

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Date 12/19/2008

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

In accordance with the Paperwork Reduction Act, OMB has taken action on your request received 06/06/2008

ACTION REQUESTED: Extension without change of a currently approved collection
TYPE OF REVIEW REQUESTED: Regular
ICR REFERENCE NUMBER: 200805-0648-010
AGENCY ICR TRACKING NUMBER:
TITLE: Data Collection on Marine Protected and Managed Areas
LIST OF INFORMATION COLLECTIONS: See next page

OMB ACTION: Approved without change
OMB CONTROL NUMBER: 0648-0449

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

EXPIRATION DATE: 12/31/2011

DISCONTINUE DATE:

BURDEN:	RESPONSES	HOURS	COSTS
Previous	500	2,500	0
New	250	293	0
Difference			
Change due to New Statute	0	0	0
Change due to Agency Discretion	83	-1,625	0
Change due to Agency Adjustment	-333	-582	0
Change Due to Potential Violation of the PRA	0	0	0

TERMS OF CLEARANCE:

OMB Authorizing Official:

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

List of ICs

IC Title	Form No.	Form Name	CFR Citation
Data Collection on Marine Protected and Managed Areas	NA	Marine Protected Areas Inventory Form	
Respondent Updates to Database	NA	Marine Protected Areas Inventory Form	

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
DATA COLLECTION ON MARINE PROTECTED AND MANAGED AREAS
OMB CONTROL NO. 0648-0449**

A. JUSTIFICATION

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

[Executive Order 13158](#) (EO 13158) directs the Department of Commerce and the Department of the Interior (DOI) to work with partners to strengthen the protection of U.S. ocean and coastal resources by developing a national system of marine protected areas. In order to develop that system, the National Oceanic and Atmospheric Administration (NOAA) and DOI have determined that it is necessary to first inventory those areas, in order to comply with EO 13158. The United States has different levels of protection and management regimes at many levels of government. State, local, territorial, and tribal governments have different ways in which they protect their marine environment through area-based management. Information about these areas has not been centralized or organized in a coherent way. Indeed, very little is known about the interaction between these management units and federal government programs. A comprehensive data collection is needed to provide the federal government, its partners and the American people with information about their marine resources and the conservation and management of those resources. This data collection has been in progress for the last six years and will continue for another three years in order to complete the data set. Participants also may provide updates or corrections to their data if it changes or as they see appropriate, including the establishment of new marine protected areas or revisions of existing areas. The number of federal programs, states, and territories submitting information is provided in table, below.

Number of Federal Agencies, States and Territories Reporting Through 12-07

Governmental Level	# of Respondents Through December 2007
Federal	2 federal agencies, 6 programs
# of States	29 coastal states
# of Territories	5 coastal territories
Partnerships	1 federal/state partnership program; state/local partnership programs in 7 states; territory/local partnership programs in 2 territories
Tribes	none
Local Governments	none

The web-based, fully automated 43-question collection tool described in the 2005 renewal, a combination of questions requiring “check the box” and narrative responses, is no longer in use. Experience has shown that responses to the narrative questions in particular, such as “provide a brief summary of primary restrictions and protections,” yielded unwieldy, subjective information that provided limited, if any, comparability across sites, states, and programs. As a result, the number of questions has been drastically reduced, to 15.

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

The information will be used: 1) by federal, state, local, territorial, and tribal governments as well as non-governmental organizations, universities, and individuals for scientific research, management, and operational purposes; 2) by industry when seeking federal licenses or permits or preparing environmental impact statements required for various offshore activities; 3) to glean basic information about the United States' marine and coastal waters, such as the area that is explicitly managed or protected, what protections exist and where they are located, and how these management areas are related to each other; and 4) to improve management of these areas and allow for more efficient and effective communication and coordination between management entities. The data will be provided on the website, mpa.gov, where information from the federal programs areas and the several states and territories that have responded are available. Examples of how the data will be presented can be seen in the MPA Inventory section of mpa.gov at http://mpa.gov/helpful_resources/inventory.html.

