

SUPPORTING STATEMENT

U.S. Department of Commerce

National Oceanic & Atmospheric Administration

Basic Requirements for Special Exception Permits and Authorizations to Take, Import, and Export Marine Mammals, Threatened and Endangered Species, and for Maintaining a Captive Marine Mammal Inventory Under Section 104 of the Marine Mammal Protection Act, the Fur Seal Act, and/or Section 10(a)(1)(A) of the Endangered Species Act
OMB Control No. 0648-0084

SUPPORTING STATEMENT PART A -

Abstract

The National Marine Fisheries Service (NMFS), Office of Protected Resources, Permits and Conservation Division proposes revisions to the currently approved information collection OMB Control Number 0648-0084. The National Marine Fisheries Service (NMFS) is revising permit application instructions for the Marine Mammal Protection Act (MMPA) and the Endangered Species Act (ESA) to align with new regulations and streamline processes. Key changes include removing the 5-year limit on MMPA permit durations, creating specific instructions for endangered corals, and updating guidance for Uncrewed Aircraft System (UAS) operations to improve take reporting. Additionally, the agency is redesigning its online application system (APPS) and splitting public display instructions into separate capture and importation categories to better meet statutory requirements.

This information collection is under the authority of the [Marine Mammal Protection Act](#)¹ (16 U.S.C. 1361 *et seq.*; MMPA), the [Fur Seal Act](#)² (16 U.S.C. 1151 *et seq.*; FSA), and the [Endangered Species Act](#)³ (16 U.S.C. 1531 *et seq.*; ESA). The MMPA, FSA, and ESA prohibit “take” (e.g., to harass or kill), import, and export of marine mammals and endangered and threatened species, with limited exceptions. Pursuant to Section 104 of the MMPA and Section 10(a)(1)(A) of the ESA, persons or institutions may apply for special exception permits to take, import, or export marine mammals or endangered or threatened species for scientific research or enhancement purposes. Section 104 of the MMPA also allows for Letters of Confirmation under a General Authorization for scientific research, permits for commercial and educational photography of marine mammals, and permits for capture or import of marine mammals for public display. Issuance of permits is a federal action subject to the provisions of the [National Environmental Policy Act](#)⁴ (NEPA). Persons or institutions seeking to take, import, or export protected species are required to apply for a permit or authorization and demonstrate that the applicable statutory and regulatory requirements are met. The information required in this collection is used by NMFS to make the determinations under the MMPA, FSA, ESA, NEPA, and their implementing regulations prior to issuing a permit or authorization; to evaluate the impacts on protected species; to establish appropriate permit conditions for the activity proposed; and, to ensure compliance with the Acts. Information required includes the name, affiliation, contact information and qualifications; the purpose of the request; the species, age, sex, and number of animals proposed to be taken, imported, or exported; location; a description of the impacts to the species and environment; the proposed methods and mitigation to minimize impacts to the species; and the requested duration of the permit. Permit and authorization holders must submit reports on the activities they conduct. Also, the

¹ https://www.mmc.gov/wp-content/uploads/MMPA_2023.pdf

² <https://uscode.house.gov/view.xhtml?path=/prelim@title16/chapter24/subchapter1&edition=prelim>

³ <https://uscode.house.gov/view.xhtml?path=/prelim@title16/chapter35&edition=prelim>

⁴ <https://uscode.house.gov/view.xhtml?path=/prelim@title42/chapter55&edition=prelim>

MMPA mandates NMFS maintain an inventory of marine mammals in public display facilities and for those facilities to report certain information about the marine mammals to NMFS (via the National Inventory of Marine Mammals [NIMM]).

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 NMFS Office of Protected Resources, Permits and Conservation Division (hereafter Permits Division) has the responsibility for processing permits and authorizations for the taking, importing, and exporting of marine mammals under Section 104 of the MMPA and Section 104 of the FSA, and endangered and threatened species with take prohibitions under Section 10(a)(1)(A) of the ESA. Under the MMPA, the Permits Division also has the responsibility of maintaining an inventory of marine mammals on public display at zoos and aquariums.

This information collection applies to protected species for which NMFS is responsible, including the marine mammal species of cetaceans (whales, dolphins, and porpoises) and pinnipeds (seals and sea lions); and threatened and endangered species including smalltooth sawfish, sea turtles (in water), sturgeon (Atlantic and shortnose), certain foreign species, and with this revision, endangered corals. The information collection may be used for future ESA-listed species. This information collection excludes permits for taking salmonids and other Pacific fish and invertebrate species, which are processed in NMFS' West Coast Regional Offices under a separate information collection.

This information collection includes the following instructions to apply for a permit or authorization:

- *Marine Mammal Scientific Research and Enhancement Permit Application,*
- *Marine Mammal Commercial or Educational Photography Permit Application,*
- *Marine Mammal Public Display Permit Application for Importation,*
- *Marine Mammal Public Display Permit Application for Capture from the Wild,*
- *Instructions for a Marine Mammal General Authorization Letter of Intent,*
- *Endangered Species and Marine Mammal Parts Permit Application for Scientific Research,*
- *Endangered Species Scientific Research and Enhancement Permit Application for Sea Turtles and Fishes, and*
- *Endangered Species Scientific Research and Enhancement Permit Application for Corals.*

The information collection also includes marine mammal public display inventory forms including:

- *Mammal Transfer/Transport Notification,*
- *Marine Mammal Data Sheet, and*
- *Person/Holder/Facility Sheet.*

The MMPA, FSA, and ESA (hereafter referenced collectively as “the Acts”) mandate the protection and conservation of marine mammals and endangered or threatened species, and prohibit the taking, import, and export of those species and their parts except under certain limited circumstances. Exceptions for scientific research and enhancement (marine mammals and threatened and endangered species), and educational or commercial photography and public display (non-ESA listed marine mammals only) are

allowed, provided permits are applied for and received, or other necessary authorizations are obtained. Thus, the information in this collection is required for applicants to receive a permit.

[Marine Mammal Protection Act \(MMPA\)](#) - Section 101(a)(1) of the MMPA states: “...consistent with the provisions of Section 104, permits may be issued by the Secretary for taking and importation for purposes of scientific research, public display or enhancing the survival or recovery of a species or stock...”

Section 104(b) requires that “Any permit issued under this section shall (1) be consistent with any applicable regulation established by the Secretary... and (2) specify (A) the number and kind of animals which are authorized to be taken or imported, (B) the location and manner (which manner must be determined by the Secretary to be humane) in which they may be taken, or from which they may be imported, (C) the period during which the permit is valid, and (D) any other terms or conditions which the Secretary deems appropriate.”

Section 104(c) states: “Any permit...shall specify, in addition to the conditions required by subsection (b) of this section, the methods of capture, supervision, care, and transportation which must be observed...” And finally: “Any person authorized to take or import a marine mammal for purposes of scientific research, public display, or enhancing the survival or recovery of a species or stock shall furnish to the Secretary a report on all activities carried out by him pursuant to that authority.”

Under Section 104(c)(3)(C) of the MMPA, as amended, persons may be authorized to take marine mammals in the wild by Level B harassment for purposes of *bona fide* scientific research. Level B harassment is defined in 50 CFR §216.3 as “any act of pursuit, torment, or annoyance which has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering but which does not have the potential to injure a marine mammal or marine mammal stock in the wild.” Persons interested in conducting research that may result in Level B harassment must submit a Letter of Intent in accordance with the interim final rule published on October 3, 1994, and submit certain information outlined at [50 CFR §216.45\(b\)](#)⁵ under the General Authorization.

Under Section 104(c)(6) of the MMPA, a permit may be issued for photography for educational or commercial purposes involving marine mammals in the wild and that does not exceed Level B harassment. Regulations specific to photography permits (50 CFR §216.42, Reserved) have not been proposed but applicants are currently provided with interim guidance for photography permit applications, included in this package. This guidance is like that required for the General Authorization because the type of activities and level of harassment authorized under these are similar in nature.

Section 104(c)(8) of the MMPA eliminates the need for a permit or additional authorization to possess, sell, purchase, transport, or export captive marine mammals, or their progeny, for public display purposes, provided the recipient and holder meet applicable criteria. However, a 15-day advance notification is required prior to the transport, transfer, sale, or other disposition of captive marine mammals. Under this section, holders of marine mammals must also report births of marine mammals within 30 days of the date of birth. Further, Section 104(c)(10) of the MMPA, as amended, directs the Secretary to establish and maintain an inventory of captive marine mammals with information specified in Section 104(c)(10)(A-H). Holders of captive marine mammals are mandated to provide this inventory information. Permits are required for captures from the wild, imports, and retaining a

⁵ <https://www.ecfr.gov/current/title-50/chapter-II/subchapter-C/part-216/subpart-D/section-216.45>

releasable stranded marine mammal for purposes of public display. Provisions implementing specific requirements for public display permits, previously codified at 50 CFR §216.39, have not been finalized; these permits continue to be processed in accordance with 50 CFR §216.33 and §216.34.

The regulations at [50 CFR Part 216, Subpart D](#)⁶ [published May 10, 1996 (61 FR 21926)] consolidate permitting and authorization requirements under the MMPA, FSA, and ESA for marine mammals. The ESA regulations at [50 CFR §222.308](#)⁷ specify that: “Permits for marine mammals shall be issued in accordance with Part 216, Subpart D of this chapter.” The regulations at 50 CFR Part 216 also provide procedures for the disposition of rehabilitated stranded marine mammals, applying for marine mammal research and enhancement permits (including ESA-listed marine mammals), disposition of marine mammal parts, and applying for Letters of Intent under the General Authorization.

[Fur Seal Act of 1966 \(FSA\)](#) - Section 104 of the FSA, as amended in 1983, provides for the Secretary to conduct research on fur seal resources of the North Pacific and to permit, subject to such terms and conditions as he deems desirable, the taking, transportation, importation, exportation, or possession of fur seals or their parts for educational, scientific, or exhibition purposes. Because northern fur seals are also marine mammals, to avoid duplication, applications for permits for scientific research are processed under the MMPA regulations of Part 216, Subpart D (59 FR 50372, October 3, 1994).

