

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

**Alaska Native Handicrafts
50 CFR Part 92.6**

OMB Control Number 1018-XXXX

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

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

The U.S. Fish and Wildlife Service (Service or we) is proposing changes to the permanent subsistence migratory bird harvest regulations in Alaska in response to recurrent requests from Alaska indigenous representatives to use inedible parts (mostly feathers) from birds taken for food during the subsistence hunt in handicrafts for sale. Recently, this request was submitted by Alaska native artisans from the Kodiak Archipelago region.

Federal regulations currently state that people may not sell, offer for sale, purchase, or offer to purchase migratory birds, their parts, or their egg(s) taken under the Alaska migratory bird subsistence harvest regulations (50 CFR part 92.6). The newly proposed regulations would enable Alaska indigenous people eligible for the spring-summer subsistence harvest of migratory birds in Alaska to sell in a limited manner authentic native handicrafts or clothing containing inedible parts from migratory birds taken for food during the subsistence harvest season. The proposed regulations were developed by a committee of the Alaska Migratory Bird Co-Management Council (AMBCC) including the Service, the Alaska Department of Fish and Game, and AMBCC native representatives from the Yukon-Kuskokwim Delta, Bering Strait-Norton Sound, North Slope, Kodiak Archipelago, Bristol Bay, Gulf of Alaska-Cook Inlet, Aleutian-Pribilof Islands, and Northwest Arctic regions.

We propose to add a provision to 50 CFR part 92.6 to allow sale of handicrafts that contain the inedible parts of birds taken for food during the Alaska spring-summer migratory bird subsistence harvest. To limit sales of handicrafts including parts of migratory birds, we propose to add definitions for (a) *“authorized migratory birds;”* (b) *“authentic native article of handicraft or clothing;”* and (c) *“sales by consignment.”*

To develop a list of migratory bird species that could be used in handicrafts for sale, the committee analyzed the related international treaties. The species list of the Japan Treaty is the most restrictive one, and consistent with this treaty, the committee compiled a list of 27 migratory bird species from which inedible parts could be used in handicrafts for sale.

Under Article II(4)(b) of the Protocol between the United States and Canada amending the 1916 Convention for the Protection of Migratory Birds in Canada and the United States, only Alaska native people are eligible to sell handicrafts containing inedible parts of birds taken for food in the Alaska spring-summer migratory bird subsistence harvest. The Protocol also dictates that sales would be under a limited context. Eligibility for sale of such handicrafts would be proven by a (a) Tribal Enrollment Card; (b) Bureau of Indian Affairs card; or (c) membership in the Silver Hand program. To limit counterfeiting of handicrafts including bird parts, each sold item must be accompanied by a certification (FWS Form 3-XXXX) signed by the artist or a Silver Hand tag. All sales and transportation of sold items are restricted to within the United States. FWS Form 3-XXXX is a simple certification and is not subject to the Paperwork Reduction Act. A copy of the form is attached as a supplementary document.

The Silver Hand program is administered by the State of Alaska Council on the Arts. This program was implemented to help Alaska Native artists promote their work in the marketplace and to assist potential buyers in identifying authentic Alaska Native art. To be eligible for a Silver Hand permit, an Alaska Native artist must be a full-time Alaska resident, be at least 18 years old, and provide documentation of membership in a federally recognized Alaska Native tribe. Registrations are valid for a 3-year period, after which, participants need to renew their permit. Silver Hand tags can only be attached to an original article of authentic Alaska Native art that has been made by hand, entirely by the artist, and within the state of Alaska. Reproductions and manufactured work are not allowed to have a Silver Hand tag attached to them.

Buyers must retain the certification signed by the artist or the Silver Hand tag for each handicraft item and produce it upon request of a Law Enforcement Officer. This documentation will be used by the law enforcement officer to authenticate that the artist was Alaska Native and that the sale met all the legal requirements of the regulations set forth in 50 CFR Part 92.6. This information may be recorded in confidential law enforcement files.

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

The requirement to retain the certification or the Silver Hand tag is a recordkeeping requirement. Recordkeeping requirement is defined as a requirement imposed by or for an agency on persons to maintain specified records, including a requirement to retain such records. The duty to disclose the records upon request to an agency or other party also is an information collection requirement [5 CFR 1320.3(m)(3)].

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].

This is a recordkeeping requirement.

4. Describe efforts to identify duplication.

There is no duplication. Artists provide the certification form or Silver Hand tag for each art piece sold. Sellers/consignees must provide the documentation to buyers. Buyers must retain the documentation for the art piece purchased.

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

This collection will not significantly impact small businesses. We developed FWS Form 3-XXXX for those artists that do not participate in the Silver Hand program. FWS Form 3-XXXX is a simple certification form that artists can supply with their art piece. Participants in the Silver Hand program have Silver Hand tags to attach to their art pieces.

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.

