

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

**Federal Fish and Wildlife Permit Applications and Reports—
Migratory Birds and Eagles; 50 CFR 10, 13, 21, 22**

OMB Control Number 1018-0022

Terms of Clearance: Information collection requirements associated with the migratory birds and eagles are currently approved under two different OMB control numbers: 1018-0022, “Federal Fish and Wildlife Permit Applications and Reports--Migratory Birds and Eagles; 50 CFR 10, 13, 21, 22”; and 1018-0167, “Eagle Take Permits and Fees, 50 CFR 22”. In this revision of 1018-0022, we are including all of the information collection requirements associated with both OMB Control Numbers. If OMB approves this revision, we will discontinue OMB Control Number 1018-0167. In addition, upon approval of this revision request, per OMB-OIRA, the following terms of clearance are to be transferred from 1018-0167 into 1018-0022:

“The FWS has committed to an 18-month timeline to update the data used in the fatality prediction model for the wind industry, including distinguishing between the impact on bald versus golden eagle mortality rates. FWS has agreed to provide an update to OIRA on how it analyzes monitoring information collected under this control number by June 1, 2018 and prior to finalizing its update to the fatality prediction model. If guidance that will be mandatory under the regulations is developed for pre-construction or post-construction monitoring surveys, or preparation of eagle conservation plans, and is determined to be significant for purposes of E.O. 12866, it must be submitted for review by OIRA under this control number.”

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.

We collect information on application forms and in reports to determine if applicants for permits meet the requirements mandated by:

- Migratory Bird Treaty Act (MBTA, 16 U.S.C 703-712; 50 CFR 21).
- Bald and Golden Eagle Protection Act (Eagle Act, 16 U.S.C. 668-668d; 50 CFR 22).

U.S. Fish and Wildlife Service (we, Service) regulations implementing these statutes are in Chapter I, Subchapter B of Title 50, Code of Federal Regulations. These regulations stipulate general and specific requirements that when met allow us to issue permits to authorize activities that are otherwise prohibited.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection. Be specific. If this collection is a form or a questionnaire, every question needs to be justified.

APPLICATIONS

All Service permit applications are in the 3-200 series of forms, each tailored to a specific activity based on the regulatory requirements for specific types of permits. Sections A through D on the applications is the same for all permit types. These sections collect standard identifier information, such as the name and address, telephone and fax numbers, tax identification number, and email address for the applicant. This information is required by 50 CFR 13.12 *General information requirements on applications for permits*. Standardizing general information common to the application forms makes filing of applications easier for the public as well as expedites our review of applications. This information is used to establish a permit record and is unique to the applicant.

Section E of each application collects information specific to the activity the applicant wishes to conduct and information about the applicant's education and experience conducting the activity. What species and number of bird(s) are involved in the activity and whether the birds will be killed or kept in captivity and if they will be killed we ask for the method they will use. For birds that will be kept in captivity we ask for information about the facility the birds will be held in including the size of the enclosures and the material they are made from.

Section E questions standard to all applications determine where records required by statute are kept, who, other than the permittee, will be conducting the authorized activity and determine that the applicant is not otherwise disqualified to receiving a permit because of past violations of wildlife statutes.

For applications for resolving conflicts with birds using lethal measure for things like damage to property, loss of income or loss of resources, applicants are required to provide additional recommendation from the US Department of Agriculture, Animal and Plant Health Inspection Service (APHIS), Wildlife Services (WS). WS consults with the applicant and provides information on non-lethal techniques for resolving the conflict or, where necessary, the number and species of birds that should be killed to alleviate the conflict by providing the applicant with a Permit Review Form (WS-37). The applicant needing to kill birds to resolve conflicts must provide this recommendation to us as part of the application.

For this renewal, for applications for lethal take of birds, we have added a question regarding information the applicant may have regarding the effects of their proposed activity on other species. The Service is required to conduct a National Environmental Policy Act (NEPA) review of all permits and recent litigation has put a public focus on the adequacy of our review of permits under NEPA. This has resulted in the Service conducting greater review of permit applications that request the lethal take of birds. In most cases this review results in application of a Categorical Exclusion, but in cases where the permit may have effects on federally listed Threatened or Endangered species, Birds of Conservation Concern, or Eagles the review requires greater scrutiny of the permit. This question asks the applicant to voluntarily provide any such information they may possess to assist the Service in expediting this NEPA review.