[The Endangered Species Act \(ESA\)](#) - Section 9 of the ESA prohibits import, export, or taking endangered species of fish or wildlife and threatened species with the same protections afforded via regulation unless authorized by permit. In accordance with ESA Section 10(a)(1)(A), the Secretary may permit, under such terms and conditions as he may prescribe, taking of listed species for scientific purposes or to enhance the propagation or survival of the affected species. A final rule published in the *Federal Register* in May 1996 revised [50 CFR §222.23\(b\)](#)⁸ permit application procedures so that ESA-listed marine mammal permits would be issued in accordance with the provisions of 50 CFR Part 216, Subpart D, as mentioned above.

The regulations implementing the authority to issue permits for scientific research or enhancement for other ESA-listed species are found at [50 CFR Part 222](#)⁹. The regulations contain information collections for applications for scientific research and enhancement permits and reporting requirements for permits.

When endangered or threatened species are involved, the Permits Division is required to consult with the NMFS Endangered Species Act Interagency Cooperation Division under Section 7 of the ESA to determine whether the permitted activities may jeopardize the continued existence of ESA-listed species. The scientific research and enhancement permit application instructions provide information required for such consultations to eliminate the need to ask applicants for additional information during the consultation process and reduce the burden and overall processing time for ESA permits. Since 2017, the Permits Division has completed five programmatic consultations for cetaceans, sawfish, sea turtles, sturgeon, and corals, whereby individual ESA Section 7 consultations are no longer required for individual permit applications that fall under the scope of a programmatic biological opinion. This has resulted in streamlined permitting and reduction in processing time by approximately 50%.

⁶ <https://www.ecfr.gov/current/title-50/chapter-II/subchapter-C/part-216/subpart-D?toc=1>

⁷ <https://www.ecfr.gov/current/title-50/chapter-II/subchapter-C/part-222/subpart-C/section-222.308>

⁸ <https://www.ecfr.gov/current/title-50/chapter-II/subchapter-C/part-223>

⁹ <https://www.ecfr.gov/current/title-50/chapter-II/subchapter-C/part-222>

[National Environmental Policy Act \(NEPA\)](#) (42 U.S.C. 4321 *et seq.*) – Issuance of a permit is considered a major federal action, which is subject to NEPA. While the issuance of permits is generally categorically excluded from the requirements to prepare extensive environmental analyses, under certain circumstances (e.g., if the activity is novel or controversial for environmental reasons) preparation of an Environmental Assessment (EA) or an Environmental Impact Statement (EIS) may be necessary. If an application does not contain sufficient information on the environmental impact of the proposed activity to determine whether an EA or EIS is necessary, or if the information is insufficient to complete such analyses, the application may be returned, or processing may be delayed. An EA/EIS must consider the potential environmental impacts of the proposed research using the description of the activities provided in the application and the best available information on the effects of such activities. All permit application instructions include questions pertaining to impacts to the environment to facilitate complete applications and ensure sufficient information is included to make the appropriate determination on the level of NEPA analysis required.

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.

Information required in the MMPA/ESA scientific research and enhancement and ESA scientific research and enhancement permit applications includes the following:

- PROJECT INFORMATION (project title, previous permits, where activities will occur, timeframe, project duration, abstract).
- PROJECT PURPOSE (objectives and justification)
- PROJECT DESCRIPTION (overview, methods, and non-target animals).
- IMPORTING MARINE MAMMALS INTO THE UNITED STATES (target animals, source or location of animals, lineage of captive animals, statement from export facility, exhibit information)
- CAPTIVE INFORMATION (source of animals, licenses and approvals, veterinarian statement, care and maintenance, captive breeding, disposition, and release protocols).
- TRANSPORT INFORMATION (mode of transport, name of transport company, transport time, containment, acclimation and special care procedures, and person accompanying animal)
- PROJECT SUPPLEMENTAL INFORMATION (status of species, mortalities, effects and mitigation, coordination, references, resources, disposition of tissues, public availability of products).
- PROJECT LOCATIONS (geographic location of take, import, or export).
- TAKE TABLE (species, stock, origin, life stage, sex, expected take, take action, observe/collect method, procedures, dates, and optional details).
- ANTICIPATED EFFECTS ON THE ENVIRONMENT (protected areas, environmental permissions, impacts to the environment, invasive species, biological specimens, novel methods).
- PROJECT CONTACTS (names and contact information of personnel; a qualifications form is recommended for each person who will be working under the permit).

To comply with NMFS' final rule that eliminated 5-year duration limits on permits (89 FR 100393; December 12, 2024; effective January 13, 2025), we are revising all MMPA Section 104 permit and authorization application instructions to clarify MMPA permit and authorization can be issued for longer durations. The revised instructions provide guidance to applicants about what to consider when requesting their permit duration and require applicants to justify their requested permit duration. This

revision applies to MMPA Section 104 permit and authorization applications. For consistency, we are also revising the ESA Section 10(a)(1)(A) scientific research and enhancement permit application instructions to clarify applicants must provide a justification for the requested permit duration (there is no duration limit on ESA permits, and guidance on duration is already provided in these application instructions).

In addition, we proposed to change the estimating and reporting of takes during UAS operations in MMPA Section 104 permit applications to follow the guidance for vessel or ground-based activities (within 100 yards for baleen and sperm whales and 50 yards for other cetaceans), rather than the current 1,000 feet guidance used for crewed aircraft. As a result of public comments, we have updated the guidance for UAS surveys to count take when flying within 50 yards of all cetacean species. This change will include additional guidance in MMPA Section 104 permit application instructions that will improve take number estimates and reporting. The intent is to reduce burden on applicants, improve the reasonableness of take estimates, and increase the accuracy of their subsequent reporting. These proposed changes will be included in all instructions involving Level B harassment of marine mammals in the wild, including MMPA permit applications for scientific research and enhancement, commercial and educational photography, and public display (those authorizing capture in the wild); and MMPA Letters of Intent under the General Authorization for scientific research

The MMPA/ESA scientific research permit application for import and export of protected species parts requests the same information as above excluding enhancement, research on live animals, mortalities, captive information, and transport information. We also propose to create a separate set of ESA Section 10(a)(1)(A) scientific research and enhancement permit application instructions for corals because pillar corals (*Dendrogyra cylindrus*) have been listed as endangered under the ESA (89 FR 101993; December 17, 2024). Creating a separate set of instructions is designed to tailor and streamline the application process for pillar coral applicants. These revisions may be applied to other species of coral requiring an ESA Section 10(a)(1)(A) scientific research or enhancement permit in the future.

MMPA Letters of Intent under the General Authorization for scientific research request the same information as above excluding enhancement, ESA species, mortalities, captive information, transport information, and take number estimates. We propose to revise the MMPA Letter of Intent under the General Authorization for scientific research application instructions to be consistent with the implementing regulations at 50 CFR 216.45. The proposed changes include reducing the amount of information requested from applicants when describing the purpose of the project (e.g., take number rationale), anticipated effects, and mitigation. As described above for MMPA Section 104 permit applications, we propose to provide additional guidance in the application instructions to improve take number estimates and reporting for UAS operations and revise the application instructions to remove the 5-year limit on the requested duration. These changes will better align our guidance with the statutory definition of Level B harassment under the MMPA (16 U.S.C. 1362(18)) and allow us to accurately quantify and assess the impacts of the takes that are likely to occur.

The MMPA commercial and educational photography permit application requests the same information as above including information on filming and photographing marine mammals and excluding scientific research, enhancement, ESA species, mortalities, captive information, transport information, and disposition of tissues.

We are also streamlining the amount of information required in the instructions for importing marine mammals for public display to better align with the statutory requirements. The revisions include splitting this set of instructions into two separate applications, one for importation of marine mammals

for public display and one for capture of marine mammals from the wild for public display. This will ensure we can make a determination that the manner of taking or importation is humane, as required by the MMPA, and is consistent with the Animal Welfare Act (AWA).

The MMPA public display permit application for capture from the wild includes the following:

- PROJECT INFORMATION (same as above)
- PROJECT PURPOSE: (objectives and justification for capturing marine mammals and public display information)
- PROJECT DESCRIPTION (target animals for capture, manner of capture, methods, and non-target animals)
- TRANSPORT INFORMATION (same as above)
- PROJECT SUPPLEMENTAL INFORMATION (same as above excluding coordination, disposition of tissues, and public availability of products)
- PROJECT LOCATIONS (geographic location of take, import, or export).
- TAKE TABLE (same as above).
- ANTICIPATED EFFECTS ON THE ENVIRONMENT (same as above).
- PROJECT CONTACTS (same as above).

The MMPA public display permit application for importation includes the following:

- PROJECT INFORMATION (same as above)
- PROJECT PURPOSE: (educational program information, licensing, and facility information)
- IMPORTING MARINE MAMMALS INTO THE UNITED STATES (same as above)
- TRANSPORT INFORMATION (same as above excluding name of transport company, acclimation procedures, and person accompanying animal)
- PROJECT SUPPLEMENTAL INFORMATION (same as above excluding status of species, mortalities, coordination, references, disposition of tissues, and public availability of products)
- PROJECT LOCATIONS (geographic location of take, import, or export).
- TAKE TABLE (same as above).
- ANTICIPATED EFFECTS ON THE ENVIRONMENT (same as above).
- PROJECT CONTACTS (same as above).

Applicants can submit the information for the below permit applications through the Authorizations and Permits for Protected Species (APPS) online portal. While users must currently manually transfer data into APPS from the Word or PDF instruction versions, we are currently developing specific question modules within the system. This update is designed to eliminate the need for external documentation by integrating all necessary prompts directly into the APPS interface.

- MMPA/ESA scientific research and enhancement permit application.
- ESA scientific research and enhancement permit application for sea turtles and fishes.
- ESA scientific research and enhancement permit application for corals.
- MMPA/ESA scientific research permit application for import and export of protected species parts (we are simplifying the module for this permit type).
- MMPA Letters of Intent under the General Authorization.
- MMPA photography permit application.
- MMPA public display permit application for importation.
- MMPA public display permit application for capture from the wild.

The information collection (IC) also includes marine mammal public display inventory forms (that are in NIMM, not APPS) including:

- Person/Holder/Facility Sheet (Form 89-880).
- Mammal Transfer/Transport Notification (Form 89-881).
- Marine Mammal Data Sheet (Form 89-882).

