

# Supporting Statement A for Paperwork Reduction Act Submission

OMB Control Number 1018-0095

## Endangered and Threatened Wildlife, Experimental Populations 50 CFR 17.84

**Terms of Clearance: None.**

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

Individuals of designated experimental populations for species listed as threatened or endangered under the Endangered Species Act (ESA) (16 U.S.C. 1531 et seq.) are categorically protected. Documentation of human-related mortalities, recovery of dead specimens, animal husbandry actions necessary to manage the population, and other types of take related to the status of experimental populations is important for monitoring the success of reintroduction efforts and recovery efforts in general. To minimize potential conflict with humans that could undermine recovery efforts, livestock depredations connected with experimental populations of listed species require prompt attention for purposes of determining the location, timing, and nature of the predatory behavior involved, accurate determination of the species responsible for a livestock kill, and the timely application of necessary control measures. We collect information in nonform format. The information collection requirements are in 50 CFR 17.84.

### **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.**

Experimental populations established under section 10(j) of the ESA, as amended, require information collection and reporting to the U.S. Fish and Wildlife Service (Service, we). We collect information on the experimental populations listed in 50 CFR 17.84 to help further the recovery of the species and to assess the success of the reintroduced populations. The respondents notify us when an incident occurs, so there is no set frequency for collecting the information. We use the information to:

- Document the locations of reintroduced animals.
- Determine causes of mortality and conflict with human activities so that Service managers can minimize conflicts with people.
- Improve management techniques for reintroduction.

The information helps us assess the effectiveness of control activities and develop means to reduce problems with livestock for those species where depredation is a problem. Service recovery specialists use the information to determine the success of reintroductions in relation to established recovery plan goals for the threatened and endangered species involved.

Other Federal agencies provide us with the vast majority of the information on experimental populations under cooperative agreements for the conduct of the recovery programs. However,

the public also provides some information to us. Reporting parties include, but are not limited to, individuals or households, businesses, farms, nonprofit organizations, and State/local/tribal governments. We collect the information by means of telephone calls or facsimiles from the public to Service offices specified in the individual regulations. Standard information collected includes:

- Name, address, and phone number of reporting party.
- Species involved.
- Type of incident.
- Take (quantity).
- Location and time of reported incident.
- Description of the circumstances related to the incident.

Some of these contacts are necessary follow-up reports under rules where we have authorized harassment or lethal take of experimental animals (e.g., livestock depredation or in defense of human life). We collect information in three categories:

- General take or removal. This type of information relates to human-related mortality including unintentional taking incidental to otherwise lawful activities (e.g. highway mortalities), animal husbandry actions authorized to manage the populations (e.g., translocation or providing aid to sick, injured, or orphaned individuals), take in defense of human life, take related to defense of property (if authorized), or take in the form of authorized harassment.
- Depredation-related take. This type of reporting involves take for management purposes where livestock depredation is documented, and may include authorized harassment or authorized lethal take of experimental animals in the act of attacking livestock.
- Recovery or reporting of dead individuals and specimen collection from experimental populations. This type of information is for the purpose of documenting incidental or authorized scientific collection. Most of the contacts with the public deal primarily with the reporting of sightings of experimental population animals, or the inadvertent discovery of an injured or dead individual.

There are no forms associated with this information collection.

**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].**

Each reported incident is unique and those individuals responding generally are able to communicate details verbally via telephone, facsimile, or in writing. Due to limitations in funding and staff time, we do not have any plans to create a system for electronic submission of reported incidents, or to make the information available to the public over the internet, which might actually take longer to use than a simple telephone call for most responders.

**4. Describe efforts to identify duplication.**

Requested information is not available from any other source. We work with the U.S. Department of Agriculture/APHIS Division of Wildlife Damage Management, and other Federal agencies as necessary, when investigating or confirming information received regarding any of the experimental populations. There is some potential for duplication if someone contacts both the Service and another agency regarding an experimental animal, but generally there is sufficient information available to the public through interagency outreach efforts to make reporting well known. We work closely with cooperating agencies to minimize any duplication in reporting.