Specifically, the data form collects: 1) general information about the site, such as name and year established; 2) general information about each site's conservation focus and regulatory scope; 3) information about the site's management capabilities as provided through the site's management plan; and 4) information about the availability of geographic information systems (GIS) shape files.

Collected information describes attributes of each MPA such as level of protection (e.g. ranging from whether it is a multiple-use area with limited protection to restriction of all uses); does the protection exist year-round and is it focused on protecting natural resources, cultural resources or both?; does the site have any restrictions on fishing and what kind?; and its planned management capabilities (e.g. does it have monitoring, research, education, permitting programs, etc.) When completed, the form provides information about each MPA for the database that is comparable across different programs (e.g. parks, refuges, sanctuaries) and levels of government (i.e., federal, state, territorial, partnership) and can be applied at local, state, regional, and national scales.

Metadata is being created to order to organize that data, make it more easily retrievable, and further ensure its quality.

As explained in the preceding paragraphs, the information gathered has utility. NOAA's Ocean Service will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. See response #10 of this Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meet all applicable information quality guidelines. Prior to dissemination, the information will be subjected to quality control measures and a pre-dissemination review pursuant to Section 515 of Public Law 106-554.

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

The new 15-question collection tool included in this request is completed: 1) by a site's (respondent) staff and sent via e-mail to the National MPA Center or 2) through the respondent's telephone discussion with National MPA Center staff.

Reestablishment of an automated capability allowing the respondents to access the new 15 question data collection survey via a password-protected, secure Data Entry and Editing website is planned for the future. Resources are not available at this time to adapt the previous online capability for the 15 question collection tool. Once this capability is reestablished, respondents will then have the option of working directly with National MPA Center staff or submitting the data online and, with the database automatically updated in a SQL Server Database. The database is accessible over the Internet at <http://mpa.gov>.

4. Describe efforts to identify duplication.

Respondents for each site will be identified and asked to submit information. In some cases, regional coordination will be voluntarily provided by non-governmental organizations, such as the Coastal States Organization. Comprehensive data collection for most sites, the first such collection, was completed in FY2001 through FY2007. Library and Internet searches, as well as ongoing conversations with interested parties, has revealed that the information proposed for collection is both currently absent and needed for improved management and understanding of coastal and marine resources.

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

The data collection involves federal agencies, all coastal state and territorial governments, and could involve a few coastal tribal and local governments. The collection does not involve small businesses. Small local governments are provided assistance in filling out the form, when requested, either by the National MPA Center and/or the appropriate state or territorial partner.

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

Data will be collected once for each site; however, respondents are able to provide updates or edits to their data as appropriate. If data are not collected, the marine protected inventory process will not be able to proceed, the public will not receive complete, vital information about their coastal and ocean resources and the protection and management of those resources, and the Federal government cannot proceed with identifying which

existing marine protected areas should be a part of the National System of Marine Protected Areas established under EO 13158.

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

The collection will be conducted consistent with OMB guidelines.

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

A Federal Register Notice published on March 4, 2008 (73 FR 11619) solicited public comment on this collection. No comments were received.

Representatives from the Department of the Interior, other federal MPA programs, as well as members of regional fisheries offices have reviewed this form in the past. These representatives were encouraged to comment on the usability of the form.

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

Gifts or payments are not currently planned.

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

There will be no assurance of confidentiality. This will be clearly stated on the Paperwork Reduction Act information associated with the form.

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

There are no questions of a sensitive nature included in the survey.

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

The data collection was not complete in the first six years. Therefore, an extension is necessary to complete the data collection for the remaining federal, state, commonwealth, and territorial governments, obtain information about new or modified sites, as well as to

initiate the tribal and local government data collection. The total estimated responses are 3,250 over the duration of the collection, including updates; about 2,500 responses were received in the first six years of collection.

