

# NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Date 03/14/2012

Department of Commerce  
National Oceanic and Atmospheric Administration  
FOR CERTIFYING OFFICIAL: Simon Szykman  
FOR CLEARANCE OFFICER: Diana Hynek

In accordance with the Paperwork Reduction Act, OMB has taken action on your request received 12/21/2011

ACTION REQUESTED: Revision of a currently approved collection  
TYPE OF REVIEW REQUESTED: Regular  
ICR REFERENCE NUMBER: 201112-0648-008  
AGENCY ICR TRACKING NUMBER:  
TITLE: National Marine Sanctuary Permits  
LIST OF INFORMATION COLLECTIONS: See next page

OMB ACTION: Approved without change  
OMB CONTROL NUMBER: 0648-0141

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: 03/31/2015

DISCONTINUE DATE:

BURDEN:	RESPONSES	HOURS	COSTS
Previous	992	1,436	949
New	1,477	1,704	1,434
Difference			
Change due to New Statute	0	0	0
Change due to Agency Discretion	87	-176	127
Change due to Agency Adjustment	398	444	358
Change Due to Potential Violation of the PRA	0	0	0

TERMS OF CLEARANCE:

OMB Authorizing Official:

Kevin F. Neyland  
Deputy Administrator,  
Office Of Information And Regulatory Affairs

List of ICs

IC Title	Form No.	Form Name	CFR Citation
General Permits and Reports	NA	NMS General Permit Application Form	
Special Use Permits	NA	NMS General Permit Application Form	
Historical Resources Permits	NA	NMS General Permit Application Form	
Baitfish			
Permit Amendments	NA	NMS General Permit Application Form	
Certification			
Voluntary registration			
Appeals			
Tortugas Access			
Lionfish removal			

# 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
	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
	6. Requested expiration date a. <input type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other Specify: _____ / _____
7. Title	
8. Agency form number(s) ( <i>if applicable</i> )	
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  
NATIONAL MARINE SANCTUARY PERMITS  
OMB CONTROL NO. 0648-0141**

**A. JUSTIFICATION**

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

This request is for revision and extension of a currently approved information collection. There is a program change: a new category of permit for lionfish removal from designated areas.

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

Both the NMSA and ONMS regulations prescribe procedures by which certain activities that would otherwise be prohibited may be conducted through the issuance of a permit. Any person proposing to conduct an activity prohibited by ONMS regulations must apply for and receive a permit prior to conducting that activity. There are nine types of permits, including those for research, education, and special use activities. In this document, the term “permit” refers generally to any form of approval granted by the ONMS to allow an activity that would otherwise not be allowed to take place due to ONMS regulatory prohibitions.<sup>1</sup>

Because the issuance of a permit by the office is discretionary, the ONMS regulations also establish criteria against which permit applications are reviewed and decisions ultimately made. ONMS regulations also provide permit applicants with guidance in submitting the appropriate level of information in a permit application. This collection of information is to ensure the ONMS has enough information from the permit applicant to process the request in accordance with program regulations, make a decision consistent with the established criteria, and, if issued, monitor compliance with the permit and its effect on NOAA trust resources.

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<sup>1</sup> In this document, the term “permit” includes “national marine sanctuary permits” processed pursuant to 15 CFR §922.48 and site-specific regulations; “authorizations” of other agency permits processed pursuant to 15 CFR §922.49; “special use permits” processed pursuant to section 310 of the NMSA (16 U.S.C. §1441); and “certifications” processed pursuant to 15 CFR §922.47. The term also includes requests for amendments to any of these.

**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 information submitted by permit applicants will be used by the ONMS staff to determine whether to approve or deny a permit application. In making this decision, ONMS regulations requires NOAA to consider such factors as:

- The professional qualifications and financial ability of the applicant as related to the proposed activity;
- The duration of the activity and its effects;
- The appropriateness of the methods and procedures proposed by the applicant for the conduct of the activity;
- The extent to which the conduct of the activity may diminish or enhance the qualities for which the sanctuary was designated;
- The end value of the applicant's activity; and
- Other such matters as ONMS staff deem appropriate.

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

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

The ONMS has a 3-tiered permit application review system, which determines the specific staff within the program that must review any particular application. "Class A" permits are for relatively routine activities with negligible impacts on sanctuary resources and are reviewed entirely by sanctuary superintendents and their staff located at ONMS field offices. "Class B" permits are activities with unknown or moderate impacts on sanctuary resources and are reviewed primarily by site superintendents and staff as assisted by additional subject experts located at ONMS headquarters. "Class C" permits are for activities which may have significant impacts on sanctuary resources or are in some way precedent-setting or controversial. These permits require concurrent review by field and headquarters personnel as well as clearance by NOAA legal counsel. Depending on the class of the permit, any of these individuals mentioned above (ONMS field and headquarters staff and NOAA legal counsel) will potentially use information submitted by permit applicants.

In terms of frequency of use, the information submitted in permit applications will, in general, only be used at the time the application is submitted to make a final decision on the application. Some of the information may also be used subsequent to the initial decisionmaking to inform ONMS management actions or decisionmaking. For example, a survey of a project location by one permit applicant may be used by the ONMS in the future to respond to a vessel grounding in the same area in addition to facilitating the ONMS's decision on that application. Information

submitted in a report will be used to assess the permittee's compliance with permit terms and conditions, assist in evaluating the appropriateness of the permitted activity, and determine its actual impacts on sanctuary resources.

The ONMS has developed an internal database which tracks applicant information, details on permit conditions and issuance, permit compliance, and any reporting products submitted for each permit. The permit applications are the primary source of information entered into the database. This data is used to evaluate the ONMS permit system by tracking such things as the permit process (number of days to issue a permit, etc.), the compliance of the permittee, and the location and effects of the activity as reported. This data and tracking ability are necessary for ONMS to evaluate the effectiveness of sanctuary protection and the role of permitted activities in that protection. In addition, the database assists in the evaluation of the cumulative impacts of permitted activities on sanctuary resources as required by the National Environmental Policy Act (NEPA) and informs future management planning.

As explained in the previous paragraphs, the information gathered has utility. ONMS will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. See response to Question 10 of this supporting statement for more information on confidentiality and privacy. The information collected is designed to yield data that meet all applicable information quality guidelines. Although the information collected is not expected to be disseminated directly to the public, results may be used in scientific, management, technical, or general informational publications. Should ONMS decide to disseminate the information, it will be subject to the quality control measures and pre-dissemination review pursuant to Section 515 of Public Law 106-554.

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

ONMS accepts and encourages the submission of permit applications, logs, and reports via email. Permit application forms and instructions are available on the Internet at <http://www.sanctuaries.noaa.gov/management/permits/welcome.html> and include a "fillable and printable" Adobe pdf option to facilitate more efficient and accurate data entry by applicants. In addition, the ONMS is planning an Internet-based permit application system which would allow permit applicants to submit their permit applications, logs, and final reports directly via a NOAA Internet website.

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

When designating each sanctuary, NOAA consulted with the relevant states and Federal agencies regarding their permitting requirements and procedures. Where appropriate, agreements were put in place to use a coordinated permit process. Post-designation, the ONMS continuously works with other state and Federal agencies to identify and eliminate duplication of permit requirements or conditions and, when appropriate, coordinate reviews of applications. In addition, the ONMS routinely accepts information developed for other purposes (e.g., a report on

an activity developed for another agency) as part of an ONMS permit application or to meet requirements of an ONMS permit condition.

