

# Supporting Statement A for Paperwork Reduction Act Submission

## Bald Eagle Post-Delisting Monitoring OMB Control Number 1018-0143

**Terms of Clearance. None.**

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

This information collection implements the requirements of the Endangered Species Act (16 U.S.C. 1531 et seq.) (ESA). The bald eagle in the lower 48 States was removed from the List of Endangered and Threatened Wildlife on August 8, 2007. Section 4(g) of the ESA requires that all species that are recovered and removed from the List of Endangered and Threatened Wildlife (delisted) be monitored in cooperation with the States for a period of not less than 5 years. The purpose of this requirement is to detect any failure of a recovered species to sustain itself without the protections of the ESA. There are no corresponding Fish and Wildlife Service (we/Service) regulations for the ESA's post-delisting monitoring requirement.

The bald eagle has a large geographic distribution that includes a substantial amount of non-Federal land. Although the ESA requires that monitoring of recovered species be conducted for not less than 5 years, the life history of bald eagles is such that it is appropriate to monitor this species for a longer period of time in order to meaningfully evaluate whether or not the recovered species continues to maintain its recovered status.

In coordination with States, tribal governments, and other partners, we developed the Post-Delisting Monitoring Plan for the Bald Eagle (*Haliaeetus leucocephalus*) in the Contiguous 48 States (Plan). Under this Plan, we will monitor the status of the bald eagle over a 20-year period with sampling events held once every 5 years. We are now preparing for our second sampling event. The Plan describes the monitoring procedures and methods.

The goal of the Plan is to be able to detect a 25-percent change in occupied bald eagle nests on a national scale at 5-year intervals, with an 80-percent chance of detecting a 25-percent or greater difference between 5-year intervals. If declines are detected, particularly those equal to or exceeding the goal, the Service's Bald Eagle Monitoring Team in conjunction with the States will investigate causes of these declines, including consideration of natural population cycles, weather, productivity, contaminants, habitat changes or any other significant evidence. The result of the investigation will be to determine if the population of bald eagles in the lower 48 States warrants expanded monitoring, additional research, and/or resumption of Federal protection under the Endangered Species Act. At the end of the 20-year monitoring program, we will conduct a final review.

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

The baseline survey was conducted in 2009 with aerial surveys conducted in approximately 14 States. The initial survey report is available to the public on the Service's Migratory Birds website (<http://www.fws.gov/migratorybirds/BaldAndGoldenEagleManagement.htm>); a final report with detailed analyses of survey data will be added once available (this report has been delayed due to the increased dedication of resources to eagle wind permitting issues). Following the Plan, we will continue to monitor the status of the bald eagle by collecting data on

occupied nests over a 20-year period following the baseline survey, with sampling events every 5 years. Future surveys will continue to use data collected during nest check monitoring activities conducted by the States over past years and add census of area sample plots. The information collection for the next survey will be done in four parts:

(1) Updating of State nest lists.

(2) Sampling or conducting a census of the list cluster plots in all of the 48 contiguous States and assessing the status of the nest.

(3) In the 14 States with high density bald eagle strata (WA, OR, MT, MN, WI, MI, IL, IA, LA, ME, VA, MD, SC, and FL), area plots will be flown with Service pilots and State biologist observers. Independent dual observers will be used to assess the probability of detection of nests. Other States may be added if they have the interest and resources are available.

(4) In these high density States, the nests found in the area survey must be reconciled with the nest lists to determine the new nests found in the area part of the survey. Updating the nest lists in (1) creates the list frame contiguous 48 States, by clustering them into the 10 km<sup>2</sup>, plots that make up the area frame and the plots with list nests become the primary sampling unit.

Future reporting is described in detail on page 18 of the Plan: The Service will issue a report detailing the results of each breeding population survey effort. This report will be available to the public on the internet at <http://www.fws.gov/migratorybirds/BaldAndGoldenEagleManagement.htm>. The report will include a description of the geographic areas surveyed, the survey protocol, an estimate of the breeding population of bald eagles in the contiguous 48 States and a comparison to the baseline survey effort. Nest location information may also inform bald eagle permits.

### **List Frame**

For each survey period, each of the States in the contiguous 48 States will update its list of nests to add any new nests that have been reported and identify old nests that were destroyed. This data is already collected by the States. We are only asking that the States provide any changes that they would have made already, not that they actively census the status of known nests and actively look for new nests. To receive consistent information from the States, we provide two ways to make changes to the nest lists: edit the data nest by nest and sighting by sighting or upload the changes in a comma delimited text file. Appendix 3 in the Plan describes the Web site requirements and data that will be included in the nest list database.

### **Area Frame**

For States with high density eagle strata (WA, OR, MT, MN, WI, MI, IL, IA, LA, ME, VA, MD, SC, and FL), we will fly almost all of the area samples with State observers using Jack Hodges record and transcribe programs, or a similar survey software (see appendix 3 of the Plan). We will collect information from the checklist shown in appendix 3 of the Plan. The observations will also be tagged with GPS coordinates. We will not collect "distance from the nest" as in the pilot studies.

