

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

**OMB Control Number 1018-0075
Federal Subsistence Regulations and Associated Forms
50 CFR 100 and 36 CFR 242**

FWS Forms 3-2321, 3-2322, 3-2323, 3-2326, 3-2327, 3-2328, 3-2378, 3-2379

Terms of Clearance. None.

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

The Alaska National Interest Lands Conservation Act (ANILCA) mandates that rural residents of Alaska be given priority for subsistence uses of fish and wildlife. In 1989, the Alaska Supreme Court ruled that ANILCA's rural priority violated the Alaska Constitution. As a result, the Federal Government manages subsistence uses on Federal public lands and waters in Alaska--about 230 million acres or 60 percent of the land within the State.

Title VIII of ANILCA (16 U.S.C. 3111-3126) designates the Departments of the Interior and Agriculture as the key agencies responsible for implementing the subsistence priority on Federal public lands. To help carry out subsistence management responsibilities, the Secretaries of the Interior and Agriculture established the Federal Subsistence Management Program. Regulations implementing the Federal Subsistence Management Program on Federal public lands within Alaska are in the Code of Federal Regulations (50 CFR 100 and 36 CFR 242).

The Federal Subsistence Management Program is a multi-agency effort to provide the opportunity for a subsistence way of life by rural Alaskans on Federal public lands and waters while maintaining healthy populations of fish and wildlife. Subsistence fishing and hunting provide a large share of the food consumed in rural Alaska. The State's rural residents harvest about 22,000 tons of wild foods each year--an average of 375 pounds per person. Fish make up about 60 percent of this harvest statewide.

This dependence on wild resources is both cultural and economic. Alaska's indigenous inhabitants have relied upon the traditional harvest of wild foods for thousands of years and have passed this way of life--its culture and values--down through generations. Subsistence has also become important to many non-Native Alaskans, particularly in rural Alaska.

The program provides for public participation through the Federal Subsistence Board and 10 regional advisory councils (50 CFR 100.11 and 36 CFR 242.11). The Board is the decision-making body that oversees the program. It is made up of the regional directors of the U.S. Fish and Wildlife Service, National Park Service, Bureau of Land Management, Bureau of Indian Affairs, and U.S. Forest Service. The Secretaries of the Interior and Agriculture appoint a public representative who serves as chair of the Board and two public members who possess personal knowledge of and direct experience with subsistence uses in rural Alaska. The regional advisory councils: (1) provide recommendations and information to the Board; (2) review proposed regulations, policies and management plans; and (3) serve as a public forum for subsistence issues.

ANILCA and regulations at 50 CFR 100 and 36 CFR 242 require that persons engaged in taking fish, shellfish, and wildlife on public lands in Alaska for subsistence uses apply for and obtain a permit to do so and comply with reporting provisions of that permit.

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.

Appointment of Members to Regional Advisory Councils. The following forms are associated with recruitment and selection of members for regional advisory councils:

- FWS Form 3-2321 (Federal Subsistence Regional Advisory Council Membership Application/Nomination).
- FWS Form 3-2322 (Regional Advisory Council Candidate Interview).
- FWS Form 3-2323 (Regional Advisory Council Reference/Key Contact Interview).

Based upon recommendations of the Federal Subsistence Board, the Secretary of the Interior with the concurrence of the Secretary of Agriculture appoints members to the 10 regional advisory councils. ANILCA requires members to be residents of the region in which they serve. The Board established five additional criteria for membership on the Councils. Members must have:

- Knowledge of the region's fish and wildlife resources;
- Knowledge of the region's subsistence uses, customs, and traditions;
- Knowledge of the region's commercial, sport, and other uses;
- Leadership skills; and
- Communication skills.

The member selection process begins with the information that we collect on the application. Ten interagency review panels interview all applicants and nominees, their references, and regional key contacts. These contacts are all based on the information that the applicant provides on the application form. The information that we collect through the application form and subsequent interviews is the basis of the Federal Subsistence Board's recommendations to the Secretaries of the Interior and Agriculture for appointment and reappointment of council members.

