

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

OMB Control Number 1018-0094

**Federal Fish and Wildlife Permit Applications and Reports--
Native Endangered and Threatened Species
50 CFR 13 and 17**

FWS Forms 3-200-54, 3-200-55, and 3-200-56

Terms of Clearance: None

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

We collect information on application forms and in reports (in form and nonform format) to determine the eligibility of applicants for permits requested in accordance with the criteria in various Federal wildlife conservation laws, including:

- (1) Endangered Species Act (16 U.S.C. 1531 et seq.).
- (2) Migratory Bird Treaty Act (16 U.S.C. 703 et seq.).
- (3) Lacey Act (16 U.S.C. 3371 et seq.).
- (4) Bald and Golden Eagle Protection Act (16 U.S.C. 668).
- (5) Marine Mammal Protection Act (16 U.S.C. 1374).

Service regulations implementing these statutes and treaties are in Chapter I, Subchapter B of Title 50 of the Code of Federal Regulations (CFR). 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. Standardization of general information common to the application forms makes the filing of applications easier for the public and helps to 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 needed. Submission of reports is generally on an annual basis. We examined the application forms in this collection, focusing on their utility. This information collection request (ICR) includes modifications to the layout and content of the currently approved application forms

so that they: (a) are easier to understand and complete, (b) will minimize the number of completed pages the applicant is required to submit to us, and (c) will accommodate future electronic permitting.

In addition to the application forms, permit holders must submit the following reports in accordance with 50 CFR 17:

- Annual reporting of the results subsequent to the activity authorized by the permit. This allows us to evaluate the success of the project, formulate further research, and develop management and recovery plans for the species.
- Private landowners who have an enhancement of survival permit (and accompanying Safe Harbor Agreement or Candidate Conservation Agreement with Assurances) must notify us if their land management activities incidentally take a listed or candidate species covered under their permit.
- We issue enhancement of survival permits to the landowners, and their name is printed on the permit. If ownership of the land changes, this permit does not automatically transfer to the new landowner. Therefore, we ask the permittee to notify us if there is a change in land ownership so that we may update the permit.
- If a recovery or interstate commerce permit authorizes activities that include keeping wildlife in captivity, we ask the permittee to notify us if any of the captive wildlife escape.

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 portion of the 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. We keep application information in office files to eliminate repeat or duplicate requests in the case of renewals, extensions, or repeat applications.

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 or to amend their existing permit. This allows the applicant to submit only the additional information necessary to meet the requirements of a new type of permit or to amend their existing 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. 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 collected 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, certificate, or authorization letter, since the collected information is either required on the permit, certificate, or authorization itself or is needed to make the necessary biological and legal findings under applicable statutes and treaties. In certain cases where programmatic, biological, and/or legal findings can be made as a result of an initial application, we can use a less burdensome process for subsequent requests, as long as the information provided to make the original findings remains the same.

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.**

No special circumstances exist that require us to collect the information 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 March 16, 2007, we published in the Federal Register (72 FR 12629) a notice of our intent to request that OMB approve this ICR. In that notice, we solicited comments for 60 days, ending on May 15, 2007. We received one comment. The comment did not address issues surrounding the proposed collection of information or the cost and hour burden estimates. The commenter objected to hunting permits, which are not part of this information collection. We have not made any changes to this collection as a result of this comment. In addition to publishing the notice in the Federal Register, we contacted the following individuals and solicited comments on this ICR.

Billingsley Ranch c/o Mr. David Billingsley 1841 Palisades Road Palisades, Washington 98845 Phone: (509) 754-2985	Mr. Paul Scheerer Oregon Department of Fish and Wildlife 28655 Hwy 34 Corvallis, Oregon 97333 Phone: (541) 737-7624	Ms. Sue Hann City of Palm Bay 120 Malabar Road Palm Bay, FL 32907 Phone: (321) 952-3411
Mr. Peter Lancaster 102 NW 76th Street Seattle, Washington 98117-3015 Phone: (206) 706-0037	Mr. Forrest Rogers High Desert Museum 59800 S Hwy 97 Bend, Oregon 97702 Phone: (541) 382-4754	Ken L. Risenhoover, PhD Director of Wildlife and Fisheries Programs Port Blakely Tree Farms, L.P. 8133 River Drive SE Tumwater, WA 98501 Phone: (360) 596-9421
Ms. Margaret Soulen Hinson 1760 Fairmont Drive Weiser, Idaho 83672 Phone: (208)549-4131	Mr. Anthony Carlisle 16181 County Road 6300 Licking, Missouri 65542 Phone: (573) 435-1023	Mr. John Kopchik Contra Costa County 651 Pine St., 4th Floor NW Martinez, CA 94533 Phone: (925)335-1227

Comments on our forms were generally favorable. Respondents said that the forms are easily available and the instructions are clear.

Necessity of Collection. All agreed that the collections were necessary, except:

- Forms **3-200-54** and **3-200-56**: One commenter stated that the information requested in the permit applications is redundant with information already available in other documents. They wanted the permit application forms to be eliminated.

