

# NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Date 08/19/2013

Department of Commerce  
National Oceanic and Atmospheric Administration

FOR CERTIFYING OFFICIAL: Simon Szykman

FOR CLEARANCE OFFICER: Jennifer Jessup

In accordance with the Paperwork Reduction Act, OMB has taken action on your request received 06/26/2013

ACTION REQUESTED: Revision of a currently approved collection

TYPE OF REVIEW REQUESTED: Regular

ICR REFERENCE NUMBER: 201304-0648-011

AGENCY ICR TRACKING NUMBER:

TITLE: Basic Requirements for Special Exemption Permits and Authorizations to Take, Import, and Export Marine Mammals, Threatened and Endangered Species, and for Maintaining a Captive

LIST OF INFORMATION COLLECTIONS: See next page

OMB ACTION: Approved without change

OMB CONTROL NUMBER: 0648-0084

The agency is required to display the OMB Control Number and inform respondents of its legal significance in accordance with 5 CFR 1320.5(b).

EXPIRATION DATE: 08/31/2016

DISCONTINUE DATE:

BURDEN:	RESPONSES	HOURS	COSTS
Previous	939	7,716	2,000
New	971	7,730	2,000
Difference			
Change due to New Statute	0	0	0
Change due to Agency Discretion	38	838	81
Change due to Agency Adjustment	-6	-824	-81
Change due to PRA Violation	0	0	0

TERMS OF CLEARANCE:

OMB Authorizing Official: Dominic J. Mancini  
Acting Deputy Administrator,  
Office Of Information And Regulatory Affairs

List of ICs			
IC Title	Form No.	Form Name	CFR Citation
Permit and Authorization Applications	NA, NA	General authorization permit application, Research and enhancement permit application	50 CFR 216 Subpart D
Amendments to existing permits and authorizations			
Reports to existing permits and authorizations and for public display inventory	NA, NOAA 89-880	Marine mammal data sheet, Person/Holder Facility Sheet	
Recordkeeping associated with Reports to existing permits and authorizations and for public display inventory			50 CFR 216.38
Retain or transfer rehabilitated animals	NA	Marine mammal transfer/transport notification	50 CFR 216.38

# PAPERWORK REDUCTION ACT SUBMISSION

**Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the supporting statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.**

1. Agency/Subagency originating request	2. OMB control number <span style="float: right;">b. <input type="checkbox"/> None</span> a. _____ - _____
3. Type of information collection ( <i>check one</i> ) a. <input type="checkbox"/> New Collection b. <input type="checkbox"/> Revision of a currently approved collection c. <input type="checkbox"/> Extension of a currently approved collection d. <input type="checkbox"/> Reinstatement, without change, of a previously approved collection for which approval has expired e. <input type="checkbox"/> Reinstatement, with change, of a previously approved collection for which approval has expired f. <input type="checkbox"/> Existing collection in use without an OMB control number For b-f, note Item A2 of Supporting Statement instructions	4. Type of review requested ( <i>check one</i> ) a. <input type="checkbox"/> Regular submission b. <input type="checkbox"/> Emergency - Approval requested by _____ / _____ / _____ c. <input type="checkbox"/> Delegated
7. Title	5. Small entities Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input type="checkbox"/> No
8. Agency form number(s) ( <i>if applicable</i> )	6. Requested expiration date a. <input type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other Specify: _____ / _____
9. Keywords	
10. Abstract	
11. Affected public ( <i>Mark primary with "P" and all others that apply with "x"</i> ) a. ___ Individuals or households d. ___ Farms b. ___ Business or other for-profit e. ___ Federal Government c. ___ Not-for-profit institutions f. ___ State, Local or Tribal Government	12. Obligation to respond ( <i>check one</i> ) a. <input type="checkbox"/> Voluntary b. <input type="checkbox"/> Required to obtain or retain benefits c. <input type="checkbox"/> Mandatory
13. Annual recordkeeping and reporting burden a. Number of respondents _____ b. Total annual responses _____ 1. Percentage of these responses collected electronically _____ % c. Total annual hours requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____	14. Annual reporting and recordkeeping cost burden ( <i>in thousands of dollars</i> ) a. Total annualized capital/startup costs _____ b. Total annual costs (O&M) _____ c. Total annualized cost requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____
15. Purpose of information collection ( <i>Mark primary with "P" and all others that apply with "X"</i> ) a. ___ Application for benefits e. ___ Program planning or management b. ___ Program evaluation f. ___ Research c. ___ General purpose statistics g. ___ Regulatory or compliance d. ___ Audit	16. Frequency of recordkeeping or reporting ( <i>check all that apply</i> ) a. <input type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure c. <input type="checkbox"/> Reporting 1. <input type="checkbox"/> On occasion 2. <input type="checkbox"/> Weekly 3. <input type="checkbox"/> Monthly 4. <input type="checkbox"/> Quarterly 5. <input type="checkbox"/> Semi-annually 6. <input type="checkbox"/> Annually 7. <input type="checkbox"/> Biennially 8. <input type="checkbox"/> Other (describe) _____
17. Statistical methods Does this information collection employ statistical methods <input type="checkbox"/> Yes <input type="checkbox"/> No	18. Agency Contact (person who can best answer questions regarding the content of this submission)  Name: _____ Phone: _____

## 19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9

**NOTE:** The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It used plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention period for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):
  - (i) Why the information is being collected;
  - (ii) Use of information;
  - (iii) Burden estimate;
  - (iv) Nature of response (voluntary, required for a benefit, mandatory);
  - (v) Nature and extent of confidentiality; and
  - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of instructions);
- (i) It uses effective and efficient statistical survey methodology; and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of the provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee

Date

Agency Certification (signature of Assistant Administrator, Deputy Assistant Administrator, Line Office Chief Information Officer, head of MB staff for L.O.s, or of the Director of a Program or StaffOffice)

Signature

Date

Signature of NOAA Clearance Officer

Signature

Date

**SUPPORTING STATEMENT  
BASIC REQUIREMENTS FOR SPECIAL EXCEPTION  
PERMITS AND AUTHORIZATIONS TO TAKE, IMPORT AND EXPORT  
MARINE MAMMALS AND ENDANGERED AND THREATENED SPECIES  
AND FOR MAINTAINING A CAPTIVE MARINE MAMMAL INVENTORY  
UNDER THE MARINE MAMMAL PROTECTION ACT, THE FUR SEAL ACT,  
AND THE ENDANGERED SPECIES ACT  
OMB CONTROL NO. 0648-0084**

**A. JUSTIFICATION**

**1. Explain the circumstances that make the collection of information necessary.**

The National Marine Fisheries Service (NMFS) Office of Protected Resources Permits and Conservation Division (Permits Division) has the responsibility for processing permits for the taking of marine mammals under the [Marine Mammal Protection Act](#) and endangered and threatened species under the [Endangered Species Act](#). 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 sea turtles (in water), white abalone, black abalone, smalltooth sawfish, largetooth sawfish, shortnose sturgeon, and Atlantic sturgeon. This information collection excludes permits for taking salmonids and other Pacific fish species, which are processed in the NMFS Regional Offices under a separate information collection.

This request is for a revision and extension of a currently approved information collection. The currently approved application and reporting requirements are being revised to include submission of Letters of Intent under the General Authorization via the existing online application system, Authorizations and Permits for Protected Species (APPS). Respondents can currently only apply for scientific research and enhancement permits using APPS. This revision also includes adding Atlantic sturgeon and largetooth sawfish. NMFS listed Atlantic sturgeon as endangered or threatened under the ESA on April 6, 2012 (77 FR 5914 and 77 FR 5580). Largetooth sawfish, which live outside of U.S. waters, were listed as endangered on August 11, 2011 (76 FR 40822). ESA Section 10 permits are required for taking or importing these ESA-listed species for scientific research or enhancement purposes. Other minor revisions include updating contact phone numbers and other minor editorial clarifications based on staff review of the instructions.

This information collection includes instructions for applying for the following:

- (1) Scientific research and enhancement permits;
- (2) Letters of intent for the General Authorization;
- (3) Photography permits; and
- (4) Public display permits.

The information collection also includes marine mammal public display inventory forms (Mammal Transfer/Transport Notification, Marine Mammal Data Sheet, and Person/Holder/Facility Sheet).

The collection instruments with justification of the information collection requirements for each instrument are included.

The Marine Mammal Protection Act (16 U.S.C. 1361 *et seq.*; MMPA), the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*; ESA), and the [Fur Seal Act of 1966](#) (16 U.S.C. 1151 *et seq.*; FSA), hereafter referenced collectively as "the Acts," mandate the protection and conservation and prohibit the taking, importation, and export of marine mammal and endangered and threatened species or their parts or products except under certain limited circumstances.

Exemptions for scientific research and enhancement (marine mammals and threatened and endangered species), and educational or commercial photography and public display (non-listed marine mammals) are allowed, provided permits are applied for and received, or other necessary authorizations are obtained.

The 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. 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", for purposes of *bona fide* scientific research.

Persons interested in conducting Level B harassment for scientific purposes 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) under the General Authorization. As part of this revision, we will be making the General Authorization application available on our online system, Authorizations and Permits for Protected Species (APPS; <https://apps.nmfs.noaa.gov/>).

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 similar to that required for the General Authorization because the type of takes 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.

Further, Section 104(c)(10) of the MMPA, as amended, directs the Secretary to establish and maintain an inventory of captive marine mammals consisting only of the information specified in Section 104(c)(10)(A-H). In addition to the Section 104 provisions, Section 402(b) states that the Secretary shall "...collect and update, periodically, existing information on..." marine mammal rehabilitation procedures and practices.

Permits are required for captures from the wild, first time imports, and for retaining a releasable stranded animal 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.

The regulations at [50 CFR part 216, subpart D](#) [published May 10, 1996 (61 FR 21926)] consolidate permitting and authorization requirements under the MMPA and ESA for marine mammals. The ESA regulations at [50 CFR 222.308](#) specify that "Permits for marine mammals shall be issued in accordance with part 216, subpart D of this chapter."

The regulations at 50 CFR 216 provide procedures for the disposition of rehabilitated stranded marine mammals under special exception permits, marine mammal research and enhancement permits (including ESA-listed marine mammals), disposition of marine mammal parts, letters of intent under the General Authorization, and reporting requirements.

The 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 also 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, except under permit, importation, taking, possessing or selling any endangered species of fish or wildlife. In accordance with section 10(a)(1)(A) the Secretary may permit, under such terms and conditions as he/she 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) permit application procedures so that 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 222. The regulations contain information collections for applications for scientific research and enhancement permits and reporting requirements for permits.

When endangered species are involved, the Permits Division is required to consult with the NMFS Endangered Species 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 in hopes to eliminate the need to ask applicants for additional information during the consultation process and reduce the overall processing time for permits involving ESA-listed species.

#### Additional ESA-listed species

Five distinct population segments of Atlantic sturgeon were listed as threatened or endangered under the ESA on April 6, 2012 (77 FR 5914 and 77 FR 5580). As ESA section 10 permits are required for any research or enhancement activities with Atlantic sturgeon, researchers who study Atlantic sturgeon are now required to use the scientific research and enhancement permit application instructions to apply for a permit to conduct their work. We are thus including this species to the list of species for which our scientific research and enhancement permit application instructions apply. In 2011, we received 12 permit applications and 2 major amendment applications for research on Atlantic sturgeon.

Largetooth sawfish, which live outside of U.S. waters, were listed as endangered on August 11, 2011 (76 FR 40822). An ESA permit is required for importing largetooth sawfish for research or enhancement purposes. To date we have not received any applications to import largetooth sawfish.

A number of coral species have been proposed to be listed or reclassified under the ESA by NMFS (77 FR 73220). If such listings take effect, the scientific research and enhancement application instructions may be revised to clarify information pertaining to taking ESA-listed coral species. Revisions to the instructions for applying for scientific research and enhancement permits pertaining to corals would occur when and if a final listing rule is published.

The 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 issuance of Letters of Confirmation to work under the General Authorization and some scientific research permits may be categorically excluded from the requirements to prepare extensive environmental analyses, under certain circumstances (e.g., if the activity is highly controversial) 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.

The scientific research and enhancement permit application instructions include questions pertaining to NEPA to facilitate complete applications and reduce the processing time for permits requiring more extensive NEPA analyses.

Summary – An applicant who wishes to obtain an exemption to the take prohibitions of the Acts for activities on marine mammals and listed species must provide justification as to why NMFS should grant them a permit or Letter of Confirmation consistent with the provisions of the Acts and implementing regulations. NMFS needs the information provided in the application in order to make an informed decision on whether to grant or deny the permit or Letter of Confirmation. This includes determining whether the taking, import, or export is necessary, humane, will not operate to the disadvantage of the species, and is consistent with the purposes and policies of the Acts and implementing regulations.

Taking, importing, or exporting without a permit or authorization is a violation of the Acts and subject to prosecution.

Public display inventory reports allow NMFS to meet a Congressional mandate and make information available to the general public regarding marine mammals in captivity, which are considered a public trust resource.

**2. Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with all applicable Information Quality Guidelines.**

The Director, Office of Protected Resources, NMFS will use the information to determine whether the proposed taking, import, or export meets the goals and objectives of the Acts and regulations and as a basis for deciding whether to issue or deny a permits or authorization. If certain information required by the Acts and regulations is not provided, NMFS cannot complete a review of the application and the application processing is suspended. For marine mammals, the MMPA also requires that the Marine Mammal Commission review all permit applications.

The information in applications for scientific research and enhancement permits, including the General Authorization for Scientific Research, is submitted and reviewed once unless the submission is inadequate, in which case the application is returned. Unless an amendment of the permit is necessary, the applicant need not submit new information. As permits are valid for up to 5 years, a less frequent collection of information is not appropriate for these applications.

Holders of marine mammals on public display submit reports when they wish to transport or relinquish custody of animals, export animals, and when an animal gives birth or dies in captivity. They must also provide 15 day notification of transfers and transports, and 30 day notification of births and deaths. The marine mammal inventory reports are mandated by Congress and are used to keep track of the captive marine mammals in public display facilities.

Reports required annually by MMPA permits (50 CFR 216.38 of the regulations and §104(c)(1) of the MMPA) are used by NMFS to ensure that the terms and conditions of the permit are being complied with, to evaluate the potential impacts of research activities on marine mammals, and to coordinate permit activities to ensure that unnecessarily duplicative and potentially cumulative harassments are kept to a minimum.

Reports required by the ESA permits [50 CFR 222.308(d)(5)) and section 10(a)(2)(C)] are also used by NMFS to ensure that the terms and conditions of the permit are being complied with and that the taking of the affected species is not appreciably reducing the likelihood of the survival and recovery of the species.

The information collected is available to the public under the Freedom of Information Act (all permit applications and inventory forms) and on-line through the Authorizations and Permits for Protected Species (APPS) database (<https://apps.nmfs.noaa.gov/>) for permits, and now includes General Authorizations.

The information may be used to support publicly disseminated information. As explained in the preceding paragraphs, the information gathered has utility. NMFS 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. Prior to dissemination, the information will be subjected to quality control measures and a pre-dissemination review pursuant to [Section 515 of Public Law 106-554](#).

**3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.**

All permit and General Authorization applications are available on the internet as PDF or Word documents (at <http://www.nmfs.noaa.gov/pr/permits/>), and applications can be emailed, faxed, or mailed to applicants if requested. Applications for scientific research and enhancement permits are available via the on-line system, APPS, found at <https://apps.nmfs.noaa.gov/>. The intent of the APPS on-line system is to provide a user-friendly and efficient electronic format for the

public to apply for MMPA/ESA scientific research and enhancement permits for protected species, as an alternative to our paper application. The system has now been expanded to include the General Authorization. Applicants are able to submit these applications and reports electronically via APPS, thus reducing the need to submit paper applications.

Applicants, therefore, can submit paper or electronic permit and authorization application materials and reports depending on their preference. It is required by the regulations [50 CFR 216.33 (a) and 222.308 (b)(13)] that the application be signed, and a signature must be on file (faxed or mailed in) for both paper and on-line submissions. In the next 2-3 years, depending on funding availability, photography and public display permits will also be available as on-line applications in APPS.

Paper files and 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 externally to NMFS and other reviewers during the permit process. During application processing, NMFS corresponds electronically with the applicant as much as possible and automated e-mails are generated by APPS and sent to remind permit holders of when reports are due and when permits expire.

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. Or, the public can search and view publicly-available scientific research applications online via APPS.

Public display inventory materials and reports are paper forms that are received primarily by fax, or by mail, and are entered into an electronic database (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 PDF forms on the Office of Protected Resources website at <http://www.nmfs.noaa.gov/pr/permits/inventory.htm>. Information on the submitted forms is entered into the NIMM electronic inventory database.

The NIMM database tracks all NMFS regulated marine mammals held in captive facilities within the U.S. and also includes foreign facilities where U.S. source marine mammals are exported. NIMM is a web-based program that replaced the previous DOS-based inventory system (Permit Program Information Management System, PPIMS) in September 2012. NIMM currently produces two types of reports: (1) a summary of marine mammals which indicates the current holding facility or the facility where the animal died, and (2) data sheets that reflect the history of any particular animal's movements. These reports are currently available via hard copy or can be electronically transmitted in the form of a PDF file. Inventory data is frequently requested by the public and made available under the Freedom of Information Act. NMFS intends to convert the NIMM system to a publicly accessible website where marine mammal inventory information can be accessed directly by marine mammal holders and the general public. The development of this

is contingent upon funding; there is no contract in place at this time and no established timeline for converting the NIMM system to a public website.

NMFS no longer has a Cooperative Agreement with the private entity, the International Species Information System (ISIS), and marine mammal inventory information is no longer shared between NMFS and ISIS as had been done in the past. The cooperative agreement was dependent on the development of a new zoological database, which would have incorporated NMFS needs into the development. Timing and finances prevented this cooperative agreement from moving forward. Holders of marine mammals in captivity may choose to use ISIS as part of their record keeping, but it is a separate database from NIMM and is not a requirement.

#### **4. Describe efforts to identify duplication.**

There is no overlap or duplication for MMPA actions under the ESA or FSA because a single application and permit covers all requirements of these Acts. The Permits Division also includes non-mammal ESA-listed species into the scientific research and enhancement permit application to better streamline processing efforts.

To avoid duplication with requirements under the ESA for section 7 consultations and requirements under the National Environmental Policy Act, these instructions include information requirements for these statutes as applicable so that duplicative information will not be required during the permit process.

NMFS has not identified instances where duplicative information is required for stranded marine mammal placement disposition. This information is coordinated with NMFS Regional Offices as required by regulation (50 CFR 216.27).

Some duplication has been identified with the public display inventory, NIMM, and the private company, ISIS, as mentioned above in Question 3. However, any duplicative reporting is voluntary on the part of the marine mammal holders, as they are not required to report to ISIS and ISIS is not a federal agency mandated to collect inventory information.

NMFS and the U.S. Fish and Wildlife Service (USFWS), a bureau of the Department of the Interior, share responsibilities under the MMPA and ESA for certain species (e.g., marine mammals). The USFWS has jurisdiction over walrus, polar bears, sea otters, dugongs, and manatee. NMFS has jurisdiction over cetaceans and pinnipeds except walrus. If an applicant wishes to work with species under both NMFS and USFWS jurisdictions, they must secure permits from both agencies. The USFWS requests similar information but has a different application process (<http://www.fws.gov/permits/>). Prior to launching our online application system, APPS, NMFS and the USFWS processed joint permits for applicants seeking to conduct work with species under both agencies' jurisdictions. The USFWS was not able to provide funding to program APPS to include their species; thus, we no longer process joint permits with USFWS.

For applicants importing or exporting species or parts, two applications may be required, one for the MMPA/ESA permit, and one for the Convention on International Trade of Endangered

Species of Flora and Fauna (CITES). Some duplication is unavoidable because the USFWS issues CITES permits for all CITES-listed plants and wildlife.

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

There should not be a significant burden to small businesses or other small entities. The information is submitted one time for each permit, unless the applicant requests a modification or amendment to the permit. Permits are typically issued for up to 5 years to provide continuity in research and avoid the need to apply for a permit each year. Permit reports are required annually, except under special circumstances (e.g., exceeding authorized take). Applicants are requested to provide only that information required by the Acts and implementing regulations as described in the applications. Information requests for holders of marine mammals on public display are short forms and do not require much time to complete.

Because the majority of permit applicants and holders of marine mammals use computers in the conduct of their research and administration of their public display activities, NMFS has developed APPS, an online application system, to simplify information collection processes as described above in Question 3.

**6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.**

Without a permit application which follows the statutory and regulatory requirements, NMFS cannot legally grant such permits. 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 in making 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 the [National Environmental Policy Act](#).

Transfers, transports, exports, birth, and deaths of marine mammals in public display facilities must be reported within a statutory timeframe. If the information is not provided, the public would not have access to information on the status of animals in captivity, which are considered a public trust resource.

**7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.**

The collection is consistent with OMB guidelines except for the following:

- A notification report must be provided at least 15 days in advance of a proposed transport, transfer, or export of public display marine mammals, which is a statutory requirement imposed by Congress.

- Section 216.45 of the MMPA implementing regulations requires General Authorization Letter of Confirmation holders to notify the Regional Administrator (RA) at least two weeks in advance of starting the research to allow the RA to coordinate activities with others researchers that may be working in the area. The coordination of research decreases the impact of multiple activities on the marine species. The General Authorization does not provide an exemption from the ESA prohibitions. 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.
- Permits for research and enhancement have similar reporting requirements to allow for NMFS Regional coordination of activities to minimize impacts to the species or stocks. In some cases for permit reports involving significant events taking place (e.g., 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 typically within two days to two weeks after the event, to allow for quick response by NMFS and the Permit Holder to incidents with a significant impact on protected and listed species and that were not authorized by the permit and therefore not anticipated.

**8. Provide information on the PRA Federal Register Notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.**

A Federal Register Notice, published on January 18, 2013 (78 FR 4127), solicited public comment. NMFS received one comment from the Marine Mammal Commission in support of the information collection. No other comments were received.

NMFS receives input regularly from the scientific research and public display community, and other interested parties, on the availability of data, frequency of collection, clarity of instructions and record keeping, the amount of burden imposed, and ways to minimize burden. Such information exchanges occur via phone and email from permit applicants/holders, and during meetings such as the Biennial Conference on Marine Mammals, the American Zoo Registrars' annual meetings, the American Zoological Association's annual meetings, and other national and international protected species meetings and workshops.

Prior to the public launch of our online system, APPS, which occurred in October 2008, we asked a group of current permit holders to test the system and provide feedback. These beta testers were recruited at various professional meetings and conferences throughout the year. We used their responses to improve APPS and the online application instructions including such items as improving online navigation and increasing the number of characters allowed for fillable fields. Other comments received after going live with APPS led to improving the "search" page to give the public more options to search for permits (e.g., by species and

location). In some cases we are not able to address comments received. For example, we have received comments that the take table format is difficult to use and should be changed to allow users to freeze panes when scrolling through the table. This was not something that could be programmed within the APPS system.

Most recently, one researcher commented that the estimate for completing the scientific research and enhancement permit applications (average of 50 hours) is low. However, this comment came from a person working with endangered marine mammals. We explained that the burden estimate includes the average time for completing applications for both ESA-listed and non-listed species. Applications for ESA listed species do take longer because more information is required; but when averaged with non-listed species that require less information, the burden estimate is lowered.

We have informed applicants that once they have applied using our online system, the next time they apply for a 5-year permit they have the ability to copy their application online, thus reducing the time to apply for subsequent permits.

**9. Explain any decisions to provide payments or gifts 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 assurance in statute, regulation, or agency policy.**

No assurance of confidentiality is given. A notice of receipt of permit applications is required to be published in the Federal Register and applications and supporting documentation are available for review by the public during processing and during the life of the permit. The public is able to search on-line via APPS and obtain information available to the public in an electronic format. All permit and authorization documentation including reports and the MMIRS is subject to the Freedom of Information Act (FOIA). However, any personal information that is subject to the Privacy Act is redacted when released under FOIA. The information in this collection is part of a Privacy Act System of Records, COMMERCE/NOAA #12, Marine Mammals, Endangered and Threatened Species, Permits and Exemptions Applicants.

**11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.**

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

**12. Provide an estimate in hours of the burden of the collection of information.**

Estimated total of responses, 971, and annual hours, 7,730.

Total number of respondents – 536.

- 61 Applicants for new permits and General Authorizations
- 210 Permit holders
- 35 General Authorization holders
- 215 Holders of public display marine mammals
- 15 Rehabilitation facilities

Type of information	Estimated number per year	Hours to complete	Total hours per year
<b>Permit and authorization applications (requiring environmental analyses under NEPA, MMPA and/or ESA)</b>			
Scientific research and/or enhancement (SR/EN)	45	50	2,250
Public display (PD)	3	30	90
Photography (PH)	3	10	30
General Authorization (GA)	10	10	100
<b>Amendments to existing permits and authorizations</b>			
Major (actions requiring environmental analyses under NEPA and/or ESA or a public comment period)	30	35	1,050
Minor/Authorizations (Actions not requiring environmental review or a public comment period)	125	3	375
GA changes	15	3	45
<b>Reports to existing permits and authorizations and for public display inventory</b>			
SR/EN	210	12	2,520
PD	5	2	10
PH	5 (10)	2	10
GA	35	8	280
PD Inventory	215 (2)	2	430
<b>Record Keeping</b>			
SR/EN	210	2	420
PD	5	2	10
PH	5	2	10
GA	35	2	70
<b>Retain or transfer rehabilitated animals</b>	15	2	30
<b>TOTAL</b>	971		7,730

All permit and authorization applications require environmental analyses under NEPA. Marine mammal permits require analyses under the MMPA, and many marine mammals and other species require additional analyses under the ESA. These analyses require ample time to complete. Of the different types of permits and authorizations, scientific research and enhancement (SR/EN) permits are the most complex and often involve multiple species and procedures.

**13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in Question 12 above).**

The total annual operations and maintenance cost burden is estimated at \$2,000, the same cost as currently approved. These costs were estimated from discussions with NMFS staff who receive applications and process permits. The estimates include costs for postage at \$0.46 (increased from \$0.42), overnight express service deliveries at approximately \$40 per package (increased from \$35), and certified or express postal deliveries estimated at \$30 per package (increased from \$25). Applicants are now able to apply on-line and thus we have

fewer applicants mailing applications. Therefore, while estimated mailing costs have gone up, our overall cost burden estimate has not increased.

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). To publish research results or to justify research funding, a permit holder must maintain detailed records. Holders of marine mammals on public display are required to maintain inventory records for all animals in their collections. Therefore, we are not aware of any additional costs incurred by holders associated with this information collection.

**14. Provide estimates of annualized cost to the Federal government.**

The estimated annual cost to the Federal Government is \$415,000 calculated at \$40 per hour, as follows:

Type of Action	Estimated number per year	Processing Time (per action)	Total cost per year in \$
<b>Permit and authorization applications</b>			
SREN Permit Applications	45	120	216,000
PD Permit Applications	3	80	9,600
Photography Permit Applications	3	40	4,800
General Authorization (GA)	10	30	12,000
<b>Amendments to existing permits and authorizations</b>			
Major	30	80	96,000
Minor/Authorizations	125	5	25,000
GA changes	5	5	1,000
<b>Reports to existing permits and authorizations and for public display inventory</b>			
SR/EN	210	4	33,600
PD	5	2	400
PH	5	2	400
GA	35	2	2,800
PD Inventory	215	1	8,600
<b>Retain or transfer rehabilitated animals</b>	15	8	4,800
<b>Estimated total cost</b>			415,000

The estimated annual number of permit applications and modification requests and total number of facilities holding marine mammals and Permit Holders have been adjusted as listed in Question 12 above and described in Question 15 below.

**15. Explain the reasons for any program changes or adjustments.**

**Program Changes:**

Regarding the two added species: we received approximately 12 SR/EN permit applications, 12 related reports, 12 recordkeeping responses, and 2 major amendment applications, for research on Atlantic sturgeon. No applications were received to import longtooth sawfish. Total added hours were 600 for new applications, 144 hours for SR/EN reporting, 24 for recordkeeping and 70 in major amendments (adding Atlantic sturgeon requests to currently held permits).

Total added responses: 38; hours, 838.

## **Adjustments:**

SR/EN Permits – There was a decrease from 35 to 33 scientific research and enhancement permit applications per year, with 2 fewer reports and 2 fewer recordkeeping responses, with related decreases of 100 hours for permits, 24 hours for reporting and 4 hours for recordkeeping : this estimate resulted from averaging the number of permit applications received over the past three years. We do not anticipate large increases or decreases in the number of applications received each year, as permits are valid for a 5-year period. The number of permits expiring and the number of new applications received are usually similar in number each year. (-6; -128)

Holder/Marine Mammals – Increase from 213 to 215 Holders and PD inventories, with a related increase of 4 hours in reporting: there was a slight increase in the number of facilities holding marine mammals for public display purposes. There is no related permit application burden; PD facilities are not required to apply for permits. That is only if they are importing marine mammals for PD, which not all facilities do. (2; 4)

Amendments to Existing Permits and Authorizations: There was a decrease in the average number of major amendments received annually (from 50 to 28, with 770 fewer hours), an increase in the average number of minor amendments received annually (from 105 to 125, with 60 additional hours), and an increase in the number of GA changes received annually (from 5 to 15, with 30 additional hours). (8; -680)

Photography permit reporting and recordkeeping responses each decreased from 10 to 5, with a decrease of 20 hours total. (-10;-20)

Total net adjustments: Six fewer responses and 824 fewer hours.

## **16. For collections whose results will be published, outline the plans for tabulation and publication.**

Permit-related activities are summarized and published in The Marine Mammal Commission Annual Report to Congress the subsequent year after permits have been issued. This report is a general summary of the number of applications received and the number of permits and authorizations issued. This report is available on the Commission's web site (<http://www.mmc.gov/>), which in turn is available on the Office of Protected Resources' web site (<http://www.nmfs.noaa.gov/pr/>). A hard copy of the Marine Mammal Inventory Report Summary is available to the public at any time, upon request. Currently there are no other plans for publication of the information collected.

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

Not Applicable.

**18. Explain each exception to the certification statement.**

Not Applicable.

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

The information collection does not employ statistical methods.



**MARINE MAMMAL NOTIFICATION (Continued)**

**VI. CERTIFICATION**

I hereby certify that this notice and any attached supplemental information is complete, true and correct to the best of my knowledge and belief. I understand that this information is submitted in compliance with the Marine Mammal Protection Act of 1972 (MMPA) (16 U.S.C. 1361 *et seq.*), and regulations (50 CFR Part 216), and that any false statement may subject me to the criminal penalties of 18 U.S.C. 1001 or to penalties provided under the MMPA of 1972, as amended.

**HOLDER:**

**RECEIVING**

**FACILITY:**

\_\_\_\_\_  
Signature of Responsible Person

\_\_\_\_\_  
Signature of Responsible Person

\_\_\_\_\_  
Name of Responsible Person<sup>7</sup>

\_\_\_\_\_  
Name of Responsible Person<sup>7</sup>

\_\_\_\_\_  
Title

\_\_\_\_\_  
Title

\_\_\_\_\_  
Facility Name/Company

\_\_\_\_\_  
Facility Name/Company

\_\_\_\_\_  
Street Address

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Street Address

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Mailing Address, if different

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Mailing Address, if different

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City/State/Zip Code

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City/State/Zip Code

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Phone Number

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Phone Number

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FAX Number (optional)

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FAX Number (optional)

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Email Address (optional)

\_\_\_\_\_  
Email Address (optional)

\_\_\_\_\_  
Primary Contact (if other than Responsible Person)

\_\_\_\_\_  
Primary Contact (if other than Responsible Person)

**VII. PLEASE SUBMIT THIS NOTIFICATION AND ANY SUPPLEMENTAL INFORMATION TO:**

Permits, Conservation and Education Division - F/PR1  
Marine Mammal Inventory  
Office of Protected Resources  
National Marine Fisheries Service  
1315 East West Highway, Room 13705  
Silver Spring, MD 20910

**OR**

By Facsimile to (301) 713-0376

PLEASE NOTE: NOTIFICATIONS must be **received at least 15 days before** the date of transfer/transport.

Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, search existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information to complete this form. Send comments regarding this burden estimate or any other aspect of this collection of information to the Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910. Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless the collection of information displays a currently valid Office of Management and Budget (OMB) Control Number.

