

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Diana Hynek
Departmental Paperwork Clearance Officer
Office of the Chief Information Officer
14th and Constitution Ave. NW.
Room 6625
Washington, DC 20230

07/12/2006

In accordance with the Paperwork Reduction Act, OMB has taken the following action on your request for approval of a revision of an information collection received on 04/07/2006.

TITLE: Knowledge, Attitudes & Perceptions of Management
Strategies and Regulations in the Florida Keys
National Marine Sanctuary

AGENCY FORM NUMBER(S): None

ACTION : APPROVED WITHOUT CHANGE
OMB NO.: 0648-0534
EXPIRATION DATE: 07/31/2009

BURDEN:	RESPONSES	HOURS	COSTS(\$,000)
Previous	735	1,470	0
New	3,736	5,952	0
Difference	3,001	4,482	0
Program Change		4,482	0
Adjustment		0	0

TERMS OF CLEARANCE: None

NOTE: The agency is required to display the OMB control number and inform respondents of its legal significance (see 5 CFR 1320.5(b)).

OMB Authorizing Official Title

John F. Morrall III Acting Deputy Administrator, Office of
Information and Regulatory Affairs

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

19. Certification for Paperwork Reduction Act Submissions

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

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

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

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

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

Signature of Senior Official or designee

Date

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

Signature

Date

Signature of NOAA Clearance Officer

Signature

Date

Supporting Statement for Paperwork Reduction Act Submission:

**Knowledge, Attitudes & Perceptions of Management
Strategies and Regulations in Florida Keys National Marine Sanctuary**

**Revision for
Members of Local Environmental Groups**

OMB CONTROL No. 0648-0534

**U.S. Department of Commerce
National Ocean and Atmospheric Administration
National Ocean Service
Management and Budget Office
Special Projects
1305 East West Highway, SSMC4, 9th floor
Silver Spring, MD 20910**

**Contact: Dr. Vernon R. (Bob) Leeworthy
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Bob.Leeworthy@noaa.gov**

March 7, 2006

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A. JUSTIFICATION

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

This application is for revision of the component of the entire project addressing the survey of members of local environmental groups that was not approved by OMB on 1/10/2006 (0648-0534, Expiration Date 01/31/2009). Terms of Clearance:

This information collection partially approved. The agency may conduct the provided surveys of commercial fishermen and dive shop owners/operators. The survey of local environmental group members is not approved at this time. The agency must further justify a survey with less than 10% response rate and explain the measures taken to ensure that responses are representative of the identified universe or provide a proposal for study of the nonresponse bias. All surveys must include the following two changes: On all questions 2, there must be an option for 'not Hispanic/Latino; on all questions 2a, strike 'Anglo American' parenthetical and strike the 'other' option.

In this application we have revised our methods to increase response rates and propose a study of nonresponse bias. We also corrected the race/ethnicity questions to adhere to OMB guidelines.

The National Marine Sanctuaries Act (16 USC 1431, et seq.) authorizes the use of monitoring within National Marine Sanctuaries (NMS). The Florida Keys National Marine Sanctuary and Protection Act (Public Law 101-605, Sec 7 (5)) also authorizes monitoring. The Management Plan for the Florida Keys National Marine Sanctuary (FKNMS) established 18 Sanctuary Preservation Areas (SPAs) and one Ecological Reserve (ER) that are “no take” zones. In a separate two-year process (Tortugas 2000) a second ER was designed and approved Tortugas Ecological Reserve. All consumptive or take activities were displaced from these zones. These special zones were also created to resolve user conflicts. In creating these special zones, socioeconomic impact analyses were done as required under the National Environmental Policy Act (NEPA). In addition, a Regulatory Impact Review and an Initial and Final Regulatory Flexibility Analysis (if small businesses are potentially impacted by the no take regulations) were conducted. However, many of the benefits and costs identified in these analyses are speculative in nature and there is therefore a great deal of uncertainty about both the benefits and the costs. In response to public concerns about the socioeconomic impacts of many of the elements of the FKNMS management plan and especially the “no take” zones (e.g., SPAs and ERs), a socioeconomic element was included in the ecological monitoring program. Dr. Vernon R. (Bob) Leeworthy, Leader of the Coastal and Ocean Economics Program, NOAA, National Ocean Service, Management and Budget Office, Special Projects Division leads the Socioeconomic Research and Monitoring Program for the FKNMS.

In 1998, 50 stakeholders and social scientists met for a three days in a workshop and established a set of recommendations for what should be measured in the Socioeconomic Research and Monitoring Program and how frequently the measures should be taken. A team of social scientists reviewed the literature and a gap analysis was performed. What was currently known and an assessment of the gaps in knowledge were presented to all the workshop participants two weeks before the workshop. 108 recommendations were made, but workshop participants preferred to leave it to FKNMS management to establish priorities. Two top priorities are to; 1) monitor the financial performance of the commercial fishing operations that were displaced from the “no take” zones to test the hypotheses that there are short term losses and/or long term gains to commercial fishermen because of the zones (this is being done under approval number 0648-

0409) and 2) monitor the knowledge, attitudes and perceptions of users as to Sanctuary management strategies and regulations, especially the no-take area regulations.

In 1995-96, a Florida Sea Grant sponsored project was conducted on three user groups: 1) Commercial fishermen, 2) Dive Operators/Owners, and 3) Members of local environmental groups to obtain information on the knowledge, attitudes and perceptions of these groups on the proposed management strategies and regulations in the FKNMS. The final regulations did not go into effect until July 1997, so the knowledge, attitudes and perceptions addressed proposed management strategies and regulations, some which changed as a result of public processes. A major change was the separate two-year process to create the Tortugas Ecological Reserve, which is very different from the original proposal. However, in the 1998 workshop to design the Socioeconomic Research and Monitoring Program for the FKNMS, social scientists and stakeholders agreed that the 1995-96 study measures of knowledge, attitudes and perceptions would serve as adequate baselines for most strategies and regulations. Results of the 1995-96 Florida Sea Grant study have been published in a couple of Florida Sea Grant Technical Papers and in several journals (Milon et al, 1997, Suman and Shivilani, 1998 and Suman et al, 1999). The data from the 1995-96 Florida Sea Grant project is archived at the University of Miami.

The proposal here is for an approximately ten-year replication of the 1995-96 study to test if there has been significant change among each user group in their knowledge, attitudes and perceptions of the FKNMS management strategies and regulations now that they have been in effect for over eight years.

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 applicable NOAA Information Quality Guidelines.

The proposed collection here, as noted above, is an approximately 10-year replication of the knowledge, attitudes and perceptions (KAP) of management strategies and regulations of the FKNMS. As with the original baseline study conducted in 1995-96, the same three user groups will be addressed and measurements compared over the two time periods to detect any statistically significant changes. *This application revises our methods for members of local environmental groups.*

Members of Local Environmental Groups

How

The environmental group sample will be comprised of members of three environmental groups in the Florida Keys – Last Stand, Reef Relief, and Sanctuary Friends. The method used here will be a mail survey (see Attachment C for the mail survey questionnaire). In the previous effort, 3,680 surveys were mailed to Florida Keys’ members of each group, and these resulted in the return of 401 surveys, representing a return rate of 10.9% (Suman, Shivilani, and Milon, 1999). The new proposed effort will maintain the mail out to the entire membership, which based on consultations with environmental group leaders, is still estimated at 3,680. The most current membership mailing list will serve as the population, which will be provided by the environmental organizations.

Our new methods include additional pre-notification letters sent to all environmental group members on environmental group letterhead and signed by the environmental group leaders and

the project leader. Environmental groups have also agreed to do this in letter accompanying questionnaires and to place articles in their newsletters to members about the project. With this new approach, we estimate we can achieve 60 to 70 % response rates. We have also added a study of nonresponse by use of a follow-up effort for nonrespondents to the full survey. We have designed a postage paid post card asking just two questions: age and a question addressing support for the Florida Keys National Marine Sanctuary. This will allow analysis of nonresponse bias.

Articles in Environmental Group Newsletters: All three environmental groups have agreed to place an article or announcement of the study in their newsletters that will encourage participation in the study.

Pre-notification Letter: This letter will be sent to all members one month before they receive the full mail survey package. The letter will be on environmental organization letter-head and will be signed by both the environmental group leader and the project leader (Thomas J. Murray). The promotion letter will introduce the study and its objectives and the research team. The letter will also emphasize the importance of participating in the study by completing the survey to be sent within a month by demonstrating how group findings may assist in identifying important management recommendations. Contact information that the recipient can use to learn more about the study or have his/her questions and concerns addressed will also be included (See Attachment C).

Cover Letter in Full Survey Package: This letter is very similar to the pre-notification letter and again will be signed by both the environmental group leader and the project leader (See Attachment C).

Information Sheet: The information sheet will be included in the mail survey package. It contains information on the authorization to collect the information; how the information will be used; statement of burden; and participation and protection of confidentiality (See Attachment C).

Contact Information: For purposes of data completion and database record identification for the data collection phase of the project, name, telephone number, and address are obtained. This information is only obtained by the contractor for data collection purposes and is stripped from final databases sent to NOAA. In the footer of the questionnaire, the date of receipt is recorded. This information will be used in checking for nonresponse bias.

General Information (Questions 1 – 9): This section consists of eight questions which address demographic profile information, group membership, visitation and type of use in FKNMS, and if involved in the marine industry as a profession. This information is consistent with the 1995-96 baseline study and will be used to establish if there have been underlying changes in the profiles of members of local environmental organizations. Some of these factors will be related to knowledge, attitudes and perceptions. Question 2 has been changed to adhere to Census and OMB guidelines.

Information and Perceptions (Questions 10 – 35): This section includes 25 questions and is the heart of the survey. Again, attempts were made to make these questions as consistent as possible with the 1995-96 baseline study to support analyses of changes. However, it was recognized that a lot has happened since 1995-96 in management strategies and regulations and new issues needed to be addressed (shifting baselines).

Question 10 has two components. Component (a) asks for all sources of information used. Component (b) asks the respondent to rank the sources of where they get their information. This is extremely important to education and outreach efforts.

Questions 11 – 17 address perceptions of the rule-making processes. This is important since the FKNMS strives to make processes open, transparent, fair and just and it is important how user groups perceive the processes.

Questions 18 – 38 address knowledge of FKNMS management strategies and regulations, perceptions on their purpose and how they have performed, and attitudes about selected management strategies and regulations. Ratings are obtained on support for various management strategies and regulations and ratings on whether the management strategies and regulations achieved various objectives. Again, most of these are replications of baseline study questions. Sometimes the tenses of the questions were slightly altered from the baseline questions to accommodate the current situation.

Questions 18 – 27 are focused on three types of zones; Sanctuary Preservation Areas (SPAs), Ecological Reserves (ERs) and Wildlife Management Areas (WMAs). Members of local environmental groups are asked about each type of zone for each question.

Questions 28 – 37 are more focused on how the management strategies and regulations have performed (i.e., what were the outcomes).

Post Card Reminder: This will be sent out two weeks after the date of mail out of the full survey package to all those that have not yet responded (see Attachment C).

Full Survey Package: This will include the Cover Letter, Information Sheet and the full questionnaire and will be sent out one month from the date of the original full package mail out.

Post Card for Nonrespondents: This will be sent out to all nonrespondents to the full survey three weeks after mail out of the second full package mail out. It contains two questions: 1) Age and 2) 'I generally support the establishment of the FKNMS'. Question 2 is rated on a scale from 1-5 with 1 meaning strongly agree to 5 meaning strongly disagree. In the 1995-96 study, there was a relationship between age and the answer to this question. We will use this information to test for nonresponse bias. We will test for difference between respondents to the full survey and respondents to the post card two-question survey (see Attachment C).

Purpose

The purpose is to monitor the members of local environmental groups as to changes in their demographic and economic profiles (who they are) and changes in their knowledge, attitudes and perceptions of management strategies and regulations in the FKNMS. Monitoring is part of the "adaptive management" process, which uses information to address areas of uncertainty and assess the need for changes in management strategies and regulations and/or the need for education and outreach efforts. In addition, if rule-making processes are perceived as unfair or unjust there is a higher probability of noncompliance and corresponding increases in the cost of enforcement. The FKNMS prefers education and outreach over enforcement and understanding the knowledge, attitudes and perceptions of each user group is considered a key component in effective education and outreach and the ability to respond to needed changes in management strategies and regulations.

HOW COLLECTION COMPLIES WITH NOAA INFORMATION QUALITY GUIDELINES

Utility. The information collected here is part of the Socioeconomic Research and Monitoring Program for the Florida Keys National Marine Sanctuary (FKNMS). The primary goal of the Research and Monitoring Program is to provide the knowledge necessary to make informed decisions about protecting the biological and natural ecosystem processes of the Sanctuary and its resources" (FKNMS Final Management Plan, Volume 1, page 148). Reaching this goal requires information on the socioeconomic implications of implementing the sanctuary management plan. Placed beside comparable ecological information, a socioeconomic perspective provides insight into changes in resource use and the contribution of sanctuary actions towards a sustainable economy in the Keys.

To fulfill the socioeconomic monitoring goal requires:

- Monitoring the spatial pattern and intensity of on-water recreational and commercial use, especially with regard to activities inside sanctuary preservation areas (SPAs) and ecological reserves (ERs).
- Defining and monitoring indicators of compliance with regulations and enforcement efforts.
- Monitoring and assessing visitor and resident knowledge of sanctuary management strategies and regulations, and their attitudes and perceptions regarding their appropriateness and effectiveness.
- Monitoring and assessing socioeconomic impacts on groups, whose activities were enhanced, curtailed or displaced by Sanctuary regulations.
- Monitoring and assessing the contribution of key "export" sectors of the Monroe County economy (tourism, retirees, residents working outside the county, and commercial fishing) based on their uses of Sanctuary resources.
- Monitoring and assessing the effectiveness and efficiency of educational programs and public outreach activities related to the FKNMS.

This proposed data collection is focused on the objective in bullet number three regarding knowledge, attitudes and perceptions of sanctuary management strategies and regulations. This information will allow management to incorporate socioeconomic information into evaluation of the appropriateness and effectiveness of management strategies and regulations and incorporate the information into the adaptive management framework.

Since baseline information was collected in 1995-96, the proposed replication will allow statistical tests for changes in knowledge, attitudes and perceptions after at least eight years of experience with most of the management strategies and regulations.

Objectivity. The NOAA standard for socioeconomic information under the Information Quality Act is peer review. Internal and external peer review will be conducted on all project products (e.g. survey instruments, sample designs, analyses and reports). The baseline study, which is replicated here, received extensive peer review through both the Florida Sea Grant process and through publication of the results in several journals. Peer review will ensure the information is accurate, clear, complete and unbiased.

Integrity. The survey will conform to the Privacy Act of 1974 (5 USC 552a.). The following statement will be provided to all three groups:

“Your participation in this survey is voluntary. All responses are confidential and any material identifying you will not be provided to anyone outside the University of Miami. Once the data collection is finished, your personal identification information will be destroyed.”

All business identification information is removed from all databases to be sent to NOAA or distributed to the public. Each business is assigned a database identification number in the database so each business can be tracked through time without revealing the identity of the business. The contractor maintains the codebook containing the database identification numbers with corresponding business identification. The contractor is not allowed to release the codebook to anyone. Release of proprietary business information is further protected by the Freedom of Information Act (5 USC 522 (b) (4)) concerning trade secrets or proprietary information, such as commercial business and financial records.

It is anticipated that the information collected will be disseminated to the public or used to support publicly disseminated information. The information collection is designed to yield data that meets all applicable information quality guidelines. Prior to dissemination, the information will be subjected to quality control measures and a pre-dissemination review pursuant to Section 515 of Public Law 106-554. All project reports are converted to Read-Only in portable document format (pdf) before being placed on the NOAA Web site for public dissemination.