During the extension, another 500 new site responses and 250 updates of existing information are estimated. The reduction of the number of questions from 43 to 15, resulting in the reduction of the potential annual hours per new site from 5 hours to 1 hour and 30 minutes, yields an overall estimated reduction of 1,750 burden hours for the 500 new sites, from a previously estimated 2,500 hours to 750. This estimate includes research time as well as time to fill out the form. An additional 30 minutes' work time each for an estimated 250 sites needing to update existing information will result in an additional 125 hours. There will be an estimated 875 burden hours during this three year extension request, annualized to 293. ($750 + 125 = 875/3 = 293$). The total responses over the three year period will be 750 (500 + 250), annualized to 250. *Note: although the actual hours come out to 292 "even", rounding-off in ROCIS of the respondents and burden for the form completion by new sites resulted in a total of 293 annualized burden hours.*

13. Provide an estimate of the total annual cost burden to the respondents or recordkeepers resulting from the collection.

There will be no financial cost associated with completing the survey.

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

There is no specific programmatic cost to the government. This survey is part of a greater Inventory effort, and as such it will fall under regularly scheduled Inventory activities.

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

Program changes: 1) due to the revised instrument, average burden time per response has decreased from 5 hours to 1 hour and 30 minutes; 2) 125 responses averaging 30 minutes have been added to cover updates. There is thus a net decrease in total burden of 1,625 due to program changes.

Adjustment: previously, the burden was not annualized, but acknowledging that the responses may be spread over a three-year period, we are now annualizing the burden. Thus, the total 3-year burden is decreasing from 2,500 to 875 hours, but the annualized burden will be 293 hours. The decrease in annualized burden due to this adjustment is 582 hours.

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

Results from the first six years of data collection are tallied and compiled in a database currently housed at the NOAA Ocean Service's National MPA Center in Monterey, California. The information is currently available on the website, mpa.gov. New data collected during the extension will be added to this database and made available on the web.

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.

No approval will be sought to not display the expiration date.

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

There are no exceptions to the certification statement.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This data collection does not employ statistical methods.

DATA FORM FOR NATIONAL MARINE PROTECTED AREAS INVENTORY

Welcome to the U.S. Marine Protected Areas (MPA) inventory data entry form. This is the official data entry form for submitting information on marine protected areas in U.S. ocean waters, coastal bays and estuaries, coastal intertidal waters, and the Great Lakes. The purpose of this form is to collect information needed to develop a comprehensive inventory of *existing* Marine Protected Areas (*see* [About the MPA Inventory](#)) in the United States and territorial waters. The information collected will be used to better understand the status and nature of existing MPAs, provide information and tools for environmental assessments, and better coordinate and manage the existing system of MPAs.

Paperwork Reduction Act Information

OMB Control Number: 0648-0449

Expires: 6/30/08

This effort is in compliance with the Paperwork Reduction Act of 1995 in order to solicit information from persons not employed by the U.S. Federal Government. The Office of Management and Budget has given clearance and approval to NOAA and DOI to use this survey tool to request state, local and tribal marine management agencies/organizations to fill out the form to provide information to the U.S. marine managed areas database and inventory. Responding to this data entry form is voluntary and no personal information is requested. However, confidentiality is not promised in the submission of this survey. Public reporting burden for this collection of information is estimated to average 1.5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Joseph A. Uravitch (*see contact information, below*). Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

Contact Information

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DATA FORM FOR NATIONAL MARINE PROTECTED AREAS INVENTORY

Site Name:

Managing Agency Name:

Government Level:

- Federal
 - State
 - Territorial
 - Local
 - Tribal
 - Partnership Describe (e.g., Federal/State, State/Local, etc.)_____
-

Year Established:

Level of Protection:

- Uniform Multiple Use
- Zoned Multiple Use
- Zoned with No Take Areas
- No Take
- No Access
- No Impact

Permanence:

- Permanent
- Conditional
- Temporary

Constancy:

- Year-round
- Seasonal
- Rotating

Scale of Protection:

- Ecosystem Scale
- Focal Scale

Conservation Focus:

- Natural Heritage
- Sustainable Production
- Cultural Heritage
- Natural Heritage and Sustainable Production
- Natural Heritage and Cultural Heritage
- Sustainable Production and Cultural Heritage

DATA FORM FOR NATIONAL MARINE PROTECTED AREAS INVENTORY

Primary Conservation Focus:

- Natural Heritage
- Sustainable Production
- Cultural Heritage

Fishing Restrictions:

- No Fishing Restrictions
- All Fishing Prohibited
- All Fishing Restricted
- Commercial Fishing Prohibited
- Recreational Fishing Prohibited
- Commercial Fishing Restricted
- Recreational Fishing Restricted

Area (Sq. km):

QUESTIONS

Q. Does the site have a comprehensive management plan that is up-to-date or being updated? This may include a broader category of management plan that addresses site-specific management information, such as a fisheries management plan, a species management plan, or a management plan for an MPA system.

