

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

OMB Control Number 1018-0121

**Depredation Orders for Double-Crested Cormorants
50 CFR 21.47 and 21.48**

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

This information collection is associated with regulations implementing the Migratory Bird Treaty Act (MBTA) (16 U.S.C. 703 et seq.). The MBTA implements four treaties concerning migratory birds, which the United States has signed with Canada, Mexico, Japan, and Russia. The treaties preserve and protect various species of birds. Under the MBTA, it is unlawful to take, possess, import, export, transport, sell, purchase, barter, or offer for sale, purchase, or barter migratory birds or their parts, nests, or eggs except as authorized by regulation. In 2003, the Fish and Wildlife Service (Service, we) issued regulations authorizing the take of double-crested cormorants (DCCOs) under certain circumstances. The regulations at 50 CFR 21.47 authorize aquaculture producers in 13 States to take DCCOs when the birds are found committing or about to commit depredations on aquaculture stocks. The regulations at 50 CFR 21.48 authorize the U.S. Department of Agriculture (Wildlife Services), States, and federally recognized tribes in 24 States to take DCCOs to protect public resources (fish, wildlife, plants, and their habitat).

The Service is responsible for ensuring that migratory bird populations do not become threatened or endangered. We collect information on DCCOs so that we can (1) estimate how many DCCOs are being taken and (2) ensure that birds are only being taken for purposes that comply with the regulations.

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.

We use the information collected to monitor take of DCCOs by aquaculture producers and agencies to ensure compatibility with the long-term conservation of DCCOs and other migratory birds. However, this is not the sole means by which we measure the population impacts associated with mortality related to the depredation orders. That is mainly determined by conducting regular DCCO population assessments. The following reporting and recordkeeping requirements are the basis for this nonform information collection:

- **21.47(d)(7) and (8).** Requires reporting of the take of any migratory bird species other than DCCOs or of any species protected by the Endangered Species Act (ESA). We need this information to monitor the effects of the depredation order on nontarget species and to satisfy our trust responsibilities under the MBTA and the ESA.
- **21.47(d)(9).** Respondents must:
 - (1) keep a log that records the date and number of birds killed each month.
 - (2) maintain those logs (records) for a 3-year period, and
 - (3) submit each log to the Service annually.

We need this information so that we can keep track of the number of birds killed.

- **21.48(d)(7) and (8).** Requires reporting of the take of any migratory birds species other than DCCOs and of any species protected by the ESA. We need this information to monitor the effects of the depredation order on nontarget species and to satisfy our trust responsibilities under the MBTA and ESA.
 - **21.48(d)(9).** Requires agencies to notify us each year of their intent to act under the order and to notify us, in advance, of any control actions that would take more than 10 percent of a breeding DCCO population. We need this information so we are aware of which agencies are taking actions under the order and so we can ensure activities are conducted in compliance with the purpose of the order.
 - **21.48(d)(10) and (11).** Agencies must keep detailed records of all activities carried out under the order and report these to us annually. We need this information so that we can keep track of agency activities and monitor how many DCCOs are killed each year.
 - **21.48(d)(12).** Agencies must provide us with specific information regarding control activities at breeding colonies and include this information, if applicable, in their annual reports. We need this information to assess the impact of this program on DCCO populations and to ensure that agencies are conforming to the terms, conditions, and purpose of the order.
- 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].**

Respondents may submit reports or records electronically or by standard mail. For the requirements under 21.48, respondents have sent all reports electronically. Under 21.47, most aquaculture producers send information to us by standard mail.

4. Describe efforts to identify duplication.

The information collected in association with 50 CFR 21.47 and 21.48 is not being gathered elsewhere.

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

This information collection does not appear to have a significant impact on small entities. Under 50 CFR 21.47, individual aquaculture producers provide the information. An estimated 2,227 individuals and small businesses could exercise the privileges of the depredation order, but only approximately 500 do so. This is a relatively small number of affected individuals and entities, and the time required to collect the information is not considerable. Under 21.48, only State, tribal, and Federal agencies gather and submit information; therefore, no small entities are affected by this part of the information collection.

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.

Not conducting this information collection would compromise our ability to conserve DCCO populations in an informed and responsible manner and could consequently jeopardize the health of DCCO populations in the United States. This would lead us to violate our trust responsibility under the Migratory Bird Treaty Act.