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.

None used here. For commercial fishermen and dive shop owners/operators, face-to-face interviews are used. For members of local environmental groups, a mail survey will be used.

4. Describe efforts to identify duplication.

This proposed survey is part of the on-going Socioeconomic Research and Monitoring Program for the FKNMS. The program stays up to date on all socioeconomic research being conducted in the FKNMS. We always conduct gap analyses before proceeding with a project.

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

The survey of members of local environmental groups does not involve surveys of small businesses or other small entities. The survey is of individual members of environmental organizations.

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

If this information is not collected, the FKNMS will have broken their agreement with the community to conduct socioeconomic monitoring of its management strategies and regulations. The FKNMS is committed to the objectives of the socioeconomic research and monitoring objectives provided in the answer to Question 2 above. Violation of the agreements with the community will lead to less cooperative management processes and potentially greater noncompliance and higher enforcement costs of sanctuary regulations. Without this information, the FKNMS management will not be able to effectively implement the full ecological/socioeconomic monitoring promised or be able to effectively implement adaptive

management.

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

Our expected response rate is expected to be less than 80%. Per OMB previous disapproval, this application addresses the former expected low response rate of less than 10% and methods have been revised to get 60 to 70% response rates. In addition, a proposed study of nonresponse bias has also been included.

8. Provide a copy of 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.

PRA Federal Register notice is attached as Attachment A. No comments were received.

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

No payments or gifts are offered to respondents.

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

Our data collector, under contract to NOAA, assigns each respondent a unique identification code for all databases. The codebook that links the operation/person to the unique identification number is never provided to NOAA. This book remains in the hands of the contractor. The code book contains the name, name of business, address and telephone number and the database identification number corresponding to each name, name of business, address and telephone number. The databases for distribution will contain the Identification numbers, but the names, names of businesses, addresses and telephone numbers will be destroyed. The remaining data will be available for distribution.

We will provide a separate sheet with each data collection (included in package) authorities, the way in which the information will be used to further performance or agency functions, provide an estimate of burden of time, name and address of sponsoring office, assurance that responses are voluntary, and the extent of confidentiality. The extent of confidentiality is assured by exemption under the Freedom of Information Act (5 USC 522(b) (4) concerning trade secrets or proprietary information, such as commercial business and financial records.

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 questions of a sensitive nature are included.

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

Estimate of Burden Hours

	Old ¹	New	New	Change	Change
		60% ²	70% ²	60%	70%
Estimated Number of Respondents					
Commercial fisherman	319	319	319	0	0
Dive Shop Owners/Operators	68	68	68	0	0
Members of Local Environmental Groups					
Full Survey	348	2,208	2,576	+1,860	+2,228
Nonrespondent Post Card, 2 Question Survey	0	883	773	+883	+773
Total	735	3,478	3,736	+2,743	+3,001
Estimated time per Respondent					
Commercial fishermen	2hrs	2hrs	2hrs	0	0
Dive Shop Owners/Operators	2hrs	2hrs	2hrs	0	0
Members of Local Environmental Groups					
Full Survey	2hrs	2hrs	2hrs	0	0
Nonrespondent Post Card, 2 Question Survey	0	2min	2min	+2min	+2min
Estimated Total Annual Burden Hours					
Commercial fishermen	638	638	638	0	0
Dive Shop Owners/Operators	136	136	136	0	0
Members of Local Environmental Groups					
Full Survey	696	4,416	5,152	+3,720	+4,456
Nonrespondent Post Card, 2 Question Survey	0	29	26	+29	+26
Total	1,470	5,219	5,952	+3,749	+4,482

1. Approval was received for the commercial fishermen and dive shop owners/operators and the burden hours don't change for these groups.
2. The revisions to burden hours for members of local environmental groups were calculated under two assumptions for response rates (60% and 70% expected response rates). These assumptions were used for both those that complete the full survey and those that complete the post card survey.

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 #12 above).

There are no costs. A data collection team is sent into the business establishments and record information from existing records. No new recordkeeping requirements are imposed on respondents.

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

Annualized Cost to the Federal Government

Item	Total Cost (\$)	Annualized Cost (\$) ¹
Contracts:		
Thomas J. Murray and Associates	\$169,772	\$84,886
NOAA Personnel Costs:	\$13,216	\$6,608
NOAA Economist GS-14 @ \$58/hr.		
Administrative (contracts, PRA) - 80 hrs.	\$4,640	\$2,320
Technical Review - 80 hrs.	\$4,640	\$2,320
NOAA Economist GS-13 @ \$48/hr.		
Report postings on Web - 2 hrs	\$96	\$48
Technical Review - 80 hrs.	\$3,840	\$1,920
Total Costs	\$182,988	\$91,494

1. Annualized cost equals total cost divided by two years.

Costs are for the entire project. Cost increases in contract to cover the costs of increasing response rates and adding the study on nonresponse bias. Contract costs and total costs increased \$4,462 or \$2,231 on an annualized basis.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-I.

In response to OMB’s concerns about low response rates and a study to address nonresponse bias, we had to increase the number of respondents and the overall burden hours for the project. The table included under answer to question 12 above details the changes. There are no changes for the commercial fishermen and dive shop owners/operators. Changes for members of local environmental groups are broken down into those who are expected to answer the full survey and those who are expected to answer the post card, 2-question survey.

We calculated burden hours under two assumptions for expected response rates (60% response rate and 70% response rate). We used the 60% and 70% response rate assumption for both the full survey and the post card survey.

Number of Respondents: The overall number of respondents increases from 735 in the original proposal to a range of between 3,478 (60% response rate assumption) and 3,736 (70% response rate assumption). Members of local environmental groups that are expected to respond to the full survey increased from 348 to 2,208 (under 60% response rate assumption) and 2,576 (under 70% response rate assumption). This represents an increase of between 1,860 respondents to the full survey (under 60% response rate assumption) and 2,228 respondents to the full survey (under 70% response rate assumption). The new post card, 2-question survey to address nonresponse bias adds an additional 883 respondents, under the 60% response rate assumption or an additional 773 respondents, under the 70% response rate assumption. The number of postcard

respondents under the 70% response rate assumption is less than that under the 60% response rate assumption, since in the full survey with a 70% response rate assumption, there are fewer nonrespondents. The total number of respondents for the survey of members of local environmental groups increases from the original proposal amount of 348 to between 3,091 (60% response rate assumption) and 3,349 (70% response rate assumption). This represents an increase of 2,743, under the 60% response rate assumption, or an increase of 3,001, under the 70% response rate assumption.

Estimated time per Respondent: In estimated time per respondent, the only changes are with respect to the post card, 2-question survey of nonrespondents to the full survey. The post card, 2-question survey is estimated to take 2 minutes per respondent.

Estimated Total Annual Burden Hours: The overall estimate of total annual burden hours increases from 1,470 in the original proposal to a range of between 5,219 hours (under the 60% response rate assumption) and 5,952 hours (under the 70% response rate assumption). Again, all the changes are due to the changes in the survey of members of local environmental groups designed to increase response rates and the addition of the study on nonresponse bias. For members of local environmental groups that are expected to respond to the full survey burden hours increased from 696 to 4,416 hours (under 60% response rate assumption) and 5,152 hours (under 70% response rate assumption). This represents an increase of between 3,720 hours for the full survey (under 60% response rate assumption) and 4,456 hours for the full survey (under 70% response rate assumption). The new post card, 2-question survey to address nonresponse bias adds an additional 29 hours, under the 60% response rate assumption or an additional 26 hours, under the 70% response rate assumption. The number of hours under the 70% response rate assumption is less than that under the 60% response rate assumption since in the full survey with a 70% response rate assumption, there are fewer nonrespondents. The total number of burden hours for the survey of members of local environmental groups increases from the original proposal amount of 696 to between 4,445 hours (60% response rate assumption) and 5,178 hours (70% response rate assumption). This represents an increase of 3,749 hours, under the 60% response rate assumption, or an increase of 4,482 hours, under the 70% response rate assumption. For form SF83i, we used the highest numbers (70% response rate).

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

Since the results will be a replication of the baseline, all measures will require reporting on a comparative basis (baseline versus latest measurement) and statistical tests for differences, with identification of statistically significant differences. All reports for this effort are reported on our Web site (<http://marineeconomics.noaa.gov>) in portable document format (pdf). As in the baseline, our contractors are also academics and will publish results in various peer reviewed journals. Most likely journals are Ocean and Coastal Management or the Bulletin of Marine Science. The results are also likely to appear in various conference proceedings such as the Coastal Zone Management Conference, Coastal Society or the Gulf and Caribbean Fisheries Institute Conference.

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.

We will display the OMB Approval number and date of expiration on the questionnaires as well as the information collection sheet.

18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I.

No exceptions.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

(If your collection does not employ statistical methods, just say that and delete the following five questions from the format.)

1. Describe (including a numerical estimate) the potential respondent universe and any sampling or other respondent selection method to be used. Data on the number of entities (e.g. establishments, State and local governmental units, households, or persons) in the universe and the corresponding sample are to be provided in tabular form. The tabulation must also include expected response rates for the collection as a whole. If the collection has been conducted before, provide the actual response rate achieved.

There are three different sampling studies that will be conducted as part of this project, and they involve the following user groups who were originally sampled in 1995-96:

- a. Commercial fishers
- b. Commercial dive operations
- c. Environmental group members

The surveys for commercial fishermen and commercial dive operations have already been approved. This application is for environmental group members that was previously disapproved.

The environmental group sample will be comprised of members of three environmental groups in the Florida Keys – Last Stand, Reef Relief, and Sanctuary Friends. In the previous effort, 3,680 surveys were mailed to Florida Keys’ members of each group, and these resulted in the return of 401 surveys, representing a return rate of 10.9% (Suman, Shivilani, and Milon, 1999). The corresponding confidence interval using a confidence level of 95% was +/- 4.62%.

The revised method was described in Part 1, Question 2 under “How” the study is to be conducted. Essentially there are six steps. Step 1 includes either an article or announcement of the study in environmental group newsletters with an appeal to members to cooperate in the study. Step 2 includes a pre-notification letter on environmental group letter-head and signed by the leader of the environmental group and the project leader (Thomas J. Murray). Step 3 includes the full survey package, which will be sent out one-month after the pre-notification letters. All environmental group members receive both the pre-notification letters and the full survey package. Our current estimate from environmental group leaders, who have agreed to supply mailing lists for all their members, is that there are approximately 3,680 members across all three environmental groups. Step 4 includes a post card reminder, which will be sent two weeks after the full survey package to all nonrespondents. Step 5 is another mailing of the full survey package to all nonrespondents, which will be sent one month from the date of mailing of the first full survey package mail out or two weeks after the post card reminder. Step 6 is the post card, 2-question survey. This will be sent to all those who have not responded to the full survey. This will be sent out two weeks after the last full survey package is sent out. Respondents will be also given a final chance to complete the full survey and contact information for the surveyors will be provided. The post card, 2-question survey will include a

socioeconomic variable (age) and an attitude question related to the nonrespondents approval of the Florida Keys National Marine Sanctuary. Differences between respondents and nonrespondents to the full survey for these two questions shall be used to assess nonresponse bias.

In consultation with leaders of the local environmental groups, we think by following the above procedures we should achieve a 60% to 70 % response rate of the entire population for the full survey, and we also use the same response rate assumptions for the post card, 2-question survey. The expected sample sizes should be sufficient to yield statistically reliable results and will support the nonresponse bias analysis.

2. Describe the procedures for the collection, including: the statistical methodology for stratification and sample selection; the estimation procedure; the degree of accuracy needed for the purpose described in the justification; any unusual problems requiring specialized sampling procedures; and any use of periodic (less frequent than annual) data collection cycles to reduce burden.

The procedures used for data collection will be mail surveys with members of local environmental groups. The methodology, estimation procedures, degree of accuracy needed for the purpose described in the justification, unusual problems requiring specialized sampling, and use of periodic data collection cycles are described below.

a. Statistical methodology for stratification and sample selection

In our original application, the methodology proposed was that for sample selection based on the procedures described under Morris (2004). For calculating required sample size, a hypergeometric distribution was proposed, since population size is small, as is the case for members of local environmental groups. The equations for the hypergeometric populations are shown below:

$$\text{Hypergeometric} \quad n = N z^2 pq / (E^2 (N-1) + z^2 pq)$$

Where:

- a. N is the population size
- b. n is the required sample size
- c. p and q are population proportions
- d. z is the value of the confidence level needed for the confidence interval used
- e. E is the confidence interval used (or margin or error)

In the case of population sampling based on population proportions, the values for p and q are generally unknown, and thus are set equal to each other (0.5). The z value used is associated with an alpha of 0.05 (or 95% confidence level), which is 1.96. Finally, the E value depends on the confidence interval required (ex., where 5% = 0.05). In the original proposal, a sample size of only 348, with a sampling rate of only 9.4% (here sampling rate is the same as response rate since the entire population is sent a survey package and follow-up efforts).

In our revised approach, we still maintain the approach of sending the survey package to the entire population, but in meeting OMB's requirement to achieve a higher response rate than 10%, we have revised our methods to achieve 60% to 70% response rates. This will result in sample sizes between 2,208 and 2,576 for the full survey and between 773 and 883 for the post card, 2-question survey. In both cases, sample sizes exceed those necessary to estimate population parameters within 95% confidence levels.

Keeping in line with the previous efforts for members of local environmental groups, the population is considered as a single stratum, and stratifications are only considered at the analysis stage (ex. age, education level, income bracket, etc.).

b. Estimation procedure

Because the population for members of local environmental groups is already known, there is no need to estimate the population. Instead, by using the statistical procedures outlined above, a significant percentage of each group will be randomly characterized. We are assuming that high response rates and therefore sampling rates, since we are sampling the entire population, will ensure representative samples of each local environmental group.

c. Degree of accuracy

Because the large sample sizes due to high response rates and sampling rates, we expect a high degree of accuracy of estimated population parameters.

d. Unusual problems and the need to conduct periodic data collection cycles

Unusual problems are not expected to arise within the project, again mainly due to the fact that the procedures have been tested in the past effort and have been shown to be successful. Also, because the data collection for each group will be a one-time effort, periodic data collection cycle issues are not applicable to this project.

3. Describe the methods used to maximize response rates and to deal with nonresponse. The accuracy and reliability of the information collected must be shown to be adequate for the intended uses. For collections based on sampling, a special justification must be provided if they will not yield "reliable" data that can be generalized to the universe studied.

In our answers to Part A, Question 2 and in Part B Questions 1 and 2, we explained in detail how we have changed our approach from the original application to increase response rates. We believe that the high expected response rates and sampling rates will ensure representative samples. However, since expected response rates are less than 100%, we have also added the post card 2-question survey to address the issue of nonresponse bias.

4. Describe any tests of procedures or methods to be undertaken. Tests are encouraged as effective means to refine collections, but if ten or more test respondents are involved OMB must give prior approval.

Because the study has already been conducted successfully in 1995-96, only small tests of less than ten respondents were used to refine the instruments developed as part of the project. Additional feedback was also solicited from the management and academic community, but that involved less than 10 people.

5. Provide the name and telephone number of individuals consulted on the statistical aspects of the design, and the name of the agency unit, contractor(s), grantee(s), or other person(s) who will actually collect and/or analyze the information for the agency.

a. Persons consulted on statistical aspects of the design:

Manoj Shivlani
305-968-7136

Maria Villanueva

305-421-3608

Dr. James Kirkley
804-684-7160

Dr. Daniel Suman
305-421-4681

- b. Contractor who will actually collect and analyze the information for the agency

Thomas J. Murray & Associates, Inc.
804-684-7190

References

Alreck, P. L., and R. B. Settle. 1985. The survey research handbook. Irwin: Chicago, IL.