FWS Form 3-2321 - applicants and others who nominate someone for membership complete this form.

- Questions 1 through 4 pertain to the applicant's regional knowledge of resources and uses of those resources.
- Question 5 concerns the applicant's leadership experience.
- Question 6 pertains to communication skills.
- Question 7 helps determine the applicant's knowledge of public lands.
- Questions 8 and 9 help gauge the applicant's willingness and availability to attend meetings.
- Question 10 is necessary to determine which user group the applicant wishes to represent.
- We request that applicants provide at least three references.

FWS Form 3-2322 - review panel members use this form to interview applicants.

- Question 1 asks if the applicant is willing to serve as a volunteer with no compensation, except for travel and per diem expenses.
- Questions 2, 10, and 11 help to gauge the applicant's commitment level.
- Questions 3-9 relate to questions on the application form and provide an opportunity for discussion and gathering of more detailed information that many respondents are not able to give in writing.

FWS Form 3-2323 - review panel members use this form to interview references and key contacts.

- Questions 1-3 provide other perspectives of the applicant's experience and abilities.
- Questions 4 and 5 provide the agency with a better understanding of the applicant's ability to work with others and of his or her standing in the community and region.

Hunting and Fishing Applications, Permits, and Reports. Persons engaged in taking wildlife, fish, and shellfish on public lands in Alaska for subsistence uses must apply for and obtain a permit and comply with reporting provisions of that permit. We use five forms to collect information from qualified rural residents for subsistence harvest:

- FWS Form 3-2326 (Federal Subsistence Hunt Application, Permit, and Report).
- FWS Form 3-2327 (Designated Hunter Application, Permit, and Report).
- FWS Form 3-2328 (Federal Subsistence Fishing Application, Permit, and Report).
- FWS Form 3-2378 (Designated Fishing Application, Permit, and Report).
- FWS Form 3-2379 (Federal Subsistence Customary Trade Recordkeeping Form).

All subsistence program land managing agencies in Alaska use these forms to verify the applicant as a federally qualified user and to track take of wildlife and fish. Staff anthropologists use the information to make customary and traditional use determinations by describing the past human uses of resources, who has used them, and where they have been used. Staff biologists use the information to evaluate harvest success, effectiveness of season lengths, harvest quotas, and restrictions, hunting/fishing patterns and practices and overall use. The Federal Subsistence Board uses the harvest data, along with other information, to set future season dates and bag limits for Federal subsistence resource users. These seasons and bag limits are set to meet needs of subsistence hunters without adversely impacting the health of existing animal populations.

FWS Form 3-2326 - federally qualified subsistence users who want to harvest wildlife complete this form.

- Applicants provide information on the permit to identify: (1) they are a federally qualified subsistence user; (2) their community of primary residence for community harvest allocations; and (3) the unit, season, hunt number and permit number.
- Question 1 identifies whether the applicant hunted or used a designated hunter.
- Questions 2a through 2e identify success rates by time, location, and take of animal.
- Question 3 identifies date of take and biological data of animal.

FWS Form 3-2327 - federally qualified subsistence users who want to harvest wildlife for other federally qualified subsistence users complete this form.

- Applicants provide information on the permit to identify: (1) they are a federally qualified subsistence user; (2) their community of primary residence for community harvest

- allocations; and (3) the unit, season, hunt number and permit number.
- Applicants provide a list of names of other persons they hunted for, their harvest ticket/registration permit and their community to ensure they are federally qualified subsistence users.
- Remaining information provides harvest data such a unit, drainage or specific location and number, by sex, of animals taken.

FWS Form 3-2328 - federally qualified subsistence users who want to harvest fish complete this form.

- Applicants provide information on the permit to identify: (1) they are a federally qualified subsistence user; (2) their community of primary residence for community harvest allocations; (3) season and permit number; and (4) other household members that may fish with the permit.
- Remaining information identifies dates, locations, types of gear, fish species and number of fish harvested for biological and anthropological analysis.

FWS Form 3-2378 - federally qualified subsistence users who want to harvest fish for other federally qualified subsistence users complete this form.

