

**1 Supporting Statement A
Paperwork Reduction Act Submission**

OMB Control Number 1018-0014

**Special Use Permit Applications on
National Wildlife Refuges in Alaska
FWS Form 3-2001**

50 CFR 25.61, 26.22(b), 26.25, 36.33, 36.37, 36.39, and 36.41

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

The National Wildlife Refuge System Administration Act of 1966, as amended (16 U.S.C. 668dd-ee) (Administration Act) authorizes us to permit uses, including commercial visitor services, on national wildlife refuges only when we find the activity to be (1) compatible with the purposes for which the refuge was established and (2) not inconsistent with public safety. The National Wildlife Refuge System Improvement Act of 1997 (Pub. L. 105-57) (Improvement Act) amended the Administration Act and established “organic legislation” for the National Wildlife Refuge System with a unifying mission. It also modified the process for determining compatible uses on refuges and required that we determine the use of refuge lands to be compatible with the mission of the Refuge System, as well as with the refuge purposes. We published regulations for determining if a use is compatible in the Federal Register on October 18, 2000 (65 FR 62458), along with the compatibility policy.

The Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3101 et seq.) provides for the disposition and use of a variety of federally owned lands in Alaska. Sections 302 and 303 of ANILCA establish the purposes for each Alaska refuge, and Section 304 requires that all uses we authorize on Alaska refuges first be found to be compatible with the refuge purposes. Regulations for administering special use permits on Alaska refuges are in 50 CFR 36.41.

Section 810 of ANILCA (16 U.S.C. 3120) requires that we evaluate the effect of any proposed use of refuge lands on subsistence uses and needs in determining whether or not to permit such uses. It restricts us from permitting a use that would significantly restrict subsistence uses unless we:

- (1) Give notice to the appropriate State agency and local committees and regional councils.
- (2) Hold a hearing in the vicinity of the area involved.
- (3) Determine that such a restriction of subsistence uses is necessary, is consistent with sound management principles for the utilization of public lands, and will involve the minimum amount of public lands necessary.
- (4) Determine that reasonable steps will be taken to minimize adverse impacts.

Sections 1303(b) and 1315 of ANILCA (16 U.S.C. 3193; 3203-3204) allow the Secretary of Interior to permit construction, use, and occupancy of cabins in national wildlife refuges in Alaska under certain conditions. Section 1303(b)(3) of ANILCA states that we will issue no special use permits for cabins unless the permit applicant provides certain items of information (see 50 CFR 36.33).

Section 1307 of ANILCA (16 U.S.C. 3197) contains two provisions concerning persons and entities to whom we are to give special rights and preferences with respect to providing "visitor services" on refuges in Alaska. Section 1307 defines "visitor service" as ". . . any service made available for a fee or charge to persons who visit a conservation system unit, including such services as providing food, accommodations, transportation, tours and guides excepting the guiding of sport hunting and fishing." Regulations implementing these provisions are in 50 CFR 36.37.

Provision is made in our general refuge regulations for public entry for specialized purposes, including economic activities such as the operation of guiding and other visitor services on refuges by concessionaires or cooperators under appropriate contracts or legal agreements (50 CFR 25.61) or special use permits (50 CFR 26.22(b) and 26.25). These rules, in combination with the regulations for the administration of permits on refuges in Alaska (50 CFR 36.41), provide the authorities and procedures for selecting permittees on Alaska refuges, the vast majority of which are providers of services and facilities to the public. We issue permits for a specific period of time, as determined by the type and location of the use or visitor service provided.

Under the authority of the Administration Act and Section 1302 (b) of ANILCA, the Service entered into a private land conservation easement among the United States, the State of Alaska, and Koniag, Inc. Terms of the conservation easement allow public recreational use of certain easement lands through issuance of special use permits by the Kodiak National Wildlife Refuge. On June 8, 2006, we issued regulations (50 CFR 36) (71 FR 33255) allowing us to continue to implement the conservation easement. This request for renewal of our information collection includes an increase of 80 hours for these new noncompetitive permits.