Reducing or eliminating the requirement to retain the certificate or the Silver Hand tag would greatly limit the ability of law enforcement to ensure that handicrafts including parts of authorized migratory birds offered for sale were produced and commercialized in a manner consistent with the proposed regulations.

- 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 will require buyers of Alaska handicrafts to retain the artist certification or silver hand documentation permanently. This is necessary so that law enforcement officers can ensure that handicrafts, including parts of authorized migratory birds, offered for sale were produced and commercialized in a manner consistent with the proposed regulations. There are no other circumstances that require the information be collected 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 to include the information collection requirements for Alaska handicrafts.. A copy of the proposed rule is attached. The proposed rule solicits public comment for a period of 30 days on the recordkeeping and third party disclosure requirements described in this supporting statement.

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

We will not provide any 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 that 8,749 respondents (7,749 buyers and 1,000 artists and sellers consignees) will submit 18,081 responses totaling 1,507 annual burden hours. Because this is a new program, it is impossible to precisely estimate the number of art work pieces including parts of migratory birds that will be commercialized per year. To estimate burden associated with this information collection, the number of responses and completion time per response were based on the following information and related reasonable assumptions. The number of responses was calculated based on an estimate of the number of art pieces produced per year. The number of art pieces produced per year is based on the following information provided by the Alaska State Council on the Arts. The Silver Hand Program currently has 205 registered participants. During the 40 years of existence of the program, a total of 1,800 participants have been registered. Registrations are valid for a 3-year period, after which participants need to renew their permit. Silver Hand tags can only be attached to an original article of authentic Alaska Native art that has been made entirely by the artist and within the state of Alaska. Silver Hand participants are eligible for 100 tags per year. Participants may request additional tags if needed. Among Silver Hand participants, less than 1 percent has requested additional tags (information provided by the Alaska State Council on the Arts (<https://education.alaska.gov/aksca/native.html>, in February 2016). We assumed that:

(1) Each of the 205 Silver Hand participants uses 70 tags/year (about 6 art pieces per month per artist, or 14,350 pieces per year Alaska-wide). For purposes of this collection, we assume that artists who do not participate in the Silver Hand program produce the same number of pieces per year, for a total of 28,700 pieces Alaska-wide.

(2) One third of all pieces produced include migratory bird parts (9,567 pieces including bird parts per year Alaska-wide).

(3) 10% of all pieces including migratory bird parts were eventually not commercialized (8,610 pieces commercialized per year); 10% of commercialized pieces were not sold (7,749 pieces sold).

(4) Two-thirds of all pieces were sold directly by artists to buyers. This implies that one third of all sold pieces were sold by sellers/consignees (2,583).

(5) Respondents (consignees, sellers, and buyers) spend 5 minutes to handle and archive each piece's documentation.

REQUIREMENT	ESTIMATED NO, OF ANNUAL RESPONSES	COMPLETION TIME PER RESPONSE	ESTIMATED NO, OF ANNUAL BURDEN HOURS	HOURLY WAGE WITH BENEFITS	\$ VALUE OF ANNUAL BURDEN HOURS
Third Party Disclosure. Artists – provide certification/Silver Hand tag for each item. Sellers/Consignees – provide documentation to buyers	10,332	5 minutes	861	\$17.74	\$15,274.14
Buyers - retain documentation	7,749	5 minutes	646	\$19.01	\$12,280.46
Totals	18,081		1,507		\$27,554.60

The total annual burden hours is estimated as 1,507 hours per year. We estimate that the total dollar value of the burden hours will be \$27,555 (rounded). The “Bureau of Labor Statistics May 2015 State Occupational Employment and Wage Estimates” lists the mean hourly wage for persons in “farming, fishing, and forestry occupations” in Alaska as \$12.67 (http://www.bls.gov/oes/current/oes_ak.htm#45-0000). in accordance with Bureau of Labor Statistics news release USDL 16-0463, we multiplied the hourly wage by 1.4 to account for benefits for the private sector (artists and sellers/consignees), resulting in an hourly cost factor of \$17.74 (rounded). For individuals (buyers), we multiplied the wage rate by 1.5 to account for benefits, resulting in an hourly cost factor of \$19.01.

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 cost to the Federal Government for law enforcement personnel to review documentation and determine authenticity of the handicraft is \$80,060. We used the Office of Personnel Management’s Salary Table 2016-DCB to determine an average hourly rate (\$50.04). We multiplied the hourly wages by 1.6 to account for benefits.

Action	Position and Grade	Hourly Rate (includes benefits)	Total Annual Hours	Annual Cost
Enforcement	Federal Law Enforcement Officer (GS 13/5)	\$80.06	1,000	\$80,060

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

This is a new information collection.

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

We will not publish the results of the 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.

This approval is for a recordkeeping requirement and a third party disclosure. We will include the OMB control number and expiration date on all appropriate supporting documents (correspondence, etc.). We cite the OMB Control Number in 50 CFR 92.6(b)(4).

18. Explain each exception to the certification statement.

There are no exceptions to the certification statement.