- Applicants provide information on the permit to identify: (1) they are a federally qualified subsistence user; (2) their community of primary residence for community harvest allocations; and (3) season and permit number.
- Applicants identify who they fished for and their subsistence permit number which verifies they are federally qualified users and tracks usage by communities.
- Remaining information tracks species taken, number retained and gear for biological and anthropological analysis.

FWS Form 3-2379 - federally qualified subsistence users who want to take part in customary trade complete this form. Staff anthropologists use the information to make customary and traditional use determinations and to write an analysis based on the provisions in Section 804 of ANILCA. These analyses further reduce the pool of eligible subsistence users and may allocate harvests by community, in part, based on documented uses of the resource.

- Applicants provide information on the permit to identify: (1) that they are a federally qualified subsistence user; (2) their community of primary residence for community harvest allocations; (3) season and permit number; and (4) other household members who may conduct customary trade with the permit.
- Remaining information tracks date of sales, buyers, and buyers' addresses, total dollar amount, species taken, fish parts.

We also collect nonform information. Regulations at 50 CFR 100 and 36 CFR 242 contain procedures for the nonform information collection requirements, including required documentation.

- **Repeal of Federal subsistence rules and regulations** (applies only to the State of Alaska). If the State enacts and implements laws that are consistent with sections 803, 804, and 805 of ANILCA, the State may submit a petition to the Secretary of the Interior for repeal of Federal subsistence rules.
- **Proposed changes to Federal subsistence regulations.** Members of the public may propose changes to the subsistence regulations by providing:
 - Contact information (name, organization, address, phone number, fax number,

- email address).
 - Type of change (harvest season, harvest limit, method and means of harvest, customary and traditional use determination).
 - Regulation to be changed.
 - Language for proposed regulation.
 - Why change should be made.
 - Impact on populations.
 - How change will affect subsistence uses.
 - How change will affect other uses.
 - Communities that have used the resource.
 - Where resource has been harvested.
 - Months in which resource has been harvested.
- **Special action requests.** A special action is an out-of-cycle change in a season, harvest limit, or method of harvest. The Federal Subsistence Board may take a special action to restrict, close, open, or reopen the taking of fish and wildlife on Federal public lands: (1) to ensure the continued viability of a particular fish or wildlife population; (2) to ensure continued subsistence use; and (3) for reasons of public safety or administration. Members of the public may request a special action by providing:
 - Contact information (name, organization, address, telephone number, fax number, email address).
 - Description of requested action.
 - Any unusual or significant changes in resource abundance or unusual conditions affecting harvest opportunities that could not reasonably have been anticipated and that potentially could have significant adverse effects on the health of fish and wildlife populations or subsistence users.
 - Whether or not the requested action is needed for reasons of public safety or administration.
 - Extenuating circumstances that necessitate a regulatory change before the next regulatory review?
- **Requests for reconsideration (appeals).** Any person adversely affected by a new regulation may request that the Federal Subsistence Board reconsider its decision by filing a written request within 60 days after a regulation takes effect or is published in the Federal Register, whichever comes first. Requests for reconsideration must include:
 - Contact information (name, organization, address, telephone number, fax number, email address).
 - Regulation and the date of Federal Register publication.
 - Statement of how the person is adversely affected by the action.
 - Statement of the issues raised by the action, with specific reference to: (1) information not previously considered by the Board; (2) information used by the Board that is incorrect; and (3) how the Board's interpretation of information, applicable law, or regulation is in error or contrary to existing law.
- **Other permits and reports.**
 - Traditional/Cultural/Educational Permits. Organizations desiring to harvest fish or wildlife for traditional, cultural, or educational reasons must provide a letter stating that the requesting program has instructors, enrolled students, minimum attendance requirements, and standards for successful completion.
 - Fishwheel, Fyke Net and Under Ice Permits. Persons who want to set up and operate fishwheels and fyke nets, or use a net under the ice must provide:

- (1) Name and contact information and other household member who will use the equipment.
- (2) Species of fish take, number of fish taken, and dates of use.