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

Refuge management and Regional Office staff use the information requested on the Alaska Special Use Permit Application (FWS Form 3-2001) to:

- (1) Ensure that an applicant is eligible for noncompetitively awarded permits.
- (2) Select the most qualified applicants to receive the benefits of competitively awarded permits.
- (3) In the case of permits awarded under section 1307 (b) of ANILCA ("1307 preferences"), determine if the applicant is a member of the most directly affected Native Corporation; and/or a local resident; and/or was engaged in adequately providing visitor services on or before January 1, 1979; and/or is eligible to receive Cook Inlet Region rights.
- (4) Review the specific use or activity proposed to evaluate impacts on refuge resources and other users and to determine if the use or activity is compatible with refuge purposes and the mission of the refuge system.
- (5) Determine special conditions needed in the permit to avoid unnecessary or inappropriate impacts on refuge resources and other refuge users.

We collect the information on a voluntary basis from individuals, businesses, and Federal, State,

and local government employees who propose to conduct an activity on a refuge that requires a special use permit. Applicants usually provide the information in writing on FWS Form 3-2001, but, in some circumstances, refuge staff may receive the information orally and transcribe it to FWS Form 3-2001. The information that we collect includes:

- Applicant name
- Business name
- Social security number or taxpayer identification number (only collected when we charge a commercial use fee)
- Primary address, alternate address
- Primary phone number, alternate phone number, valid phone number dates
- FAX number
- Email address
- Applicant designation (i.e., individual, corporation, partnership/association, government agency, or other),
- Citizenship
- Which unit of the National Wildlife Refuge System in Alaska the application is for
- What type of activity is proposed and a description of the proposed activity
- Specific location (including a map)
- Estimated starting and ending dates of the proposed activity
- For a commercial service activity, the maximum number of clients per day and per season.

If the business proposes to operate aircraft, we require the type of Federal Aviation Administration regulation that applies and a copy of the associated certification. We also require the following for each aircraft to be used:

- Make
- Model
- Type of landing gear (i.e., wheel, ski, float)
- Color
- Tail number

If the business proposes to use another air taxi operator, we require the name of the operator. We require a listing of the type of other modes of transportation proposed (i.e., vehicle, vessels) and their maximum capacity and registration numbers. We require commercial service businesses to provide a copy of their liability insurance certificate with the U.S. Government listed and an additional insured.

Businesses must furnish information (individual's name, date, charge, place, court, and the action taken) on violations of State, Federal, or local laws or regulations related to fish and wildlife or permit activities within the past 5 years by the company (entity) or owners and current or proposed employees for:

- Convictions
- Pleas of nolo contendere
- Forfeited collateral
- Whether now under charges for any of the violations described.

If the action is in response to a prospectus for a competitively awarded permit, we require a detailed response that addresses, at a minimum:

- Proposed operations plan
- Complete history of violations (described above) for the past 10 years
- Safety record, training and proposed safety plan
- Documentation of experience and knowledge applicable to both the proposed activity and delineated use area or general geographical area
- Complete list and description of property, equipment, and accessories
- Complete list of clients for similar activities during the past 3 years.

For each employee who will be assisting with permit activities on the refuge, we require:

- Name
- Address
- Phone number
- Capacity in which he/she will be operating

Employees who will be operating a vehicle, aircraft, or vessel while carrying clients must:

- Provide State driver's license number, pilot certificate number, or applicable vessel operating license number
- Indicate whether they have had any such license(s) suspended or revoked
- Indicated if they have been convicted for driving while under the influence of alcohol or drugs during the past 5 years

Finally, we require businesses to provide a copy of their State business license or any applicable State or Federal licenses, certifications, and registrations required for the proposed activity.

We collect the information on an infrequent basis for noncompetitively awarded permits, usually during year-round or seasonal openings. For competitively awarded permits, we collect the information during specific periods in response to requests for proposals.

We share the information internally and externally with law enforcement authorities. Information is shared with the public only as allowed through the Freedom of Information Act and the Privacy Act.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology; e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden [and specifically how this collection meets GPEA requirements].

