

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 FWS Forms 3-200-54, 3-200-55, and 3-200-56 50 CFR 13 and 17

Terms of Clearance. None.

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

We (U.S. Fish and Wildlife Service, Service) 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:

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

Our 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.

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. This information collection request (ICR) includes minor modifications to the layout and content of the currently approved

application forms so that they: (a) are easier to understand and complete, (b) minimize the number of completed pages the applicant must submit, and (c) accommodate future electronic permitting. We use the following permit application forms for activities associated with native endangered and threatened species:

- FWS Form 3-200-54 - Enhancement of Survival Permits Associated with Safe Harbor Agreements and Candidate Conservation Agreements with Assurances.
- FWS Form 3-200-55 - Permits for Scientific Purposes, Enhancement of Propagation or Survival (i.e, Recovery) and Interstate Commerce.
- FWS Form 3-200-56 - Incidental Take Permits Associated with a Habitat Conservation Plan.

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 are 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, processing fees, or reports. However, the Service is actively developing a web-based e-

Permits system, and we are pilot testing two Service permit application forms that have current OMB approval. The e-Permits system will allow the public to complete the forms, submit the completed forms to us, pay application processing fee, and submit the required reports to us in electronic format – all via the e-Permits website. We expect to finish the pilot testing in early 2011. Once the pilot testing is successfully completed, we will begin converting the remainder of the permit application forms into the e-Permits system.

4. Describe efforts to identify duplication.

The information 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 retain application information in office files to eliminate repeat or duplicate requests in the case of renewals, extensions, or repeat applications.

We retain information from original applications so permittees do not have to submit duplicate information that is unchanged for new permits or to amend existing permits. 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.

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 10, 2010, we published in the Federal Register (75 FR 11192) a notice of our intent to request that OMB approve this ICR. In that notice, we solicited comments for 60 days, ending on May 10, 2010. We did not receive any comments.

In addition to publishing the notice in the Federal Register, we contacted the following individuals and solicited comments on this ICR.

Randy Sprick 84679 Mudrock Road Eugene, OR 97405 phone: (541) 686-0007	Thomas J. Davis Tom Davis Farms, J.V. 1195 RD 1, NE Coulee City, WA 99115 phone: (509) 632-5529	Robert L. Harshbarger 4W Family Limited Partnership The 4W Ranch 1162 Lynch Rd. Newcastle, WY 82701 phone: (307) 875-1823
Darcy Saiget Mt Hood National Forest Hood River Ranger District 6780 Hwy 35 South Mt Hood-Parkdale OR 97041 phone: (541) 352-6002	Jennifer Neale Associate Director of Research and Conservation Denver Botanic Gardens, Inc. 909 York St. Denver, CO 80206 phone: (720) 865-3562	Phil Sheridan Meadowview Biological Research Station 8390 Fredricksburg Turnpike Woodford, VA 22580 phone: (804) 633-4336

Edward M. West 2329 North Recker Road, #46 Mesa, AZ 85215 phone: (831) 336-1931	Larry L. Busch 587 Twin Pines Drive Scotts Valley, CA 95066 phone: (831) 438-2235	Mike O'Herron MT Department of Natural Resources and Conservation 2705 Spurgin Road Missoula, MT 59804 phone: (406) 542-4300
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Two of the nine individuals provided comments.

Necessity of Collection. The first individual did not comment on the necessity or the practical utility of the collection. The second individual agreed that the collection was necessary, and that it has a practical utility.

Burden Estimates. The first individual did not comment on the burden estimates. The second individual believed that the burden estimate for FWS Form 3-200-55 was too low.

Response: We believe our estimates are within reason. The information in the application and the length of the report will vary according the number of species and activities. Our burden estimate is the average of time it will take to provide the information for applications and reports.

Ways to Enhance the Quality, Utility, and Clarify of Information.

- Form **3-200-54:** Include the instructions on page 1 rather than page 13, and provide clear information about the form's purpose.

