

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

OMB Control Number 1018-0103

**Conservation Order for Control of Midcontinent Light Geese
50 CFR 21.60**

Terms of Clearance. None.

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

The Migratory Bird Treaty Act (16 U.S.C. 703-712) implements the four bilateral migratory bird treaties the United States entered into with Great Britain (for Canada), Mexico, Japan, and Russia. The Act authorizes and directs the Secretary of the Interior to allow hunting, taking, etc., of migratory birds subject to the provision of and in order to carry out the purposes of the four treaties. Section VII of the U.S.-Canada Migratory Bird Treaty authorizes the taking of migratory birds that, under extraordinary conditions, become seriously injurious to agricultural or other interests.

Midcontinent light geese (MCLG) are overabundant and destroy arctic and subarctic breeding habitats in Canada essential to their own survival and to other migratory bird populations. On February 16, 1999, the Fish and Wildlife Service (we, Service) published a final rule (64 FR 7517) that established a conservation order for MCLG (50 CFR 21.60). This regulation authorized States and tribes in the midcontinent region to control MCLG within the United States through the use of alternative regulatory strategies within the conditions that we provide in the conservation order. We withdrew this regulation to prevent further litigation from several anti-hunting groups that opposed the conservation order. Subsequently, Congress passed the Arctic Tundra Habitat Emergency Conservation Act (Pub.L. 106-108), which reinstated the conservation order regulations published on February 16, 1999. On December 20, 1999 (64 FR 71236), we published a final rule that notified the public that congressional action resulted in reinstatement of 50 CFR 21.60. That rule remains in effect.

North American light geese are comprised of lesser snow geese (*Anser caerulescens caerulescens*), greater snow geese (*A. c. atlantica*), and Ross' geese (*A. rossii*). We refer to these species and subspecies collectively as light geese due to their light coloration, as opposed to "dark" geese such as Canada and white-fronted geese. Most populations of light geese are increasing in numbers. Light geese that nest in the central and eastern Arctic are comprised of two populations: midcontinent population and western central flyway population of lesser snow and Ross' geese (combined). The two species are combined in the population terminology for management purposes. Midcontinent light geese refers to the combination of the two populations.

The number of MCLG has increased exponentially over the past several decades in prairie Canada and the Midwestern United States, primarily due to the expansion of agriculture and a concurrent increase in food supply. These rapidly expanding populations have placed an unprecedented amount of pressure on arctic and subarctic breeding habitats. Large, expanding concentrations of MCLG, coupled with a short tundra growing season, have resulted

in removal of vegetation by feeding geese. Loss of vegetation leads to increased evaporation and hypersaline soils, resulting in severe habitat degradation along west Hudson and James Bays, and in the Queen Maude Gulf regions of northern Canada. Symptoms of habitat degradation are appearing in other arctic and subarctic regions as well. Negative impacts to

other migratory bird populations have been documented both on the breeding grounds and along migration routes.

MCLG populations must be reduced to avoid further loss of an ecosystem essential to migratory bird populations. Before implementing the conservation order, we attempted to curb the growth rate of MCLG populations by liberalizing bag limits and increasing the light goose hunting season to 107 days, the maximum allowed by the Migratory Bird Treaty Act, as amended. Although these changes resulted in increased harvest, the harvest rate (percent of population harvested) continued to decline as populations grew exponentially. Clearly, traditional wildlife management strategies were not working. Therefore, we established an alternative regulatory strategy to effectively and efficiently reduce MCLG populations, which precluded the use of more drastic, direct control measures.

Before implementing the conservation order, MCLG could only be harvested during traditional hunting season framework dates between September 1 and March 10, the dates set in the Migratory Bird Treaty with Canada. Most of the harvest of MCLG occurs in the United States. Use of population reduction measures on the Canadian breeding grounds would be cost-prohibitive, dangerous, inefficient, and out of our jurisdiction. Therefore, we created the conservation order to control light geese by authorizing States/tribes to implement alternative regulatory strategies for MCLG outside of the Treaty framework dates. The States/tribes may conduct a population reduction program under the authority of the conservation order within the conditions that we provide.