## NOTES

The Marine Mammal Protection Act of 1972, as amended (MMPA) (16 U.S.C. 1361 *et seq.*) requires that the National Marine Fisheries Service (NMFS) be given advance notification 15 days prior to the transfer/transport of most marine mammals (cetaceans and pinnipeds, except for walrus), and that the U.S. Fish and Wildlife Service (FWS) be given 15 days' advance notification of any walrus, polar bear, manatee sp., dugong, marine otter or sea otter. To ensure compliance with MMPA requirements, NMFS recommends persons transferring/transporting marine mammals submit this notification in the attached format (i.e., Marine Mammal Transfer/Transport Notification (MMTTN)). The NMFS receipt date is the start date of the required 15 days notification. NMFS will accept a transfer/transport notification by facsimile ONLY IF: (a) the facsimile transmitted is complete, signed and in the attached format; and (b) the original is forwarded to NMFS by express mail and received within three working days. If the marine mammals are listed as endangered or threatened under the Endangered Species Act of 1973 (ESA) (16 U.S.C. 1531 *et seq.*) or subject to the Convention on International Trade in Endangered Species (CITES), permit and other requirements of the ESA and CITES must be met.

Persons exporting marine mammals must comply with the EXPORT requirements described on the back of this page. Permits are required for the IMPORTATION of marine mammals, for their CAPTURE from the wild, or for the RETENTION of rehabilitated beached and stranded marine mammals that have been determined releasable (i.e., in lieu of the release and re-capture of such marine mammals under a capture permit, a permit must be issued for their retention.) Permits are also required to obtain marine mammals for scientific research or enhancement purposes from captive stock, whether by transfer from another person/facility or by retention of non-releasable rehabilitated beached and stranded stock. Written authorization (not a permit) from NMFS is required to retain or obtain for public display purposes rehabilitated beached and stranded stock determined non-releasable (i.e., this required authorization is in addition to the 15 days' advance notification required for any transfer/transport). Requests for authorization to obtain or retain such marine mammals must be submitted to NMFS after the determination is made that release to the wild is not feasible and at least 15 days' before their transfer/transport or use for public display purposes.

A notice of receipt of permit applications is required by statute to be published in the *Federal Register* and applications and supporting documentation are available for review by the public at every stage of processing and during the life of the permit. The provisions at 50 CFR 216.33 implement these statutory requirements, and are referenced in and attached to the Application Instructions. All permit documentation including reports and the information required herein, is subject to the Freedom of Information Act (FOIA) with personal or sensitive information that is subject to the Privacy Act redacted when released under FOIA.

1. This is a planned or target date ONLY. Where a specific target date cannot be identified, a period of up to seven days may be identified instead (e.g., 1/4 - 1/11). Actual transfer/transport may occur on a different date but may not occur until at least 15 days following NMFS receipt of the transfer/transport notification.
2. "Holder" means a person (i.e., any individual or public or private entity) with permanent custody of the marine mammal to be transferred/transported. All marine mammal transports between facilities/location require notification regardless of whether such facilities are owned, operated or otherwise controlled by the same or different persons, or whether the transfer/transport is temporary or permanent.
3. The name of the holder/receiving holder need not be the same as the facility. The holder/receiving holder may be a person or corporate entity that owns/operates several facilities; or the holder/receiving holder may hold marine mammals in multiple facilities. In any case, and particularly in circumstances where the name of the holder/receiving holder is different from the facility, NMFS requests that the facility be identified.
4. "Receiving Holder/Receiving Facility" means a person (i.e., any individual or public or private entity) that is receiving the marine mammals to be transferred/transported. The receiving facility who obtains marine mammals for public display purposes must meet the three requirements of Section IV, including maintaining (i.e., owning, leasing or otherwise controlling) facilities at the receiving location for the public display of marine mammals.
5. Standards for education and conservation programs developed and endorsed by the American Association of Zoos and Aquariums (AZA) and the Alliance of Marine Mammal Parks and Aquariums (Alliance), representing approximately 60% of the U.S. marine mammal public display community, were published in the *Federal Register* on October 6, 1994 (59 FR 50900). Please call the Permits, Conservation and Education Division at the number below or write to the address listed in Section VI, if you would like a copy of this notice. If applicable, the AZA/Alliance standards may be referenced as the standards on which your education or conservation program is based by simply checking the applicable "box." However, please note that while these professionally recognized standards have been provided by the AZA and Alliance, they represent only two examples of such standards. Other professionally recognized standards of the public display community may differ from these examples. If your education or conservation program is based upon different professionally recognized standards of the public display community, please provide a copy of those standards. NMFS maintains a record of such standards for reference purposes only.
6. Please attach this documentation only if the standards or restriction on public access have changed or if your Exhibitor's License has changed or been renewed since your last submission of this information.
7. Principal Officer, Director, President or other person with responsibility for and authority to determine the disposition of the marine mammals involved.

**QUESTIONS?** If you need assistance in completing a Marine Mammal Transfer/Transport Notification, please contact the Permits, Conservation and Education Division at the address listed in Section VI or call us at (301) 427-8401.

## EXPORTS

Foreign persons/facilities receiving custody of marine mammals by EXPORT from the United States must meet standards that are comparable to those applicable to persons transporting and receiving custody of marine mammals in the United States for purposes of public display, scientific research or enhancement. This means, for example, that export for scientific research or enhancement purposes requires issuance of a permit under the Marine Mammal Protection Act (MMPA) (16 U.S.C. 1361 *et seq.*). However, marine mammals may be exported for public display purposes without an MMPA permit if either: the marine mammals to be exported are being held for public display purposes and the Holder and Receiving Holder/Facility submit a Marine Mammal Transfer/Transport Notification and comply with the export-specific requirements listed below; OR the marine mammals to be exported are being held for scientific research or enhancement purposes and NMFS authorizes the export of such marine mammals after the Holder and Receiving Holder/Facility comply with the export-specific requirements listed below. In the latter case, i.e., where marine mammals to be exported are being held for a purpose other than public display, NMFS may determine that a 30-day opportunity for public comment is necessary and, therefore, authorization must be requested at least 60 days in advance of such a proposed export.

Please note that the notification required for the export of marine mammals presently being held for public display must be accompanied or preceded by documentation meeting transfer/transport and export requirements, including a letter from the U.S. Department of Agriculture's Animal and Plant Health Inspection Service (APHIS) stating that the foreign facility concerned meets standards comparable to those applicable to U.S. licensees and registrants under the Animal Welfare Act (7 U.S.C. 2131 *et seq.*). Similarly, NMFS must receive an APHIS comparability determination before authorizing the export of marine mammals presently being held for purposes other than public display; i.e., marine mammals being held for scientific research or enhancement purposes or non-releasable marine mammals from rehabilitated beached and stranded stock. To make this MMPA-required comparable standards determination, the foreign Receiver must submit sufficient documentation to APHIS on which to base such a determination, or be inspected by an APHIS inspector or other person designated by APHIS at the expense of the importer or exporter. When documentation is submitted, the foreign government involved must certify its accuracy. Please contact Animal Care, APHIS, Riverdale, MD 20737 (301-734-7833) for guidance concerning documentation or inspection options.

Subsequent transfer/transport of exported marine mammals, or their progeny, between foreign holders of such marine mammals must adhere to the above requirements. Foreign transfer/transport notifications must be submitted to NMFS through the appropriate agency of the foreign government (e.g., the Convention on International Trade in Endangered Species (CITES) management authority). A Marine Mammal Transfer/Transport Notification must be submitted at least 15 days before the transfer/transport of exported marine mammals between facilities located in the same country. Before exported marine mammals are transported/exported to another foreign country, the Shipper and Receiver must submit a Marine Mammal Transfer/Transport Notification AND the government of the foreign Receiver must submit the certification statements listed below. Although an MMPA permit may not be required for public display exports, any person exporting or importing protected species, including marine mammals, must comply with other applicable U.S. law and may need to obtain a CITES permit. Information concerning CITES permit requirements is available from the Office of Management Authority, U.S. Fish and Wildlife Service, U.S. Department of the Interior, 4401 North Fairfax Drive, Room 420, Arlington, VA 22203 (703-358-2104).

In summary, to export marine mammals for purposes of public display:

The foreign Receiver must:

- (1) Offer an education or conservation program comparable to one that is based on professionally recognized standards of the U.S. public display community;
- (2) Meet standards comparable to the requirements that a person in the United States must meet to be registered or be issued a license under the Animal Welfare Act (7 U.S.C. 2131 *et seq.*); and
- (3) Maintain facilities for the public display of marine mammals that are open to the public on a regularly scheduled basis with access that is not limited or restricted other than by charging an admission fee.

**AND**

The appropriate agency of the foreign government (e.g., the Convention on International Trade in Endangered Species (CITES) management authority of the government) must submit a statement certifying that:

- (1) The information submitted concerning the foreign facility is accurate;
- (2) The laws and regulations of the government involved permit that government's enforcement of requirements equivalent to the requirements of the U.S. Marine Mammal Protection Act (MMPA) and Animal Welfare Act (AWA), and that government will enforce such requirements; and
- (3) If it is determined that the foreign facility involved has acted in a manner inconsistent with a requirement of the MMPA or the AWA that would be applicable if the foreign facility were a U.S. facility, the government concerned will afford comity to an enforcement decision that may be made by NMFS, including seizure or arrangements for other disposition of marine mammals exported from the United States and the progeny of such marine mammals and the recovery of expenses for such seizure or other disposition.

All three certification statements are required by NMFS to ensure compliance with MMPA requirements. APHIS requires only that the accuracy of the information be certified as a prerequisite for making a comparability determination.

# PERSON/HOLDER/FACILITY SHEET

PHF # \_\_\_\_\_ (NMFS use only)

OMB Control No. 0648-0084; Expiration Date: 06/30/2013

## I. Person/Holder/Facility - Specific

Active: \_\_\_\_\_

- Permit/GA Applicant     
  Permit/GA Holder     
  Animal Holder     
  Facility

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ Country: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-Mail: \_\_\_\_\_

## II. Responsible Official

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ Country: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-Mail: \_\_\_\_\_

## III. Primary Contact

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ Country: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-Mail: \_\_\_\_\_

# PERSON/HOLDER/FACILITY SHEET INSTRUCTIONS

NOAA FORM 89-880

OMB Control No. 0648-0084; Expiration Date: 06/30/2013

The Marine Mammal Protection Act of 1972, as amended (MMPA) (16 U.S.C. 1361 *et seq.*) requires that persons holding marine mammals submit certain information to the National Marine Fisheries Service (NMFS). Under the MMPA, NMFS is required to maintain an inventory of all marine mammals held for public display purposes and scientific research/enhancement (i.e., all marine mammals held captive except for those in captivity before December 21, 1972). In order to maintain the inventory, contact information for permit holders, facilities, and responsible individuals is needed by NMFS. In addition to receiving information about marine mammal inventories, NMFS also provides periodic updates back to the holders and facilities so that the inventories can be verified. Use of this form will ensure that MMPA-required information is submitted in a consistent manner, that the NMFS inventory of captive marine mammals is accurate and up-to-date, and that holders and facilities can verify their inventories.

1. Please read all of the instructions before filling out this form.
2. If you are receiving this form for the first time or if it is being sent to you for updating, please fill out the appropriate blank sections (I, II, and/or III) in red (if filling out by hand).
3. The **Responsible Official** is the individual who is responsible for and who has the signatory authority for marine mammal custody decisions. The **Primary Contact** is the registrar or other person responsible for maintaining the marine mammal inventory records at the facility. The **Responsible Official** and the **Primary Contact** can be the same person, but should be noted in both Sections II and III. Please mail this form to the address listed below.
4. All documentation required for this information collection is considered public information and as such, subject to the Freedom of Information Act (FOIA). No assurance of confidentiality is provided.

**QUESTIONS?** If you need assistance completing this form, please contact the Permits Division at (301-427-8401) or write to us at:

**Permits, Conservation and Education Division - F/PR1**  
**Office of Protected Resources**  
**National Marine Fisheries Service**  
**1315 East West Highway, Room 13705**  
**Silver Spring, MD 20910**

**Or by facsimile: (301) 713-0376**

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, search existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information to complete this form. Send comments regarding this burden estimate or any other aspect of this collection of information including suggestions for reducing this burden, to the Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910. Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless the collection of information displays a currently valid Office of Management and Budget (OMB) Control Number.

# MARINE MAMMAL DATA SHEET

Date \_\_\_\_\_  
SHT# \_\_\_\_\_

OMB No. 0648-0084, exp 6/30/13

HN: \_\_\_\_\_ SN: \_\_\_\_\_  
For NMFS Use Only

## I. Holder-Specific:

Holder: \_\_\_\_\_ Facility: \_\_\_\_\_  
Person or other Entity With Custody of the Marine Mammal Name of Facility (if different from Holder)

Date assumed custody: \_\_\_\_ - \_\_\_\_ - \_\_\_\_ Date arrived at Facility: \_\_\_\_ - \_\_\_\_ - \_\_\_\_

City/State/Zip (include Country for foreign facilities): \_\_\_\_\_  
Location of FacilityAnimal Identification No. \_\_\_\_\_ Animal Name: \_\_\_\_\_  
(assigned by holder) (assigned by holder)Captive Purpose(s):  Public display  Scientific research  Enhancement

## II. Animal-Specific:

Species: \_\_\_\_\_ Sex:  Male  Female  Unknown  
Common Name - Scientific Name

Population Name: \_\_\_\_\_

NOAA Identification No. \_\_\_\_\_ ( check here if unknown or not yet assigned)Date of birth: \_\_\_\_ - \_\_\_\_ - \_\_\_\_  Actual  EstimatedCaptive Origin (check only one):  Captive born  Wild capture  Beach/stranded  Unknown

Date of original captivity: \_\_\_\_ - \_\_\_\_ - \_\_\_\_ (ATTACH documentation if before December 21, 1972.)

## III. Source:

 Indicate how and from whom custody of this animal was obtained, including change in facility. Captive birth Transfer/ Transport Name of Previous Holder: \_\_\_\_\_  
Name of Previous Facility: \_\_\_\_\_ Import Permit No. \_\_\_\_\_ or  For medical treatment otherwise unavailable (16 U.S.C. 1379(h)(2)) Beach/Stranded (Please see notes) Wild Capture Permit No. \_\_\_\_\_ Collector: \_\_\_\_\_  
Location: \_\_\_\_\_  
Latitude/Longitude Geographical Name

## IV. Disposition:

 The date and reason this animal left your custody or changed facility. Transfer/ Transport Date: \_\_\_\_ - \_\_\_\_ - \_\_\_\_ Recipient: \_\_\_\_\_  
Facility: \_\_\_\_\_ Death Date: \_\_\_\_ - \_\_\_\_ - \_\_\_\_ Cause:  Premature/still birth  Euthanasia  OtherIf "Euthanasia," indicate reason:  life-threatening condition involving pain/suffering or  other

If "Other Cause," describe briefly: \_\_\_\_\_

 Release Date: \_\_\_\_ - \_\_\_\_ - \_\_\_\_ Permit No. \_\_\_\_\_ or  Unauthorized release/escape  
(reintroduction)Location: \_\_\_\_\_  
Geographic Location Tag number or description of other identifying markings

## Marine Mammal Data Sheet (MMDS)

NOAA FORM 89-882

OMB Control No. 0648-0084; Expiration Date: 06/30/2013

### NOTES:

The Marine Mammal Protection Act of 1972, as amended (MMPA) (16 U.S.C. 1361 *et seq.*) requires that persons holding marine mammals submit certain information to the National Marine Fisheries Service (NMFS). The MMPA requires that NMFS maintain an inventory of all marine mammals held for public display purposes and scientific research/enhancement (i.e., all marine mammals held captive except for those in captivity before December 21, 1972). In addition, the MMPA requires that NMFS be given advance notice 15 days prior to the transfer/transport of any marine mammal. To ensure compliance with these and related MMPA requirements, NMFS recommends that persons holding marine mammals in captivity use this *Marine Mammal Data Sheet* (MMDS) to submit inventory information regarding their captive marine mammals to NMFS. Use of this form will ensure that the MMPA required information is submitted in a consistent manner and that the NMFS marine mammal inventory is accurate and up-to-date.

*Marine Mammal Data Sheets* should be used when submitting information to NMFS in compliance with MMPA requirements applicable to persons holding marine mammals, including notifications of any additions/changes to your marine mammal inventory due to:

- Birth, Death, Transfer/Transport
- Retention or Transfer of Rehabilitated Beached and Stranded Marine Mammals (Authorization or Permit)
- Wild Capture, Import, Reintroduction to the Wild, including release or escape (Permit)
- Other (Corrections, etc.)

The animal-specific information in Section II will not change, whereas data in Sections I, III and/or IV will change with transfers/transports (changes of custody and/or facility/location). In accordance with MMPA requirements, NMFS requests notification of any change in custody or facility/location, including captive births and deaths. A copy of the Marine Mammal Inventory Report Summary (MMIRS) may be provided periodically and may be requested at any time by contacting the Permits, Conservation and Education Division at the address listed below.

All permit documentation including reports and inventory information required herein, is subject to the Freedom of Information Act (FOIA) with personal or sensitive information that is subject to the Privacy Act redacted when released under FOIA.

### Marine Mammal Transfer/Transport Notifications

NMFS recommends that:

1. Holders notify NMFS of proposed transfers/transports by completing a *Marine Mammal Transfer/Transport Notification* (MMTTN) form, forwarding it to the Receiver for signature and submitting it to NMFS. It is not necessary to submit the MMDS for the animals proposed to be transferred/transported, but sufficient information must be included on the MMTTN to identify the animal(s).
2. The MMTTN must be received by NMFS at least 15 days prior to the actual transfer/transport date. Should you need to transfer/transport an animal before the required 15 day notification, please contact NMFS regarding an emergency waiver.
3. NMFS will reply with an acknowledgement letter and MMDS(s) to be updated upon receipt of the animal(s). The transfer/transport should occur within 60 days after initial submission of the MMTTN. If an extension is necessary, please contact NMFS.
4. At any time within 30 days of the transfer/transport, the Holder should forward to NMFS the updated MMDS for each animal actually transferred/transported (i.e. Section I and, as necessary, Section III to verify receipt of the animal(s)).

### Beached and Stranded Marine Mammals – Retention or Transport

The retention or transport/retention of rehabilitated beached and stranded marine mammals requires a permit or written authorization under the MMPA. A permit is required to obtain such marine mammals for purposes of scientific research or enhancing the survival or recovery of species or stocks, or to retain or obtain such marine mammals for public display purposes where such animals have been determined releasable. Where such marine mammals have been determined non-releasable, NMFS authorization is required to retain or obtain them for public display purposes. Please contact the Permits, Conservation and Education Division at the number or address below for information on submitting such a permit application or authorization request.

**QUESTIONS?** If you need assistance completing this form please contact the Permits Division at (301-427-8401) or write to us at:

**Permits, Conservation and Education Division - F/PR1**  
**Office of Protected Resources**  
**National Marine Fisheries Service**  
**1315 East West Highway, Room 13705**  
**Silver Spring, MD 20910**

**Or by facsimile**  
**at (301) 713-0376**

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, search existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information to complete this form. Send comments regarding this burden estimate or any other aspect of this collection of information including suggestions for reducing this burden, to the Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910. Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless the collection of information displays a currently valid Office of Management and Budget (OMB) Control Number.

**APPLICATION INSTRUCTIONS  
AND SUPPLEMENTAL INFORMATION  
FOR  
PUBLIC DISPLAY  
PERMITS  
UNDER THE  
MARINE MAMMAL PROTECTION ACT**

DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
National Marine Fisheries Service  
Permits, Conservation and Education Division, F/PR1  
Office of Protected Resources  
1315 East-West Highway, Room 13705  
Silver Spring, Maryland 20910-3226  
*Tel:* (301) 713-2289  
*Fax:* (301) 427-2521  
*Web site:* <http://www.nmfs.noaa.gov/pr/>

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**APPLICATION INSTRUCTIONS  
AND SUPPLEMENTAL INFORMATION  
FOR PUBLIC DISPLAY PERMITS UNDER THE  
MARINE MAMMAL PROTECTION ACT**

**INTRODUCTION**

The Marine Mammal Protection Act of 1972 (MMPA) places a moratorium, with certain exceptions, on the taking and importing of marine mammals and marine mammal products. One exception provides for the issuance of permits by either the National Marine Fisheries Service (NMFS) or the U.S. Fish and Wildlife Service (USFWS), depending on the species involved<sup>1</sup>, to take<sup>2</sup> marine mammals for purposes of scientific research, public display (including imports), enhancing the survival or recovery of a species or stock, or educational or commercial photography. NMFS and USFWS regulations implementing the permit provisions of the MMPA can be found at 50 CFR Part 216 and 50 CFR Part 18, respectively.

Public display permits are required for the capture of marine mammals in the wild, importation of marine mammals, or retention of releasable stranded marine mammals for purposes of public display. Public display permits are not issued for depleted species under the MMPA and species listed as threatened or endangered under the Endangered Species Act (ESA).

A permit is not required to hold marine mammals for the purpose of public display. Public display of marine mammals is based on three criteria (Section 104(c)(2)(A) of the MMPA). Facilities holding and maintaining marine mammals for public display purposes must: (1) offer a program of education or conservation that is based on professionally recognized standards of the public display community; (2) be registered or hold an exhibitor's license, issued by the U.S. Department of Agriculture, Animal and Plant Health Inspection Service (USDA/APHIS), under the Animal Welfare Act (AWA; 7 U.S.C. 2131 *et seq.*); and (3) maintain facilities that are open to the public on a regularly scheduled basis with access that is not limited or restricted other than by charging an admission fee.

Permits are not issued for the exportation of marine mammals for public display. The receiving holder/facility must meet standards that are comparable to those applicable to domestic facilities and/or permit holders under the MMPA, and the appropriate agency of the foreign government must submit a statement certifying that: (1) the application is accurate; (2) the laws and regulations of the government involved have equivalent provisions to the MMPA and AWA, and that such laws will

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<sup>1</sup>NMFS has management authority for cetaceans (whales and dolphins) and pinnipeds (except walruses). USFWS has management authority for sea and marine otters, polar bears, walruses, manatees, and dugongs.

<sup>2</sup>Under the MMPA, the term "take" is defined as: *To harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill any marine mammal.*

be enforced; and (3) the government will provide comity to requests made by NMFS (e.g., requests to enforce the standards of the MMPA or comparable laws with respect to the facility).

A stranded marine mammal that has been classified as non-releasable may be held for the purposes of public display without a permit and in accordance to the three public display criteria (50 CFR 216.27). A permit is required to hold a releasable beached/stranded marine mammal in captivity for any purpose, including public display.

Species lists and information on the status of species under the MMPA, ESA, and the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) are available by calling the Permits, Conservation and Education Division or on the following web site: [http://apps.nmfs.noaa.gov/docs\\_cfm/species\\_lists.cfm](http://apps.nmfs.noaa.gov/docs_cfm/species_lists.cfm)

### **Activities/Species for Which These Instructions Apply**

These permit instructions provide the format for preparing applications for public display permits for the following:

- first time imports of captive animals for public display in the U.S.;
- captures of animals in the wild in the U.S. for public display purposes; or
- retention of a releasable stranded animal for public display purposes.

As a reminder, public display permits are not available for marine mammal species under NMFS jurisdiction that are listed as depleted under the MMPA or threatened or endangered under the ESA.

These application instructions are also available as a PDF or Microsoft Word document from the NMFS Office of Protected Resources web site: <http://www.nmfs.noaa.gov/pr/>.

For information on applying for permits to conduct other types of activities (e.g., commercial or educational photography, scientific research, enhancement) involving the taking of marine mammals or endangered or threatened species under the MMPA or ESA, please see Appendix IV and NMFS' web sites: <http://www.nmfs.noaa.gov/pr/permits/> and <http://apps.nmfs.noaa.gov/index.cfm> .

## **Guidelines for Using These Instructions**

**If you have any questions concerning the preparation of your application, please contact the Permits, Conservation and Education Division (Permits Division) at (301) 427-8401.**

When to Apply – Processing of an application usually requires at least three months from submission of a *complete* application, including a mandatory 30-day public comment period. *We strongly recommend that you submit an application at least six months in advance of your proposed activities.* Often, public comments must be addressed, which can increase processing time. For captures from the wild, contact the Permits Division for guidance on when to apply and additional processing time required for any analyses required under the National Environmental Policy Act.

Give Complete Information – The permit processing “clock” does not begin until the Permits Division has determined that an application is complete. An application must be considered complete before the Permits Division can publish a Notice of Receipt in the *Federal Register*, which initiates a 30-day public comment period. As part of the review process, the completed application is also forwarded to the appropriate NMFS Region(s) and to the Marine Mammal Commission (<http://www.mmc.gov/>) for review and comment.

Incomplete applications cannot be processed. NMFS may return incomplete applications or request additional information from an applicant. If the requested information is not received within 60 days of the request, the application will be returned. Therefore, please provide complete and specific information according to the instructions. To expedite processing, when a question does not apply, please indicate “Not Applicable” (N/A) and provide a brief explanation as to why the question is not applicable.

You are encouraged to contact the Permits Division with any questions in advance of submitting an application. It is often helpful to draft an application and send it to NMFS Permits Division for preliminary review. If possible, please send the draft electronically (contact the Permits Division for a current e-mail address) to save on paper and postage. Permits Division staff will review your draft application and assist you in ensuring that it is complete. Once the application is complete, a signed copy of the application should be mailed to the Permits Division at the address listed below.

It is important that all applications conform to the instructions provided. Applications that do not adhere to the following requirements for content and format will be considered incomplete and may be returned to the applicant or will result in processing delays if the applicant needs to be contacted for additional information. To facilitate review, information should be presented in the designated categories/headings, and in the order listed. Use of additional subheadings to clarify the application may be added at the discretion of the applicant. Line spacing, font size and style are at the discretion of the applicant, but the application must be readily legible. We suggest Times New Roman 12 pt font. Do not submit bound applications.

Where to send your application - Submit a signed original and one hard copy of the application to

the Chief, Permits, Conservation and Education Division, Office of Protected Resources, 1315 East-West Highway, F/PR1 Room 13705, Silver Spring, Maryland 20910-3226. All applications must also be accompanied by an electronic copy (in Word, WordPerfect, or PDF), which can be included on a 3.5" disk or CD, or sent as an email attachment.

Current or Previous Permit Holders – If you currently hold or have held a NMFS permit in the past, a new application cannot be processed until all reports required to date under those permits have been submitted and determined to be complete and in compliance with reporting requirements.

Permit Amendments – Requests for amendments to permits should address all applicable sections of these instructions, including a detailed description of the proposed changes. Amendment requests involving an increase in number or changes of location or species are subject to a 30-day public review and are granted or denied at the discretion of the Director, Office of Protected Resources. Minor changes not involving numbers, species, or locations may be authorized at the discretion of the Director without public review. To request an amendment, send the application to the Chief, Permits, Conservation and Education Division.

Permit Fees – Section 104(g) of the MMPA provides the authority to establish and charge a reasonable permit fee; however, there is no fee at this time.

USFWS Permits – Application instructions for sea turtles on land and marine mammal species under USFWS jurisdiction can be obtained by calling the USFWS Division of Management Authority at (800) 358-2104 or by visiting the Service's web site at <http://permits.fws.gov/>.

CITES Import/Export Permits – U.S. regulations require that imports or exports of wildlife or parts thereof listed in Appendix I or II to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)<sup>1</sup> be accompanied by the proper CITES permit or documentation (50 CFR 23). This is in addition to the required permit under the MMPA.

The USFWS Division of Management Authority (see telephone number and web site, above) is responsible for implementing CITES. The CITES status of threatened and endangered species and marine mammals under NMFS and USFWS jurisdiction is indicated on the following web site: <http://www.cites.org/>. If your activities will involve import or export of wildlife (including tissue samples or other parts), you are responsible for securing a CITES permit from USFWS as necessary.

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<sup>1</sup> CITES (the Convention on International Trade in Endangered Species of Wild Fauna and Flora) is an international agreement between Governments. Its aim is to ensure that international trade in specimens of wild animals and plants does not threaten their survival. CITES works by subjecting international trade in specimens of selected species to certain controls. All import, export, re-export and introduction from the sea of species covered by the Convention has to be authorized through a licensing system.

## INSTRUCTIONS

### I. Title of the Application

Example: “Application for a Permit for Public Display Under the Marine Mammal Protection Act.”

### II. Date of the Application

### III. Applicant

State the applicant’s complete name, address, telephone number, fax number, e-mail, and institutional affiliation, if any. If the Applicant is a partnership or corporation describe the business. In addition, state the same contact information of the Holder, Primary Contact, and Responsible Official (see Attachment I for definitions of these terms) if different from the Applicant.

### IV. Description of the Marine Mammals and the Proposed Activity

#### A. Statement of Work

Provide a brief summary, not more than 200 words, of the proposed activity. This summary will be published in the *Federal Register* Notice of Receipt for a 30-day public comment period. The summary should include concise statements of the following information:

- Purpose of the activity;
- Target species (both common and scientific names);
- Type and manner of take or import;
- Numbers of animals to be taken, by species, for each activity (over a specified time, e.g., per year);
- Numbers and kinds of non-target marine mammal and ESA-listed species that may be taken incidentally during proposed activities;
- Specific geographic location(s) of the take, including locations from which animals will be imported; and
- Requested period of the permit<sup>2</sup>.

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<sup>2</sup>Note that permits are issued for up to a five-year period.

B. Summary of Marine Mammals to be Taken or Imported

List the target species (common and scientific names) and, as applicable, the subspecies, population group and range that may be taken or imported.

For takes in the wild, list any non-target species, including but not limited to, marine mammals, reptiles, sea birds, sharks, etc., and any ESA-listed species (plant or animal) that may occur in the capture area, and therefore, may be taken (e.g., disturbed, harassed, or injured) incidentally during the course of your proposed activities. Include any USFWS species that may be incidentally taken.

Indicate the status of each species or stock as determined under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES Appendix I, II, or III) as applicable. Note that species listed as depleted under the MMPA or threatened or endangered under the ESA cannot be covered under this permit. Species information is available at:

<http://www.nmfs.noaa.gov/pr/species/>

<http://www.nmfs.noaa.gov/pr/sars/>

<http://www.fws.gov/>

<http://www.cites.org/>

C. Description of the Proposed Activity

1. Give the dates and locations of the proposed taking or import. Dates and locations should be identified as specifically as possible, including ports of entry (see attached list).
2. State the proposed duration of the permit.
3. Indicate the types of taking involved, (e.g., capture; import). Clearly indicate the number, estimated or known age, size, sex, and reproductive condition of the marine mammals that will be taken or imported. If applicable, include the animal's identification number. Permit holders may not capture or import a marine mammal that is pregnant, lactating, or either unweaned or less than 8 months old, whichever comes later, unless the Office Director determines that such capture or importation is necessary for the protection and welfare of the animal.

D. If Marine Mammals are to be Collected from the Wild

1. List the names, if other than the Applicant, and qualifications of the personnel who will capture the animals.
2. Provide a written certification from the attending veterinarian responsible for the animals during and immediately after capture that the methods of capture and post-capture care will be adequate to ensure the well-being of the animals.
3. Give a detailed description of the manner of capture, including gear to be used. Describe the techniques and equipment to be used to approach, capture, and restrain; for example, indicate: (a) any drugs or other substances to be used, including the name, dosage, and method of administration; and/or (b) the method of capture and restraint.
4. Describe the pen, tank, container, cage, cradle, or other device used post-capture and thereafter during transportation to the initial holding facility.
5. Describe the mode of transportation, special care during transport, and the length of time required for the transfer from the capture site to the initial holding facility.
6. Provide any alternatives to the proposed manner of taking or importation, and state why the proposed method is considered humane.
7. In addition, if a captive stock of the species concerned is available, the applicant must explain why the animals cannot be obtained from such captive stock.
9. If an animal may be determined to be unsuitable for public display, give details regarding the specific protocol for return to the wild.

E. If Marine Mammals are to be Imported into the U.S.

1. Provide the names and qualifications of the personnel who will accompany the animals during import.
2. Describe the pen, tank, container, cage, cradle or other device used during import and thereafter during transportation to the initial holding facility.
3. Describe the mode of transportation, special care during transport, and the length of time required for the transfer from the foreign facility to the initial holding facility in the United States.
4. Submit a written certification from the attending veterinarian responsible for the animals during import that the methods of import and post-import care will be adequate to ensure the well-being of the animals.