Morris, E. 2004. Sampling from small populations. World Wide Web Document. URL: <http://uregina.ca/~morrisev/Sociology/Sociology.htm>.

Milon, J. W., D. O. Suman, M. Shivilani, and K. A. Cochran. 1997. Commercial fishers' perceptions of marine reserves for the Florida Keys National Marine Sanctuary. Florida Sea Grant Technical Paper-89.

Shivilani, M., Ehrhardt, N., Murray, T., and J. Kirkley. 2004. The long-term effects of a spiny lobster effort reduction program in South Florida: Microeconomic, sociocultural, and community level impacts. IN The 57th Gulf and Caribbean Fisheries Institute Conference, November 8-12, 2004, St. Petersburg, Florida.

Shivilani, M., Kleisner, K., Letson, D., and D. Suman. 2003. Economic valuation of marine reserves in the Florida Keys as measured by diver attitudes and preferences: Implications for valuation of nonconsumptive uses of marine reserves. IN Proceedings of the Coastal Zone 03 Conference, July 14-17, 2003.

Suman, D. O., and M. P. Shivilani. 1998. Characterization of the commercial dive operator industry in the Florida Keys National Marine Sanctuary. Florida Sea Grant Technical Paper-103.

Suman, D. O., M. P. Shivilani, and J. W. Milon. 1999. Perceptions and attitudes regarding marine reserves: A comparison of stakeholder groups in the Florida Keys National Marine Sanctuary. Ocean and Coastal Management 42: 1019-1040.

ATTACHMENT A: OMB Approval/Terms of Clearance 0648-0534

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Diana Hynek 01/10/2006
Departmental Paperwork Clearance Officer
Office of the Chief Information Officer
14th and Constitution Ave. NW.
Room 6625
Washington, DC 20230

In accordance with the Paperwork Reduction Act, OMB has taken the following action on your request for approval of a new information collection received on 10/12/2005.

TITLE: Knowledge, Attitude & Perceptions of Management Strategies and Regulations in the Florida Keys National Marine Sanctuary

AGENCY FORM NUMBER(S): None

ACTION : APPROVED WITH CHANGE
OMB NO.: 0648-0534
EXPIRATION DATE: 01/31/2009

BURDEN:	RESPONSES	HOURS	COSTS(\$,000)
Previous	0	0	0
New	735	1,470	0
Difference	735	1,470	0
Program Change		1,470	0
Adjustment		0	0

TERMS OF CLEARANCE:

SEE PAGE 2 FOR TERMS OF CLEARANCE

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION
PAGE 2 OF 2

OMB NO.: 0648-0534 01/10/2006

TERMS OF CLEARANCE:

This information collection partially approved. The agency may conduct the provided surveys of commercial fishermen and dive shop owner/operators. The survey of local environmental group members is not approved at this time. The agency must further justify a survey with less than 10% response rate and explain the measures taken to ensure that responses are representative of the identified universe or provide a proposal for study of the nonresponse bias. All surveys must include the following two changes: On all questions 2, there must be an option for 'not hispanic/latino'; on all questions 2a, strike the 'Anglo American' parenthetical and strike the 'other' option.

OMB Authorizing Official Title

Donald R. Arbuckle Deputy Administrator, Office of
Information and Regulatory Affairs

ATTACHMENT B

Members of Local Environmental Groups

Pre-notification Letter

Cover Letter for Survey Questionnaire and Post Card Reminder

Information Sheet

Questionnaire

**Post Card Reminder
and**

Post Card, 2-Question Survey Questionnaire

Pre-notification letter

DATE

Name of person
Address line 1
Address line 2

Dear Sir/Madam:

This letter serves as an introduction to an important study being conducted by our group, Thomas J. Murray & Associates, on the effectiveness of the Florida Keys National Marine Sanctuary (FKNMS). Our group has partnered with the **environmental organization** in an effort to obtain your opinions on the FKNMS.

The FKNMS, which has been in effect since 1997, encompasses all of the Florida Keys and implements a comprehensive management strategy, which includes the operation of several action plans. Our group's study focuses in part on your views on the overall effectiveness of the FKNMS and its zoning action plan.

Your participation is essential to the success of this study, and we hope that you will participate in our upcoming effort. We shall mail you a short questionnaire in the next month that we request that you please complete and mail it back using an accompanying, self-addressed and postage-paid, envelope. You may contact the research team at 305-421-4608 with any questions concerning the study, and we will gladly provide you any information that you may require.

Finally, we wish to thank you for having taken the time to read this letter and hope to send you the survey next month. Thank you for your attention.

Sincerely,

Thomas J. Murray, Project Leader
Environmental Group Leader

Cover letter for survey questionnaire and postcard reminder

DATE

Name of person
Address line 1
Address line 2

Dear Sir/Madam:

This letter serves as a follow up to an introductory letter that we sent you a month ago, detailing an important study being conducted by our group, Thomas J. Murray & Associates, on the effectiveness of the Florida Keys National Marine Sanctuary (FKNMS). As stated in that previous letter, our group has partnered with the **environmental organization** in an effort to obtain your opinions on the FKNMS.

The FKNMS, which has been in effect since 1997, encompasses all of the Florida Keys and implements a comprehensive management strategy, which includes the operation of several action plans. Our group's study focuses in part on your views on the overall effectiveness of the FKNMS and its zoning action plan.

Your participation is essential to the success of this study, and we request that you please complete the enclosed survey questionnaire and mail it back using the accompanying, self-addressed and postage-paid, envelope. You may contact the research team at 305-421-4608 with any questions concerning the study, and we will gladly provide you any information that you may require.

Finally, we wish to thank you for having taken the time to read this letter and hope to receive your completed survey soon. Thank you again for participating in this important effort, whose results we shall make available through the **environmental organization** and can provide to you, if you so request.

Sincerely,

Thomas J. Murray, Project Leader
Environmental Group Leader
Enclosures

Members of Local Environmental Groups

IMPORTANT INFORMATION ABOUT THIS INFORMATION COLLECTION

36. Authorizations to Collect the Information

The National Marine Sanctuaries Act (16 USC 1431, et seq.) and The Florida Keys National Marine Sanctuary and Protection Act (Public Law 101-605, Sec 7 (5)) authorizes the Florida Keys National Marine Sanctuary to establish regulations to protect sanctuary resources or resolve user conflicts. This act also authorizes the Sanctuary to do research and collect information necessary for evaluating new and/or existing regulations.

37. How the Information Will Be Used

The information being collected will be used to assess the knowledge, attitudes and perceptions of Sanctuary management strategies and regulations. A Socioeconomic Monitoring Program has been established in the Florida Keys National Marine Sanctuary and monitoring Sanctuary user's knowledge, attitudes and perceptions of Sanctuary management strategies and regulations is considered to be a high priority element of the program.

38. Statement of Burden

Public reporting burden for this collection of information is estimated to average about 2 hours per year per response, including time for reviewing instructions and completing and reviewing the enclosed questionnaire. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing burden, to Dr. Vernon R. (Bob) Leeworthy, Leader, Coastal and Ocean Resource Economics Program, National Ocean Service, Management and Budget Office, Special Projects, 1305 East West Highway, SSMC 4, 9th floor, Silver Spring, MD 20910.

39. Your Participation and Protections of Confidentiality

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

Any information that identifies you (name, address and telephone number) will not be given to anyone outside the agency sponsoring this information collection. Name, address, and telephone will be treated as proprietary information. The information that identifies you will not be released to anyone pursuant to the Freedom of Information Act (5 USC Section 552 (B) (4)). All other information will be available for distribution.

Name_____

Telephone_____

Address_____

GENERAL INFORMATION

1. Which of the following includes your age?

18-30 31-40 41-50 51-60 over 60

2. Are you Spanish, Hispanic, or Latino? __ YES __ NO

2a. What is your race? Mark one or more races to indicate what you consider yourself to be.

- White
- Black or African American
- American Indian or Alaska Native
- Asian
- Native Hawaiian or Other Pacific Islander

3. How long have you been a member of Last Stand/Reef Relief/SFFK?

Number of years_____

4. Are you a member of any of the following groups?

- a. Last Stand YES NO
- b. Reef Relief YES NO
- c. Sanctuary Friends of the Florida Keys YES NO

5. Do you belong to any other environmental/conservation groups?

YES_____ NO_____

If YES, then which one(s)?_____

6. How often to you visit the Florida Keys each year?

Resident 1-3 months 3-6 months 6-9 months Other_____

7. Do you participate in any of the following activities in the Florida Keys? Please circle all those that apply.

- Sport fishing Swimming Snorkeling Scuba-diving
- Pleasure boating Water-skiing Jet-skiing Kayaking
- Net-fishing Trap fishing Spear fishing Fish collecting
- Bird watching Underwater photography Glass-bottom boating
- Sailing Other activities_____

8. Is your occupation affiliated with the marine environment/industry in the Florida Keys?

YES_____ NO_____

9. If YES, then please circle the industry that best fits your profession.

- | | |
|------------------------------|-----------------------|
| a. Commercial fishing | e. Watersports |
| b. Charterboat/flats fishing | f. Eco-tour operation |
| c. Dive/snorkel operation | g. Other_____ |
| d. Marina/boat operation | |

INFORMATION AND PERCEPTIONS

10. Please list the sources of information that you have received in the past on the FKNMS and rank the sources in terms of their usefulness.

SOURCE	Sources Used	RANK Sources
a. FKNMS website	_____	_____
b. FKNMS Staff	_____	_____
c. Sanctuary Advisory Council	_____	_____
d. FKNMS brochures/literature	_____	_____
e. FKNMS signage	_____	_____
f. Information in newspapers	_____	_____
g. Radio	_____	_____
h. TV	_____	_____
i. Word of mouth	_____	_____

For the next set of questions, I will ask you to provide and answer on a 1 to 5 scale, where 1 means Strongly agree, 2 means Moderately agree, 3 means Neutral, 4 means Moderately disagree and 5 means Strongly disagree.

11. The process that NOAA has used to develop rules and regulations for the FKNMS was open and fair to all groups.

1 2 3 4 5 I don't know

12. The process has used by NOAA to develop boundaries and regulations for the FKNMS zones¹ was open and fair to all groups.

1 2 3 4 5 I don't know

13. It has not mattered whether the average person participated in the workshops and meeting on the FKNMS because the average person could not influence the final decisions.

1 2 3 4 5 I don't know

14. NOAA has not address the concerns of local and state governments in developing rules and regulations for the FKNMS.

1 2 3 4 5 I don't know

15. NOAA has not address the concerns of individual citizens in developing rules and regulations for the FKNMS.

1 2 3 4 5 I don't know

16. Once that the FKNMS regulations have been in effect, there has been no way that the average person to voice his/her opinion on the usefulness of the regulations.

1 2 3 4 5 I don't know

17. The procedures that NOAA has established to deal with violations of FKNMS regulations have been fair and just.

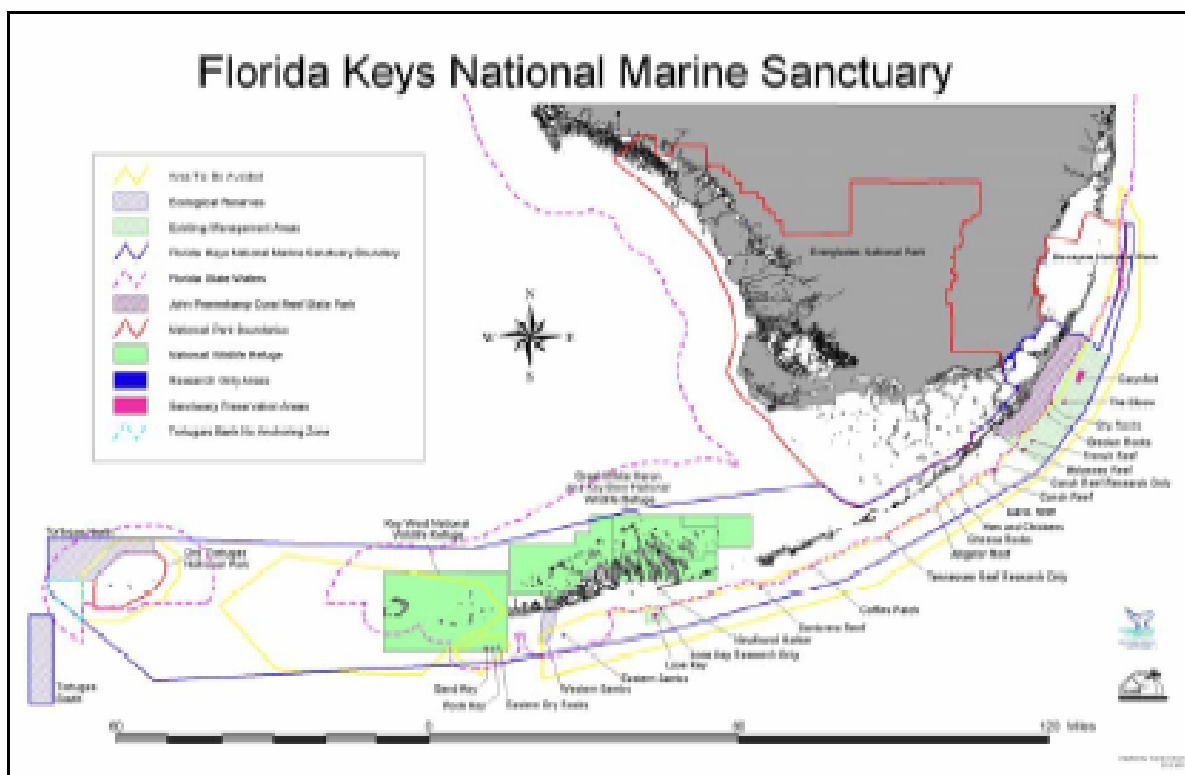
1 2 3 4 5 I don't know

There are five kinds of zones established within the FKNMS, and three of these zone types analyzed for this study are collectively referred to as 'FKNMS zones' in the survey. Zones allow different uses and are generally established for different purposes. Below, a short, general description for each of the three zone types is provided.

Sanctuary Preservation Areas, or SPAs, encompass discrete, biologically important areas and are designed to reduce user conflicts and sustain critical marine species and habitats. Regulations for SPAs are designed to limit consumptive activities while continuing to allow activities that do not threaten resource protection. There are 18 SPAs in the FKNMS.

Ecological Reserves, or ER, encompass large, contiguous, diverse habitats, in order to protect and enhance natural spawning, nursery, and permanent-residence areas for the replenishment and genetic protection of fish and other marine life. Regulations for Ecological Reserves are designed to meet the objectives of these zones by limiting consumptive activities while continuing to allow activities that do not threaten resource protection. Ecological Reserves therefore restrict all consumptive activities and allow non-consumptive activities only where such activities are compatible with resource protection. There are currently two Ecological Reserves in the Sanctuary, the Western Sambo Ecological Reserve and the Tortugas Ecological Reserve.

Wildlife Management Areas, or WMAs, include bird nesting, resting, or feeding areas, turtle-nesting beaches, and other sensitive habitats. Regulations are designed to protect these species or the habitat while providing for public use. Access restrictions will include no-access buffers, no-motor zones, idle-speed only/no-wake zones, and closed zones. Some restrictions will apply to time periods, others to areas. There are currently 27 WMAs, of which 7 are managed exclusively by the FKNMS (the FKNMS co-manages the others with the US Fish and Wildlife Service).