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

This collection of information has minimal economic impact on small entities such as small businesses, organizations, or government bodies. Most general permit applications are for activities conducted by either large institutions (such as academic institutions, salvage companies, and state and Federal agencies) or individuals. The majority of small businesses affected by ONMS permits are those applying for baitfish collection permits in the Florida Keys NMS; a special, streamlined application process (see response to Question 12(c) of this statement) has been developed for these baitfish permits, thereby minimizing any burden on small business applicants.

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

If the information collection is not conducted, or is conducted less frequently, the management objectives of the ONMS and individual sanctuaries could not be met. The ONMS must be able to allow the conduct of otherwise prohibited activities to facilitate important research, education and management activities. The issuance of permits also allows fulfillment of the ONMS's statutory mandate to facilitate public and private uses that are compatible with sanctuary resource protection. Furthermore, the permit process allows these activities to take place under controlled conditions to ensure that the primary mandate of resource protection is fulfilled.

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

No special circumstances exist, are foreseen, or anticipated requiring the collection of information to be conducted in a manner inconsistent with the OMB guidelines.

**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 September 27, 2011 (76 FR 59660) solicited public comment on this renewal.

One comment was received from the Center for Regulatory Excellence (CRE), dated Nov. 28, 2011). ONMS provided CRE with answers to their comments, specifically, the analytical basis for the estimate of annual reporting burden to the public and how the information is used to

fulfill regulatory requirements for determining the appropriate permit type and consideration of regulatory review criteria.

The ONMS receives constant, informal feedback on its permitting process during staff interaction with applicants and permittees. This has resulted in several changes in ONMS permit processes with benefits to the public. For example, the ONMS routinely issues permits to academic or government institutions that cover a wide range of planned activities over a five-year period; doing so eliminates the need for these institutions to apply for a permit for each individual action. More logically arranged permit application also resulted, in part, from this informal permittee feedback.

**9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.**

No payments or gifts will be provided to any respondents.

**10. Describe any assurance or confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.**

As stated in the Permit Application Instructions:

Permit applicants are requested to indicate any information that is considered proprietary business information. Such information is generally found in special use permit applications (for commercial activities) and is typically exempt from disclosure to anyone requesting information pursuant to the Freedom of Information Act (FOIA). NOAA will make all possible attempts to protect such proprietary information, consistent with all applicable FOIA exemptions in 5 U.S.C. 552(b). Typically exempt information includes trade secrets, commercial and financial information (5 U.S.C. 552(b)(4)). For all permit types, personal information affecting an individual's privacy will be kept confidential consistent with 5 U.S.C. 552(b)(6).

**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.**

No sensitive questions are asked.

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

The ONMS estimates a total of 1,873 hours to collect this information. This is based on an estimate of 634 permits requiring approximately 1,477 total responses. The 2011 estimate of the total numbers of permits issued annually is 210 more than the 2008 renewal estimate. The increase in total numbers of permits issued annually is due mainly to the issuance of ONMS general permits for invasive lionfish removal, estimated at 200 permits annually. Lionfish removal is a new category of use of the general permit type for this renewal and a discussion of this category is added as letter (j) below. Although the total number of general permits issued per year increased by 65, the numbers of baitfishing permits was over-estimated by 55. Because the

number of responses per permit and the time per response varies amongst the various types of permits, each of the ten types is explained in subsections (a) through (j) below and summarized in the table at the end of this document. The types of permits are grouped into these categories based on similar collection of information requirements and burden estimates. Additionally, the permit types described in (a) through (d) below are further detailed in the permit application instructions.

(a) General Permits

*Scope of this category.* This category includes all permits not specifically addressed in subsections (b) through (j) below; typically, permit applications for scientific research, education, management, and salvage (excluding activities aimed at historical resources) activities permits fall into this category. This category also includes requests for authorizations of other agency permits processed pursuant to 15 CFR §922.49.

*Burden estimate.* Each respondent will generally submit an application for a permit, a cruise or flight log (or some other form of activity report) and a final summary report after the activity is complete, for an average of three responses per permit. On average, each response is expected to take the respondent 1 hour and 30 minutes to complete. The ONMS estimates that it will process approximately 205 permit applications in this category for a total of 615 responses and 923 burden hours annually. This estimate is 65 more than the 2008 estimate.

*Applicant guidelines.* Details regarding collection of this information are explained in the attached “*Instructions for Submitting Applications for National Marine Sanctuary Permits and Authorizations.*” Special, streamlined application procedures for certain general permit activities involving over-flights of sanctuaries, fireworks in Monterey Bay National Marine Sanctuary (MBNMS), and construction in MBNMS are described in appendices A, B, and C of the instructions, respectively.

(b) Lionfish Permits

*Scope of this category.* Florida Keys National Marine Sanctuary encourages the safe removal of invasive lionfish from its waters and issues lionfish removal permits to divers for the collection of lionfish from Sanctuary Preservation Areas (SPAs). This subcategory of the general permit category allows lionfish to be removed from the SPAs, which are otherwise no-fishing, no-take zones, with hand nets or slurp guns only. Spearguns or pole spears may not be used. This permit does not allow lionfish removal from the Ecological Reserves or the four Special-use Research Only Areas.

*Burden Estimate.* To apply for a lionfish removal permit, an applicant must simply submit their name, affiliation (dive shop or other business, as applicable), mailing address, telephone number, and the date and location of their completed lionfish workshop to the FKNMS permit coordinator. A log of number of fish caught is required at the end of the permit term. The ONMS expects the average response time per permit is 5 minutes; for completion of the log, 25 minutes, averaging 15 minutes per response. The ONMS expects to process an average of 200 permits in this category each year, for a total of 400 responses and 100 burden hours annually.

*Applicant guidelines.* Details regarding collection of this information are explained on the Florida Keys National Marine Sanctuary permitting website at: <http://floridakeys.noaa.gov/permits/lionfish.html>. This information has been added to the “*Instructions for Submitting Applications for National Marine Sanctuary Permits and Authorizations.*”

(c) Baitfish Permits

*Scope of this category.* This category includes applications for permits to collect baitfish in certain Sanctuary Preservation Areas (SPAs) of the Florida Keys National Marine Sanctuary that are otherwise closed to fishing. There are two types of baitfish permits that may be issued depending on the gear used (castnet or hairhook).

*Burden Estimate.* To apply for a castnet baitfish permit, an applicant must simply submit (via phone, fax, or email) his/her name and address. To apply for a hairhook baitfish permit, an applicant must also include a brief statement explaining experience and qualifications. For both permit types, a log of number of fish caught is required at the end of the permit term. The ONMS expects that the average response time per permit is 5 minutes, and for completion of the log, 25 minutes, with an average of 15 minutes per response. The ONMS expects to process an average of 140 permits in this category each year, for a total of 280 responses and 70 burden hours annually.

*Applicant guidelines.* Details regarding collection of this information are explained in the attached “*Instructions for Submitting Applications for National Marine Sanctuary Permits and Authorizations.*” The special application procedures for baitfish permits are described in Appendix D of the instructions.