Response: Our permit regulations require us to ask for this information in our application forms in order for us to evaluate whether or not to issue a permit. The permit application includes spaces for the applicant to provide the page numbers in the Agreement or Habitat Conservation Plan that provide the required information for the permit application.

Burden Estimates. Our burden hour estimates for completing the permit application forms and annual reports are within the numerical range of estimates provided by the respondents.

Ways to Enhance the Quality, Utility, and Clarify of Information. All agreed that the forms and instructions were easy to understand.

Ways to Minimize Burden. All agreed that the burden was within acceptable limits except in the following circumstances:

- **Form 3-200-55:** One respondent commented that the permit application fee of \$100 was insignificant compared to their hourly costs for preparing and submitting the information required in the application. They recommended that the fee be eliminated. They also commented that they should not have to fill out a new application for each proposed action. They would like to be able to fill out an application and subsequently be issued a permit that is valid indefinitely.

Response: On April 11, 2005, the Fish and Wildlife Service published a final rule increasing our permit application fees. The application fees were increased under the requirements of the Federal user fee policy in Office of Management and Budget Circular No. A-25, which requires Federal agencies to recoup the costs of special services that provide benefits to identifiable recipients. We are required to charge a permit application fee to help defray the cost of processing the application. In addition, we must evaluate each proposed activity in a permit application on an individual basis, taking into consideration the cumulative effects of previously authorized actions for the affected species. Permits cover a specific activity and must expire when that activity is completed.

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 2,499 respondents annually for the applications and reports included in this ICR. We anticipate receiving approximately 2,499 responses annually, totaling 18,796 annual burden hours. The completion times for each information collection 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 \$657,860. See Attachment A for a breakout of burden hours and costs for each information collection.

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

We estimate the nonhour cost burden to respondents for this information collection to be \$55,000. These costs are primarily for application processing fees, which range from \$50 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.

We estimate the annual cost to the Federal Government for this information collection to be approximately \$1,815,850, based on an average of \$50 per hour for salary and benefits for various staff involved. These costs are primarily for staff time (field office, Regional Office, and Solicitor's Office) to review and process applications, issue permits, and review reports. Time requirements to process applications and reports vary greatly (from 1 to 240 hours) depending upon the species, species status, and the complexity of the requested activity. See Attachment A for a breakout for each information collection.

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

We are requesting 2,499 responses, totaling 18,796 annual burden hours for this collection.

We are reporting a program change of 3 requests totaling 3 burden hours. Upon closer examination of our permit regulations at 50 CFR 17, we found three additional minor information collection requirements that we did not include in our previously approved information collection.

The net decrease of 153 responses and 962 burden hours from our previous request is a result of using a different method to estimate the number of respondents and responses for this ICR. In previous renewal requests, we queried our permit database for the numbers of permits issued annually to estimate the number of respondents and responses, for this 2007 renewal request we used existing data to make our estimate. We used the numbers of permits issued that were previously reported to us by our Regional Offices under our FY 07 annual Government Performance Results Act (GPRA) data call for this 2007 information collection renewal request. We believe this represents a more realistic estimate of burden.

We estimate the nonhour burden costs for this ICR to be \$55,000, which is a \$38,000 reduction from our previous request. This reduction is primarily because our previous request erroneously included application processing fees for exempt entities.

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

We will publish summary permit application information in the Federal Register for a 30-day public comment period as required by our endangered wildlife permit regulations at 50 CFR 17.22.

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.

**2007 CONSOLIDATED BURDEN TABLE
OMB 1018-0094**

Attachment A

Activity	Number of annual respondents	Number of annual responses	Average completion time per response (hours)	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)
3-200-54 (SHA/CCAA)-- permit application	11	11	3	33	\$1,155	\$50	\$300	140	\$77,000
3-200-54 -- annual report	64	64	8	512	\$17,920	\$0	\$0	1	\$3,200
3-200-54 -- notification of incidental take	1	1	1	1	\$35	\$0	\$0	1	\$50
3-200-54 -- notification of change in landowner	1	1	1	1	\$35	\$0	\$0	1	\$50
3-200-55 (rec/int comm) -- permit app	579	579	4	2,316	\$81,060	\$100	\$49,200	32	\$926,400
3-200-55 -- annual report	1,034	1,034	8	8,272	\$289,520	\$0	\$0	1	\$51,700
3-200-55 -- notification of escape of wildlife	1	1	1	1	\$35	\$0	\$0	1	\$50
3-200-56 (HCP) -- permit application	60	60	3	180	\$6,300	\$100	\$5,500	240	\$720,000
3-200-56 -- annual report	748	748	10	7,480	\$261,800	\$0	\$0	1	\$37,400
Totals	2,499	2,499		18,796	\$657,860		\$55,000		\$1,815,850

* Nonhour burden cost is the application fee. State, tribal, and local governments are except from fees; therefore, totals have been adjusted to delete these entities.