Question	ER	SPA	WMA
18. Which of the following represents the main purpose of FKNMS zones?			
a. Increasing overall fish stocks and biomass within the zones			
b. Increasing overall fish stocks and biomass outside the zones			
c. Conserving and protecting corals, fish, and other marine life inside the zones			
d. Resolving user group conflicts			
e. Supporting scientific research			
19. Which groups have most benefited from FKNMS zones?			
a. Commercial fishers			
b. Recreational/sport fishers			
c. Commercial dive operators			
d. Recreational (local and tourist) divers			
20. FKNMS zones have reduced conflicts between different user groups			
21. FKNMS zones have been effective in restoring coral reefs in the Florida Keys to what they used to be.			
22. I support the establishment of FKNMS zones as they are established currently.			
23. I support the establishment of FKNMS zones in the Upper Keys.			
24. I support the establishment of FKNMS zones in the Middle Keys.			
25. I support the establishment of FKNMS zones in the Lower Keys.			
26. I support the establishment of FKNMS zones in the Dry Tortugas.			
27. There should be more FKNMS zones in the Florida Keys.			

28. NOAA has made a positive contribution to the marine environment via the National Marine Sanctuary Program.

1 2 3 4 5 I don't know

29. The Florida Keys have benefited environmentally from the FKNMS.

1 2 3 4 5 I don't know

30. There has been a net economic benefit to the Florida Keys from the establishment of the FKNMS.

1 2 3 4 5 I don't know

31. I generally support the establishment of the FKNMS.

1 2 3 4 5 I don't know

32. Please rate the status/condition of the following resources by their status/condition since the implementation of the FKNMS, where 1 is much better and 5 is much worse.

a. Water quality	1	2	3	4	5	N/A
b. Land-based pollution/sewage	1	2	3	4	5	N/A
c. Sea-based pollution/marine debris	1	2	3	4	5	N/A
d. Coral reefs	1	2	3	4	5	N/A
e. Sea grasses	1	2	3	4	5	N/A
f. Fisheries	1	2	3	4	5	N/A
g. Mooring buoys	1	2	3	4	5	N/A
h. Fewer vessel groundings	1	2	3	4	5	N/A

For the following statement (Question 33), please circle your answer according to the following scale:

- 1 – Strongly agree
- 2 – Moderately agree
- 3 – Neutral
- 4 – Moderately disagree
- 5 – Strongly disagree

33. The FKNMS is mostly responsible for the status/condition of the resources that you rated in the previous question.

1 2 3 4 5 I don't know

34. In which area(s) has the FKNMS been a success?

35. In which area(s) has the FKNMS been least successful?

Use and views on FKNMS zones.

36. Do you use any of the FKNMS zones? YES NO N/A

- If YES, then which one(s)? _____

- If YES, then your use of the FKNMS zones since their establishment has:

INCREASED _____% SAME DECREASED _____%

37. Changes in FKNMS zones since their establishment:

	Better-----→	Worse	ER	SPA	WMA				
a. Water quality	1	2	3	4	5	N/A	_____	_____	_____
b. Number of fish	1	2	3	4	5	N/A	_____	_____	_____
c. Types of fish	1	2	3	4	5	N/A	_____	_____	_____
d. Amount of living coral	1	2	3	4	5	N/A	_____	_____	_____
e. Other marine life	1	2	3	4	5	N/A	_____	_____	_____
f. Crowding (too many people)	1	2	3	4	5	N/A	_____	_____	_____

Postcard Reminder

Dear Sir/Madam:

As part of a study effort concerning the effectiveness of the Florida Keys National Marine Sanctuary, we had sent you a survey with a postage-paid envelope in the last two weeks. If you have already mailed back the survey, we thank you for your participation; if you have not had the opportunity to do so yet, may we please request that you complete and mail us the survey, as your feedback is essential for the success of the study.

Thank you,

Thomas J. Murray

Post Card, 2-question survey (nonrespondents to full survey)

Dear Sir/Madam:

As part of a study effort concerning the effectiveness of the Florida Keys National Marine Sanctuary, we had sent you a survey with a postage-paid envelope a month ago. If you did not receive the survey and would wish to obtain a copy, please request one via telephone at 305-421-4608, via email at mshivlani@rsmas.miami.edu, or via mail through: Mr. Manoj Shivlani, University of Miami, 4600 Rickenbacker Causeway, Miami, FL 33149.

If you choose not to complete the full survey, we would greatly appreciate your answering the following two questions that are related to our study and will greatly assist us in completing our research. You can mail us back this letter in the postage-paid, return envelope provided.

Question 1

Which of the following includes your age? (Please circle the age group that contains your age)

18-30 31-40 41-50 51-60 over 60

Question 2

I generally support the establishment of the FKNMS. (Please circle your response)

- 1. Strongly agree*
- 2. Moderately agree*
- 3. Neutral*
- 4. Moderately disagree*
- 5. Strongly disagree*

Thank you for your help,

Thomas J. Murray

ATTACHMENT C

Authorities

National Marine Sanctuary Act

and

Florida Keys National Marine Sanctuary and Protection Act

THE NATIONAL MARINE SANCTUARIES ACT

16 U.S.C. 1431 ET. SEQ., as amended by Public Law 106-513

Sec. 301. FINDINGS, PURPOSES, AND POLICIES; ESTABLISHMENT OF SYSTEM.

(a) FINDINGS.--The Congress finds that--

(1) this Nation historically has recognized the importance of protecting special areas of its public domain, but these efforts have been directed almost exclusively to land areas above the high-water mark;

(2) certain areas of the marine environment possess conservation, recreational, ecological, historical, scientific, educational, cultural, archeological, or esthetic qualities which give them special national, and in some instances, international, significance;

(3) while the need to control the effects of particular activities has led to enactment of resource-specific legislation, these laws cannot in all cases provide a coordinated and comprehensive approach to the conservation and management of special areas of the marine environment; and

(4) a Federal program which establishes areas of the marine environment which have special conservation, recreational, ecological, historical, cultural, archeological, scientific, educational, or esthetic qualities as national marine sanctuaries managed as the National Marine Sanctuary System will--

(A) improve the conservation, understanding, management, and wise and sustainable use of marine resources;

(B) enhance public awareness, understanding, and appreciation of the marine environment; and

(C) maintain for future generations the habitat, and ecological services, of the natural assemblage of living resources that inhabit these areas.

(b) PURPOSES AND POLICIES.--The purposes and policies of this title are--

(1) to identify and designate as national marine sanctuaries areas of the marine environment which are of special national significance and to manage these areas as the National Marine Sanctuary System;

(2) to provide authority for comprehensive and coordinated conservation and management of these marine areas, and activities affecting them, in a manner which complements existing regulatory authorities;

(3) to maintain the natural biological communities in the national marine sanctuaries, and to protect, and, where appropriate, restore and enhance natural habitats, populations, and ecological processes;

(4) to enhance public awareness, understanding, appreciation, and wise and sustainable use of the marine environment, and the natural, historical, cultural, and archeological resources of the National Marine Sanctuary System;

(5) to support, promote, and coordinate scientific research on, and long-term monitoring of, the resources of these marine areas;

(6) to facilitate to the extent compatible with the primary objective of resource protection, all public and private uses of the resources of these marine areas not prohibited pursuant to other authorities;

(7) to develop and implement coordinated plans for the protection and management of these areas with appropriate Federal agencies, State and local governments, Native American tribes and organizations, international organizations, and other public and private interests concerned with the continuing health and resilience of these marine areas;

(8) to create models of, and incentives for, ways to conserve and manage these areas, including

the application of innovative management techniques; and
(9) to cooperate with global programs encouraging conservation of marine resources.

(c) ESTABLISHMENT OF SYSTEM.--There is established the National Marine Sanctuary System, which will consist of national marine sanctuaries designated by the Secretary in accordance with this title.

Sec. 302. DEFINITIONS As used in this title, the term--

(1) "Draft management plan" means the plan described in section 304(a)(1)(C)(v);

(2) "Magnuson-Stevens Act" means the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.);

(3) "marine environment" means those areas of coastal and ocean waters, the Great Lakes and their connecting waters, and submerged lands over which the United States exercises jurisdiction, including the exclusive economic zone, consistent with international law;

(4) "Secretary" means the Secretary of Commerce;

(5) "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, the Virgin Islands, Guam, and any other commonwealth, territory, or possession of the United States;

(6) "damages" includes--

(A) compensation for--

(i)(I) the cost of replacing, restoring, or acquiring the equivalent of a sanctuary resource; and (II) the value of the lost use of a sanctuary resource pending its restoration or replacement or the acquisition of an equivalent sanctuary resource; or

(ii) the value of a sanctuary resource if the sanctuary resource cannot be restored or replaced or if the equivalent of such resource cannot be acquired;

(B) the cost of damage assessments under section 312(b)(2);

(C) the reasonable cost of monitoring appropriate to the injured, restored, or replaced resources;

(D) the cost of curation and conservation of archeological, historical, and cultural sanctuary resources; and

(E) the cost of enforcement actions undertaken by the Secretary in response to the destruction or loss of, or injury to, a sanctuary resource;

(7) "response costs" means the costs of actions taken or authorized by the Secretary to minimize destruction or loss of, or injury to, sanctuary resources, or to minimize the imminent risks of such destruction, loss, or injury, including costs related to seizure forfeiture, storage, or disposal arising from liability under section 312;

(8) "sanctuary resource" means any living or nonliving resource of a national marine sanctuary that contributes to the conservation, recreational, ecological, historical, educational, cultural, archeological, scientific, or aesthetic value of the sanctuary;

(9) "exclusive economic zone" means the exclusive economic zone as defined in the Magnuson-Stevens Act; and

(10) 'System' means the National Marine Sanctuary System established by section 301.

Sec. 303. SANCTUARY DESIGNATION STANDARDS

(a) STANDARDS.--The Secretary will designate any discrete area of the marine environment as a national marine sanctuary and promulgate regulations implementing the designation if the Secretary determines that--

(1) the designation will fulfill the purposes and policies of this title;

(2) the area is of special national significance due to--

- (A) its conservation, recreational, ecological, historical, scientific, cultural, archeological, educational, or esthetic qualities;
- (B) the communities of living marine resources it harbors; or
- (C) its resource or human-use values;
- (3) existing State and Federal authorities are inadequate or should be supplemented to ensure coordinated and comprehensive conservation and management of the area, including resource protection, scientific research, and public education;
- (4) designation of the area as a national marine sanctuary will facilitate the objectives in subparagraph (3); and
- (5) the area is of a size and nature that will permit comprehensive and coordinated conservation and management.

(b) FACTORS AND CONSULTATIONS REQUIRED IN MAKING DETERMINATIONS AND FINDINGS.--

- (1) Factors.--For purposes of determining if an area of the marine environment meets the standards set forth in subsection (a), the Secretary will consider--
- (A) the area's natural resource and ecological qualities, including its contribution to biological productivity, maintenance of ecosystem structure, maintenance of ecologically or commercially important or threatened species or species assemblages, maintenance of critical habitat of endangered species, and the biogeographic representation of the site;
 - (B) the area's historical, cultural, archaeological, or paleontological significance;
 - (C) the present and potential uses of the area that depend on maintenance of the area's resources, including commercial and recreational fishing, subsistence uses other commercial and recreational activities, and research and education;
 - (D) the present and potential activities that will adversely affect the factors identified in subparagraphs (A), (B), (C);
 - (E) the existing State and Federal regulatory and management authorities applicable to the area and the adequacy of those authorities to fulfill the purposes and policies of this title;
 - (F) the manageability of the area, including such factors as its size, its ability to be identified as a discrete ecological unit with definable boundaries, its accessibility, and its suitability for monitoring and enforcement activities;
 - (G) the public benefits to be derived from sanctuary status, with emphasis on the benefits of long-term protection of nationally significant resources, vital habitats, and resources which generate tourism;
 - (H) the negative impacts produced by management restrictions on income-generating activities such as living and nonliving resources development;
 - (I) the socioeconomic effects of sanctuary designation;
 - (J) the area's scientific value and value for monitoring the resources and natural processes that occur there;
 - (K) the feasibility, where appropriate, of employing innovative management approaches to protect sanctuary resources or to manage compatible uses; and
 - (L) the value of the area as an addition to the System.

(2) Consultation.--In making determinations and findings, the Secretary will consult with--

- (A) the Committee on Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate;
- (B) the Secretaries of State, Defense, Transportation, and the Interior, the Administrator, and the heads of other interested Federal agencies;
- (C) the responsible officials or relevant agency heads of the appropriate State and local government entities, including coastal zone management agencies, that will or are likely to be affected by the establishment of the area as a national marine sanctuary;

- (D) the appropriate officials of any Regional Fishery Management Council established by section 302 of the Magnuson-Stevens Act (16 U.S.C. 1852) that will be affected by the proposed designation; and
- (E) other interested persons.

Sec. 304. PROCEDURES FOR DESIGNATION AND IMPLEMENTATION

(a) SANCTUARY PROPOSAL.--

(1) Notice.--In proposing to designate a national marine sanctuary, the Secretary will--

- (A) issue, in the Federal Register, a notice of the proposal, proposed regulations that will be necessary and reasonable to implement the proposal, and a summary of the draft management plan;
- (B) provide notice of the proposal in newspapers of general circulation or electronic media in the communities that will be affected by the proposal; and
- (C) no later than the day on which the notice required under subparagraph (A) is submitted to Office of the Federal Register, submit a copy of that notice and the draft sanctuary designation documents prepared pursuant to section 304(a)(2), including an executive summary, to the Committee on Resources of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Governor of each State in which any part of the proposed sanctuary would be located.

(2) Sanctuary Designation Documents.- The Secretary will prepare and make available to the public sanctuary designation documents on the proposal that include the following:

(A) A draft environmental impact statement pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(B) A resource assessment that documents--

- (i) present and potential uses of the area, including commercial and recreational fishing, research and education, minerals and energy development, subsistence uses, and other commercial, governmental, or recreational uses;
- (ii) after consultation with the Secretary of the Interior, any commercial, governmental, or recreational resource uses in the areas that are subject to the primary jurisdiction of the Department of the Interior; and
- (iii) information prepared in consultation with the Secretary of Defense, the Secretary of Energy, and the Administrator of the Environmental Protection Agency, on any past, present, or proposed future disposal or discharge of materials in the vicinity of the proposed sanctuary. Public disclosure by the Secretary of such information will be consistent with national security regulations.

(C) A draft management plan for the proposed national marine sanctuary that includes the following:

- (i) The terms of the proposed designation.
- (ii) Proposed mechanisms to coordinate existing regulatory and management authorities within the area.
- (iii) The proposed goals and objectives, management responsibilities, resource studies, and appropriate strategies for managing sanctuary resources of the proposed sanctuary, including interpretation and education, innovative management strategies, research, monitoring and assessment, resource protection, restoration, enforcement, and surveillance activities.

(iv) An evaluation of the advantages of cooperative State and Federal management if all or part of the proposed sanctuary is within the territorial limits of any State or is superjacent to the subsoil and seabed within the seaward boundary of a State, as that boundary is established under the Submerged Lands Act (43 U.S.C. 1301 et seq.).

(v) An estimate of the annual cost to the Federal Government of the proposed designation, including costs of personnel, equipment and facilities, enforcement, research, and public education.

(vi) The proposed regulations referred to in paragraph (1)(A).

(D) Maps depicting the boundaries of the proposed sanctuary.

(E) The basis for the determinations made under section 303(a) with respect to the area.

(F) An assessment of the considerations under section 303(b)(1).

(3) Public Hearing.--No sooner than thirty days after issuing a notice under this subsection, the Secretary will hold at least one public hearing in the coastal area or areas that will be most affected by the proposed designation of the area as a national marine sanctuary for the purpose of receiving the views of interested parties.