The information that we collect on applications and reports is the minimum necessary for us to determine if the applicant meets/continues to meet issuance requirements for the particular activity and that any birds held in captivity are done so in a healthful and humane manner. In instances where birds will be killed we use the information collected on the application to determine that the birds do not suffer needlessly.

All permit types require the permittee to submit a report of their activities on an annual basis. These reports are used by the Service to ensure the applicant remains in compliance with the

terms of their permit. Number of birds reported by activity is used to ascertain the effects of the specific permit and the permitting program on populations of birds to ensure the program is not causing a decline that could be avoided.

Submission of reports is generally on an annual basis, although some are dependent on specific events. Events that result in the death of an unusually large number of birds or federally listed Threatened or Endangered species or eagles requires the permittee to report such events within 48 hours or as soon as practical. The Office of Law Enforcement, along with Service biologists use these immediate reports to determine unlawful activity and measures that could be taken to prevent these events in the future.

We examined and revised all of the applications in this collection to clarify the questions asked and the information requested and to be consistent across all applications. This effort focused on questions frequently misinterpreted or not addressed by applicants. This ICR includes modifications to the format and content of the currently approved applications so that they (a) are easier to understand and complete and (b) will accommodate future electronic permitting.

MONITORING AND REPORTING

Additional monitoring and report requirements exist for permits issued under 50 CFR 22.26 and 22.27. Permittees must submit an annual report for every year the permit is valid and for up to 3 years after the activity is completed. Recipients of 22.26 permits use FWS Form 3-202-15 (Eagle Take (50 CFR 22.26) – Annual Report) to meet the reporting requirements at 22.26(c)(3). The permittee is required to submit this form regardless of whether any take occurred (i.e. report no take). This form is approved under OMB Control No. 1018-0022, which expires May 31, 2017. We are not proposing any changes to this form. We use this information to evaluate compliance with the terms and conditions of the permit, and results of measures to minimize and mitigate impacts on covered species. For long-term permits, we would also use the data to evaluate whether the permittee will implement adaptive management strategies set forth in the terms of the permit. We will use the results of these evaluations to:

- Determine if the conservation strategies are reaching the intended biological goals.
- Implement improved management strategies.
- Evaluate the success of the permit program.
- Gather information needed for future permit issuance determinations.

For long-term permits, applicants are required to conduct pre-construction surveys. Because these activities are often complex, to meet the application requirements, applicants sometimes prepare an Eagle Conservation Plan. Long-term permittees must ensure post-construction monitoring is conducted and that the results are provided to the Service. The pre-construction surveys are needed to estimate the likely number of eagles that could be killed by the project and are used to determine any required compensatory mitigation. The Eagle Conservation Plan is a format for compiling information required by the application, such as estimates of risk to eagles, detailed description of the measures the project will undertake to avoid and minimize the take of eagles, adaptive management actions, and specification of the type and amount of compensatory mitigation they commit to complete. Post-construction monitoring is used to determine the adequacy of the avoidance and minimization measures, to determine if the amount of compensatory mitigation is adequate and to evaluate the success of the permitting program.

Permittees are also required to promptly notify the Service via email or phone if an injured or dead eagle or Threatened or Endangered species is found in the vicinity of the permitted activity.

Permits issued under 22.27 require additional reporting of the activities. Permittees that are issued a single nest permit must submit a report consisting of a summary of the activities conducted under the permit to the Service within 30 days after the permitted take occurs. Permit for multiple nest take must report each nest removal within 10 days after the take and submit an annual report by January 31 containing all the information required in Form 3-202-16 for activities conducted during the preceding calendar year.

PERMIT REVIEW

Under the final regulations, for every 5 year period the permit is in effect, long-term permittees are required to compile information on eagle fatality (post-construction monitoring) and submit this information to the Service. The final rule established a reporting requirement for these 5-year permit reviews. This information is used to assess the take of eagles during the preceding 5-year period and determine if changes to the permitted activity or the permit authorizations are necessary to further reduce the take of eagles or should the take be less than anticipated, to reduce any required mitigation for the project.