- 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].**

As described above and in appendix 2 of the Plan, the dual-frame survey uses the already collected State nest list information and can obtain a more accurate estimate of occupied nests than either a list- or area-only survey. States will update their nest information and upload files of the changes via the web or e-mail. For the aerial part of the survey, we use Jack Hodges's program to attach GIS locations to voice recordings. The observations are directly stored in the computer on transcription. The Service has funded the aerial surveys and the Migratory Bird Survey branch will fly almost all of the survey fixed-wing craft. The planes are set up to use Jack Hodges' program and the pilots have experience for using it. All the information collection is entered electronically.

- 4. Describe efforts to identify duplication.**

We are using the State nest lists in our estimation. This source of information reduces the area survey to an estimate of new nests, reducing the sample size necessary for the expensive part area of the survey (see table 4 and figure 7 of appendix 1 of the Plan). The nest locations are also needed for State management purposes and for the bald eagle disturbance permits.

The dual-frame survey may seem like a duplication in that we are observing nests as part of the list frame and also the area frame, but it is the "duplication" that allows us to assess both that a nest is new in a statistically valid way and assess the coverage of the nest lists.

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

The only impact of this survey is on small State governments. We are reducing the impact of the survey by using the nest list information they already collect, working with them to convert their nest list data to upload into our database, reducing the area survey sample size using the dual-frame design, and using all electronic data collection.

- 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.**

As stated in 1, the States and the Service are required by the Endangered Species Act to monitor delisted species. We are surveying for the minimum required 5 years (plus the baseline survey) required by the law. Assessing the nests lists would be less of a burden but would not provide an unbiased, statistically valid estimate on the change in population.

- 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 June 7, 2012, we published in the Federal Register (77 FR 33765) a notice of our intent to request that OMB renew approval for this information collection. In that notice, we solicited comments for 60 days, ending on August 6, 2012. We received one comment. The commenter objected to the removal of the bald eagle from the endangered species list, but did not address the information collection requirements. We did not make any changes to our requirements based on this comment.

In addition to the Federal Register notice, we conducted limited public outreach regarding the collection of information and received responses from the following individuals:

John S. Castrale Indiana Division of Fish and Wildlife 562 DNR Road Mitchell, IN 47446 (812) 849-4586 ext. 223 JCastrale@dnr.IN.gov	Anthony T. Gonzon, Jr. Delaware Division of Fish and Wildlife 4876 Hay Point Landing Road Smyrna, DE 19977 (302) 735-8673 Anthony.Gonzon@state.de.us
Daryl Howell Iowa Department of Natural Resources Wallace State Office Building Des Moines, IA 50319-0034 (515) 281-85224 daryl.howell@dnr.iowa.gov	Tara Kieninger Illinois Dept of Natural Resources One Natural Resources Way Springfield, IL 62702 (217) 782-2685 tara.kieninger@illinois.gov

Scott Somershoe Tennessee Wildlife Resources Agency P.O. Box 40747 Nashville, TN 37204 (615) 781-6653 Scott.Somershoe@tn.gov	Kate Heyden KY Department of Fish and Wildlife Resources #1 Sportsman's Lane Frankfort, KY 40601 (800) 858-1549 ext. 4475 kathryn.heyden@ky.gov
Kristi DuBois Montana Fish, Wildlife and Parks 3201 Spurgin Road Missoula, MT 59804 (406) 542-5551 kdubois@mt.gov	

We asked each person:

**Do you believe the collection of information is necessary and that the information will have practical utility?**

All respondents agreed that the information is necessary to determine the status of the species since delisting. One respondent did not believe that the stratified approach would be effective in Tennessee since birds are concentrated in certain areas (big lakes and rivers) and that flying random routes away from water would be a waste of time. Another respondent expressed some concerns about data consistency.

*Service Response:* A rigorous statistical design may require some time and effort sampling areas where eagles are unlikely to occur, but can greatly increase our ability to draw inferences from the data collected. Such a design, with proper documentation, should also encourage consistency in data collection.

**Is our estimate of the burden for this collection of information accurate?**

Respondents agreed with our burden estimates or stated that we had overestimated the time required to respond.

*Service Response:* The effort required to provide the information may vary from year to year, so we will maintain our previous burden estimates for the second sampling period.

**Are there ways to enhance the quality, utility, and clarity of the information collected?**

Respondents did not offer any suggestions. However, two respondents indicated that they may have suggestions after an opportunity to review the baseline survey report.

*Service Response:* We will continue to work with partners to improve the efficiency with which we collaborate and share information. The baseline survey report will be posted on the Service Migratory Birds Web site (<http://www.fws.gov/migratorybirds/BaldAndGoldenEagleManagement.htm>).