(4) Terms of Designation.--The terms of designation of a sanctuary will include the geographic area proposed to be included within the sanctuary, the characteristics of the area that give it conservation, recreational, ecological, historical, research, educational, or esthetic value, and the types of activities that will be subject to regulation by the Secretary to protect those characteristics. The terms of designation will be modified only by the same procedures by which the original designation is made.

(5) Fishing Regulations.--The Secretary will provide the appropriate Regional Fishery Management Council with the opportunity to prepare draft regulations for fishing within the Exclusive Economic Zone as the Council will deem necessary to implement the proposed designation. Draft regulations prepared by the Council, or a Council determination that regulations are not necessary pursuant to this paragraph, will be accepted and issued as proposed regulations by the Secretary unless the Secretary finds that the Council's action fails to fulfill the purposes and policies of this title and the goals and objectives of the proposed designation. In preparing the draft regulations, a Regional Fishery Management Council will use as guidance the national standards of section 301(a) of the Magnuson-Stevens Act (16 U.S.C. 1851) to the extent that the standards are consistent and compatible with the goals and objectives of the proposed designation. The Secretary will prepare the fishing regulations, if the Council declines to make a determination with respect to the need for regulations, makes a determination which is rejected by the Secretary, or fails to prepare the draft regulations in a timely manner. Any amendments to the fishing regulations will be drafted, approved, and issued in the same manner as the original regulations. The Secretary will also cooperate with other appropriate fishery management authorities with rights or responsibilities within a proposed sanctuary at the earliest practicable stage in drafting any sanctuary fishing regulations.

(6) Committee Action.--After receiving the documents under subsection (a)(1)(C), the Committee on Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate will each hold hearings on the proposed designation and on the matters set forth in the documents. If within the forty-five day period of continuous session of

Congress beginning on the date of submission of the documents, either Committee issues a report concerning matters addressed in the documents, the Secretary will consider this report before publishing a notice to designate the national marine sanctuary.

(b) TAKING EFFECT OF DESIGNATIONS.--

(1) Notice.--In designating a national marine sanctuary, the Secretary will publish in the Federal Register notice of the designation together with final regulations to implement the designation and any other matters required by law, and submit such notice to the Congress. The Secretary

will advise the public of the availability of the final management plan and the final environmental impact statement with respect to such sanctuary. The Secretary will issue a notice of designation with respect to a proposed national marine sanctuary site not later than 30 months after the date a notice declaring the site to be an active candidate for sanctuary designation is published in the Federal Register under regulations issued under this Act, or will publish not later than such date in the Federal Register findings regarding why such notice has not been published. No notice of designation will occur until the expiration of the period for Committee action under subsection (a)(6). The designation (and any of its terms not disapproved under this subsection) and regulations will take effect and become final after the close of a review period of forty-five days of continuous session of Congress beginning on the day on which such notice is published unless in the case of a natural [sic] marine sanctuary that is located partially or entirely within the seaward boundary of any State, the Governor affected certifies to the Secretary that the designation or any of its terms is unacceptable, in which case the designation or the unacceptable term will not take effect in the area of the sanctuary lying within the seaward boundary of the State.

(2) **Withdrawal of Designation.**-- If the Secretary considers that actions taken under paragraph (1) will affect the designation of a national marine sanctuary in a manner that the goals and objectives of the sanctuary or System cannot be fulfilled, the Secretary will withdraw the entire designation. If the Secretary does not withdraw the designation, only those terms of the designation or not certified under paragraph (1) will take effect.

(3) **Procedures.**-- In computing the forty-five-day periods of continuous session of Congress pursuant to subsection (a)(6) and paragraph (1) of this subsection--

(A) continuity of session is broken only by an adjournment of Congress sine die; and

(B) the days on which either House of Congress is not in session because of an adjournment of more than three days to a day certain are excluded.

(c) **ACCESS AND VALID RIGHTS.**--

(1) Nothing in this title will be construed as terminating or granting to the Secretary the right to terminate any valid lease, permit, license, or right of subsistence use or of access that is in existence on the date of designation of any national marine sanctuary.

(2) The exercise of a lease, permit, license, or right is subject to regulation by the Secretary consistent with the purposes for which the sanctuary is designated.

(d) **INTERAGENCY COOPERATION.**--

(1) **Review of Agency Actions.**--

(A) **In General.**--Federal agency actions internal or external to a national marine sanctuary, including private activities authorized by licenses, leases, or permits, that are likely to destroy, cause the loss of, or injure any sanctuary resource are subject to consultation with the Secretary.

(B) **Agency Statements Required.**-- Subject to any regulations the Secretary will establish each Federal agency proposing an action described in subparagraph (A) will provide the Secretary with a written statement describing the action and its potential effects on sanctuary resources at the earliest practicable time, but in no case later than 45 days before the final approval of the action unless such Federal agency and the Secretary agree to a different schedule.

(2) **Secretary's Recommended Alternatives.**--If the Secretary finds that a Federal agency action is likely to destroy, cause the loss of, or injure a sanctuary resource, the Secretary will (within 45 days of receipt of complete information on the proposed agency action) recommend reasonable and prudent alternatives, which will include conduct of the action elsewhere, which can be taken by the Federal agency in implementing the agency action that will protect sanctuary resources.

(3) **Response to Recommendations.**--The agency head who receives the Secretary's recommended alternatives under paragraph (2) will promptly consult with the Secretary on the alternatives. If the agency head decides not to follow the alternatives, the agency head will provide the Secretary with a written statement explaining the reasons for that decision.

(4) FAILURE TO FOLLOW ALTERNATIVE.- If the head of a Federal agency takes an action other than an alternative recommended by the Secretary and such action results in the destruction of, loss of, or injury to a sanctuary resource, the head of the agency will promptly prevent and mitigate further damage and restore or replace the sanctuary resource in a manner approved by the Secretary.

(e) REVIEW OF MANAGEMENT PLANS.--Not more than 5 years after the date of designation of any national marine sanctuary, and thereafter at intervals not exceeding 5 years, the Secretary will evaluate the substantive progress toward implementing the management plan and goals for the sanctuary, especially the effectiveness of site-specific management techniques and strategies, and will revise the management plan and regulations as necessary to fulfill the purposes and policies of this title. This review will include a prioritization of management objectives.

(f) LIMITATION ON DESIGNATION OF NEW SANCTUARIES.-

(1) FINDING REQUIRED.- The Secretary will not publish in the Federal Register any sanctuary designation notice or regulations proposing to designate a new sanctuary, unless the Secretary has published a finding that--

(A) the addition of a new sanctuary will not have a negative impact on the System; and

(B) sufficient resources were available in the fiscal year in which the finding is made to--

(i) effectively implement sanctuary management plans for each sanctuary in the System; and

(ii) complete site characterization studies and inventory known sanctuary resources, including cultural resources, for each sanctuary in the System within 10 years after the date that the finding is made if the resources available for those activities are maintained at the same level for each fiscal year in that 10 year period.

(2) DEADLINE- If the Secretary does not submit the findings required by paragraph (1) before February 1, 2004, the Secretary will submit to the Congress before October 1, 2004, a finding with respect to whether the requirements of subparagraphs (A) and (B) of paragraph 1 have been met by all existing sanctuaries.

(3) LIMITATION ON APPLICATION- Paragraph (1) does not apply to any sanctuary designation documents for--

(A) a Thunder Bay National Marine Sanctuary; or

(B) a Northwestern Hawaiian Islands National Marine Sanctuary.

Sec. 305. APPLICATION OF REGULATIONS AND INTERNATIONAL NEGOTIATIONS

(a) REGULATIONS.--This title and the regulations issued under section 304 will be applied in accordance with generally recognized principles of international law, and in accordance with the treaties, conventions, and other agreements to which the United States is a party. No regulation will apply to or be enforced against a person who is not a citizen, national, or resident alien of the United States, unless in accordance with--

(1) generally recognized principles of international law;

(2) an agreement between the United States and the foreign state of which the person is a citizen; or

(3) an agreement between the United States and the flag state of a foreign vessel, if the person is a crewmember of the vessel.

(b) NEGOTIATIONS.--The Secretary of State, in consultation with the Secretary, will take appropriate action to enter into negotiations with other governments to make necessary arrangements for the protection of any national marine sanctuary and to promote the purposes for which the sanctuary is established.

(c) INTERNATIONAL COOPERATION.--The Secretary, in consultation with the Secretary of State and other appropriate Federal agencies, will cooperate with other governments and international organizations in the furtherance of the purposes and policies of this title and

consistent with applicable regional and multilateral arrangements for the protection and management of special marine areas.

Sec. 306. PROHIBITED ACTIVITIES

It is unlawful for any person to--

- (1) destroy, cause the loss of, or injure any sanctuary resource managed under law or regulations for that sanctuary;
- (2) possess, sell, offer for sale, purchase, import, export, deliver, carry, transport, or ship by any means any sanctuary resource taken in violation of this section;
- (3) interfere with the enforcement of this title by--

(A) refusing to permit any officer authorized to enforce this title to board a vessel, other than a vessel operated by the Department of Defense or United States Coast Guard, subject to such person's control for the purposes of conducting any search or inspection in connection with the enforcement of this title;

(B) resisting, opposing, impeding, intimidating, harassing, bribing, interfering with, or forcibly assaulting any person authorized by the Secretary to implement this title or any such authorized officer in the conduct of any search or inspection performed under this title; or

(C) knowingly and willfully submitting false information to the Secretary or any officer authorized to enforce this title in connection with any search or inspection conducted under this title; or

(4) violate any provision of this title or any regulation or permit issued pursuant to this title.

Sec. 307. ENFORCEMENT

(a) IN GENERAL.--The Secretary will conduct such enforcement activities as are necessary and reasonable to carry out this title.

(b) POWERS OF AUTHORIZED OFFICERS.--Any person who is authorized to enforce this title will--

(1) board, search, inspect, and seize any vessel suspected of being used to violate this title or any regulation or permit issued under this title and any equipment, stores, and cargo of such vessel;

(2) seize wherever found any sanctuary resource taken or retained in violation of this title or any regulation or permit issued under this title;

(3) seize any evidence of a violation of this title or of any regulation or permit issued under this title;

(4) execute any warrant or other process issued by any court of competent jurisdiction;

(5) exercise any other lawful authority; and

(6) arrest any person, if there is reasonable cause to believe that such a person has committed an act prohibited by section 306(3).

(c) CRIMINAL OFFENSES--

(1) OFFENSES.- A person is guilty of an offense under this subsection if the person commits any act prohibited by section 306(3).

(2) PUNISHMENT.- Any person that is guilty of an offense under this subsection--

(A) except as provided in subparagraph (B), will be fined under title 18, United States Code, imprisoned for not more than 6 months, or both; or

(B) in the case of a person who in the commission of such an offense uses a dangerous weapon, engages in conduct that causes bodily injury to any person authorized to enforce this title or any person authorized to implement the provisions of this title, or places any such person in fear of imminent bodily injury, will be fined under title 18, United States Code, imprisoned for not more

than 10 years, or both.

(d) CIVIL PENALTIES.--

(1) Civil penalty.--Any person subject to the jurisdiction of the United States who violates this title or any regulation or permit issued under this title will be liable to the United States for a civil penalty of not more than \$100,000 for each such violation, to be assessed by the Secretary. Each day of a continuing violation will constitute a separate violation.

(2) Notice.--No penalty will be assessed under this subsection until after the person charged has been given notice and an opportunity for a hearing.

(3) In Rem Jurisdiction.--A vessel used in violating this title or any regulation or permit issued under this title will be liable in rem for any civil penalty assessed for such violation. Such penalty will constitute a maritime lien on the vessel and will be recovered in an action in rem in the district court of the United States having jurisdiction over the vessel.

(4) Review of Civil Penalty.--Any person against whom a civil penalty is assessed under this subsection will obtain review in the United States district court for the appropriate district by filing a complaint in such court not later than 30 days after the date of such order.

(5) Collection of Penalties.--If any person fails to pay an assessment of a civil penalty under this section after it has become a final and unappealable order, or after the appropriate court has entered final judgment in favor of the Secretary, the Secretary will refer the matter to the Attorney General, who will recover the amount assessed in any appropriate district court of the United States. In such action, the validity and appropriateness of the final order imposing the civil penalty will not be subject to review.

(6) Compromise or Other Action by Secretary.--The Secretary will compromise, modify, or remit, with or without conditions, any civil penalty which is or will be imposed under this section.

(e) FORFEITURE.--

(1) In General.--Any vessel (including the vessel's equipment, stores, and cargo) and other item used, and any sanctuary resource taken or retained, in any manner, in connection with or as a result of any violation of this title or of any regulation or permit issued under this title will be subject to forfeiture to the United States pursuant to a civil proceeding under this subsection. The proceeds from forfeiture actions under this subsection will constitute a separate recovery in addition to any amounts recovered as civil penalties under this section or as civil damages under section 312. None of those proceeds will be subject to set-off.

(2) Application of the Customs Laws.--The Secretary will exercise the authority of any United States official granted by any relevant customs law relating to the seizure, forfeiture, condemnation, disposition, remission, and mitigation of property in enforcing this title.

(3) Disposal of Sanctuary Resources.--Any sanctuary resource seized pursuant to this title will be disposed of pursuant to an order of the appropriate court or, if perishable, in a manner prescribed by regulations promulgated by the Secretary. Any proceeds from the sale of such sanctuary resource will for all purposes represent the sanctuary resource so disposed of in any subsequent legal proceedings.

(4) Presumption.--For the purposes of this section there is a rebuttable presumption that all sanctuary resources found on board a vessel that is used or seized in connection with a violation of this title or of any regulation or permit issued under this title were taken or retained in violation of this title or of a regulation or permit issued under this title.

(f) PAYMENT OF STORAGE, CARE, AND OTHER COSTS.--

(1) Expenditures.--

(A) Notwithstanding any other law, amounts received by the United States as civil penalties, forfeitures of property, and costs imposed under paragraph (2) will be retained by the Secretary in the manner provided for in section 107(f)(1) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980.

(B) Amounts received under this section for forfeitures and costs imposed under paragraph

(2) will be used to pay the reasonable and necessary costs incurred by the Secretary to provide temporary storage, care, maintenance, and disposal of any sanctuary resource or other property seized in connection with a violation of this title or any regulation or permit issued under this title.

(C) Amounts received under this section as civil penalties and any amounts remaining after the operation of subparagraph (B) will be used, in order of priority, to--

(i) manage and improve the national marine sanctuary with respect to which the violation occurred that resulted in the penalty or forfeiture;

(ii) pay a reward to any person who furnishes information leading to an assessment of a civil penalty, or to a forfeiture of property, for a violation of this title or any regulation or permit issued under this title; and

(iii) manage and improve any other national marine sanctuary.

(2) Liability for Costs.--Any person assessed a civil penalty for a violation of this title or of any regulation or permit issued under this title, and any claimant in a forfeiture action brought for such a violation, will be liable for the reasonable costs incurred by the Secretary in storage, care, and maintenance of any sanctuary resource or other property seized in connection with the violation.

(g) SUBPOENAS.--In the case of any hearing under this section which is determined on the record in accordance with the procedures provided for under section 554 of title 5, United States Code, the Secretary will issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, electronic files, and documents, and will administer oaths.

(h) USE OF RESOURCES OF STATE AND OTHER FEDERAL AGENCIES.—The Secretary will, whenever appropriate, use by agreement the personnel, services, and facilities of State and other Federal departments, agencies, and instrumentalities, on a reimbursable or nonreimbursable basis, to carry out the Secretary's responsibilities under this section.

(i) COAST GUARD AUTHORITY NOT LIMITED.--Nothing in this section will be considered to limit the authority of the Coast Guard to enforce this or any other Federal law under section 89 of title 14, United States Code.