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].

FWS Forms 3-2321, 3-2322, 3-2323 are available on our forms website (<http://www.fws.gov/forms/>). However, most applicants live in remote communities and do not have Internet access. Many who do have Internet access have outdated programs and computers. Most applicants have access to fax machines through community government or tribal offices, and have generally reliable mail service. We make the application form available to the public through extensive mailings, distribution of paper copies at regional advisory council meetings, Federal agency field staff, and special mailings upon request. Applicants may submit completed applications by mail or fax.

FWS Forms 3-2326, 3-2327, 3-2328, 3-2378, 3-2379 are primarily issued by local land managers in extremely rural parts of the State. Most of these areas are not located on the road system and standard land line phones and the Internet are not available to members of the public. U.S. mail service is generally reliable, but can be limited during inclement weather. These forms are not available over the Internet due to the above reasons and the fact that local land managers may need to control the number of permits issued based on harvest quotas.

We accept all nonform information by mail, fax, and e-mail.

4. Describe efforts to identify duplication.

The Federal Subsistence Program is unique to Alaska. No other Service office or Federal agency collects this information.

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

The collection of this information does not impact small businesses or other small entities.

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 this information, we would not be able to manage the resources and assess the needs of subsistence users. It would be impossible to address current population trends without knowing the animals/fish that were harvested in the previous season and adjustments to provide for user needs would be impossible without understanding the patterns, practices and uses.

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 special circumstances that require us to conduct this information collection in a manner that is 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 July 9, 2012, we published in the Federal Register (77 FR 40372) a 60-day notice of our intent to request renewal of information collection authority from OMB. In that notice, we solicited public comments for 60 days, ending on September 7, 2012. We did not receive any comments.

In addition to the Federal Register notice, we solicited comments from the following persons who participated in the 2011-2012 subsistence hunting and fishing seasons or completed the application form during the 2012 recruitment/appointment cycle. We asked each person to provide their views regarding this information collection, including: (1) whether or not the information is useful and necessary, (2) if our estimates of burden hours are correct, and (3) if the instructions for completing the current form are clear. All who responded agreed with our burden estimates and believed the instructions are clear.

John Chandler POB 142 Hope, AK 99605 907-782-3448	Bradley D. Swartz POB 643 Delta Junction, AK 99737 907-803-3678
David McRae Miller Creek Port Alsworth, AK 99653 907-250-9935	Tamara L. Johnson PO Box 894 Cordova, AK 99574
Isaac A. Juneby PO Box 53	Aaron T. Isaacs, Jr. PO Box 410

Eagle, AK 99738 907-547-3030	Klawock, AK 99925 907-755-2351
Amanda Abraham HC01, Box 465 Gakona AK 99586 907-822-3618	

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

We do not provide gifts or payments 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.

We estimate a total of 18,582 responses totaling 2,563 annual burden hours for this collection. Response times vary from 5 minutes to 4 hours depending on the form or activity (see table below). This includes time for reviewing instructions, gathering and maintaining data (including contacting potential references), and completing and reviewing the forms or required information.

The dollar value of the annual burden hours is approximately \$80,119 (rounded) (2,563 hours x \$31.26/hr). The Bureau of Labor Statistics May 2011 State Occupational Employment and Wage Estimates lists the mean hourly wage for persons in fishing, farming, and forestry occupations in Alaska as \$22.33 (http://www.bls.gov/oes/current/oes_ak.htm#45-0000). We multiplied the hourly wage by 1.4 to account for benefits in accordance with BLS news release USDL-12-1830, September 11, 2012, resulting in a total hourly cost factor of \$31.26. This rate is likely high for most subsistence users. For purposes of this collection, we used the same hourly rate for State and tribal officials.