**Are there ways to minimize the burden of the collection of information on you?**

Most respondents indicated that the burden was not great and they were comfortable with the information collected. One respondent stated that the maximum amount of lead time is needed, and another respondent indicated an interest in a central database.

*Service Response:* Designating survey years should help us plan ahead to coordinate collection of updated nest list information and discuss survey planning. We are pursuing a database option that would allow partners to more efficiently update and maintain data shared while meeting appropriate data security concerns.

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

We do not provide any payment 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.

**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.**

For purposes of estimating the burden, we have assumed a 100 percent response rate. We estimate 48 responses and 1,478 burden hours for this information collection once every 5 years (during the year of the survey). This is an annualized burden of 16 responses and 493 hours over a 3-year period. The actual burden hours experienced during the 2009 survey were lower than predicted, however burden hours are expected to vary from year to year, therefore current estimates were left unadjusted.

*Updating Nest List Burden – 288 hours*

Most States collect nest locations and status information, though some more intensively than others. We are asking the States to reformat the bald eagle nest data they have already collected and e-mail it to us or upload it to a database. We expect 48 respondents, each taking 6 hours to gather, reformat, and upload the information. Though States are only asked to update the nest list information every 5 years, they may choose to update it more often.

*List and Area Sampling Burden – 534 hours*

We considered the flight time flown in the 2009 survey plus 10 percent (this accounts for additional flight time needed as State nest lists begin to degrade over time and additional aerial surveys must be added). We include 1 additional hour of data transcription for every 5 hours of flight. Between the various surveys, we anticipate approximately 445 hours of flight time plus 89 hours for data transcription.

*Training – 320 hours*

Training will take a day and may involve 40 persons including observers, crews, and supervisors of the State surveys. 8 hours for 40 people is 320 hours over 5 years.

*Maps – 336 hours*

States with high density strata may have to prepare geographic information system layers of habitat and maps of the sample plots and GPS way point files. Though only limited numbers of States are anticipated to have the requisite software and technical expertise to do this, we estimate approximately 24 hours for 14 States, or a total of 336 hours over 5 years.

We estimate the total dollar value of the burden hours associated with this information collection to be \$55,632 (rounded) during the survey year (once every 5 years) or \$18,544 annually over the 3-year approval period. To obtain the rate for State/local/tribal government, we used data from [http://www.bls.gov/oes/current/naics4\\_999200.htm](http://www.bls.gov/oes/current/naics4_999200.htm) , Table 19-1023, which lists the mean hour wage of a wildlife biologist as \$25.09. To account for benefits, we multiplied the mean hourly rate by 1.5, for a total of \$37.64. We calculated the benefits in accordance with USDL-12-1830, September 11, 2012, Employer Costs for Employee Compensation—June 2012 (<http://www.bls.gov/news.release/pdf/ecec.pdf>).

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

We have not identified any nonhour cost burden.

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

We estimate the total cost to the Federal Government for this survey during this renewal period to be \$430,000. This includes \$273,000 for aerial survey flight time, \$112,000 for salary/benefits (see Table 1), \$20,000 for training, \$15,000 for travel, and \$10,000 for Web site development. Over 3 years, the annualized cost would be \$143,000.

**Table 1. Salary/benefit cost weighted average calculations.**

Position	Grade	Hourly pay rate (\$)	Hourly rate including benefits (\$)	Percent time spent on collection	Weighted average (\$/hr)
Professional and technical staff (biologist/survey coordinator)	GS-12 step 1	35.88	53.82	30	16.15
Professional and technical staff (biometrician)	GS 13 step 5	48.35	72.53	15	10.88
<b>Weighted Avg (\$/hr)</b>					<b>\$27.03</b>

The estimated salary/benefits cost to Federal Government to run the survey is \$112,445. This includes (\$27.03 weighted average \$/hr x 4,160 hours). We used Office of Personnel Management Salary Table 2012-DCB ([http://www.opm.gov/oca/12tables/html/dcb\\_h.asp](http://www.opm.gov/oca/12tables/html/dcb_h.asp)) to determine the hourly wages and multiplied the hourly wage by 1.5 to account for benefits in accordance with BLS news release USDL 12-1830, September 11, 2012.

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

There are no program changes or adjustments.

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

Once the second survey is completed, the Service will analyze the data as detailed in the Plan (page 18) and issue a report detailing the results of the second breeding population survey, which will serve as our first comparison with the baseline from 2009. This report will be available to the public in printed form and on the internet at <http://www.fws.gov/migratorybirds/BaldAndGoldenEagleManagement.htm>. The new report will include a description of the geographic areas surveyed, the survey protocol, an estimate of the breeding population of bald eagles in the contiguous 48 States, and an evaluation as to whether the bald eagle is meeting the criteria discussed in the Plan to continue with the "recovered" designation under the Endangered Species Act.

**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 expiration date on appropriate materials.

**18. Explain each exception to the certification statement.**

There are no exceptions to the certification statement.