(j) INJUNCTIVE RELIEF.--If the Secretary determines that there is an imminent risk of destruction or loss of or injury to a sanctuary resource, or that there has been actual destruction or loss of, or injury to, a sanctuary resource which will give rise to liability under section 312, the Attorney General, upon request of the Secretary, will seek to obtain such relief as will be necessary to abate such risk or actual destruction, loss, or injury, or to restore or replace the sanctuary resource, or both. The district courts of the United States will have jurisdiction in such a case to order such relief as the public interest and the equities of the case will require.

(k) AREA OF APPLICATION AND ENFORCEABILITY.--The area of application and enforceability of this title includes the territorial sea of the United States, as described in Presidential Proclamation 5928 of December 27, 1988, which is subject to the sovereignty of the United States, and the United States exclusive economic zone, consistent with international law.

(l) NATIONWIDE SERVICE OF PROCESS.- In any action by the United States under this title, process will be served in any district where the defendant is found, resides, transacts business, or has appointed an agent for the service of process.

SEC. 308. REGULATIONS.

The Secretary will issue such regulations as will be necessary to carry out this title.

Sec. 309. RESEARCH, MONITORING, AND EDUCATION.

(a) IN GENERAL.- The Secretary will conduct, support, or coordinate research, monitoring, evaluation, and education programs consistent with subsections (b) and (c) and the purposes and policies of this title.

(b) RESEARCH AND MONITORING.-

(1) IN GENERAL.- The Secretary will--

(A) support, promote, and coordinate research on, and long-term monitoring of, sanctuary resources and natural processes that occur in national marine sanctuaries, including exploration, mapping, and environmental and socioeconomic assessment;

(B) develop and test methods to enhance degraded habitats or restore damaged, injured, or lost sanctuary resources; and

(C) support, promote, and coordinate research on, and the conservation, curation, and public display of, the cultural, archeological, and historical resources of national marine sanctuaries.

(2) AVAILABILITY OF RESULTS.- The results of research and monitoring conducted, supported, or permitted by the Secretary under this subsection will be made available to the public.

(c) EDUCATION-

(1) IN GENERAL.- The Secretary will support, promote, and coordinate efforts to enhance public awareness, understanding, and appreciation of national marine sanctuaries and the System. Efforts supported, promoted, or coordinated under this subsection must emphasize the conservation goals and sustainable public uses of national marine sanctuaries and the System.

(2) EDUCATIONAL ACTIVITIES.- Activities under this subsection will include education of the general public, teachers, students, national marine sanctuary users, and ocean and coastal resource managers.

(d) INTERPRETIVE FACILITIES.-

(1) IN GENERAL.- The Secretary will develop interpretive facilities near any national marine sanctuary.

(2) FACILITY REQUIREMENT.- Any facility developed under this subsection must emphasize the conservation goals and sustainable public uses of national marine sanctuaries by providing the public with information about the conservation, recreational, ecological, historical, cultural, archeological, scientific, educational, or esthetic qualities of the national marine sanctuary.

(e) CONSULTATION AND COORDINATION.- In conducting, supporting, and coordinating research, monitoring, evaluation, and education programs under subsection (a) and developing interpretive facilities under subsection (d), the Secretary will consult or coordinate with Federal, interstate, or regional agencies, States or local governments.

Sec. 310. SPECIAL USE PERMITS

(a) ISSUANCE OF PERMITS.--The Secretary will issue special use permits which authorize the conduct of specific activities in a national marine sanctuary if the Secretary determines 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.

(b) PUBLIC NOTICE REQUIRED.- The Secretary will provide appropriate public notice before identifying any category of activity subject to a special use permit under subsection (a).

(c) PERMIT TERMS.--A permit issued under this section--

(1) will 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;

(2) will not authorize the conduct of any activity for a period of more than 5 years unless renewed by the Secretary;

(3) will 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

(4) will 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.

(d) FEES.--

(1) Assessment and Collection.--The Secretary will assess and collect fees for the conduct of any activity under a permit issued under this section.

(2) Amount.--The amount of a fee under this subsection will be equal to the sum of--

(A) costs incurred, or expected to be incurred, by the Secretary in issuing the permit;

(B) 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 which represents the fair market value of the use of the sanctuary resource.

(3) Use of Fees.--Amounts collected by the Secretary in the form of fees under this section will be used by the Secretary--

(A) for issuing and administering permits under this section; and

(B) for expenses of managing national marine sanctuaries.

(4) WAIVER OR REDUCTION OF FEES.- The Secretary will accept in-kind contributions in lieu of a fee under paragraph (2)(C), or waive or reduce any fee assessed under this subsection for any activity that does not derive a profit from the access to or use of sanctuary resources.

(e) VIOLATIONS.--Upon violation of a term or condition of a permit issued under this section, the Secretary will--

(1) suspend or revoke the permit without compensation to the permittee and without liability to the United States;

(2) assess a civil penalty in accordance with section 307; or

(3) both.

(f) REPORTS.--Each person issued a permit under this section will submit an annual report to the Secretary not later than December 31 of each year which describes activities conducted under that permit and revenues derived from such activities during the year.

(g) FISHING.--Nothing in this section will be considered to require a person to obtain a permit under this section for the conduct of any fishing activities in a national marine sanctuary.

Sec. 311. COOPERATIVE AGREEMENTS, DONATIONS, AND ACQUISITIONS

(a) AGREEMENTS AND GRANTS- The Secretary will enter into cooperative agreements, contracts, or other agreements with, or make grants to, States, local governments, regional agencies, interstate agencies, or other persons to carry out the purposes and policies of this title.

(b) AUTHORIZATION TO SOLICIT DONATIONS.--The Secretary will enter into such agreements with any nonprofit organization authorizing the organization to solicit private donations to carry out the purposes and policies of this title.

(c) DONATIONS.--The Secretary will accept donations of funds, property, and services for use in designating and administering national marine sanctuaries under this title. Donations accepted under this section will be considered as a gift or bequest to or for the use of the United States.

(d) ACQUISITIONS.--The Secretary will acquire by purchase, lease, or exchange, any land, facilities, or other property necessary and appropriate to carry out the purposes and policies of this title

(e) USE OF RESOURCES OF OTHER GOVERNMENT AGENCIES.- The Secretary will, whenever appropriate, enter into an agreement with a State or other Federal agency to use the personnel, services, or facilities of such agency on a reimbursable or nonreimbursable basis, to assist in carrying out the purposes and policies of this title.

(f) **AUTHORITY TO OBTAIN GRANTS.**- Notwithstanding any other provision of law that prohibits a Federal agency from receiving assistance, the Secretary will apply for, accept, and use grants from other Federal agencies, States, local governments, regional agencies, interstate agencies, foundations, or other persons, to carry out the purposes and policies of this title.

Sec. 312. DESTRUCTION OR LOSS OF, OR INJURY TO, SANCTUARY RESOURCES

(a) LIABILITY FOR INTEREST.--

(1) **Liability to UNITED STATES.**--Any person who destroys, causes the loss of, or injures any sanctuary resource is liable to the United States for an amount equal to the sum of--
(A) the amount of response costs and damages resulting from the destruction, loss, or injury; and
(B) interests on that amount calculated in the manner described under section 1005 of the Oil Pollution Act of 1990.

(2) **Liability In Rem.**--Any vessel used to destroy, cause the loss of, or injure any sanctuary resource will be liable in rem to the United States for response costs and damages resulting from such destruction, loss, or injury. The amount of that liability will constitute a maritime lien on the vessel and will be recovered in an action in rem in the district court of the United States having jurisdiction over the vessel.

(3) **Defenses.**--A person is not liable under this subsection if that person establishes that--
(A) the destruction or loss of, or injury to, the sanctuary resource was caused solely by an act of God, an act of war, or an act or omission of a third party, and the person acted with due care;
(B) the destruction, loss, or injury was caused by an activity authorized by Federal or State law;
or
(C) the destruction, loss, or injury was negligible.

(4) **Limits to Liability.**-- Nothing in sections 4281-4289 of the Revised Statutes of the United States or section 3 of the Act of February 13, 1893, will limit the liability of any person under this title.

(b) RESPONSE ACTIONS AND DAMAGE ASSESSMENT.-

(1) **Response Actions.**--The Secretary will undertake or authorize all necessary actions to prevent or minimize the destruction or loss of, or injury to, sanctuary resources, or to minimize the imminent risk of such destruction, loss, or injury.

(2) **Damage Assessment.**--The Secretary will assess damages to sanctuary resources in accordance with section 302(6).

(c) CIVIL ACTIONS FOR RESPONSE COSTS AND DAMAGES.—

(1) The Attorney General, upon request of the Secretary, will commence a civil action against any person or vessel who will be liable under subsection (a) for response costs and damages. The Secretary, acting as trustee for sanctuary resources for the United States, will submit a request for such an action to the Attorney General whenever a person will be liable for such costs or damages.

(2) An action under this subsection will be brought in the United States district court for any district in which-

(A) the defendant is located, resides, or is doing business, in the case of an action against a person;

(B) the vessel is located, in the case of an action against a vessel; or

(C) the destruction of, loss of, or injury to a sanctuary resource occurred.

(d) **USE OF RECOVERED AMOUNTS.**--Response costs and damages recovered by the Secretary under this section will be retained by the Secretary in the manner provided for in section 107(f)(1) of the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 9607(f)(1)), and used as follows:

(1) RESPONSE COSTS.- Amounts recovered by the United States for costs of response actions and damage assessments under this section will be used, as the Secretary considers appropriate--

(A) to reimburse the Secretary or any other Federal or State agency that conducted those activities; and

(B) after reimbursement of such costs, to restore, replace, or acquire the equivalent of any sanctuary resource.

(2) OTHER AMOUNTS.- All other amounts recovered will be used, in order of priority--

(A) to restore, replace, or acquire the equivalent of the sanctuary resources that were the subject of the action, including for costs of monitoring and the costs of curation and conservation of archeological, historical, and cultural sanctuary resources;

(B) to restore degraded sanctuary resources of the national marine sanctuary that was the subject of the action, giving priority to sanctuary resources and habitats that are comparable to the sanctuary resources that were the subject of the action; and

(C) to restore degraded sanctuary resources of other national marine sanctuaries.

(3) Federal-State Coordination.--Amounts recovered under this section with respect to sanctuary resources lying within the jurisdiction of a State will be used under paragraphs (2)(A) and (B) in accordance with the court decree or settlement agreement and an agreement entered into by the Secretary and the Governor of that State.

(e) STATUTE OF LIMITATIONS- An action for response costs or damages under subsection (c) will be barred unless the complaint is filed within 3 years after the date on which the Secretary completes a damage assessment and restoration plan for the sanctuary resources to which the action relates.

SEC. 313. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary--

(1) to carry out this title--

(A) \$32,000,000 for fiscal year 2001;

(B) \$34,000,000 for fiscal year 2002;

(C) \$36,000,000 for fiscal year 2003;

(D) \$38,000,000 for fiscal year 2004;

(E) \$40,000,000 for fiscal year 2005; and

(2) for construction projects at national marine sanctuaries, \$6,000,000 for each of fiscal years 2001, 2002, 2003, 2004, and 2005.

Sec. 314. U.S.S. MONITOR ARTIFACTS AND MATERIALS

(a) CONGRESSIONAL POLICY. -- In recognition of the historical significance of the wreck of the United States ship Monitor to coastal North Carolina and to the area off the coast of North Carolina known as the Graveyard of the Atlantic, the Congress directs that a suitable display of artifacts and materials from the United States ship Monitor be maintained permanently at an appropriate site in coastal North Carolina. [P.L. 102-587 authorized a grant for the acquisition of space in Hatteras Village, NC, for display of artifacts and administration and operations of the Monitor National Marine Sanctuary.

(b) DISCLAIMER. --This section will not affect the following:

(1) Responsibilities Of Secretary.--The responsibilities of the Secretary to provide for the protection, conservation, and display of artifacts and materials from the United States ship Monitor.

(2) Authority Of Secretary.--The authority of the Secretary to designate the Mariner's Museum,

located at Newport News, Virginia, as the principal museum for coordination of activities referred to in paragraph (1).

Sec. 315. ADVISORY COUNCILS

(a) ESTABLISHMENT.--The Secretary will establish one or more advisory councils (in this section referred to as an 'Advisory Council') to advise and make recommendations to the Secretary regarding the designation and management of national marine sanctuaries. The Advisory Councils will be exempt from the Federal Advisory Committee Act.

(b) MEMBERSHIP.--Members of the Advisory Councils will be appointed from among--

(1) persons employed by Federal or State agencies with expertise in management of natural resources;

(2) members of relevant Regional Fishery Management Councils established under section 302 of the Magnuson-Stevens Act; and

(3) representatives of local user groups, conservation and other public interest organizations, scientific organizations, educational organizations, or others interested in the protection and multiple use management of sanctuary resources.

(c) LIMITS ON MEMBERSHIP.--For sanctuaries designated after the date of enactment of the National Marine Sanctuaries Program Amendments Act of 1992, the membership of Advisory Councils will be limited to no more than 15 members.

(d) STAFFING AND ASSISTANCE.--The Secretary will make available to an Advisory Council any staff, information, administrative services, or assistance the Secretary determines are reasonably required to enable the Advisory Council to carry out its functions.

(e) PUBLIC PARTICIPATION AND PROCEDURAL MATTERS.--The following guidelines apply with respect to the conduct of business meetings of an Advisory Council:

(1) Each meeting will be open to the public, and interested persons will be permitted to present oral or written statements on items on the agenda.

(2) Emergency meetings will be held at the call of the chairman or presiding officer.

(3) Timely notice of each meeting, including the time, place, and agenda of the meeting, will be published locally and in the Federal Register, except that in the case of a meeting of an Advisory Council established to provide assistance regarding any individual national marine sanctuary the notice is not required to be published in the Federal Register.

(4) Minutes of each meeting will be kept and contain a summary of the attendees and matters discussed.

Sec. 316. ENHANCING SUPPORT FOR NATIONAL MARINE SANCTUARIES

(a) AUTHORITY.- The Secretary will establish a program consisting of--

(1) the creation, adoption, and publication in the Federal Register by the Secretary of a symbol for the national marine sanctuary program, or for individual national marine sanctuaries or the System;

(2) the solicitation of persons to be designated as official sponsors of the national marine sanctuary program or of individual national marine sanctuaries;

(3) the designation of persons by the Secretary as official sponsors of the national marine sanctuary program or of individual sanctuaries;

(4) the authorization by the Secretary of the manufacture, reproduction, or other use of any symbol published under paragraph (1), including the sale of items bearing such a symbol, by official sponsors of the national marine sanctuary program or of individual national marine sanctuaries;

(5) the creation, marketing, and selling of products to promote the national marine sanctuary program, and entering into exclusive or nonexclusive agreements authorizing entities to create, market or sell on the Secretary's behalf;

(6) the solicitation and collection by the Secretary of monetary or in-kind contributions from official sponsors for the manufacture, reproduction or use of the symbols published under paragraph (1);

(7) the retention of any monetary or in-kind contributions collected under paragraphs (5) and (6) by the Secretary; and
(8) the expenditure and use of any monetary and in-kind contributions, without appropriation, by the Secretary to designate and manage national marine sanctuaries.

Monetary and in-kind contributions raised through the sale, marketing, or use of symbols and products related to an individual national marine sanctuary will be used to support that sanctuary.

(b) **CONTRACT AUTHORITY.**-- The Secretary will contract with any person for the creation of symbols or the solicitation of official sponsors under subsection (a).

(c) **RESTRICTIONS.**-- The Secretary will restrict the use of the symbols published under subsection (a), and the designation of official sponsors of the national marine sanctuary program or of individual national marine sanctuaries to ensure compatibility with the goals of the national marine sanctuary program.