(d) Special Use Permits

*Scope of this category.* This category includes all permit applications processed under section 310 of the NMSA (16 U.S.C. §1441). Notices regarding activities must be published in the Federal Register before NOAA can issue special use permits for those activities. Presently, these activities are as follows:

- The disposal of cremated human remains by a commercial operator in any national marine sanctuary
- The operation of aircraft below the minimum altitude in restricted zones of national marine sanctuaries for commercial purposes
- The placement and subsequent recovery of objects associated with public events on non-living substrate of the seabed
- The discharge and immediate recovery of objects related to special effects of motion pictures; and
- The continued presence of submarine cables beneath or on the seabed.

*Burden Estimate.* For special use permits, an application, a final report, and a financial report are required for each permit (total of 3 responses per permit). An average response time of eight hours is estimated for each of these activities. Financial reports (annual report required by section 310 of the NMSA; due on December 31 of each year) may take less than eight hours but the application will take more time, particularly if additional NEPA documentation is required and prepared by the respondent. A total of six permit applications is expected under this category each year, for a total of 18 responses and 144 burden hours annually. This estimate remains the same from previous years.

*Applicant guidelines.* Details regarding collection of this information are explained in the attached “*Instructions for Submitting Applications for National Marine Sanctuary Permits and Authorizations.*” Special requirements for Special Use Permit applications are described in Appendix E of the instructions.

(e) Historical Resource Permits

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

*Burden Estimate.* Due to the sensitive and complex nature of any work involving such resources, for these permits an average response time of 13 hours is estimated for each response (application, cruise log, and report). The ONMS estimates it will process approximately 10 permit applications in this category each year, for a total of 30 responses and 390 burden hours annually. This estimate remains the same as in previous years.

*Applicant guidelines.* Details regarding collection of this information are explained in the attached “*Instructions for Submitting Applications for National Marine Sanctuary Permits and Authorizations.*” Special requirements for Historical Resource Permits are described in Appendix F of the instructions.

(f) Permit Amendments

*Scope of this category.* This category includes all requests by permittees to amend permits. Typically, this is a request to extend the expiration date (i.e., renewal request), but can also be requests to modify the nature or geographic scope of the permitted activity.

*Burden Estimate.* For minor changes (such as a name change or extension request), permittees may apply for an amendment via a brief email, letter, or even a phone call. For significant changes to the permitted activity, more information or even a new application may be required. On average, the response is estimated to average 30 minutes. The ONMS expects approximately 40 requests under this category each year, for a total of 40 responses and 20 burden hours annually. This estimate remains the same from previous years.

*Applicant guidelines.* Details regarding collection of this information are explained in the attached “*Instructions for Submitting Applications for National Marine Sanctuary Permits and Authorizations.*”

(g) Certification

*Scope of this category.* This category includes all requests for the ONMS to certify activities that are being conducted pursuant to a valid government authorization prior to a sanctuary being designated (commonly known as “grandfathered” activities).

*Burden Estimate.* Because this process is typically only valid within the first 90 days of a sanctuary designation, there are currently no applications being processed under this category; however, a placeholder burden of 30 minutes is included in the total burden estimate for this collection. For any sanctuary that may be designated before the expiration of the approval sought under this document, an average response time of 30 minutes is estimated for providing an application. This estimate remains the same from previous years.

*Applicant guidelines.* Because the process for obtaining permits under this category may be different each time a sanctuary is designated, guidance on obtaining this permit would be included in public notices (e.g., final rule, notice of designation) at the time a sanctuary is designated. Therefore, no additional guidelines are necessary.

(h) Voluntary Registry

*Scope of this category.* This category is for researchers who are conducting activities that are not otherwise prohibited. The registry allows them to register their activity, which adds to the database of research activities within a sanctuary.

*Burden Estimate.* An average response time of 15 minutes is estimated for submission of registry information. The ONMS estimates one response under this category for a total burden of 15 minutes annually. This estimate remains the same from previous years.

*Applicant guidelines.* There are no specific guidelines for voluntary submissions.

(i) Appeals

*Scope of this category.* Applicants or permittees have the right to appeal a permit action (e.g., denied application, permit conditions, revoked permit) pursuant to 15 CFR §922.50. This category includes information requirements for all such appeals.

*Burden Estimate.* The applicant/permittee must submit the reason for appealing the permit action. The Assistant Administrator of NOAA’s National Ocean Service (NOS) may request additional information upon receipt of the appeal. These two submissions (original appeal and reply to a request for additional information) have an average burden estimate of 24 hours. The ONMS estimates processing 1 appeal for a total of 2 responses and 48 burden hours annually. This estimate remains the same from previous years.

*Applicant guidelines.* Guidelines for filing appeals are contained in ONMS regulations at 15 CFR §922.50. No additional guidelines are deemed necessary.

(j) Tortugas Access Permits

*Scope of this category.* In 2001, NOAA established the Tortugas Ecological Reserve in the Florida Keys National Marine Sanctuary. Regulations implementing the reserve include controlling access to the reserve through the granting of “access permits” (15 CFR §922.167). Applicants give their information and receive their permit orally, via phone or VHF radio, prior to entering the reserve. The applicant must provide the following information: (1) the names, addresses, and telephone numbers of owner, captain, and applicant; (2) vessel name and home port; (3) USCG documentation number, state license, or boat registration number; (4) Length of vessel and primary propulsion type (i.e., motor or sail); (5) Number of divers aboard; and (6) requested effective date and duration of permit.

*Burden Estimate.* Applicants will average 3 responses per application (call to apply for a permit, call reporting entering the reserve, and call reporting exiting the reserve). These calls are estimated to average 5 minutes each. The ONMS estimates processing 30 applications for a total of 90 responses and 7.5 (8) burden hours annually.

*Applicant guidelines.* Guidelines for applying for Tortugas Access Permits are contained in ONMS regulations at 15 CFR §922.167. Information is also located online at <http://www.fknms.nos.noaa.gov/tortugas/>. No additional guidelines are deemed necessary.

**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 estimated annual cost for copying and mailing permit applications and reports is \$1,434. Most permit applications and reports are now submitted electronically via email, which is encouraged.

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

The cost to the Federal government for each of the permit types is listed in the attached table. All costs are for the staff time required to process permit applications and any associated reports.

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

The overall burden estimate has been increased to 1,703 from 1,436 hours, based on changes in the current trends in the number and types of permits issued as determined by recurring program audits. The overall annual number of permits, certifications and registrations issued by the program has increased from 424 permits in 2008 to an estimated 634 in 2011, with a total of 1,477 responses.

Program Change: The lionfish removal permit is new since 2008; this subcategory of the general permit is estimated to have 200 respondents per year, with a total of 400 responses, 100 hours, and \$400 reporting/recordkeeping costs.

Adjustments: The number of baitfish permits was overestimated in 2008, and has decreased by 55. It is likely that the increase in the estimates of general permits issued (from 145 to 205) is due to increased public awareness of ONMS permit requirements. In recent years, the ONMS has been processing more general permits while special use permits, historical resource permits, and permit amendments have remained constant. This change in distribution is reflected in the estimate provided. Net adjustment-related increases: 10 respondents, 85 responses, 167 hours and \$85 in recordkeeping/reporting costs.

NOTE: Due to removal, without an option of “change in agency estimate”, of 3 information collections that had been split out based on type of affected public – with this splitting-out no longer needed – we show 313 responses, 276 hours and \$273 are apparently due to agency discretion. As has happened previously, we have no way of correcting this anomaly.

By splitting out, we mean that for three permit types, we had one IC for business and one for non-profits. We removed the three for non-profits, and put all the updated burden in the remaining IC.

