

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

**OMB Control Number 1018-0022**

**Federal Fish and Wildlife Permit Applications and Reports--  
Migratory Birds and Eagles  
50 CFR 10, 13, 21, and 22**

**FWS Forms 3-200-6—3-200-18, 3-200-67, 3-200-68,  
3-200-77—3-200-79, 3-202-1—3-202-14, 3-186, and 3-186A**

**Terms of Clearance:** There were no terms of clearance for the last renewal of 1018-0022. In 2006, the Office of Management and Budget (OMB) approved our information collection request (ICR) associated with the control and management of resident Canada geese and assigned OMB Control No. 1018-0133 with the following terms of clearance: "Reductions in burden to 1018-0022 as a result of this new program should be reflected in DOI's next request for extension in July 2007."

**Response:** This ICR for renewal of 1018-0022 includes the reductions in burden resulting from the four new depredation/control orders authorizing take of resident Canada geese without a permit under certain circumstances (71 FR 45964; August 10, 2006). The Fish and Wildlife Service (we, Service) is implementing the airport control order and the nest and egg destruction depredation order. The States must implement the agriculture depredation order and the public health control order. Implementation of the airport control order and the nest and egg destruction order has reduced the number of respondents and responses by at least 800 for the depredation permit applications (3-200-13) and the depredation report (3-202-9). The nest/egg depredation order requires those who want to destroy nests/eggs to register online with the Service before they conduct the work. Approximately 1,600 people registered in 2007. Therefore, we believe that the reduction in the number of people who are no longer obtaining resident Canada goose nest/egg and airport permits is far greater than 800; however, the number of requests for depredation permits for other activities has increased, offsetting the decrease in resident Canada goose applicants.

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

We collect information on application forms and in reports to determine if applicants for permits meet the requirements mandated by:

- Migratory Bird Treaty Act (MBTA, 16 U.S.C 703-712; 50 CFR 21).
- Bald and Golden Eagle Protection Act (Eagle Act, 16 U.S.C. 668-668d; 50 CFR 22).

Service regulations implementing these statutes are in Chapter I, Subchapter B of Title 50, Code of Federal Regulations. These regulations stipulate general and specific requirements that when met allow us to issue permits to authorize activities that are otherwise prohibited.

**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.**

All Service permit applications are in the 3-200 series of forms, each tailored to a specific activity based on the requirements for specific types of permits. We collect standard identifier information for all permits, such as the name of the applicant and the applicant's address, telephone and fax numbers, social security or tax identification number, and e-mail address. Standardizing general information common to the application forms will make filing of applications easier for the public as well as expedite our review of applications.

The information that we collect on applications and reports is the minimum necessary for us to determine if the applicant meets/continues to meet issuance requirements for the particular activity. Respondents submit application forms periodically, as necessary. Submission of reports is generally on an annual basis, although some are dependent on specific transactions. We examined applications in this collection, focusing on questions frequently misinterpreted or not addressed by applicants. This ICR includes modifications to the format and content of the currently approved applications so that they (a) are easier to understand and complete and (b) will accommodate future electronic permitting.

We deleted Forms 3-200-69 (Eagle/Import/Transport of Bald and Golden Eagle for Scientific or Exhibition Purposes (CITES)) and 3-200-70 (Export/Re-Import/Transport of Bald and Golden Eagle for Indian Religious Purposes (CITES)) from this ICR. These forms are included in the renewal request for OMB Control 1018-0093, which is at OMB for approval.

We developed four new application forms (3-200-15B, 3-200-77, 3-200-78, and 3-200-79) and two new report forms (3-202-13 and 3-202-14) to simplify the application and reporting process for respondents:

- 3-200-15B (Re-order Request for Eagle Parts for Native American Religious Purposes) corresponds with new procedures that allow Native Americans to send re-orders directly to the National Eagle Repository, which distributes the parts, instead of to the Regional permit office. Currently, applicants use form 3-200-15A, which serves as an Eagle Indian Religious Permit Application, a First-Order Request, and a Re-order Request. When using this form for re-orders, the permittee must send this form to the appropriate permit office and the permit office forwards the re-order request to the Repository. The new form, 3-200-15B, splits the re-order request from the current form. Once a Native American receives his/her permit from the permit office and the first order from the Repository, he/she can send subsequent re-orders directly to the Repository.
- FWS Forms 3-200-77 (Native American Eagle Take), 3-200-78 (Native American Eagle Aviary), and 3-200-79 (Special Purpose-Abatement Using Raptors) will provide the public with applications specifically designed to address information necessary to issue permits for these activities.
- FWS Form 3-202-13 (Eagle Exhibition Annual Report) will simplify reporting under Eagle Exhibition permits by clarifying that we need information about eagles only. Currently, permittees use FWS Form 3-202-5 (Special Purpose Possession Live/Dead (Education) Annual Report), which requests information on other migratory birds.