(d) **PROPERTY OF UNITED STATES.**-- Any symbol which is adopted by the Secretary and published in the Federal Register under subsection (a) is deemed to be the property of the United States.

(e) **PROHIBITED ACTIVITIES.**-- It is unlawful for any person--

(1) designated as an official sponsor to influence or seek to influence any decision by the Secretary or any other Federal official related to the designation or management of a national marine sanctuary, except to the extent that a person who is not so designated will do so;

(2) to represent himself or herself to be an official sponsor absent a designation by the Secretary;

(3) to manufacture, reproduce, or otherwise use any symbol adopted by the Secretary under subsection (a)(1), including to sell any item bearing such a symbol, unless authorized by the Secretary under subsection (a)(4) or subsection (f); or

(4) to violate any regulation promulgated by the Secretary under this section.

(f) **COLLABORATIONS.** The Secretary will authorize the use of a symbol adopted by the Secretary under subsection (a)(1) by any person engaged in a collaborative effort with the Secretary to carry out the purposes and policies of this title and to benefit a national marine sanctuary or the System.

(g) **AUTHORIZATION FOR NON-PROFIT PARTNER ORGANIZATION TO SOLICIT SPONSORS.**--

(1) **IN GENERAL.**-- The Secretary will enter into an agreement with a non-profit partner organization authorizing it to assist in the administration of the sponsorship program established under this section. Under an agreement entered into under this paragraph, the Secretary will authorize the non-profit partner organization to solicit persons to be official sponsors of the national marine sanctuary system or of individual national marine sanctuaries, upon such terms as the Secretary deems reasonable and will contribute to the successful administration of the sanctuary system. The Secretary will also authorize the non-profit partner organization to collect the statutory contribution from the sponsor, and, subject to paragraph (2), transfer the contribution to the Secretary.

(2) **REIMBURSEMENT FOR ADMINISTRATIVE COSTS.**-- Under the agreement entered into under paragraph (1), the Secretary will authorize the non-profit partner organization to retain not more than 5 percent of the amount of monetary contributions it receives from official sponsors under the agreement to offset the administrative costs of the organization in soliciting sponsors.

(3) **PARTNER ORGANIZATION DEFINED.**-- In this subsection, the term 'partner organization' means an organization that--

- (A) draws its membership from individuals, private organizations, corporation, academic institutions, or State and local governments; and
- (B) is established to promote the understanding of, education relating to, and the conservation of the resources of a particular sanctuary or 2 or more related sanctuaries.

SEC. 318. DR. NANCY FOSTER SCHOLARSHIP PROGRAM.

(a) **ESTABLISHMENT.**- The Secretary will establish and administer through the National Ocean Service the Dr. Nancy Foster Scholarship Program. Under the program, the Secretary will award graduate education scholarships in oceanography, marine biology or maritime archeology, to be known as Dr. Nancy Foster Scholarships.

(b) **PURPOSES.**- The purposes of the Dr. Nancy Foster Scholarship Program are--

(1) to recognize outstanding scholarship in oceanography, marine biology, or maritime archeology, particularly by women and members of minority groups ; and

(2) to encourage independent graduate level research in oceanography, marine biology, or maritime archeology.

(c) **AWARD.**- Each Dr. Nancy Foster Scholarship--

(1) will be used to support graduate studies in oceanography, marine biology, or maritime archeology at a graduate level institution of higher education; and

(2) will be awarded in accordance with guidelines issued by the Secretary.

(d) **DISTRIBUTION OF FUNDS.**- The amount of each Dr. Nancy Foster Scholarship will be provided directly to a recipient selected by the Secretary upon receipt of certification that the

recipient will adhere to a specific and detailed plan of study and research approved by a graduate level institution of higher education.

(e) **FUNDING.**- Of the amount available each fiscal year to carry out this title, the Secretary will award 1 percent as Dr. Nancy Foster Scholarships.

(f) **SCHOLARSHIP REPAYMENT REQUIREMENT.**- The Secretary will require an individual receiving a scholarship under this section to repay the full amount of the scholarship to the Secretary if the Secretary determines that the individual, in obtaining or using the scholarship, engaged in fraudulent conduct or failed to comply with any term or condition of the scholarship.

(g) **MARITIME ARCHEOLOGY DEFINED.**- In this section the term `maritime archeology' includes the curation, preservation, and display of maritime artifacts.

The Florida Keys National Marine Sanctuary and Protection Act

Public Law 101-605 (H.R. 5909)

SECTION 1. SHORT TITLE. This Act will be cited as the "Florida Keys National Marine Sanctuary and Protection Act."

SEC. 2. FINDINGS. The Congress finds and declares the following:

- (1) The Florida Keys extend approximately 220 miles southwest from the southern tip of the Florida peninsula.
- (2) Adjacent to the Florida Keys land mass are located spectacular, unique, and nationally significant marine environments, including seagrass meadows, mangrove islands, and extensive living coral reefs.
- (3) These marine environments support rich biological communities possessing extensive conservation, recreational, commercial, ecological, historical, research, educational, and esthetic values which give this area special national significance.
- (4) These environments are the marine equivalent of tropical rain forests in that they support high levels of biological diversity, are fragile and easily susceptible to damage from human activities, and possess high value to human beings if properly conserved.
- (5) These marine environments are subject to damage and loss of their ecological integrity from a variety of sources of disturbance.
- (6) Vessel groundings along the reefs of the Florida Keys represent one of many serious threats to the continued vitality of the marine environments of the Florida Keys which must be addressed in order to protect their values.
- (7) Action is necessary to provide comprehensive protection for these marine environments by establishing a Florida Keys National Marine Sanctuary, by restricting vessel traffic within such Sanctuary, and by requiring promulgation of a management plan and regulations to protect sanctuary resources.
- (8) The agencies of the United States must cooperate fully to achieve the necessary protection of sanctuary resources.
- (9) The Federal Government and the State of Florida should jointly develop and implement a comprehensive program to reduce pollution in the waters offshore the Florida Keys to protect and restore the water quality, coral reefs, and other living marine resources of the Florida Keys environment.

POLICY AND PURPOSE

SEC. 3.(a) **POLICY.**—It is the policy of the United States to protect and preserve living and other resources of the Florida Keys marine environment.

(b) **PURPOSE.**—The purpose of this Act is to protect the resources of the area described in section 5(b), to educate and interpret for the public regarding the Florida Keys marine environment, and to manage such human uses of the Sanctuary consistent with this Act. Nothing in this Act is intended to restrict activities that do not cause an adverse effect to the resources or property of the Sanctuary or that do not pose harm to **users of the Sanctuary.**

DEFINITION

SEC. 4. As used in this Act, the term “adverse effect” means any factor, force, or action that would independently or cumulatively damage, diminish, degrade, impair, destroy, or otherwise harm—

(1) any sanctuary resource, as defined in section 302(8) of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1432(8)); or

(2) any of those qualities, values, or purposes for which the Sanctuary is designated.

SANCTUARY DESIGNATION

SEC. 5.(a) DESIGNATION.—The area described in subsection (b) is designated as the Florida Keys National Marine Sanctuary (in this Act referred to as the “Sanctuary”) under title III of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1431 et seq.). The Sanctuary will be managed and regulations enforced under all applicable provisions of such title III as if the Sanctuary had been designated under such title.

(b) AREA INCLUDED.—(1) Subject to subsections (c) and (d), the area referred to in subsection (a) consists of all submerged lands and waters, including living marine and other resources within and on those lands and waters, from the mean high water mark to the boundary described under paragraph (2), with the exception of areas within the Fort Jefferson National Monument. The Sanctuary will be generally identified and depicted on National Oceanic and Atmospheric Administration charts FKNMS 1 and 2, which will be maintained on file and kept available for public examination during regular business hours at the Office of Ocean and Coastal Resource Management of the National Oceanic and Atmospheric Administration and which will be updated to reflect boundary modifications under this section.

(2) The boundary referred to in paragraph (1)—

(A) begins at the northeasternmost point of Biscayne National Park located at approximately 25 degrees 39 minutes north latitude, 80 degrees 5 minutes west longitude, then runs eastward to the 300-foot isobath located at approximately 25 degrees 39 minutes north latitude, 80 degrees 4 minutes west longitude;

(B) then runs southward and connects in succession the points at the following coordinates:

(i) 25 degrees 34 minutes north latitude, 80 degrees 4 minutes west longitude,

(ii) 25 degrees 28 minutes north latitude, 80 degrees 5 minutes west longitude,
and

(iii) 25 degrees 21 minutes north latitude, 80 degrees 7 minutes west longitude;

(C) then runs southward to the northeastern corner of the existing Key Largo National Marine Sanctuary located at 25 degrees 16 minutes north latitude, 80 degrees 8 minutes west longitude;

(D) then runs southwesterly approximating the 300-foot isobath and connects in succession the points at the following coordinates:

- (i) 25 degrees 7 minutes north latitude, 80 degrees 13 minutes west longitude,
- (ii) 24 degrees 57 minutes north latitude, 80 degrees 21 minutes west longitude,
- (iii) 24 degrees 39 minutes north latitude, 80 degrees 52 minutes west longitude,
- (iv) 24 degrees 30 minutes north latitude, 81 degrees 23 minutes west longitude,
- (v) 24 degrees 25 minutes north latitude, 81 degrees 50 minutes west longitude,
- (vi) 24 degrees 22 minutes north latitude, 82 degrees 48 minutes west longitude,
- (vii) 24 degrees 37 minutes north latitude, 83 degrees 6 minutes west longitude,
- (viii) 24 degrees 40 minutes north latitude, 83 degrees 6 minutes west longitude,
- (ix) 24 degrees 46 minutes north latitude, 82 degrees 54 minutes west longitude,
- (x) 24 degrees 44 minutes north latitude, 81 degrees 55 minutes west longitude,
- (xi) 24 degrees 51 minutes north latitude, 81 degrees 26 minutes west longitude,
and
- (xii) 24 degrees 55 minutes north latitude, 80 degrees 56 minutes west longitude;

(E) then follows the boundary of Everglades National Park in a southerly then northeasterly direction through Florida Bay, Buttonwood Sound, Tarpon Basin, and Blackwater Sound;

(F) after Division Point, then departs from the boundary of Everglades National Park and follows the western shoreline of Manatee Bay, Barnes Sound, and Card Sound;

(G) then follows the southern boundary of Biscayne National Park and the northern boundary of Key Largo National Marine Sanctuary to the southeasternmost point of Biscayne National Park; and

(H) then follows the eastern boundary of the Biscayne National Park to the beginning point specified in subparagraph (A).

(c) **AREAS WITHIN STATE OF FLORIDA.**—The designation under subsection (a) will not take effect for any area located within the waters of the State of Florida if, not later than 45 days after the date of enactment of this Act, the Governor of the State of Florida objects in writing to the Secretary of Commerce.

(d) **BOUNDARY MODIFICATIONS.**—No later than the issuance of the draft environmental impact statement for the Sanctuary under section 304(a) (1) (C) (vii) of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1434(a) (1) (C) (vii)), in consultation with the Governor of the State of Florida, if appropriate, the Secretary of Commerce will make minor modifications to the boundaries of the Sanctuary as necessary to properly protect sanctuary resources. The Secretary of Commerce will submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Merchant Marine and Fisheries of the House

of Representatives a written notification of such modifications. Any boundary modification made under this subsection will be reflected on the charts referred to in subsection (b) (1).

PROHIBITION OF CERTAIN USES

SEC. 6.(a) VESSEL TRAFFIC.—(1) Consistent with generally recognized principles of international law, a person will not operate a tank vessel (as that term is defined in section 2101 of title 46, United States Code) or a vessel greater than 50 meters in length in the Area to Be Avoided described in the Federal Register notice of Will 9, 1990 (55 Fed. Reg. 19418-19419).

(2) The prohibition in paragraph (1) will not apply to necessary operations of public vessels. For the purposes of this paragraph, necessary operations of public vessels will include operations essential for national defense, law enforcement, and responses to emergencies that threaten life, property, or the environment.

(3) The provisions of paragraphs (1) and (2), including the area in which vessel operations are prohibited under paragraph (1), will be modified by regulations issued jointly by the Secretary of the department in which the Coast guard is operating and the Secretary of Commerce.

(4) This subsection will be effective on the earliest of the following:

(A) the date that is six months after the date of enactment of this Act,

(B) the date of publication of a notice to mariners consistent with this section, or

(C) the date of publication of new nautical charts consistent with this section.

(b) MINERAL AND HYDROCARBON LEASING, EXPLORATION, DEVELOPMENT, AND PRODUCTION.—No leasing, exploration, development, or production of minerals or hydrocarbons will be permitted within the Sanctuary.

COMPREHENSIVE MANAGEMENT PLAN

SEC. 7.(a) PREPARATION OF PLAN.—The Secretary of Commerce, in consultation with appropriate Federal, State, and local government authorities and with the Advisory Council established under section 208, will develop a comprehensive management plan and implementing regulations to achieve the policy and purpose of this Act. The Secretary of Commerce will complete such comprehensive management plan and final regulations for the Sanctuary not later than 30 months after the date of enactment of this Act. In developing the plan and regulations, the Secretary of Commerce will follow the procedures specified in sections 303 and 304 of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1433 and 1434), except those procedures requiring the delineation of Sanctuary boundaries and development of a resource assessment report. Such comprehensive management plan will—

(1) facilitate all public and private uses of the Sanctuary consistent with the primary objective of Sanctuary resource protection;

(2) consider temporal and geographical zoning, to ensure protection of sanctuary resources;

(3) incorporate regulations necessary to enforce the elements of the comprehensive water quality protection program developed under section 8 unless the Secretary of Commerce determines that such program does not meet the purpose for which the Sanctuary is designated or is otherwise inconsistent or incompatible with the comprehensive management plan developed under this section;

(4) identify priority needs for research and amounts needed to—

(A) improve management of the Sanctuary, and in particular, the coral reef ecosystem within the Sanctuary; and

(B) identify clearly the cause and effect relationships between factors threatening the health of the coral reef ecosystem in the Sanctuary;

(5) establish a long-term ecological monitoring program and database, including methods to disseminate information on the management of the coral reef ecosystem.

(6) identify alternative sources of funding needed to fully implement the plan's provisions and supplement appropriations under section 9 of this Act and section 313 of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1444).

(7) ensure coordination and cooperation between Sanctuary managers and other Federal, State, and local authorities with jurisdiction within or adjacent to the Sanctuary;

(8) promote education, among users of the Sanctuary, about coral reef conservation and navigational safety; and

(9) incorporate the existing Looe Key and Key Largo National Marine Sanctuaries into the Florida Keys National Marine Sanctuary except that Looe Key and Key Largo Sanctuaries will continue to be operated until completion of the comprehensive management plan for the Florida Keys Sanctuary.

(b) PUBLIC PARTICIPATION.—The Secretary of Commerce will provide for participation by the general public in development of the comprehensive management plan.

(c) TERMINATION OF STUDIES.—On the date of enactment of this Act, all congressionally mandated studies of existing areas in the Florida Keys for designation as National Marine Sanctuaries will be terminated.

FLORIDA KEYS WATER QUALITY

SEC. 8.(a) WATER QUALITY PROTECTION PROGRAM.—(1) Not later than 18 months after the date of enactment of this Act, the Administrator of the Environmental Protection Agency and the Governor of the State of Florida, in consultation with the Secretary of Commerce, will develop a comprehensive water quality protection program for the Sanctuary. If the Secretary of Commerce determines that such comprehensive water quality protection program does not meet the purpose for which the Sanctuary is designated or is otherwise inconsistent or incompatible with the comprehensive management plan prepared under section 7, such water quality program will not be included in the comprehensive management plan. The purposes of such water quality program will be to—

(A) recommend priority corrective actions and compliance schedules addressing point and nonpoint sources of pollution to restore and maintain the chemical, physical, and biological integrity of the Sanctuary, including restoration and maintenance of a balanced, indigenous population of corals, shellfish, fish and wildlife, and recreational activities in and on the water; and

(B) assign responsibilities for the implementation of the program among the Governor, the Secretary of Commerce, and the Administrator in accordance with applicable Federal and State laws.