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

The information collected will not be published.

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

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

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

N/A.

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

This collection does not employ statistical methods.

BURDEN ESTIMATE  
0648-0141

			Applicant				
Permit type	Permits/Yr	Responses/ Permit	Total Responses	Hr/Response	Total Hours	Cost/Reponse (\$)	Total Cost (\$)
(a) General	205	3	615	1.5	922.5	1.00	615
(b) Baitfish	140	2	280	0.25	70	1.00	280
(c) Special Use	6	3	18	8	144	1.00	18
(d) Historical Resource	10	3	30	13	390	1.00	30
(e) Permit Amendment	40	1	40	0.5	20	1.00	40
(f) Certification	1	1	1	0.5	0.5	1.00	1
(g) Voluntary Registration	1	1	1	0.25	0.25	1.00	1
(h) Appeal	1	2	2	24	48	20.00	40
(i) Tortugas Access	30	3	90	0.083	8	0.10	9
(j) Lionfish	200	2	400	0.25	100	1.00	400
<b>TOTAL</b>	<b>634</b>		<b>1477</b>		<b>1,703</b>		<b>\$1,434</b>
<b>Federal Government</b>							
Permit type	Permits/Yr	Hr/Permit	Total Hours	\$/Hour	Total Cost (\$)		
(a) General	205	8	1640	13	21320		
(b) Baitfish	140	0.5	70	13	910		
(c) Special Use	6	16	96	13	1248		
(d) Historical Resource	10	16	160	13	2080		
(e) Permit Amendment	40	4	160	13	2080		
(f) Certification	1	1	1	13	13		
(g) Voluntary Registration	1	0.5	0.5	13	6.5		
(h) Appeal	1	120	120	13	1560		
(i) Tortugas Access	30	0.5	15	13	195		
(j) Lionfish	200	2	400	13	5200		
<b>TOTAL</b>	<b>634</b>		<b>2,263</b>		<b>\$34,613</b>		

# INSTRUCTIONS FOR SUBMITTING APPLICATIONS FOR NATIONAL MARINE SANCTUARY PERMITS AND AUTHORIZATIONS

## I. GENERAL GUIDANCE

### **Background**

The National Marine Sanctuaries Act (16 U.S.C. 1431 *et seq.*) directs the Secretary of Commerce to designate and manage areas of the marine environment with nationally significant aesthetic, ecological, historical, or recreational values as national marine sanctuaries. The Office of National Marine Sanctuaries (ONMS) has issued regulations to implement this act, safeguard resources within sanctuary boundaries, and prohibit the conduct of some activities. Program regulations (15 CFR Part 922) outline the procedure and criteria under which the ONMS will issue permits to allow certain activities beneficial to sanctuaries that would otherwise be prohibited. These instructions describe the requirements and process by which an applicant may apply for a permit under this authority.

Permits are typically issued by the sanctuary superintendents. The type of activities that qualify for a permit vary from sanctuary to sanctuary, but in general include research on sanctuary natural and cultural resources, educational activities, and activities that further sanctuary management objectives.

In addition to permits, in certain sanctuaries a superintendent can authorize an activity that is permitted by a valid lease, permit, license, approval or other authorization issued by any federal, state, or local authority of competent jurisdiction. Such authorizations may be only be issued for activities in the Florida Keys, Flower Garden Banks, Monterey Bay, Stellwagen Bank, Olympic Coast, and Thunder Bay national marine sanctuaries. Since the general process and requirements governing the handling of authorizations and permits are very similar, in these guidelines the term “permit” applies to both permits and authorizations.

### **When is a permit required?**

A permit is required whenever an individual wishes to conduct an activity within a sanctuary that would otherwise be prohibited by sanctuary regulations. A list of sanctuary prohibitions can be found on the web at <http://www.sanctuaries.noaa.gov/management/permits/welcome.html>.

### **What types of activities can be permitted?**

The types of activities able to be permitted vary by site but typically include research, education, and management activities, among others. Applicants should check with sanctuary staff to ensure their activity is able to be permitted.

### **How do I obtain a permit?**

An ONMS permit application must be completed. A complete permit application will include the required information as described in Part II of these instructions, including sufficient detail so that a reasonably educated non-specialist can understand what you are proposing. If a funding application, work plan, or similar document already exists, then elements of that proposal may be excerpted and pasted into the application, or attached as supplemental information. The amount and depth of information to be given in an application depends on the complexity of the proposed activity. Note that more or less information may be required for certain permit types.

### **When should I apply?**

Permit applications must be submitted at least thirty (30) calendar days in advance of the requested effective date to allow time for evaluation and processing. Sensitive or complicated requests, requests for collection of sensitive species, or requests which may require the ONMS to undertake certain NEPA or consultation requirements should be submitted at least ninety (90) calendar days in advance, if not sooner. Applications that may require ONMS to prepare an environmental impact statement prior to issuance will typically require at least twelve (12) months to process. In order to expedite processing, applicants are encouraged to contact the appropriate sanctuary staff well in advance of submitting a formal application to discuss any questions or issues they feel may complicate or delay the application process. Applications not received within the time frames specified above are not guaranteed to be processed before the requested effective date.

### **How do I apply?**

Permit applications can be obtained from any sanctuary office or online at <http://www.sanctuaries.noaa.gov/management/permits/welcome.html>.

### **Where do I apply?**

The completed permit application and any supplemental materials should be submitted to the office for the sanctuary in which you plan to conduct the activity. Completed applications can be submitted via email (preferred) or via mail or fax. A list of sanctuary offices and staff contacts can be found at <http://www.sanctuaries.noaa.gov/management/permits/welcome.html>. For activities proposed to take place in multiple sanctuaries, a “lead” sanctuary office may be designated to handle the application.

### **Are there situations when I don't need to complete the regular permit application or need to submit additional information?**

Yes. Applications for the following activities require certain information, an expanded or streamlined application, and/or have additional guidance that applies; for details see the permitting website at <http://www.sanctuaries.noaa.gov/management/permits/welcome.html>:

- Overflight of aircraft in restricted zones of the Channel Islands, Monterey Bay, Gulf of the Farallones, and Olympic Coast NMSs
- Fireworks and pyrotechnics displays in Monterey Bay NMS
- Construction, including coastal armoring or hardening, in Monterey Bay NMS
- Baitfish permits in Florida Keys NMS
- Lionfish removal in Florida Keys NMS
- Special use permits
- Activities involving archeological resources within any sanctuary, including cultural, maritime heritage, and archeological resources
- Applications for artificial reefs (see ONMS policy statement and guidelines at [http://www.sanctuaries.noaa.gov/management/conservation\\_faq.html](http://www.sanctuaries.noaa.gov/management/conservation_faq.html))

### **How are permit applications evaluated?**

Permit applications are typically processed in the order received. They are first reviewed for completeness and adherence to these instructions. Applicants will be contacted for clarification or if applications are incomplete, or otherwise not in compliance with these instructions, within

twenty (20) calendar days of receipt of the application. If sanctuary staff requests such additional information, and no response has been received from the applicant within ninety (90) calendar days, the application will be deemed withdrawn, no further action will be taken on the application by the ONMS, and any application for this activity will have to be resubmitted by the applicant as a new request.