- FWS Form 3-202-14 (Native American Eagle Aviary Annual Report) will facilitate reporting under the permits for Native American religious use.

**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].**

Forms in this collection will be available to applicants in a fillable format on our forms and permits websites, by mail, or by fax. Applicants may complete the fillable application online, but must send the application form with an original signature and the applicable processing fee by mail. Applicants may send supporting information by e-mail or fax, if we already have their application and they are able to reference an application number.

At this time, we do not have a system for electronic submission of permit application forms or reports; however, we are actively developing the system and are pilot testing two Service application forms that have current OMB approval.

**4. Describe efforts to identify duplication.**

The information that we collect is unique to the applicant and is not available from any other source. Other than the general identifying information standard for each application, collection of duplicate information is minimal.

Many permittees renew permits for ongoing activities. We retain information from their original application so they do not have to duplicate information that is unchanged for the new permit. If an existing permittee requests a new type of permit (such as a rehabilitator who applies for an education permit), applicants may reference existing permit files for information relevant to the new application. This allows the applicant to submit only the additional information necessary to meet the requirements of a new type of permit.

We developed an electronic permit issuance and tracking system that greatly improves retrieval of file information, further reducing duplicate information requests for use in renewals, extensions, and repeat applications. Ongoing development of our permit issuance and tracking system will ensure that no duplication arises among Service offices.

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

This collection will not have a significant impact on small entities. Small businesses or small entities must provide the same information required of individual applicants. We collect only the minimum information necessary to establish eligibility and to assess the effect of the permit program.

**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 do not collect the information or if we collect the information less frequently, we could not implement many wildlife protection programs that are mandated by law. Further, we could not issue applicants a permit since the collected information is either required on the permit or authorization itself or is needed to make the necessary biological and legal findings under applicable statutes and treaties.

**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.**

Permit regulations (50 CFR 21.27(c)(5), 21.28(d)(4), and 21.30(d)(6)) require that Special Purpose Game Bird, Falconry, and Raptor Propagation permit holders file an FWS Form 3-186A (Migratory Bird Acquisition and Disposition Report) with the Service within 5 days of a transaction (take from the wild, buy, sell, or transfer). Permit regulations (50 CFR 21.25(c)(5)) require that Waterfowl Sale and Disposal permit holders file an FWS Form 3-186 with the Service by the end of the month during which a waterfowl sale is conducted. The MBTA, which was enacted to protect migratory birds from market hunting, strictly regulates commerce. These are the only four permits that authorize sale and purchase. Current information regarding commercial activity under the permits is necessary to enforce the regulations.

Permit regulations (50 CFR 13.46) require that records of any taking, possession, transportation, sale, purchase, barter, export or import of wildlife pursuant to a permit be maintained for 5 years from the expiration date of the permit. The statute of limitations for enforcement is 5 years.

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 March 23, 2007, we published in the Federal Register (72 FR 13815) a notice of our intent to request that OMB approve this ICR. In that notice, we solicited comments for 60 days, ending on May 22, 2007. We received one comment. The comment did not address issues surrounding the proposed collection of information or the cost and hour burden estimates, but instead objected to other aspects of our program, such as the killing of eagles. We have not made any changes to this collection as a result of the comment.

We contacted the following groups that consistently use our forms and solicited comments on the applications and report forms:

Ellen Paul Executive Director The Ornithological Council ellen.paul@verizon.net	Nelson Luna, CEO Zuni Tribe neluna@ashiwi.org (505) 782-5851
*Pete Poulos/Janet Bucknell National Coordinators, USDA/APHIS Wildlife Services Peter.G.Poulos@aphis.usda.gov	Benjamin H. Nuvamsa, CEO Hopi Tribe <a href="mailto:LKuwanwisiwma@hopi.nsn.us">LKuwanwisiwma@hopi.nsn.us</a> (928) 734-3000
Getty Pollard, B-1RD LLC 69602 Warnock Rd Lostine, OR 97857 (866) 712-7127 office (866) 701-4952 fax info@B-1RD.com	Victor Robideaux, CEO Iowa Tribe vroubidoux@iowanation.org (405) 547-2402
Gary Sifter, Oklahoma Raptor Center Broken Arrow, OK 918-455-6627 gsiftar@okraptors.com	

\*APHIS assists the public with completing deprecation applications and conducting damage control)

**Necessity of Collection.**

FWS Form 3-200-78 (new application).

- One commenter said that a question on the application asking why live eagle specimens are needed and how they will be used is culturally insensitive. Similarly, another commenter said that questions regarding the religious practices of the tribe would not be proper except to the extent that they relate to biological resource issues and humane possession of eagles.

