

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

Petitions, 50 CFR 424.14

OMB Control Number 1018-0165

Terms of Clearance. None.

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

The Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 et seq.), specifies the process by which the U.S. Fish and Wildlife Service and the National Marine Fisheries Service (we, Services) make decisions on listing, delisting, changing the status of a listed species or revising critical habitat. Any interested person may submit a written petition to the Services requesting to add a species to the Lists of Endangered or Threatened Wildlife and Plants (Lists), remove a species from the Lists, change the listed status of a species, or revise the boundary of an area designated as critical habitat. The petition process is a central feature of the Act (Act; 16 U.S.C. 1531 et seq.), and serves a beneficial public purpose. A petition may direct the attention of the U.S. Fish and Wildlife Service and the National Marine Fisheries Service to make revisions to critical habitat designations.

The U.S. Fish and Wildlife Service and the National Marine Fisheries Service (we, Services) are jointly proposing changes to the regulations at 50 CFR 424.14 concerning petitions to improve the content and specificity of petitions and to enhance the efficiency and effectiveness of the petitions process to support species conservation. Our revisions to § 424.14 will clarify and enhance the procedures by which the Services will evaluate petitions under section 4(b)(3) of the Act, 16 U.S.C. 1533(b)(3). The regulations pertaining to the petition process to provide greater clarity to the public on the petition-submission process, which will assist petitioners in providing complete petitions. These revisions will also maximize the efficiency with which the Services process petitions, making the best use of available resources. These changes would improve the quality of petitions through expanded content requirements and guidelines, and, in so doing, better focus the Services' energies on petitions that merit further analysis. The petitioner must (1) prepare petitions in accordance with § 424.14 and (2) notify applicable States that a petition is being submitted to one of the Services.

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

A. Petitions.

- (1) Petitioner's name; signature; address; telephone number; and association, institution, or business affiliation;
- (2) Scientific and any common name of the species that is the subject of the petition;
- (3) Clear indication of the administrative action the petitioner seeks (e.g., listing of a species or revision of critical habitat);
- (4) Detailed narrative justification for the recommended administrative action that contains an analysis of the supporting information presented;
- (5) Literature citations that are specific enough for the Services to easily locate the

supporting information cited by the petition, including page numbers or chapters, as applicable;

(6) Electronic or hard copies of supporting materials (e.g., publications, maps, reports, letters from authorities) cited in the petition;

(7) For petitions to list, delist, or reclassify a species include:

- Information to establish whether the subject entity is a “species” as defined in the Act;
- Information on the current geographic range of the species, including range States or countries; and
- Copies of notification letters to States.

(8) Information on current population status and trends and estimates of current population sizes and distributions, both in captivity and the wild, if available;

(9) Identification of the factors under section 4(a)(1) of the Act that may affect the species and where these factors are acting upon the species;

(10) Whether any or all of the factors alone or in combination identified in section 4(a)(1) of the Act may cause the species to be an endangered species or threatened species (i.e., place the species in danger of extinction now or in the foreseeable future), and, if so, how, including a description of the magnitude and imminence of the threats to the species and its habitat;

(11) Information on existing regulatory protections and conservation activities that States or other parties have initiated or have put in place that may protect the species or its habitat;

(12) For petitions to revise critical habitat:

- Description and map(s) of areas that the current designation (a) does not include that should be included or (b) includes that should no longer be included, and the rationale for designating or not designating these specific areas as critical habitat. . Petitioners should include sufficient supporting information to substantiate the requested changes, which may include GIS data or boundary layers that relate to the request, if appropriate;
- Description of physical or biological features essential for the conservation of the species and whether they may require special management considerations or protection;
- For any areas petitioned to be added to critical habitat within the geographical area occupied by the species at the time it was listed, information indicating that the specific areas contain the physical or biological features that are essential to the conservation of the species and may require special management considerations or protection. The petitioner should also indicate which specific areas contain which features;
- For any areas petitioned for removal from currently designated critical habitat within the geographical area occupied by the species at the time it was listed, information indicating that the specific areas do not contain the physical or biological features that are essential to the conservation of the species, or that

these features do not require special management consideration or protections;
and

- For areas petitioned to be added to or removed from critical habitat that were outside the geographical area occupied by the species at the time it was listed, information indicating why the petitioned areas are or are not essential for the conservation of the species.