RECORDKEEPING

Permittees must keep records of the take that occurs from the permitted activity and the data gathered through surveys and monitoring. These data are used to assess the impacts of the project on the population of eagles and the effectiveness of the permitting program.

NEW RECORDKEEPING IC ADDED TO BURDEN TABLE:

Permit Exceptions – Notifications (50 CFR 21.12)

50 CFR 21.12 General exceptions to permit requirements, imposes recordkeeping requirements for institutions authorized to acquire by gift or purchase, possess, transport, and by gift or sale dispose of lawfully acquired migratory birds or their progeny, parts, nests, or eggs without a permit. These records are used to establish a chain of custody of birds acquired and disposed of by these exempt institutions. We added the associated burden for these exceptions to Exhibit A – Burden Calculations. Zoos we contacted indicated an average of 5 hours per week to maintain the records so we used an estimated of 260 hours per year for the burden associated with this new IC (5 hours each X 52 weeks per year).

AMENDMENTS

Amendment to a permit may be requested by the permittee, or the Service may amend a permit for just cause upon a written finding of necessity. Amendments comprise changes to the permit authorization or conditions. This includes, but is not limited to an increase or decrease in the estimated take of eagles or changes in ownership of a project. The permittee must apply for amendments to the permit by submitting a description of the modified activity and the changed impacts to eagles. These are considered substantive amendments and incur a fee. A permittee is not required to obtain a new permit if there is a change in the legal individual or business name, or in the mailing address of the permittee. A permittee is required to notify the issuing office within 10 calendar days of such change. This provision does not authorize any change in location of the conduct of the permitted activity when approval of the location is a qualifying condition of the permit. The burden associated with amendments to 22.26 permits is included in the burden for the 5-year review.

TRANSFERS

In general, permits issued under 50 CFR parts 21 and 22 are not transferable. However, permits issued under 22.26 may be transferred in whole or in part through a joint submission by the permittee and the proposed transferee, or in the case of a deceased permittee, the deceased permittee's legal representative and the proposed transferee, provided the Service determines that:

- (1) The proposed transferee meets all of the qualifications for holding a permit;
- (2) The proposed transferee has provided adequate written assurances of sufficient funding for the conservation measures, conservation plan, or Agreement, and will implement the relevant terms and conditions of the permit, including any outstanding minimization and mitigation requirements; and
- (3) The proposed transferee has provided other information that we determine is relevant to the processing of the submission.

NEW ICS ADDED TO THIS REVISION CAPTURED IN BURDEN TABLE:

EAGLE RECOVERY TAG (Form 3-2480) (50 CFR 22)

This form is an internal form but the Service now wishes to have it used by the public. The form is used to track dead eagles as they move through the process of laboratory examination to determine cause of death and finally to the National Eagle Repository for distribution to Native Americans for use in religious ceremonies. This information is needed to maintain chain of custody for law enforcement and scientific purposes.

REPORTING – NATIVE AMERICAN EAGLE TAKE (50 CFR 21.22)

This is a new IC added as it was erroneously omitted from previous submissions. The information is required to monitor compliance with the permit. The information is used to assess the impact of the permit on the eagle population and the adequacy of the permit program.

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.

Forms in this collection are currently available to applicants in a fillable PDF format on our forms and permits website (<https://www.fws.gov/forms>), by mail, or by fax. Applicants may complete the fillable application online, but must print and submit the application form with an original signature and the applicable processing fee by mail. Applicants may send supporting information by email or fax, if we already have their application and they are able to reference an application number.

To reduce the information collection burden on the public, particularly small businesses, as much

as possible, we are actively working to automate our most frequently used permit applications in the Service's new ePermits System in an effort to modernize the permit application process from the current PDF form submission (as described above) that is manually intensive, to a new modern and streamlined electronic application process, which will enhance the user experience and simplify the process for permit applicants. Once this new process is in place, the amount of time necessary for an applicant to apply for a permit will be drastically reduced. The Service also plans on eliminating the necessity for physical mail-in applications (though this will remain an option for those who either don't have access to the internet or prefer to use mail-in applications), thus further reducing the burden on the public as well.