5. Name the country of exportation (*i.e.*, the country from which the marine mammal is to be imported into the United States) and the country of origin (country from which the animal was originally taken from the wild or where born in captivity) if different from the country of exportation.
6. Describe how the marine mammals were taken in the country of origin. Permit holders may not capture or import a marine mammal that is pregnant, lactating, or either unweaned or less than 8 months old, whichever comes later, unless the Office Director determines that such capture or importation is necessary for the protection and welfare of the animal. If the marine mammal was subsequently exported to a country different from the country of origin, cite the dates, the manner and circumstances under which it was imported into the country of exportation.
7. Submit a statement and, to the extent practicable, documentation concerning whether the marine mammal to be imported was captured and is presently being held in compliance with the laws of the country of exportation.
8. Provide a statement whether taking of marine mammals will occur in order to replace the marine mammals to be imported, or whether the proposed import will result in an increased demand for marine mammals.
9. If the import is necessary for the protection or welfare of the marine mammals, discuss the circumstances involved and any alternatives considered.

F. Effects of the Proposed Activity

Describe the effects of the proposed taking or import, by itself or in combination with other known or suspected takings or imports, on: (a) the individual animals concerned (e.g., describe how the proposed activity will affect the individual's behavior, physiology, etc.); (b) the relevant species or stock (for takes from the wild, describe what impacts there will be from removal of individuals from the population and from incidental disturbance); (c) the human environment (e.g., describe how your actions will affect the general public; describe what measures are in place to ensure human health and safety during the proposed activities); and (d) the marine ecosystem (for takes from the wild, indicate if you will be incidentally taking non-target species, etc.). The description must be sufficiently detailed to enable the preparation of any documentation required under the National Environmental Protection Act (NEPA) (e.g., an environmental assessment (EA), environmental impact statement (EIS), or documentation to support a determination that the conduct of the activity is categorically excluded from the requirement to prepare an EA or EIS).

You are required to answer all five questions on this page. Please answer each question completely. "Yes" or "no" are not sufficient answers. If a question does not apply, provide an explanation.

- 1) Will your activities involve equipment (e.g., scientific instruments) or techniques that are new or may be considered experimental or controversial? If yes, are they likely to be adopted by other researchers in the future?
- 2) Do your activities involve collecting, handling, or transporting potentially infectious agents or pathogens (e.g., biological specimens such as blood)? Do your activities involve using or transporting hazardous substances (e.g., toxic chemicals)? If yes, provide a description of protocols you will use to ensure humans are not infected or injured.
- 3) Do any of your activities occur in or near unique geographic areas such as state or National Marine Sanctuaries, Marine Protected Areas, Parks or Wilderness Areas, Wildlife Refuges, Wild and Scenic Rivers, designated Critical Habitat for endangered or threatened species, Essential Fish Habitat, etc.? If yes, would any aspect of your activities impact the physical environment, such as by direct alteration of substrate (e.g., by bottom trawling, net setting, anchoring vessels or buoys, erecting blinds or other structures, disrupting nesting bird habitat)?
- 4) Could your work affect sites listed in or eligible for listing in the National Register of Historic Places? Could your work cause loss or destruction of scientific, cultural, or historic resources (e.g., archeological resources)? If yes, list the sites and explain how they might be affected or why they would not be affected.
- 5) Could any of your activities, intentionally or not, involve the transport any materials, biological or otherwise, from one area to another (e.g., transporting animals or tissues, discharging ballast water, working in sensitive remote areas)? If yes, explain the types of activities. Describe all measures you would take to prevent the possible introduction or spread of non-indigenous or invasive species (including plants, animals, microbes, or other biological agents).

## **V. Export Requirements**

A permit is not required for the export of marine mammals for public display purposes if the marine mammals to be exported are held legally for public display in the U.S.

However, such exports must meet standards comparable to those applicable to the transport of marine mammals between U.S. facilities according to the MMPA. These requirements are listed below.

- A. Foreign applicants that intend only to export from the U.S. marine mammals for the purposes of public display must meet the following requirements:
  1. Offer an education or conservation program comparable to one that is based on professionally recognized standards of the U.S. public display community.
  2. Meet standards comparable to those a person in the U.S. must meet to be issued a license under the Animal Welfare Act (7 U.S.C. 2131 *et seq.*).
  3. Maintain facilities for the public display of marine mammals that are open to the public on a regularly scheduled basis with access that is not limited or restricted other than charging an admission fee.
  
- B. The appropriate agency of the foreign government (e.g., the CITES Management Authority of the government) must submit a statement certifying that:
  1. The information submitted concerning the foreign facility is accurate.
  2. The laws and regulation of the government involved permit that government's enforcement of requirements of the U.S. Marine Mammal Protection Act and the Animal Welfare Act, and that government will enforce such requirements.
  3. If it is determined that the foreign facility involved has acted in a manner inconsistent with MMPA or the AWA, that would be applicable if the foreign facility were a U.S. facility, the government concerned will afford comity to an enforcement decision that may be made by the U.S. National Marine Fisheries Service, including seizure or arrangements for other disposition of marine mammals exported from the U.S. and the progeny of such marine mammals and the recovery of expenses for such seizure or other disposition.

## **VI. General Requirements for Public Display**

- A. Names and addresses of the facility(ies) where the marine mammals to be imported or captured will be maintained. Indicate hours of operation and cost of admission. (Attach copies of facility brochures or public notices advertising this information, if available.)
- B. License (attach a copy) or registration number issued under the Animal Welfare Act by the Department of Agriculture's Animal Plant and Health Inspection Service (APHIS).
- C. Specify the professionally recognized standards of the public display community upon which the education or conservation program offered by the applicant is based<sup>3</sup>, and provide a general description of the program offered for reference purposes.

## **VII. Previous Permits**

- A. If issued previous permits for the taking or import of marine mammals and final reports have not yet been submitted, ensure that all required reports to date have been submitted.
- B. If applicable, provide the names and addresses of cooperating institutions and individuals that previously held permits.
- C. Indicate whether other Federal, State, local or international permits or authorizations (e.g., USFWS, NOAA National Marine Sanctuaries, the Army Corps of Engineers, CITES) are being sought in connection with the requested permit.

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<sup>3</sup>

Standards for education and conservation programs developed and endorsed by the American Association of Zoos and Aquariums (AZA) and the Alliance of Marine Mammal Parks and Aquariums (Alliance), representing approximately 60% of the U.S. marine mammal public display community, were published in the Federal Register on October 6, 1994 (59 FR 50900). (A copy of this notice is attached in the Appendices.) If applicable, these AZA/Alliance standards may be referenced as the standards on which your education or conservation program is based. However, please note that while these professionally recognized standards have been provided by the AZA and Alliance, they represent only one example of such standards. Other professionally recognized standards of the public display community may differ from this example. If your education or conservation program is based upon different professionally recognized standards of the public display community, please provide a copy of these standards. NMFS maintains a record of these standards for reference purposes only.

## VIII. Certification and Signature

The following Certification, followed by the Signature, Name, and Title of the Applicant or Responsible Party, must be submitted as the concluding section of the application.

**"I hereby certify that the foregoing information is complete, true, and correct to the best of my knowledge and belief. I understand that this information is submitted for the purpose of obtaining a permit under the following statute and the regulations promulgated thereunder, as indicated in section I. of this application:**

**The Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 *et seq.*) and regulations (50 CFR Part 216).**

**I also understand that any false statement may subject me to the criminal penalties of 18 U.S.C. 1001, or to penalties provided under the Marine Mammal Protection Act of 1972."**

Signature of Applicant and Date of Signature

Typed or Printed Name of Applicant

Title of Applicant

## **Additional Information**

Under section 104(c) of the MMPA, as amended, persons may be authorized to take marine mammals in the wild or to import marine mammals for public display purposes. MMPA section 104 is available at the following web site: <http://www.nmfs.noaa.gov/pr/pdfs/laws/mmpa104.pdf>. The information requested in this application will be used to determine whether the activities described in the application are consistent with the requirements under the MMPA for public display permits.

**Paperwork Reduction Act Statement:** Public reporting burden for this collection of information is estimated to average 30 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Chief, Permits Conservation and Education Division, Office of Protected Resources, F/PR1, NOAA/National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910.

All permit documentation including the application, permit and amendments, reports, and inventory information required herein, is considered public information and as such, is subject to the Freedom of Information Act. The applicant is required to respond to the information requested in this application in order to obtain a permit.

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

## APPENDIX I – GLOSSARY OF TERMS

**Applicant** - The applicant must be the person who has the responsibility for and the authority to determine the disposition of the marine mammal to be received under the permit. If the applicant is a corporation or partnership, the application must indicate the date on incorporation or when the partnership was formed, and the State in which the corporation or partnership was formed. In the case of imports, when the responsibility for and authority to determine the disposition of the marine mammal remains with a foreign entity, as in the case of a breeding loan, the applicant must be the U.S. entity that will assume temporary custody of the marine mammal to be imported.

**Comity** - A rule of courtesy by which one government honors decisions made by another government. It is in situations where the United States lacks jurisdiction over persons or things located abroad that the U.S. Government may need to seek assurances of comity from foreign governments. Executive Branch agencies have inherent authority to ask foreign governments to honor decisions of the U.S. Government on the basis of comity. It has been the policy of the NMFS since 1975 to require a comity statement for the export of marine mammals.

**Custody** - The responsibility for and the authority to determine the disposition of a captive marine mammal, including transfer and transport.

**Facility** - In the context specific to captive marine mammals: (1) one or more permanent primary enclosures used to hold marine mammals captive (*i.e.*, pools, lagoons) and associated infrastructure (*i.e.*, equipment and supplies necessary for the care and maintenance of marine mammals) where these enclosures are either located within the boundaries of a single contiguous parcel of land and water, or are grouped together within the same general area within which enclosure-to-enclosure transport is expected to be completed in less than one hour; or (2) a traveling display/exhibit, where the enclosure(s) and associated infrastructure is transported together with the marine mammals.

**Holder** - The person who has the custody, including the responsibility for and the authority to determine the final disposition of a captive marine mammal, and may be a public display permit holder.

**Primary Contact** - The registrar or other person responsible for maintaining the marine mammal inventory records at the facility.

**Receiver** - A person who receives custody of a transferred marine mammal. Where an interest in a marine mammal is being purchased or otherwise transferred, the receiver is the purchaser or transferee.

**Responsible Official** - The individual who is responsible for and who has the signatory authority for marine mammal custody decisions.

**Transfer** - conveyance of any custodial interest in a marine mammal by any means including, but not limited to donation, purchase, or sale. A conveyance of interest in a marine mammal means the transfer of a whole interest. A transfer of a marine mammal may occur without a transport from one facility to another.

**Transport** - The physical movement of marine mammals between facilities or distinct geographic locations. A transport of a marine mammal may occur without a transfer of custody (i.e., a loan).

## **APPENDIX II - RELEVANT STATUTES**

### **Animal Welfare Act**

The Animal Welfare Act (AWA) (U.S.C. 2131 *et seq.*) was enacted in 1966 to “insure that animals intended for use in research facilities or for exhibition purposes or for use as pets are provided humane care and treatment; (2) assure the humane treatment of animals during transportation in commerce; and (3) protect the owners of animals from the theft of their animals by preventing the sale or use of animals which have been stolen.”

The U.S. Department of Agriculture’s Animal and Plant Health Inspection Service (USDA/APHIS), has responsibility under the AWA for captive warm-blooded animals, including marine mammals. APHIS has established regulations and standards for animal care, including “Specifications for the Humane Handling, Care, Treatment, and Transportation of Marine Mammals” (9 CFR Ch.1, Subpart E).

Most U.S. facilities maintaining animals as defined under the AWA, including marine mammals, are required to be licensed or registered by APHIS. For information concerning the AWA and its requirements and the name and address of the Veterinarian in Charge in the State concerned, contact the Regulatory Enforcement and Animal Care staff, USDA/APHIS (301-734-7833) or visit <http://www.aphis.usda.gov/>

### **Freedom of Information Act**

The Freedom of Information Act (FOIA) (5 U.S.C. 552) was enacted in 1966 to ensure that the federal government makes government information available to the public when requested. Certain restrictions apply to the release of information (e.g., classified documents).

### **Fur Seal Act**

The Fur Seal Act (FSA) (16 U.S.C. 1151-1187) was enacted in 1966 to prohibit the taking of North Pacific fur seals, except by Alaska natives for subsistence purposes or by a permit issued by NMFS. NMFS’ regulations implementing the Fur Seal Act can be found at 50 CFR Part 215 - 216.

### **Marine Mammal Protection Act**

The Marine Mammal Protection Act (MMPA) (16 U.S.C. 1361-1407) was enacted in 1972 in partial response to growing concerns among scientists and the general public that certain species and populations of marine mammals were in danger of extinction or depletion as a result of human activities. The MMPA includes a general moratorium on the taking<sup>4</sup> and importing of marine

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<sup>4</sup>Take (as defined in the MMPA): *To harass, hunt, capture, collect, or kill, or attempt to harass, hunt, capture, collect, or kill any marine mammal. This includes by regulatory definition, without limitation, any of the following: the collection of dead animals, or parts thereof; the restraint or detention of a marine mammal, no matter how temporary; tagging a marine mammal; the negligent or intentional operation of an aircraft or vessel, or the doing of any other negligent or intentional act which results in disturbing or molesting a marine mammal; and feeding or attempting to*

mammals, which is subject to a number of exceptions. The MMPA also established the Marine Mammal Commission and provides the authority under which the Commission operates.

### **National Environmental Policy Act**

The National Environmental Policy Act (NEPA) (42 U.S.C. 4321 *et seq.*) was enacted in 1969 to ensure that the government gives proper consideration to the environment prior to undertaking any major federal action that could significantly affect the environment. Issuance of permits is considered a major federal action. Some applications may require additional environmental analyses under NEPA, which can substantially increase the time required for processing. If the activity is considered controversial or under certain other circumstances, 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/EIS is necessary, or if the information is insufficient to complete such analyses, the application may be returned to the applicant or processing may be delayed.

The applicant may submit a draft EA with the application to facilitate processing. The Permits Division will review and accept a draft EA if it is determined to be sufficient. Otherwise, the Permits Division will prepare an EA or EIS on the potential environmental impacts of the proposed activity using the description of the activities provided in the application and the best available information on the effects of such activities. Depending on workload, resources, and the complexity of the research proposal, preparation of an EA may take six months or more. Preparation of a final EIS typically takes well over a year. Please contact the Permits Division for guidance regarding whether or not an EA or EIS is needed.

## APPENDIX III – SUPPLEMENTAL INFORMATION

### Atlantic bottlenose dolphin (*Tursiops truncatus*)

The taking of bottlenose dolphins in the Eastern U.S. is limited to certain areas, and quotas have been established limiting the number that may be taken each year. Permit Holders are required to consult with the NMFS Southeast Regional Director for approval of the specific dates and locations of any taking from the wild from this area. The Regional Director will coordinate the Permit Holder's collection activities with other collections and with research activities being conducted in the proposed collection area so as to avoid possible interference and cumulative adverse impacts on the subject population.

### Beached/Stranded Animals

NMFS encourages the use of rehabilitated beached/stranded animals in lieu of taking animals from wild populations. Applicants must justify the need for capturing animals from the wild rather than obtaining them from rehabilitated beached/stranded stock, particularly in the case of U.S. coastal pinnipeds, such as California sea lions (*Zalophus californianus*). For information on the availability of these animals contact the appropriate NMFS Regional Office (<http://www.nmfs.noaa.gov/pr/health/coordinators.htm>).

### Commercial or Educational Photography Permits

The 1994 amendments to the MMPA provided new authority to issue permits for educational and commercial photography involving only Level B harassment<sup>5</sup> of non-ESA listed marine mammals<sup>6</sup>. Presently, NMFS is reviewing such applications on a pilot basis and may publish a Proposed Rule in the *Federal Register* based in part on the information obtained from these applications (50 CFR 216.42). The commercial photography applications instructions can be obtained at the following web site: <http://www.nmfs.noaa.gov/pr/permits/>

*Please Note: These permits apply only to commercial or educational photography of non-ESA listed species under the MMPA with methods involving Level B harassment. These permits do not provide any authorization for activities involving ESA-listed species, methods involving Level A harassment<sup>4</sup>, or scientific research.*

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5 Harassment (as defined in the MMPA) – Any act of pursuit, torment, or annoyance which - 1) Level A harassment: has the potential to injure a marine mammal or marine mammal stock in the wild; or 2) Level B harassment: has the potential to disturb a marine mammal or marine mammal stock in the wild by causing a disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering.

6 A list of marine mammal species and information on the status of the species under the ESA is available at the following web site: [http://apps.nmfs.noaa.gov/docs\\_cfm/species\\_lists.cfm](http://apps.nmfs.noaa.gov/docs_cfm/species_lists.cfm).

## **Import/Export of Pre-MMPA Marine Mammal Parts (i.e., parts taken prior to 1972)**

Marine mammal parts include any part of a marine mammal, both hard and soft, but do not include urine or feces. A letter of authorization is required for importing or exporting “pre-Act” marine mammal parts under NMFS jurisdiction for commercial or personal use. Pre-Act parts are either those marine mammal parts taken prior to enactment of the MMPA or those parts of species listed under the ESA that are at least 100 years old. Instructions for how to apply for authorization to import or export pre-Act marine mammal parts may be found at:

[http://www.nmfs.noaa.gov/pr/permits/parts\\_instructions.htm](http://www.nmfs.noaa.gov/pr/permits/parts_instructions.htm).

### **Northern fur seals (*Callorhinus ursinus*)**

The northern fur seal has been designated as depleted by NMFS. Section 102(b)(3) of the Marine MMPA prohibits the taking of a depleted species except for scientific research or enhancement purposes.

### **Receipt of Marine Mammal Parts from the NMFS Stranding Network under the MMPA**

If you would like to receive marine mammal parts taken from stranded marine mammals after 1972 for use in scientific research, education, or curation, please contact the appropriate NMFS Stranding Network Coordinator at <http://www.nmmfs.noaa.gov/pr/health/coordinators.htm>. *Note that if you intend to develop cell lines from such parts for research purposes, you must apply for a scientific research permit using the application instructions for scientific research purposes.*

### **Scientific Research and/or Enhancement under the MMPA, ESA, and/or FSA for Species under the Jurisdiction of the NMFS and/or USFWS**

The Marine Mammal Protection Act of 1972 (MMPA) places a moratorium, with certain exceptions, on the taking and importing of marine mammals and marine mammal products. One exception provides for the issuance of permits by either the National Marine Fisheries Service (NMFS) or the U.S. Fish and Wildlife Service (USFWS), depending on the species involved<sup>1</sup>, to take<sup>2</sup> marine mammals for purposes of scientific research, public display, enhancing the survival or recovery of a species or stock, or educational or commercial photography. NMFS and USFWS regulations implementing the permit provisions of the MMPA can be found at 50 CFR Part 216 and 50 CFR Part 18, respectively.

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<sup>1</sup>NMFS has management authority for cetaceans (whales and dolphins) and pinnipeds (except walruses). USFWS has management authority for sea and marine otters, polar bears, walruses, manatees, and dugongs.

<sup>2</sup>Under the MMPA, the term “take” is defined as: *To harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill any marine mammal.*

The Endangered Species Act of 1973 (ESA) prohibits, with certain exceptions, the taking<sup>3</sup> of species listed as threatened or endangered. The ESA provides for the issuance of permits by either NMFS or the USFWS to take threatened or endangered species for scientific research purposes and/or to enhance a species propagation or survival. Under the ESA, NMFS and USFWS share management responsibility for marine mammals (see footnote 1) and for threatened and endangered sea turtles (NMFS for sea turtles in the water, and USFWS for sea turtles on land). NMFS has sole responsibility under the ESA for salmon, shortnose sturgeon, smalltooth sawfish, and white abalone. NMFS regulations implementing the provisions of the ESA can be found at 50 CFR Parts 216 and 222-226; USFWS regulations can be found at 50 CFR Part 17.

The Fur Seal Act of 1966 (FSA) provides for research on fur seal resources of the North Pacific and permits for the taking, transport, import, export, or possession of fur seals of the North Pacific or their parts for educational, scientific, or exhibition purposes. Since northern fur seals are also marine mammals, to avoid duplication, applications for permits for scientific research are also processed under the MMPA regulations of 50 CFR Part 216.

Applications for scientific research or enhancement for marine species under NMFS jurisdiction are available at the following web site: <http://www.nmfs.noaa.gov/pr/permits/> .

NMFS may authorize the use of healthy rehabilitated beached/stranded marine mammals for research purposes in lieu of taking animals from wild populations (50 CFR 216.27). Where a captive marine mammal is necessary for the conduct of scientific research, particularly in the case of U.S. coastal pinnipeds, such as California sea lions, applicants must justify the need for capturing animals from the wild rather than obtaining them from rehabilitated beached/stranded stock. For information on the availability of these animals contact the appropriate NMFS Regional Office: <http://www.nmmfs.noaa.gov/pr/health/coordinators.htm>

The USFWS maintains jurisdiction over beached/stranded sea turtles and sea turtles in rehabilitation. Please contact the USFWS Division of Management Authority at (800) 358-2104 with any questions regarding stranded sea turtles.

### **Salmon Research and Enhancement Permits under the ESA**

Permits to conduct research or enhancement on endangered or threatened salmon are issued by the NMFS Northwest and Southwest Regional Offices. Information may be obtained by visiting their web sites: Northwest Region main page: <http://www.nwr.noaa.gov> and the Southwest Region main page: <http://swfsc.nmfs.noaa.gov> or by calling the Endangered Species Division, Office of Protected Resources at (301) 427-8405 for further information.

### **U.S. Fish and Wildlife Service Wildlife Inspectors**

[http://www.fws.gov/le/ImpExp/Contact\\_Info\\_Ports.htm](http://www.fws.gov/le/ImpExp/Contact_Info_Ports.htm)

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<sup>3</sup>Under the ESA, the term “take” is defined as: *To harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.*

## **PRA Justification: Application Instructions for Public Display Permits**

50 CFR 216.43 reserved for public display provisions not codified; section 104(c) of the MMPA as amended by P.L. 103-238.

Application instructions for public display permit applicants reflect the 1994 amendments to the MMPA and are processed according to 50 CFR part 216, subpart D, as applicable. Section 104(c)(2) of the MMPA was amended whereby the need to obtain a public display permit is limited to captures of marine mammals from the wild or import of marine mammals.

Section I-III of the application instructions correspond to general permit application submission, review, and decisions procedures pursuant to 50 CFR 216.33 for persons seeking special exception permits. Information requested in Section IV, the Previous Permits Section VII, and Certification Section VIII at the end of the application are also general requirements for special exception permits (see scientific research and enhancement permit application justification discussion for regulatory citations and purpose of requested information).

The following is discussed in detail here for public display permits: Section IV. E. Import Requirements: 50 CFR part 14; 50 CFR 216.35(c-d); 216.36(a)(iii). Since the AWA standards for care, maintenance and transportation of marine mammals are not enforceable by APHIS until the marine mammal reaches the U.S., National Marine Fisheries Service (NMFS) can condition permits to ensure the well-being of the animals while in transit in the foreign country and to ensure that the applicant has planned appropriately for the animal(s) during transport. Except for purposes of scientific research or enhancement, the import of pregnant, lactating, or either unweaned or less than 8 month old marine mammals at the time of taking or transfer/transport is prohibited under Section 102 of the MMPA, unless such import is necessary for the protection or welfare of the marine mammal. Applicants must submit this information if they propose to import marine mammals under the authority of a public display permit. An applicant proposing to import a live animal for public display must demonstrate that the manner of taking in the foreign country was consistent with what would be allowed in the U.S. or on the high seas under the jurisdiction of the MMPA, to ensure that animals are taken humanely as required by the MMPA. The applicant must state whether the import proposed will result in replacement takes or an increased demand to take marine mammals from the wild. This information is necessary to consider cumulative effects and any indirect impacts of permit issuance, and to avoid circumstances leading to unauthorized taking of marine mammals.

Section V. Export: 50 CFR 216.33(b)(1-2). A permit is not required for the export of marine mammals for public display purposes. However, these exports must meet standards comparable to those applicable to the transport of marine mammals between U.S. facilities (16 U.S.C. 1374 *et seq.*). These requirements are provided to applicants for information. Section VI. General Requirements for Public Display: This section requests the applicant to submit information necessary to address the requirements of Section 104(c)(2)(A) of the MMPA, which limits the issuance of public display permits to applications who (1) are licensed or registered under the AWA by APHIS; (2) offer a program for education or conservation purposes that is based on professionally recognized standards of the public display industry; and (3) maintain a facility that is

open to the public on a regularly scheduled basis with access not restricted other than by an admission fee. Without submission of the information requested in this application, NMFS would not be able to determine whether the applicant meets the three issuance criteria.

## **PRA Justification – Public Display Forms**

Marine Mammal Transport Notification – Under the 1994 Amendments, a special exception permit or other NOAA Fisheries authorization is no longer required for the transport, transfer, or export of marine mammals for purposes of public display. Provided the intended recipient meets the three public display criteria specified at Section 104(c)(2) of the MMPA, a holder of captive marine mammals for public display purposes need only provide NOAA Fisheries with notification at least 15 days in advance of the proposed transport, export, sale or other transfer of custody. To ensure compliance with this statutory requirement and in conduction with ongoing efforts to reduce and streamline reporting requirements, NOAA Fisheries prepared and implements a Marine Mammal Transport Notification (MMTN). The MMTN requires the recipient to certify compliance with the three criteria at Section 104(c) of the MMPA, and attach supporting documentation of this unless this information has been previously submitted. The current holder (*i.e.*, the shipper) must identify the marine mammals to be transported and certify the accuracy of the information provided. The notification has been designed so that holders of marine mammals may also use it to notify NOAA Fisheries of exports for purposes of public display. The information provided on this form allows NOAA Fisheries to maintain an updated inventory of captive marine mammals on public display (MMPA section 104(c)(10)), to ensure that mandated criteria are met for public display (MMPA section 104(c)(2)), and to uphold requirements for exports (104 (c)(9) and 50 CFR 216.33(b)).

Marine Mammal Data Sheet – Section 104(c)(10) of the MMPA, as amended, directs the Secretary to establish and maintain an inventory of captive marine mammals and their progeny. Public display permit holders and other persons who maintain captive marine mammals must notify NOAA Fisheries within 30 days of captive births and deaths along with other inventory changes/disposition (*e.g.*, transfers, sales). NOAA Fisheries maintains an automated Permit Program Information Management System (PPIMS) database of permit tracking information, as well as inventory information for over 7000 captive marine mammals, including identification numbers, locations, species, birth dates, transfer dates, and other information. To simplify compliance with the statutory requirements and to ensure consistency of the submissions, NOAA Fisheries developed and implements a Marine Mammal Data Sheet (MMDS) to be used to report changes in a holder's inventory, such as births and deaths. The information requested on the MMDS is the items specified in Section 104(c)(10) of the MMPA and correspond directly with the database fields in the PPIMS inventory system.

Once the initial inventory information for section II of the MMDS has been provided, it does not change. Regardless of the number of transports or transfers of a specific marine mammal, the database generates and updated MMDS, which is provided to the holder to be used to report future updates. Section IV (Disposition) of the MMDS remains blank until the holder reports a transfer (sale), export, transport, death, or release of the animal. When the holder uses the MMDS, it eliminates the need for the respondent to prepare a formal letter and it ensures accurate animal identification.

Person/Holder/Facility Sheet – Periodically, NOAA Fisheries submits to each public display holder, and to others maintaining captive marine mammals, a Person/Holder/Facility Sheet (PHF Sheet) and a Marine Mammal Inventory Report-Summary (MMIRS) by holder and species listing the marine mammals in their collection. The PHF Sheet is computer-generated and contains the name and contact information of the individual responsible for and has the signatory authority for marine mammal custody decisions. The primary contact is the registrar or other person responsible for maintaining the inventory records at the facility, and with whom NOAA Fisheries corresponds with if questions or issues regarding the inventory arise. Updates to the PHF and MMIRS ensure compliance with maintaining an accurate inventory.

Inventory and other public display reports provide NOAA Fisheries with information that is frequently requested and used by other agencies (*e.g.*, for the Marine Mammal Commission Annual Report to Congress) and by the general public, and to monitor compliance with permit take requests. Facilities permitted to hold marine mammals are custodians of the animals, subject to the public interest of the citizens of the U.S.

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## Interim Photography Permit Application Requirements

### Introduction

Under the Marine Mammal Protection Act (MMPA), a permit may be issued for photography of marine mammals in the wild for educational or commercial purposes where the photography activities will not exceed Level B harassment<sup>1</sup>. This permit is designed to accommodate professional photographers and filmmakers who have discrete projects and time frames that will result in products such as documentary films or commercial photographs.

This permit is not available for photography directed toward or that may affect marine mammals listed as endangered or threatened under the Endangered Species Act (ESA). Please contact the National Marine Fisheries Service (NMFS), Permits, Conservation and Education Division at (301) 713-2289 for inquiries regarding photography of ESA-listed species.

Application Instructions for Photography (50 CFR 216.42, Reserved) have not yet been proposed. Applicants are provided with the following interim guidance for photography permit applications. This guidance is similar to that required for the General Authorization (GA) because the level of harassment authorized under photography permits and the GA is the same.

Applicants (i.e., the Principal Investigator [PI] or Responsible Party) must submit a permit application to the Chief, Permits, Conservation and Education Division at the address provided below. The PI is the individual primarily responsible for the activities conducted under a photography permit. The PI must have qualifications, knowledge and experience relevant to the type of photographic activities proposed. The Responsible Party is an individual who has the legal authority to bind an organization and who is responsible for supervision of the PI.

Once the submitted application is determined complete, the application will be forwarded to the Marine Mammal Commission for review, and notice of receipt of the application will be published in the *Federal Register* for a 30-day public comment period. Processing of a photography permit may take up to six months.

Please contact the Permits and Conservation Division at the number above if you have any questions regarding preparation of an application for a photography permit.

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<sup>1</sup> **Harassment:** Under the 1994 Amendments to the MMPA, harassment is statutorily defined as, any act of pursuit, torment, or annoyance which—

**(Level A harassment)** has the potential to injure a marine mammal or marine mammal stock in the wild; or, **(Level B harassment)** 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.

## Marine Mammal Photography Permit Application

The applicant must provide the following information:

1. The date of the application.
2. The name, address, telephone number, email address, duties, and qualifications of the applicant (i.e., Principal Investigator [PI] or Responsible Party), Co-investigators [CI]<sup>2</sup>, and other personnel (e.g., boat handlers) to be conducting the proposed photography activities. Provide a curriculum vitae, resume, or summary of qualifications for each individual, which must include accomplishments and experience relevant to the proposed activities each person will be performing.
3. The species or stocks of marine mammals that may be photographed, and any other species that may be incidentally disturbed or harassed by the activities. The description must include the species name (common and scientific names), number of animals that may be photographed, and number of animals that may be indirectly affected during photographic activities. Also include the number of times the animals may be approached and photographed and incidentally harassed within a specified time period.
4. The geographic location(s) in which the photography is to be conducted. Locations should be identified as specifically as possible within a general area (e.g., specific islands, bays, and latitude/longitude, within a specified geographic region or state). Include a map of the area if available. Indicate whether the location you will be working in has been given any special status (e.g., National Marine Sanctuary, State Reserve, etc.).
5. The time periods over which the photography will be conducted, including start date, approximate dates and/or field seasons if appropriate, and the duration of the overall photography project.
6. The rationale and objectives for such activity and how the products will be made available to the public.
7. The type of photography or filming to be performed and methods to be used. This information includes, but is not limited to, the following: platforms to be used (e.g., small boat, helicopter), description of photographic equipment (e.g., digital camera with telephoto lens and size of lens), deployment techniques if applicable, and approach distances to animals, etc. Include a justification of how such activities will result in only taking by Level B harassment of marine mammals and will not disturb, harass, or harm ESA-listed species.

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<sup>2</sup> **Co-investigator** means the on-site representative of a principal investigator. CI's are individuals who are qualified and authorized to conduct or directly supervise activities in the absence of the PI. CI's assume the role and responsibility of the PI in the PI's absence.

**NOTE:** NMFS may determine that certain activities, such as underwater photography or filming activities, may exceed Level B harassment. In these cases, the activities would not be authorized.

8. A description of the anticipated responses the subject marine mammals will have to the proposed photography and likely impacts on any other species that may be incidentally affected during the proposed activities.

9. The application must include the following certification statement, signed and dated by the applicant:

*"I hereby certify that the foregoing information is complete, true and correct to the best of my knowledge and belief. I understand that this information is submitted for the purpose of obtaining a permit under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) and regulations (50 CFR Part 216). I also understand that any false statement may subject me to the criminal penalties of 18 U.S.C. 1001, or to the penalties provided under the Endangered Species Act of 1973, the Marine Mammal Protection Act of 1972, or the Fur Seal Act of 1966, whichever are applicable."*

Please send an original signed photography permit application, one copy of the completed and signed application, and an electronic copy of the application to the following address:

Chief, Permits Conservation and Education Division  
Office of Protected Resources, F/PR1  
NOAA/National Marine Fisheries Service  
1315 East-West Highway, Room 13705  
Silver Spring, MD 20910  
Phone: (301) 427-8401  
Fax: (301) 713-0376

**Additional Information:**

Under Section 104(c)(6) the Marine Mammal Protection Act (MMPA), a permit may be issued for photography of marine mammals in the wild for educational or commercial purposes where the photography activities do not exceed Level B harassment. Application Instructions for Photography (50 CFR 216.42, Reserved) have not yet been proposed. MMPA section 104 is available at the following web site: <http://www.nmfs.noaa.gov/pr/pdfs/laws/mmpa104.pdf>.