(13) A complete, balanced representation of the relevant facts, including information that may contradict claims in the petition.

We will use this information in determining whether or not to list a species.

B. Notification of States. For petitions to list, delist, or change the status of a species, or for petitions to revise critical habitat, petitioners must notify applicable States of their intention to submit a petition. This notification must be made at least 30 days prior to submission of the petition. Copies of the notification letters must be included with the petition. States may provide to the Service whatever information that they want to be considered in the listing decisions.

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].

Submissions of petitions are regularly made via email. We accept all materials (petitions, cover letters, cited source materials, maps, supporting materials, copies of State notification letters) in electronic format. Petitioners may notify States of intent to file a petition via email.

4. Describe efforts to identify duplication.

No duplicate information is collected elsewhere in the Services, 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.

This collection of information 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 make a finding on the petition.

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.

The Endangered Species Act requires the Services to respond to petitions in a timely manner. We are to provide a finding, to the maximum extent practicable, within 90 days of the receipt of a petition. To be efficient in this process, and to increase the likelihood of a substantial finding, it behooves the petitioner to provide the information necessary to make such a finding. Failure to

include readily available, pertinent information on the subject species and its habitat may lead to decreased efficiency in the Services making 90-day findings, and may result in a greater number of negative, not substantial findings (i.e., the petition has failed to provide substantial information indicating that the petitioned action may be warranted). Thus it is in the petitioner's interest to collect and provide the required information.

- 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 April 21, 2016 (81 FR 23448), we published the proposed rule to revise the information collection requirements for those operating under the petitions regulations. A copy of the proposed rule is attached as a supplementary document. The proposed rule solicited public comment for a period of 30 days on the information collection and recordkeeping requirements. We received one comment.

Comment: The commenter agreed that most petitions can be prepared in approximately 120 hours, but more complex petitions can take much more time to assemble the information within the petition.

Response: We agree that in some cases, time to prepare a petition submission may be considerably greater than our estimate, while in other cases, it may be less. We believe 120 hours is a reasonable estimate for the average petition, acknowledging that there could be a small proportion of submissions that require more or less time. We have retained our estimate of 120 hours.

All comments received are addressed in the preamble of the final rule.

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

We will 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 to petitioners. We have requested that our Privacy Officer undertake a Privacy Impact Assessment to determine if a SORN is needed.

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 will not ask questions of a sensitive nature.

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

Based on the average number of species per year over the past 5 years regarding which FWS and NMFS were petitioned, we estimate the average annual number of petitions received by both Services combined will be 50 per year (25 for FWS and 25 for NMFS). Because each petition will be limited to a single taxonomic species, the average number of species included in petitions over the past 5 years may be more accurate than the average number of petitions as a gauge of the number of petitions we are likely to receive going forward. This estimate of the number of petitions the Services will receive in the future may be generous. Petitions to revise critical habitat are infrequent; in the past 10 years, FWS has received only two such petitions.

Submission of petitions is voluntary, but is required to obtain or retain a benefit (i.e., listing, delisting, changing the status of a listed species or revising critical habitat). The amount of time the petitioner spends in preparing the petition and supplementary materials depends on the petitioner.

We estimate the amount of time a petitioner may spend in preparing a petition, including researching literature and information sources and writing the petition, as 120 hours. We realize the time spent may be more or less than this estimate, but we believe this represents a realistic average. We estimate that preparation of notification letters will take approximately 1 hour, which will vary depending on how many States need to be notified. We estimate that there will be a need for a petitioner to notify an average of 10 States per petition. Many species are narrow endemics and may only occur in one State, but others are wide-ranging and may occur in many States. However, we are erring on the side of overestimating the potential number of States petitioners will need to notify on average.

We estimate the potential annual total dollar value of the burden-hours for this information collection to be \$212,960.

We used BLS Bulletin USDL 16-1651 to establish hourly wages and calculate benefits.

- Private sector. Table 5 in the bulletin lists the total hourly compensation (wages and salaries) for all private industry workers as \$34.96.
- Individuals. Table 1 in the bulletin lists the total hourly compensation (wages and salaries) for all workers as \$32.06.