- 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 such special circumstances.

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 April 19, 2006, we published in the Federal Register (71 FR 20120) a notice of our intent to request that OMB renew approval for this information collection. In that notice, we solicited public comments for 60 days, ending on June 19, 2006. We received two comments.

The first commenter noted opposition to the killing of cormorants but, for the most part, did not specifically address the information collection except to say that "this paperwork...is ineffectual in even recording the actual numbers killed." We believe that the reporting provides valid

information about the number of birds killed.

Following are comments by the second commenter and our responses:

Comment: The information will have practical utility only if it is freely accessible to other individuals to assess the accuracy and predictability of the outcomes.

Response: We have found the information useful and it is available upon request.

Comment: The accuracy of the burden estimate for this collection of information is only valid if cross-validation is allowed and reassessment of the data by another is conducted without knowledge of the outcome (blind tests).

Response: The accuracy of the estimate might be enhanced, but we believe it is of sufficient quality as reported.

Comment: The quality, utility, and clarity of the information collected must have transparency, ground truthing, and redundancy by collaborators and outside entities.

Response: We do not believe that ground truthing or other confirmation of the limited data collected is necessary.

We did not make any changes to our information collection based on these comments. In addition to the Federal Register notice, we conducted limited public outreach to persons who had submitted information for this collection during the past 3 years. We asked each person to provide his/her views regarding this information collection, including: (1) whether or not the collection of information is necessary, including whether or not the information will have practical utility; (2) the accuracy of our estimate of the burden for this collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and, (4) ways to minimize the burden of the collection of information on respondent. Based on feedback from our outreach, we increased our burden estimates for some of the reporting and recordkeeping requirements. All who responded to our outreach believed that our instructions were clear.

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

We do not provide gifts or payments to respondents.

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

We will protect confidentiality to the extent consistent with the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act of 1974 (5 U.S.C. 552a).

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 any sensitive questions.

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

We estimate that 516 respondents will submit reports and maintain records associated with the DCCO depredation orders. Response time for the requirements varies from 1 to 100 hours, with a total estimate of 4,017 burden hours per year. We estimate that the average wage of the individuals gathering the information is \$30.00 per hour and, thus, the dollar value of the total annual hour burden is \$120,510.

ACTIVITY/REQUIREMENT	ANNUAL NO. OF RESPONDENTS	TOTAL ANNUAL RESPONSES	COMPLETION TIME PER RESPONSE (HOURS)	TOTAL ANNUAL BURDEN HRS	TOTAL BURDEN COST TO PUBLIC (\$30/HR)
Report take of MB species other than DCCOs (21.47(d)(7) & 21.48(d)(7))	1	1	1	1	\$ 30
Report take of species protected under ESA (21.47(d)(8) & 21.48(d)(8))	1	1	1	1	30
Written notice of intent to conduct control activities (50 CFR 21.48(d)(9))	5	5	3	15	450
Report of Control Activities (50 CFR 21.48(d)(10) & (11))	5	5	20	100	3,000
Report Effects of Management Activities	4	4	100	400	12,000
DCCO Depredation Order Recordkeeping (50 CFR 21.47(d)(9))	500	500	7	3,500	105,000
Totals	516	516		4,017	\$120,510

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 dollar cost burden to respondents or recordkeepers. There is no application fee to participate in the deprecation orders, and the recordkeeping and reporting requirements do not require the purchase of any new equipment.

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

We estimate that the total annual cost to the Federal Government is \$51,800. Approximately 14 Federal Government entities are involved with the deprecation orders (10 USDA Wildlife Services State programs, 3 FWS Regional Offices, and the FWS Washington Office). Each entity spends approximately 80 hours on this information collection for a total of 1,120 hours. At an average salary of \$40 per hour, including benefits, salary expenses amount to \$44,800. We estimate \$7,000 (\$500 per entity) for operational expenses.

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

Based on our experience during the last several years and on information from our public outreach, we have adjusted our burden estimates for this information collection. Fewer aquaculture producers and agencies than we anticipated are operating under these deprecation orders, so we have decreased the estimated number of respondents and responses to 516. Although we have increased the burden estimates for most of the reporting and recordkeeping requirements, because of the decrease in the number of respondents the estimate burden hours have also decreased by 38 (from 4,055 to 4,017 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.

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 expiration date.

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 in item 19.