**Paperwork Reduction Act Statement:**

The information requested in this application is required and is used to determine whether the proposed activity is likely to exceed Level B harassment of a marine mammal in the wild, whether the photography methods are adequate to meet the project objectives, whether the applicants are qualified to carry out the proposed activities, and how the products of such activities will be made available to the public.

Public reporting burden for this collection of information is estimated to average 10 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Chief, Permits Conservation and Education Division, Office of Protected Resources, F/PR1, NOAA/National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910.

The permit application and any associated documents, including any reports required under the permit, are considered public information and as such, are subject to the Freedom of Information Act.

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

National Marine Fisheries Service  
Endangered Species and Marine  
Mammals

Scientific Research and Enhancement  
Permits

*OMB Control No. 0648-0084*  
*Expiration Date: 06/30/2013*

# NATIONAL MARINE FISHERIES SERVICE ENDANGERED SPECIES AND MARINE MAMMALS: SCIENTIFIC RESEARCH AND ENHANCEMENT PERMITS

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## Background

This chapter describes how to use APPS to apply on-line for Marine Mammal Protection Act and Endangered Species Act scientific research and enhancement permits for National Marine Fisheries Service (NMFS) protected species, including:

- Cetaceans;
- Pinnipeds (excluding walrus);
- Sea turtles (in water);
- Shortnose sturgeon;
- Atlantic sturgeon;
- Smalltooth and largetooth sawfish; and
- White and black abalone.

Under section 104 of the Marine Mammal Protection Act of 1972 (MMPA) and section 10(a)(1)(A) of the Endangered Species Act of 1973 (ESA), NMFS may issue permits for scientific research purposes or to enhance the propagation, survival, or recovery of protected marine species. Under the Fur Seal Act of 1966 (FSA), NMFS may issue permits for research on fur seals of the North Pacific.

Additional federal and state laws or regulations more restrictive than the MMPA or ESA may also apply to your activities and you are responsible for securing any other necessary permits or authorizations.

Possession of a permit is a privilege. NMFS must evaluate issuance of permits in consideration of its duties to protect and recover listed species.

Permits may be valid for up to five years after issuance and will include conditions necessary to mitigate and monitor the impacts of the proposed activities.

Please note, **not all MMPA and ESA permit applications are currently available on APPS**. You will need to use separate application instructions and apply by mail if you require the following permits/authorizations:

- MMPA Commercial/Educational Photography Permit
- MMPA Public Display Permit
- MMPA Incidental Harassment Authorization (IHA)
- MMPA Incidental Take Letter of Authorization (LOA)
- MMPA Pre-Act Parts Authorization
- ESA Section 10(a)(1)(B) Incidental Take Permit

For more information on applying for these permits, click the “Permit Types” link in the APPS Features box, use the Pre-Application Guide in APPS (see below), or visit <http://www.nmfs.noaa.gov/pr/permits/types.htm>.

## Section A: Scientific Research and Enhancement Permits

### Overview

#### *When to Apply*

<b>Target Species</b>	<b>Non-target species</b>	<b>When to apply</b>
Non-ESA listed marine mammals	<b>No</b> ESA-listed species or designated critical habitat will be adversely affected by the research activities	At least <b>6 months</b> prior to when you want to begin research/enhancement activities
Non-ESA listed marine mammals	ESA-listed species or designated critical habitat <b>may be</b> adversely affected by the research activities	At least <b>one year</b> prior to when you want to begin research/enhancement activities
ESA-listed species (marine mammals and other taxa)		At least <b>one year</b> prior to when you want to begin research/enhancement activities

#### *Processing*

Once we receive a **complete** permit application, it is subject to a mandatory 30-day public comment period. We concurrently send the application to the appropriate NMFS Regional and Science Center Offices, subject matter experts, and the Marine Mammal Commission for review and comment as applicable.

All permit decisions must be analyzed under the National Environmental Policy Act (NEPA).

An environmental assessment (EA) or environmental impact statement (EIS) may be necessary if proposed research or enhancement activities:

- are the subject of public controversy based on potential environmental consequences,
- have uncertain environmental impacts or unknown risks,
- may result in cumulatively significant impacts, or
- may have an adverse effect upon endangered or threatened species or their habitats.

If an application does not contain sufficient information on the environmental impact of the proposed activity to determine whether an EA/EIS is necessary, or if the information

is insufficient to complete such analyses, the application may be returned to the applicant or processing will be prolonged.

### ***Consultations***

As applicable, NMFS must request consultation with the following agencies on the potential effects of certain proposed activities, as listed below:

<b>Agency</b>	<b>Subject of Consultation</b>
NMFS Endangered Species Act Interagency Cooperation Division	ESA-listed species and designated critical habitat
NMFS Office of Habitat Conservation	Essential Fish Habitat (EFH)
NOAA National Ocean Service	National Marine Sanctuaries
U.S. Fish and Wildlife Service	ESA-listed species and designated critical habitat

Issues that arise during these consultations will lengthen the permit process.

### ***Pre-application Guide (PAG)***

Refer to [Chapter 1](#) for guidance on filling out the PAG, which is required prior to applying for a permit using APPS. Upon completing the PAG, the “Results” page will indicate the type of NMFS permit required. Please note the Questionnaire No. for future reference.

You have the option at this point to start an application or cancel. If you select cancel, you will have to complete another PAG before starting your application. If you are satisfied with the results of the PAG, click the link to start an application.

If you have questions about the results of the PAG or about completing your application, please call the Permits Division at 301-427-8401.

### ***General Guidance for Filling out an Application***

Refer to [Chapter 2](#) (“How to Use the System”) for basic instructions for using APPS, including system requirements, creating a new account, using the “portfolio” page, detailed navigation guidance, and information on saving and submitting your application.

APPS will assign your application a file number. Please reference this file number in correspondence about your project (e.g., in email subject headings). When starting from your portfolio, clicking on the link of your application file number under the “File Number” column will take you to the application.

### ***General guidelines***

- **Data is not saved automatically.** APPS will display a warning message and will **time out after 20 minutes** without any activity. To avoid loss of data, save the application before the system times out. **Save frequently** using the “Save” link at the top of your application. You will also be prompted to save each page when you click on the navigation links. Select “Save” to save new data, or “Cancel” to continue on to the next screen without saving.
- **You do not have to complete an application in one session.** You may save the application as a draft as long as you save before logging off or before the system “times out” and logs you off due to inactivity. The draft application may be accessed later from your portfolio and will remain in draft mode until you complete the required fields and submit the application.
- An asterisk (\*) marks a field that is required.
- Some text boxes have character limits, which includes spaces.
- You may cut and paste from other documents (e.g., Word), but special characters and formatting will be lost.

### *Navigation guidelines*

- **Do not use your web browser’s navigation buttons.** Doing so may cause you to lose information. Use the navigation links “< Previous” or “Next >” or the breadcrumbs at the top of the APPS screen, as described below and in [Chapter 2](#).
- Two options are available to **navigate through the application sections**:
  - **Breadcrumb links** (represented by the title of each major section of the application) allow you to jump to other pages in the application **without having to complete the required information** prior to leaving a page (i.e., you can skip a section and come back to it later).
- **APPS navigation links** (“< Previous,” “Reset,” or “Next >”) on the right side of the pages require you to go to each screen in a sequential order, and **you are required to enter all information** prior to leaving a page.

### *Application Layout*

New applications will open in draft or editing mode. You will navigate through a series of screens to enter information in the following sections of the application:

1) **Project Information, Project Description, and Project Supplemental Information** – this section requires specific information about your project, such as the duration and timing of your work, hypothesis/justification, description of methods, and other information.

2) **Location and Take Information** – this section requires information about the places you are requesting to work, the numbers and types of protected species you expect to take or import, and the methodologies you will use to conduct your research or enhancement activities.

3) **NEPA** – this section requires information about how your activities would result in impacts on the environment, including the physical and biological aspects of the environment.

4) **Project Contacts** – this section requires information on the Applicant/Permit Holder, Principal Investigator, Co-investigators, or others that will be working under the permit.

5) **Submit** – this section allows you to view your completed application and submit it to the Permits Division for review and processing. APPS will run checks before you can “Submit” an application to ensure you have completed all required screens or data fields. You will go through steps to authenticate your identity and certify the contents of your application prior to submitting it, which requires you to provide a signature to the Permits Division.

## Completing an Application using APPS

### *Give Complete Information*

Please provide complete and specific information according to the instructions in this document. APPS will not allow you to submit an application if one of the required fields is not filled out. **The Permits Division cannot process applications that do not include all of the required information.** We will return incomplete applications with explanation or request additional information. If we request additional information and do not receive it within 60 days, we will withdraw your application. Please note the following:

- Your application must be a stand-alone document and must clearly describe all proposed activities even when you reference published literature.
- When a question does not apply, please indicate “Not Applicable” or “N/A” and provide a brief explanation as to why the question is not applicable.
- Please avoid the use of technical jargon when possible because your application will be available to the public for review.
- You are encouraged to contact the Permits Division at 301-427-8401 with questions in advance of submitting your application.

## *Project Information Page*

### ***File Number***

This number is automatically generated by APPS and cannot be changed. Use this number in correspondence about your application.

### ***\*Project Title*** (enter up to 255 characters)

Describe the project as concisely and descriptively as possible. Include the species (or taxa if multiple species), the study's geographic range, and purpose. For example:

- “*Characterizing the Population Structure, Forging Ecology, and Movement Patterns of Green Sea Turtles in the Gulf of Mexico.*”

**Note:** If working on a draft application, we strongly recommend you enter a project title before logging out of the system.

### ***\*Project Status***

Project status (“New” or “Renewal”) is automatically selected based on your answers in the pre-application guide (PAG). Do not change this field.

### ***Previous Federal or state permit #***

If applicable, please enter your most recent NMFS permit number. If you have/had more than one permit, enter the permit most closely related to this application.

**Note:** State permit numbers are only applicable for Pacific marine and anadromous fish applications.

### ***\*Permits Requested***

One or more items will be listed based on your answers in the PAG. If the options listed are incorrect, please call the Permits Division at 301-427-8401 for assistance.

### ***\*Where will the activities occur?***

One or more general locations will be listed based on your answers in the PAG. If a location is incorrect, please call the Permits Division at 301-427-8401 for assistance.

**Note:** You will have the opportunity to provide more specific location information on subsequent pages.

***\*Research Timeframe***

Enter the proposed start and end dates of the entire project in the following format: MM/DD/YYYY. Please review the “When to Apply” section above and provide realistic dates based on processing time.

- The start date must not be prior to the date you successfully submit the application.
- The end date must be within five years of the start date.
- You may enter more specifics on your project dates/field seasons under “Sampling Season/Project Duration” (see below).

***\*Sampling Season/Project Duration*** (enter up to 1,000 characters)

Describe the annual sampling season(s) and the duration of the project. Include the months of the year and frequency of fieldwork/sampling (e.g., how many times per year and how frequently will you sample?).

If your research extends beyond five years, or is a continuation of previously authorized research, enter information here about when the research began and when you expect it to end.

***\*Abstract*** (enter up to 2,000 characters)

Provide a brief summary (approximately 200 words) of the proposed research and/or enhancement project. We will publish this summary in the *Federal Register* Notice of Receipt that initiates the 30-day public comment period. The summary should include **concise** statements of the following information:

- Purpose of the research or enhancement activity;
- Target species (common and scientific names);
- Type of take activities (e.g., capture, biopsy sampling), import and/or export;
- Numbers of animals to be taken for each activity or number of animals from which specimens will be imported and/or exported, by species or taxa (over a specified time, e.g., per year);
- Numbers and kinds of non-target species, including those listed under the ESA, that may be taken incidentally;
- Specific geographic location(s), including locations from which animals or specimens will be imported or to which they will be exported, if applicable; and

- Requested duration of the permit (e.g., five years).

After you have completed this page, save and click “Next >” or click the “Description” breadcrumb at the top of the APPS page to move to the next page.

### *Project Description Page*

**\*Project Purpose: Hypothesis/Objectives and Justification** (no text limit)

*Answer the following questions:*

- What are your objectives?
- What is the expected significance of your proposed activities?
- For research, what is the hypothesis being tested?
- For enhancement, how will your activities enhance the survival or recovery of the species in the wild?

Include background information discussing relevant published literature on the subject of your proposal, with citations. Describe how your proposed work is different from, builds upon, or duplicates past research or enhancement activities. Some aspects to include:

- Established knowledge and ideas related to your proposed research/enhancement.
- Whether the activities you are proposing are different from or build upon the proposed studies.
- How your proposed work would not be unnecessarily duplicative.
- If you have previously held or worked under a permit, discuss how your past findings have contributed to the body of knowledge on the subject and how they relate to your proposed objectives.

Describe why your work cannot be accomplished without taking marine mammals or protected species.

Justify your sample size. Include a power analysis or other sample size estimation to determine whether the sample size is sufficient to provide statistically significant or otherwise robust results appropriate for your research study.

Justify your need to sample specific sex, age class, sub-populations, etc., particularly if you are requesting to sample dependent young or other particularly vulnerable groups.

For each species, demonstrate how your research activity would contribute to the basic knowledge of the biology or ecology of the species, or how your activity will identify, evaluate or resolve conservation problems.

*As applicable, also address the following:*

For **ESA-listed and MMPA-depleted** species:

- Why must your study involve ESA-listed or depleted species? Discuss the use of possible alternatives (e.g., surrogate non-ESA listed species).
- How will your project contribute to the objectives identified in the species' recovery or conservation plan? Please be sure to identify specific priorities of these plans.
- Does your project have broader significance than your individual goals? For example, does your project respond to recommendations (other than those listed in a recovery or conservation plan) of a scientific body charged with management of the species? If so, describe.
- If there is no recovery or conservation plan, how and to what degree will your project otherwise contribute to conservation and/or recovery of the species?
- How will your research directly benefit the species or fulfill a critically important research need?
- How will your enhancement activities contribute to maintaining or increasing distribution or abundance, enhance the health or welfare of the species, or ensure the survival or recovery of the species in the wild?
- Will captive maintenance for enhancement maintain a viable gene pool, increase productivity, provide necessary biological information, or establish animal reserves?
  - How does the benefit of removing animals from the wild into captivity outweigh alternatives that do not require removal from the wild?
  - What plans are in place for returning animals and any offspring to the wild? If animals are going to remain in permanent captivity, additional justification is required.

***\*Project Description*** (no text limit)

This section should clearly describe the methods you will use, the number of animals you will take, and the locations in which you will take them. This section should provide the reader with a clear picture of what will systematically happen during a typical day/field season of research or enhancement activities.

Describe the **number of individuals, by species, sex, age class, manner, and location** in which you will take<sup>1</sup> animals and animal parts/specimens over a specified period (annually or per field season if less than one year).

If you will take the same animals **in more than one manner**, list the number of animals and all procedures that you would conduct.

- Example: capture, blood sample, biopsy, and flipper tag 25 adult male and 25 adult female (non-pregnant and non-lactating) individuals annually during non-breeding season.

If individuals will be **taken more than once** (e.g., recapture for instrument retrieval or multiple tagging attempts), indicate the frequency and type of take activity per individual per year or per field season if less than one year.

Provide **detailed methods** for each take activity, including but **not limited to** descriptions of the following:

- Platform types (vessel or aircraft description)
- Aerial and vessel survey type and routes (attach figure if possible)
- Approach distances (by aerial, vessel, or ground)
- Approach techniques (speed, direction in relation to animals)
- Photo-identification (techniques and analysis)
- Capture techniques (hand, net [type and mesh size], cage [type and dimensions])
- Handling/restraint (methods and number of persons to restrain, maximum time)
- Sedation/anesthesia (type, route/site, dosage, duration, reversal/other drugs)
- Marking (flipper and PIT tagging, branding, bleach/other temporary marking)
- Instrumentation (attachment method, types of sensors, dimensions, weight, battery life, duration of attachment)
- Biological sampling (type, volume/size, site, analysis, shipment, storage)
- Acoustic sampling (passive recording or auditory evoked potential) or acoustic playbacks (frequency, source level, signal duration, duty cycle, and energy output).

Please make sure your methods are detailed enough for us to evaluate potential effects. Refer to [Appendix VIII](#) for guidance on what level of detail is required.

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<sup>1</sup> A take under the MMPA means to harass, hunt, capture, collect, or kill, or attempt to harass, hunt, capture, collect, or kill any marine mammal. This includes, without limitation, any of the following: the collection of dead animals, or parts thereof; the restraint or detention of a marine mammal, no matter how temporary; tagging a marine mammal; the negligent or intentional operation of an aircraft or vessel, or the doing of any other negligent or intentional act which results in disturbing or molesting a marine mammal; and feeding or attempting to feed a marine mammal in the wild.

Under the ESA, a take means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to do any of the preceding.

Cite **references** for the methods where applicable, but do not substitute a literature citation in lieu of a complete description of the methods.

On the “Supplemental Information” page, you may attach files containing **figures or photographs to illustrate** your methods (e.g., tags and instrument attachment devices, nets and net deployment). See below for instructions on attaching files.

Include the **purpose of each take activity** (including the purpose of specific samples taken). How do each of these take activities relate to meeting your objectives?

Indicate the **estimated number and type of non-target species** that you may affect each year, and the manner in which you may affect them during your research. This includes but is not limited to marine mammals, ESA-listed species, sea birds, sharks, plants, etc. If you were to encounter a non-target species in the same area of your study but you do not expect to affect them in any way, please describe why and any actions you will take to prevent impacts (e.g., not in area during time of study; would not approach closer than 100 meters; would halt operations until non-target species moved out of study area).

Describe how your proposed activities coincide with or avoid sensitive biological periods such as reproductive seasons and maternal care of both target and non-target species.

**For import and export activities**, answer in detail the following:

- What methods will be used to take samples from animals (live or dead) in foreign countries?
- If samples will be obtained from dead animals, describe how the animals died or the method in which they were killed.
- What is the authorizing government agency for the legal collection of animals or specimens in the country of origin? Be prepared to provide documentation regarding the legality of the take in the country of origin for your annual reports.
- What are the shipment/transport methods, including safe handling protocols?
- What are the methods for sample preservation, analysis, and curation (for samples not destroyed in analyses), including safety protocols for laboratory work?
- If an import would be necessary for the protection or welfare of a live marine mammal, discuss the circumstances involved and any alternatives considered.

**For exports of living marine mammals from the U.S.**, the appropriate agency of the foreign government must certify that:

- The information in the application is accurate;
- The laws and regulations of the foreign government involved allow enforcement of the terms and conditions of the permit; and
- The foreign government involved will afford comity to any permit amendment, modification, suspension, or revocation decisions.

After you have completed this page, save and click “Next >” or click the “Supplemental” breadcrumb at the top of the APPS page to move to the next page.

### *Project Supplemental Information Page*

#### ***Attach a Supplemental Information File***

If you do not have enough room to answer any of the questions in this or the other sections, you may attach files to complete a section or sections. There are additional areas in the application to attach maps, grant proposals, etc.

- To attach a file, use the “click here to attach a supplemental file” link.
- An **MS Word** file is the preferred format, but formats such as PDF, MS Excel, Word Perfect, and ZIP files are also acceptable.
- An **attachment may not be larger than 10 MB and you may attach up to 10 files**. If you have a larger document, reduce the size by removing material that is not essential for the review of your application.
- Once you have attached a file, the screen will display text indicating that a file is attached. You may need to refresh the screen to see this after hitting “save.”

***\*Status of the Affected Species*** (enter up to 2,000 characters)

As applicable, indicate the status of each target species or stock as follows:

- ESA - threatened or endangered
- MMPA - depleted or strategic
- Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) - Appendix I, I, or III

Species information is available at the following web sites:

<http://www.nmfs.noaa.gov/pr/species/>

<http://www.fws.gov/>  
<http://www.cites.org/>

**\*Lethal Take** (enter up to 800 characters)

If you **do not** expect to kill or seriously injure any animals, intentionally or unintentionally, click the “Not Applicable” check box and leave the larger text box blank.

If **intentional** lethal take is involved, provide an explanation of why a non-lethal method is not feasible or why lethal take is unavoidable. For ESA-listed or MMPA depleted species, also describe how the results will directly benefit the species or fulfill a critically important research need.

- Provide methods of lethal take, number of animals to be taken per year, and protocols for tissue collection, analysis, and carcass disposal if not previously described in the “Project Description” section.

**Note:** Requests to euthanize animals are considered intentional lethal takes.

If **unintentional** mortality or serious injury<sup>2</sup> is possible incidental to, or as a result of, the proposed activities, indicate the following if not previously described in the “Project Description” section:

- Maximum number of animals from each species that could die or be seriously injured per year and how you arrived at that number;
- Potential ways that animals may die incidental to the proposed activities; and
- Protocols for tissue collection, analysis, and carcass disposal.

**Note:** Unintentional mortality refers not only to a death during research, but also to those that succumb at a later time (e.g., death due to effects of stress from handling, adverse reactions to drugs, complications from a pre-existing condition, or abandonment of dependent young).

**\*Anticipated Effects on Animals** (no text limit; refer to [Appendix VIII](#) for guidance on what level of detail is required)

- What are the anticipated effects of each of the activities alone or cumulatively on the behavior and physiology of the target animals? How will animals react to your actions and what are the consequences of those reactions? Identify both short- and long-term potential effects.

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<sup>2</sup> For marine mammals, serious injury is defined by regulation as any injury that will likely result in mortality.

**Note:** If you have conducted this work previously, please clearly describe and quantitatively summarize the types of reactions of animals from past research. Include citations for any relevant references and be prepared to provide copies if requested. Annual permit reports and other non-published works are acceptable citations.

- What are the anticipated effects on the population as a whole? On what is your determination based?
- Summarize any mortalities that have occurred during the previous five years of research or enhancement activities conducted by you using the same or similar techniques, including circumstances involved and cause of death.
- Describe how conspecifics or non-target species in the study area may react to or otherwise be affected by your activities (e.g., will you encounter them on your way to or from the study site? How will you avoid harassment?).

**\*Measures to Minimize Negative Effects** (no text limit; refer to [Appendix VIII](#) for guidance on what level of detail is required)

- For each activity, what measures will you take to minimize impacts to wildlife? Provide information for both target and non-target species (e.g., plants, fish, coral). Describe measures you will implement to ensure your activities are conducted in a humane manner, with minimal disturbance, stress, and harm to the subject animals. Explain how you determined your methods are those that will have the least potential for pain and stress (e.g., summarize your alternatives search).
- Indicate what short- and long-term post-procedure monitoring you would conduct to evaluate the effects of your activities and/or to ensure animals have recovered.
- What efforts will you make to collaborate or coordinate research with others in your study area? Explain how this will occur and how it will minimize impacts. For example, will it involve sharing resources, samples or data; timing surveys, etc.?
- If the proposed activities may cause stress, discomfort, pain, suffering, injury, or mortality, you must explain why there are no feasible alternative methods to obtain the desired data.

**Note:** Where an IACUC (Institutional Animal Care and Use Committee) review is required, include a copy of the protocols submitted to the IACUC, and the signed approval and comments. If the protocols have not been approved, indicate the status.

For applications involving captive care of marine mammals, there is a separate place to attach your IACUC documents (question ‘e’ of the captive screens – see page 18)

***Attach a References File***

If your application contains citations to published work, you must include a list of references. References contain bibliographic information that would allow a reader to obtain a copy of the referenced work.

**Note:** Referenced materials must be made available to the Permits Division upon request, as needed for evaluation of the application, or preparation of any necessary ESA and/or NEPA analyses. Note that all documents referenced in support of your application must be available to the public upon request. Do not reference confidential documents, or other information you are not willing to provide to the public at the time your application is submitted.

***\*Resources Needed to Accomplish Objectives*** (enter up to 800 characters and attach file if necessary)

Explain how your expertise, facilities, and resources are adequate to successfully accomplish the objectives and activities stated in your application.

Include the name and address of sponsors, cooperating institutions/researchers, or contractors, if not listed as Co-investigators on the application, and clearly indicate their role.

If the proposed take activities will be conducted by a contractor, provide a statement as to whether a qualified member of your staff (include name(s) and qualifications) will supervise or observe the taking. Attach copies of any relevant formal research proposals, contracts, or letters of agreement that would demonstrate the financial or logistical resources available to you to conduct and complete the proposed activities.

Indicate whether you have applied for, secured, or will apply for other federal, local, or state permission to conduct your proposed work, and what those approvals include.

**Note:** You may add an attachment here for funding proposals, letters of agreements, lists of cooperators and their roles, etc.

***\*Disposition of Tissue Samples*** (enter up to 800 characters)

If you will not collect, receive, possess, transport, or import/export tissue samples, click the “Not Applicable” check box and leave the text box blank.

This section is applicable if you will collect, receive, possess, transport, or import/export tissue samples. Provide a description of the disposition of any parts or samples remaining

after the research or enhancement activities are complete. If you have made arrangements with a museum or other institutional collection to ensure that remaining tissues will be available for scientific research or enhancement purposes, include information on where the samples will be stored, transferred, and how/when/where they will be disposed. Include contact information for each of researchers, laboratories, museums, and/or institutional collections that would receive these tissue samples or specimens. If you will not retain or transfer samples, state whether samples will be consumed in analysis or will be destroyed after analysis.

**\*Public Availability of Product/Publications** (enter up to 800 characters)

Describe the end product(s) of your proposed research and how they will be made available to the public.

After you have completed this page, save and click “Next >” or click the “Location/Take” breadcrumb at the top of the APPS page to move to the next page.

### *Captive Information Pages*

Based on your responses to the PAG, you may be required to provide additional information on animals in captivity (permanent or temporary), including removing animals from the wild into captivity and research or enhancement on captive or rehabilitating animals. **As applicable, address the following:**

- (a) Explain why removal from the wild is necessary and why you cannot obtain suitable animals from captive or rehabilitated stock. (Enter up to 2,000 characters.)
- (b) If the source stock is to be beached/stranded marine mammals undergoing rehabilitation, indicate the name and location of the rehabilitation facility. (Enter up to 1,000 characters.)
- (c) If the source stock is from animals already in captivity (other than animals in rehabilitation) indicate the name and location of the facility and, where possible, identify the specific animals (by NOAA ID number if applicable) to be involved in the proposed activity. (Enter up to 1,000 characters.)
- (d) Include a copy of any license or registration issued by the Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture, any outstanding variances granted, and the most recent APHIS inspection report. (You must attach a file here.)
- (e) Include the proposal submitted to the appropriate Institutional Animal Care and Use Committee (IACUC) established under the Animal Welfare Act (AWA), the IACUC approval, and any comments and recommendations of the IACUC. (You may attach a file here.)

- (f) Provide a written statement from the responsible veterinarian or expert certifying that the facilities, methods of care and maintenance, and methods of transport will be adequate to ensure the well-being of the animals *and, for marine mammals*, will comply with all care and transport standards established under the AWA. (You must attach a file here.)
- (g) *For ESA-listed species*: Describe the care and maintenance of the animals, including a complete description of the facilities where they will be maintained. This includes the dimensions of the pools or other holding facilities; the number, sex, and age of animals by species to be held in each; the water supply, amount, and quality; the diet, amount and type; sanitation practices; and qualifications and experience of the husbandry staff.
- (h) Indicate whether a captive breeding program will be established and, if so, provide justification in accordance with the species conservation or recovery plan as applicable for enhancement activities. *For ESA-listed species*, indicate if you are willing to participate in a captive breeding program if requested by NMFS. (You may enter up to 1,800 characters.)
- (i) Indicate the disposition of captive animals at the termination of research or enhancement activities. (You may enter up to 1,800 characters.)
- (j) If release of captive animals to the wild is proposed, state the length of time the animals will be held, no matter how temporary, and describe the protocols for the release, including post-release monitoring protocols. Include in the release protocol mitigation for the following:
- Disease transmission between released animals and the wild population;
  - Potential genetic exchanges between introduced and endemic stocks;
  - Ability of the released animals to forage and protect themselves from predators; and
  - Elimination of behavioral patterns acquired during captivity that could prove detrimental to the released animals or the social structure of local populations.

## *Project Locations and Take Information Pages*

### ***Overview***

On the main “Project Locations and Take Information” page, you can describe your location, add new locations, edit or delete existing locations, add or edit take information, and view your defined locations.

The “Project Locations and Take Information” page will first prompt you to “Add New Location” and this will allow you to provide more information about where you will be working, based on the results of your PAG.

Once you have entered one or more locations, the lower part of the “Project Location and Take Information” page will display them. You will then have the option of adding another location, editing or deleting a location, or adding/editing the take information for a location. You will use the “Take Information” page to describe the species you will encounter and the procedures you will conduct at each location.

### ***How to Add a New Location***

Follow these steps to add location information:

- 1) **Add New Location**: Click on this button to add a location and enter that location information. This will take you to a “Project Location Information” page.



*You must enter **multiple locations** if you will be working in different places (e.g., multiple oceans or rivers). You will enter each location **separately** and each will have an affiliated take table.*

- 2) **\*Select the general area**: Next, use the drop-down menu to choose a general area where you will be working (this may be automatically populated based on information in the PAG). You can only enter one general area at a time.

**Note:** If you are requesting to **receive or import/export parts** of animals, **select the “Parts” option as your location**. On the Location Details page (see step 4), enter the country of import/location of sample origin, and to where samples will be shipped/exported in the Location Description box.

If you are requesting to **work with captive animals**, including those in rehabilitation, select the **“Captivity” option as your location**. On the Location Details page (see step 4), enter names of captive facilities in the Location Description box. You will provide more details in the “Captive Information” section, described above.

Please note that NMFS does not have jurisdiction in the **territorial** waters of another country and therefore cannot authorize the take of protected species in those waters. For U.S. citizens, activities beyond territorial waters are considered to occur on the high seas and need coverage by a NMFS permit.

- 3) **\*Select the state(s)**: If applicable, this second drop down menu will be visible. Choose all applicable states for the general area by holding down the Control key and clicking on all applicable states.



*If the correct geographic choices do not show up, please contact the Permits Division at 301-427-8401.*

- 4) **Enter Location Details**: Click this button. Enter information on this page as it applies (disregard any non-applicable fields). Use the “Location Description” box (up to 255 characters) to briefly describe your study for each take table. Information on this page includes:
  - Under “Waterbody,” enter names of rivers, estuaries, bays, etc.
  - Latitude and longitude of your study area
  - River miles (“Begin Mile” and “End Mile”)
  - Limits of your study area (e.g., to the U.S. EEZ, to the edge of the continental shelf, to 50m depth)
  - Names of land masses where research will occur (e.g., islands, rookeries)
- 5) **Attach File**: Click on this link to attach maps or other information to provide detailed descriptions about the locations where you will be working. If you have multiple study areas and species, identify species locations on a map. Formats such as PDF files, MS Excel, MS Word, and Word Perfect are acceptable. The attachment may not be larger than 10 MB. If you have a larger document and cannot reduce the size, please fax this document to the Permits Division at 301-713-0376.
- 6) You may enter all the locations where you are requesting to work at one time, and then go back to enter the takes associated with those locations; or, you can enter a location and go straight to entering the takes for that location.

#### ***How to Edit or Delete a “currently defined” Location***

- 1) **Edit/Delete Location**: From the “Project Locations and Take Information” main page, click on this button to edit location information you entered or to delete a location.
- 2) This will take you to the “Project Location Information” page. Here you can edit any information previously entered on this page. Select “save” to save your changes.
- 3) **Delete Location**: Clicking on this button will delete the location specified on the “Project Location Information” page. A pop up box will ask if you want to delete. Click “OK” to delete and “Cancel” to cancel the deletion.



*Deleting a location will also delete all associated takes (if entered) with that location. You will get a warning message to confirm that you want to delete a location.*

## Take Information Pages

### Overview

- **Edit/Add Take** : You may access this button from the “Project Locations and Take Information” main page or from the “Project Location Information” page. Click on this button to go to the “Take Information” page. You may also click on the “Next >” link from the “Project Location Information” page to get to the “Take Information” page.
- On this page you will enter the species to be taken, by age and sex class, the number of individuals, methods (e.g., capture, intrusive procedures), and sample dates (See *Entering Take Information* section below).

