

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

**Conservation Order for Light Geese  
50 CFR 21.60**

**OMB Control Number 1018-0103**

**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 until we could complete an Environmental Impact Statement on light goose management. We published a Final EIS on light goose management in June 2007 and reaffirmed 50 CFR 21.60 in a final rule published on November 5, 2008 (73 FR 65926).

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 and migrate through the central U.S. 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 (MCLG) refers to the combination of the two populations. Greater snow geese nest in the eastern Arctic and migrate to the mid-Atlantic region of the United States.

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.

Similarly, the greater snow goose population has increased exponentially in recent decades. Although impacts of high populations on nesting habitats have not reached levels observed in the midcontinent region, greater snow geese have impacted marsh habitats on migration areas in Quebec and the Mid-Atlantic region, and have also caused significant problems with agricultural depredations.

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. We use the conservation order approach to also reduce the greater snow goose population and reduce their impact to natural marsh habitats and agricultural interests. 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 light geese by authorizing take beyond March 10. Establishing a conservation order to reduce light goose populations 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. Light goose numbers continue to remain high, and we believe that maintenance of the conservation order and associated information collection is needed to keep the population in check and to monitor harvest.

## **2. Indicate how, by whom, and for what purpose the information is to be used.**

Participating States/tribes must designate participants who can 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. In accordance with 50 CFR 21.60, the following information must be collected:

- 1) Number of persons participating in the conservation order;
- 2) Number of days people participated in the conservation order;
- 3) Number of persons who pursued light geese with the aid of a shotgun capable of holding more than three shells;
- 4) Number of persons who pursued light geese with the aid of an electronic call;
- 5) Number of persons who pursued light geese during the period one-half hour after sunset;
- 6) Total number of light geese shot and retrieved during the conservation order;
- 7) Number of light geese taken with the aid of an electronic call;
- 8) Number of light geese taken with the fourth, fifth, or sixth shotgun shell;
- 9) Number of light geese taken during the period one-half hour after sunset; and
- 10) Number of light geese shot but not retrieved.

Each State determines the method by which they collect this information. Because of the differing licensing systems in each State, it was not possible to develop a common form or method. Each State differs in the administration of the conservation order. Some require permits, others do not. Although, the Atlantic Flyway States developed a standard survey form template, the Central and Mississippi Flyways were not able to do so. Hunter activity was solicited through various methods; e.g., a paper hunting diary, online data entry screen, telephone, mail, etc.

The 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 September 15 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 seasons, 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 the mid-continent region in order to reduce the population size. For greater snow geese, our population goal is to reduce the population to 500,000 birds. We used information collected in previous years under the conservation order to determine how close we are to achieving this level of harvest. We require harvest information on the number of light geese taken with the aid of an electronic call; geese taken with the fourth, fifth, or sixth shotgun shell; taken during the period one-half hour after sunset to determine whether these methods of take should be continued or expanded. We monitor the number of light geese shot but not retrieved to determine a crippling rate which can be used to refine harvest estimates. Summarized information is shared with States in the three participating Flyways.

The U.S. Fish and Wildlife Service, Canadian Wildlife Service, and all Flyway Councils agreed that the population of midcontinent light geese needs to be reduced by 50%, from the 1998 level of 3.1 million to approximately 1.55 million. Also, the above management partners agreed that the population of greater snow geese in the Atlantic Flyway should be reduced and stabilized to

500,000 birds. Therefore, our primary parameter of interest is simply total harvest of birds. We are monitoring harvest of light geese during regular hunting seasons through the Federal Harvest Information Program which uses a national sampling universe to conduct harvest surveys. We have regulatory authority to require hunters to participate in the HIP program. The HIP program is not designed to estimate harvest of light geese during conservation order activities (they are not regular hunting seasons). Therefore, we do not have regulatory authority to require hunters to fill out a conservation order harvest survey. That is the reason we have asked States to collect harvest information for conservation orders. We simply want to monitor what additional harvest of birds (beyond regular hunting seasons) is occurring via the conservation order so that we know that the conservation order is resulting in additional harvest of birds that otherwise would not occur so that our population reduction program is addressed.