With this modernized process an applicant will be able to establish an account and apply for multiple permits through a single interface, reducing the burden on the applicant as well as the burden on the government to process these applications. They will be able to track and get notifications on the status of their application as it moves along the process, a feature that is not available now in the manual process as it exists today. In addition to allowing an applicant for these permits to apply online and track the status of their application, it will also allow them to pay the permit processing fee with a credit card or other electronic payment method through Pay.gov, a method also not now available to them. This streamlined process will reduce the time required to issue permits and reduce errors in processing of these permit types, significantly providing a better permitting experience for the public.

As part of this effort we will soon release 7 of our most used forms in electronic format: 3-200-7 Scientific Collecting, 3-200-8 Taxidermy, 3-200-10a Special Purpose Salvage, 3-200-10b Rehabilitation, 3-200-10d Special Purpose Possession of Dead Migratory Birds for Educational Purposes and 3-200-13 Depredation as online applications. Additional applications will be moved to this system as resources allow.

Report form 3-202-17, Special Purpose-Utility Report, was converted from a paper report to a spreadsheet format that can be submitted electronically for entry into the Injury/Mortality Reporting System (IMR). We have now converted this form to a Microsoft Access database that, once finalized, will allow permittees with Special Purpose Utility Permits (SPUT) to submit reports online. Permittees enter data into a Microsoft Access database that we provide and then generate reports of their data in Microsoft Excel format for electronic submission via a reporting tool programmed into the Access database. The Excel report output from the IMR Access Database has been specifically formatted to allow easy, efficient compilation of this information through the use of a macro (a single instruction that expands automatically into a set of instructions to perform a particular task). This will allow the permittee the flexibility to either submit the data directly into Access, or by using the report export function to output the report as an Excel file that can be submitted to the Regional permit office. These reports are compiled automatically by the permit office and fed into a cumulative report housed in a centralized Access Database that is accessible to decision-makers for informing permitting and management decisions. In the near future, it will also be automatically entered into the permittees database record in the Service Permits Issuance and Tracking System (SPITS).

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

The information that we collect is unique to the applicant and is not available from any other source. Other than the general identifying information standard for each application, collection of duplicate information is minimal.

Many permittees renew permits for ongoing activities. We retain information from their original application so they do not have to duplicate information that is unchanged for the new permit. If an existing permittee requests a new type of permit (such as a rehabilitator who applies for an education permit), applicants may reference existing permit files for information relevant to the new application. This allows the applicant to submit only the additional information necessary to meet the requirements of a new type of permit.

We developed an electronic permit issuance and tracking system that greatly improves retrieval of file information, further reducing duplicate information requests for use in renewals, extensions, and repeat applications. Ongoing development of our permit issuance and tracking system will ensure that no duplication arises among Service offices.

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

This collection will not have a significant impact on small entities. We collect only the minimum information necessary to establish eligibility of the applicant and to assess the effect of the permit program on populations of birds.

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.

If we do not collect the information or if we collect the information less frequently, we could not implement many wildlife protection programs that are mandated by law. Further, we could not issue applicants a permit since the collected information is either required on the permit or authorization itself or is needed to make the necessary biological and legal findings under applicable statutes and treaties. If we were not able to satisfy the information requirements necessary to issue a permit, the public would not be able to conduct otherwise prohibited activities, such as possession of migratory birds and eagles.

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.

Permit regulations (50 CFR 21.27(c)(5) and 21.30(d)(6)) require that Special Purpose Game Bird and Raptor Propagation permit holders file an FWS Form 3-186A (Migratory Bird Acquisition and Disposition Report) with the Service within 5 days of a transaction (take from the wild, buy, sell, or transfer). Permit regulations (21.29(e)(2)) require that State-permitted falconers file an FWS Form 3-186A within 5 days of a transaction (take from the wild, buy, sell, or transfer). Permit regulations (50 CFR 21.25(c)(5)) require that Waterfowl Sale and Disposal permit holders file an FWS Form 3-186 with the Service by the end of the month during which a waterfowl sale is conducted. The MBTA, which was enacted to protect migratory birds from market hunting, strictly regulates commerce. These are the only four permits that authorize sale and purchase. Current information regarding commercial activity under the permits is necessary to enforce the regulations.