**Note:** All data fields in the take table require entries and the information must be specific to the location listed at the top of the page. If you have more than one location, each location will have a separate take table. **Save your data often so that information is not lost.**

- The “Take Information” page has three parts:
  - The top of the page identifies which location you are working on;
  - The middle has editing tools (buttons) that allow you to add, edit, delete, copy, and re-organize take records in the take table; and
  - The bottom has the take table.
- You will create a separate record row for each unique combination of species, production type (wild or captive), life stage, take action, capture method, and procedures.
- The take table is a large landscape format. Depending on the size of your screen you may need to use the right and left scroll arrows to complete the table.

### Take Table Editing Tools (Buttons)

Editing buttons above the take table appear in the following order:

- 1) **Add More Lines**: Clicking this button allows you to add more lines (rows) to the take table. You can only add more lines if at least one row contains data.
- 2) **Edit Selected Records**: Use this to “unlock” or “unfreeze” selected rows in the take table so that you can edit information you have previously entered and saved. You must first put a check in (click on) the “**Select**” box at the far left of each row you want to edit. Click on the **Save** button to save your edits.

- 3) **Delete Selected Records**: Clicking on this button allows you to delete selected take rows from this location. You must first put a check in (click on) the “**Select**” box at the far left of each row you want to delete. Click on the **Save** button to save your edits.
- 4) **Copy Selected Records**: This tool allows you to copy selected take records to the current location, another location within the same general area, or a location in a different general area. You must first put a check in (click on) the “**Select**” box at the far left of each row you want to copy.

**Note:** The “Copy Selected Records” function is useful if you are conducting the same activities on multiple species (e.g., enter all the procedure information for one species, copy that row, and then edit the record as needed).

- 5) Clicking on the **Copy Selected Records** button will open a new window. **You may choose to go to a new location (i.e., a separate take table) after you copy the records or stay at the location you are in by selecting those radio button options** in the “Copy Take Records” pop up window.
  - a) **If you copy the takes within the current location**, you will make duplicate copies of the selected rows. The copied records will appear at the bottom of the take table. You must make some changes to the copied rows or you will receive a “duplicate records” error message.
  - b) **If you copy the takes to a new location (e.g., a state) within the same general area (e.g., Atlantic Ocean)**, the information you have entered will be saved, you will be taken to a new location information page, and all the take information from the previous location will already be entered. In order to distinguish the new location from other locations, you must make sure that at least one of the location descriptors is unique.
  - c) **If you copy the takes to a new location in a new general area** (e.g. Atlantic Ocean to Pacific Ocean), you will be taken to a blank location page. Once you enter the location information and click the **Edit/Add Take** button, you will go to the “Take Information” page and you will see all the takes you copied from the previous location.
  - d) **If you copy the takes to another location you have already created**, you will be taken to that location page and all the take information you copied from the previous location will already be entered. The records will appear at the bottom of the take table.

- 6) **Copy All Records**: This function allows you to copy all take records to the current location, a new location within the same area, a new location outside the area, or to another location you already created. See the information in the “Copy Selected Records” section above for more details about the options.  
  
**Note:** You may choose to go to the new location after you copy the records or stay at the location you are in by selecting those radio button options in the “Copy Take Records” pop up window.
- 7) **Re-number lines**: Each line in the take table is numbered. If you delete one or more records, click this button to re-number the remaining lines consecutively. This tool also re-orders the rows alphabetically by species’ common name and population name.
- 8) **Edit Location**: Clicking on this will take you back to the “Location Information” screen for editing (effectively “unlocking” the location in the top portion of the page).
- 9) **Save**: This button saves all edited or updated take information. **Save often** in case of interruption or computer problems, and save before navigating to another page.
- 10) **Export to Excel**: This button allows you to export your take table to Microsoft Excel.

### *Entering Take Information*

The take table represents **annual** takes for the duration of your project. The takes you enter *for this location* are displayed in a table in the lower part of the page. If you have not entered any take information, the table is blank (except for automatically entered begin and end dates). You must enter at least one row for every location. Enter the following information to add takes for each location in the application.

**Note:** The options that appear in the dropdown menus in the take table are based on the species group (e.g., marine mammals) you indicated in the PAG, the location that you have selected, and the individual species that you select. If you are having difficulties, please first check that the previous fields were entered correctly. See [Appendix VII](#) for a list of the options that appear in the take table drop down menus.

*Columns in the take table appear in the following order:*

- 1) **Select:** Leave this box blank unless you need to copy, move, or delete the line following the instructions above.

- 2) **Line:** Each line in the Take Information section is automatically numbered. If you make changes to the take table (e.g., delete a line), you may renumber the lines in consecutive and alphabetical order following the instructions above.
- 3) **Species:** Use the drop down list to select one species. Species are listed alphabetically by common name and/or category (e.g., whale, sperm). If the species you are looking for is not on the drop-down menu, double check your location (species are populated based on location). If you are still having problems, contact the Permits Division at 301-427-8401.  
  
**Note:** For a complete list of species, click on the “Species Lists” link on the left side of the “Project Location” page (you will have to navigate back to the “Project Location” page).
- 4) **Listing Unit/Stock:** Depending on the species selected in the previous field, this field will display those listing units or stocks that are in the location in which you are working. Use the drop-down list to select a “Listing Unit/Stock.” Choose “Range-wide” if, for example, your location has multiple stocks of the same species and you cannot distinguish between them while in the field; or, for example, if you are importing specimens from locations worldwide. Do not select “Range-wide” for ESA-listed species whenever possible.
- 5) **Production/Origin:** Use the drop-down list to select a “Production/Origin.” Available categories include “wild” and “captive,” and for marine mammals, “rehabilitation facility.” If you will be entering take information for more than one type of Production/Origin, you will need to enter a separate row for each one.
- 6) **Life Stage:** Use the drop-down list to select the applicable life stage. You may enter take information for more than one life stage (e.g., adult versus juvenile) on separate rows or select a combination of life stages for one take category.
- 7) **Sex:** Use the drop-down list to select a sex. If your activity targets only one sex, indicate which. If it targets both and they can be targeted separately, enter separate rows for male and female; otherwise select “Male and Female.”
- 8) **Expected Take:** This represents the number of animals you expect to take or import, annually. Enter the number of animals you expect to capture, observe, etc. for the “Take Action” you select. For actions where a number is difficult to determine (e.g., abalone spawning, import/export of parts), contact the Permits Division at 301-427-8401.
- 9) **Indirect Mortality:** This column is inactive. You may enter indirect mortality numbers associated with all take actions by choosing “Unintentional Mortality” as a separate “Take Action” on a separate row in the take table.

- 10) **Takes Per Animal:** Indicate the maximum number of times an individual will be subject to the take actions, etc., annually. For surveys or incidental disturbance, if the same animals may be present on more than one occasion, but not individually identifiable, use the maximum number of times the survey or disturbance event would occur in a year.
- 11) **Take Action:** Use the drop-down list to select the type of action. The “Take Action” is a generalized overview of how animals will be taken. Select only one action. If more than one action is proposed, you must enter the takes on separate rows.
- 12) **Observe/Collect Method:** Use the drop-down list to select the method of observation (e.g., survey, vessel) or capture (e.g., net). Select only one observe/collect method per row. If various methods will be used, you must provide take information in separate rows for each observe/capture method.

**Note:** You can use the **Copy Selected Records** button to duplicate takes within this location (see above for directions).

- 13) **Procedures:** This field is where you provide specific information on the research or enhancement activities that will be conducted. A separate pop-up window will appear with a species-specific list of activities. Hold down the Control key to select all activities to be performed concurrently. Choose “Other” if your proposed activity is not listed. In the “Details” box (see below), briefly describe what the “Other” means.

**Note:** The procedures list includes both intrusive activities such as “insert ingestible telemeter pill” and non-intrusive activities such as “observations, behavioral,” “photo-id,” and “acoustics, passive recording.”



Refer to [Appendix VII](#) for a complete listing of “Take Actions,” “Observe/Collect Methods” and “Procedures” by species groups.

- 14) **Run:** For fish species, use the drop-down menu list to select an appropriate run, as applicable. Otherwise, select N/A.
- 15) **Transport:** If you will be transporting live animals during your research or enhancement activities and chose “transport” as a “Procedure,” clicking on this button will allow you to enter information about the transport. Click on this button to enter or edit the information.

In the “Transport Information” window, you have the option to select a transport location from information you previously entered. If you have not previously

entered transport information or you need to enter a new transport record, click on the “click here” link to go to the “Transport Information” window. All of the fields on this page are required.

a) **\*Mode(s) of transportation:** Describe the mode of transportation. Include a description of the vehicle or other platform used to transport animals.

b) **\*The name of the transportation company, if applicable, and the qualifications of the common carrier to transport live animals:** If a contractor or other entity will do the transportation, enter information in the box. Otherwise, click on N/A.

c) **\*Maximum length of time from capture to arrival at destination:** How long will the animal(s) be in transport?

d) **\*Description of the container (e.g., cage, tank) used to hold the animal during transit:** Include the material of the container and its dimensions.

e) **\*Any special care procedures (e.g., moisture, medicines, aeration) to be administered during transport:** How will the animals be cared for during transport?

f) **\*A statement as to whether the animals will be accompanied by a veterinarian or some similarly qualified person:** If so, give the name, affiliation, contact information for each person.

g) **\*Destination:** Use the drop down list to select the species destination. If your destination is not on the list, click on the “New Facility” button to add it. If the animals will be taken to a laboratory, classroom, or aquarium, provide details of the location. If the animals will be released in another waterbody, provide details of the location.

h) **\*How will the animals be contained at the destination facility?:** Describe the containment system for the animals, quarantine procedures, and effluent treatment.

i) **\*The final disposition of the animals:** Describe, for example, whether the fish will be released, sacrificed, or deposited in a museum collection (e.g., “Retain alive for six months, then release”; “Sacrifice for tissue analysis.”).

j) When you have completed all nine fields, click the **Save** button to save the information and go back to the “Transport Information” box. When you have entered all the transport information for your application, save and return to the “Take Information” page.

- 16) **Begin Date:** This field is populated with the “Begin Date” you entered on the “Project Information” page. The take table represents **annual takes** within the overall project duration. You may change the date to coincide with a specific project time shorter than the overall duration of the project. You cannot enter a date that is earlier than the “Begin Date” you entered on the “Project Information” page.
- 17) **End Date:** This field is populated with the “End Date” you entered on the “Project Information” page. The take table represents **annual takes** within the overall project duration. You may change the date to coincide with a specific project time shorter than the overall duration of the project. You cannot enter a date that is later than the “End Date” you entered on the “Project Information” page.
- 18) **Details:** Enter up to 255 characters in this text box to provide details on each take table row. For example, if you chose “instrumentation, external” as a procedure, use this box to describe what type of instrument you will be deploying (e.g., satellite tags).
- 19) When finished entering and saving take information, either click on “Next >” to take you back to the location page for any final location editing or adding new location and take information; OR, go to the breadcrumbs on top of the page and click on “NEPA.”

### *National Environmental Policy Act (NEPA) Considerations Page*

You are required to respond to all five environmental impact consideration criteria on this page. Please answer each question completely. **“Yes” or “no” or “not applicable” are not sufficient answers** and your application will be considered incomplete. When you are finished, click the “Next >” link.

- 1) If your activities will involve equipment (e.g., scientific instruments) or techniques that are new, untested, or otherwise have unknown or uncertain impacts on the biological or physical environment, please discuss the degree to which they are likely to be adopted by others for similar activities or applied more broadly.
- 2) If your activities involve collecting, handling, or transporting potentially infectious agents or pathogens (e.g., biological specimens such as live animals or blood), or using or transporting hazardous substances (e.g., toxic chemicals), provide a description of the protocols you will use to ensure public health and human safety are not adversely affected, such as by spread of zoonotic diseases or contamination of food or water supplies.
- 3) Describe the physical characteristics of your project location, including whether you will be working in or near unique geographic areas such as state or National

Marine Sanctuaries, Marine Protected Areas, Parks or Wilderness Areas, Wildlife Refuges, Wild and Scenic Rivers, designated Critical Habitat for endangered or threatened species, Essential Fish Habitat, etc. Discuss how your activities could impact the physical environment, such as by direct alteration of substrate during use of bottom trawls, setting nets, anchoring vessels or buoys, erecting blinds or other structures, or ingress and egress of researchers, and measures you will take to minimize these impacts.

- 4) Briefly describe important scientific, cultural, or historic resources (e.g., archeological resources, animals used for subsistence, sites listed in or eligible for listing in the National Register of Historic Places) in your project area and discuss measures you will take to ensure your work does not cause loss or destruction of such resources. If your activity will target animals in Alaska or Washington, discuss measures you will take to ensure your project does not adversely affect the availability (e.g., distribution, abundance) or suitability (e.g., food safety) of these animals for subsistence uses.
- 5) Discuss whether your project involves activities known or suspected of introducing or spreading invasive species, intentionally or not, (e.g., transporting animals or tissues, discharging ballast water, use of equipment at multiple sites). Describe measures you would take to prevent the possible introduction or spread of non-indigenous or invasive species, including plants, animals, microbes, or other biological agents.

## Project Contacts Page

On this page you will enter information about the people who will be responsible for overseeing the project and others who will be working under the permit. As the person entering the application, you will automatically be assigned the following roles:

**Applicant/Permit Holder, Principal Investigator, and Primary Contact.** See the directions below for how to change who is assigned to these roles. The following table and [Appendix II](#) explain the differences between the personnel roles. The Applicant, Principal Investigator, and Primary Contact can be the same person.

	Able to make changes to application	Must be named in the permit application	CV, resume, or list of qualifications required	Receive automatic emails from APPS	Can request modifications and submit annual reports
<b>Applicant/Holder</b>	Yes	Yes	Yes	Yes	Yes
<b>Responsible Party</b>	Yes	Yes (only if Holder is an entity)	No (If they are participating in the research they should also be listed as a Co-investigator)	Yes	Yes
<b>Principal Investigator</b>	Yes	Yes	Yes	Yes	Yes
<b>Primary Contact</b>	Yes	Yes	No	Yes	Yes
<b>Co-Investigator</b>	No	Yes	Yes	No	No
<b>Other personnel (e.g., Research Assistants)</b>	No	No	No	No	No

To change the person assigned to the Applicant/Permit Holder, Principal Investigator, Responsible Party, and Primary Contact roles, click the **Change** button next to the name. This action will open the “Contact Search” window.

To prevent duplicate entries, **you MUST ALWAYS search the database for the person before entering a new contact.**

### To search:

- 1) Enter the person’s last name.
- 2) Click **Search for Contact**.
- 3) If the person is listed in the search results, click the **Select** button to add them to your application.
- 4) If too many entries are returned, you may enter additional information about the person, and click **Search for Contact** again.

- 5) If the search did not find the person you want to add, click **Create New Contact**.
- 6) You will be prompted to enter the person's contact information. Enter all required information and save when you are finished.

**Note:** If you remove yourself as a contact you will no longer have access to the application.

A project must have a **Responsible Party** when the Applicant/Permit Holder is an organization, institution, or agency. The Responsible Party is an official who has the legal authority to bind the organization, institution, or agency and is ultimately responsible for all activities of any individual operating under the authority of the permit.

**Note:** The Responsible Party is most often used when there is a likelihood of staff changes. For example, permits cannot be transferred from one individual to another. If the Permit Holder changes, NMFS has to issue a new permit. However, the Responsible Party role can be transferred to another individual. Long-term research projects held by public agencies tend to encounter staff changes and in many cases, NMFS has assigned the Permit Holder role to the agency. It is up to the applicant to decide if this is appropriate for their project. To add a Responsible Party, follow the steps above.

In addition to the roles described above, you must add **Co-investigators** to the application if the Principal Investigator will not always be present during the permitted activities. Co-investigators are individuals who are qualified and authorized to conduct or directly supervise activities conducted under a permit issued for scientific research or enhancement purposes without the on-site supervision of the Principal Investigator.

***To add a Co-investigator:***

- 1) Click on the **Add Personnel** button.
- 2) The Contact Search box will open
- 3) Follow the instructions above for searching and adding a new contact.
- 4) Once you select a person, click on the **Save Personnel** button before adding another Co-investigator.
- 5) Repeat this process until you have added all Co-investigators.

***Qualifications and Experience***

You are required to submit the following information about the qualifications and experience of the Principal Investigator and all Co-investigators.

**Note:** All documentation submitted will be publicly available. **DO NOT include personal information**<sup>3</sup> in your documentation.

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<sup>3</sup> **DO NOT** include social security number, date of birth, nationality, marital status, home phone or address (unless it is also the business address), salaries, or other personal information.

### *Contact Information*

- Full Name (as it appears on driver's license, passport, etc.)
- Email address
- Business mailing address, phone, and fax

### *Education & Training*

- Degree, year, major, name of institution
- Certificates or Licenses, relevant dates (year received, expiration date)
- Other training or certification relevant to the permitted activity, date (e.g., dive certification, animal handling course)

### *Experience<sup>4</sup>*

- Current position title, name of employer
- Relationship to Applicant/Principal Investigator
- List of duties to be performed under the permit
- Brief description of when and how you obtained expertise in the proposed methods you will be conducting and supervising, whether you have performed them without supervision and when you supervised others performance

### *Annotated Publication History<sup>5</sup>*

- Authors, Date, Title, Journal (or book, etc.), applicable permit number

### ***To attach qualification documentation, such as a resume:***

- 1) Click the **Add CV** button next to the person's name.
- 2) A pop-up window will appear that allows you to attach a file.

**Note:** If the person's CV is already in the APPS system, you will see a file name under "Selected File;" however, **we ask that you still attach your version** because it may be more recent than the one we have on file.

- 3) Click **Browse** and locate the file.
- 4) Click **Attach** and wait for the file to upload.
- 5) When finished, click the **Cancel** button to close the pop-up window.

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<sup>4</sup> Address how you are qualified to perform the proposed activities and to supervise the performance of others acting under the permit (e.g., research assistants, vessel operators).

<sup>5</sup> This does not need to be exhaustive. The intent is to show that the individual has or is reasonably likely to publish in peer reviewed journals or otherwise make results of permitted research available.



Resumes and CVs are considered **part of an application's public record** and are available to reviewers and the public. Refer to the Additional Information at the end of this chapter. Please **do not** include personal information such as:

- Home address/phone number
- Date of birth
- Social security number
- Nationality
- Marital status
- Salary

As the Applicant, it is your responsibility to notify your Co-investigators that their names and resumes may be available to the public.

You may also add personnel who perform other roles (Research Assistants, Veterinarians, Tissue Sample Disposition) to the application.

***To add other personnel:***

- 1) Click on the **Add Personnel** button.
- 2) The Contact Search box will open.
- 3) Follow the instructions above for searching and adding a new contact.
- 4) Once a person is added, APPS defaults the “role” to Co-investigator.
- 5) To change the role, click on “Co-Investigator.”
- 6) Another window will open with a list of roles. Choose the role you want.
- 7) Click Save.
- 8) Once the role has been assigned, click on the **Save Personnel** button before adding other personnel.

When you are finished, click the “Next >” link to go to the Submit Application page.

*Submit Application Page*

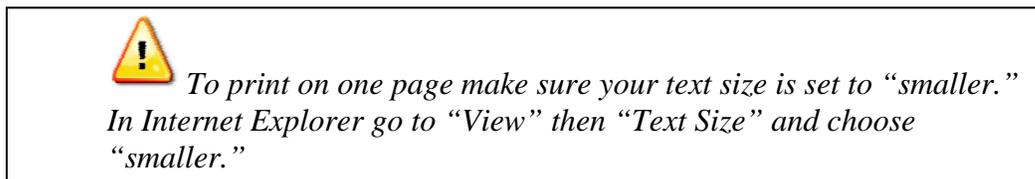
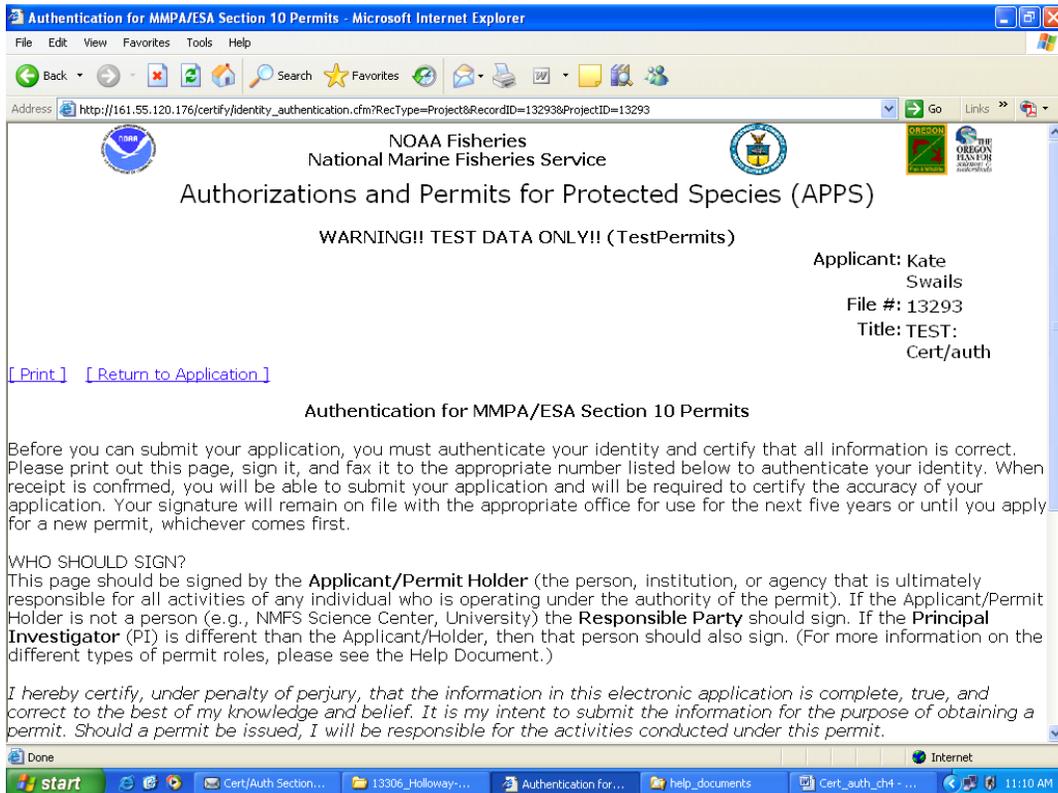
Before you can submit your application, you must authenticate your identity and certify that all information in the application is correct. After you click the

**Click Here to Submit Application** button, an authentication screen will appear.

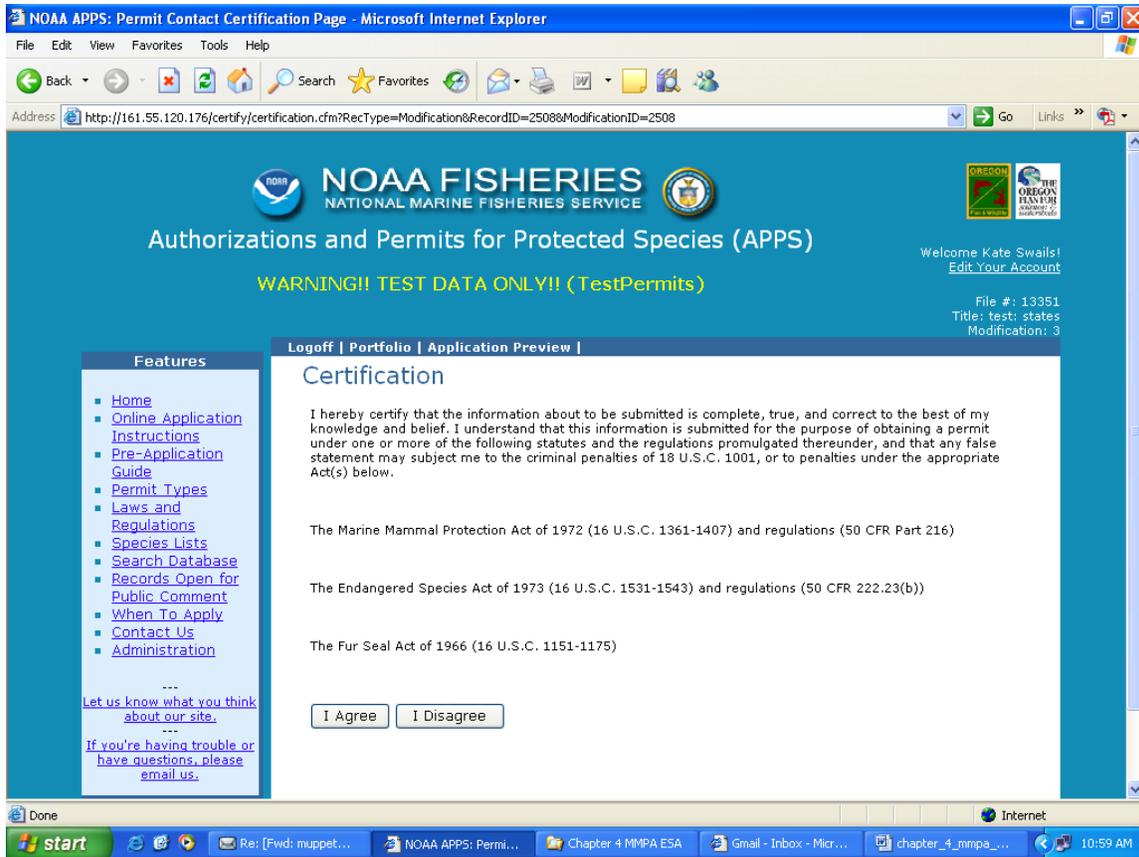
*Authentication and Certification*

- 1) Print the following screen and have the Applicant/Permit Holder or Responsible Party sign and date the page (for personnel definitions refer to [Appendix II](#)). If the Principal Investigator (PI) differs from the Applicant/Permit Holder or Responsible Party then the

PI must also sign and date the page. Signatures will remain on file in the Permits Division for five years or until you apply for a new permit, whichever comes first.



- 2) After you have signed and dated the page, please fax it to the Permits Division at 301-713-0376.
- 3) Once you have faxed your authentication page, save your application and log off APPS.
- 4) A permit analyst will email you to confirm receipt of the signature page within 1-2 business days.
- 5) After you are notified that your signature was received by the appropriate office, you may log into APPS and submit your application by clicking on the **Click Here to Submit Application** button. The following certification screen will appear:



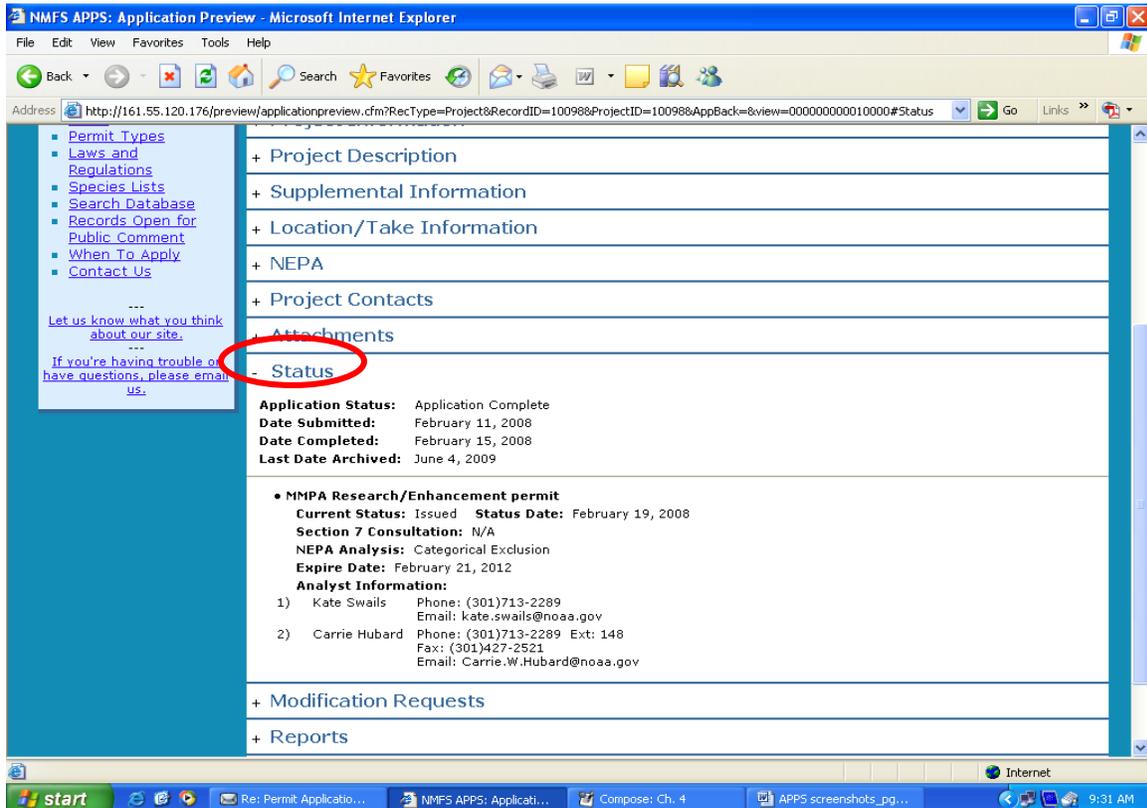
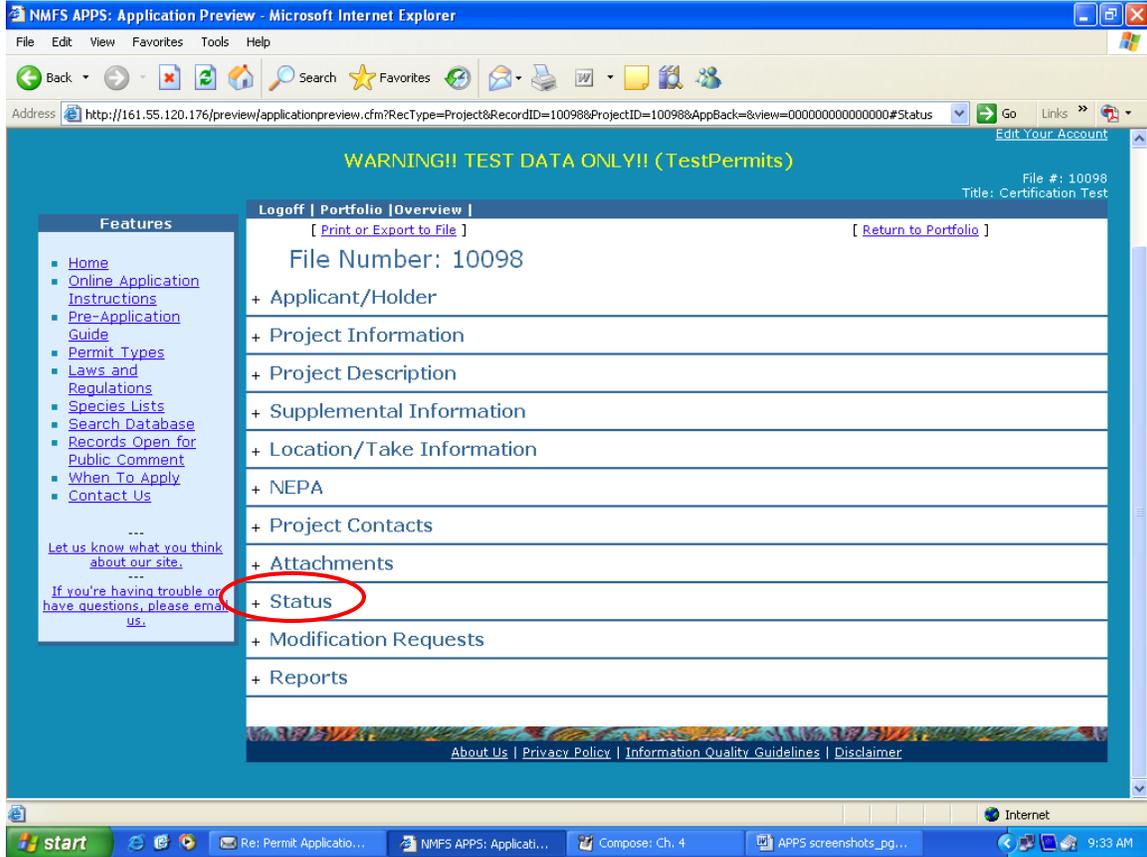
6) You must read and accept the certification statement before your application can be submitted. If you choose not to accept the statement, your application will not be submitted and your request cannot be processed.

7) Once submitted, you will receive an automatic email saying that you have successfully submitted your application.