- Yes
- No

If Yes,

Date of plan:

URL for plan:

Check the following addressed by the plan:

- Goals and objectives
- Monitoring and/or evaluation of progress toward meeting goals and objectives
- Education programs
- Research programs
- Monitoring programs
- Volunteer programs
- Enforcement programs
- Restoration programs
- Permitting programs
- Habitat management programs
- Public use management programs
- Water quality management programs
- Emergency operations programs

DATA FORM FOR NATIONAL MARINE PROTECTED AREAS INVENTORY

- Special use or protection zones
- On-site staff
- Advisory committee / public involvement in decision making
- Visitors center
- Natural resource damage assessment authority
- Requirement to regularly update management plan
- Other _____

Q. What measures are used to determine how effective the site is at meeting its management objectives?

Indicate programs, activities, and capacities that are currently being used to manage this site:

- This question is not applicable to this site
- Monitoring environmental indicators
- Monitoring socio-economic indicators
- Performance measures for water quality
- Performance measures for fisheries enhancements
- Performance measures for biodiversity enhancement
- Performance measures for habitat quality
- Performance measures for cultural/historical resources preservation
- User surveys
- Other _____

Comments:

Q. GIS Shape Files Available?

- Yes
- No

GIS contact person (Names/telephone number/email):

Presidential Documents

Executive Order 13158 of May 26, 2000

Marine Protected Areas

By the authority vested in me as President by the Constitution and the laws of the United States of America and in furtherance of the purposes of the National Marine Sanctuaries Act (16 U.S.C. 1431 *et seq.*), National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd-ee), National Park Service Organic Act (16 U.S.C. 1 *et seq.*), National Historic Preservation Act (16 U.S.C. 470 *et seq.*), Wilderness Act (16 U.S.C. 1131 *et seq.*), Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*), Coastal Zone Management Act (16 U.S.C. 1451 *et seq.*), Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*), Marine Mammal Protection Act (16 U.S.C. 1362 *et seq.*), Clean Water Act of 1977 (33 U.S.C. 1251 *et seq.*), National Environmental Policy Act, as amended (42 U.S.C. 4321 *et seq.*), Outer Continental Shelf Lands Act (42 U.S.C. 1331 *et seq.*), and other pertinent statutes, it is ordered as follows:

Section 1. Purpose. This Executive Order will help protect the significant natural and cultural resources within the marine environment for the benefit of present and future generations by strengthening and expanding the Nation's system of marine protected areas (MPAs). An expanded and strengthened comprehensive system of marine protected areas throughout the marine environment would enhance the conservation of our Nation's natural and cultural marine heritage and the ecologically and economically sustainable use of the marine environment for future generations. To this end, the purpose of this order is to, consistent with domestic and international law: (a) strengthen the management, protection, and conservation of existing marine protected areas and establish new or expanded MPAs; (b) develop a scientifically based, comprehensive national system of MPAs representing diverse U.S. marine ecosystems, and the Nation's natural and cultural resources; and (c) avoid causing harm to MPAs through federally conducted, approved, or funded activities.

Sec. 2. Definitions. For the purposes of this order: (a) "Marine protected area" means any area of the marine environment that has been reserved by Federal, State, territorial, tribal, or local laws or regulations to provide lasting protection for part or all of the natural and cultural resources therein.

(b) "Marine environment" means those areas of coastal and ocean waters, the Great Lakes and their connecting waters, and submerged lands thereunder, over which the United States exercises jurisdiction, consistent with international law.

(c) The term "United States" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.