This information is unique and resides only with each permit applicant, and many of the applicants lead a rural/subsistence lifestyle and typically have no access to computers or other automated equipment. However, we recognize the significant increase in availability and use of computers and other automated equipment, and the permit applications are available to the public in a fillable format on the Service's Region 7 website at http://alaska.fws.gov/nwr/pdf/sup_application.pdf . We accept applications in person, by mail, by email, or by facsimile. Because most applicants do not have the capability to provide a pdf version of the signed application, we do not anticipate receiving more than 10 percent of the applications by email. We do not have the capability or adequate funding at this time to collect this information electronically over the Internet with digital signature.

4. Describe efforts to identify duplication.

The information required on the application is specific to the applicant and the use or activity proposed. No one else collects this information.

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

This collection of information does not have a significant impact on a substantial number of small entities. Small businesses from which we collect information are typically recreational hunting, fishing, guiding, or transporting operations. In the case of applicants for noncompetitive permits, we limit the information requested to the minimum necessary to establish eligibility, to protect refuge resources, and to demonstrate that applicants are aware of critical information that they should know to protect themselves from future legal and financial problems. We necessarily expand information collection requirements for competitively awarded permits to determine which applicant is the most qualified to obtain the benefit of receiving a special use permit.

In addition, we try to issue permits that are valid for as long a period of time as possible to minimize the burden on permit holders. Alaska refuge permit regulations (50 CFR 36.41) provide for awarding refuge permits competitively when there is a need to limit the number or availability of permits. We issue competitively awarded permits of 5-year terms, with a 5-year automatic renewal for satisfactory performance. This allows up to a 10-year period without additional information collection requirements. Individuals submit the information on applications for noncompetitively awarded permits on an as-needed basis, and we normally issue those permits annually. Information collection only occurs at the time of application.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

If we did not collect the information requested on FWS Form 3-2001, we would be unable to review the proposed uses and evaluate the impacts or effects of proposed uses on refuge lands. This would preclude our ability to fulfill statutory requirements and responsibilities under the Administration Act, the Improvement Act, ANILCA, and other relevant laws and regulations to determine if the proposed activity or use meets refuge compatibility standards, to evaluate the impacts on subsistence uses required by Section 810 of ANILCA, to determine eligibility for 1307 preferences, and to fulfill National Environmental Policy Act requirements.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- * requiring respondents to report information to the agency more often than quarterly;
- * requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;
- * requiring respondents to submit more than an original and two copies of any document;
- * requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;
- * in connection with a statistical survey, that is not designed to produce valid and

- reliable results that can be generalized to the universe of study;
- * requiring the use of a statistical data classification that has not been reviewed and approved by OMB;
- * that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or
- * requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

There are no circumstances that require the information be collected in a manner inconsistent with OMB guidelines.

8. **Provide the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice (or in response to a PRA statement) and describe actions taken by the agency in response to these comments.**

Describe 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. [Please list the names, titles, addresses, and phone numbers of persons contacted.]

On May 26, 2006, we published in the Federal Register (71 FR 30439) a notice that we intended to request that OMB renew approval of our information collection associated with applications for special use permits on Alaska national wildlife refuges. In that notice, we solicited public comments for 60 days, ending July 25, 2006. We received two comments by email from one individual. The comments did not address issues surrounding the proposed collection of information or the cost and hour burden estimates, but instead objected to our issuing permits for guided hunting. The commenter also questioned who verified the information submitted in the application, and suggested requesting additional information for two of the application items:

- Item 9 - increase time period for reporting violations from 5 years to 10 years.
- Item 12 - require hunting license number.

If we included the suggested additional information on FWS Form 3-2001, we would collect information in excess of the minimum necessary to determine eligibility of applicants to receive a permit, to assess the potential impacts of a proposed activity on refuge resources, and to determine if the proposed activity is compatible with refuge purposes. Therefore, we have not made any changes to FWS Form 3-2001 as a result of these comments.

