

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

**New Annual Report Requirements for Take of Blackbirds, Cowbirds,
Crows, Grackles, and Magpies
50 CFR 21.43
OMB Control Number 1018-XXXX**

Terms of Clearance. None – This is a new collection.

Note: Information collection requirements for the take of blackbirds, cowbirds, crows, grackles, and magpies are approved under OMB Control No. 1018-0146, which expires November 30, 2013. This ICR contains only the new, additional information collection requirements that we are proposing for annual reports. We are requesting a new OMB control number for these changes. Once we issue the final rule, we will incorporate the new requirements into OMB Control Number 1018-0146 and discontinue the new number.

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

The Migratory Bird Treaty Act (MBTA; 16 U.S.C. 703 et seq.) implements four treaties concerning migratory birds that the United States has signed with Canada, Mexico, Japan, and Russia. Under the treaties, we must preserve most species of birds in the United States, and activities involving migratory birds are prohibited except as authorized by regulation. The U.S. Fish and Wildlife Service (Service, we) regulates activities for migratory birds, including control of depredating or potentially injurious birds, through regulations at 50 CFR part 21.

The regulations at 50 CFR 21.43 authorize control of some species of blackbirds, cowbirds, grackles, crows, and magpies that may be injurious to crops or livestock, or may cause human health hazards or other nuisances. We have prepared a proposed rule that:

- Removes the yellow-billed magpie (*Pica nuttalli*) from the depredation order. This species is endemic to California and has suffered substantial population declines. It is a species of conservation concern. If the final rule includes removal of this species, then individuals and organizations needing to deal with depredating yellow-billed magpies could apply for a depredation permit under 50 CFR 21.41. Depredation permits are covered under OMB Control Number 1018-0022.
- Limits application of this depredation order, which currently covers protecting all wildlife, to only allow take without a permit for protection of threatened or endangered species. Take to protect other species of wildlife can be allowed under depredation permits.
- Adds conditions for live trapping, which are not currently included in the regulation.
- Revises the reporting requirements at 50 CFR 21.43(i) to gather data that will be more useful in assessing actions taken under the order.
- Allows three methods of euthanasia considered humane by the American Veterinary Medical Association.

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

This supporting statement includes only the new, additional information collection requirements for the annual report. We are proposing that the annual report include:

- GPS coordinates to three decimal places of the locations in which the birds were captured or killed. Only the county must be reported for captures by the USDA Animal and Plant Health Inspection Services, Wildlife Services that are conducted to protect agriculture operations, farming, or conservation practices.
- Species, if birds were taken for the protection of wildlife, or the crop, if birds were taken for the protection of agriculture.
- Method of take.
- Whether captured nontarget species were released, sent to rehabilitators, or died.
- If trapping was conducted, measures taken to minimize capture of nontarget species.

We have developed FWS Form 3-202-2143 for respondents to use when submitting the annual report. The form includes reporting elements currently approved under OMB Control Number 1018-0146 as well as new reporting requirements in the proposed rule. The new reporting requirements will allow us to evaluate the effectiveness of the depredation order and assess the impact on nontarget species. It is important that we have this information to help us effectively manage bird populations and identify potential problems.

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].

Those who undertake control activities under this regulation must submit an annual report. FWS Form 3-202-2143 will be available on our website in a fillable format. We will not require that respondents use the form, but they must submit the required information. Respondents may submit reports electronically by email or through the mail.

4. Describe efforts to identify duplication.

No other agency has the authority to regulate take of migratory birds, and the information we propose to collect is not being gathered elsewhere.

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

We collect only the minimum information necessary to determine the take of migratory birds under this depredation order and to assess the impact on nontarget species. We developed FWS Form 3-202-2143 to lessen the burden of providing the information.

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.

We collect this information annually. Not collecting the information or collecting it less frequently would not allow us to evaluate the effectiveness of the depredation order, and we could not fulfill our responsibilities under the Migratory Bird Treaty Act.

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 collection 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.

We have prepared proposed regulations that require additional reporting requirements for the annual report. A copy of the proposed rule is attached as a supplementary document. The proposed rule solicits public comment for a period of 30 days on the information collection requirements described in this supporting statement. In addition, during the rulemaking process, we will solicit comments from persons/businesses conducting control activities under the current regulations.

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

We do not make 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.

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 are requesting 126 burden hours for this collection. We estimate 250 respondents will submit an annual report. The new reporting requirements will take approximately 30 minutes to complete, including time necessary to gather the information and review the report. This is in addition to the 2 hours approved under OMB Control No. 1018-0146 for the annual report .

We estimate the annual dollar value of the burden hours to be \$5,392 (rounded). We used information from the Bureau of Labor Statistics to estimate average hourly wages and calculate benefits:

- Individuals – We used the wage and salary costs for all workers from Table 1, USDL 13-0421, March 12, 2013 (Employer Costs for Employee Compensation—December 2012), which states an hourly rate of \$21.35. To calculate benefits, we multiplied the hourly rate by 1.4. The hourly rate including benefits is \$29.89.
- Private Sector – Based on the Bureau of Labor Statistics, Occupational Employment and Wages, May 2011, United States (19-1023 Zoologists and Wildlife Biologists), the mean hourly wage for a wildlife biologist is \$30.05. We multiplied the hourly wage by 1.4 to account for benefits in accordance with BLS news release USDL 13-0421. The hourly rate including benefits is \$42.70.
- State Government – For purposes of this collection, we used the same hourly wage (\$30.05) as for the private sector. To calculate benefits, we multiplied the hourly rate by 1.5. The hourly rate including benefits is \$45.08.

	Annual Responses	Completion Time per Response (minutes)	Annual Burden Hours*	Hourly Labor Costs	Hourly Labor Costs including Benefits	Dollar Value of Annual Burden Hours
Individual/Households	25	30	13	\$21.35	\$29.89	\$ 388.57
Private Sector	75	30	38	30.05	42.70	1,622.60
State/Local/Tribal	150	30	75	30.05	45.08	3,381.00
Total	250		126			\$ 5,392.17

* Totals rounded to agree with ROCIS.

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.

The total estimated annual cost to the Federal Government for reviewing and processing the new reporting requirements is \$3,709 (rounded). Staff in the migratory bird offices in each of our Regional Offices receive and process the reports. Using Office of Personnel Management pay tables (2012-RUS, 2012-ATL, 2012-DEN, 2012-MSP, 2012-POR, and 2012-SAC), we estimate that the average hourly salary rate for a GS-12/step 5 biologist is \$39.25. We multiplied the hourly wage by 1.5 to account for benefits in accordance BLS news release USDL 13-0421, March 12, 2013, for a total hourly average rate of \$58.88. We estimate it will take staff 15 minutes per response to review and process the new reporting requirements (total of 63 hours (rounded)).

Action	Position and Grade	Hourly Rate including Benefits	Hourly Rate including Benefits	Total Annual Hours	Annual Cost
Review and process annual reports	Biologist, GS 12/5	\$39.25	\$58.88	63	\$3,709.44

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

This is a new collection.

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.

18. Explain each exception to the certification statement.

There are no exceptions to the certification statement.