All permit and authorization holders must submit reports on the activities they carry out including how they met their permitted objectives; the number and species of animals taken, imported, or exported; the observed effects of the activities; problems encountered; and coordination with other permit holders. Information is collected from individuals; business or other for-profit organizations; not-for-profit institutions; State, Local, or Tribal governments; and the Federal government.

As stated above, persons may apply online for the above permits and authorizations using APPS. All permit applications are available as Word and PDF instructions on our website (<https://www.fisheries.noaa.gov/permits-and-forms#protected-resources>) and may be emailed or mailed, if not submitted via APPS.

Marine mammal inventory forms are available on our website (<https://www.fisheries.noaa.gov/national/marine-mammal-protection/national-inventory-marine-mammals>) and submitted via email or mail. The public may request information collected in this collection (i.e., applications, permits, amendments, reports, and public display inventory information) under the Freedom of Information Act (FOIA)¹⁰.

The Permits Division and the Director, Office of Protected Resources, use the information to determine whether the proposed taking, import, or export is consistent with the Acts and regulations and as a basis for deciding whether to issue or deny a permit or authorization. Since January 1, 2023, this information collection has been used to issue approximately 116 new permits, 31 General Authorizations, and over 760 permit modifications and authorization letters.

The information in applications for permits is submitted once, unless the submission is incomplete, in which case the application is returned with explanation of the deficiencies or additional information is requested to complete the application. Revised applications are reviewed again for completeness, and ESA permit applications are also reviewed by ESA Section 7 consulting biologists. Once a permit application is deemed complete, the Acts require that we publish notice in the Federal Register making each application available to the public for comment for a minimum of 30 days. The MMPA directs the U.S. Marine Mammal Commission to review all applications for marine mammal scientific research, enhancement, or public display permits. Applications are also sent for review to subject-matter experts within or outside the agency.

Once issued, MMPA and ESA permits are typically valid for five to 10 years. Unless an amendment of the permit is necessary, the applicant need not submit new information for the application once it is deemed complete. Permit holders may apply for major amendments or modifications to permits to change species, location, methods, number of animals, and duration of the permit; these amendments or modifications are subject to a 30-day public comment period. Permit holders may apply for minor amendments and authorizations to change personnel, make minor adjustments to their methods, or to allow film companies or other non-essential personnel to accompany researchers for specific purposes (e.g., documentary films). Those authorizations require additional information for processing but are

¹⁰ <https://www.foia.gov/>

not required to have a public comment period. As permits are typically valid for multiple years, a less frequent collection of information is not appropriate for these applications.

Annual reports are required by MMPA/ESA permits (50 CFR §216.38 of the regulations; Section 104[c][1] of the MMPA) and ESA permits (50 CFR §222.308[d][5]); Section 10[a][2][C] of the ESA). Reports are used by NMFS to: 1) ensure that the terms and conditions of the permit are being complied with, 2) evaluate the impacts of research activities on protected species, 3) ensure that unnecessarily duplicative and potentially cumulative harassments are kept to a minimum, and 4) ensure that permit holders are making the results of their work accessible to the public (e.g., through publication of scientific papers). For ESA species, reports are also used to determine that the taking of the affected species is not appreciably reducing the likelihood of the survival and recovery of the species, and to determine if re-initiation of ESA Section 7 consultation is required.

Holders of marine mammals on public display must report the following inventory information as required in Section 104(c)(10) of the MMPA via forms: births (including estimated or actual birth date), name or other identification of the animal, sex, source of the animal, date the animal enters and leaves a facility and where it goes, whether the animal was from a stranding, and date and cause of death (when determined). Holders must report when an animal gives birth within 30 days of the date of the birth. As a policy, we request death information within 30 days, consistent with birth reporting. They must also provide notification of transfers (i.e., change in custody) and transports (i.e., change in location) at least 15 days prior to the transfer or transport. The marine mammal inventory reporting is mandated by Congress.

Over time, this ongoing collection has been revised to be formatted and written in plain language to improve readability; edited to include examples of information needed for different taxa or methods to improve the quality of applications received; and reorganized to streamline the content. As part of the APPS redesign, we have split the information fields of the application instructions into small text boxes that ask briefer and more specific questions. (See Appendix A for example images of the redesigned information fields along with enhanced help for applicants.) This allows applicants to provide less information overall while still adequately addressing the required application criteria and providing better alignment with the Word and PDF application instructions included in this instrument collection.

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.

All application instructions are available on the internet as PDF or Word documents (at <https://www.fisheries.noaa.gov/permits-and-forms#protected-resources>), and applications can be emailed to applicants if requested. As described for question 2, all application types for scientific research and enhancement permits and Letters of Intent under the General Authorization are available via the online system, APPS, found at <https://apps.nmfs.noaa.gov/>. The APPS online system provides an efficient electronic format for the public to apply for these permits and provide reports for these permits.

NOAA is in the process of revising APPS for MMPA Section 104 and ESA Section 10(a)(1)(A) permit and authorization applications. The revision of the online application system is necessary for many

reasons, including improvement of information security and ease of use. As part of the redesign, we have split the information fields of the application instructions into small text boxes in APPS that ask briefer and more specific questions. This allows applicants to provide less information overall while still adequately addressing the required application criteria and providing better alignment with the Word and PDF application instructions included in this instrument collection. The overall user experience and functionality of the online application system will be improved and streamlined from the currently available APPS system, although the specific information requested remains limited to what is described in our application instructions. Additionally, this revision to the IC expands the APPS system to include programming for specific modules for applying online for photography permits and public display permits. Currently, applicants typically email a Word or PDF version of their application for the photography and public display permits for processing. We plan to also program specific modules in APPS for reports due for permits to import or export protected species parts (i.e., “parts permits” with no live animals involved). It is required by the regulations (50 CFR §216.33[a] and §222.308[b][13]) that the application be signed, and in 2020, we began accepting electronic signatures. Reports may be submitted via APPS, by email, or by mail. Since 2020, we have received few paper applications or reports and most applications have been either submitted via APPS or via email.

Electronic records are maintained for the Administrative Record for each permit file. The files include application and permit processing information. Electronic records are maintained in APPS and on the NMFS Office of Protected Resources shared network. Electronic applications are distributed by email to NMFS experts, other expert reviewers, and the Marine Mammal Commission during the permit process. NMFS corresponds electronically via email with the applicant. Automated e-mails generated by APPS are sent to remind permit holders of when reports are due and when permits expire so that they have ample time to prepare a new permit application.

As required by regulation (50 CFR §216.33[d] and §222.303[b]), a summary of each application is published in the *Federal Register* (which is available online on a real-time basis), and from that anyone from the interested public may contact NMFS for the complete application, which can be sent to them electronically. The public can search and view publicly available applications online via APPS.

Public display inventory materials and reports are electronic forms that are received by email (NIMM.inventory@noaa.gov) and are entered into an electronic database, the National Inventory of Marine Mammals (NIMM). The forms used by public display facilities to report marine mammal inventory changes and transfers and transports of animals are available as fillable and printable Word forms on the Office of Protected Resources website at <https://www.fisheries.noaa.gov/national/marine-mammal-protection/national-inventory-marine-mammals>. The NIMM forms include an institutional contact form, a marine mammal data sheet (MMDS), and a marine mammal transfer/transport notification form. Inventory information required by the MMPA includes the animal’s name or other identification; sex; birth date; date animal enters and leaves a collection; source of the animal (e.g., stranding); where an animal is transferred or transported; and date and cause of death (when determined). Exporting facilities must provide documentation to NMFS that the recipient facility meets standards comparable to those required in the United States.

The NIMM database tracks all NMFS regulated marine mammals held in captive facilities within the United States and includes foreign facilities when U.S. source marine mammals are exported. As resources and time allow NMFS plans on programming the NIMM system to be accessible to the regulated marine mammal holders to enter their inventory information as an option in lieu of submitting forms via email. NIMM currently produces two types of reports: 1) a summary of marine mammals that can be queried based on various data factors including species, facility, origin, status (living or dead),

etc., and 2) data sheets that reflect the specific history of any particular animal's movements among facilities. Inventory information is frequently requested by the public and made available under FOIA. These inventory reports are generally made available as an Excel file and monthly reports are now available to FOIA requesters in NOAA Fisheries' FOIA reading room.

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

There is no overlap or duplication for permits requested under the MMPA, ESA, or FSA because a single application and permit cover all requirements of these Acts. For example, if a researcher proposes to work on ESA-listed endangered Steller sea lions, MMPA-depleted Northern fur seals, and non-endangered California sea lions (protected only under the MMPA), the researcher will apply for one permit using one set of instructions that cover the ESA, FSA, and MMPA. In addition, when a permit holder applies for a new permit to continue their work, they can copy over their previous application in APPS and use that for the basis of their new application. To avoid duplication with requirements under the ESA for necessary Section 7 consultations and requirements under NEPA, the instructions in this instrument collection also include information requirements for these statutes.

There may be some duplication of information for researchers required to obtain approval by an Institutional Animal Care and Use Committee (IACUC) under the [Animal Welfare Act](#)¹¹ (AWA), which is administered by the U.S. Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS). However, researchers should be able to use the same information in a permit application in their IACUC application, and vice versa. We accept IACUC approvals and protocols to support determinations under the MMPA that the proposed research is humane, but it does not substitute for the requirements under the MMPA or ESA because these laws are separate from the AWA. Researchers may have to also apply for and obtain special use permits to work in protected areas such as National Marine Sanctuaries, National Parks, or to work in Antarctica. Such permits are under separate jurisdictions and cannot be combined.

Some duplication may occur with the public display inventory, NIMM, and a private company that maintains zoo and aquarium animal information. However, any duplicative reporting to a private company is voluntary on the part of the marine mammal holders. Inventory reporting is mandatory under the MMPA.

NMFS and the U.S. Fish and Wildlife Service (USFWS) share responsibilities under Section 104 of the MMPA and Section 10(a)(1)(A) of the ESA. The USFWS has jurisdiction over walrus, polar bears, sea otters, dugongs, manatee, and sea turtles on land. NMFS has jurisdiction over cetaceans, seals, sea lions, and sea turtles in water. If an applicant wishes to work with species regulated by NMFS and USFWS, they must secure permits from both agencies. The USFWS requests similar information but has a different application process (see <http://www.fws.gov/permits/>). Prior to launching APPS in 2008, NMFS and the USFWS processed joint permits. The USFWS was not able to provide funding to program APPS to include their species; thus, we no longer process joint MMPA/ESA permits with USFWS.