ACTIVITY/ REQUIREMENT	TOTAL ANNUAL RESPONSES	COMPLETION TIME PER RESPONSE	TOTAL ANNUAL BURDEN HOURS	HOURLY WAGE RATE INCL. BENEFITS	\$ VALUE OF ANNUAL BURDEN HOURS
Petitioner – prepare and submit petitions					
Individuals	10	120 hours	1,200	\$ 34.96	\$ 41,952
Private sector	40	120 hours	4,800	32.06	153,888
Petitioner – notify States					
Individuals	100	1 hour	100	\$ 34.96	\$ 3,496
Private sector	400	1 hour	400	32.06	12,824
Total	550		6,500		\$212,960

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

We estimate the total nonhour burden cost to be \$1,000.00, based on \$20 per petition, for materials, printing, postage, data equipment maintenance, etc. Costs to notify States (mailing and printing) and to provide copies of letters with the petition are included in this estimate.

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 will be \$36,990 (500 hours X \$73.98 per hour). This estimate includes time for Federal staff to receive petitions and evaluate their sufficiency. It also includes time to enter petition information in our petitions database. It does not include time spent by Federal staff throughout the United States to make petition findings.

We estimate that it will take an average of 10 hours for us to review the information accompanying each petition. Therefore, the annual burden to the Services is 500 hours (50 petitions X 10 hours per petition). We used the Office of Personnel Management’s Salary Table 2016-RUS to determine the average wage of a GS-13/step 5. We multiplied the hourly wage (\$45.86) by 1.6 to account for benefits, for a total hourly wage of \$73.98 (rounded). We calculated benefits in accordance with the Bureau of Labor Statistics news release USDL 16-1651 entitled “Employer Costs for Employee Compensation – March 2016” released on June 9, 2016.

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

The Services are revising the regulations at 50 CFR 424.14 concerning petitions to improve the content and specificity of petitions in order to enhance the efficiency and effectiveness of the petition process to support species conservation. Our revisions to § 424.14 clarify and enhance the procedures by which the Services will evaluate petitions under section 4(b)(3) of the Act (16 U.S.C. 1533(b)(3)). The revised regulations pertaining to the petition process will provide

greater clarity to the public on the petition-submission process, which will assist petitioners in providing complete petitions. These revisions will also maximize the efficiency with which the Services process petitions, making the best use of available resources. These changes will improve the quality of petitions through clarified content requirements and guidelines, and, in so doing, better focus the Services' resources on petitions that merit further analysis. While the content requirements for petitions have expanded, this is more for clarity and transparency to the public the elements that are essential for the Services to have in order to evaluate whether a petition provides substantial information indicating that the requested action may be warranted. The specific description of necessary elements helps the petitioner to know what information is needed and will enable petitioners to provide a complete, robust petition. Therefore, any increase in burden to the petitioners should be minimal, and the resulting increase in quality of petitions should lead to more effective species conservation.

The change to limiting a petition to a single biological species may result in slightly more effort for those petitioners who desire to petition requests for multiple species. However, a well-designed and robust multi-species petition under the old process would logically have been presented by each individual species being petitioned, with specific threats descriptions for each individual species, and cited source materials organized by each individual species as well. In other words, the multi-species petition would have been clearly organized by each single species included in the petition (much like a separate chapter for each species), including the source materials. Therefore, the single species limitation is not a major change from the process would have ideally been followed under the prior regulation, but it does preclude submission of requests that jumble multiple species and disorganized source materials.

Finally, the Services desire our State wildlife agency partners to have greater involvement in the listing process, and by requiring petitioners to provide State agencies a simple letter of intent to file a petition with the Services, the States will be afforded the opportunity to send any pertinent information they may have on the species being petitioned, while making any potential burden on petitioners in notifying States minimal.

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

We publish the results of our reviews of petitions in 90-day findings in the Federal Register, as required by the Act and our implementing regulations.

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.

These are regulatory requirements. We will display the OMB control number and expiration date on all appropriate documents.

18. Explain each exception to the certification statement.

There are no exceptions to the certification statement.