## Project Status

Once an application has been submitted, the “Project Status” page will track the progress of the application. This screen will display which analysts have been assigned your application and where your application is in the review process. From the “Project Overview” page, click on the “Application Preview” link. From this page you can access the “Status” page. Click on the “+” next to “Status” to open that page (see below).

# Application Preview Screen



## Requesting a Modification

This section of APPS allows the Applicant, Principal Investigator, and Primary Contact to request changes to the issued permit.

**Note:** The Director, Office of Protected Resources, may amend or modify scientific research and enhancement permits in response to or independent of a request from the Permit Holder. Amendments and modifications are subject to additional analyses under NEPA and the ESA.

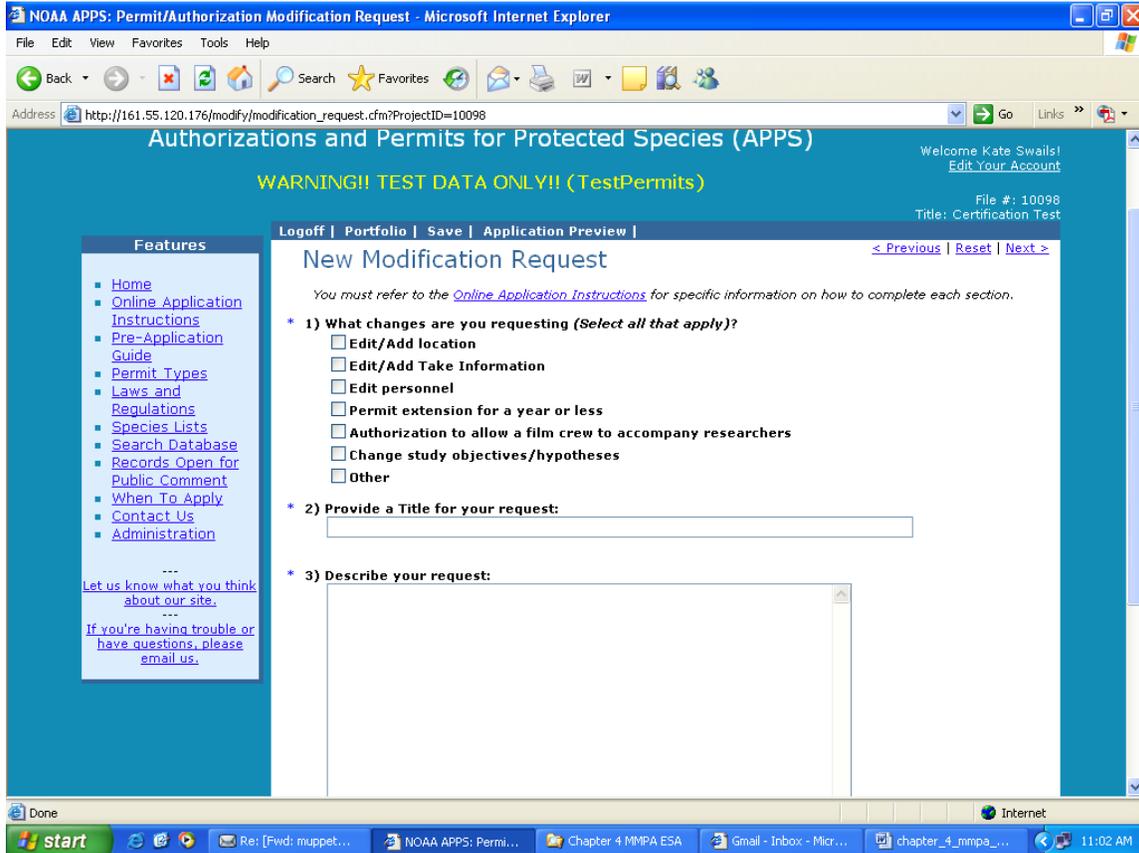
Requests to modify the following permit specific conditions may require a new 30-day public review and comment period:

- changing the species to be taken or imported/exported;
- increasing the number of animals to be taken or imported/exported;
- changing or adding locations;
- changing methods; and
- extending the expiration date.

Other requests such as changing personnel or allowing a film crew to accompany the researchers may be authorized without public review.

To begin, log in to your portfolio and open the issued permit that you would like to modify by clicking on the “file number” link. At the top of the page, you will see a series of links including “Request a Modification.” Click on this link to open the “New Modification Request” page (see below).

## New Modification Request Page



## Modification Request Questions

### 1) *What changes are you requesting?* (Select all that apply)

On the first page of the “New Modification Request” window, you must check the type(s) of modification(s) you are requesting. See “Modification Types” below for a description of each of these options. You have the following list of options:

- Edit/Add Location
- Edit/Add Take Information
- Edit Personnel
- Permit Extension for a year or less
- Authorization to allow a film crew to accompany researchers
- Change Study Objectives/Hypotheses
- Other

Your selections will dictate which fields are available for you to edit on the screens that follow. For example, if you select “Edit/Add Take Information” you will only be able to

modify the take table. If you decide that you need to change other sections of the permit, you will have to return to this screen and check those options.

2) ***Provide a Title for your request*** (up to 255 characters)

Describe the modification as concisely and descriptively as possible. Be sure to enter a modification title before logging out of the system.

3) ***Describe your request*** (no text limit)

A request to modify an issued permit should address the pertinent sections of these instructions **relevant to the requested change**. Your request should include the following information, as applicable. See corresponding sections of application above for information required under each category below. Disregard those that do not apply to your modification request.

- Brief narrative summary of the changes requested
- Research timeframe and sampling season/project duration
- Purpose: hypothesis/objectives and justification (also include a report of takes used annually to date when requesting a take increase)
- Project description (include specifications for changes in methods or gear, such as tags)
- Captive information
- Status of the affected species (if requesting a change in species)
- Lethal take (intentional or unintentional)
- Anticipated effects on animals
- Measures to minimize negative effects
- Resources needed to accomplish objectives
- NEPA information, especially for changes in methods or locations
- References
- For personnel changes, include qualifications/experience in each take activity
- For filming authorizations, include who (names and roles of crew), what, when, where, why, how, and products that will be developed.

**Notes:** If requesting a change in authorized take, please make sure to select “Edit/Add Take Information” and edit your take table within APPS. Do **not** provide a separate take table when attaching a file.

For changes in field equipment or study areas, we highly recommend that you attach figures, maps or illustrations drawn to scale.

4) ***Attach a file (Optional):***

If you need to attach figures, maps, or other supporting documents please attach a file. To open the attachments window, click on the “Select File” button. Within the attachments window, you will click on the “Browse” button, and then navigate to the

directory containing the file you wish to attach. After locating the file, click the “Attach” button. You can attach more than one document from this window. When you have finished attaching files, click the “Cancel” button to return to the modification request form. If you are making substantial or complex changes to your permit, your attachment should contain enough detail for reviewers to understand your request.

Click “Next >” to proceed.

### *Modification Types*

#### ***Edit/Add Location***

If you selected this option, you will see the “Modification Locations and Take Information” screen. Currently defined locations are displayed in the lower half of the screen. For instructions on adding locations and take information, see the “Project Locations and Take Information” section above. There is no limit to how many locations you can add.

To increase your action area by adding states to your action area, click on the “Change area or state” button.

To add a new location, click on the “Add new location” button.

To edit or delete an existing location, select the location and click on the “Edit/Delete location” button.

When you have completed changes to the location information, and if you have no other edits, you can submit your modification request. Click the “Next>” link at the top right of the screen. You should now see the “Submit Modification Request” screen. You are encouraged to preview your modification before submitting.

#### ***Edit Take Information***

This option allows applicants to request a modification to the take table. Some of the typical types of modification requests include the addition of new methods, an increase in the number of animals taken, and the addition of new species. You may edit any part of the take table. See the “Take Table” section above for instructions on required information in the table.

When requesting an increase in the number of animals to be taken, make sure that you request the total number of animals to be taken (i.e., the number of takes you are currently authorized **plus** your proposed increase). Please note that requests for increases in take of species/stocks currently authorized by the permit must demonstrate valid justification, including a **reporting of how many authorized takes you have used**. Requests that do not provide this information may be considered incomplete. Provide

justification in the “Describe your request” text box or by attaching a supporting document.

To request to remove/delete existing take records, first check the “Select” box to the left of the record you wish to delete, then click the “Delete selected records” button near the top of the page. A pop-up notice box will appear that indicates that the record will still appear in the table but is marked for deletion.

To request to modify existing take records, first check the “Select” box to the left of the record you wish to modify, then click the “Edit selected records” button near the top of the page. The take table should refresh with an editable copy of the original record with the next consecutive version number. For example, if you selected line number 2 to edit, the copied record should be line number 2, version A. Then, make the changes you would like to the record.

When you have finished entering the edits, additions, and deletions you want to request, click the “Save” button and then the “Next>” link. You will be taken to the “Location” page where you can then proceed to another location for which modifications are needed or submit your application.

### ***Edit Personnel***

Refer to the “Project Contacts” section above for instructions on editing personnel information. The process for searching and adding contacts for modifications is the same. When using the search function, be sure to exhaust your search (i.e., start out with a generic search before getting too specific so that duplicate contacts are not created). To request removal of a contact, check the box labeled “remove” to the right of the contact’s role.

**Note:** To add personnel you must attach a CV or resume for each person. See instructions in application above on what information is required.



Resumes and CVs are considered **part of an application’s public record** and are available to reviewers and the public. Refer to the Additional Information at the end of this chapter. Please **do not** include personal information such as:

- Home address/phone number
- Date of birth
- Social security number
- Nationality
- Marital status
- Salary

As the Applicant, it is your responsibility to notify your Co-investigators that their names and resumes will be available to the public. When you submit your modification, **all Co-investigators will receive an automatic email** saying that they have been named on your application.

***Permit Extension for a year or less***

If you wish to apply for a permit extension, check this box and include your proposed extended expiration date and justification in the description of your request.

***Authorization to allow a film crew to accompany researchers***

If you wish to apply for an authorization to allow a film crew to accompany you during research, check this box and provide information on who will accompany you (i.e., production company, names and roles of the crew), where and when filming would occur, and the purpose of the filming (e.g., documentary on humpback whales).

***Change Study Objectives/Hypotheses***

If you wish to modify the study objectives/hypotheses, check this box and include the new objectives/hypotheses the description of your request.

***Other***

If you check this box, please explain the modification in the description of your request.

***Submitting Your Modification Request***

After moving through all of the applicable windows, you may submit your request using the “Next >” links or click the “Submit” link near the top of the page. A window should appear that suggests you review your request before submitting. **IMPORTANT:** You must click the [Click Here to Submit Modification](#) button on this page to submit your application. Once submitted, you will receive an automatic email saying that you have successfully submitted your application. A permit analyst will contact you regarding your submitted application.

Call the Permits Division at 310-427-8401 if you need assistance.

## Additional Information

Under section 104(c) of the MMPA and section 10(a)(1)(A) of the ESA, persons may be authorized to take marine mammals and threatened and endangered species, respectively, for purposes of scientific research or enhancing the survival of the species. Interested persons are required to submit an application in accordance with the Acts and the implementing regulations at 50 CFR part 216, subpart D, and 50 CFR part 222. These instructions for applying for a research or enhancement permit are drawn from, but do not substitute for, ESA regulations and MMPA regulations. These regulations are available at the following web site: <http://www.gpo.gov/>. MMPA section 104 is available at: <http://www.nmfs.noaa.gov/pr/pdfs/laws/mmpa104.pdf>. ESA section 10(a)(1)(A) is available at: [http://www.nmfs.noaa.gov/pr/pdfs/laws/esa\\_section10.pdf](http://www.nmfs.noaa.gov/pr/pdfs/laws/esa_section10.pdf).

### *Paperwork Reduction Act Statement*

The information requested in this application is required and is used to determine whether the activities described in the application are consistent with the purposes and policies of the Acts and their implementing regulations.

Public reporting burden for this collection of information is estimated to **average 50** hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Chief, Permits and Conservation Division, Office of Protected Resources, F/PR1, NOAA/National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910.

All permit documentation, including the application, permit and amendments, reports, inventory information, and any other associated documents are considered public information and as such, are subject to the Freedom of Information Act. Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

***OMB No. 0648-0084***

***Expires: June 30, 2013***

# National Marine Fisheries Service Marine Mammal and Endangered Species Research and Enhancement Permits – Justification for Collection of Information

## Background

Under section 104 of the Marine Mammal Protection Act of 1972 (MMPA) and section 10(a)(1)(A) of the Endangered Species Act of 1973 (ESA), NMFS may issue permits for scientific research purposes or to enhance the propagation, survival, or recovery of protected marine species. Under the Fur Seal Act of 1966 (FSA), NMFS may authorize research on fur seals of the North Pacific pursuant to a permit.

### *Pre-application Guide (PAG)*

The information obtained when filling out the PAG is necessary to determine what type of permit/permit application is needed.

## Completing an Application

### *Give Complete Information*

We return incomplete applications with explanation or request additional information. If we request additional information and do not receive it within 60 days, we may withdraw the application. Applicable regulations: 50 CFR 216.33(c)(4) and 222.302(c)(1).

### *Project Information Page*

**File Number:** Automatically generated by APPS. This number is necessary for identification of the application in the APPS system/database, in the *Federal Register* notices of receipt and issuance or denial, during correspondence with the applicant, and to identify the permit administrative record. This number is also used as the permit ID number when issued.

**\*Project Title:** Necessary for identification of subject matter/type of permit application. Applicable regulations: 50 CFR 216.33(a) and 222.308(b)(1).

**\*Project Status:** Automatically generated by APPS. Indicates a new permit is requested.

**Previous Federal or state permit #:** Not required. If entered, this information provides permit analysts with the applicant's previous permit number to determine compliance with a previous permit's terms and conditions.

**\*Permits Requested:** Automatically generated by APPS. This is necessary to determine the appropriate permit to issue and the required regulatory and statutory processing and issuance requirements, and applicable permit restrictions.

**\*Where will the activities occur?:** Permits must specify locations of authorized take or import/export. Necessary to determine if work will be conducted in U.S., and therefore, whether a permit is needed. This information is also necessary for considering impacts to protected species and for conducting the appropriate environmental analyses under NEPA, MMPA, and ESA. Applicable regulations/statutes: 50 CFR 216.36(a)(1)(iii), and MMPA section 104(b)(2)(B); 50 CFR 222.308(b)(6)(i) and (iv), and 222.308(d)(2).

**\*Research Timeframe and Sampling Season/Project Duration:** Permits must specify the period during which the permit is valid. Permits are valid for five years unless a shorter time period is requested. This information provides a basis to determine (1) whether it is likely that the objectives will be met during the time allotted with the available resources; (2) when the permit is needed (i.e., the start date); (3) impacts to the affected species during sensitive periods such as nursing and breeding; and (4) potential cumulative impacts that may arise from multiple permit holders working on the same species, in the same location, and at the same time. Applicable regulations/statutes: 50 CFR 216.35(b), 216.36(a)(iv), and MMPA section 104(b)(2)(C); 50 CFR 222.308(b)(5)(i) and (b)(6)(iii).

**\*Abstract:** NMFS is required to publish notice of receipt of an application in the *Federal Register* for a 30-day public comment period. To ensure that an accurate summary of the application is published, applicants are requested to include a short abstract of the request. Applicable regulations/statutes: 50 CFR 216.33(d) and MMPA section 104(d)(2); and 50 CFR 222.303(b).

### *Project Description Page*

**\*Project Purpose: Hypothesis/Objectives and Justification**

The applicant must provide the objectives of their proposed activity, give a hypothesis (for research), explain how the activities will ensure survival of the species (for enhancement), and provide justification for the sample size and for requesting takes of protected species. This information is required to determine (1) if the applicant is proposing bona fide scientific research, (2) if the proposed enhancement activities are necessary and consistent with a species' recovery plan, (3) ensure the sample size is appropriate to complete the objectives and not unnecessarily adversely impact the target species, (4) whether the activities can be accomplished with a non-protected species. The applicant must also explain the role of Co-investigators to ensure that we can assess

their qualifications for the activities to be conducted and that the personnel are reasonable in number. For threatened and endangered species, additional justification is required, such as how the activity will contribute to the objectives of the species' recovery plan and other specific information required pursuant to the MMPA, ESA, and their implementing regulations. Applicable regulations/statutes: 50 CFR 216.34(a)(3) and 216.41(b); 222.308(b)(4-5), 222.308(b)(10), and 222.308(c)(4), and statutory requirements (MMPA 104(c) and ESA section 10(a)(1)(A)).

***\*Project Description:*** This section requires the applicant to precisely describe the activities they are proposing. Special exception permits must specify the number and kind of species authorized to be taken, the location of take, and the manner of take. Section 104(b) of the MMPA requires permits to specify the number and kind of marine mammals authorized to be taken, the manner and location of the taking, and the period of validity for the permit. Section 104(c)(1) of the MMPA requires permits to specify the methods of capture, supervision, care and transportation and requires that the taking is consistent with the purposes of the MMPA. Section 104(c)(3) of the MMPA requires applicants for scientific research permits to submit information indicating that the taking is required to further a bona fide scientific purpose. NMFS must determine that the proposed method of taking is humane and will not present any unnecessary risks to the health and welfare of marine mammals; and that the proposed activity by itself or in combination with other activities, will not have a significant adverse impact of the species or stock. Applicable regulations: 50 CFR 216.34(a)(1-7), 216.36(a)(1)(i-ii), and section 216.41.

Regulations under the ESA require the applicant to provide a detailed description of how the species will be used in order to determine whether the permit will operate to the disadvantage of the species, and whether the permit will further a bona fide and necessary research or enhancement purpose. Detailed protocols for transporting animals must also be provided. Applicable regulations: 50 CFR 222.308(b)(4)(ii), (b)(5-7), and (c-d).

***Import/Export requirements:*** NMFS must determine that marine mammals or their parts to be imported are taken humanely and in compliance with the Acts. To satisfy this requirement NMFS needs to know the country in which the taking will occur, how the taking will be conducted, and the marine mammal management program/legal authority of the country of taking. Any marine mammal part imported must not have been obtained as a result of lethal take inconsistent with the Acts unless authorized by the Office Director. An exception to certain restrictions in the Acts is provided if the import or export is necessary to benefit the health or welfare of the protected species concerned. Section 104(c)(9) of the MMPA states, "No marine mammal may be exported for the purpose of public display, scientific research, or enhancing the survival or recovery of a species or stock unless the receiving facility meets standards that are comparable to the requirements that a person must meet to receive a permit...". The applicant is required to submit information regarding exporting live marine mammals to ensure that (1) all applicable laws are met, whether it is U.S. or foreign and (2) that protected species taken (including held captive) in a foreign country are not taken or held in an inhumane manner because of less-protective laws of a foreign country. Applicable regulations: 50 CFR

part 14; 50 CFR 216.33(b), 216.34(a)(7), 216.35(c-d), 216.36(a)(1)(iii), 216.37(d), and 216.41(c)(1)(v).

NMFS must conduct a NEPA analysis for each permit issued, which requires a description of the proposed action in order to determine the effects such action will have on the target and non-target species and the environment. As required, NMFS must request consultation under section 7 of the ESA regarding impacts to threatened and endangered species, which also requires detailed a description of the proposed action in order to determine whether the activity will jeopardize the existence of the listed species or adversely modify critical habitat. Applicable regulations: 50 CFR 216. 33, NEPA CEQ regulations, and 50 CFR part 402 (interagency consultations).

### *Project Supplemental Information Page*

**\*Status of the Affected Species:** Permits must specify the species authorized to be taken and must be issued in accordance with the appropriate statutes and regulations. This information is needed for assurance that the applicant is aware of the status of species for which they are applying to take or import/export, and that the applicant is aware of the requirements under the appropriate Acts, including requirements for consultation under section 7 of the ESA. NMFS must determine that for enhancement purposes, the species or stock identified in the application is in need of enhancement for its survival or recovery and only animals and parts necessary for enhancement are taken. NMFS must also determine that any requested import or export will not result in taking of marine mammals beyond that authorized by the permit. Applicable regulations: 50 CFR 216.33(c)(2)(iii), 216.34 (a)(3) and (7), 216.36 (a)(1)(i), 216.41(b)(5) and (6), 222.308 (b)(6)(i and iv), and 222.308(c)(5) and (d)(1).

In addition, the applicant should be made aware that applicable import/export requirements must be met with regard to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) pursuant to U.S. Fish and Wildlife Service regulations.

**\*Attach a Literature Review File and Attach a References File:** The applicant must demonstrate whether the proposed activities are different from or build upon past research; whether the activities are unnecessarily duplicative and thus may operate to the disadvantage of the species; or whether the activities are necessary and would contribute to the conservation of the species. This information will be used with other components of the application to determine that the proposed activity will further a bona fide scientific research or enhancement purpose. Applicable regulations: 50 CFR 216.3, 216.41(b)(1) and 222.308(c)(4).

**\*Lethal Take:** This information is necessary to ensure that prohibitions and restrictions on the lethal take of protected species are taken into consideration. Under the MMPA, if lethal take is proposed, the applicant must demonstrate that non-lethal methods are not feasible. For depleted, endangered, or threatened species, the results must directly benefit that species or fulfill a critically important research need. The taking must be humane

and any permanent removal of a marine mammal from the wild must be consistent with any applicable quota established by the Office Director. The applicant must demonstrate that the take of marine mammals will not likely have a significant adverse impact on the species. For endangered marine mammals, the applicant must demonstrate that the activity will be conducted consistent with the purposes and policies set forth in section 2 of the ESA. Under the ESA, the applicant must describe how the species will be used and must demonstrate that the permit, if granted and exercised, will not operate to the disadvantage of the species and therefore must justify the lethal take of listed species. The applicant must also demonstrate that for ESA-listed species, whether the permit will further a bona fide and necessary or desirable scientific purpose or enhance the propagation or survival of the endangered species. Applicable regulations/statuses: 50 CFR 216.34(a)(1),(3), and (4); 216.41(b)(2 - 4) and (c)(1)(v); MMPA section 104(c)(3)(B); and 50 CFR 222.308(b)(4)(ii), (b)(6)(v), (c)(2), and (c)(4).

***\*Anticipated Effects on Animals and Measures to Minimize Negative Effects:*** This information is necessary to: (1) assess the environmental impacts of the proposed activity and conduct the appropriate level of analysis under NEPA, (2) determine whether the proposed activity is humane and does not present unnecessary risks to the health and welfare of marine mammals, (3) determine whether the proposed activity will have a significant adverse impact on the species or other components of the marine ecosystem, (4) determine the effects of the proposed activities on ESA-listed species and whether the permit, if issued, will operate to the disadvantage of such species, (5) determine whether appropriate monitoring will be conducted to adequately assess the effects of the permitted activities, and (6) prepare an initiation package and request consultation under section 7 of the ESA, as applicable. Applicable regulations: 50 CFR 216.33(c)(v) and (d)(i and iv), 216.34(a)(1) and (4), 216.41(b)(4), and 222.308(b)(11), (c)(2) and (c)(5).

***\*Resources Needed to Accomplish Objectives and Disposition of Tissue Samples:*** Applicants are required to demonstrate whether their expertise, facilities, and resources are adequate to accomplish successfully the objectives and activities stated in the application. If a live animal will be held captive or transported, the applicant's qualifications, facilities, and resources must be adequate for the proper care and maintenance of the marine mammal. Applicants are also required to indicate how they will dispose of, how they will store, or to where they will transfer remaining samples after analyses are completed. Applicable regulations: 50 CFR 216.34 (a)(5) and (6); 216.37(c); 50 CFR 222.308(b)(5)(ii), (iii), (v); 222.308(b)(6) and (c)(9-10).

***\*Public Availability of Product/Publications:*** MMPA regulations require that research results obtained under the authority of a special exception permit are published or otherwise made available to the scientific community in a reasonable period of time. This information is also used to determine that the proposed activity is for bona fide research purposes. Applicable regulations: 50 CFR 216.41(c)(ii) and 222.308(c)(4).

### *Captive Information*

Applicants are required to address the following questions, *as applicable*.

- (a) Why removal from the wild is necessary and why animals cannot be obtained from captive or rehabilitated stock.

NMFS regulations allow for the use of stranded rehabilitated marine mammals for special exception purposes in lieu of taking animals from the wild, which protects wild stocks from impacts of removing individuals from the population. Any permanent removal of a marine mammal from the wild must be consistent with any applicable quota established by the Office Director. Applicants must justify the need for use of an endangered species and whether an alternative species can be used. Applicable regulations: 50 CFR 216.27(b)(4), 216.41(b)(3), and 222.308(b)(4).

- (b) The name and location of the rehabilitation facility where animals will be tested.

The applicant must provide the location where the take will occur (see other Location sections in this document for location justification and regulatory citations). NMFS also needs this information to ensure authorization needed under 50 CFR 216.27(c) has been obtained as it relates to the disposition of rehabilitated marine mammals for special exception permit purposes. NMFS also needs this information to determine a rehabilitation facility's compliance with their Stranding Agreement and applicable NMFS guidelines. This question is not applicable to non-mammal ESA-listed species (research on sea turtles in rehabilitation would require a USFWS permit; no other non-mammal ESA-listed species is rehabilitated).

- (c) The name and location of the captive facility holding the subject animals and, where possible, the identity of specific animals.

The applicant must provide the location where the take will occur (see other Location sections in this document for location justification and regulatory citations) and the age/sex and species (see Project Description justification and regulatory citations). This information is also used for marine mammal inventory purposes.

- (d) A copy of any license or registration issued by the Department of Agriculture, Animal and Plant Health Inspection Service (APHIS), any outstanding variances granted, and the most recent APHIS inspection report.

The APHIS is responsible under the Animal Welfare Act (AWA) for captive marine mammals and has established regulations and standards, "Specifications for the Humane Handling, Care, Treatment, and Transportation of Marine Mammals" (9 CFR Part 3, Subpart E). Information regarding the appropriate licensure or registration, variances, and standing with APHIS is used to determine if the applicant's facilities are adequate for the proper care and maintenance of a

marine mammal. For any research involving captive marine mammals, the applicant must provide supporting documentation. If marine mammals are on public display incidental to research or enhancement, they must be held consistent with AWA requirements and standards. APHIS does not regulate activities involving fish, invertebrates, or reptiles. Applicable regulations: 50 CFR 216.34(a)(6); 216.41(a)(2), (b)(6)(v), (c)(1)(vi).

- (e) The proposal submitted to the appropriate Institutional Animal Care and Use Committee (IACUC) established under the AWA, the IACUC approval, and any comments and recommendations of the IACUC.

This information is used to support a determination that the permitted activities will be conducted in a humane manner. Applicable regulations/statutes: 50 CFR 216.34(a)(1) and MMPA section 104(b)(1)(B).

- (f) A written statement from the responsible veterinarian or expert certifying that the facilities, methods of care and maintenance, and methods of transport will be adequate to ensure the well-being of the animals *and, for marine mammals*, will comply with all care and transport standards established under the AWA.

This information is used to determine if the applicant's qualifications, facilities, and resources are adequate for the proper care and maintenance of protected species. For any research involving captive marine mammals, the applicant must provide supporting documentation. If marine mammals are on public display incidental to research or enhancement, they must be held consistent with AWA requirements and standards. For ESA-listed species, the applicant must provide a statement from a licensed veterinarian or recognized expert verifying methods of transport and maintenance are adequate to provide for the well-being of the animals. Applicable regulations: 50 CFR 216.34(a)(6); 216.41(a)(2), (b)(6)(v), (c)(1)(vi); and 222.308(b)(7)(vi).

- (g) *For ESA-listed species*: Describe the care and maintenance of the animals, including a complete description of the facilities where they will be maintained, how they will be maintained, and the qualifications of husbandry staff.

Under the ESA, a complete description of how listed species will be maintained in captivity is required to ensure the applicant's qualifications and facilities are appropriate for the proper care and maintenance of the species. This information is also needed to determine whether the permit would further a bona fide and necessary scientific purpose or enhance the propagation or survival of the affected species, and to determine that the resources are adequate for the applicant to successfully accomplish the objectives stated in the application. For scientific research involving captive marine mammals, the applicant must submit supporting documentation. For enhancement permits involving marine mammals, the proposed captive maintenance must contribute directly to the survival or

recovery of the species. Applicable regulations/statutes: 50 CFR 222.308(b)(8) and 216.41(a)(2) and (b)(6)(iv) and MMPA section 104(c)(4).

- (h) Whether a captive breeding program will be established and, if so, justification.

This information is used to describe the proposed action as it relates to research or enhancement and to determine whether proposed breeding is consistent with a recovery plan. Applicable regulations: 216.41(b)(6) and 222.308(b)(9).

- (i) Indicate the disposition of captive animals at the termination of research or enhancement activities. This information is necessary to determine if the subject animals would be euthanized or released to the wild; or whether the animals would be transferred to another disposition (e.g., public display), or kept in a long-term research or enhancement program, and to permit accordingly. Any marine mammals held in captivity under an enhancement permit must be returned to the wild as soon as feasible; justification for other disposition must be provided. Captive marine mammals may not be released to the wild unless authorized by a scientific research or enhancement permit. Applicable regulations/statutes: 50 CFR 216.35 (e), 216.41(c)(2) and MMPA section 104(c)(4)(B); and 50 CFR 222.308(b)(9) and (c)(9).
- (j) If release of captive animals to the wild is proposed, state the length of time the animals will be held, no matter how temporary, and describe the protocols for the release, including mitigation and monitoring protocols.

This information is necessary to ensure there will be no disease transmission between released animals and the wild population; that genetic exchange has been taken into consideration; and that the animals have necessary skills to survive in the wild. Such information is necessary to ensure that the permitted activity: (1) is humane and does not present any unnecessary risks to the health and welfare of marine mammals; (2) will not have a significant adverse impact on the species or stock; and (3) will not operate to the disadvantage of an ESA-listed species. Release of captive marine mammals must be conducted pursuant to a scientific research or enhancement permit. Applicable regulations: 50 CFR 216.33(e)(4)(ii), 216.34(a)(1) and (4), 216.35(e), and 222.308(c)(2).

### *Project Locations*

Permits must specify locations of authorized take or import/export. Necessary to determine if work will be conducted in U.S., and therefore, whether a permit is needed. This information is also necessary for considering impacts to protected species and for conducting the appropriate environmental analyses under NEPA, MMPA, and ESA. Applicable regulations/statutes: 50 CFR 216.33(a), 216.36(a)(1)(iii), and MMPA section 104(b)(2)(B); and 50 CFR 222.308(b)(6)(i) and (iv), 222.308(d)(2).

### *Take Information*

Applicants are required to enumerate the number of protected species, by species/stock, age, sex, location, and manner in the form of a table. This table is used to verify the number of animals requested to be taken as described in the narrative portion of the project description and is used to create the take table for the permit, once issued. Further justification and the applicable regulations are included above under “Project Description.”

### *National Environmental Policy Act (NEPA) Considerations*

In addition to information contained in other sections of the application as noted, the questions posed in this section of the application are necessary considerations under NEPA. These questions address such things as whether new or novel techniques will be used and adopted by others (i.e., if a precedent will be set); whether there is risk from hazardous substances or infectious agents; what impacts may occur to unique or protected geographic areas, including refuges, sanctuaries, or critical habitats; whether the work could cause loss or destruction of scientific, cultural, or historic resources; and whether there could be introduction or spread of non-indigenous or invasive species as a result of the permitted activity. Applicable regulations: NEPA CEQ regulations.

### *Project Contacts*

This section is necessary for identification and contact purposes. A Permit Holder is ultimately responsible for all activities of individuals operating under the permit. A Responsible Party must be named if the applicant is an organization. Special exception permits are not transferable. The Principal Investigator and Co-investigators share responsibility in the absence of the Permit Holder. These persons will be named on the permit as responsible for the authorized activities and are subject to enforcement actions. Personnel involved in the authorized activities must be reasonable in number and limited to those individuals who perform a necessary function and support personnel included for purposes of training or as back up. Applicable regulations: 50 CFR 216.33, 216.35(i), 216.41(a), 216.41(c)(1)(iii-iv), and 222.308(b)(3).

***Qualifications and Experience:*** Necessary to determine whether the individuals operating under the permit are qualified to successfully accomplish the objectives, conduct bona fide research or enhancement activities, carry out the specific types of take, and properly care for and maintain captive animals (as applicable). Individuals conducting activities authorized under a permit must possess qualifications commensurate with their duties and responsibilities, or must be under the direct supervision of a person with such qualifications. Persons who require state or Federal licenses to conduct activities authorized under the permit must be duly licensed. Applicable regulations: 50 CFR 216.34(a)(5-6), 216.35(f-h), 222.308(b)(6)(vi), 222.308(b)(8)(v), and 222.308(c)(11).