Sec. 3. MPA Establishment, Protection, and Management. Each Federal agency whose authorities provide for the establishment or management of MPAs shall take appropriate actions to enhance or expand protection of existing MPAs and establish or recommend, as appropriate, new MPAs. Agencies implementing this section shall consult with the agencies identified in subsection 4(a) of this order, consistent with existing requirements.

Sec. 4. National System of MPAs. (a) To the extent permitted by law and subject to the availability of appropriations, the Department of Commerce and the Department of the Interior, in consultation with the Department

of Defense, the Department of State, the United States Agency for International Development, the Department of Transportation, the Environmental Protection Agency, the National Science Foundation, and other pertinent Federal agencies shall develop a national system of MPAs. They shall coordinate and share information, tools, and strategies, and provide guidance to enable and encourage the use of the following in the exercise of each agency's respective authorities to further enhance and expand protection of existing MPAs and to establish or recommend new MPAs, as appropriate:

(1) science-based identification and prioritization of natural and cultural resources for additional protection;

(2) integrated assessments of ecological linkages among MPAs, including ecological reserves in which consumptive uses of resources are prohibited, to provide synergistic benefits;

(3) a biological assessment of the minimum area where consumptive uses would be prohibited that is necessary to preserve representative habitats in different geographic areas of the marine environment;

(4) an assessment of threats and gaps in levels of protection currently afforded to natural and cultural resources, as appropriate;

(5) practical, science-based criteria and protocols for monitoring and evaluating the effectiveness of MPAs;

(6) identification of emerging threats and user conflicts affecting MPAs and appropriate, practical, and equitable management solutions, including effective enforcement strategies, to eliminate or reduce such threats and conflicts;

(7) assessment of the economic effects of the preferred management solutions; and

(8) identification of opportunities to improve linkages with, and technical assistance to, international marine protected area programs.

(b) In carrying out the requirements of section 4 of this order, the Department of Commerce and the Department of the Interior shall consult with those States that contain portions of the marine environment, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands, tribes, Regional Fishery Management Councils, and other entities, as appropriate, to promote coordination of Federal, State, territorial, and tribal actions to establish and manage MPAs.

(c) In carrying out the requirements of this section, the Department of Commerce and the Department of the Interior shall seek the expert advice and recommendations of non-Federal scientists, resource managers, and other interested persons and organizations through a Marine Protected Area Federal Advisory Committee. The Committee shall be established by the Department of Commerce.

(d) The Secretary of Commerce and the Secretary of the Interior shall establish and jointly manage a website for information on MPAs and Federal agency reports required by this order. They shall also publish and maintain a list of MPAs that meet the definition of MPA for the purposes of this order.

(e) The Department of Commerce's National Oceanic and Atmospheric Administration shall establish a Marine Protected Area Center to carry out, in cooperation with the Department of the Interior, the requirements of subsection 4(a) of this order, coordinate the website established pursuant to subsection 4(d) of this order, and partner with governmental and non-governmental entities to conduct necessary research, analysis, and exploration. The goal of the MPA Center shall be, in cooperation with the Department of the Interior, to develop a framework for a national system of MPAs, and to provide Federal, State, territorial, tribal, and local governments with the information, technologies, and strategies to support the system. This

national system framework and the work of the MPA Center is intended to support, not interfere with, agencies' independent exercise of their own existing authorities.

(f) To better protect beaches, coasts, and the marine environment from pollution, the Environmental Protection Agency (EPA), relying upon existing Clean Water Act authorities, shall expeditiously propose new science-based regulations, as necessary, to ensure appropriate levels of protection for the marine environment. Such regulations may include the identification of areas that warrant additional pollution protections and the enhancement of marine water quality standards. The EPA shall consult with the Federal agencies identified in subsection 4(a) of this order, States, territories, tribes, and the public in the development of such new regulations.

Sec. 5. Agency Responsibilities. Each Federal agency whose actions affect the natural or cultural resources that are protected by an MPA shall identify such actions. To the extent permitted by law and to the maximum extent practicable, each Federal agency, in taking such actions, shall avoid harm to the natural and cultural resources that are protected by an MPA. In implementing this section, each Federal agency shall refer to the MPAs identified under subsection 4(d) of this order.