**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].**

Participating States/tribes develop their own methodology for collecting information for the light goose conservation order. States may submit the information electronically via email. Allowing States/tribes to submit their reports electronically reduces administrative burden to respondents and the Federal Government. We currently summarize data collected for all three Flyways that harvest light geese. Tables of summarized data are provided to participating States however we have not been posting such data to the Internet. We currently have no plans to do so because we are evaluating results obtained to date to determine if changes should be made to required information.

**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. Individuals who are participants in the conservation order provide information on their experience to the States. We collect only the minimum information necessary to ensure the effectiveness of the program.

**6. Describe the consequence to Federal program or policy activities if the collection were 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 in a given year 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. If applicable, 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.**

On May 24, 2011 (76 FR 30188), we published a notice on the proposed information collection and solicited public comments for 60 days, ending on July 25, 2011. We received five public comments including one from an individual who was opposed to the population reduction program, but did not comment on the information collection itself.

We received comments from the Wyoming Game and Fish Department, the Atlantic Flyway Council, Mississippi Flyway Council, and the Central Flyway Council. Flyway Councils are comprised of all State wildlife agencies within each respective administrative Flyway. The State of Wyoming and the three Flyway Councils agreed that it was important to estimate the number of citizens participating in the conservation order, as well as actual light goose harvest. However, all commenters recommended that requirements 3-5 and 7-10, Item 2, should be evaluated for their continued usefulness and potentially discontinued from the information collection. They recommended that only information on hunter numbers and light goose harvest

be collected. Commenters also stressed that individual States use different methodologies for obtaining information and that simply adding estimates from disparate methodologies leads to overall estimates that are not as reliable as would be liked. Commenters believed the Service should take over responsibility for data collection, possibly through the Service's Harvest Information Program (HIP).

*Response:*

Implementation of the light goose conservation order required using new methods of take that were controversial because historically they had been illegal during normal hunting seasons. For that reason, we required information be collected on the use of such tools (i.e. variables 3-5 and 7-9, Item 2) so that we could evaluate their effectiveness. We agree that information collected to date should be fully evaluated and that the utility of continued information collection for those variables should be analyzed. Discontinuation of information collection on those variables would require rulemaking to reduce the number of specific requirements outlined in 50 CFR 21.60. During discussions with Flyway Councils regarding initiation of the conservation order, there were concerns about whether or not a national collection should be developed for the conservation order. That approach was not pursued due to the need to develop a Federal permit. It was decided that each State would conduct its own collection. Although State harvest estimates may not be fully comparable, we believe that summation of such estimates is warranted for general monitoring purposes (see item 2).

We are still awaiting a report from the Arctic Goose Habitat Working Group of the Arctic Goose Joint Venture to determine the best method of collecting data to provide the highest quality of information in the most efficient way possible. We expect that the final report will be issued in spring 2012. The Arctic Goose Joint Venture report is assessing the population reduction program and will make recommendations for future actions. The report is important because it involves input from our Canadian partners. Because light goose management is a joint effort between the U.S. and Canada, we feel it is important to wait for results of this report so as to give adequate consideration to our management partners in Canada.

Our Harvest Information Program is geared towards estimating harvest of birds during regular hunting seasons that end on or before March 10 each year. Many States hold their light goose conservation order (not a regular hunting season) after March 10. Therefore, if HIP were used to estimate light goose conservation order harvest, our annual HIP reports would be delayed and could affect the normal hunting regulations promulgation process. The Service can only require HIP registration for regular hunting seasons. There is no current mechanism for the Service to require HIP registration for conservation order participants.

**Outreach**

In April 2011 we conducted outreach to three participating State wildlife agencies to ask whether or not the collection of information is necessary, whether our estimation of the burden for this information collection is accurate, ways to enhance the quality, utility and clarity of the information to be collected and ways to minimize the collection of information on respondents.

Individuals contacted within each agency:

Guy Zenner, Wildlife Biologist, Iowa Department of Natural Resources  
[guy.zenner@dnr.iowa.gov](mailto:guy.zenner@dnr.iowa.gov)

Mike Johnson, Wildlife Biologist, North Dakota Game and Fish Department [mjohnson@nd.gov](mailto:mjohnson@nd.gov)

Luke Naylor, Wildlife Biologist, Arkansas Game and Fish Commission  
[lnaylor@agfc.state.ar.us](mailto:lnaylor@agfc.state.ar.us)

All three State agencies contacted during outreach agreed that the information is important to collect. However, as with other comments received during the public comment period, the agencies felt that a single national collection should be developed by the Service. The Iowa DNR recommended that the number of questions asked on methods of take should be reduced. These two issues are responded to above. The Iowa DNR commented that we did not appear to include overhead costs (e.g. postage and printing). Note: we did include overhead costs in item 13.