Complete applications are reviewed by ONMS staff and may be peer-reviewed by outside experts. ONMS staff will also initiate any actions required to comply with the National Environmental Policy Act (NEPA) and other laws, regulations, and policies. Permits will not be issued until these requirements are fulfilled. There may be situations when the NEPA process or certain consultations cannot be completed prior to the applicant's requested start date. ONMS staff will notify the applicant as soon as possible when that is the case.

Based on reviews of the application and following fulfillment of any legal and regulatory requirements, the ONMS will approve or deny the permit. If approved, the sanctuary superintendent will issue the permit. If denied, the sanctuary superintendent will notify the applicant of the reason(s) for denial and inform them of the appeal process.

#### **What conditions will be placed on my permit?**

ONMS regulations allow permits to include conditions to protect sanctuary resources and qualities. A list of permit general conditions can be found on the sanctuary website at <http://www.sanctuaries.noaa.gov/management/permits/welcome.html>. Permits will also include special conditions unique to each activity that describe activity limitations, any required monitoring, reporting requirements, etc.

#### **Once I receive a permit, what do I do?**

If your application is approved and a permit is issued, you will receive a copy of the permit via mail or electronic means to sign and return to sanctuary staff. You must carry a copy of the approved permit at all times while performing your activities in the sanctuary.

#### **Will I be required to submit a report?**

Most permits will require the permittee to submit reports documenting activities conducted under the permit. Depending on the activity, such reports may include (but are not limited to) interim and final reports, cruise or flight logs, catch logs, and sample/collection logs. For most permits, these reports will generally be 1-2 pages in length, although complex activities may call for more extensive documentation. Information required to be included in these reports will vary according to the activity being permitted, but will generally include a brief summary of actions undertaken, field work dates and locations, any results or findings, appropriate charts or photos, samples and collections taken, and any deviations from the planned activity.

#### **How do I extend, renew, or change a permit?**

Once a permit has been issued, changes can be made in the form of an amendment. Requests for amendments (e.g., requests to change the activity location or extend the expiration date) must conform to these guidelines. Persons desiring to continue permitted activities in the sanctuary must request an extension of their current permit at least thirty (30) calendar days before it expires. Reference to the original application may be given in lieu of a new application, provided the scope of work does not change significantly and any required reports pertinent to the original

permit have been submitted to and approved by ONMS staff. *Note: requests for amendments not received within the time frame specified above are not guaranteed to be processed before the requested effective date. In addition, expired permits cannot be amended.*

### **Reporting Burden**

Submittal of the information requested in these guidelines is required to obtain a permit pursuant to ONMS regulations (15 CFR Part 922). This data is to evaluate the potential benefits of the activity, determine whether the proposed methods will achieve the proposed results, evaluate any environmental impacts, and determine if issuance of a permit is appropriate. It is through this evaluation that the ONMS is able to use permitting to protect sanctuary resources and qualities.

Applicants are requested to indicate any information that is considered proprietary business information. Such information is typically exempt from disclosure to anyone requesting information pursuant to the Freedom of Information Act (FOIA). NOAA will make all possible attempts to protect such proprietary information, consistent with all applicable FOIA exemptions in 5 U.S.C. 552(b). Typically exempt information includes trade secrets, commercial and financial information (5 U.S.C. 552(b)(4)). Personal information affecting an individual's privacy will also be kept confidential consistent with 5 U.S.C. 552(b)(6).

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

- Fifteen (15) minutes per response for baitfish or lionfish removal permits;
- Eight (8) hours per response for special use permits;
- Thirteen (13) hours per response for sanctuary historical resources permits;
- Thirty (30) minutes per response for amendments to permits;
- Thirty (30) minutes per response for a certification request;
- Fifteen (15) minutes per response for a voluntary registration; and
- Twenty-four (24) hours per response for appeals of permit decisions.

Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to National Permit Coordinator, NOAA Office of National Marine Sanctuaries, 1305 East-West Highway (N/NMS-2), Silver Spring, Maryland, 20910.

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

## II. COMPLETING THE PERMIT APPLICATION

The following is provided to assist applicants in completing permit applications. Applicants are encouraged to direct any questions to the sanctuary office to which they are applying.

### **Section A – General**

Check the boxes for the sanctuaries in which are you applying to work and note the appropriate type of application. For changes, renewals, or amendments, include your current permit number.

### **Section B – Applicant Information**

Provide name, title, address, telephone and fax number, email, and institutional affiliation of the primary applicant/principal investigator. Add co-applicant/additional investigator, if applicable.

### **Section C – Project Information**

Adhere to character limits throughout. Requested permit start (effective) and stop (expiration) dates should be inclusive of the period in which operations in the field that involve prohibited activities in a sanctuary are to be conducted. If the proposed activity involves any collecting or sampling, complete the Collections Data Form in addition to the permit application.

Project abstract should summarize project objectives, methods, and significance and should be suitable for use in the public press. The methods and protocol description should include, as applicable: descriptions of any instrumentation or equipment to be used and the duration of deployment; description of all phases of activity, including equipment removal; and description of activity frequency (e.g., daily, monthly), as appropriate. Research activities should include the hypothesis being tested.

For activity location, if the activity is proposed to be conducted in specific locations within a sanctuary, describe in detail the location(s) within the sanctuary the activity will take place (examples: “Alligator Reef SPA”; “2 miles west of Point Lobos”; “Within a 100 yard radius of point X”; “At the following lat/long positions:...”) in the field provided. In addition, if the activity will take place anywhere other than within an area with an existing, known geographical boundary or definition (such as a marine reserve or sanctuary preservation area), the applicant must provide a file with the specific locations, sampling sites, etc. in decimal minutes or decimal degrees format. This data file can be submitted electronically with the application. If in doubt about whether or not to provide this data, applicants should check with the appropriate sanctuary office. This is not required for any activity proposed to be conducted throughout a sanctuary.

### **Section D – Environmental Impacts**

Summarize the direct and indirect impacts (effects) of the proposed activity. Direct impacts are those caused by the permitted action that occur at the same time and place (e.g., the direct impacts of dredging a channel include removal of the bottom materials and any associated flora/fauna, sedimentation of adjacent communities, etc.). Indirect impacts are those caused by the action that are later in time or farther removed in distance, but still reasonably foreseeable (e.g., the indirect impacts of channel dredging may include increased vessel use and decreased fish populations due to habitat loss).

Note any environmental analysis (e.g., environmental impact statement) completed or in progress for this activity by any other state, Federal, or other agency. ONMS staff may ask for copies of these analyses to assist in their review of the application.

### **Section E – Rationale**

ONMS regulations require sanctuary staff to consider certain review criteria before issuing a permit. The information provided in this section facilitates review of the application in light of those criteria.

Some sanctuaries include areas of special designation that protect habitats, restore the ecological integrity of these areas, or manage activities. Examples of these special sanctuary zones include sanctuary preservation areas, marine reserves, research-only areas, and state preserves. For any activity or portion of activity proposed to take place in a special zone, describe why it is necessary to conduct this activity in a particular zone and how it will further the understanding and/or management of the zone or sanctuary.

For methods and duration of activity, applicants should describe: how their proposed methods are appropriate to achieve the goal of the proposal; how and if they incorporate best practices; why other methods having less impact were not selected; and what factors were considered in determining the activity dates and duration.