In addition, Scientific Collecting permittees (3-200-7; 3-202-1) and Special Purpose Utility permittees (3-202-81; 3-202-17) who encounter a dead or injured bald eagle or golden eagle, or threatened or endangered species in the wild are required to report it to the Service's Office of Law Enforcement as soon as possible, preferably no later than 48 hours from discovery of the bird, or at the beginning of the next business day. This short timeframe better enables OLE to investigate the mortality or injury and/or direct the transfer of the carcass while it is still as fresh as possible to the National Eagle and Wildlife Property Repository for distribution to Native Americans for Indian religious purposes.

Permit regulations (50 CFR 13.46) require that records of any taking, possession, transportation, sale, purchase, barter, export or import of wildlife pursuant to a permit be maintained for 5 years from the expiration date of the permit. The statute of limitations for enforcement is 5 years.

Accidental take of eagles or species federally listed as threatened or endangered must be reported within 48 hours to ensure the carcasses are protected in a way that would not preclude use as evidence in any law enforcement action.

8. If applicable, provide a copy and identify 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 and in response to the PRA statement associated with the collection over the past three years, and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

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.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every three years — even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

On February 24, 2017, we published in the Federal Register (82FR11599) a Notice of our intent to request that OMB approve this information collection. In that notice, we solicited comments for sixty (60) days, ending on April 25, 2017. We received four comments in response to that Notice:

Email dated February 25, 2017 from B. Ker:

Ms. Ker stated she feels the Service should not issue permits to kill eagles or other birds and wildlife. She also expressed the need to preserve and protect birds and wildlife.

FWS Response/Action Taken:

The Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act prohibit the killing of birds and eagles without a permit and authorize the Secretary of the Interior to establish a permitting program. The regulations implementing these acts (50 Code of Federal Regulations parts 21 and 22) and the permitting program established under these regulations define the terms under which a permit to kill birds and eagles can be issued. The Service is obligated by these laws and regulations to issue a permit to anyone who shows a need and meets the requirements to receive one. Permits to kill birds and eagles are limited to specific instances such as for property damage, scientific study or protection of human health and safety. The number of birds and eagles authorized to be killed are strictly controlled based on the specific needs of the applicant, the population status of the birds or eagles applied for and the direct effects any permit issued would have on these birds or eagles. Only after we establish that the killing of the birds or eagles requested will not affect the population of those birds will we issue a permit. Through this permitting program we ensure they are protected and preserved for future generations of Americans to enjoy.

Email dated April 25, 2017 from the Avian Power Line Interaction Committee:

- 1) *Whether or not the collection of information is necessary, including whether or not the information will have practical utility:*

Comment: Not only is the collection of information from those applying for the permits is necessary for good governance, it is also vital to the calculation of the burden that each agency uses to inform future regulation implementation. The collection of the information will not have practical utility if the Service does not absorb this information and incorporate it into future estimates.

FWS Response/Action Taken to (1):

We collect information from the public for a number of purposes. The information on applications is used to determine the identity of the applicant, the ability of the applicant to successfully conduct the requested activity and whether the applicant meets all the necessary qualifications to conduct such activities. Reports (annual or other) are used to cumulatively assess the effects of the activities on migratory bird populations to ensure that our management is appropriate and that there are no effects that would significantly impact either the populations' status or jeopardize the continued existence of any particular bird for use and enjoyment by the American public. Further, not only do we utilize this collected information for management purposes, but we incorporate it into each and every information collection renewal.

Action Taken: No action was taken in response to this portion of their comment.

- 2) *The accuracy of the Service's estimate of the burden for this collection of information:*

Comment: APLIC has gathered data from its membership to help the information collection adequately represent the power line Utility sector. The information in Table 1 is an averaged representative estimate from all types of power line companies, from rural cooperatives to investor-owned utilities. The data has been gathered across all U.S Fish and Wildlife Service (Service) Regions and therefore represents many types of avian

habitat, multiple flyways, and multiple levels of urban development and rural landscapes. The cost/hour estimate is also averaged across the United States.