With regard to collection of information on various tools (e.g. 4th, 5th, 6th shell in unplugged guns, expanded shooting hours, electronic calls) that were authorized for use during conservation orders some of the comments from States mention there are no measures of precision for the estimates of the extent to which these tools are used by participants. We wanted to collect this information at the start of the program merely to see how commonly the tools are used. There is no need for measures of precision of such estimates because they are not used in any elaborate modeling exercise. We simply want to get a feel in a gross sense which tools are being used. Now that we have collected over 12 years of such information, the States are commenting that such information no longer needs to be collected. If the management community decides that information on use of these tools no longer needs to be collected, we will issue a proposed rule and subsequent rulemaking to eliminate the requirement to collect this information.

We have not made any changes to the information collection requirements at this time. We will continue to work with the States, Flyway Councils, and the Arctic Goose Joint Venture to determine the best method of collecting data to provide the highest quality 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 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 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 estimate a total of 21,577 responses totaling 6,476 burden hours.

We expect a maximum of 39 States/tribes (24 States in the midcontinent region and 15 States in the Atlantic Flyway region) to participate under the authority of the conservation order each year that it is available. Each will require an average of 74 hours to collect information from participants, maintain records, and prepare an annual report, totaling 2,886 hours or less.

Each State determines how they collect data from participants. While there is no common form or method, the States have shared their forms and there is commonality. Some States require participants to obtain a permit to participate in the conservation order, others do not. Post-harvest survey questions and questionnaire delivery methods differ among States. States measure harvest and hunter activity through the use of mail questionnaires, phone surveys, hunter diaries, online data entry, etc. Differences also exist within similar survey types, such as the proportion of participants surveyed and the type and number of followup contacts. We estimate a total of 21,538 responses totaling 3,590 annual burden hours.

We estimate the total dollar value of the annual burden hours to be \$218,884 (rounded). We used BLS Bulletin USDL 11-1305 (<http://www.bls.gov/news.release/pdf/ecec.pdf>) to establish hourly wages and calculate benefits.

- Table 3 lists the hourly wage for all State workers as \$26.41. To calculate benefits, we multiplied this rate by 1.5 resulting in an hourly rate of \$39.62 (rounded).
- Table 1 lists the hourly wage for all workers as \$20.80. To calculate benefits, we multiplied this rate by 1.4 resulting in an hourly rate of \$29.12.

ACTIVITY/ REQUIREMENT	ANNUAL NO. OF RESPONDENTS	TOTAL ANNUAL RESPONSES	COMPLETION TIME PER RESPONSE	TOTAL ANNUAL BURDEN HOURS	HOURLY WAGE INCLUDING BENEFITS	\$ VALUE OF ANNUAL BURDEN HOURS
States – collect information, maintain records, prepare annual report	39	39	74 hours	2,886	\$39.62	\$114,343
Participants - provide information to States	21,538	21,538	10 minutes	3,590	\$29.12	104,541
<b>Total</b>	<b>21,577</b>	<b>21,577</b>		<b>6,476</b>		<b>\$218,884</b>

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

We estimate that each participating State/tribe will incur overhead costs (materials, printing, postage, etc.) of approximately \$2,500, or a total of \$97,500 in nonhour burden costs.



**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 \$183 (rounded). 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 2011-DCB, the hourly wage for a GS-12/step 5 is \$40.66. We multiplied the hourly wage by 1.5 to account for benefits (Bureau of Labor Standards news release USDL 11-1305), resulting in a total hourly wage of \$60.99.

**15. Explain the reasons for any program changes or adjustments in hour or cost burden.**

We are reporting the following increases as program changes:

- 21,538 responses and 3,590 annual burden hours to reflect burden placed on participants to provide information to the States. We have not accounted for this burden in previous submissions.
- \$97,500 in nonhour burden costs. Although these costs were included in our previous supporting statement, they were inadvertently omitted from ROCIS.

**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, but will provide a summary to participating States.

**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.**

There are no exceptions to the certification statement.