The conservation order allows States/tribes to implement population control measures without having to obtain a permit, thus significantly reducing their administrative burden. States/tribes may allow the use of additional methods of take described within the conditions of the conservation order and can maximize the potential to increase take of MCLG by authorizing take beyond March 10. Establishing a conservation order to reduce MCLG is a streamlined process that affords an efficient and effective population reduction strategy, rather than addressing the issue through our permitting process. Furthermore, this strategy precludes the use of more drastic and costly direct population-reduction measures such as trapping and culling geese.

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.

States/tribes must designate participants who must operate under the conditions of the conservation order and they must inform participants of the requirements and conditions. Individual States/tribes determine the method to designate participants.

States/tribes must keep records of activities carried out under the authority of the conservation order. This includes the number of MCLG taken under the regulation, the methods by which they are taken (e.g. unplugged shotgun, electronic call), and the dates they were taken. We believe that this recordkeeping requirement is necessary to ensure that those individuals carrying out control activities are authorized to do so. The States/tribes must submit an annual report summarizing the activities conducted under the conservation order on or before August 1 of each year. Tribal information can be incorporated in State reports to reduce the number of reports submitted.

Reported information allows us to assess the effectiveness of light geese population control methods and strategies and assess whether or not additional population control methods are needed. Information on date of harvest allows us to assess the interaction between normal

hunting season, migration timing by species such as whooping cranes and other migratory birds, and the conservation order. By monitoring the number of light geese taken during the conservation order, we will be able to monitor trends in harvest and ensure that light geese and other migratory bird populations are managed properly. Reports by independent researchers indicate that approximately 1.4 million light geese should be harvested each year in order to reduce the population size. We used information collected in previous years under the conservation order to determine how close we are to achieving this level of harvest.

- 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].**

States/tribes may submit the information collected electronically via e-mail. Allowing States/tribes to submit their reports electronically reduces administrative burden to respondents and the Federal Government.

- 4. Describe efforts to identify duplication.**

No duplicate information is collected elsewhere in the Service, nor does any other Federal agency collect information of this type.

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

Since the conservation order is available only to State wildlife agencies and tribes, no small businesses or other small entities are affected by the information collection requirements.

- 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.**

States/tribes are not allowed to participate in the conservation order unless they collect information on activities conducted under the program. Without such information, we would not be able to evaluate the effectiveness of the population control program and could not fulfill our responsibilities under the Migratory Bird Treaty Act. Collections conducted less frequently than annually would not allow us to properly manage light geese populations.

- 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 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 April 25, 2008, we published in the Federal Register (73 FR 22429) a notice of our intent to request that OMB renew authority for this information collection. In that notice, we solicited public comments for 60 days, ending on June 24, 2008. We received one comment during this period. The commenter objected to the killing of geese and did not address the information collection requirements. We did not make any changes to our information collection as a result of this comment.

In addition to the Federal Register notice, we contacted representatives of each flyway and asked them to comment on:

- whether or not the collection of information is necessary, including whether or not the information will have practical utility;
- the accuracy of our estimate of the burden for this collection of information;
- ways to enhance the quality, utility, and clarity of the information to be collected; and
- ways to minimize the burden of the collection of information on respondents.

We contacted the following individuals:

Ray Marshalla, State Waterfowl Biologist Division of Wildlife Resources IL Dept. of Natural Resources One Natural Resources Way Springfield, IL 62702, USA 217/782-6384 Fax# 217/785-2438 ray.marshalla@illinois.gov	Mark Vrtiska, Waterfowl Program Manager NE Game & Parks Commission P.O. Box 30370 2200 North 33rd Street Lincoln, NE 68503-1417, USA 402/471-5437 Fax# 402/471-5528 mark.vrtiska@ngpc.ne.gov
Jim Gammonley, Avian Research Leader CO Division of Wildlife Wildlife Research Center 317 West Prospect Road Fort Collins, CO 80526, USA	Luke Naylor, Waterfowl Program Coordinator AR Game & Fish Commission Wildlife Management Division 2 Natural Resources Drive Little Rock, AR 72205, USA