### *Submit Application (Authentication and Certification)*

Applicants must authenticate their identity by signature and certify that the information in the application is accurate, under penalties of the ESA and MMPA. Permits must be applied for in good faith. Applicable regulations: 50 CFR 216.33(a), 216.33(e)(4)(i), 222.302(a), 222.303(f)(1), 222.308(b)(12-13), and 222.308(c)(1). Also required by 18 U.S.C. 1001.

## Requesting a Modification

### *Modification Request Questions*

This information is necessary to identify what type of modification is being requested and what processing steps are involved. The selections made on this screen dictate what fields are available for applicants to edit on the screens that follow. Applicants are required to provide information consistent with that required for a new permit (e.g., hypothesis, methods, effects and mitigation), and the justification for requiring this information from applicants is the same as described above, as applicable to the modification being requested. Applicable regulations: 50 CFR 216.39 and 222.306.

## Reports

Section 104(c) of the MMPA requires "...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 [to] furnish to the Secretary a report on all activities carried out by him pursuant to that authority." Permit holders are required to submit reports in accordance with the requirements established in their permits. Reports are of several types and may be submitted annually or on occasion. For scientific research and enhancement permits, the annual report is a summary of all research and enhancement activities conducted during the preceding year. Annual reports are necessary for NMFS to determine that the permit holder is abiding by the conditions of the permit, to track numbers of animals taken and review the effects of the authorized take on the species. Reports are also necessary to determine whether the permitted research or enhancement activities met stated objectives and determine whether the research findings were published or otherwise made available to the public or scientific community. Applicable regulations: 50 CFR 216.27, 216.38, 216.45, 222.301(h) and 222.308(b)(11).

# National Marine Fisheries Service Endangered Species and Marine Mammals

## General Authorization

*OMB Control No. 0648-0084*

*Expiration Date: 06/30/2013*

# NATIONAL MARINE FISHERIES SERVICE ENDANGERED SPECIES AND MARINE MAMMALS

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## Overview

Under the Marine Mammal Protection Act (MMPA), the General Authorization (GA) applies to *bona fide* scientific research studies on marine mammals for activities involving only Level B harassment. Research on marine mammals listed as endangered or threatened under the Endangered Species Act (ESA), including research that would otherwise qualify for the GA, requires an ESA/MMPA scientific research permit.

The following types of research activities will likely qualify under the GA:

- photo-identification studies
- behavioral observations
- vessel population surveys
- aerial population surveys (except aerial surveys over pinniped rookeries at altitudes of less than 1,000 ft.)

The terminology associated with the GA is different from that of other research permits. The application is referred to as a Letter of Intent (LOI) and instead of a permit, a Letter of Confirmation (LOC) is issued. Within the APPS system, application = LOI and permit = LOC.

## When to Apply

Target species	Non-target species	When to apply
Non-ESA listed marine mammals. Research activities resulting in <b>Level B harassment only</b>	<b>No</b> ESA-listed species or designated critical habitat will be adversely affected by the research activities	At least <b>4</b> months prior to when you want to begin research activities

If an application does not contain sufficient information to complete analyses on the environmental impacts of the proposed activity, the application may be returned to the applicant or processing will be prolonged.

Unlike other permit types, LOCs do not require a 30-day public comment period.

## Pre-application Guide (PAG)

Refer to [Chapter 1](#) for guidance on filling out the PAG, which is required prior to applying for a permit using APPS. Upon completing the PAG, the “Results” page will indicate the type of NMFS permit required. Please note the Questionnaire No. for future reference.

You have the option at this point to start an application or cancel. If you select cancel, you will have to complete another PAG before starting your application. If you are satisfied with the results of the PAG, click the link to start an application.

If you have questions about the results of the PAG or about completing your application, please call the Permits Division at 301-427-8401.

## General Guidance for Filling out an Application

Refer to [Chapter 2](#) (“How to Use the System”) for basic instructions for using APPS, including system requirements, creating a new account, using the “portfolio” page, detailed navigation guidance, and information on saving and submitting your application.

APPS will assign your application a file number. Please reference this file number in correspondence about your project (e.g., in email subject headings). When starting from your portfolio, clicking on the link of your application file number under the “File Number” column will take you to the application.

### *General guidelines*

- **Data is not saved automatically.** APPS will display a warning message and will **time out after 20 minutes** without any activity. To avoid loss of data, save the application before the system times out. **Save frequently** using the “Save” link at the top of your application. You will also be prompted to save each page when you click on the navigation links. Select “Save” to save new data, or “Cancel” to continue on to the next screen without saving.
- **You do not have to complete an application in one session.** You may save the application as a draft as long as you save before logging off or before the system “times out” and logs you off due to inactivity. The draft application may be accessed later from your portfolio and will remain in draft mode until you complete the required fields and submit the application.
- An asterisk (\*) marks a field that is required.
- Some text boxes have character limits, which includes spaces.
- You may cut and paste from other documents (e.g., Word), but special characters and formatting will be lost.

### *Navigation guidelines*

- **Do not use your web browser’s navigation buttons.** Doing so may cause you to lose information. Use the navigation links “< Previous” or “Next >” or the breadcrumbs at the top of the APPS screen, as described below and in [Chapter 2](#).
- Two options are available to **navigate through the application sections**:
  - **Breadcrumb links** (represented by the title of each major section of the application) allow you to jump to other pages in the application **without**

**having to complete the required information** prior to leaving a page (i.e., you can skip a section and come back to it later).

- **APPS navigation links** (“< Previous,” “Reset,” or “Next >”) on the right side of the pages require you to go to each screen in a sequential order, and **you are required to enter all information** prior to leaving a page.

## Application Layout

After completing the Pre-Application Guide Questionnaire (see [Chapter 1](#)) a new application will open in draft or editing mode. You will navigate through a series of screens and enter information in the following sections:

- 1) **Project Information, Project Description, and Project Supplemental Information** – these sections requires specific information about your project, such as the duration and timing of your work, hypothesis/justification, description of methods, and other information.
- 2) **Location and Take Information** – this section requires information about the places you are requesting to work, the numbers and types of protected species you expect to take and the methodologies you will use to conduct your research or enhancement activities.
- 3) **NEPA** – this section requires information about what impacts your activities might have on the environment, including the physical and biological aspects of the environment.
- 4) **Project Contacts** – this section requires information on the Applicant/Permit Holder, Principal Investigator, Co-investigators, or others that will be working under the LOC.
- 5) **Submit** – this section allows you to view your completed application and submit it to the Permits Division for review and processing. APPS will run checks before you can “Submit” an application to ensure you have completed all required screens or data fields. You will go through steps to authenticate your identity and certify the contents of your application prior to submitting it, which requires you to provide a signature to the Permits Division.

# Completing an Application using APPS

## Project Information Page

### ***File Number***

This number is automatically generated by APPS and cannot be changed. Use this number in correspondence about your application.

### ***\*Project Title*** (enter up to 255 characters)

Describe the project as concisely and descriptively as possible. Include the species (or taxa if multiple species), the study's geographic range, and purpose. For example:

- *“Characterizing the Population Structure and Movement Patterns of Bottlenose Dolphins in the Gulf of Mexico.”*

**Note:** If working on a draft application, we strongly recommend you enter a project title before logging out of the system.

### ***\*Project Status***

Project status (“New” or “Renewal”) is automatically selected based on your answers in the pre-application guide (PAG). Do not change this field.

### ***Previous Federal or state permit #***

If applicable, please enter your most recent NMFS permit or LOC number. If you have/had more than one permit, enter the permit most closely related to this application.

**Note:** State permit numbers are only applicable for Pacific marine and anadromous fish applications.

### ***\*Permits Requested***

MMPA General Authorization will be listed based on your answers in the PAG. If other options are listed, please call the Permits Division at 301-427-8401 for assistance.

### ***\*Where will the activities occur?***

One or more general locations will be listed based on your answers in the PAG. If a location is incorrect, please call the Permits Division at 301-427-8401 for assistance.

**Note:** You will have the opportunity to provide more specific location information on subsequent pages.

***\*Research Timeframe***

Enter the proposed start and end dates of the entire project in the following format: MM/DD/YYYY. Please review the “When to Apply” section above and provide realistic dates based on processing time.

- The start date must not be prior to the date you successfully submit the application.
- The end date must be within five years of the start date.
- You may enter more specifics on your project dates/field seasons under “Sampling Season/Project Duration” (see below).

***\*Sampling Season/Project Duration*** (enter up to 1,000 characters)

Describe the annual sampling season(s) and the duration of the project. Include the months of the year and frequency of fieldwork (e.g., how many times per year and how frequently will you conduct research?).

If your research extends beyond five years, or is a continuation of previously authorized research, enter information here about when the research began and when you expect it to end.

***\*Abstract*** (enter up to 2,000 characters)

Provide a brief summary (approximately 200 words) of the proposed research project. The summary should include **concise** statements of the following information:

- Purpose of the research activity;
- Target species (common and scientific names);
- Type of take activities (e.g., photo-id, aerial surveys);
- Species that may be taken incidentally;
- Specific geographic location(s); and
- Requested duration of the LOC (e.g., five years).

After you have completed this page, save and click “Next >” or click the “Description” breadcrumb at the top of the APPS page to move to the next page.

## Project Description Page

### **\*Project Purpose: Hypothesis/Objectives and Justification** (no text limit)

The purpose of the research, including a description of how the proposed research qualifies as “*bona fide* scientific research.”

This includes, but is not limited to, the following information:

- hypothesis and objectives;
- how the results of the research are likely to contribute to the basic knowledge of marine mammal biology or are likely to identify, evaluate, or resolve conservation problems;
- how the research relates to the current body of knowledge on the subject species or past NMFS permitted research conducted by the applicant (if applicable).

### **\*Project Description** (no text limit)

This section should clearly describe the methods you will use, the number of animals you expect to encounter, and the locations in which you will take them. This section should provide the reader with a clear picture of what will systematically happen during a typical day/field season of research activities.

Provide **detailed methods** for each take activity, including but **not limited to** descriptions of the following:

- Platform types (vessel or aircraft description)
- Aerial and vessel survey type and routes (attach figure if possible)
- Approach distances (by aerial, vessel, or ground)
- Approach techniques (speed, direction in relation to animals)
- Photo-identification techniques

Please make sure your methods are detailed enough for us to evaluate potential effects. Refer to [Appendix VIII](#) for guidance on what level of detail is required.

Cite **references** for the methods where applicable, but do not substitute a literature citation in lieu of a complete description of the methods.

On the “Supplemental Information” page, you may attach files containing **figures or photographs to illustrate** your methods. See below for instructions on attaching files.

Include the **purpose of each take activity**. How do these take activities relate to meeting your objectives?

Describe **the steps you will take to coordinate** or collaborate with other researchers in your action area. Also, mention if you will be contributing to a regional photo-id catalog.

Describe **the location** where you will conduct your research. Indicate whether the location you will work in has been given special status (e.g., National Marine Sanctuary, State Reserve).

Indicate the **species and estimated number of non-target species** that you may affect each year, and the manner in which you may affect them during your research.

If you may encounter non-target species in your study area but do **not** expect to affect them in any way, please describe why and any actions you will take to prevent impact. For example, the GA does not authorize you to take threatened or endangered species. If ESA-listed species occur in your study area, please explain how you will avoid them (e.g., not in area during time of study; would not approach closer than 100 meters; would halt operations until non-target species moved out of study area).

Describe how your proposed activities coincide with or avoid sensitive biological periods such as reproductive seasons and maternal care of both target and non-target species.

After you have completed this page, save and click “Next >” or click the “Supplemental” breadcrumb at the top of the APPS page to move to the next page.

## Project Supplemental Information Page

### *Attach a Supplemental Information File*

You may attach files if you wish to provide additional information. You can attach a map on the Location screen.

- To attach a file, use the “click here to attach a supplemental file” link.
- An **MS Word** file is the preferred format, but formats such as PDF, MS Excel, Word Perfect, and ZIP files are also acceptable.
- An **attachment may not be larger than 10 MB and you may attach up to 10 files**. If you have a larger document, reduce the size by removing material that is not essential for the review of your application.
- Once you have attached a file, the screen will display text indicating that a file is attached. You may need to refresh the screen to see this after hitting “save.”

### *Attach a References File*

If your application contains citations to published work, you must include a list of references. References contain bibliographic information that would allow a reader to obtain a copy of the referenced work.

**Note:** Referenced materials must be made available to the Permits Division upon request, as needed for evaluation of the application, or preparation of any necessary NEPA analyses. Note that all documents referenced in support of your application must be available to the public upon request. Do not reference confidential documents, or other information you are not willing to provide to the public at the time your application is submitted.

After you have completed this page, save and click “Next >” or click the “Location/Take” breadcrumb at the top of the APPS page to move to the next page.

## Project Locations and Take Information Pages

### *Overview*

On the main “Project Locations and Take Information” page, you can describe your location, add new locations, edit or delete existing locations, add or edit take information, and view your defined locations.

The “Project Locations and Take Information” page will first prompt you to “Add New Location” and this will allow you to provide more information about where you will be working, based on the results of your PAG.

Once you have entered one or more locations, the lower part of the “Project Location and Take Information” page will display them. You will then have the option of adding another location, editing or deleting a location, or adding/editing the take information for a location. You will use the “Take Information” page to describe the species you will encounter and the procedures you will conduct at each location.

### *How to Add a New Location*

Follow these steps to add location information:

- 1) **Add New Location**: Click on this button to add a location and enter that location information. This will take you to a “Project Location Information” page.

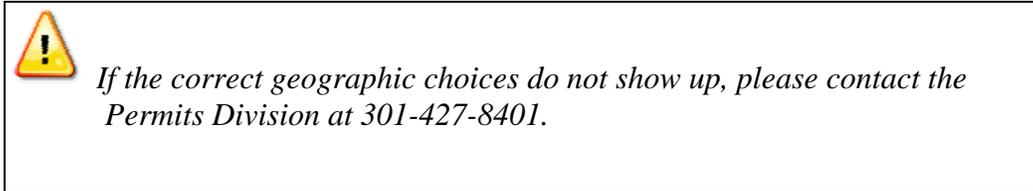


*You must enter **multiple locations** if you will be working in different places (e.g., multiple oceans or rivers). You will enter each location **separately** and each will have an affiliated take table.*

- 2) **\*Select the general area**: Next, use the drop-down menu to choose a general area where you will be working (this may be automatically populated based on information in the PAG). You can only enter one general area at a time.

Please note that NMFS does not have jurisdiction in the **territorial** waters of another country and therefore cannot authorize the take of protected species in those waters. For U.S. citizens, activities beyond territorial waters are considered to occur on the high seas and need coverage by a NMFS permit.

- 3) **\*Select the state(s):** If applicable, this second drop down menu will be visible. Choose all applicable states for the general area by holding down the Control key and clicking on all applicable states.



- 4) **Enter Location Details**: Click this button. Enter information on this page as it applies (disregard any non-applicable fields). Use the “Location Description” box (up to 255 characters) to briefly describe your study area for each take table. Information on this page includes:
- Under “Waterbody,” enter names of rivers, estuaries, bays, etc.
  - Latitude and longitude of your study area
  - River miles (“Begin Mile” and “End Mile”)
  - Limits of your study area (e.g., to the U.S. EEZ, to the edge of the continental shelf, to 50m depth)
  - Names of land masses where research will occur (e.g., islands, rookeries)
- 5) **Attach File**: Click on this link to attach maps or other information to provide detailed descriptions about the locations where you will be working. If you have multiple study areas and species, identify species locations on a map. Formats such as PDF files, MS Excel, MS Word, and Word Perfect are acceptable. The attachment may not be larger than 10 MB. If you have a larger document and cannot reduce the size, please fax this document to the Permits Division at 301-427-8401.
- 6) You may enter all the locations where you are requesting to work at one time, and then go back to enter the takes associated with those locations; or, you can enter a location and go straight to entering the takes for that location.

#### ***How to Edit or Delete a “currently defined” Location***

- 1) **Edit/Delete Location**: From the “Project Locations and Take Information” main page, click on this button to edit location information you entered or to delete a location.

- 2) This will take you to the “Project Location Information” page. Here you can edit any information previously entered on this page. Select “save” to save your changes.
- 3) **Delete Location**: Clicking on this button will delete the location specified on the “Project Location Information” page. A pop up box will ask if you want to delete. Click “OK” to delete and “Cancel” to cancel the deletion.



*Deleting a location will also delete all associated takes (if entered) with that location. You will get a warning message to confirm that you want to delete a location.*

## Take Information Pages

### Overview

- **Edit/Add Take** : You may access this button from the “Project Locations and Take Information” main page or from the “Project Location Information” page. Click on this button to go to the “Take Information” page. You may also click on the “Next >” link from the “Project Location Information” page to get to the “Take Information” page.
- On this page you will enter the species to be taken, by age class and sex, an estimate of the number of individuals you may harass, methods (e.g., survey), and sample dates (See *Entering Take Information* section below).

**Note:** All data fields in the take table require entries and the information must be specific to the location listed at the top of the page. If you have more than one location, each location will have a separate take table. **Save your data often so that information is not lost.**

- The “Take Information” page has three parts:
  - The top of the page identifies which location you are working on;
  - The middle has editing tools (buttons) that allow you to add, edit, delete, copy, and re-organize take records in the take table; and
  - The bottom has the take table.
- You will create a separate record row for each unique combination of species, production type, life stage, take action, observe method, and procedures.
- The take table is a large landscape format. Depending on the size of your screen you may need to use the right and left scroll arrows to complete the table.

### *Take Table Editing Tools (Buttons)*

Editing buttons above the take table appear in the following order:

- 1) **Add More Lines**: Clicking this button allows you to add more lines (rows) to the take table. You can only add more lines if at least one row contains data.
- 2) **Edit Selected Records**: Use this to “unlock” or “unfreeze” selected rows in the take table so that you can edit information you have previously entered and saved. You must first put a check in (click on) the “**Select**” box at the far left of each row you want to edit. Click on the **Save** button to save your edits.
- 3) **Delete Selected Records**: Clicking on this button allows you to delete selected take rows from this location. You must first put a check in (click on) the “**Select**” box at the far left of each row you want to delete. Click on the **Save** button to save your edits.
- 4) **Copy Selected Records**: This tool allows you to copy selected take records to the current location, another location within the same general area, or a location in a different general area. You must first put a check in (click on) the “**Select**” box at the far left of each row you want to copy.

**Note:** The “Copy Selected Records” function is useful if you are conducting the same activities on multiple species (e.g., enter all the procedure information for one species, copy that row, and then edit the record as needed).

- 5) Clicking on the **Copy Selected Records** button will open a new window. **You may choose to go to a new location (i.e., a separate take table) after you copy the records or stay at the location you are in by selecting those radio button options** in the “Copy Take Records” pop up window.
  - a) **If you copy the takes within the current location**, you will make duplicate copies of the selected rows. The copied records will appear at the bottom of the take table. You must make some changes to the copied rows or you will receive a “duplicate records” error message.
  - b) **If you copy the takes to a new location (e.g., a state) within the same general area (e.g., Atlantic Ocean)**, the information you have entered will be saved, you will be taken to a new location information page, and all the take information from the previous location will already be entered. In order to distinguish the new location from other

locations, you must make sure that at least one of the location descriptors is unique.

- c) **If you copy the takes to a new location in a new general area** (e.g. Atlantic Ocean to Pacific Ocean), you will be taken to a blank location page. Once you enter the location information and click the **Edit/Add Take** button, you will go to the “Take Information” page and you will see all the takes you copied from the previous location.
  - d) **If you copy the takes to another location you have already created**, you will be taken to that location page and all the take information you copied from the previous location will already be entered. The records will appear at the bottom of the take table.
- 6) **Copy All Records**: This function allows you to copy all take records to the current location, a new location within the same area, a new location outside the area, or to another location you already created. See the information in the “Copy Selected Records” section above for more details about the options.
- Note:** You may choose to go to the new location after you copy the records or stay at the location you are in by selecting those radio button options in the “Copy Take Records” pop up window.
- 7) **Re-number lines**: Each line in the take table is numbered. If you delete one or more records, click this button to re-number the remaining lines consecutively. This tool also re-orders the rows alphabetically by species’ common name and population name.
  - 8) **Edit Location**: Clicking on this will take you back to the “Location Information” screen for editing (effectively “unlocking” the location in the top portion of the page).
  - 9) **Save**: This button saves all edited or updated take information. **Save often** in case of interruption or computer problems, and save before navigating to another page.
  - 10) **Export to Excel**: This button allows you to export your take table to Microsoft Excel.

### ***Entering Take Information***

The take table represents **estimated annual** takes of animals during your research. The takes you enter *for this location* are displayed in a table in the lower part of the page. If you have not entered any take information, the table is blank (except for automatically

entered begin and end dates). You must enter at least one row for every location. Enter the following information to add takes for each location in the application.

**Note:** The options that appear in the dropdown menus in the take table are based on the species group (marine mammals) you indicated in the PAG, the location that you have selected, and the fact that the GA can only authorize Level B harassment. If you are having difficulties, please first check that the previous fields were entered correctly. See [Appendix VII](#) for a list of the options that appear in the take table drop down menus.

*Columns in the take table appear in the following order:*

- 1) **Select:** Leave this box blank unless you need to copy, move, or delete the line following the instructions above.
- 2) **Line:** Each line in the Take Information section is automatically numbered. If you make changes to the take table (e.g., delete a line), you may renumber the lines in consecutive and alphabetical order following the instructions above.
- 3) **Species:** Use the drop down list to select one species. Species are listed alphabetically by common name and/or category (e.g., dolphin, bottlenose). If the species you are looking for is not on the drop-down menu, double check your location (species are populated based on location). If you are still having problems, contact the Permits Division at 301-427-8401.

**Note:** The GA is for non-listed species only. You will not see Endangered/Threatened species as options in the species drop down list.

**Note:** For a complete list of species, click on the “Species Lists” link on the left side of the “Project Location” page (you will have to navigate back to the “Project Location” page).

- 4) **Listing Unit/Stock:** Depending on the species selected in the previous field, this field will display those listing units or stocks that are in the location in which you are working. Use the drop-down list to select a “Listing Unit/Stock.” Choose “Range-wide” if, for example, your location has multiple stocks of the same species and you cannot distinguish between them while in the field.
- 5) **Production/Origin:** Use the drop-down list to select a “Production/Origin.”
- 6) **Life Stage:** Use the drop-down list to select the applicable life stage. You may enter take information for more than one life stage (e.g., adult versus juvenile) on separate rows or select a combination of life stages for one take category.

- 7) **Sex:** Use the drop-down list to select a sex. If your activity targets only one sex, indicate which. If it targets both and they can be targeted separately, enter separate rows for male and female; otherwise select “Male and Female.”
- 8) **Expected Take:** This represents a reasonable estimate of the number of animals you will encounter, annually. You will not be limited to this number or penalized if you exceed this number.
- 9) **Takes Per Animal:** Estimate the number of times an individual will be encountered, annually. See [Appendix VIII](#) for more guidance.
- 10) **Take Action:** Use the drop-down list to select the type of action. The “Take Action” is a generalized overview of how animals will be harassed. Select only one action. If more than one action is proposed, you must enter the takes on separate rows.
- 11) **Observe/Collect Method:** Use the drop-down list to select the method of observation (e.g., survey, vessel). Select only one observe/collect method per row. If various methods will be used, you must provide take information in separate rows for each observe method.

**Note:** You can use the Copy Selected Records button to duplicate takes within this location (see above for directions).

- 12) **Procedures:** This field is where you provide specific information on the research activities that will be conducted. A separate pop-up window will appear with a species-specific list of activities. Hold down the Control key to select all activities to be performed concurrently. Choose “Other” if your proposed activity is not listed. In the “Details” box (see below), briefly describe what the “Other” means.

**Note:** The procedures list includes only activities that would qualify as Level B harassment, e.g., “observations, behavioral,” “photo-id,” and “acoustics, passive recording.”

- 13) **Begin Date:** This field is populated with the “Begin Date” you entered on the “Project Information” page. The take table represents **annual takes** within the overall project duration. You may change the date to coincide with a specific project time shorter than the overall duration of the project. You cannot enter a date that is earlier than the “Begin Date” you entered on the “Project Information” page.
- 14) **End Date:** This field is populated with the “End Date” you entered on the “Project Information” page. The take table represents **annual takes** within the overall project duration. You may change the date to coincide with a specific project time shorter than the overall duration of the project. You cannot enter a

date that is later than the “End Date” you entered on the “Project Information” page.

- 15) **Details:** You may enter up to 255 characters in this text box to provide details on each take table row.

When finished entering and saving take information, either click on “Next >” to take you back to the location page for any final location editing or adding new location and take information; OR, go to the breadcrumbs on top of the page and click on “NEPA.”

## National Environmental Policy Act (NEPA) Considerations Page

To assist us in our required NEPA analysis, please provide information on the following four environmental impact consideration criteria. If you believe any of the criteria are “not applicable” to your project please explain why. When you are finished, click the “Next >” link.

- 1) If your activities will involve equipment (e.g., scientific instruments) or techniques that are new, untested, or otherwise have unknown or uncertain impacts on the biological or physical environment, please discuss the degree to which they are likely to be adopted by others for similar activities or applied more broadly.
- 2) Describe the physical characteristics of your project location, including whether you will be working in or near unique geographic areas such as state or National Marine Sanctuaries, Marine Protected Areas, Parks or Wilderness Areas, Wildlife Refuges, Wild and Scenic Rivers, designated Critical Habitat for endangered or threatened species, Essential Fish Habitat, etc. Discuss how your activities could impact the physical environment, such as by direct alteration of substrate during use of anchoring vessels or buoys, erecting blinds or other structures, or ingress and egress of researchers, and measures you will take to minimize these impacts.
- 3) Briefly describe important scientific, cultural, or historic resources (e.g., archeological resources, animals used for subsistence, sites listed in or eligible for listing in the National Register of Historic Places) in your project area and discuss measures you will take to ensure your work does not cause loss or destruction of such resources. If your activity will target marine mammals in Alaska or Washington, discuss measures you will take to ensure your project does not adversely affect the availability (e.g., distribution, abundance) or suitability (e.g., food safety) of these animals for subsistence uses.
- 4) Discuss whether your project involves activities known or suspected of introducing or spreading invasive species, intentionally or not, (e.g., discharging ballast water, use of equipment at multiple sites). Describe measures you would take to prevent the possible introduction or spread of non-indigenous or invasive species, including plants, animals, microbes, or other biological agents.

- 5) Discuss whether your project involves activities known or suspected of introducing or spreading invasive species, intentionally or not, (e.g., transporting animals or tissues, discharging ballast water, use of equipment at multiple sites). Describe measures you would take to prevent the possible introduction or spread of non-indigenous or invasive species, including plants, animals, microbes, or other biological agents.

## Project Contacts Page

On this page you will enter information about the people who will be responsible for overseeing the project and others who will be working under the permit. As the person entering the application, you will automatically be assigned the following roles: **Applicant/Permit Holder, Principal Investigator, and Primary Contact.** See the directions below for how to change who is assigned to these roles. The following table and [Appendix II](#) explain the differences between the personnel roles. The Applicant, Principal Investigator, and Primary Contact can be the same person.

	<b>Able to make changes to application</b>	<b>Must be named in the permit application</b>	<b>CV, resume, or list of qualifications required</b>	<b>Receive automatic emails from APPS</b>	<b>Can request modifications and submit annual reports</b>
<b>Applicant/Holder</b>	Yes	Yes	Yes	Yes	Yes
<b>Responsible Party</b>	Yes	Yes (only if Holder is an entity)	No (If they are participating in the research they should also be listed as a Co-investigator)	Yes	Yes
<b>Principal Investigator</b>	Yes	Yes	Yes	Yes	Yes
<b>Primary Contact</b>	Yes	Yes	No	Yes	Yes
<b>Co-Investigator</b>	No	Yes	Yes	No	No
<b>Other personnel (e.g., Research Assistants)</b>	No	No	No	No	No

To change the person assigned to the Applicant/Permit Holder, Principal Investigator, Responsible Party, and Primary Contact roles, click the **Change** button next to the name. This action will open the “Contact Search” window. To prevent duplicate entries, **you MUST ALWAYS search the database for the person before entering a new contact.**

*To search:*

- 1) Enter the person's **last name**.
- 2) Click **Search for Contact**.
- 3) If the person is listed in the search results, click the **Select** button to add them to your application.
- 4) If too many entries are returned, you may enter additional information about the person, and click **Search for Contact** again.
- 5) If the search did not find the person you want to add, click **Create New Contact**.
- 6) You will be prompted to enter the person's contact information. Enter all required information and save when you are finished.

**Note:** If you remove yourself as a contact you will no longer have access to the application.

A project must have a **Responsible Party** when the Applicant/Permit Holder is an organization, institution, or agency. The Responsible Party is an official who has the legal authority to bind the organization, institution, or agency and is ultimately responsible for all activities of any individual operating under the authority of the permit.

**Note:** The Responsible Party is most often used when there is a likelihood of staff changes. For example, permits cannot be transferred from one individual to another. If the Permit Holder changes, NMFS has to issue a new permit. However, the Responsible Party role can be transferred to another individual. Long-term research projects held by public agencies tend to encounter staff changes and in many cases, NMFS has assigned the Permit Holder role to the agency. It is up to the applicant to decide if this is appropriate for their project. To add a Responsible Party, follow the steps above.

In addition to the roles described above, you must add **Co-investigators** to the application if the Principal Investigator will not always be present during the permitted activities. Co-investigators are individuals who are qualified and authorized to conduct or directly supervise activities conducted under a permit issued for scientific research or enhancement purposes without the on-site supervision of the Principal Investigator.

***To add a Co-investigator:***

- 1) Click on the **Add Personnel** button.
- 2) The Contact Search box will open.
- 3) Follow the instructions above for searching and adding a new contact.
- 4) Once you select a person, click on the **Save Personnel** button before adding another Co-investigator.

5) Repeat this process until you have added all Co-investigators.

### ***Qualifications and Experience***

You are required to submit the following information about the qualifications and experience of the Principal Investigator and all Co-investigators.

**Note:** All documentation submitted will be publicly available. **DO NOT include personal information<sup>1</sup>** in your documentation.

#### *Contact Information*

- Full Name (as it appears on driver's license, passport, etc.)
- Email address
- Business mailing address, phone, and fax

#### *Education & Training*

- Degree, year, major, name of institution
- Certificates or Licenses, relevant dates (year received, expiration date)
- Other training or certification relevant to the permitted activity, date (e.g., dive certification, animal handling course)

#### *Experience<sup>2</sup>*

- Current position title, name of employer
- List of duties to be performed under the permit
- Brief description of when and how you obtained expertise in the proposed methods you will be conducting and supervising, whether you have performed them without supervision and when you supervised others' performance

#### *Annotated Publication History<sup>3</sup>*

- Authors, Date, Title, Journal (or book, etc.), applicable permit number

#### ***To attach qualification documentation, such as a resume:***

- 1) Click the **Add CV** button next to the person's name.
- 2) A pop-up window will appear that allows you to attach a file.

---

<sup>1</sup> **DO NOT** include social security number, date of birth, nationality, marital status, home phone or address (unless it is also the business address), salaries, or other personal information.

<sup>2</sup> Address how you are qualified to perform the proposed activities and to supervise the performance of others acting under the permit (e.g., research assistants, vessel operators).

<sup>3</sup> This does not need to be exhaustive. The intent is to show that the individual has or is reasonably likely to publish in peer reviewed journals or otherwise make results of permitted research available.

**Note:** If the person’s CV is already in the APPS system, you will see a file name under “Selected File;” however, **we ask that you still attach your version** because it may be more recent than the one we have on file.

- 3) Click **Browse** and locate the file.
- 4) Click **Attach** and wait for the file to upload.
- 5) When finished, click the **Cancel** button to close the pop-up window.



Resumes and CVs are considered **part of an application’s public record** and are available to reviewers and the public. Refer to the Additional Information at the end of this chapter. Please **do not** include personal information such as:

- Home address/phone number
- Date of birth
- Social security number
- Nationality
- Marital status
- Salary

As the Applicant, it is your responsibility to notify your Co-investigators that their names and resumes will be available to the public.

You may also add personnel who perform other roles (e.g., Research Assistants) to the application.

***To add other personnel:***

- 1) Click on the **Add Personnel** button.
- 2) The Contact Search box will open.
- 3) Follow the instructions above for searching and adding a new contact.
- 4) Once a person is added, APPS defaults the “role” to Co-investigator.
- 5) To change the role, click on “Co-Investigator.”
- 6) Another window will open with a list of roles. Choose the role you want.
- 7) Click Save.
- 8) Once the role has been assigned, click on the **Save Personnel** button before adding other personnel.