Applicants should provide sufficient background on both their qualifications to conduct the activity and the financial support behind the project so that ONMS is assured the project is well-managed by trained personnel and can be completed with minimum impact on sanctuary resources. For funding, provide contract number, performance period, and name of sponsoring agency, as applicable. CVs and project budgets are not required unless specifically requested but may be included with the application, if desired. If the applicant is a student at an institution, a letter of support from a professor or sponsor may be required.

### **Section F – Other Information**

ONMS has limited on-site sanctuary staff, facilities and equipment that may be used to support permitted activities under special circumstances. Requests for support should include details on the support requested, justification, dates and length required, and options if ONMS support is not available. With regard to vessel support, if vessel(s) are available at the requested time, applicants will be responsible for fuel costs, at a minimum.

In some cases, other federal or state agency permits, consultations, or approvals may be required before a sanctuary permit can be issued. ONMS may also want to coordinate the issuance of its permit with any other agencies that also must approve the activity. Check the appropriate box for any other permits known to be required and include copies of any permits already obtained with the application. If those permit requests or consultations are pending, report the status of those to the sanctuary staff when applying.

### **Section G – Certification**

Sign and date if submitting in hardcopy (mail or fax) or as a scanned Adobe pdf file. In all other situations, this acknowledgement can be made in writing via email at the time of application. Verbal certifications (e.g., via telephone) are not permitted.

## **APPENDIX A OVERFLIGHT AUTHORIZATIONS**

Overflights of aircraft below 1000 feet are prohibited by ONMS regulations in the following locations in order to protect certain seabird and marine mammal habitats from disturbance:

- A. Within one nautical mile of any of the islands within the Channel Islands National Marine Sanctuary.
- B. Within one nautical mile of the Farallon Islands, Bolinas Lagoon, or any Area of Special Biological Significance within Gulf of the Farallones National Marine Sanctuary.
- C. Within four prescribed zones of the Monterey Bay National Marine Sanctuary as defined in sanctuary regulations at 15 CFR Part 922.132(a)(6).

In addition, overflights below 2000 feet altitude are prohibited within four prescribed zones of the Olympic Coast National Marine Sanctuary as defined in sanctuary regulations at 15 CFR Part 922.152(a)(6).

In addition to the standard guidance for ONMS permit applications given in this document, the following additional guidance applies for any application for a sanctuary permit or authorization requesting overflight of aircraft in the Channel Islands, Gulf of the Farallones, Monterey Bay, or Olympic Coast national marine sanctuaries:

**Project rationale** – In the rationale, describe why it is preferable that the low-altitude overflight occur within an overflight restriction zone(s) of the sanctuary.

**Methods** – The methods description should also include:

- A. The intended start date, frequency, anticipated duration of the activity, and hours of flight operations;
- B. The number and type of aircraft to be used (make and model), including aircraft markings and tail numbers;
- C. The lowest planned flight altitude;
- D. The flight plan and schedule, including detailed flight patterns (repeat transects, circling, hovering, diving, etc.), refueling plan, and landing/takeoff locations;
- E. Any special equipment that will be mounted on, lowered, or towed from the aircraft, and any object planned for release from the aircraft;
- F. A communications plan that identifies call signs and frequencies for all aircraft and project participants.

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

All other guidance for ONMS permit applications, including procedures, timelines, and points of contact, apply to aircraft overflight permit and authorization requests.

## **APPENDIX B MONTEREY BAY NMS FIREWORKS AUTHORIZATIONS**

Monterey Bay National Marine Sanctuary (MBNMS) regulations prohibit the discharge or deposition of any material into the waters of the sanctuary (except for specific material exempted in the regulations). In addition, the regulations prohibit the discharge or deposition of any material outside the boundary of the sanctuary that subsequently enters the sanctuary and injures a sanctuary resource or quality (except for specific material exempted in the regulations). Both prohibitions can be found in MBNMS regulations (15 CFR Part 922, Subpart M).

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

### **Definitions**

The following definitions apply to MBNMS fireworks authorizations guidance:

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

### **Applications**

Application for sanctuary authorization to conduct a fireworks display should be submitted by the person (individual) who will assume full supervisory responsibility for the event. An individual will be named in the authorization document in order to identify a sole point of contact for the event. Authorization must be requested by a member of the organization sponsoring the event - not by the contractor performing the fireworks display.

Applicants for MBNMS fireworks authorizations are not required to submit the standard application information described in section III of the standard ONMS permit application guidelines. Instead, the request may be in letter form and should provide a full description of the agenda, procedures, and pyrotechnic devices associated with executing the display.

The letter should include, but is not limited to:

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

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

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

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

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

## **APPENDIX C MONTEREY BAY NMS CONSTRUCTION AUTHORIZATIONS**

Authorizations for construction activities in Monterey Bay National Marine Sanctuary (MBNMS) may be issued by the sanctuary superintendent under special circumstances for construction activities otherwise prohibited by sanctuary regulations if 1) an activity has been authorized by a valid lease, permit, license, approval or other authorization issued after the effective date of sanctuary designation by any federal, state, or local authority of competent jurisdiction; 2) the superintendent finds that the activity will not cause long-term or severe impacts to sanctuary resources, and 3) the applicant complies with all applicable regulations and any specific conditions/terms specified by the superintendent.

In addition to the standard guidance for ONMS permit applications given in this document, the following additional guidance applies for any application for a sanctuary permit or authorization requesting construction in MBNMS:

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

**Supporting Documentation and Special Concerns** – Ensure the following is also included:

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

All other guidance for ONMS permit applications, including procedures, timelines, and points of contact, apply to MBNMS construction authorization requests.

**APPENDIX D**  
**FLORIDA KEYS NMS BAITFISH PERMITS**

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

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

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

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

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

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

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

Point-of-contact for FKNMS baitfish permits is:  
 Permit Coordinator  
 Florida Keys National Marine Sanctuary  
 33 East Quay Road  
 Key West, FL 33040  
 978-471-9653  
 Fax: 305-293-5011  
 Email: [Joanne.Delaney@noaa.gov](mailto:Joanne.Delaney@noaa.gov)

Submit a copy of this log between Dec. 1-31 to:  
 Science Coordinator  
 Florida Keys National Marine Sanctuary  
 33 East Quay Road  
 Key West, FL 33040  
 Fax: 305-293-5011



## **APPENDIX E FLORIDA KEYS NMS LIONFISH PERMITS**

Florida Keys National Marine Sanctuary (FKNMS) lionfish permits allow the permit holder to catch and remove invasive Indo-Pacific red lionfish (*Pterois volitans* and *P. miles*) from Sanctuary Preservation Areas (SPAs) using hand nets and/or slurp guns.

FKNMS lionfish permits are issued free of charge and last for approximately one calendar year. Lionfish permits may only be obtained after the applicant successfully completes an FKNMS-endorsed Lionfish Response Training. Lionfish permits are provided to individuals that complete the response training and may be used by that individual only.

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

- A. Applicant name, mailing address, and telephone number; and
- B. Date and location of Lionfish Response Training.

This information may be submitted by telephone by calling the individual listed below, or in writing via fax, email, courier, or regular mail. The required information may also be transmitted to FKNMS by the Response Training leader.

All lionfish permit holders are required to report all lionfish captures within 48 hours. A reporting form, attached to the permit, outlines the required information and reporting contacts. An electronic version of the reporting form can be obtained from the sanctuary point-of-contact.