Response: All Service permit application forms are standardized to have the same form on page 1, with the same instructions page at the end. Text at the top of the form on page 1 directs the applicant to the instruction page at the end of the form. This text is bolded to further bring the instruction page to the reader's attention. In addition, the instructions page is placed at the end of the form to minimize the number of pages that the permit applicant needs to return to us. The form contains clear information about the purpose of the information collection.

- Form **3-200-55:** In some cases, the level of detail requested is unknown or not available, and may not be obtained without already having a permit. It is unclear how to provide the known or available relevant information. Qualify the instructions by asking for the information "to the best of your ability."

Response: The requested information is already qualified, where appropriate, by including the phrases "to the extent known" or "if the information exists." In response to this comment, we added "to the extent known" to the section requesting information on species location.

Ways to Minimize Burden. The first individual did not comment on ways to minimize the burden. The second individual provided the following comment:

- Form **3-200-55:** In some cases, the requested information could be reduced. For example, it may be difficult for the applicant to provide the identity and phone numbers of all the people they contacted to (unsuccessfully) obtain specimens from captivity/nurseries/museums. For the collection of wild plants on Federal land, clarify whom to identify as the person in charge of the Federal lands.

Response: To justify their need to take specimens from the wild, applicants must provide adequate documentation that they have made a good faith effort to obtain existing specimens from alternate sources. For the questions on the collection of wild plants on Federal lands, we added examples of titles for land managers.

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 complexity and geographic scope of the activity, as well as the number of species covered under the activity.

We estimate the total dollar value of the annual burden hours for this collection to be \$871,643 (rounded). We calculated hourly wages using the Bureau of Labor Statistics Bulletin 2738 "National Compensation Survey: Occupational Earnings in the United States, 2009," (http://www.bls.gov/ncs/ncswage2009.htm#Wage_Tables), released in June 2010. We calculated benefits in accordance with the Bureau of Labor Statistics news release USDL 10-1241 entitled "Employer Costs for Employee Compensation—June 2010" (<http://www.bls.gov/news.release/pdf/ecec.pdf>), released on September 8, 2010.

To estimate average hourly wages and calculate benefits:

- Individuals/Households - We used the wage and salary costs for civilian workers from Table 3 of the Bureau of Labor Statistics Bulletin 2738, which states an hourly rate for biological scientists of \$32.92. To calculate an hourly rate that includes benefits, we multiplied the hourly rate by 1.4. The hourly rate including benefits is \$46.09.
- Private Sector - We used the wage and salary costs for private industry workers from Table 4 of the Bureau of Labor Statistics Bulletin 2738, which states an hourly rate for biological scientists of \$34.28. To calculate an hourly rate that includes benefits, we multiplied the hourly rate by 1.4. The hourly rate including benefits is \$47.99.
- State/Local/Tribal Government - We used the wage and salary costs for State and local government workers from Table 5 of the Bureau of Labor Statistics Bulletin 2738, which states an hourly rate for biological scientists of \$27.09. For this collection, we have assumed that the rate for tribal government workers is identical to the rate for State/local government workers. To calculate an hourly rate that includes benefits, we

multiplied the hourly rate by 1.5. The hourly rate including benefits is \$40.64.