For applicants importing or exporting protected species or their parts, a [Convention on International Trade of Endangered Species of Flora and Fauna](#)¹² (CITES) document may also be required. CITES

¹¹ <https://www.govinfo.gov/content/pkg/COMPS-10262/pdf/COMPS-10262.pdf>

¹² <https://trade.cites.org/>

documents are administered by the USFWS. Some duplication is unavoidable because applicants are required by law to secure any necessary CITES document to import or export CITES-listed wildlife.

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. MMPA and ESA permits may be valid for multiple years, with most valid for 5 or 10 years, avoiding the need to apply for a permit annually. As described above, this IC includes revisions to the application instructions for MMPA Section 104 permits and authorizations to remove the 5-year limit on the requested duration.

Permit reports are only required annually, except under special circumstances when an incident report is required (e.g., exceeding authorized take by killing an animal). We provide a web page for researchers to review the information required in a report in advance of the report being due at <https://www.fisheries.noaa.gov/national/endangered-species-conservation/reports-protected-species-permits>.

Information requests for holders of marine mammals on public display are short forms and do not require much time to complete. These reports are accessible online and can be submitted via email as described above. As resources and time allow, we plan to make the NIMM online inventory system available in the future to the regulated community to submit their inventory information directly online as an option in lieu of filling out and emailing a form.

Because permit applicants and holders of marine mammals use computers in the conduct of their daily work as researchers, professional filmmakers, and public display marine mammal holders, they do not have to purchase computers or other equipment simply to apply for a permit or to email information in this information collection. NMFS developed the online system, APPS, in 2008 to simplify information collection processes. We are continually working to improve the functionality of APPS to better serve our permit holders. For more than 3 years, we have worked with developers to replace the aging APPS system, which uses outdated software, with a new cloud-based platform and database for protected species permits and authorizations.

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 a permit application that demonstrates the MMPA, FSA, and ESA statutory and regulatory requirements have been met, NMFS cannot legally grant such permits. Without a permit, researchers and others who work with protected species could not conduct their work legally. NMFS is mandated by the MMPA to collect certain information on marine mammals, so NMFS science center researchers will always require a permit to conduct marine mammal surveys. Most permits granted are for scientific research on marine mammals and threatened and endangered species. The information obtained from this work results in published literature that provides the best available science to inform the public on the status and threats to these species and inform NMFS and other agencies that manage and protect these species.

If annual permit reports are not submitted, NMFS will not be able to adequately monitor the permit activities and compliance with permit conditions. The information gained from the annual reports is also used to inform management decisions to aid in the recovery of listed species, assessing impacts of the permitted activities on the subject species, and in assisting with analyses required under Section 7 of the ESA and NEPA.

The MMPA requires transfers, transports, births, and deaths of marine mammals in public display facilities be reported. If the information on the inventory forms is not provided, the holders of marine mammals would be in violation of the MMPA, and the public would not have access to an accurate inventory of captive marine mammals.

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

In some cases, we may require respondents to report information to the agency more often than quarterly or may require respondents to prepare a written response in fewer than 30 days, as follows:

- A notification form must be provided to NMFS at least 15 days in advance of a proposed transport, transfer, or export of public display marine mammals, and births of marine mammals in captivity must be reported within 30 days of the date of the birth. This is a statutory requirement in MMPA Section 104(c)(2)(E) imposed by Congress.
- 50 CFR §216.45 of the MMPA implementing regulations requires General Authorization Letter of Confirmation holders to notify the Regional Administrator (RA) at least 2 weeks in advance of starting the research to allow the RA to coordinate activities with other researchers that may be working in the area. The coordination of research decreases the impact of multiple activities on marine species.
- Also, according to the MMPA implementing regulations, unless a Letter of Confirmation holder also has an ESA permit, taking of an ESA-listed species during conduct of the research must be reported within 12 hours and the research suspended.
- MMPA and ESA permits have conditions with similar reporting requirements as the General Authorization (i.e., reporting activities 2 weeks prior to going into the field) to allow for NMFS Regional coordination of activities to minimize impacts to the species.
- For permit reports involving incidents (e.g., an unauthorized mortality or serious injury of an animal, exceeding the authorized take, or the taking of a species not authorized by the permit), notification for these events must take place within two days of the event, and an incident report must be submitted within two weeks that describes what happened and what will be done to prevent it from happening again. When such incidents occur, permit holders must cease activities until the event has been reviewed by NMFS. The timing of these reports allows for a quick response by NMFS to determine the magnitude of the impacts to protected species, whether additional mitigation measures are required before the permitted activities can continue, or if ESA Section 7 consultation must be re-initiated prior to the activities continuing.

Respondents may be required to retain issued permits for more than three years. Permit holders must retain issued permits for the duration they are authorized to conduct take, import, or export activities on protected species or for the duration they retain protected species parts. This may be for at least five years. The permit provides legal authorization for a permit holder to conduct activities that would otherwise be unlawful.

Other than the items listed above, 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 *Federal Register* notice published on March 9, 2026 (91 FR 11289¹³), solicited public comment. We received comments from five individuals or organizations summarized here.

Animal Welfare Institute (AWI)

Comment 1: AWI supported separating the public display permit application instructions into the two proposed sets – one for captures from the wild, and one for importation. However, they find the reformatting of the information requested to be denser and less clear and thus do not think this will save applicant's time. They recommend that the agency retain clear, brief, and separate sentences, as much as possible.

Response: The information required for public display permit applications for captures from the wild is not changing. We are distilling the information required for public display permit applications for importation to more closely align with NMFS' statutory requirements, separate from the requirements under the AWA (implemented by the USDA, APHIS). We also have programmed APPS so that applicants can now apply for these permits online. As part of the redesign of the system, the application includes enhanced help and new guidance directly onscreen to assist applicants on how to complete each field. By not having to refer to a separate document we believe this will reduce the time it takes to complete the application. We will continue to seek feedback on the instructions from applicants and can clarify the instructions as time and resources allow.

Comment 2: AWI noted that guidance on character limits has been removed from the text of the instructions for public display and scientific research permit applications and recommends NMFS retain the guidance.

Response: The APPS platform is moving to a cloud-based platform that effectively eliminates the concept of character limits. In addition, because of the diversity of activities that are requested in these applications, the use of the maximum characters is unadvisable. Unlimited characters allow applicants space to adequately describe their activities for consideration against the issuance criteria. The enhanced help and individual application instructions provide guidance on the information that should be provided in an application.

Comment 3: AWI noted that the following statement was removed from all three sets of instructions: "We will not consider your application if you have overdue reports." MMPA regulations at 50 CFR 216.38 state that permit holders must submit all required reports. They note that reports are one way to ensure that applicants are complying with both the terms of the permit and the legal and regulatory standards that form the bounds within which those animals can be "held." This change strongly implies that an applicant can be derelict in their reporting responsibilities under previous permits and still apply for a new permit and seems merely to foster noncompliance with permit conditions.

Response: We are revising the instructions to more closely align with the statutory and regulatory

¹³ <https://www.federalregister.gov/documents/2026/03/09/2026-04530/agency-information-collection-activities-submission-to-the-office-of-management-and-budget-omb-for>

requirements to streamline the application process and reduce burden on applicants. The regulations, including MMPA and ESA permit issuance criteria, do not require that an applicant must have submitted all due reports. Our online reporting system in APPS will continue to send automated messages reminding permit holders of when their reports are due and if they become overdue. While the statement is no longer in the instructions, permit analysts will continue to review reports of the most recent prior permit for applicants whose work is ongoing and remind them if any are overdue. Collectively, this information provides a history of the applicant for analysts, regardless of their tenure within the agency. We will continue to decide on permit issuance based on whether an application includes all of the required information and whether it meets NMFS' issuance criteria for conducting the requested activities.

We do not believe removing this statement will foster noncompliance. Once a permit is issued, permit noncompliance constitutes a violation and may be grounds for permit modification, suspension, or revocation, and for enforcement action. All instances of permit noncompliance are required to be reported to our office, which allows NMFS to continually track permit compliance. NMFS reviews annual and incident reports to ensure compliance with the permit as issued. Additionally, reports from cooperating Federal partners may be used to evaluate permit compliance.

Comment 4: AWI was uncertain why the requirement to submit a Qualifications Form (QF) for personnel was changed to a recommendation. They suspect it is to reduce the applicant's time and effort on the application but given that curriculum vitae (CVs) and resumés do not necessarily contain the information needed by NMFS to determine whether a person has the necessary qualifications, AWI thinks it is most efficient (and thus a lesser burden to the applicant) to offer the applicant a structured and standard way to provide qualification information.

Response: While the regulations at 50 CFR 216.34(a) require that an applicant demonstrate their expertise and qualifications, they do not specify the format in which they must be provided. Further, regulations for the General Authorization at 50 CFR 216.45(b)(2)(i) state that the Letter of Intent must include a CV. We will continue to recommend the QF as our preferred format to streamline the application process. However, we cannot require that personnel submit a QF if another document sufficiently demonstrates that they have the expertise and qualifications commensurate with their role.

Comment 5: Under the section Project Locations, the revised instructions request a map clearly showing the location(s) of the *proposed activity*. AWI recommended retaining the original language asking for a map of the *capture* location, to ensure the agency is provided with the exact location where captures occur.

Response: Because the proposed activity in this case is the capture in the wild, no changes are needed. Applicants are required to enter location details, including the coordinates of the study area. Location information should be precise enough for the agency to discern the protected species populations/stocks being taken. Applicants also are welcome to attach additional supporting documents or maps as needed.

Comment 6: AWI recommended retaining the example take table that was removed from the public display permit application for capture from the wild.

Response: An example take table will be made publicly available.

Comment 7: AWI noted that the requirement for providing an abstract was removed from the instructions for the public display permit application for importation.

Response: Given the discrete nature of these actions, the information is succinctly captured elsewhere in the application (e.g., title of project and/or objective and purpose). Thus, we streamlined the application to remove duplicative information.