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

This collection will not have a significant impact on small entities. There are no required forms or formats for the information we collect. We collect only the minimum information necessary to describe the reported incident.

**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.**

The current frequency and extent of information collection are necessary to collect sick, injured, or dead individuals where appropriate in order to aid sick or injured individuals or determine the cause of death and assess health of the individual and the status of the experimental populations that have been introduced to suitable habitat as part of the species' recovery goals. The consequence of not collecting the information or reduced information collection would result in our inability to address the individuals' needs and/or measure the implementation of these particular recovery goals. There is no information already available that can be used in lieu of that supplied by the respondent.

**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.

We rely on prompt public reporting on the location of sick, injured, or orphaned individuals in order to implement the necessary animal husbandry and specimen collection activities. In cooperation with the USDA/APHIS Division of Wildlife Damage Management, or other cooperating Federal agencies, we rely on prompt public reporting of depredation in order to resolve livestock-related problems. Therefore, a time sensitive requirement for reporting problems (generally within 24 hours) to the appropriate Service office is necessary.

- 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 November 8, 2013, we published a Federal Register notice (78 FR 67185) informing the public of our intent to ask OMB to renew approval for this information collection. We solicited comments for a period of 60 days, ending on January 7, 2014. We received three comments in response to this notice.

Two commenters urged us to redefine or expand the term 'depredation incident.' In particular, they urged that we identify depredation of each livestock animal, as well as trained herding dogs and household pets, as an incident even where multiple individual animals were injured or killed. We note the concerns raised by these individuals, but as noted in Item 2 above, depredation-related take reporting involves take for management purposes of the experimental population where livestock depredation is documented, and may include authorized harassment or authorized lethal take of experimental animals in the act of attacking livestock. In other words, the information that we collect applies to the take of individuals of the experimental population where they may be preying on domestic animals. We need this information to evaluate our management of the experimental population and seek ways to eliminate or reduce such depredation. We consider injury or death of *any* number of livestock a depredation incident rather than requiring a specific number of livestock injuries to qualify. In such cases the incident may be referred to law enforcement to confirm that the take was authorized harassment or lethal take. Only depredation of livestock is authorized; not household pets or trained dogs.

### **Necessity of Collection**

*Comments:* All three commenters noted that the collection of this information is necessary. One commenter stated that this information collection is necessary to ensure that the Service relies solely on the best scientific and commercial data available. Another commenter stated that the information is beneficial, but must be made available to the local governments within a short time frame. Another commenter stated that without reporting requirements for all take, it would be much more difficult to develop a responsive recovery program for these species.

*Response:* We concur with the importance of this information collection to ensure our programs for experimental populations are based on the best scientific and commercial data available, and, therefore, aid in development of responsive recovery programs for these species. We

coordinate closely with State wildlife management agencies in the conservation and management of endangered and threatened species under the ESA, including the conservation and management of experimental populations. State wildlife agencies are our primary conservation partners, and we routinely share data with them, including the data gathered under this information collection.

### **Burden Estimates**

*Comments:* One commenter stated that the burden for reporting depredations and take is grossly understated. The commenter noted the Service has not responded in a timely manner to confirm depredations, leaving citizens to report multiple times and wait by carcasses to protect them from scavengers. Another commenter stated that the costs of this collection are minimal and impose virtually no burden to the public.

*Response:* We believe our estimates are within reason because they represent the average amount of time it will take to provide the requested information via making a telephone call or to send a facsimile. This information collection covers multiple experimental populations, multiple species (which may have more than one experimental population), multiple types of activities, multiple geographic locations across the United States, and multiple Service Regions. We estimate that the time required to provide the notification varies substantially, but usually ranges between 5 and 45 minutes. We acknowledge that it may take some respondents, such as State fish and wildlife agencies, longer than others to gather and compile the data prior to notifying us. State fish and wildlife agencies may provide information to us on multiple species, experimental populations, and incidents in a single notification (thereby requiring more than 15 minutes for them to provide us with the information). In contrast to State fish and wildlife agencies, the general public usually provides information on a single species, experimental population, and incident in one notification (thereby requiring substantially less than 15 minutes for them to provide us with the information).