REQUIREMENT	ANNUAL NO. OF RESPONDENTS	TOTAL ANNUAL RESPONSES	COMPLETION TIME PER RESPONSE	TOTAL ANNUAL BURDEN HOURS	HOURLY LABOR COSTS INCLUDING BENEFITS	TOTAL DOLLAR VALUE OF ANNUAL BURDEN HOURS
SHA/CCAA (3-200-54)						
Application						
Individuals	2	2	3	6	\$ 46.09	\$ 276.54
Private Sector	4	4	3	12	47.99	575.88
Government	5	5	3	15	40.64	609.60
Annual report						
Individuals	12	12	8	96	46.09	4,424.64
Private Sector	23	23	8	184	47.99	8,830.16
Government	29	29	8	232	40.64	9,428.48
Notifications (incidental take & change in landowner) - individuals	2	2	1	2	46.09	92.18
RECOVERY/ INTERSTATE COMMERCE (3-200-55)						
Application						
Individuals	232	232	4	928	46.09	42,771.52
Private Sector	260	260	4	1,040	47.99	49,909.60
Government	87	87	4	348	40.64	14,142.72
Annual report						
Individuals	414	414	8	3,312	46.09	152,650.08
Private Sector	465	465	8	3,720	47.99	178,522.80
Government	155	155	8	1,240	40.64	50,393.60
Notification (Escape of wildlife) - private sector	1	1	1	1	47.99	47.99
HCP (3-200-56)						
Application						
Individuals	45	45	3	135	46.09	6,222.15
Private Sector	10	10	3	30	47.99	1,439.70
Government	5	5	3	15	40.64	609.60
Annual report						
Individuals	354	354	10	3,540	46.09	163,158.60
Private Sector	373	373	10	3,730	47.99	179,002.70
Government	21	21	10	210	40.64	8,534.40
Total	2,499	2,499		18,796		\$871,642.94

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 for application processing fees. Application processing fees range from \$25 to \$100, depending on the purpose or type of the application. In estimating the nonhour cost

burden, we have used the highest possible fee for the specific application. 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.

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

We estimate that the total cost to the Federal Government for processing and reviewing permit applications and reviewing reports as a result of this collection of information is **\$1,904,463** (rounded). These costs are primarily for staff time to review and process applications, issue permits, and review reports. For each permit application, we will receive forms; process information; determine eligibility for a permit; and advise applicants of their success. 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 as well as its geographic scope.

Depending upon their geographic location, some employees are paid under a Federal salary table that includes locality pay. We used the Office of Personnel Management's Salary Table 2010-DCB (<http://www.opm.gov/oca/10tables/pdf/salhr.pdf>) to determine an average wage rate for employees nationwide. To calculate benefits, we multiplied the hourly rate by 1.5 in accordance with the Bureau of Labor Statistics news release USDL 10-1241 entitled "Employer Costs for Employee Compensation—June 2010" (<http://www.bls.gov/news.release/pdf/ecec.pdf>), September 8, 2010. The following table shows a weighted average of \$52.44 for Federal staff and grade levels performing various tasks associated with this information collection.

POSITION/GRADE	HOURLY RATE	HOURLY RATE INCLUDING BENEFITS	TIME SPENT ON INFORMATION COLLECTION	WEIGHTED AVERAGE \$/HOUR*
Clerical - GS-7/step 5	\$22.92	\$34.38	5%	\$ 1.72
Professional/technical - GS-11/step 5	33.92	50.88	84%	42.74
Management - GS-13/step 5	48.35	72.53	11%	7.98
Weighted Average (\$/hr)				\$52.44

*rounded

We used the above weighted average hourly rate to calculate the cost to the Federal Government by multiplying the hourly weighted salary rate (\$52.44) x total hours for Federal Government review.

REQUIREMENT	TOTAL ANNUAL RESPONSES	AVERAGE TIME PER RESPONSE	TOTAL FEDERAL HOURS	TOTAL DOLLAR COST TO FEDERAL GOVT.
SHA/CCAA (3-200-54)				
Application	11	140	1,540	\$80,757.60
Annual report	64	1	64	3,356.16
Notifications (incidental take and change in landowner)	2	1	2	104.88
RECOVERY/INTERSTATE COMMENCE (3-200-55)				
Application	579	32	18,528	971,608.32

REQUIREMENT	TOTAL ANNUAL RESPONSES	AVERAGE TIME PER RESPONSE	TOTAL FEDERAL HOURS	TOTAL DOLLAR COST TO FEDERAL GOVT.
Annual report	1,034	1	1,034	54,222.96
Notification of escape of wildlife	1	1	1	52.44
HCP (3-200-56)				
Application	60	240	14,400	755,136.00
Annual report	748	1	748	39,225.12
Total	2,499		36,317	\$1,904,463.48

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 publish summary permit application information in the Federal Register for a 30-day public comment period as required by 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. Certification.

There are no exceptions to the certification statement.