Comment 8: The section Importing Marine Mammals into the United States no longer requires an applicant to provide the previous transport history (via a NOAA Marine Mammal Data Sheet, Species 360 specimen report, or statement from the shipping facility) of an animal they seek to import in item #3. This should continue to be required.

Response: As discussed above, we are streamlining the information required to more closely align with the statutory and regulatory requirements under the MMPA. Submission of this specific data isn't required by MMPA or its regulations. The applicant only needs to demonstrate how the animal was legally acquired. Further, the transport histories are required in other places of the instructions: item 4 (animals whose origins are wild capture) or item #5 (animals born in captivity).

Comment 9: The wording in section Importing Marine Mammals into the United States, item #4 reduces the information requested to providing documentation that a take was humane, whereas originally the request was for a description of the method of taking, including how the take was humane. AWI voiced concern that it would leave NMFS with no additional information and having to take the word of another country's officials, who may have no understanding of the "humane" standard in the MMPA. AWI recommended the original wording be retained in the instructions.

Likewise, the AWI recommended retaining the original wording for item #6a in this section of the instructions such that documentation include a statement from the exporting facility and, to the extent practicable, documentation that the holding is legal instead of a statement from the facility alone.

Response: NMFS has long accepted statements from other government agencies or facility owners that the take was humane. We routinely accept statements from the export facility that the marine mammal is being held in compliance with applicable laws of the exporting country. Additional information can be requested if deemed necessary for a given application.

Comment 10: Under "Transport Questions", there is no longer a requirement for a contingency plan in the case of adverse responses. The need for a contingency plan is essential during transport and should be retained.

Response: This question in the current set of instructions is in the context of acclimation plans and animal management once the animal has been imported. This information was removed from the instructions because, once an animal is imported for public display, animal care and maintenance falls under the purview of the APHIS under the AWA. This is not NMFS' jurisdiction.

Comment 11: Under "Project Supplemental Information," the Status of the Affected Species language emphasizing that the applicant cannot import animals from a depleted stock is missing from the original version of the public display permit application. This legal requirement must be retained—it does not add to the applicant's burden but is a timely reminder of the law.

Response: The section for Status of the Affected Species has been removed because this set of instructions is streamlined and designed to reflect NMFS' reduced authority after the 1994 amendments to the MMPA. Information regarding the origin of each individual will still be required. When applying for these permits online, applicants will be asked a question about depleted stocks that limits the permit types available to them based on statutory and regulatory requirements. We will continue to receive feedback on users' experience with the instructions and re-evaluate whether additional guidance is needed for species not covered by these instructions.

Comment 12: Under Project Supplemental Information, the section on "Mortalities" is missing in the public display permit application for importation. This is completely inappropriate, as mortalities most certainly can occur during an import. AWI imagines the section was deleted because very few applicants are of the opinion that mortalities are possible during importation and thus were not responding to this section, but nevertheless mortalities can occur during imports and the proposed application for imports should retain the section on mortalities.

Response: For import applications, mortalities are not expected or authorized, therefore this section is not needed. In addition, information regarding mitigation measures are found in two sections of the application, in the Transport section regarding special care procedures and in the Effects and Mitigation section pertaining to the MMPA statutorily required humane determination. We acknowledge that transports within the United States are under the purview of the USDA/APHIS and the AWA and, as such, APHIS reviews all import applications and we work cooperatively under a 1998 Agreement to ensure that the requirements of the MMPA and AWA are collectively met. Additionally, if a mortality occurs during an import, the Permit Holder must report the incident with additional documentation (necropsy/narrative explanation) as a requirement of the permit.

Comment 13: Under the section "Effects and Mitigation", the only remaining item is "Humane determination" in the public display permit application for importation. The original application has a series of information requests, several of which are applicable to imports (explicitly stated as such). AWI recommended that NMFS reconsider this omission and determine if some of the original information requests should in fact be retained.

Response: We appreciate the comment but we disagree. We believe the majority of this comment does not apply to public display import activities (such as impacts on non-target species), while other aspects of this comment (like post-import acclimation) are under the authority of the USDA/APHIS and the AWA. Furthermore, various details overlap with those in the Transport section, including queries regarding mitigation used during the importation process.

Mystic Aquarium

Mystic Aquarium provided comments on four topics as summarized here.

Comment 1: Mystic Aquarium strongly supports the proposal to revise forms to reflect the removal of the 5-year limit on the duration of MMPA Section 104 permits, a change finalized by NMFS in December 2024. The aquarium agrees with NMFS that the decades of experience issuing permits warrants allowing longer durations. Mystic Aquarium appreciates that eliminating this arbitrary 5-year limitation will provide additional flexibility, reduce administrative and financial burden, increase efficiency, support longitudinal scientific research, and better align with ESA standards.

Response: This comment is out of scope of the proposed revision to the application instructions. Please see the below section for Comments out of Scope for more information.

Comment 2: Mystic Aquarium supports NMFS' proposal to revise instructions for MMPA Letters of Intent under the General Authorization to be more consistent with the implementing regulations at 50 CFR 216.45. The current instructions require more detail than legally mandated for Level B harassment scientific research. Streamlining these instructions is intended to minimize the burden on researchers, speed up review times, and ensure applicants only provide strictly necessary information. Specifically, the revisions will reduce the detailed narrative required for describing the project's purpose and anticipated effects, instead focusing on whether the activity meets the bona fide scientific research definition and using practical mitigation measures relevant only to Level B harassment that are targeted to the actual impact of the research.

Response: We appreciate this comment.

Comment 3: Mystic Aquarium supports the proposed streamlining of instructions for importing marine mammals for public display, aiming to balance administrative efficiency with strict animal welfare standards. They endorse changes that focus on modernizing the application process through the revised online APPS system, which will split instructions into smaller, specific text boxes to reduce the information burden on applicants while maintaining regulatory compliance. This streamline is not a reduction in standards, but a clarification of instructions to ensure compliance with both the MMPA and AWA. NMFS will still make a "humane" determination as required by Section 104 of the MMPA, and the process supports accredited U.S. zoos and aquariums in their role in public education. The USDA APHIS sets strict standards for the care and treatment of marine mammals, ensuring that NMFS' streamlined process still holds imported animals to high welfare standards.

Response: We appreciate this comment.

Comment 4: Mystic Aquarium stated that revising the APPS online system is crucial to streamline application processes, reduce applicant burden, and improve data accuracy. The changes are designed to update technology to meet modern usability standards, aligning instructions with current regulations, reduce administrative delays, and enhance functionality for complex, multi-database environments. Modernizing the interface increases user satisfaction, accuracy, and productivity. A streamlined system reduces the time and effort required by applicants to submit permit applications and reports. Revisions aim to simplify the instructions and workflow, minimizing the reporting burden on applicants. Updated technology allows for the automation of processes, decreasing manual data entry and errors. The current APPS database often pulls from multiple, inconsistent databases, resulting in missing or incomplete data. A revised system would better integrate data and offer better scalability. Revisions are necessary to reflect updated regulations, such as removing the 5-year limit on MMPA permits and updating ESA requirements. Better functionality allows for improved tracking of "takes" (e.g., during drone operations) and provides more accurate data for reporting, ensuring better compliance with environmental regulations. Enhanced digital tools make it easier for applicants to track their applications, fostering transparency and trust in the regulatory process.

Response: We appreciate the Aquarium's feedback and support of the APPS redesign. However, we would like to clarify that APPS does not pull from multiple external databases. The infrastructure primarily relies on internal databases. The only external database linked to the permit

applications in this IC for the Permits and Conservation Division's program is the Federal Register, which to our knowledge is complete.

The Marine Mammal Center (TMMC)

Comment: The Marine Mammal Center generally supports reducing the distance threshold for a "take" during UAS operations from the current 1,000 feet, specifically recommending a single 100-yard (300 ft) threshold for all marine mammals for consistency. For mysticetes, a 100-yard threshold is considered generous, as studies show that UAS noise dissipates underwater and most whale species exhibit no behavioral changes. However, odontocetes and pinnipeds are more sensitive and display more pronounced reactions at lower altitudes, potentially responding to both auditory and visual stimuli. While research has suggested minimizing avoidance for certain species at closer distances, such as 30-50 meters (98-164 ft) for bottlenose dolphins, TMMC suggests increasing the threshold from a potential 50 yards (150 ft) to 100 yards to account for the variability among these more sensitive species, individuals, and situations.

Response: NMFS carefully considered the best available science regarding marine mammal disturbance from UAS, feedback from permit holders submitted in annual reports, and technical information regarding UAS platforms currently on the market (e.g., size, noise levels, etc.). We recognize that there may be no 'one size fits all' approach threshold that can work across all marine mammal taxa. We also understand that UAS technology is rapidly evolving and systems are becoming smaller and quieter (thus, less impactful to wildlife). While distance and altitude of UAS are correlated with behavioral responses in the literature at close range of marine mammals, at certain thresholds there are no discernable effects from UAS. Based upon feedback from our permit holders, information described in the annual permit reports, and the best available science (via report and published studies), evidence supports that take of cetaceans is unlikely to occur when UAS are operated at a distance of 50 yds or beyond. For these reasons, we are revising our approach distance thresholds to guide applicants to count take from UAS surveys when within 50 yds for all cetaceans. The guidance will not change for pinnipeds; takes will still be reported based on the animal's behavioral response to UAS, not an approach distance

Public Comments out of Scope

Two commenters (Kathy Maze Foley, with the University of Miami/CIMAS, and Daniel Engelhaupt, Ph.D. with HDR) provided comments recommending that NMFS allow existing permit holders to have the option to extend their current permit duration for up to 10 years or beyond the original 5-year limit of the permit.

