (x8)		1,429,740
Federal Oversight	GS 11/12 (ZP-3) x 8	169,571	80 (x8)		1,085,254
Contractor Cost (4FTE)		\$128,064	85 (x4)		435,418
Travel					
TOTAL					3,118,581

The [Commerce Alternative Personnel System](#)¹¹ (CAPS) pay table for the Rest of U.S. locality was used

¹¹ https://www.commerce.gov/sites/default/files/2024-01/CAPS_rpStandard_2024.pdf

to determine the base salary. The Rest of U.S. locality was used as NOAA employees are geographically dispersed. The upper bound of Interval 3 for each position was used and a multiplier of 1.5 was used to calculate the loaded salary.

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

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	
IHA Application	50	50	50	50	14,050	14,050	No Change
IHA Interim Draft Report	1	1	1	1	30	30	No Change
IHA Draft Report	50	50	50	50	7,000	7,000	
IHA Final Report	50	50	50	50	1,400	1,400	
LOA - Initial Application Preparation	10	10	10	10	12,000	12,000	No Change
LOA - Draft Annual Report	10	10	10	10	2,250	2,250	
LOA - Final Annual Report	10	10	10	10	700	700	
LOA - LOA Draft 5-year Final Report	10	2	10	2	6,400	1,280	Align number of reports with the number of LOA applications
LOA - LOA Final 5-year Report	10	2	10	2	3,000	600	Align number of reports with the number of LOA applications
LOA - Gulf of America (GOA) Annual LOA Application	127	137	127	137	8,890	9,590	Align number with GOA Application estimate This IC was broken out into its own IC for clarity. This is not a new collection.
GOA - Draft Annual LOA Report	127	127	127	127	17,780	17,780	No Change
GOA - Final Annual LOA Report	127	127	127	127	3,556	3,556	
PAM/PSO Surveys	0	123	0	123	0	189,507	Removed from this collection.
Total for Collection	582	699	582	699	77,056	259,743	
Difference	(117)		(117)		(182,687)		
Information Collection	Miscellaneous Costs						Reason for change or adjustment
	Current	Previous					
IHA Application	\$ 54,100	54,100					
IHA Interim Draft Report	\$ 1,082	\$ 1,082					
IHA Draft Report	\$ 54,100	54,100					
IHA Final Report	\$ 54,100	54,100					
LOA - Initial Application Preparation	\$ 10,820	\$ 10,820					
LOA - Draft Annual Report	\$ 10,820	\$ 10,820					
LOA - Final Annual Report	\$ 10,820	\$ 10,820					
LOA - LOA Draft 5-year Final Report	\$ 10,820	\$ 2,164					Align number of reports with the number of LOA applications
LOA - LOA Final 5-year Report	\$ 10,820	\$ 2,164					Align number of reports with the number of LOA applications
GOA LOA - Annual LOA Application	\$ 137,414	\$ 148,234					Align number with GOA Application estimate
GOA - Draft Annual Report	\$ 137,414	\$ 137,414					
GOA - Final Annual Report	\$ 137,414	\$ 137,414					
PAM/PSO Surveys	0	133,086					
Total for Collection	\$ 629,724	\$ 756,318					
Difference	(126,594)						

Changes to Reponses and Burden

NMFS based prior burden estimates on discussions with current applicants by accounting for the number

and different types of actions that have been processed during the past three years for the existing Control Number approval. We increased the number of responses for the draft and final 5-year required reports to better align our numbers with the number of LOAs we issue each year. We also expected a slight decrease in the number of GOA annual applications given we expect to issue up to 127 LOAs annually under that rulemaking.

Removing the PAM/PSO collection

The purpose of the PRA is for Federal agencies to be “more responsible and publicly accountable for reducing the burden of Federal paperwork on the public” and to minimize the “burden for individuals, small businesses, educational and nonprofit institutions, Federal contractors, State, local and tribal governments, and other persons resulting from the collection of information.”

The PRA defines burden as the “time, effort, or financial resources expended by persons to generate, maintain, or provide information to or for a Federal agency.” 5 CFR 1320.3 indicates “A Collection of information may be in any form or format, [... including] standard questionnaires used to *monitor compliance* with agency requirements; or any other techniques or technological methods used to monitor compliance with agency requirements[.]” Monitoring via Protected Species Observers (PSO) and/or Passive Acoustic Monitoring (PAM) is in the category of “direct observations,” which according to [OIRA guidance](#) do not require a PRA clearance, unless for monitoring compliance. The MMPA requires that NMFS include mitigation measures that ensure the least practicable adverse impact on affected species, as well as requirements pertaining to the monitoring and reporting of taking (i.e., direct observation, for the purpose of monitoring pertaining to taking, not compliance with agency requirements) and reporting.

Costs associated with PSO/PAM requirements are for the purpose of implementing required mitigation, i.e., PSOs and PAM operators monitor for marine mammals for real-time mitigation. Information collection that might potentially be characterized as a PRA burden (i.e., the monitoring pertaining to the taking required under MMPA) would occur almost entirely simultaneously with this mitigation role and incur little to no additional incremental costs, and thus no burden that can be minimized under PRA pursuant to its purpose. In other words, PRA information collection happens while PSO/PAM staff are already present and responsible for determining whether mitigation is needed by watching for marine mammals entering shutdown zones.

As an example, PSOs are typically required to be working from 30 minutes before an activity starts to 30 minutes after an activity ends to ensure the required mitigation is implemented. This can be most of the length of a day and data gathering and entry time for the required monitoring and data collection occurs within this required mitigation time. Data QA/QC, analysis and report writing time and costs are already included in our PRA estimates and are not in question. Defining PSO/PAM time as mitigation-related monitoring in no way allows the agency to alter the time or costs required of incidental take holders as there are little to no incremental costs of information collection not already accounted for under current practice.

During NMFS’ previous efforts over at least the past three ICR extensions to assess the time or costs associated with NMFS’ information collection requirements, including surveys of stakeholders who have applied for incidental take authorizations and solicitations of public comment via the Federal Register, we have never received stakeholder input or public comment raising the issue of including the time or costs of PSOs or PAM operators as part of the information collection.

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.

There are no immediate plans for the government to publish the data. However, at times the public may extract the information contained in annual reports to analyze and publish the information in peer-reviewed journals or reports.

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

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

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

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