Sec. 6. Accountability. Each Federal agency that is required to take actions under this order shall prepare and make public annually a concise description of actions taken by it in the previous year to implement the order, including a description of written comments by any person or organization stating that the agency has not complied with this order and a response to such comments by the agency.

Sec. 7. International Law. Federal agencies taking actions pursuant to this Executive Order must act in accordance with international law and with Presidential Proclamation 5928 of December 27, 1988, on the Territorial Sea of the United States of America, Presidential Proclamation 5030 of March 10, 1983, on the Exclusive Economic Zone of the United States of America, and Presidential Proclamation 7219 of September 2, 1999, on the Contiguous Zone of the United States.

Sec. 8. General. (a) Nothing in this order shall be construed as altering existing authorities regarding the establishment of Federal MPAs in areas of the marine environment subject to the jurisdiction and control of States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and Indian tribes.

(b) This order does not diminish, affect, or abrogate Indian treaty rights or United States trust responsibilities to Indian tribes.

(c) This order does not create any right or benefit, substantive or procedural, enforceable in law or equity by a party against the United States, its agencies, its officers, or any person.



THE WHITE HOUSE,
May 26, 2000.

carrier injection from the drain-body junction (PN junction at Body-to-Drift-Layer interface) it has slow reverse recovery time and may result in SiC crystal degradation. The concept of inclusion of reverse conducting SIR junction shunts provides substantial benefits by: (1) Bypassing current flow from the inherent internal drain-body junction preventing it from injecting majority carriers and thus preventing slow reverse recovery and crystal degradation, and (2) enabling current to flow for voltages lower than the drain-body junction built in potential (e.g., approximately 3 V for SiC) and thus provides lower on-state losses than a PiN diode for the lower current range condition.

Dated: February 27, 2008.

Richard F. Kayser,

Acting Deputy Director.

[FR Doc. E8-4135 Filed 3-3-08; 8:45 am]

BILLING CODE 3510-13-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Atlantic Highly Migratory Species Vessel and Gear Marking

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before *May 5, 2008*.

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 Michael Clark, 301-713-2347 or Michael.Clark@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

Under current regulations at 50 CFR 635.6, fishing vessels permitted for Atlantic Highly Migratory Species must display their official vessel numbers on their vessels. Flotation devices attached to certain fishing gears must also be marked with the vessel's number to identify which vessel is responsible for the gear. These requirements are necessary for law enforcement and monitoring purposes.

Specifically, all vessels owners that hold a valid Highly Migratory Species (HMS) permit, other than an HMS angling permit, are required to mark their vessels with their vessel identification number. The numbers should be permanently affixed to, or painted on the port and starboard sides of the deckhouse or hull, and on an appropriate weather deck, so as to be clearly visible from an enforcement vessel or aircraft. Furthermore, fishermen that use longline gear must mark high-flyers and terminal buoys with their vessel identification number. The gillnet fishermen must mark their terminal buoys, and handgear or harpoon fishermen must mark all buoys attached to their gear with their vessel identification number. Buoy gear fishermen must mark all flotation devices attached to certain fishing gears.

II. Method of Collection

There is no form under this requirement. Official vessel numbers issued to vessel operators are marked on the vessel and on flotation devices attached to certain fishing gears, if applicable.

III. Data

OMB Control Number: 0648-0373.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations; individuals or households.

Estimated Number of Respondents: 7,842.

Estimated Time per Response: 45 minutes to mark a vessel and 15 minutes to mark a flotation device.

Estimated Total Annual Burden Hours: 6,954.

Estimated Total Annual Cost to Public: \$286,040.

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: February 27, 2008.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E8-4075 Filed 3-3-08; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Data Collection on Marine Protected and Managed Areas

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before *May 5, 2008*.