Response: This option was considered and addressed in the final rule ([89 FR 100393](#)¹⁴, published on December 12, 2024, and effective as of January 13, 2025) that removed the 5-year regulatory limitation on the duration of section 104 permits and LOCs under the MMPA. As noted in the responses to comments in the final rule, we are not accepting applications to modify existing permits for extensions greater than one year. Applicants may submit new applications for permits and LOCs that propose durations of longer than 5 years. That decision is not changing as part of the PRA process. Thus, it's out of scope for this information collection. More information about the final rule can be found here: <https://www.fisheries.noaa.gov/action/final-rule-modify-duration-certain-permits-and-letters-confirmation-under-marine-mammal>

¹⁴ <https://www.federalregister.gov/documents/2024/12/12/2024-28931/modification-of-the-duration-of-certain-permits-and-letters-of-confirmation-under-the-marine-mammal>

In addition to the public comments received, NOAA actively solicited input from seven organizations comprising permit holders, non-governmental organizations, public display organizations, and the U.S. Marine Mammal Commission (MMC) to obtain their views on the need for and practical utility of the data collected, the accuracy of the burden and frequency of collection, suggestions to minimize the burden, and ways to improve the clarity of instructions and forms. We did not receive a response from the International Sea Turtle Society or the North American Sturgeon and Paddlefish Association. The Society of Marine Mammalogy declined to comment on permit issues. We received four responses with substantive comments from the remaining parties as follows.

Marine Mammal Commission (MMC)

1. Suggestions to minimize burden: The MMC provided three ways to minimize burden, listed as the first three comments detailed below. They also noted that adding photography and public display applications to APPS and NMFS' ability to issue permits for longer than 5 years is a great start.

In addition to the first four comments listed below, NOAA interpreted the additional feedback submitted by the MMC as a formal response to the 60-day notice in the Federal Register, compiled [here](#).

Comment 1: Ensure that application revisions made during the public comment period and MMC's review are consistently incorporated into an updated application in APPS. This simplifies the review process for renewal applications and ensures that the most accurate information is available to the public, and to the applicant for their reference while conducting research and when they are ready to submit a renewal application. The MMC observed that when reviewing permit renewal applications, applicants frequently reuse text from past submissions, which often does not include revisions that were made during the review of the previous permit. While each application is assessed on its own merit, this inefficiency requires applicants and reviewers to address the same questions and comments during every renewal period

Response: As the MMC noted, each request is based on its own merit. Each applicant chooses what information to provide as part of a new application. We do not require applicants to copy the final version of the application that was used for a previous permit. Nor is it always advisable to copy a prior request as objectives and scope of projects typically evolve with time. It is and will continue to be our standard protocol for permitting analysts to update the permit application for any revisions resulting from the comment periods once a decision has been made on the action so that the complete application can be found in APPS.

Comment 2: Continue to require QF forms from applicants to document their qualifications. NMFS softened its language from requiring to recommending QF forms, presumably to reduce requirements for applicants. However, these forms ensure applicants submit all of the necessary information regarding the personnel's qualifications and experience, and in doing so, they streamline the application and review process. As such, the MMC believes that NMFS should continue to require applicants to submit QF forms for personnel that would conduct research under the permit.

Response: As noted in the response to Comment 4 for the AWI, we will continue to recommend the QF as our preferred format to streamline the application process. However, we cannot require that

personnel submit a QF if another document sufficiently demonstrates that they have the expertise and qualifications commensurate with their role.

Comment 3: The MMC noted that the estimated burden for the proposed collection of information increased from 30 to 50 hours for public display applications and was not changed for LOCs, parts, photography, or research permit applications. The MMC supports the agency's estimates.

Response: We did not initially propose changing the burden hour estimate for public display applications; the instructions for these requests listed an estimate of 50 hours, not 30. However, based on information received from the most recent applicant for a public display permit, we are reducing the burden hour estimate from 50 to 30 hours.

Comment 4: Finalize the standard methods for conducting research on cetaceans and pinnipeds. As previously noted, the recent National Sea Turtle Research Standard Methods Manual was very well done, and it would be useful for NMFS to finalize the similar in-draft manual for cetaceans and pinnipeds in the near term. The standard methods would benefit the agency, the applicants and permittees, the MMC, and the public.

Response: We plan to work on this as time and resources allow.

Comment 5: The MMC noted they support the division of the public display permit application into separate applications for capture and import. However, they commented that the two applications are inconsistent in organization and information requested. They recommended consistency between all permit application instructions so that the same level of detail is being requested of and provided to all applicants that are proposing to conduct similar procedures. They specifically listed the following pieces of information included for the import application: Transport Information, Status of the Affected Species, Mortalities, Effects and Mitigation, Additional Information.

Response: As noted in NOAA's response to the Animal Welfare Institute's Comment 1 above, we are revising the instructions to more closely align with the statutory and regulatory requirements to streamline the application process and reduce burden on applicants. Thus, requiring identical information across all application types is not always suitable. The instructions for importation for public display are specifically structured to account for NMFS' reduced authority for already captive marine mammals following the 1994 amendments to the MMPA. We recognize a difference between already captive animals being imported and capturing animals from the wild with respect to scope and impact to wild populations. It is appropriate that public display import application instructions are different from public display capture from the wild instructions. Applicable statutes and regulations do not require applicants to submit to NMFS all of the information that MMC suggested that NMFS collect.

Because mortality data is not considered relevant to the importation of a marine mammal, it is excluded from these specific instructions (see AWI, Comment 12). Future adjustments to application guidance will be evaluated as APPS programming resources allow.

Comment 6: The MMC stated that certain technical parameters and units of measure for active acoustic sound sources should be required in the methodology that applicants provide in Table 1 of the MMPA/ESA scientific research and enhancement permit application.

Response: We will consult with our acoustician to refine the information required for acoustic

sound sources.

Comment 7: The MMC recommended keeping the requirement for applicants to submit IACUC protocols, recommendations, and approvals because it is an important part of helping to ensure that the humaneness criterion has been met under the MMPA.

Response: IACUC approval is a requirement under the AWA and thus is outside of NMFS' purview under the MMPA and ESA to require such documentation as part of an MMPA/ESA permit application. As the MMC noted in its letter, NMFS must make its own humaneness determination under the MMPA. Applicants are welcome to include these documents as supplemental information, but they will not be required. The expected result of this change is a decrease in the time required for applicants to finalize their applications, thereby lowering their overall burden.

Comment 8: For the General Authorization Letter of Intent, the MMC recommended retaining a question requiring applicants to describe any mitigation they will take to avoid or minimize impacts to target species, including sensitive life stages, similar to the MMPA/ESA scientific research permit application.

Response: As described in the Federal Register notice, we are revising the Letter of Intent to be more consistent with the implementing regulations at 50 CFR 216.45. Applicants are not required to describe such mitigation measures. Streamlining these instructions is intended to minimize the burden on applicants and shorten review times.

Comment 9: The MMC observed that the instructions have minor grammatical errors and formatting inconsistencies and suggested they be reviewed before they are finalized.

Response: All instructions will be reviewed for potential errors and formatting consistency where appropriate before they are finalized.

Fort Wayne Zoo

Comment: The Fort Wayne Zoo responded that they estimate that it took them at least 30 hours to complete and submit its public display application using the current instructions that was submitted in November 2025.

Response: We appreciate this response and have reduced the burden hour estimate from 50 to 30 hours for public display applications.

Association of Zoos and Aquariums (AZA)

The AZA and its Marine Mammal Taxon Advisory Group offered the following recommendations.

Comment 1: Ensure the portal operates as a fully online, workflow-driven system. Processes that rely on emailed documents and manual follow-up create delays and can result in applications sitting without action. Including built-in workflow reminders for both NMFS staff and applicants will help ensure items move through the review process in a timely and transparent manner.

Response: Permits and authorizations can be applied for online. Permit Holders can also submit reports and request amendments/modifications to their permits entirely within the APPS system. In

addition, automatic emails are sent from the APPS system to remind Permit Holders of upcoming report deadlines and advance notice of when permits are expiring. Public display permits (both import and capture from the wild) and photography permits are being integrated into APPS as part of our redevelopment strategy for permitting.

Comment 2: Create a secure institutional dashboard with auto-populated fields. Applicants currently reenter the same information for every application, including facility descriptions, staff qualifications, enclosure information, and compliance documentation. A stored institutional profile within the portal would reduce redundancy, improve accuracy, and support consistency across submissions.

Response: APPS is designed such that permit applications can be copied into a new application, thus, minimizing repeated data entry. This is especially useful for projects of a continuing nature (e.g., captive research). In addition, with the removal of the 5-year limitation on MMPA permits, institutions are now able to request permits for a longer duration (with justification provided). Furthermore, facility staff may create profiles in APPS which can be linked to multiple applications/permits, eliminating the need for a repeated data entry regarding an individual's qualifications. Facilities are required to provide their APHIS license or registration which is re-evaluated every 3 years on average, therefore, facilities would be required to provide a copy of their active APHIS license for each application they submit; however, once an institution has their electronic copy of their license, the license can be directly attached to their application in APPS. Other facility information that may be required include documentation that they meet the requirements for a public display permit including having an APHIS license, being open to the public, and having a conservation and/or education program. Most facilities only need to provide a reference to their webpages to demonstrate that they are open to the public. In addition, a great majority of facilities are members of the AZA and/or the AMMPA in which case they may demonstrate that they offer a program for education or conservation purposes based on professionally recognized standards of the public display community by providing documentation of their active membership with either organization. These accreditations are evaluated on a regular basis; therefore, it is imperative that this information is reconfirmed as the facilities are re-accredited over time.

Regarding public display import permits, we have eliminated the requirement to provide enclosure information because this falls under the jurisdiction of the USDA/APHIS and we request APHIS review of all captive applications to verify compliance with the AWA and its implementing regulations. For capture from the wild permits, it is imperative that capture methods, including temporary holding, be described to establish that the methods meet the issuance criteria in the MMPA, including humaneness determination. For other permitted activities to the extent that the enclosure plays a role in how the research or enhancement will be conducted, those details will need to be provided.

Comment 3: Provide applicants with portal-based access to animal history already held by NMFS. NMFS maintains the National Inventory of Marine Mammals (NIMM), which includes acquisition, disposition, transfer, and mortality records. Allowing applicants to view and pull this information directly when preparing applications would prevent unnecessary reconstruction of historical data already contained in NMFS' system.

Response: We are continuing development efforts to make NIMM accessible to marine mammal facilities for data entry and read-only to the public. Currently as mammal facilities submit

inventory data to NIMM, they are forwarded an updated marine mammal data sheet for that specific animal for their reference. Historical data is not normally required for activities in the United States. Historical data is necessary for documenting the origin of animals proposed to be imported. However, unless the animal was previously exported from the United States or was reported as progeny from an animal that was exported from the United States, foreign animals are not generally part of NIMM. Therefore, access to NIMM would not provide the necessary historical data on an individual for an application.