*Response:* We agree with the commenters and have removed the question.

- A commenter said that a question asking about the source of eagles for the aviary would not be understood and noted that most birds would come from rehabilitators.

*Response:* We revised this question for clarity. We agree that most birds will come from rehabilitators, but some may come from other sources such as other aviaries or exhibitors.

- Two commenters disagreed with a notation in the application that the facilities for aviary eagles must be separate from any rehabilitation facilities.

*Response:* We have removed this requirement and will address this issue prior to the next renewal of this ICR.

- Two commenters stated that tribal aviaries are located on tribal trust property and that we should remove our requirement for copies of State permits or approvals and a recommendation from the local State wildlife conservation officer.

*Response:* We agree with the commenters and have removed the question.

FWS Form 3-200-79 (new application).

- One commenter suggested that: (1) it is not necessary to ask Abatement applicants for a copy of their Master Class falconer permit, (2) we should not ask for the address where applicants will maintain records, and (3) we should not ask if the State requires a permit or other approval to conduct the activity, and, if so, to attach a copy.

*Response:* We retained the requirement for a copy of the applicant's Master Class Falconry permit. A Master Falconry permit demonstrates that the applicant has adequate experience handling raptors. We have proposed delegating falconry permitting to the States. If the rule is finalized as proposed, we will no longer issue or have copies of these permits. We retained the questions about where the applicant's records are kept and whether they have State approval to conduct the activity. These are standard questions on nearly all applications. We need the address where applicants keep records for enforcement purposes. Information about State approval is relevant because a Federal permit is not valid if an activity does not comply with State law.

## **Burden Estimates.**

FWS Form 3-200-79.

- One commenter indicated that the time burden estimate of 2 hours was high. This commenter holds other migratory bird permits.

*Response:* We believe that the approximate time burdens for each application accurately reflect the estimated time for the average first-time applicant to read the instructions and pertinent regulations and complete the application in question. We generally allotted approximately 45 minutes to 1 hour for reading the instructions and reviewing the regulations, and the remaining time for responding to the questions.

In addition to this specific public outreach, we also attend meetings of groups where a significant portion of the membership submits applications. At these meetings, we provide guidance on submitting applications and receive general feedback on the forms. We attempt to incorporate the general comments in our application forms where appropriate.

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

We do not provide payments or gifts to respondents.

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

We do not provide any assurance of confidentiality. The information collected is subject to the requirements of the Privacy Act and the Freedom of Information Act as explained in the notices portion of all applications.

**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.**

We estimate that there will be approximately 29,844 respondents annually for the applications and reports included in this ICR. We anticipate receiving approximately 55,674 responses annually, totaling 47,331 annual burden hours. The completion times vary substantially depending on the activity. At an average rate of \$35 per hour for salary and benefits, we estimate the dollar value of the annual burden hours for this collection to be \$1,656,585. See Attachment A for a breakout of burden hours and costs for each information collection.

**13. Provide an estimate of the total annual [non-hour] cost burden to respondents or record keepers resulting from the collection of information.**

We estimate the nonhour cost burden to respondents for this information collection to be \$706,300. These costs are primarily for application processing fees, which range from \$0 to \$100. There are no processing fees for reports. Federal, tribal, State, and local government agencies and those acting in their behalf are exempt from processing fees. See Attachment A for a breakout of nonhour burden costs for each information collection.

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

The annual cost to the Federal Government for this information collection is approximately \$1,741,988. These costs are primarily for staff time to review and process applications and reports. We estimate an average of \$50 per hour for salary and benefits. Review/processing time varies from 10 minutes to 8 hours depending on the activity. See Attachment A for a breakout for each information collection.

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

We are estimating 55,674 responses, totaling 47,331 annual burden hours for this collection. This is an increase of 5,764 responses and 3,451 annual burden hours from our previous request. We are reporting 45 responses totaling 104 burden hours as a program change associated with three new applications (3-200-77, 3-200-78, and 3-200-79) and one report (3-202-14). The nonhour cost burden associated with this program change is \$2,500. The remaining increase is a result of adjustments to our estimates, based on experience over the past 3 years. The reduction in nonhour burden costs of \$273,700 from our previous request is primarily because our previous request erroneously included application processing fees for exempt entities. However, a portion of the decrease in the nonhour cost burden is due to the removal of two forms (3-200-69 and 3-200-70) from this collection and a reduction in the number of Canada goose permits.

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

There are no plans for publication of the results of these information collections.

**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 control number and 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.



