

**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.

The conservation order has been in place for 7 years, and we have concluded that we can reduce the information collection burden on participating States and still get sufficient information for management purposes. We are publishing a final rule to reduce the information collection requirements for participants in the light goose conservation order to eliminate

information collection and reporting requirements that we no longer believe are necessary. This action relieves requirements on individuals, States, and tribes.

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

We are revising 50 CFR 21.60(f)(8) to require that States and tribes keep annual records of only the following activities carried out under the authority of the light goose conservation order:

- the number of persons participating in the conservation order;
- the number of days people participated in the conservation order;
- the number of light geese shot and retrieved during the conservation order; and
- the 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.

We use the information collected to assess the efficacy of the conservation order and to help us to determine if more rigorous MCLG control methods are needed.

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.

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 February 18, 2014 we published a proposed rule (79 FR 9152) to revise the information collection requirements for the Conservation Order. We solicited comments on the information

collection requirements for 30 days, ending on March 20, 2014. All comments received are posted on www.regulations.gov and are discussed in the preamble of the final rule. We received the following comments on the information collection requirements:

Comment: The elimination of information collection reporting requirements is an attempt to avoid responsibility and remove all records of accountability.

Response: We are not eliminating information collection. As we explained in the proposed rule, we are reducing the burden on States and tribes by not requiring collection and reporting of information that we do not need to assess the harvest of light geese.

Comment: Limiting information requirements and eliminating information collection on the issue of killing our wildlife is deeply undemocratic (for people) and cruel (for populations targeted.).

Response: We are not eliminating information collection. We are revising the collection so that we collect only needed information, thereby minimizing the burden for other partners (such as States and tribes) and for the public.

Comment: Majority of the data that was required to be recorded by the States that participated in the conservation order is no longer needed because enough data has been recorded to prove that using unplugged shotguns and electronic calls is a useful method of conservation.

Comment: Need to keep track of the numbers of light harvested each year to get an idea of how many are being harvested.

Comment: This rule eliminates the collection of information that is no longer needed. The information available now gives an accurate data layout for future knowledge. The data that would be eliminated would not hinder the overall analysis of light goose taken. Numbers of light goose populations will still be collected and recorded with accurate read outs on their population. The information that hunters would have to submit would be lessened and make it easier on them. This rule would cut back on taxes and time spent filling out paperwork.

Comment: The Central Flyway Council supports the reduction of the information collection requirements for participants in the light goose conservation order. Sufficient information has been collected since 2000 to allow evaluation of the effectiveness of methods of take for harvesting light geese. The reduction in reporting requirement will reduce paperwork and respondent burdens.

Response: We agree.

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 4,627 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 39 hours to collect information from participants, maintain records, and prepare an annual report, totaling 1,755 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 2,872 annual burden hours.

We estimate the total dollar value of the annual burden hours to States to be \$162,404 (rounded). We used BLS News Release USDL 14-2208 to establish hourly wages and calculate benefits.

- Table 3 in the bulletin lists the hourly wage for all State workers as \$27.89. To calculate benefits, we multiplied this rate by 1.5 resulting in an hourly rate of \$41.84 (rounded).
- Table 1 in the bulletin lists the hourly wage for all workers as \$22.13. To calculate benefits, we multiplied this rate by 1.4, resulting in an hourly rate of \$30.98 (rounded).

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	45 hours	1,755	\$41.84	\$ 73,429
Participants - provide information to States	21,538	21,538	8 minutes	2,872	\$30.98	88,975
Total	21,577	21,577		4,627		\$162,404

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 \$2,000, or a total of \$78,000 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 \$156 (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 2.5 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 2015-DCB, the hourly wage for a GS-12/step 5 is \$41.48. We multiplied the hourly wage by 1.5 to account for benefits (Bureau of Labor Standards news release USDL 14-2208), resulting in a total hourly wage of \$62.22.

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

We are reporting 21,577 responses totaling 4,627 burden hours and \$78,000 in nonhour burden costs, which is a decrease of 1,849 burden hours and \$19,500 in nonhour costs. We are reporting this decrease as a program change due to the reduced reporting requirements in the final rule.

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.