FWS Response/Action Taken to (2):

We gather information from the public on the burden imposed to apply for a permit and report the results of any issued permit. Because of the broad range of applicants, burden estimates vary widely. As such, the estimated reported burden does not represent any particular class of applicant, but is intended to capture an approximation of the burden in a general manner. It is not unusual for a specific type of applicant to report their burden as much higher than that estimated.

Action Taken: No action was taken in response to this portion of their comment. Based on our experience administering this collection of information, we believe our estimates of time burden to be accurate for most respondents.

3) *Ways to enhance the quality, utility, and clarity of the information to be collected:*

Comment: The processes through which the Service determines burden hours and cost estimates is not transparent, nor are the cost per hours realistic of the real world costs for these types of actions. Working with major permit stakeholders (like the electric utility industry and/or industry groups like APLIC) to solicit data would be helpful in addition to relying on public comment and aggregating those costs. Perhaps a more detailed report out for the multiple permittees would be more representative.

FWS Response/Action Taken to (3):

Throughout the renewal process of securing approval from the Office of Management and Budget to impose this collection of information on the public, we seek input from those affected by the requirement. We use the information provided by the public to calculate and estimate burdens and make every effort to only impose the minimum amount of burden to accomplish the requirements to issue a permit and to assess the permit program's effectiveness in protecting migratory birds while at the same time assisting the public in conducting activities that affect populations of migratory birds. We welcome and appreciate the input from stakeholders to ensure we are not imposing an unrealistic burden to accomplish the goals of the permitting program and are always available to discuss the program with the public on ways to enhance its effectiveness and eliminate unnecessary burden.

Action Taken: We will assess the application and report forms continually to ensure we only require information from the public that is absolutely necessary to run an efficient permitting program. Further, where necessary, we will continue to reach out to the affected public to enhance our reporting requirements and burden estimates.

4) *Ways to minimize the burden of the collection of information on respondents:*

Comment: The associated reports for the permits are the elements that take the longest to respond to. These reports are necessary for the permit program to accurately collect information on biological impacts and baseline levels. There may not be a way around the information collection, but the in-print acknowledgement and adjustment of burden hour estimates and costs would be helpful.

FWS Response/Action Taken to (4):

We recognize both the need for the reporting data as well as the imposition of the burden

on the public to report the results of their permit. We have begun an effort to modernize both the issuance of permits as well as the reporting. One such effort has been the change from paper reports for Special Purpose Utility permits to an Excel spreadsheet. The next step in the modernization of this report will be transitioning to an on-line Access database type of report. This effort should reduce the level of effort required by a permittee to report to us. As we move forward with this modernization effort, all reports will be updated to allow for on-line reporting, reducing or eliminating the need for a permittee to generate a paper report. For those permittees that do not have the necessary capabilities to access reports in an on-line manner, paper reports will remain in place for their convenience.

Action taken: We will continue to modernize the permitting program as resources allow with the goal of reducing the application and reporting burden on the public as much as possible.

Emails dated April 25, 2017 from the American Wind Energy Association and the Energy and Wildlife Action Coalition:

Comments received from the Energy and Wildlife Action Coalition and the American Wind Energy Association are essentially the same, so a combined response is provided.

(1) Monitoring:

EWAC Comment: EWAC questions the need and efficacy of extensive post construction monitoring for eagle take permits (ETP's), particularly with the additional requirement that monitoring must be conducted by an independent third party consultant.

AWEA Comment: AWEA believes that, as it stands, there is limited utility to the Information Collection in the Eagle Rule on eagles for life-of-facility monitoring.

EWAC Comment: In the wind context, it is unclear what the duration of the required monitoring will be, and to what intensity. Eagles are large birds, and the carcasses persist in the landscape for long periods of time and thus can be readily observed by facility operations and maintenance staff at much lower cost.