Form No./Activity	No. of Respondents	No. Annual Responses	Average Completion Time	Total Annual Burden Hours*
FWS Form 3-2321	67	67	2 hours	134
FWS Form 3-2322	67	67	30 minutes	34
FWS Form 3-2323	171	171	15 minutes	43
FWS Form 3-2326 - appl.	7,250	7,250	10 minutes	1,208
FWS Form 3-2326 - report	7,250	7,250	5 minutes	604
FWS Form 3-2327 - appl.	645	645	10 minutes	108
FWS Form 3-2327 - report	645	645	5 minutes	54
FWS Form 3-2328 - appl.	1,114	1,114	10 minutes	186
FWS Form 3-2328 - report	1,114	1,114	5 minutes	93
FWS Form 3-2378 - appl.	29	29	10 minutes	5
FWS Form 3-2378 - report	29	29	5 minutes	2
FWS Form 3-2379 - appl.	25	25	10 minutes	4
FWS Form 3-2379 - report	25	25	5 minutes	2
Petition to Repeal	1	1	2 hours	2

Proposed Change	92	92	30 minutes	46
Special Actions	25	25	30 minutes	13
Reconsideration (Appeal)	3	3	4 hours	12
Traditional/Cultural/ Educational Permits and Reports	22	22	30 minutes	11
Fishwheel/Fyke/Ice Permits	8	8	15 minutes	2
Totals	18,582	18,582		2,563

* rounded

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

There is no nonhour cost burden associated with this ICR.

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

We estimate that the total annual cost to the Federal Government to administer this information collection is \$345,341.

To calculate salary costs, we estimated the average time for each task involved in the process and multiplied by the estimated average hourly wage of the staff involved in the process. We used the Office of Personnel Management Salary Table 2012-AK to determine the hourly rate, multiplied the rate by 5.57 percent (Alaska COLA), and multiplied the hourly wage by 1.5 to account for benefits. We calculated benefits in accordance with BLS news release USDL-12-1830, September 11, 2012.

Salary Costs - \$304,067

- \$158,618 - Tasks associated with hunting and fishing applications, permits, and reports
 - Administrative support for printing contract and mailing for applications and permits - GS-11/5 - 15 hours X \$52.98 = \$795.
 - Two staff members review of applications and issuance of permits - GS-11/5 – 2,968 hours X \$52.98 = \$157,245.
 - Data entry of harvest information - GS-5/5 - 20 hours X \$28.89 = \$578.
- \$114,815 - Tasks associated with FWS Forms 3-2321, 3-2322, and 3-2323.
 - Nominations review panels involving 32 agency staff conduct applicant and reference interviews and evaluate applicants - GS-12/5 - 660 hours X \$63.49 = \$41,903.
 - Six staff members coordinate work of 10 regional panels - GS-12/5 - 290 hours X \$63.49 = \$18,412.
 - Coordinator of recruitment and selection process - GS-12/5 - 160 hours X \$63.49 = \$10,158.
 - Interagency Staff Committee (10 members) evaluate information collected by regional panels - GS-13/5 - 490 hours X \$75.50 = \$36,995.
 - Federal Subsistence Board (5 members) evaluates the information makes recommendations to the Secretaries of the Interior and Agriculture - GS-15/5 - 70 hours X \$104.95 = \$7,347.
- \$30,634 - Tasks associated with nonform information collections
 - Two staff members evaluate, validate, and process nonform information collections - GS-12/5 - 160 hours X \$63.49 = \$10,158 plus GS-13/5 - 160 hours X \$75.50 = \$12,080 - total \$22,238.
 - Federal Subsistence Board evaluates and decides the final outcome for nonform requests - GS-15/5 - 80 hours X \$104.95 = \$8,396.

Newspaper, Radio, and TV Ads - \$25,265.

Printing and Distribution - \$9,592.

Travel (associated with recruitment and selection process) - \$6,417.

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

We are reporting a total of 18,582 responses and 2,563 annual burden hours for this collection. Based on our experience over the last 3 years, we revised our estimated number of responses. This adjustment results in a net increase of 5,700 responses and 691 burden hours from the previous submission.

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

We do 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.

We will display the OMB control number and expiration date on all forms and other appropriate materials.

18. Certification.

There are no exceptions to the certifications required by 5 CFR 1320.9 and the related provisions of 5 CFR 1320.8(b)(3).