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 Joseph A. Uravitch, 301-563-1195 or joseph.uravitch@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

Executive Order 13158 directs the Department of Commerce and the Department of the Interior (DOI) to work with partners to strengthen the

protection of U.S. oceans and coastal resources by developing a national system of marine protected areas. The Departments of Commerce and the Interior plan to work closely with state, territorial, local, and tribal governments, as well as other stakeholders, to identify and inventory the Nation's existing marine protected areas. Toward this end, the National Oceanic and Atmospheric Administration (NOAA) and DOI have created a data form, available on a password-protected Web site, to be used as a survey tool to collect and analyze information on these existing sites. This survey will allow NOAA and DOI to better understand the existing protections for marine resources within marine protected areas in the United States. This information also would support activities on marine protected areas by state and local governments, tribes, and other interested parties. The survey contains directed questions regarding the location, management and enforcement authorities, types of protections and restrictions, and the length of time those protections or restrictions are in place for each marine protected area. Basic information about the resources and activities at the sites will also be collected. It is expected that site managers from each marine protected area will fill out the survey. The collected information will be housed in a searchable database that will be made available to the public via the marine protected area Web site at mpa.gov. The survey has been used for the last six years and this notice proposes to extend the data collection OMB approval.

II. Method of Collection

The information will be collected using a data form.

III. Data

OMB Control Number: 0648-0449.

Form Number: None.

Type of Review: Regular submission.

Affected Public: State, local or tribal governments.

Estimated Number of Respondents: 500.

Estimated Time per Response: 5 hours.

Estimated Total Annual Burden Hours: 2,500.

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: February 27, 2008.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E8-4076 Filed 3-3-08; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Extension of Application Period for Vacancies on the Channel Islands National Marine Sanctuary Advisory Council

AGENCY: National Marine Sanctuary Program (NMSP), National Ocean Service (NOS), National Oceanic and Atmospheric Administration, Department of Commerce (DOC).

ACTION: Notice and request for applications.

SUMMARY: The Channel Islands National Marine Sanctuary (CINMS) is seeking applicants for the Chumash Community member and alternate vacant positions on its Sanctuary Advisory Council (Council). Applicants are chosen based upon: their particular expertise and experience in relation to the seat for which they are applying, community and professional affiliations, views regarding the protection and management of marine resources, and the length of residence in the communities located near the Sanctuary. Applicants who are chosen as members should expect to serve in a volunteer capacity for 2-year terms, pursuant to the Council's Charter.

DATES: The applicant period has been extended and applications are now due by April 18, 2008.

ADDRESSES: Application materials are available at: <http://www.channelislands.noaa.gov/sac/news.html>. Completed applications should be sent to

Danielle.lipski@noaa.gov. Application kits may also be obtained from Dani Lipski, Channel Islands National Marine Sanctuary, 113 Harbor Way Suite 150 Santa Barbara, CA 93109-2315.

FOR FURTHER INFORMATION CONTACT:

Michael Murray, Channel Islands National Marine Sanctuary, 113 Harbor Way Suite 150 Santa Barbara, CA 93109-2315, 805-966-7107 extension 464, michel.murray@noaa.gov.

SUPPLEMENTARY INFORMATION: The CINMS Advisory Council was originally established in December 1998 and has a broad representation consisting of 21 members, including ten government agency representatives and eleven members from the general public. The Council functions in an advisory capacity to the Sanctuary Superintendent. The Council works in concert with the Sanctuary Superintendent by keeping him or her informed about issues of concern throughout the Sanctuary, offering recommendations on specific issues, and aiding the Superintendent in achieving the goals of the National Marine Sanctuary Program. Specifically, the Council's objectives are to provide advice on: (1) Protecting natural and cultural resources and identifying and evaluating emergent or critical issues involving Sanctuary use or resources; (2) Identifying and realizing the Sanctuary's research objectives; (3) Identifying and realizing educational opportunities to increase the public knowledge and stewardship of the Sanctuary environment; and (4) Assisting to develop an informed constituency to increase awareness and understanding of the purpose and value of the Sanctuary and the National Marine Sanctuary Program.

Authority: 16 U.S.C. Sections 1431, *et seq.* (Federal Domestic Assistance Catalog Number 11.429 Marine Sanctuary Program).

Dated: February 25, 2008.

Daniel J. Basta,

Director, National Marine Sanctuary Program, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 08-918 Filed 3-3-08; 8:45 am]

BILLING CODE 3510-13-NK-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Federal Consistency Appeal by G. Walter Swain

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (Commerce).