**CONSOLIDATED BURDEN TABLE  
OMB 1018-0022**

Activity	Number of annual respondents	Number of annual responses	Average completion time per response (minutes)	Total annual burden hours*	Total dollar value of burden hours (\$35/hr)	Average nonhour burden cost per response**	Total nonhour burden cost to applicants	Average time (hrs) per response for Govt review	Cost to Government (\$50/hr)
3-200-6 - application	76	76	60	76	\$2,660	\$75	\$4,200	1	\$3,800
3-200-7 - application	210	210	300	1,050	\$36,750	\$100	\$11,000	2.6	\$27,300
3-200-8 - application	690	690	120	1,380	\$48,300	\$100	\$69,000	1	\$34,500
3-200-9 - application	370	370	90	555	\$19,425	\$75	\$27,750	1	\$18,500
3-200-10a - application	190	190	90	285	\$9,975	\$75	\$13,500	1.5	\$14,250
3-200-10b - application	175	175	720	2,100	\$73,500	\$50	\$8,500	4	\$35,000
3-200-10c - application	250	250	270	1,126	\$39,410	\$75	\$18,750	4	\$50,000
3-200-10d - application	65	65	150	163	\$5,688	\$75	\$4,875	3	\$9,750
3-200-10e - application	15	15	90	23	\$788	\$75	\$1,125	1	\$750
3-200-10f - application	105	105	150	264	\$9,240	\$100	\$7,000	2	\$10,500
3-200-11 - application	470	470	75	588	\$20,563	\$100	\$47,000	2	\$47,000
3-200-12 - application	55	55	240	220	\$7,700	\$100	\$5,500	2	\$5,500
3-200-13 - application	2,220	2,220	176	6,432	\$225,120	\$71	\$112,500	2.5	\$277,500
3-200-14 - application	120	120	330	660	\$23,100	\$75	\$7,500	4	\$24,000
3-200-15a - application	1,345	1,345	60	1,345	\$47,075	\$0	\$0	2	\$134,500

\* Total burden hours adjusted to reflect totals entered by ROCIS because of rounding.

\*\* Nonhour burden cost is the application fee. If there is more than one application fee (e.g., for an amendment), number in chart is an average.

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3-200-15b - application	895	895	20	298	\$10,442	\$0	\$0	0.5	\$22,375
3-200-16 - application	6	6	180	18	\$630	\$100	\$300	2	\$600
3-200-17 - application	4	4	195	13	\$455	\$100	\$400	2	\$400
3-200-18 - application	4	4	390	26	\$910	\$100	\$400	2	\$400
3-200-67 - application	1	1	420	7	\$245	\$0	\$0	5	\$250
3-200-68 - application	5,050	5,050	90	7,575	\$265,125	\$90	\$364,500	1.5	\$378,750
3-200-77 - application	10	10	135	22	\$770	\$0	\$0	8	\$4,000
3-200-78 - application	5	5	300	25	\$875	\$0	\$0	6	\$1,500
3-200-79 - application	25	25	150	63	\$2,188	\$100	\$2,500	2	\$2,500
3-202-1 - report	580	580	60	580	\$20,300	\$0	\$0	1	\$29,000
3-202-2 - report	1,050	1,050	30	526	\$18,410	\$0	\$0	0.25	\$13,125
3-202-3 - report	1,850	1,850	60	1,850	\$64,750	\$0	\$0	0.25	\$23,125
3-202-4 - report	1,650	1,650	180	4,950	\$173,250	\$0	\$0	0.5	\$41,250
3-202-5 - report	1,160	1,160	90	1,740	\$60,900	\$0	\$0	0.50	\$29,000

\* Total burden hours adjusted to reflect totals entered by ROCIS because of rounding.

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3-202-6 - report	95	95	30	48	\$1,663	\$0	\$0	0.25	\$1,188
3-202- 7 - report	700	700	30	350	\$12,250	\$0	\$0	0.5	\$17,500
3-202- 8 - report	425	425	60	425	\$14,875	\$0	\$0	0.3	\$6,375
3-202- 9 - report	2,220	2,220	60	2,220	\$77,700	\$0	\$0	0.75	\$83,250
3-202- 10 - report	18	18	60	18	\$630	\$0	\$0	1.5	\$1,350
3-202-11 - report	20	20	60	20	\$700	\$0	\$0	0.3	\$300
3-202-12 - report	800	800	90	1,200	\$42,000	\$0	\$0	0.5	\$20,000
3-202- 13 - report	1,200	1,200	60	1,200	\$42,000	\$0	\$0	0.5	\$30,000
3-202- 14- report	10	10	30	5	\$175	\$0	\$0	0.5	\$250
3-186 - report	1,050	12,900	15	3,225	\$112,875	\$0	\$0	0.17	\$109,650
3-186a - report	4,660	18,640	15	4,660	\$163,100	\$0	\$0	0.25	\$233,000
<b>Totals</b>	<b>29,844</b>	<b>55,674</b>		<b>47,331</b>	<b>\$1,656,585</b>		<b>\$706,300</b>		<b>\$1,741,988</b>

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