With respect specifically to reporting information for depredation incidents, we acknowledge that it make take additional time *after* the take is reported for Service personnel to verify the take as a depredation incident. Verification of necessity requires physical examination of the site and carcass, which requires travel on the part of limited personnel who may be otherwise occupied at the time. We apologize for any additional burden this may cause some citizens, but note that depredation incidents are associated with only a small number of experimental populations.

Given the variety of potential situations requiring notification, as well as the variety of potential respondents, but acknowledging the added time a small number of citizens may experience for the entire interaction beyond their initial reporting of the incident themselves, we are revising our average time estimate to 30 minutes per response.

*Comment:* General sighting reports do not appear to be included in the three categories of information collection.

*Response:* General sightings are included in the description of the information collection for specimen collection.

### **Ways to Enhance the Quality, Utility, and Clarity of Information.**

*Comment:* Sharing the data in summary form would increase the utility of the data.

*Response:* State wildlife agencies are our primary conservation partners, and we routinely

share data with them (and vice versa), including the data gathered under this information collection.

### **Ways to Minimize Burden.**

*Comments:* Two commenters did not suggest ways to minimize the burden directly, but commented specifically with respect to the follow up by Federal employees with respect to assessment of reported depredation incidents. The third commenter stated there was “virtually no burden” (already noted above).

*Response:* We have not made any changes to our information collection requirements as a result of the above comments. With respect to the comments made regarding documentation of possible depredation incidents, only take of experimental animals related to depredation is legally authorized. It may become necessary to confirm that depredation has occurred and the take is authorized. We are not aware of any instances of intimidation or the use of lie detectors; however, it may become necessary to take a sworn written statement as confirmation. Should the take be determined to not be authorized, citizens may be liable and subject to criminal charges. This is a law enforcement issue, not directly related to how the Service can manage the experimental population more effectively.

In addition to publishing the notice in the [Federal Register](#), we contacted five individuals directly and solicited comments on this information collection: two worked with one experimental population in Louisiana and three with different experimental populations in Arizona. Only three responded (two from Louisiana and one from Arizona). Their names and contact information are available upon request.

All three agreed that the information we collect is appropriate. Two said it had practical utility. Two said the 2011 burden estimate of 15 minutes was reasonable for reporting the information, one thought it was more like an hour or so. None suggested ways to enhance the quality, utility or clarity of the information collected, nor did they have suggestions for minimizing the burden of reporting the information.

We gather the minimum amount of information necessary to describe the reported incident and that is adequate for managing the experimental populations. When we propose to add new experimental populations or to modify existing experimental populations, we conduct extensive public outreach, including holding public hearings, if requested. We also conduct extensive public outreach when we finalize the addition of new experimental populations or the modification of an existing experimental population. We work proactively with the affected public in managing experimental populations, and keep the public informed about experimental populations via our National, Regional, and field office websites. Therefore, we have not made any changes to our information collection requirements as a result of this outreach. As indicated above, we have revised our estimate of the time burden from 15 minutes to 30 minutes in response to the public comments.

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

We do not provide payments or gifts to respondents.

### **10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.**

We do not provide any assurance of confidentiality. We collect the name, address, and phone number of the reporting party. This information is protected by provisions of the Privacy Act of 1974.

**11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.**

We do not ask questions of a sensitive nature.

**12. Provide estimates of the hour burden of the collection of information.**

We estimate that there will be approximately 105 respondents annually for the notifications included in this ICR. We anticipate receiving approximately 105 responses annually, totaling 55 annual burden hours. The completion time for each information collection varies, but the average completion time is 30 minutes.