Point-of-contact for FKNMS lionfish permits is:

Permit Coordinator  
Florida Keys National Marine Sanctuary  
33 East Quay Road  
Key West, FL 33040  
978-471-9653  
Fax: 305-293-5011  
Email: Joanne.Delaney@noaa.gov

Office use only: FK-YY-##

Date rcvd:

By:



# Florida Keys Lionfish Collection Report Form

Name:

Phone:

E-mail:

Affiliation (dive shop, agency, etc):

Size of fish -tip of snout to tip of tail (mm):

Collection method:

Date:

Location (region, reef, buoy #):

Latitude:

Longitude:

Time of day:

Depth:

Habitat (high relief coral, hardbottom, artificial, etc):

Disposal (given to REEF, FKNMS, etc., disposed of offshore, eaten, etc):

Notes:

Return all reports within 48 hours of collection to REEF: (305) 852-0301 fax or [Lionfish@reef.org](mailto:Lionfish@reef.org)  
or MEERA: (305) 745-2730 fax or [cwalter@mote.org](mailto:cwalter@mote.org)  
Please attach any photos...Thank you!!!

## **APPENDIX F SPECIAL USE PERMITS**

Section 310 of the National Marine Sanctuaries Act (16 U.S.C. § 1441; NMSA) allows the Secretary of Commerce (delegated to the Office of National Marine Sanctuaries (ONMS)) to issue special use permits to authorize the conduct of specific activities in a sanctuary if such authorization is necessary (1) to establish conditions of access to and use of any sanctuary resource or (2) to promote public use and understanding of a sanctuary resource. Special use permits are generally issued for concessionaire-type activities and other commercial activities that require access to the sanctuary to achieve a desired goal.

### **Public notice**

The NMSA requires, among other things, the ONMS to provide “appropriate public notice before identifying any category of activity subject to a special use permit” (see section 310(b) of the NMSA). To comply with this directive from Congress, the ONMS has issued a *Federal Register* notice that describes the types of activities for which it can require the issuance of a special use permit (67 FR 35501). To qualify for a special use permit, an activity must be among those listed in this notice. The notice lists the following activities:

- A. The disposal of cremated human remains by a commercial operator in any national marine sanctuary;
- B. The operation of aircraft below the minimum altitude in restricted zones of national marine sanctuaries for commercial purposes;
- C. The placement and subsequent recovery of objects associated with public events on non- living substrate of the seabed;
- D. The discharge and immediate recovery of objects related to special effects of motion pictures; and
- E. The continued presence of submarine cables beneath or on the seabed.

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

### **Terms of special use permits**

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

- A. Shall authorize the conduct of an activity only if that activity is compatible with the purposes for which the sanctuary is designated and with protection of sanctuary resources;
- B. Shall not authorize the conduct of any activity for a period of more than 5 years unless renewed by the Secretary;
- C. Shall require that activities carried out under the permit be conducted in a manner that does not destroy, cause the loss of, or injure sanctuary resources; and

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

### **Permit fees**

The NMSA allows the ONMS to assess and collect fees for the conduct of any activity under a special use permit. If it is assessed, the amount of the fee is calculated by adding the following.

- A. The costs incurred, or expected to be incurred, by the Secretary in issuing the permit;
- B. The costs incurred, or expected to be incurred, by the Secretary as a direct result of the conduct of the activity for which the permit is issued, including costs of monitoring the conduct of the activity; and
- C. An amount that represents the fair market value of the use of the sanctuary resource.

### **Information requirements**

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

- A. Comprehensive Liability Insurance. Applicants will be required to purchase and maintain comprehensive general liability insurance, or to post an equivalent bond, against claims arising out of activities conducted under the permit and to agree to hold the United States harmless against such claims. Applicants should show proof of such insurance with the rest of the application materials.
- B. Annual financial report. Most permits require some form of reporting. Special use permit recipients are also required to submit financial reports on or before December 31 of each year the permit is valid. These reports should detail the activities conducted under the permit during the reporting year and any revenues derived from those activities.

## **APPENDIX G ARCHEOLOGICAL RESEARCH PERMITS**

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

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

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

**I. Cover Sheet** – The cover sheet shall identify:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

humidity control. A loan agreement will be prepared between NOAA and the exhibiting institution in keeping with 36 CFR 79 (see above).

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

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

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

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

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

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

**VI. Supporting Documentation and Special Concerns**

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

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

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

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

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

## **VII. Archeological Research Report and FKNMS Research/Recovery Permit Report**

**Guidelines** – If a permit is issued, the permittee will be required to submit certain reports or other records to document permitted activities. This section describes the various report types that will likely be required.

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

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

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

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

- d. Detailed feature maps for each significant feature to include location of artifacts removed from site. Artifact locations will include the artifact Field Catalogue Number. If numerous artifacts are retrieved from a specific area they may be listed in table form and keyed to the map location by an index number. They will relate the artifact positions to features in the overall site map. The feature maps will include 3 different perspectives, including overhead or plan view, side/profile view, and (if practicable) frontal/sectional view;
  - e. All maps should show a grid or grid ticks on the outer border of the map in Lorán C, longitude and latitude, or other recognized coordinate system. Smaller-scale maps should have grids with X-Y coordinates related to datum on overall site map. Maps should include a bar scale, North arrow, and title block which identifies the map. The title block should include the permit number, permittee's name, and year of the permit.
8. Project Assessment – The Final Report should include a discussion of the applicant's perceived success of the project and recommendations for updating historical contexts and planning goals.

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

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

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

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

1. Introduction – The introduction should include the dates of the survey; the general region and the parameters of the survey area in latitude and longitude; the number of days spent conducting remote sensing survey; the number of days diving to identify anomalies; the names of people involved with the operation their capacity; and a brief statement outlining the highlights and results of the work.
2. Equipment - Describe any equipment used for navigation and horizontal positioning as well as magnetometer and other types of remote sensing.
3. Equipment use - Explain how equipment was used, calibrated and configured for navigation and horizontal positioning as well as magnetometer and other remote sensing equipment.
4. Recording of survey information – Explain how and when position fixes were recorded, how the magnetometer (and other remote sensing equipment) correlated to the horizontal position data, and how far apart the parallel passes were and in what direction(s) the survey vessel was navigated (recommended spacing is 150 feet or less).

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

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

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

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

business Thursday, October 13, 2011. Non-U.S. citizens must also submit their country of citizenship, title, employer/sponsor, and address. Ms. Shaw's e-mail address is [stephanie.shaw@nist.gov](mailto:stephanie.shaw@nist.gov) and her phone number is 301-975-2667.

Dated: September 20, 2011.

**Willie E. May,**

*Associate Director for Laboratory Programs.*

[FR Doc. 2011-24792 Filed 9-26-11; 8:45 am]

BILLING CODE 3510-13-P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Proposed Information Collection; Comment Request; Permitting, Vessel Identification, and Vessel Monitoring System Requirements for the Commercial Bottomfish Fishery in the Commonwealth of the Northern Mariana Islands

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA).

**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 November 28, 2011.

**ADDRESSES:** Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at [dHynek@doc.gov](mailto:dHynek@doc.gov)).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument and instructions should be directed to Walter Ikehara, (808) 944-2275 or [Walter.Ikehara@noaa.gov](mailto:Walter.Ikehara@noaa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Abstract

This request is for a revision and extension of a currently approved information collection (the National Marine Fisheries Service (NMFS) is now requiring a permit fee).