We contacted five individuals who are familiar with the applications and asked them for their views on the requested data collection. Responses were fairly consistent and positive regarding the availability of the requested information and adequacy of the instructions. Responses varied regarding the time burden required to compile information and submit the application for competitively issued permits, but the average time burden that we estimated in item 12 appears to be reasonable. Following is the contact information:

Scott Mileur
Mileur's Guide Service
P.O. Box 2661
Palmer, AK 99516
Phone: 907-745-1747
[competitive permit]

Dirk Nickish and Danielle Tirrell
Coyote Air Service
P.O. Box 9053
Coldfoot, Alaska 99701
Phone: 907-678-5995
[noncompetitive permit]

Gregory A. Jennen
Glacier Mountain Outfitters
P.O. Box 802
Tok, AK 99780
Phone: 907-883-3817
[competitive permit]

Juliette Boselli
Too-Loo-Uk River Guides
Denali Park, AK 99755
P.O. Box 106
Phone: 907-683-1542
[noncompetitive permit]

David Marsh
Big Game Big Country
1239 Redd Road
Lexington, KY 40510
Phone: 859-259-0039
[competitive permit]

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

We will not provide any payment or gifts to permit applicants.

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

In accordance with 31 U.S.C. 7701, we require a taxpayer identification number or social security number only when permits are subject to the collection of fees by the Service.

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.

We do not ask questions of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information.

Based on our previous experience and our outreach, we estimate that the time required to complete applications for noncompetitive permits varies from 20 minutes for Kodiak easement permits to 1.5 hours for other noncompetitive permits. In addition, we estimate a burden of 30 hours to complete an application for a competitively awarded permit, including Section 1307 preferences. Most applicants should have access to the required documentation and have personal knowledge of the requested information; however, applicants may need to do research to provide the information. We estimate that there will be an average of 80 applicants filling out 180 competitively awarded permit applications, and 350 applicants completing 400 noncompetitively awarded permit applications per year. This results in a total annual burden of 5,720 hours. We estimate that the dollar value of an applicant's burden hour ranges from approximately \$11 to \$50 with an average of \$20. Therefore, we estimate the dollar value of the annual burden hours to be \$114,400.

PERMITS	NO. OF ANNUAL RESPONDENTS	NO. OF ANNUAL RESPONSES	COMPLETION TIME PER RESPONSE	ANNUAL BURDEN HOURS	ANNUAL \$ VALUE OF BURDEN HRS
Noncompetitive - Kodiak	240	240	20 minutes	80	\$ 1,600
Noncompetitive - Other	110	160	90 minutes	240	4,800
Competitive	80	180	30 hours	5,400	108,000
Totals	430	580		5,720	\$ 114,400

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

There is no nonhour cost burden to respondents.

14. Provide estimates of annualized costs to the Federal Government.

We estimate the annualized cost to the Government to be \$102,000. We spend an average of 1,840 hours per year reviewing the applications (8 hours for each of the 180 competitively awarded permits and 1 hour for each of the 400 noncompetitive permits). In estimating the costs, we used \$50 for the average wage of a GS-12, which includes benefits and the 25 percent Alaska cost-of-living allowance. Therefore, the dollar value of the total annual burden hours for the Government is \$92,000. In addition, we included \$10,000 to cover miscellaneous operational expenses.

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

We have increased our burden hour estimates from 5,655 to 5,720 hours to include the burden hours for applications associated with new noncompetitively issued special use permits required for public recreational use of certain conservation easement lands at Kodiak National Wildlife Refuge (50 CFR 36.39). We anticipate issuing 240 of these permits per year, with a resulting annual burden of 80 hours. In our 2003 request for approval of this information collection, we erroneously included 15 hours for Federal Government applications for noncompetitive permits. We have not included those hours in this request, which results in a total increase in the annual burden of 65 hours.

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

We will not publish the results of this information collection.

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

We will display the OMB approval number and expiration date on the application.

18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.

There are no exceptions to the certification statement identified in item 19 of OMB Form 83-I.