970/472-4379 Fax# 970/472-4457 jim.gammonley@state.co.us	501/223-6361 Fax# 501/223-6452 lwnaylor@agfc.state.ar.us
Guy Zenner Waterfowl Research Biologist Iowa Department of Natural Resources 1203 North Shore Drive Clear Lake, IA 50428 Phone: (641) 357-3517 Fax: (641) 357-5523 E-mail: guy.zenner@dnr.iowa.gov	Michael A. Johnson Game Management Section Leader and Supervisor, Migratory Game Bird Management North Dakota Game and Fish Department 100 North Bismarck Expressway Bismarck, North Dakota 58501 Phone: 701-328-6319 FAX: 701-328-6352 mjohnson@nd.gov

We received four responses. All who responded indicated that the information we collect is necessary and important for evaluating the success of light goose population efforts. Based on feedback from our outreach, we increased our estimates for the annual burden costs (see item 12) to include overhead. While each representative who responded indicated that the States spend considerable time in collecting this information, the estimates they provided are within the range of our burden estimate (74 hours) and we did not make any changes. Each suggested that, rather than each State/tribe collecting and reporting the data, the Service assume this responsibility nationally. There are technical and funding issues associated with the Service assuming this responsibility. However, over the next 2 years, we will work the Arctic Goose Habitat Working Group to determine the best method of collecting data to provide the best quality of information in the most efficient way possible.

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

We do not provide any payments of 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 to respondents. The information we collect is not subject to the requirements of the Privacy Act and any records provided to us will be available under the Freedom of Information Act.

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 expect a maximum of 24 States/tribes to participate under the authority of the conservation order each year that it is available, each requiring an average of 74 hours to collect information from participants, maintain records, and prepare an annual report. Therefore, the burden to participants will be 1,776 hours or less.

ACTIVITY/REQUIREMENT	ANNUAL NO. OF RESPONDENTS	TOTAL ANNUAL RESPONSES	COMPLETION TIME PER RESPONSE	TOTAL ANNUAL BURDEN HRS
50 CFR 21.60	24	24	74 hours	1,776

We estimate the annual burden cost to participating States/tribes to be \$123,918.24 (\$63,918.24 (dollar value of burden hours) plus \$60,000 (overhead)).

We estimate the dollar value of the annual burden hours to be to be \$63,918.24 (1,776 burden hours multiplied by \$35.99/hour average wage). Using the National Compensation Survey: Occupational Wages in the United States, June 2006, published by the U.S. Bureau of Labor Statistics in June 2007, we estimate the average hourly wage for State/tribal government employees to be \$23.99. We multiplied this by 1.5 (BLS news release USDL 07-1883, December 11, 2007) to account for benefits, resulting in a total hourly cost factor of 35.99.

Based on information obtained during our outreach, we estimate that each participating State/tribe will incur overhead costs (materials, printing, postage, etc.) of approximately \$2,500, or a total of \$60,000.

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

There are no nonhour burden costs associated with this information collection.

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

We estimate that the annual cost to the Federal Government to administer this information collection is \$170.52 (\$56.84 average hourly wage x 3 hours). There is minimal cost to the Federal Government because we only monitor the number of light geese harvested to ensure that the harvest is in line with our projections. We estimate an annual total of 3 hours for a GS-12 to prepare a spreadsheet consolidating the information, review the harvest totals, and maintain the necessary files. Using the Office of Personnel Management's Salary Table 2008-DCB, the hourly wage for a GS-12/step 5 is \$37.89. We multiplied the hourly wage by 1.5 to account for benefits (Bureau of Labor Standards news release USDL 07-1883, December 11, 2007), resulting in a total hourly wage of \$56.84.

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

There are no program changes or adjustments.

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.

This information collection is associated with regulatory requirements. We will display the OMB control number and expiration date on appropriate materials.

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.