NMFS requires that owners of commercial fishing vessels in the bottomfish fishery in the Commonwealth of the Northern Mariana Islands (CNMI) obtain a federal

bottomfish permit. If their vessels are over 40 ft. (12.2 m) long, they must also mark their vessels in compliance with federal identification requirements and carry and maintain a satellite-based vessel monitoring system (VMS). This collection of information is needed for permit issuance, to identify actual or potential participants in the fishery, and aid in enforcement of regulations and area closures.

##### II. Method of Collection

Respondents have a choice of either electronic or paper forms. Methods of submittal include e-mail of electronic forms, and mail and facsimile transmission of paper forms. VMS data are collected electronically and automatically.

##### III. Data

*OMB Control Number:* 0648-0584.

*Form Number:* None.

*Type of Review:* Regular submission (revision and extension of a currently approved collection).

*Affected Public:* Not-for-profit institutions; state, local, or tribal government; business or other for-profit organizations.

*Estimated Number of Respondents:* 125 total; 6 medium-large vessels (over 40 ft).

*Estimated Time per Response:* Permit applications and renewals, 30 minutes; vessel identification, 45 minutes; initial VMS installation, 2 hours; VMS maintenance, 2 hours annually.

*Estimated Total Annual Burden Hours:* 84.

*Estimated Total Annual Cost to Public:* \$4,385.

##### 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: September 21, 2011.

**Gwellnar Banks,**

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. 2011-24736 Filed 9-26-11; 8:45 am]

BILLING CODE 3510-22-P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Proposed Information Collection; Comment Request; National Marine Sanctuary Permits

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA).

**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 November 28, 2011.

**ADDRESSES:** Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at [dHynek@doc.gov](mailto:dHynek@doc.gov)).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument and instructions should be directed to Vicki Wedell, 301-713-7237 or [Vicki.Wedell@noaa.gov](mailto:Vicki.Wedell@noaa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Abstract

This request is for a revision and extension of this information collection.

National Marine Sanctuary regulations at 15 CFR part 922 list specific activities that are prohibited in national marine sanctuaries. These regulations also state that otherwise prohibited activities are permissible if a permit is issued by the Office of National Marine Sanctuaries (ONMS). Persons desiring a permit must submit an application, and anyone obtaining a permit is generally required to submit one or more reports on the activity allowed under the permit.

The recordkeeping and reporting requirements at 15 CFR part 922 form the basis for this collection of information. This information is required by ONMS to protect and

manage sanctuary resources as required by the National Marine Sanctuaries Act (16 U.S.C. 1431 *et seq.*).

The revision to this collection is to include a separate format and updated guidelines for the lionfish removal permit.

## II. Method of Collection

Depending on the permit being requested, various applications, reports, and telephone calls may be required from applicants. Applications and reports can be submitted via e-mail, fax, or traditional mail. Applicants are encouraged to use electronic means to apply for permits and submit reports whenever possible.

## III. Data

*OMB Control Number:* 0648-0141.

*Form Number:* None.

*Type of Review:* Regular submission (revision and extension of a currently approved collection).

*Affected Public:* Business or other for-profit organizations; individuals or households; not-for-profit institutions; Federal government; state, local or tribal government.

*Estimated Number of Respondents:* 634.

*Estimated Time per Response:*

General permits, 1 hour and 30 minutes; special use permits, 8 hours; historical resources permits, 13 hours; baitfish permits, lionfish removal permits, permit amendments and certifications, 30 minutes; voluntary registrations, 15 minutes; appeals, 24 hours; Tortugas access permits, 6 minutes.

*Estimated Total Annual Burden Hours:* 1,873.

*Estimated Total Annual Cost to Public:* \$1,034 in reporting/recordkeeping 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: September 21, 2011.

**Gwellnar Banks,**

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. 2011-24737 Filed 9-26-11; 8:45 am]

**BILLING CODE 3510-NK-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XA670**

#### Schedules for Atlantic Shark Identification Workshops and Protected Species Safe Handling, Release, and Identification Workshops

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of public workshops.

**SUMMARY:** Free Atlantic Shark Identification Workshops and Protected Species Safe Handling, Release, and Identification Workshops will be held in October, November, and December of 2011. Certain fishermen and shark dealers are required to attend a workshop to meet regulatory requirements and maintain valid permits. Specifically, the Atlantic Shark Identification Workshop is mandatory for all federally permitted Atlantic shark dealers. The Protected Species Safe Handling, Release, and Identification Workshop is mandatory for vessel owners and operators who use bottom longline, pelagic longline, or gillnet gear, and who have also been issued shark or swordfish limited access permits. Additional free workshops will be conducted during 2011.

**DATES:** The Atlantic Shark Identification Workshops will be held October 26, November 17, and December 14, 2011.

The Protected Species Safe Handling, Release, and Identification Workshops will be held on October 12, October 19, November 9, November 15, December 14, and December 21, 2011.

See **SUPPLEMENTARY INFORMATION** for further details.

**ADDRESSES:** The Atlantic Shark Identification Workshops will be held in South Boston, MA; Charleston, SC; and Madeira Beach, FL.

The Protected Species Safe Handling, Release, and Identification Workshops will be held in Clearwater, FL; Charleston, SC; Ocean City, MD; Kenner, LA; Ronkonkoma, NY; and Key Largo, FL.

See **SUPPLEMENTARY INFORMATION** for further details on workshop locations.

**FOR FURTHER INFORMATION CONTACT:** Richard A. Pearson by *phone:* (727) 824-5399, or by *fax:* (727) 824-5398.

**SUPPLEMENTARY INFORMATION:** The workshop schedules, registration information, and a list of frequently asked questions regarding these workshops are posted on the Internet at: <http://www.nmfs.noaa.gov/sfa/hms/workshops/>.

#### Atlantic Shark Identification Workshops

Since January 1, 2008, Atlantic shark dealers have been prohibited from receiving, purchasing, trading, or bartering for Atlantic sharks unless a valid Atlantic Shark Identification Workshop certificate is on the premises of each business listed under the shark dealer permit which first receives Atlantic sharks (71 FR 58057; October 2, 2006). Dealers who attend and successfully complete a workshop are issued a certificate for each place of business that is permitted to receive sharks. These certificate(s) are valid for 3 years. Approximately 65 free Atlantic Shark Identification Workshops have been conducted since January 2007.

Currently, permitted dealers may send a proxy to an Atlantic Shark Identification Workshop. However, if a dealer opts to send a proxy, the dealer must designate a proxy for each place of business covered by the dealer's permit which first receives Atlantic sharks. Only one certificate will be issued to each proxy. A proxy must be a person who is currently employed by a place of business covered by the dealer's permit; is a primary participant in the identification, weighing, and/or first receipt of fish as they are offloaded from a vessel; and who fills out dealer reports. Atlantic shark dealers are prohibited from renewing a Federal shark dealer permit unless a valid Atlantic Shark Identification Workshop certificate for each business location which first receives Atlantic sharks has been submitted with the permit renewal application. Additionally, trucks or other conveyances that are extensions of a dealer's place of business must possess a copy of a valid dealer or proxy Atlantic Shark Identification Workshop certificate.

#### Workshop Dates, Times, and Locations

1. October 26, 2011, 12 p.m.–4 p.m., South Boston Branch Library, 646 East Broadway, South Boston, MA 02127.

2. November 17, 2011, 12 p.m.–4 p.m., Center for Coastal Environmental Health & Biomolecular Research, 219