Comment 4: Add automated receipt confirmations and real-time status tracking. Applicants sometimes need to email NMFS to confirm receipt of materials or request updates. A portal that automatically confirms submission, displays review status, and provides estimated timelines would reduce administrative burden for both NMFS and applicants.

Response: APPS currently provides automatic notifications to applicants and permit holders when applications or modifications are submitted, when reports are due, and advanced notice when permits are expiring. When an email from APPS is received by the institution/applicant, NMFS is also copied on the email. This email serves as confirmation of receipt of information.

AZA also noted that they appreciate NMFS' continued work to modernize and refine permit instructions. The following recommendations were provided to complement these efforts:

1. Add an "applicant tips" section to prevent common errors and ensure answer completeness. A brief guidance section at the start of each instruction packet would help applicants not cause avoidable delays because of error or not fully answering a question to the proper extent. Useful reminders include writing in layman's terms and avoiding zoological shorthand without explanation; describing all processes and details clearly; not assuming familiarity with facility-specific procedures or industry norms; providing context so reviewers can easily understand the reasoning behind steps, decisions, and expected outcomes; and avoiding answering "Not Applicable" unless it is clearly appropriate and supported by an explanation. These reminders would strengthen clarity and reduce the need for follow-up information requests by agency staff.
2. Provide tailored instructions for each permit type. NMFS already offers separate instruction documents for different permit categories. As these materials continue to evolve, ensuring that each permit type has a clearly tailored, purpose-specific instruction set would help applicants focus on the information most relevant to their request. This would strengthen clarity, reduce unnecessary narrative content, and improve consistency across submissions.
3. Clarify expectations for supporting documentation. Applicants would benefit from clearer direction on what supporting documentation should be included for each permit type. Examples include when veterinary letters are required, the level of detail expected in behavioral or husbandry rationales, how to justify transfers or acquisitions, and what information demonstrates humane handling or import conditions. Incorporating these expectations directly into the instructions would help applicants provide complete information in the initial application submission and reduce the need for agency staff to follow up with applicants for further information.

Response: We appreciate these comments. The proposed redesign of APPS includes all of the above features.

4. Reduce redundancy in information collection. NMFS states in the proposed instructions for permit applications that AZA accreditation is a professionally recognized standard of the public display community. By definition, all AZA accredited facilities will meet all the criteria for maintaining marine mammals for public display purposes as they would be required to be licensed by and in good standing with USDA-APHIS, regularly open to the public, and have education and conservation programs that meet the professionally recognized standard. As such, proof of current AZA accreditation and a copy of the facility's current USDA-APHIS Animal Welfare Act license are sufficient to meet the requirements for the project purpose section of the application for import.

Response: Not all facilities are accredited by the AZA and requiring one set of instructions for a subset of applicants could be seen as arbitrary. Requiring facilities to provide supporting documentation that they meet the three statutory criteria for public display is the only equitable option. We do accept AZA or AMMPA accreditation as documentation of an education program. AZA concedes that the APHIS license should be submitted with an import application. The final criterion is confirmation that a facility is open to the public on a regularly scheduled basis which can be as basic as a link to their webpage outlining their operational hours. Thus, we do not believe this is a burden.

Alliance of Marine Mammal Parks and Aquariums (AMMPA)

The AMMPA provided comments on five topics as summarized here.

Comment 1: AMMPA supports the proposed change to revise all MMPA Section 104 permit and authorization application instructions to remove the 5-year limit on MMPA permit and authorization durations. The application instructions must be consistent with NMFS' final rule. Similarly, we support harmonizing other applications, including applications for General Authorization Letters of Intent, so they are consistent with the NMFS final rule.

Response: We appreciate this comment.

Comment 2: AMMPA agrees that the current 1,000-foot threshold used to estimate and report "takes" during UAS operations should be revised. Scientific evidence indicates that this altitude substantially exceeds the distance at which cetaceans are capable of detecting UAS activity and, as such, is not an appropriate proxy for potential disturbance. A lower, evidence-based threshold is warranted. In addition, regulatory guidance should account for UAS-specific characteristics, particularly size and acoustic output, as these factors have been shown to significantly influence animal responses. Smaller, quieter UAS platforms should be afforded more permissive operating allowance consistent with their reduced impact. They noted that the current threshold leads scientists to overestimate takes and imposes unnecessary operational constraints that may limit the effectiveness of research without providing commensurable conservation benefit. AMMPA supported their position with specific examples in which lower operational altitudes over bottlenose dolphins resulted in minimal behavioral responses and noted that animals may become desensitized to the presence of the UAS in some scenarios. For these reasons, the AMMPA recommended the agency consider adopting an evidence-based approach that incorporates distance, altitude, UAS visual and acoustic characteristics, and observed patterns of animal response.

Response: As detailed above in the response to The Marine Mammal Center's comment, we are revising the guidance to count take of cetaceans when the UAS is within 50 yards of cetaceans.

Comment 3: The proposal to separate the import application instructions for public display from the application for a capture from the wild for purposes of public display is a constructive revision that should improve clarity and usability for applicants. Additionally, the effort to streamline data collection, including the proposed modifications to life stage categories, is a welcome improvement. However, the continued requirement for applicants to provide information regarding the cost of admission warrants further consideration. In the absence of a clear explanation of the relevance of admission cost information or the statutory authority supporting its collection, AMMPA respectfully recommends that the Department discontinue requiring applicants to provide information regarding the cost of admission.

Response: We appreciate the comments about streamlining the applications. We agree that providing the cost of admission is not required and we will consider this change to the instructions as time and resources allow for further APPS programming.

Comment 4: AMMPA also recommends removing the requirement that MMPA Public Display Permits for wild capture and importation include the name of the transport company. The number of qualified transport providers are limited, and applicants often must adjust plans based on availability and other logistical factors. This is a challenge for wild capture applications, which must be submitted at least one year in advance, as well as for importation applications which, according to the instructions, must be submitted at least six months before the date of the planned activities. This timing makes it difficult to identify a transport company with certainty at the time of application. In addition, given ongoing anti-zoo campaigns by some organizations requiring disclosure of transport company names can expose these businesses to unnecessary harassment.

Response: The name of the transport company has been removed from the import application instructions. We will reconsider this change for the capture from the wild application instructions as time and resources allow for APPS programming.

Comment 5: AMMPA members support NOAA's efforts to streamline and improve the APPS system and look forward to working with the agency as the process moves forward.

Response: We appreciate this comment.

Comment 6: Generally speaking, even with the proposed revisions which are intended to simplify the process, the amount of information required to prepare a thorough application for most of the permits covered by this information collection request (ICR) is extensive. AMMPA members find that it frequently takes more time to complete the applications than the estimates listed in this ICR. In addition to compiling information from within the applicant's organization, applicants must also coordinate and communicate with multiple vendors and partners, some of whom are located in different time zones. Based on the experience of AMMPA members, AMMPA recommends the time estimate for photography permit applications should be increased to 16 hours.

Response: We appreciate this comment and have updated our burden hour estimate for photography permit applications. Now that photography applications will be available in APPS, the feature to copy application will become available. This allows applicants to copy and update their prior application, which can reduce burden hours for applicants who are reapplying. We will continue to evaluate how long it takes applicants to complete all application types.

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

of contractors or grantees.

No payment or gifts will be provided 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 system of records notice (SORN) or privacy impact assessment (PIA), those should be cited and described here.

The information in this collection is part of a Privacy Act System of Records, [COMMERCE/NOAA - 12](#)¹⁵, Marine Mammals, Endangered and Threatened Species, Permits and Exemptions Applicants. Privacy impact assessment [NOAA4600](#)¹⁶ incorporates this collection of information.

For all permit applications, applicants are instructed not to include personally identifiable information. They provide an address, email, and phone number for correspondence purposes. The MMPA and ESA require that we make the permit applications available for review by the public once an application is deemed complete. During the public comment period and after a permit is issued, the public can search online via APPS and access MMPA and ESA scientific research and enhancement permit applications and Letters of Intent under the General Authorization. All permit and authorization documentation including annual reports, and the marine mammal inventory, is subject to FOIA. However, any personal information that may have voluntarily been included that is subject to the Privacy Act is redacted prior to release 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.

There are no requirements for submission of such information of a sensitive nature.

¹⁵ <https://www.commerce.gov/node/4986>

¹⁶ <https://www.commerce.gov/sites/default/files/2025-05/NOAA4600%20PIA%20FY25-%20SAOP%20Approved%20Delegated.pdf>

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

Table 1. Estimate in hours of burden of collection of information with average hourly wages.

Information Collection	Type of Respondent (e.g., Occupational Title)	# of Respondents/ year	Annual # of Responses / Respondent	Total # of Annual Responses	Burden Hrs / Response	Total Annual Burden Hrs	Hourly Wage Rate (for Type of Respondent)	Total Annual Wage Burden Costs
		(a)	(b)	(c) = (a) x (b)	(d)	(e) = (c) x (d)	(f)	(g) = (e) x (f)
Permit & Authorization Applications:								
Scientific research and enhancement (SR/EN)	Researcher (Zoologist and Wildlife Biologist)	30	1	30	50	1,500	39.91	59,865
SR/EN parts only	Researcher (Zoologist and Wildlife Biologist)	12	1	12	20	240	39.91	9,578
Public display (PD)	Zoo Registrar (Executive Administrative Assistant)	2	1	2	30	60	38.05	2,283
Photography (PH)	Film producer	10	1	10	16	160	54.57	8,731
General Authorization (GA)	Researcher (Zoologist and Wildlife Biologist)	12	1	12	10	120	39.91	4,789
Amendments:								
Major amendments/modifications to permits	Any of the above (Researcher salary used b/c most predominant)	15	1	15	35	525	39.91	20,953
Minor/ authorizations	Any of the above (Researcher salary used b/c most predominant)	170	1	170	3	510	39.91	20,354
Reports & Recordkeeping:								
SR/EN Reports	Researcher (Zoologist and Wildlife Biologist)	160	1	160	12	1,920	39.91	76,627
SR/EN Recordkeeping					2	320	39.91	12,771
SR/EN Parts Only Reports	Researcher (Zoologist and Wildlife Biologist)	48	1	48	8	384	39.91	15,325

SR/EN Parts Only Recordkeeping					2	96	39.91	3,831
PD Reports	Zoo Registrar (Executive Administrative Assistant)	2	1	2	2	4	38.05	152
PD Recordkeeping					2	4	38.05	152
PH Reports	Film producer	15	1	15	2	30	54.57	1,637
PH Recordkeeping					2	30	54.57	1,637
GA Reports	Researcher (Zoologist and Wildlife Biologist)	50	1	50	8	400	39.91	15,964
GA Recordkeeping					2	100	39.91	3,991
PD Inventory Forms (Reporting)	Zoo Registrar (Executive Administrative Assistant)	130	1	130	2	260	38.05	9,893
PD Inventory (Recordkeeping)	Registrar				2	260	38.05	9,893
Totals		656		656		6,923		278,426

These estimates are based on a query of the APPS database for the number of applications received and processed since 2023. The burden hours per response may decline over the next 3 years given that the revisions for some permit applications are expected to reduce the amount of information collected. We won't have data to inform these estimates until the next PRA renewal in 2029.

