



## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### **Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Basic Requirements for Special Exception Permits and Authorizations to Take, Import, and Export Marine Mammals, Threatened and Endangered Species, and for Maintaining a Captive Marine Mammal Inventory Under Section 104 of the Marine Mammal Protection Act, the Fur Seal Act, and/or Section 10(a)(1)(A) of the Endangered Species Act**

**AGENCY:** National Oceanic & Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of Information Collection, request for comment.

**SUMMARY:** The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to comment on proposed and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment preceding submission of the revision and renewal of this NOAA collection to OMB.

**DATES:** To ensure consideration, comments regarding this proposed information collection must be received on or before **[INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*]**.

**ADDRESSES:** Interested persons are invited to submit written comments to Adrienne Thomas, NOAA PRA Officer, at [NOAA.PRA@noaa.gov](mailto:NOAA.PRA@noaa.gov). Please reference OMB Control Number 0648-0084 in the subject line of your comments. All comments received are part of the public record and will generally be posted on <https://www.regulations.gov> without change. Do not submit Confidential Business Information or otherwise sensitive or protected information.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or specific questions related to collection activities should be directed to Amy Hapeman, Biologist, National Marine Fisheries Service (NMFS), Office of Protected Resources, Permits and Conservation Division, 1315 East-West Highway, Silver Spring, MD 20910, (301) 427-8401, [amy.hapeman@noaa.gov](mailto:amy.hapeman@noaa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Abstract**

The NMFS, Office of Protected Resources, Permits and Conservation Division is requesting a revision and extension of the currently approved information collection OMB Control Number 0648-0084. The information collection request (ICR) is under the authority of the Marine Mammal Protection Act (16 U.S.C. 1361 *et seq.*; MMPA), the Fur Seal Act (16 U.S.C. 1151 *et seq.*; FSA), and the Endangered Species Act (16 U.S.C. 1531 *et seq.*; ESA). This information collection applies to certain protected species for which NMFS is responsible: cetaceans (whales, dolphins and porpoises) and pinnipeds (seals and sea lions); and, for ESA scientific research and enhancement permits: smalltooth sawfish, sea turtles (in water), sturgeon (Atlantic and shortnose), and certain foreign ESA-listed species. This revision incorporates endangered corals into the list of species. This information collection may be used for future ESA-listed species.

*MMPA Section 104 and ESA Section 10(a)(1)(A) Permit Applications*

The MMPA, FSA, and ESA prohibit “take” (e.g., to harass or kill), import, and export of marine mammals and endangered and threatened species, with limited exceptions. Pursuant to Section 104 of the MMPA and Section 10(a)(1)(A) of the ESA, individuals, business or other for-profit organizations, not-for-profit institutions, and government agencies may obtain special exception permits to take, import, or export marine mammals or endangered or threatened species for scientific research or enhancement purposes. Section 104 of the MMPA also provides for Letters of Confirmation under a General Authorization for scientific research; permits for

commercial and educational photography of marine mammals; and permits for capture and/or import of marine mammals for public display.

Persons or institutions seeking to take, import, or export protected species must apply for a permit or authorization and demonstrate that statutory and regulatory requirements are met. The regulations pertaining to permits and associated reporting under the MMPA and FSA are at 50 CFR Part 216; the regulations for permit requirements under the ESA are at 50 CFR Part 222. The required information in this collection is used by NMFS to make the determinations required by the MMPA, FSA, ESA, and their implementing regulations prior to issuing a permit or authorization; to establish appropriate permit conditions; to evaluate the impacts on protected species; and to ensure compliance with the Acts.

Information currently required includes the name, affiliation, contact information and qualifications of the applicant and others listed on the application; the purpose and justification for the request; the species, age, sex, and number of animals; the locations of the activities; the proposed methods and mitigation to minimize impacts to the species; a description of the impacts to the species and environment; and the requested time frame of the permit. Permit and authorization holders must submit reports on the activities they carry out.

To be consistent with NMFS' final rule (89 FR 100393; December 12, 2024) effective on January 13, 2025, we are revising all MMPA Section 104 permit and authorization application instructions to remove the 5-year limit on MMPA permit and authorization durations. The revised instructions provide guidance to applicants about what to consider when requesting their permit duration and require applicants to justify their requested permit duration. This revision applies to MMPA Section 104 permit and authorization applications. For consistency, we are also revising the ESA Section 10(a)(1)(A) scientific research and enhancement permit application instructions to clarify applicants must provide a justification for the requested permit duration (there is no duration limit on ESA permits, and guidance on duration is already provided in these application instructions).

We also propose to create a separate set of ESA Section 10(a)(1)(A) scientific research and enhancement permit application instructions for corals because pillar corals (*Dendrogyra cylindrus*) have been listed as endangered under the ESA (89 FR 101993; December 17, 2024). Creating a separate set of instructions is designed to tailor and streamline the application process for pillar coral applicants. These revisions may be applied to other species of coral requiring an ESA Section 10(a)(1)(A) scientific research or enhancement permit in the future.