(2) The program required by paragraph (1) will, under applicable Federal and State laws, provide for measures to achieve the purposes described under paragraph (1), including—

(A) adoption or revision, under applicable Federal and State laws, by the State and the Administrator of applicable water quality standards for the Sanctuary, based on water quality criteria which will utilize biological monitoring or assessment methods, to assure protection and restoration of the water quality, coral reefs, and other living marine resources of the Sanctuary;

(B) adoption under applicable Federal and State laws of enforceable pollution control measures (including water quality-based effluent limitations and best management practices) and methods to eliminate or reduce pollution from point and nonpoint sources;

(C) establishment of a comprehensive water quality monitoring program to (i) determine the sources of pollution causing or contributing to existing or anticipated pollution problems in the Sanctuary, (ii) evaluate the effectiveness of efforts to reduce or eliminate those sources of pollution, and (iii) evaluate progress toward achieving and maintaining water quality standards and toward protecting and restoring the coral reefs and other living marine resources of the Sanctuary;

(D) provision of adequate opportunity for public participation in all aspects of developing and implementing the program; and

(E) identification of funding for implementation of the program, including appropriate Federal and State cost sharing arrangements.

(b) **COMPLIANCE AND ENFORCEMENT.**—The Administrator of the Environmental Protection Agency, the Secretary of Commerce, and the Governor of the State of Florida will ensure compliance with the program required by this section, consistent with applicable Federal and State laws.

(c) **CONSULTATION.**—In the development and implementation of the program required by paragraph (1), appropriate State and local government officials will be consulted.

(d) **IMPLEMENTATION.**—

(1) The Administrator of the Environmental Protection Agency and the Governor of the State of Florida will implement the program required by this section, in cooperation with the Secretary of Commerce.

(2)(A) The Regional Administrator of the Environmental Protection Agency will with the Governor of the State of Florida establish a Steering Committee to set guidance and policy for the development and implementation of such program. Membership will include representatives of the Environmental Protection Agency, the National Park Service, the United States Fish and Wildlife Service, the Army Corps of Engineers, the National Oceanic and Atmospheric Administration, the Florida Department of Community Affairs, the Florida Department of Environmental Regulation, the South Florida Water Management District, and the Florida Keys Aqueduct Authority; three individuals in local government in the Florida Keys; and three citizens knowledgeable about such program.

(B) The Steering Committee will, on a biennial basis, issue a report to Congress that—

(i) summarizes the progress of the program;

(ii) summarizes any modifications to the program and its recommended actions and plans; and

(iii) incorporates specific recommendations concerning the implementation of the program.

(C) The Administrator of the Environmental Protection Agency and the Administrator of the National Oceanic and Atmospheric Administration will cooperate with the Florida Department of Environmental Regulation to establish a Technical Advisory Committee to advise the Steering Committee and to assist in the design and prioritization of programs for scientific research and monitoring. The Technical Advisory Committee will be composed of scientists from federal agencies, State agencies, academic institutions, private non-profit organizations, and knowledgeable citizens.

(3)(A) The Regional Administrator of the Environmental Protection Agency will appoint a Florida Keys Liaison Officer. The Liaison Officer, who will be located within the State of Florida, will have the authority and staff to—

(i) assist and support the implementation of the program required by this section, including administrative and technical support for the Steering Committee and Technical Advisory Committee;

(ii) assist and support local, State, and Federal agencies in developing and implementing specific action plans designed to carry out such program;

(iii) coordinate the actions of the Environmental Protection Agency with other Federal agencies, including the National Oceanic and Atmospheric Administration and the National Park Service, and State and local authorities, in developing strategies to maintain, protect, and improve water quality in the Florida Keys;

(iv) collect and make available to the public publications, and other forms of information that the Steering Committee determines to be appropriate, related to the water quality in the vicinity of the Florida Keys; and

(v) provide for public review and comment on the program and implementing actions.

(4)(A) There are authorized to be appropriated to the Administrator of the Environmental Protection Agency \$2,000,000 for fiscal year 1993, \$3,000,000 for fiscal year 1994, and \$4,000,000 for fiscal year 1995, for the purpose of carrying out this section.

(B) There are authorized to be appropriated to the Secretary of Commerce \$300,000 for fiscal year 1993, \$400,000 for fiscal year 1994, and \$500,000 for fiscal year 1995, for the purpose of enabling the National Oceanic and Atmospheric Administration to carry out this section.

(C) Amounts appropriated under this paragraph will remain available until expended.

(D) No more than 15 percent of the amount authorized to be appropriated under subparagraph (A) for any fiscal year will be expended in that fiscal year on administrative expense.

ADVISORY COUNCIL

SEC. 9.(a) ESTABLISHMENT.—The Secretary of Commerce, in consultation with the Governor of the State of Florida and the Board of County Commissioners of Monroe County, Florida, will establish an Advisory Council to assist the Secretary in the development and implementation of the comprehensive management plan for the Sanctuary.

(b) MEMBERSHIP.—Members of the Advisory Council will be appointed from among (1) Sanctuary managers, (2) members of other government agencies with overlapping management responsibilities for the Florida Keys marine environment, and (3) representatives of local industries, commercial users, conservation groups, the marine scientific and educational community, recreational user groups, or the general public.

(c) EXPENSES.—Members of the Advisory Council will not be paid compensation for their service as members and will not be reimbursed for actual and necessary traveling and subsistence expenses incurred by them in the performance of their duties as such members.

(d) ADMINISTRATION.—The Advisory Council will elect a chairperson and will establish subcommittees, and adopt bylaws, rules, and such other administrative requirements and procedures as are necessary for the administration of its functions.

(e) STAFFING AND OTHER ASSISTANCE.—The Secretary of Commerce will make available to the Advisory Council such staff, information, and administrative services and assistance as the Secretary of Commerce determines are reasonably required to enable the Advisory Council to carry out its functions.

AUTHORIZATION OF APPROPRIATIONS

SEC. 10.(a) AUTHORIZATION FOR SECRETARY OF COMMERCE.—Section 313(2) (C) of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1444(2) (C)) is amended by striking “\$3,000,000” and inserting in lieu thereof “\$4,000,000.”

(b) AUTHORIZATION FOR EPA ADMINISTRATOR.—There are authorized to be appropriated to the Administrator of the Environmental Protection Agency \$750,000 for each of the fiscal years 1991 and 1992.

(c) REPORT.—The Secretary of Commerce will, not later than March 1, 1991, submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Merchant Marine and Fisheries of the House of Representatives a report on the future requirements for funding the Sanctuary through fiscal year 1999 under title III of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 14321 et seq.).

Approved November 16, 1990.

no later than 12 p.m. on Monday, June 20, 2005. Please include your name, phone number, and organization affiliation.

For Further Information Contact: Sarah E. Aker, Office of the Assistant Secretary for Manufacturing and Services, Department of Commerce, Room 3832, 1401 Constitution Ave., Washington, DC 20230 (phone: 202-482-1112).

Dated: June 10, 2005.

Sarah E. Aker,

Deputy Chief of Staff.

[FR Doc. 05-11841 Filed 6-14-05; 8:45 am]

BILLING CODE 3510-DR-P

DEPARTMENT OF COMMERCE

International Trade Administration

North American Free Trade Agreement, Article 1904 NAFTA Panel Reviews; Notice of Panel Decision

AGENCY: NAFTA Secretariat, United States Section, International Trade Administration, Department of Commerce.

ACTION: Notice of panel decision.

SUMMARY: On June 9, 2005, the binational panel issued its decision in the review of the final results of the affirmative antidumping duty re-determination on remand made by the International Trade Administration (ITA) respecting Certain Softwood Lumber Products from Canada (Secretariat File No. USA-CDA-2002-1904-02) affirmed in part and remanded in part the determination of the Department of Commerce. The Department will return the re-determination on remand not later than July 11, 2005. A copy of the complete panel decision is available from the NAFTA Secretariat.

FOR FURTHER INFORMATION CONTACT: Caratina L. Alston, United States Secretary, NAFTA Secretariat, Suite 2061, 14th and Constitution Avenue, Washington, DC 20230, (202) 482-5438.

SUPPLEMENTARY INFORMATION: Chapter 19 of the North American Free-Trade Agreement ("Agreement") establishes a mechanism to replace domestic judicial review of final determinations in antidumping and countervailing duty cases involving imports from the other country with review by independent binational panels. When a request for panel review is filed, a panel is established to act in place of national courts to review expeditiously the final determination to determine whether it conforms with the antidumping or

countervailing duty law of the country that made the determination.

Under Article 1904 of the Agreement, which came into force on January 1, 1994, the Government of the United States, the Government of Canada and the Government of Mexico established *Rules of Procedure for Article 1904 Binational Panel Reviews* ("Rules"). These rules were published in the **Federal Register** on February 23, 1994 (59 FR 8686).

Panel Decision: On June 9, 2005, the Binational Panel affirmed in part and remanded in part the Department of Commerce's final antidumping duty determination on remand. The following issues were remanded to the Department:

1. To render a negative less than fair value (LTFV) determination with respect to exports by respondent West Fraser Mills, and to revoke the antidumping duty order on Softwood Lumber from Canada with respect to exports by West Fraser Mills; and it is further ordered that

2. The Panel remands this case to the Department, with instructions for the Department to recalculate the final LTFV margins for respondents other than West Fraser without regard to "zeroing".

The Panel affirmed Commerce's amended final LTFV determination with respect to all other issues.

Commerce was directed to issue its determination on remand within 30 days of the issuance of the panel decision or not later than July 11, 2005.

Dated: June 9, 2005.

Caratina L. Alston,

United States Secretary, NAFTA Secretariat.

[FR Doc. E5-3070 Filed 6-14-05; 8:45 am]

BILLING CODE 3510-GT-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Knowledge, Attitudes, and Perceptions of Management Strategies/Regulations in the Florida Keys National Marine Sanctuary

AGENCY: National Oceanic and Atmospheric Administration (NOAA), DOC.

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 August 15, 2005.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at dHynek@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Dr. Vernon R. (Bob) Leeworthy, 301-713-3000 ext. 138 or Bob.Leeworthy@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

The purpose of this effort is to do an approximate 10-year replication of a 1995-96 study that established baseline information on the knowledge, attitudes and perceptions of management strategies and regulations of the Florida Keys National Marine Sanctuary (FKNMS). The baseline was conducted for three user groups: (1) Commercial fishermen, (2) Dive Shop Owners/Operators, and (3) members of three local environmental groups (Last Stand, Reef Relief, and Sanctuary Friends). In 1998, the Socioeconomic Research and Monitoring Program for the FKNMS was established and the 1995-96 study results were incorporated as baseline measures.

The National Marine Sanctuaries Act (16 U.S.C. 1431, *et seq.*) authorizes the use of monitoring within National Marine Sanctuaries (NMS). The Florida Keys National Marine Sanctuary and Protection Act (Public Law 101-605, Sec 7 (5)) also authorizes monitoring. The Management Plan and regulations for the FKNMS were not implemented until July 1997, which established 22 Sanctuary Preservation Areas (SPAs) and one Ecological Reserve (ER) that are "no take" zones. Another ER, the Tortugas, was established as part of a two-year public process and its regulations went into effect in July 2002. All consumptive or take activities were displaced from these zones. Eighteen (18) of the SPAs were also created to resolve user conflicts, while four were set aside for "Research Only." In creating these special zones, socioeconomic impact analyses were done as required under the National Environmental Policy Act (NEPA). In addition, a Regulatory Impact Review and an Initial and Final Regulatory

Flexibility Analysis (if small businesses are potentially impacted by the no take regulations) were conducted. However, many of the benefits and costs identified in these analyses are speculative in nature and therefore a great deal of uncertainty about both the benefits and the costs. The 10-year replication of the 1995–96 study will support an assessment of any changes in knowledge, attitudes and perceptions of the no-take areas and establish new baselines on several new regulations established since 1995–96.

II. Method of Collection

Paper questionnaires and in-person interviews will be used to collect information.

III. Data

OMB Number: None.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Individuals or households; business or other for-profits organizations; not-for-profit institutions.

Estimated Number of Respondents: 255.

Estimated Time Per Response: 2 hours.

Estimated Total Annual Burden Hours: 491.

Estimated Total Annual Cost to Public: \$0.

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: June 9, 2005.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 05–11823 Filed 6–14–05; 8:45 am]

BILLING CODE 3510-NK-P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Information Collection; Submission for OMB Review, Comment Request

AGENCY: Corporation for National and Community Service.

ACTION: Notice.

SUMMARY: The Corporation for National and Community Service (hereinafter "Corporation"), in proposing the renewal of its Learn and Serve America (hereinafter "LSA") grant applications, has submitted two public information collection requests (ICRs) entitled the Learn and Serve America School- and Community-Based Application Instructions and the Learn and Serve America Higher Education Application Instructions to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995, Pub. L. 104–13, (44 U.S.C. Chapter 35). Copies of this ICR, with applicable supporting documentation, may be obtained by calling the Corporation for National and Community Service, Mr. Mark Abbott, at (202) 606–5000, ext. 120. Individuals who use a telecommunications device for the deaf (TTY–TDD) may call (202) 565–2799 between 8:30 a.m. and 5 p.m. eastern time, Monday through Friday.

ADDRESSES: Comments may be submitted, identified by the title of the information collection activity, to the Office of Information and Regulatory Affairs, Attn: Ms. Katherine Astrich, OMB Desk Officer for the Corporation for National and Community Service, by either of the following two methods within 30 days from the date of publication in this **Federal Register**:

- (1) By fax to: (202) 395–6974, Attention: Ms. Katherine Astrich, OMB Desk Officer for the Corporation for National and Community Service; and
- (2) Electronically by e-mail to: Katherine.T.Astrich@omb.eop.gov.

SUPPLEMENTARY INFORMATION: The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Corporation, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Propose ways to enhance the quality, utility, and clarity of the information to be collected; and

- Propose ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

Comments

A 60-day public comment notice was published in the **Federal Register** on February 2, 2005. This comment period ended April 2, 2005. No public comments were received from this notice.

Description: The Corporation is seeking approval of the LSA Grant Application Instructions, which will assist organizations interested in managing a service-learning program directly or administering grant funds to other eligible organizations in applying for LSA funds.

The Information provided in the applications will be used by Learn and Serve America peer reviewers and staff to ensure the highest quality applications are selected for funding. Yearly updates to these applications will also be used to determine grantee eligibility for second and third year Continuation Grants, which are available to Learn and Serve America grantees subject to funding availability and adequate progress towards meeting performance measures.

Type of Review: Renewal.

Agency: Corporation for National and Community Service.

Title: Learn and Serve America Application Instructions.

OMB Number: 3045–0045 for Learn and Serve America School and Community-Based Application Instructions and 3045–0046 for Learn and Serve America Higher Education Application Instructions.

Agency Number: SF 424–NSSC.

Affected Public: Current/prospective recipients of Learn and Serve America Grants.

Total Respondents: 600 (400 for 3045–0045 and 200 for 3045–0046).

Frequency: Annually.

Average Time Per Response: 10 hours for new applicants, 5 hours for Continuation applicants.

Estimated Total Burden Hours: 6000 hours annually in years with a new competition; 520 hours annually in years with Continuation requests only.

Total Burden Cost (capital/startup): None.

Total Burden Cost (operating/maintenance): \$240,000.