*The source of hourly wage rate is the U.S. Bureau of Labor Statistics' wage data <https://www.bls.gov/bls/blswage.htm> (see below).

Zoologist and Wildlife Biologist mean hourly annual wage = \$39.91 (https://data.bls.gov/oesprofile/?major_group=190000&occupation=191023&measure=01&areas=INDUSTRY,STATE,MSA).

Zoo Registrar/Executive Admin Asst mean hourly wage = \$38.05 (https://data.bls.gov/oesprofile/?major_group=430000&occupation=436011&measure=01&areas=INDUSTRY,STATE,MSA).

Film producer mean hourly wage = \$54.57 (https://data.bls.gov/oesprofile/?major_group=270000&occupation=272012&measure=01&areas=INDUSTRY,STATE,MSA).

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.

Table 2. Estimate of annual cost burden excluding burden hours.

Information Collection	# of Respondents	Annual # of Responses / Respondent	Total # of Annual Responses	Cost Burden / Respondent	Total Annual Cost Burden	
SR/EN Parts Only Permits/Authorizations	3	1	3	0.82	2.46	(USPS postage)
SR/EN Parts Only Permits/Authorizations	1	1	1	50	50	(USPS overnight)
SR/EN Parts Only Permits/Authorizations	1	1	1	30	30	(USPS Express)
TOTALS	5		5		\$82	

NOAA expects that only SR/EN Parts Only Permit & Authorization Applications will require postage fees. Therefore, all miscellaneous costs will be applied to this IC instead of dividing the total (\$82) by all ICs.

The estimate of the total annual operations and maintenance cost burden is approximately \$82 based on average USPS postal rates. These costs were estimated from discussions with NMFS staff who receive applications. We now primarily accept electronic submissions online via APPS, or via email for those applicants who choose not to apply online. Since 2020, we have been accepting electronic signatures. We also accept PDFs of signed documents. Following the COVID pandemic in 2020, we now have few applicants mailing applications, reports, or inventory forms. While estimated mailing costs have increased, our overall cost burden estimate has been substantially reduced since 2019 and is expected to remain low over the next 3 years given that we expect few to no mailings.

We do not estimate any additional costs beyond those necessary by normal business practices and/or research purposes (i.e., no costs for equipment such as computers because our applicants would already have computers). To publish research results or to justify research funding, a permit holder must maintain detailed records. Holders of marine mammals on public display are mandated to maintain inventory records for all animals in their collections.

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 Commerce Alternate Personnel System (CAPS) pay tables¹⁷ for the Rest of U.S. locality was used since NOAA employees are geographically dispersed. The upper bound for Interval 3 for each pay band was used to determine the base salary. A multiplier of 1.5 was applied to calculate the loaded salary. NOAA staff review and process applications, manage the issued permits and database, perform

¹⁷ <https://www.commerce.gov/sites/default/files/2026-01/CAPS%20Standard%20Pay%20Tables%202026.pdf>

recordkeeping and other administrative tasks related to this collection.

Table 3. Estimated annualized cost to the Federal Government.

Cost Descriptions	Grade/Step	Loaded Salary /Cost	% of Effort	Fringe (if Applicable)	Total Cost to Government
Federal Staff	ZP IV (x2)	245,271 (x2)	80%		392,434
	ZP III (x5)	174,543 (x5)	80%		698,172
Contractor Cost		124,800	80%		99,840
Travel					
Other Costs:					0
TOTAL					1,190,446

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	
Permit & Authorization Applications: SR/EN, SR/EN Parts Only, Public Display, Photography, General Authorization	0	43	0	43	0	1790	These ICs are being broken up into the subparts in order to provide increased granularity and avoid confusion.
Amendments: Major Amendments/Modification to Permits, Minor/Authorizations	0	210	0	210	0	1270	
Reports: SR/EN Reports, SR/EN Parts Only Reports, PD Reports, PH Reports, GA Reports, PD Inventory Forms	0	360	0	360	0	2588	
Recordkeeping, General Permit recordkeeping, General PD Inventory Recordkeeping	0	360	0	360	0	720	
Scientific Research & Enhancement for Parts Only: Photography (PH), General Authorization (GA)	0	20	0	20	0	200	
Permit & Authorization Applications:							
Scientific research and enhancement (SR/EN)	30	0	30	0	1500	0	
SR/EN parts only	12	0	12	0	240	0	
Public display (PD)	2	0	2	0	60	0	Slight increase in average number of PD applications received over past 3 years and anticipated over next 3 years and decrease in burden hours in response to comments
Photography (PH)	10	0	10	0	160	0	Increase in burden hours in response to comments
General Authorization (GA)	12	0	12	0	120	0	Slight increase in average number of GA applications received over past 3 years and anticipated over next 3 years
Amendments:							
Major amendments/modifications to permits	15	0	15	0	525	0	Decrease in number of major amend/mod and anticipated next 3 years, possibly due to issuance of longer permit durations
Minor/ authorizations	170	0	170	0	510	0	Decrease in number of minor mods/

							authorizations. Expect to continue to decline for next 3 years due to program streamlining that gives Permit Holders more agency over personnel.
Reports & Recordkeeping:							
SR/EN Reports	160	0	160	0	1920	0	Increase in reports due to increased number of SR/EN permits with listing of new ESA species, and that are anticipated to report over next 3 years
SR/EN Recordkeeping	0	0	0	0	320	0	The # of respondents and responses are reflected as 0 in order to avoid double-counting.
SR/EN Parts Only Reports	48	0	48	0	384	0	Slight increase in number of parts permits and that anticipated next 3 years
SR/EN Parts Only Recordkeeping	0	0	0	0	96	0	The # of respondents and responses are reflected as 0 in order to avoid double-counting.
PD Reports	2	0	2	0	4	0	Expected to remain stable over the next 3 years.
PD Recordkeeping	0	0	0	0	4	0	The # of respondents and responses are reflected as 0 in order to avoid double-counting.
PH Reports	15	0	15	0	30	0	Increase in average number of PH permits over past 3 years and that anticipated over next 3 years
PH Recordkeeping	0	0	0	0	30	0	The # of respondents and responses are reflected as 0 in order to avoid double-counting.
GA Reports	50	0	50	0	400	0	Increase in average number of GA applications received over past 3 years and anticipated over next 3 years
GA Recordkeeping	0	0	0	0	100	0	The # of respondents and responses are reflected as 0 in order to avoid double-counting.
PD Inventory Forms (Reporting)	130	0	130	0	260	0	
PD Inventory (Recordkeeping)	0	0	0	0	260	0	The # of respondents and responses are reflected as 0 in order to avoid double-counting.

Total for Collection	656	993	656	993	6923	6568	
Difference	-337		-337		355		

Information Collection	Miscellaneous Costs		Reason for change or adjustment
	Current	Previous	
Permit & Authorization Applications: SR/EN; SR/EN Parts Only; Public Display	0	3	NOAA expects that only the SR/EN Parts Only Permit & Authorization Applications will require postage fees. Therefore, all miscellaneous costs will be applied to that IC instead of dividing the total (\$82) by all ICs.
Amendments: Major Amendments/Modification to Permits, Minor/Authorizations, GA Changes	0	17	
Reports: SR/EN Reports, SR/EN Parts Only Reports, PD Reports, PH Reports, GA Reports, PD Inventory Forms	0	29	
Recordkeeping: General Permit recordkeeping, General PD Inventory Recordkeeping	0	29	
Scientific Research & Enhancement for Parts Only: Photography (PH), General Authorization (GA)	0	2	
SR/EN Parts Only Permits/Authorizations	82	0	The SR/EN Parts Only Permits/Authorizations are the only ones that some people still send via mail. The increase in cost reflects increased postage.
Total for Collection	\$82	\$80	
Difference	\$2		

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.

As mentioned above, permit applications submitted by researchers, filmmakers, and zoos and aquariums are published in a *Federal Register* notice making the application available for a minimum 30-day public comment period, as required by law. In those notices, we summarize the activities in one to two paragraphs and refer the public to 1) the APPS online system for the full application, 2) a NMFS contact email to request a copy of applications not yet available via APPS, or in some cases, 3) to a web page with the application as a PDF. We also publish a *Federal Register* notice of issuance to inform the public that a permit has been issued.

Applications are distributed externally to the U.S. Marine Mammal Commission and other relevant agencies for review and comment. Applications are also distributed internally to NMFS subject matter experts and managers. Currently, the public is required to submit a FOIA request to obtain a permit report. In future years, we may make permit reports publicly available via APPS.

The marine mammal inventory (known as a Marine Mammal Inventory Report Summary) is available as a downloaded Excel file from NIMM to the public via a FOIA request; monthly reports are available in the FOIA reading room to FOIA requestors.

Currently there are no other plans for publication or dissemination of the information collected. The Permits Division will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. See response to Question 10 of this Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meet all applicable information quality guidelines. Although the information collected is not expected to be disseminated directly to the public, results may be used in scientific, management, technical or general informational publications. Should the Permits Division decide to disseminate the information, it will be subject to the quality control measures and pre-dissemination review pursuant to Section 515 of Public Law 106-554.

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

The 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\(b\)\(3\)](#).