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

We propose to revise the MMPA Letter of Intent under the General Authorization for scientific research application instructions to be consistent with the implementing regulations at 50 CFR 216.45. The proposed changes include reducing the amount of information requested from applicants when describing the purpose of the project (e.g., take number rationale), anticipated effects and mitigation. As described above for MMPA Section 104 permit applications, we propose to provide additional guidance in the application instructions to improve take number estimates and reporting for UAS operations and revise the application instructions to remove the 5-year limit on the requested duration. These changes will better align

our guidance with the statutory definition of Level B harassment under the MMPA (16 U.S.C. 1362(18)) and allow us to accurately quantify and assess the impacts of the takes that are likely to occur.

We are also streamlining the amount of information required in the instructions for importing marine mammals for public display to better align with the statutory requirements. This will ensure we can make a determination that the manner of taking or importation is humane, as required by the MMPA, and is consistent with the Animal Welfare Act.

Last, we are in the process of revising the current online application system known as APPS (Authorizations and Permits for Protected Species; <https://apps.nmfs.noaa.gov/>), which dates back to 2008, for MMPA Section 104 and ESA Section 10(a)(1)(A) permit applications. The revision of the online application system is necessary for many reasons, including to improve information security and ease of use. As part of the redesign, we have split the information fields of the application instructions into small text boxes in APPS that ask briefer and more specific questions. This allows applicants to provide less information overall while still adequately addressing the required application criteria and providing better alignment with the Word and PDF application instructions included in this instrument collection. The overall user experience and functionality of the online application system will be improved and streamlined from the currently available APPS system, although the specific information requested remains limited to what is described in our application instructions.

#### *MMPA Section 104 National Inventory of Marine Mammals*

The MMPA requires NMFS to maintain an inventory of captive marine mammals held in permanent care facilities and for those facilities to report certain information to NMFS (via the National Inventory of Marine Mammals [NIMM]). The NIMM forms include an institutional contact form, a marine mammal data sheet (MMDS), and a transfer/transport notification form. Inventory information required by the MMPA includes the animal's name or other identification; sex; birth date; date animal enters and leaves a collection; source of the animal (e.g., stranding);

where an animal is transferred or transported; and date and cause of death (when determined). Exporting facilities must provide documentation to NMFS that the recipient facility meets standards comparable to those required in the United States. The NIMM forms facilitate compliance with MMPA reporting requirements and allow NMFS to keep NIMM up to date. We are not proposing any changes to the MMDS or the other NIMM forms at this time.

NMFS previously published a *Federal Register* notice (84 FR 4443; February 15, 2019) and extension (84 FR 15593; April 16, 2019) seeking comments on implementing NIMM, including clarification on reporting requirements and levels of constituent access to the database. We are not proposing any access changes to NIMM at this time and will seek public comment on proposed final policies and procedures for NIMM through a separate process in the future.

The proposed revisions to the instructions are available for review as downloadable PDF versions online at <https://www.fisheries.noaa.gov/national/permits/proposed-revisions-application-instructions-permits-and-authorizations-directed>. When the revised online application system is launched, the URL for the online system will change. The revised system will be able to accept all application types, whereas the current APPS system cannot accept photography and public display permit applications.

## **II. Method of Collection**

Current permit applications and permit report form information, are available as downloadable Word or PDF versions online at <https://www.fisheries.noaa.gov/permits-and-forms#protected-resources> or via email. Respondents may submit applications, forms, and reports by email, mail, or APPS (Authorizations and Permits for Protected Species; <https://apps.nmfs.noaa.gov>). Reports for most permits can also be submitted online via APPS. NIMM inventory forms may be downloaded as fillable Word documents at <https://www.fisheries.noaa.gov/national/marine-mammal-protection/national-inventory-marine-mammals> or requested via email. Inventory forms can be submitted via email or mail.

## **III. Data**

*OMB Control Number:* 0648-0084.

*Form Number(s):* NOAA Forms 89-880, 89-881, and 89-882.

*Type of Review:* Regular submission (revision and extension of a current information collection).

*Affected Public:* Individuals; Business or other for-profit organizations; Not-for-profit institutions; State, Local, or Tribal government; Federal government.

*Estimated Number of Respondents:* 427.

*Estimated Time Per Response:* The estimated *average* amount of time it takes to complete each information collection instrument is as follows. Scientific research and enhancement permit applications, 50 hours; public display permit applications, 50 hours; protected species parts applications, 20 hours; photography permit applications, 10 hours; General Authorization Letters of Intent, 10 hours; major permit modification requests, 35 hours; minor permit modification requests, 3 hours; scientific research permit reports, 12 hours; scientific research parts only permit reports, 8 hours; General Authorization reports, 8 hours; public display permit reports, 2 hours; photography permit reports, 2 hours; public display inventory reporting, 2 hours; and general record keeping, 2 hours per each type.

*Estimated Total Annual Burden Hours:* 6,568.

*Estimated Total Annual Cost to Public:* \$80.00 in recordkeeping/reporting costs. This represents costs for mailing in applications, forms, and reports.

*Respondent's Obligation:* Mandatory.

*Legal Authority:* MMPA (16 U.S.C. 1361 *et seq.*), FSA (16 U.S.C. 1151 *et seq.*), and ESA (16 U.S.C. 1531 *et seq.*).

#### **IV. Request for Comments**

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the

accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this information collection request. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

**Sheleen Dumas,**

*Departmental PRA Compliance Officer, Office of the Under Secretary for Economic Affairs,  
Commerce Department.*

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