We estimate the total dollar value of the annual burden hours for this collection to be \$2,042 (rounded). We estimated average hourly wages and calculated benefits using the Bureau of Labor Statistics Bulletin USDL-14-0390 entitled "Employer Costs for Employee Compensation—December 2013."

- Individuals/Households - We used the total compensation rate for all workers from Table 1 of \$31.60 (rounded).
- Private Sector - We used the total compensation rate for all workers from Table 5 of \$29.60 (rounded).
- State/Local/Tribal Government – We used the total compensation rate for all workers from Table 3 of \$42.90 (rounded).

REQUIREMENT	ANNUAL NO. OF RESPONDENTS	TOTAL ANNUAL RESPONSES	COMPLETION TIME PER RESPONSE (HOURS)	TOTAL ANNUAL BURDEN HOURS	HOURLY LABOR COSTS INCLUDING BENEFITS	TOTAL DOLLAR VALUE OF ANNUAL BURDEN HOURS
<b>Notification-general take or removal</b>						
Individuals	12	12	.5	6	\$31.60	\$189.60
Private Sector	7	7	.5	4	\$29.60	\$118.40
Government	29	29	.5	15	\$42.90	\$643.50
<b>Notification - depredation-related take</b>						
Individuals	25	25	.5	13	\$31.60	\$410.80
Private Sector	2	2	.5	1	\$29.60	\$29.60
Government	9	9	.5	5	\$42.90	\$214.50
<b>Notification -specimen collection</b>						
Individuals	3	3	.5	2	\$31.60	\$63.20
Private Sector	2	2	.5	1	\$29.60	\$29.60
Government	16	16	.5	8	\$42.90	\$343.20
<b>Totals</b>	<b>105</b>	<b>105</b>		<b>55</b>		<b>\$2,042.40</b>

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

The only foreseeable nonhour burden cost to respondents would be a small cost for making a telephone call or sending a facsimile. However, we do not expect that this would occur often and any costs would be negligible.

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

We estimate that the total cost to the Federal Government for receiving and processing the notifications as a result of this collection of information is \$5,423 (rounded).

These costs are primarily for staff time to receive the notifications via phone calls or facsimiles, and to process the information contained in the notification. For each telephone call, we will write up a record of the telephone conversation. We will then process the information received in the facsimile or telephone call, and analyze the information to determine whether or not it has any significant impact on the affected experimental population. The time required for Federal Government employees to process and analyze the information contained in the notification will vary, but we estimate it will take an average of 1 hour per response.

Depending upon their geographic location, some employees are paid under a Federal salary table that includes locality pay. We used the Office of Personnel Management's Salary Table 2014-DCB as an average wage rate for employees Nationwide. To calculate benefits, we multiplied the hourly rate by 1.5 in accordance with the Bureau of Labor Statistics Bulletin USDL-14-0390.

POSITION/GRADE	HOURLY RATE	HOURLY RATE INCLUDING BENEFITS	TIME SPENT ON INFORMATION COLLECTION	WEIGHTED AVERAGE \$/HOUR
Clerical - GS-7/step 5	\$23.15	\$34.73	5%	\$1.74
Professional/technical - GS-11/step 5	\$34.26	\$51.39	90%	\$46.25
Management – GS-13/step 5	\$48.83	\$73.25	5%	\$3.66
Weighted Average (\$/hr)				\$51.65

We used the above weighted average hourly rate to calculate the cost to the Federal Government by multiplying the hourly weighted salary rate (\$51.65) x total hours for Federal Government review (105) which results in an estimated cost to the Federal Government of \$5,423 (rounded).

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

We are reporting 105 responses totaling 55 burden hours for this collection, which is an adjustment increase of 4 responses and 28 burden hours from our previous request. We increased the number of responses based on our experience in administering this collection, and we increased the completion time from 15 to 30 minutes based on comments received.

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



The information is only for internal tracking and use. No publication of information is anticipated.

**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 is a regulatory requirement. We will display the OMB Control Number and expiration date on appropriate documents.

**18. Certification.**

There are no exceptions to the certification statement.