When you are finished, click the “Next >” link to go to the Submit Application page.

## Submit Application Page

Before you can submit your application, you must authenticate your identity and certify that all information in the application is correct. After you click the

**Click Here to Submit Application**

button, an authentication screen will appear.

## Authentication and Certification

1) Print the following screen and have the Applicant/Permit Holder or Responsible Party sign and date the page (for personnel definitions refer to [Appendix II](#)). If the Principal Investigator (PI) differs from the Applicant/Permit Holder or Responsible Party then the PI must also sign and date the page. Signatures will remain on file in the Permits Division for five years or until you apply for a new permit, whichever comes first.

Authentication for MMPA/ESA Section 10 Permits - Windows Internet Explorer  
https://apps.nmfs.noaa.gov/certif/identity\_authentication.cfm?RecType=Project&RecOrdID=16135&ProjectID=16135

NOAA Fisheries  
National Marine Fisheries Service  
Authorizations and Permits for Protected Species (APPS)

Applicant: Carrie Hubard  
File #: 16135  
Title: this is a GA test

[Print] [Return to Application]

**Authentication for a Letter of Intent under the MMPA General Authorization for Scientific Research**

Before you can submit your application, you must authenticate your identity and certify that all information is correct. Please print out this page, sign it, and fax it to the appropriate number listed below to authenticate your identity. When receipt is confirmed, you will be able to submit your application and will be required to certify the accuracy of your application. Your signature will remain on file with the appropriate office for use for the next five years or until you apply for a new permit, whichever comes first.

**WHO SHOULD SIGN?**  
This page should be signed by the **Applicant/Permit Holder** (the person, institution, or agency that is ultimately responsible for all activities of any individual who is operating under the authority of the permit). If the Applicant/Permit Holder is not a person (e.g., NMFS Science Center, University) the **Responsible Party** should sign. If the **Principal Investigator (PI)** is different than the Applicant/Holder, then that person should also sign. (For more information on the different types of permit roles, please see the Help Document.)

*In accordance with section 104(a)(3)(C) of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 et seq.) and implementing regulations (50 CFR part 216) I hereby notify the National Marine Fisheries Service of my intent to conduct research involving only Level B harassment on marine mammals in the wild, and request confirmation that the General Authorization for Scientific Research applies to the proposed research as described herein. I certify that the information in this letter of intent is complete, true, and correct to the best of my knowledge and belief, and I understand that any false statements may subject me to the criminal penalties of 18 U.S.C. 1001, or penalties under the MMPA and implementing regulations. I acknowledge and accept that authority to conduct scientific research on marine mammals in the wild under the General Authorization is a limited conditional authority restricted to Level B harassment only, and that any other take of marine mammals, including the conduct of any activity that has the potential to injure marine mammals (i.e., Level A harassment), may subject me to penalties under the MMPA and implementing regulations.*

Applicant/Permit Holder/Responsible Party

Printed Name	Signature	Date
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Principal Investigator:

Printed Name	Signature	Date
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[Fax To (301)713-0376]



*To print on one page make sure your text size is set to "smaller."  
In Internet Explorer go to "View" then "Text Size" and choose  
"smaller."*

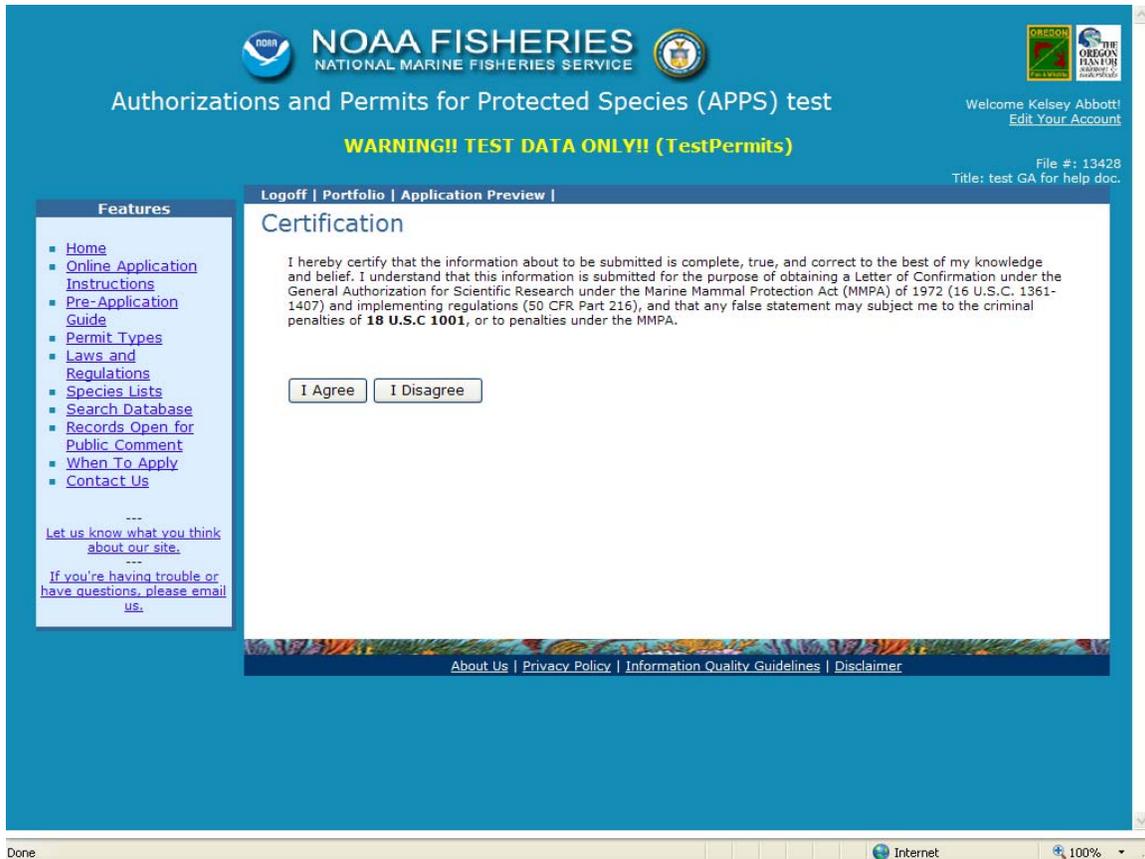
2) After you have signed and dated the page, please fax it to the Permits Division at 301-713-0376.

3) Once you have faxed your authentication page, save your application and log off APPS.

4) A permit analyst will email you to confirm receipt of the signature page within 1-2 business days.

5) After you are notified that your signature was received by the appropriate office, you may log into APPS and submit your application by clicking on the

**Click Here to Submit Application** button. The following certification screen will appear:



6) You must read and accept the certification statement before your application can be submitted. If you choose not to accept the statement, your application will not be submitted and your request cannot be processed.

7) Once submitted, you will receive an automatic email saying that you have successfully submitted your application.

## Requesting a Modification

This section of APPS allows the Applicant, Principal Investigator, and Primary Contact to request changes to the issued permit.

**Note:** The Director, Office of Protected Resources, may amend or modify a LOC in response to or independent of a request from the Permit Holder. Amendments and modifications are subject to additional analyses under NEPA.

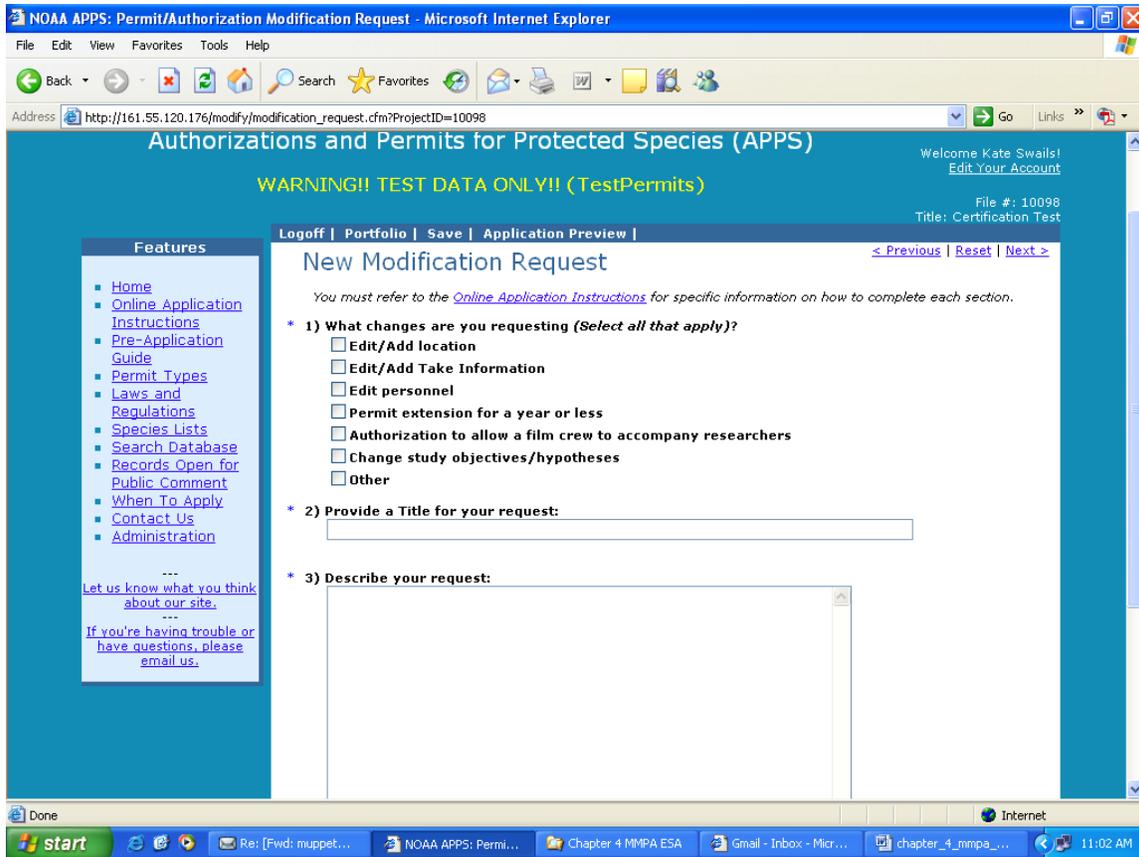
Requests to modify the following permit specific conditions may require the same amount of time to process as a new Letter of Intent:

- changing the species to be taken;
- expanding or adding locations;
- changing methods; and
- extending the expiration date.

Other requests such as changing personnel or allowing a film crew to accompany the researchers may be authorized relatively quickly.

To begin, log in to your portfolio and open the issued permit that you would like to modify by clicking on the “file number” link. At the top of the page, you will see a series of links including “Request a Modification.” Click on this link to open the “New Modification Request” page (see below).

***New Modification Request Page***



## Modification Request Questions

### 1) *What changes are you requesting?* (Select all that apply)

On the first page of the “New Modification Request” window, you must check the type(s) of modification(s) you are requesting. See “Modification Types” below for a description of each of these options. You have the following list of options:

- Edit/Add Location
- Edit/Add Take Information
- Edit Personnel
- Permit Extension for a year or less
- Authorization to allow a film crew to accompany researchers
- Change Study Objectives/Hypotheses
- Other

Your selections will dictate which fields are available for you to edit on the screens that follow. For example, if you select “Edit/Add Take Information” you will only be able to modify the take table. If you decide that you need to change other sections of the permit, you will have to return to this screen and check those options.

2) ***Provide a Title for your request*** (up to 255 characters)

Describe the modification as concisely and descriptively as possible. Be sure to enter a modification title before logging out of the system.

3) ***Describe your request*** (no text limit)

A request to modify an issued permit should address the pertinent sections of these instructions **relevant to the requested change**. Your request should include the following information, as applicable. See corresponding sections of application instructions above for information required under each category below. Disregard those that do not apply to your modification request.

- Brief narrative summary of the changes requested
- Research timeframe and sampling season/project duration
- Purpose: hypothesis/objectives and justification
- Project description
- Status of the affected species (if requesting a change in species)
- Anticipated effects on animals
- Measures to minimize negative effects
- Resources needed to accomplish objectives
- NEPA information, especially for changes in methods or locations
- References
- For personnel changes, include qualifications/experience in each take activity
- For filming authorizations, include who (names and roles of crew), what, when, where, why, how, and products that will be developed.

**Notes:** If requesting a change in authorized species or procedures, please make sure to select “Edit/Add Take Information” and edit your take table within APPS. Do **not** provide a separate take table by attaching a file.

For changes in field equipment or study areas, we highly recommend that you attach figures, maps or illustrations drawn to scale.

4) ***Attach a file (Optional):***

If you need to attach figures, maps, or other supporting documents please attach a file. To open the attachments window, click on the “Select File” button. Within the attachments window, you will click on the “Browse” button, and then navigate to the directory containing the file you wish to attach. After locating the file, click the “Attach” button. You can attach more than one document from this window. When you have finished attaching files, click the “Cancel” button to return to the modification request form. If you are making substantial or complex changes to your permit, your attachment should contain enough detail for reviewers to understand your request.

Click “Next >” to proceed.

## Modification Types

### ***Edit/Add Location***

If you selected this option, you will see the “Modification Locations and Take Information” screen. Currently defined locations are displayed in the lower half of the screen. For instructions on adding locations and take information, see the “Project Locations and Take Information” section above. There is no limit to how many locations you can add.

To increase your action area by adding states to your action area, click on the “Change area or state” button.

To add a new location, click on the “Add new location” button.

To edit or delete an existing location, select the location and click on the “Edit/Delete location” button.

When you have completed changes to the location information, and if you have no other edits, you can submit your modification request. Click the “Next>” link at the top right of the screen. You should now see the “Submit Modification Request” screen. You are encouraged to preview your modification before submitting.

### ***Edit Take Information***

This option allows applicants to request a modification to the take table. Some of the typical types of modification requests include the addition of new species and the addition of new methods. You may edit any part of the take table. See the “Take Table” section above for instructions on required information in the table.

To request to remove/delete existing take records, first check the “Select” box to the left of the record you wish to delete, then click the “Delete selected records” button near the top of the page. A pop-up notice box will appear that indicates that the record will still appear in the table but is marked for deletion.

To request to modify existing take records, first check the “Select” box to the left of the record you wish to modify, then click the “Edit selected records” button near the top of the page. The take table should refresh with an editable copy of the original record with the next consecutive version number. For example, if you selected line number 2 to edit, the copied record should be line number 2, version A. Then, make the changes you would like to the record.

When you have finished entering the edits, additions, and deletions you want to request, click the “Save” button and then the “Next>” link. You will be taken to the “Location”

page where you can then proceed to another location for which modifications are needed or submit your application.

### ***Edit Personnel***

Refer to the “Project Contacts” section above for instructions on editing personnel information. The process for searching and adding contacts for modifications is the same. When using the search function, be sure to exhaust your search (i.e., start out with a generic search before getting too specific so that duplicate contacts are not created). To request removal of a contact, check the box labeled “remove” to the right of the contact’s role.

**Note:** To add personnel you must attach a CV or resume for each person. See application instructions above on what information is required.



Resumes and CVs are considered **part of an application’s public record** and are available to reviewers and the public. Refer to the Additional Information at the end of this chapter. Please **do not** include personal information such as:

- Home address/phone number
- Date of birth
- Social security number
- Nationality
- Marital status
- Salary

As the Applicant, it is your responsibility to notify your Co-investigators that their names and resumes will be available to the public.

### ***Permit Extension for a year or less***

If you wish to apply for a permit extension, check this box and include your proposed extended expiration date and justification in the description of your request.

### ***Authorization to allow a film crew to accompany researchers***

If you wish to apply for an authorization to allow a film crew to accompany you during research, check this box and provide information on who will accompany you (i.e., production company, names and roles of the crew), where and when filming would occur, and the purpose of the filming (e.g., a documentary on spinner dolphins).

### ***Change Study Objectives/Hypotheses***

If you wish to modify the study objectives/hypotheses, check this box and include the new objectives/hypotheses in the description of your request.

### ***Other***

If you check this box, please explain the modification in the description of your request.

### Submitting Your Modification Request

After moving through all of the applicable windows, you may submit your request using the “Next >” links or click the “Submit” link near the top of the page. A window should appear that suggests you review your request before submitting. **IMPORTANT:** You must click the **Click Here to Submit Modification** button on this page to submit your application. Once submitted, you will receive an automatic email saying that you have successfully submitted your application. A permit analyst will contact you regarding your submitted application.

Call the Permits Division at 310-427-8401 if you need assistance.

### Additional Information:

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, as defined in 50 CFR 216.3, for purposes of *bona fide* scientific research. Interested persons are required to 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) under the General Authorization and provided in these instructions. Regulations implementing the GA may be found at 50 CFR 216.45 [59 FR 50376, Oct. 3, 1994] and are available at the following web site: <http://www.gpo.gov/>. MMPA section 104 is available at the following web site: <http://www.nmfs.noaa.gov/pr/pdfs/laws/mmpa104.pdf>.

## Paperwork Reduction Act Statement:

The information requested in this application is required and is used to determine whether the research described in the letter of intent is likely to exceed Level B harassment of a marine mammal in the wild, whether a scientific research permit is required to conduct all or part of the subject research, and whether the research as described in the letter of intent is *bona fide*.

Public reporting burden for this collection of information is estimated to average 10 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Chief, Permits and Conservation Division, Office of Protected Resources, F/PR1, NOAA/National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910.

The letter of intent and any associated documents, including any reports required under the GA, are considered public information and as such, are subject to the Freedom of Information Act.

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

# National Marine Fisheries Service Endangered Species and Marine Mammals

## General Authorization - Justification

**OMB Control No. 0648-0084**

**Expiration Date: 06/30/2013**

### Background

Under section 104(c)(3)(C) of the MMPA, as amended, persons may be authorized under the General Authorization (GA) to take marine mammals in the wild by Level B harassment, as defined in 50 CFR 216.3, for purposes of *bona fide* scientific research. Interested persons are required to submit a letter of intent (LOI) in accordance with the interim final rule published on October 3, 1994 and submit certain information outlined at 50 CFR 216.45(b) under the GA and provided in the instructions.

Regulations implementing the GA may be found at 50 CFR 216.45 [59 FR 50376, Oct. 3, 1994] and are available at the following web site: <http://www.gpo.gov/>. MMPA section 104 is available at the following web site:

<http://www.nmfs.noaa.gov/pr/pdfs/laws/mmpa104.pdf>.

The information requested in this application is required and is used to determine whether the research described in the LOI is likely to exceed Level B harassment of a marine mammal in the wild, whether a scientific research permit is required to conduct all or part of the subject research, and whether the research as described in the LOI is *bona fide*. Persons issued a Letter of Confirmation (LOC) confirming the activities meet these requirements must conduct the activities as described in the LOI. Activities authorized are limited to those conducted for the purposes, by the means, in the locations, and during the time periods described in the LOI.

### Pre-application Guide (PAG)

The information obtained when filling out the PAG is necessary to determine if the GA is the appropriate authorization or if another type of permit/permit application is needed.

### Project Information

#### **File Number**

Automatically generated by APPS. This number is necessary for identification of the application in the APPS system/database, during correspondence with the applicant, and

to identify the administrative record. This number is also used as the LOC ID number when issued.

***Project Title*** (enter up to 255 characters)

Necessary for identification of subject matter.

***Project Status***

Automatically selected by APPS based on answers in PAG.

***Previous Federal or state permit #***

Not required. If entered, this information provides permit analysts with the applicant's previous LOC number to determine compliance with that LOC's terms and conditions.

***Permits Requested***

Automatically selected by APPS based on answers in PAG.

***Where will the activities occur?***

One or more general locations will be listed based on answers in the PAG. The application must specify the geographic locations in which the research is to be conducted. This information is necessary for considering impacts to protected species and for conducting the appropriate environmental analyses and assessment of impacts to the species or stock. Activities authorized are limited to those conducted for the purposes, by the means, in the locations, and during the time periods described in the LOI. Applicable regulations/statutes: 50 CFR 216.45 (b)(2)(iii), 216.45(d)(1), and MMPA section 104(c)(3)(C).

***Research Timeframe and Sampling Season/Project Duration***

The LOI must specify the period of time over which the research will be conducted. LOC's are valid for five years unless a shorter time period is requested. This information provides a basis to determine (1) whether it is likely that the objectives will be met during the time allotted with the available resources; (2) when the LOC is needed (i.e., the start date); (3) impacts to the affected species during sensitive periods such as nursing and breeding; and (4) potential cumulative impacts that may arise from multiple LOC holders working on the same species, in the same location, and at the same time. Applicable regulations/statutes: MMPA section 103(c)(3)(C) and 50 CFR 216.45(b)(2)(iv).

Project Description

***Project Purpose: Hypothesis/Objectives and Justification***

This information is required to determine the purpose of the research and how the proposed research qualifies as "*bona fide* scientific research." Applicable statute/regulations: MMPA section 104(c)(3)(C) and 50 CFR 216.45(a).

***Project Description***

This section requires the applicant to describe the methods to be used to conduct the research. This information is used to determine if the research is "*bona fide*" and will

only result in Level B harassment of marine mammals. Applicable statute/regulations: MMPA section 104(c)(3)(C) and 50 CFR 216.45(a).

NMFS must determine that the proposed method of taking is humane and will not present any unnecessary risks to the health and welfare of marine mammals; and that the proposed activity by itself or in combination with other activities, will not have a significant adverse impact of the species or stock.

### Project Location

The application must specify the geographic locations in which the research is to be conducted. This information is necessary for considering impacts to protected species and for conducting the appropriate environmental analyses and assessment of impacts to the species or stock. Activities authorized are limited to those conducted for the purposes, by the means, in the locations, and during the time periods described in the LOI. Applicable regulations/statutes: 50 CFR 216.45 (b)(2)(iii), 216.45(d)(1), and MMPA section 104(c)(3)(C).

### Take Information

Applicants are required to identify the species and number of each species taken by Level B harassment in the form of a table. This table is used to verify the number of animals requested to be taken as described in the narrative portion of the project description. Applicable regulations: 50 CFR 216.45(b)(2)(ii) and (b)(2)(vi).

### National Environmental Policy Act (NEPA) Considerations

In addition to information contained in other sections of the application as noted, the questions posed in this section of the application are necessary considerations under NEPA. These questions address such things as whether new or novel techniques will be used and adopted by others (i.e., if a precedent will be set); whether there is risk from hazardous substances or infectious agents; what impacts may occur to unique or protected geographic areas, including refuges, sanctuaries, or critical habitats; whether the work could cause loss or destruction of scientific, cultural, or historic resources; and whether there could be introduction or spread of non-indigenous or invasive species as a result of the permitted activity. Applicable regulations: NEPA CEQ regulations.

### Project Contacts

This section is necessary for identification and contact purposes as well as accountability and enforcement. The Principal Investigator/applicant is responsible for the overall research project. The application must include contact information, qualifications, and experience of the applicant and any Co-investigators, relevant to objectives, methodology, or other aspects of the research. This is necessary to determine if the individuals operating under the permit are qualified to successfully accomplish the objectives, conduct bona fide research, and carry out the specific types of take. Applicable regulations: 50 CFR 216.45(b)(1) and (b)(2)(i).

## Authentication and Certification

Applicants must authenticate their identity by signature and certify that the information in the application is accurate and in accordance with the MMPA. Applicable regulations: 50 CFR 216.33(a) and 216.45(b)(3); also required by 18 U.S.C. 1001.

## Requesting a Modification

This section of APPS allows the Applicant, Principal Investigator, and Primary Contact to request changes to the issued permit. This information is necessary to identify what type of modification is being requested and what processing steps are involved. The selections made on this screen dictate what fields are available for applicants to edit on the screens that follow. Applicants are required to provide information consistent with that required for a new LOC (e.g., hypothesis, methods), and the justification for requiring this information from applicants is the same as described above, as applicable to the modification being requested.

## Methodology

The Department has conducted this review in accordance with section 751(a)(2)(B) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.214. For a full description of the methodology underlying our conclusions, see “Decision Memorandum for Preliminary Results of Antidumping Duty New Shipper Review: Certain Preserved Mushrooms from the People’s Republic of China,” from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Import Administration (Preliminary Decision Memorandum), dated concurrently with these results and hereby adopted by this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Import Administration’s Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). IA ACCESS is available to registered users at <http://iaaccess.trade.gov> and in the Central Records Unit, room 7046 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly on the Internet at <http://iaaccess.trade.gov>. The signed Preliminary Decision Memorandum and the electronic version of the Preliminary Decision Memorandum are identical in content.

### Preliminary Rescission of NSR

Based on information that Yinfeng submitted after the initiation of the NSR, the Department has preliminarily determined that Yinfeng did not meet the minimum requirements in its request for an NSR under 19 CFR 351.214(b)(2)(iv)(C). Therefore, the Department preliminarily determines that it is appropriate to rescind the NSR for Yinfeng.

### Assessment Rates

Yinfeng’s entries will be currently subject to the PRC-wide rate. Although the Department intends to rescind the NSR for Yinfeng, the Department is currently conducting an administrative review for the POR February 1, 2011, through January 31, 2012, which could include the entries subject to this NSR.<sup>1</sup> Accordingly, if the Department proceeds with a final rescission of this NSR, we will instruct U.S. Customs and Border

Protection (CBP) to continue to suspend entries during the period February 1, 2011, through January 31, 2012, of subject merchandise exported by Yinfeng until CBP receives instructions relating to the administrative review covering the period February 1, 2011, through January 31, 2012.

### Cash Deposit Requirements

Effective upon publication of the final rescission or the final results of this NSR, we will instruct CBP to discontinue the option of posting a bond or security in lieu of a cash deposit for entries of subject merchandise by Yinfeng. If we proceed to a final rescission of this NSR, the cash deposit rate will continue to be the *ad valorem* PRC-wide rate for Yinfeng. If we issue final results of the NSR for this respondent, we will instruct CBP to collect cash deposits, effective upon the publication of the final results, at the rates established therein.

### Comments

Interested parties are invited to comment on these preliminary results and submit written arguments or case briefs within 30 days after the date of publication of this notice, unless otherwise notified by the Department.<sup>2</sup> Parties are reminded that written comments or case briefs are not the place for submitting new factual material. Rebuttal briefs, limited to issues raised in the case briefs, will be due five days later.<sup>3</sup> Parties who submit case or rebuttal briefs are requested to submit with each argument: (1) A statement of the issue; and (2) a brief summary of the argument. Parties are requested to provide a summary of the arguments not to exceed five pages and a table of statutes, regulations, and cases cited.

Any interested party who wishes to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Import Administration within 30 days after the day of publication of this notice. A request should contain: (1) The party’s name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed.<sup>4</sup> Issues raised in the hearing will be limited to those raised in case briefs. The Department will issue the final rescission or final results of NSR, including the results of our analysis of issues raised in any briefs, within 90 days after the date on which the preliminary rescissions were issued,

unless the deadline for the final results is extended.<sup>5</sup>

### Notification to Importers

This notice serves as a preliminary reminder to the importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary’s presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This notice is published in accordance with sections 751(a)(2)(B) and 777(i) of the Act and 19 CFR 351.214(f).

Dated: January 10, 2013.

**Paul Piquado,**

*Assistant Secretary for Import Administration.*

### Appendix I

#### List of Topics Discussed in the Preliminary Decision Memorandum

Failure to satisfy new shipper regulatory requirements—Yinfeng  
Rescission of NSR

[FR Doc. 2013-01040 Filed 1-17-13; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Proposed Information Collection; Comment Request; Basic Requirements for Special Exemption Permits and Authorizations To Take, Import, and Export Marine Mammals, Threatened and Endangered Species, and for Maintaining a Captive Marine Mammal Inventory Under the Marine Mammal Protection, the Fur Seal, and the Endangered Species Acts

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice.

**SUMMARY:** The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

**DATES:** Written comments must be submitted on or before March 19, 2013.

<sup>1</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part, and Deferral of Administrative Review*, 77 FR 19179, 19182 (March 30, 2012).

<sup>2</sup> See 19 CFR 351.309(c)(ii).

<sup>3</sup> See 19 CFR 351.309(d).

<sup>4</sup> See 19 CFR 351.310(c).

<sup>5</sup> See 19 CFR 351.214(i).

**ADDRESSES:** Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at [Jjessup@doc.gov](mailto:Jjessup@doc.gov)).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument and instructions should be directed to Amy Sloan, (301) 427-8401 or [Amy.Sloan@noaa.gov](mailto:Amy.Sloan@noaa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Abstract**

This request is for a revision and extension of a currently approved information collection.

The Marine Mammal Protection Act (16 U.S.C. 1361 *et seq.*; MMPA), Fur Seal Act (16 U.S.C. 1151 *et seq.*; FSA), and Endangered Species Act (16 U.S.C. 1531 *et seq.*; ESA) prohibit certain activities affecting marine mammals and endangered and threatened species, with exceptions. Pursuant to section 104 of the MMPA and Section 10 of the ESA, special exception permits can be obtained for scientific research and enhancing the survival or recovery of a species or stock of marine mammals or threatened or endangered species. Section 104 of the MMPA also includes permits for commercial and educational photography of marine mammals; import and capture of marine mammals for public display; and, Letters of Confirmation under the General Authorization for scientific research that involves minimal disturbance to marine mammals. The regulations implementing permits and reporting requirements under the MMPA and FSA are at 50 CFR part 216; the regulations for permit requirements under the ESA are at 50 CFR part 222. The required information in this collection is used to evaluate the impacts of the proposed activity on protected species; to make the determinations required by the MMPA, ESA and their implementing regulations prior to issuing a permit; and to establish appropriate permit conditions. Inventory reporting pertaining to marine mammals in public display facilities is required by the MMPA.

This information collection applies to protected species for which NMFS is responsible, including the marine mammal species of cetaceans (whales, dolphins and porpoises), pinnipeds (seals and sea lions), sea turtles (in water), white abalone, black abalone, smalltooth sawfish, largetooth sawfish (imports only), shortnose sturgeon, and Atlantic sturgeon. The information

collection may be used for proposed listed species (e.g., corals).

The currently approved application and reporting requirements are being revised to include submission of Letters of Intent under the General Authorization via the existing online application system, Authorizations and Permits for Protected Species (APPS). Respondents can currently only apply for scientific research and enhancement permits using APPS. This revision also includes adding Atlantic sturgeon and largetooth sawfish. NMFS listed Atlantic sturgeon as endangered or threatened under the ESA on April 6, 2012 (77 FR 5914 and 77 FR 5580). Largetooth sawfish, which live outside of U.S. waters, were listed as endangered on August 11, 2011 (76 FR 40822). ESA Section 10 permits are required for taking or importing these ESA-listed species for scientific research or enhancement purposes.

A number of coral species have been proposed to be listed or reclassified under the ESA by NMFS (77 FR 73220). If such listings take effect, the scientific research and enhancement application instructions may be revised to clarify information pertaining to taking ESA-listed coral species. However, revisions pertaining to corals would not occur until and if a final listing rule was published.

**II. Method of Collection**

Permit applications, permit reports, and inventory reports are available in paper or electronic versions (online or via email). Respondents may submit all applications and forms by email, mail, or facsimile. Respondents may also submit scientific research and enhancement permit applications via an online application system, APPS.

**III. Data**

*OMB Control Number:* 0648-0084.

*Form Number:* None.

*Type of Review:* Regular submission (revision and extension of a currently approved collection).

*Affected Public:* Non-profit institutions; universities; Federal, State, local, or tribal governments; and business or other for-profit organizations.

*Estimated Number of Respondents:* 536.

*Estimated Time per Response:* Scientific research permit applications, 50 hours; public display permit applications, 30 hours; photography permit applications, 10 hours; General Authorization applications, 10 hours; major permit modification requests, 35 hours; minor permit modification requests, 3 hours; scientific research

permit reports, 12 hours; public display permit reports, 2 hours; photography permit reports, 2 hours; General Authorization reports, 8 hours; public display inventory reporting, 2 hours; and recordkeeping, 2 hours per permit or authorization type (including permits for scientific research, public display, photography, General Authorization; and retention or transfer of rehabilitated animals).

*Estimated Total Annual Burden Hours:* 7,730.

*Estimated Total Annual Cost to Public:* \$2,000 in recordkeeping/reporting costs.

**IV. Request for Comments**

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: January 14, 2013.

**Gwellnar Banks,**

*Management Analyst, Office of the Chief Information Officer.*

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**BILLING CODE 3510-22-P**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**RIN 0648-XC446**

**Mid-Atlantic Fishery Management Council (MAFMC); Public Meeting**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of a public meeting.

**SUMMARY:** The Mid-Atlantic Fishery Management Council's (Council) Highly Migratory Species Committee (HMS) will hold a public meeting.