FWS Response/Action Taken to (1):

Monitoring is among the most important and essential elements of the Service's eagle permitting program. The Service has acknowledged in its responses to comments on the 2016 Eagle Rule, and elsewhere (e.g., the Eagle Conservation Plan Guidance (ECPG), the Proposed Eagle Rule, and the Programmatic Environmental Impact Statement prepared for the Eagle Rule) that considerable uncertainty exists in all aspects of the eagle permitting program, particularly with respect to the accuracy of models used to predict the effects of actions like the operation of wind turbines on eagles. The Service has followed DOI policy and designed the eagle permitting program within a formal adaptive management framework, as described in response to other comments, in the preamble to the final rule, and in detail in Appendix A of the ECPG. Monitoring is an essential and fundamental element of adaptive management; it is absolutely necessary to reduce uncertainty and improve confidence in the permitting process; it is also essential to account for and provide credit to permittees who over-mitigate for their eagle take in the initial years of wind project operation.

Action Taken: See below.

We are currently developing standard monitoring protocols for assessing eagle fatalities under wind energy permits, and these will be subject to public notice and comment. Given our approach with regard to the applications we are currently processing, it is likely that that monitoring for most of these projects will consist of relatively intensive monitoring for the first few years and more limited and/or periodic monitoring after that. The guidance will address factors (e.g., infrequent eagle sightings) that may lead to a reduced level of monitoring during the term of the permit.

While relative risk to eagles will be a consideration for adjusting such operational monitoring protocols, a bigger factor is uncertainty as to the project's risk, with projects that have provided good survey data as part of their permit applications being generally subject to a less rigorous monitoring requirement than projects with little or no data to predict fatalities. Reducing uncertainty benefits more than eagles; it also will usually translate into lower fatality estimates, providing permittees with lower mitigation costs (golden eagles), and benefitting industry overall because by removing debits from take limits. Reducing uncertainty will also generally result in a reduction in the monitoring effort over time. Specific objectives for monitoring take at permitted wind facilities include: (1) to ensure that permitted take levels are not exceeded, (2) to improve our understanding of (and ability to predict) collision risk at an individual site, and (3) to improve our understanding of (and ability to predict) collision risk across sites. Some level of fatality monitoring over the term of the permit is warranted because eagle risk may change over time at a particular site. Data show that both eagle use of an area over time may fluctuate significantly and that large raptor mortality rates at wind facilities can change over time (for various reasons).

The FWS has limited staff to work on the technical issues that are the subject of many of EWAC's and AWEA's comments. With respect to questions regarding the duration and intensity of fatality monitoring, the FWS cannot answer definitively at this time because the FWS's limited technical staff have been directed away from developing the guidance for this high priority issue in order to address other issues of presumably higher priority to OMB. Specifically, FWS technical staff has been focused on updating the priors for collision probability in the Bayesian fatality prediction model in response to a specific request from OMB (in response to comments from AWEA and others) to do so as soon as possible following completion of the 2016 eagle rule revision. FWS staff believes the development of post construction monitoring guidance is a much higher priority than updating components of the fatality prediction model, and we hope to be able to redirect our attention back on this important issue shortly. When we are able to direct our attention to this issue, we will consider it important that such monitoring be cost-effective. However, our primary objective will be to develop guidance for fatality monitoring that will provide sufficient data to satisfy the adaptive management objectives that we relied upon to justify the long-term permit tenure the industry.

Monitoring by operations staff where no "searching" is done by this staff (i.e. birds are found only if they happen to catch the employee's eye) provides very little useful information and should not be considered as an option to replace intensive monitoring. A high percentage of carcasses fall outside of roads and pads, and the probability of detection of an eagle carcass is low when operations staff are not looking for eagle carcasses outside of those roads and pads (potentially very low if terrain is rough and vegetation is dense or tall). Between the low percentage of carcasses that have a good chance of being found (on roads and pads) and a high percentage of carcasses with a low chance of being found, detection rates are not likely to reflect actual fatalities. If operations staff is actively searching/scanning for carcasses and are conducting trials to determine searcher efficiency and carcass persistence, some facilities (i.e. in gentle terrain and low vegetation) may be able to produce useful results, but are unlikely to produce fatality estimates in which FWS can have a high confidence level. While

this methods may be a good option in the future (where appropriate, and with proper detection trials and possibly paired with additional intensive monitoring), there are as yet no studies in the literature to show what types of detection rates might be typical by facilities staff. Additionally, it would only become clear which projects this method might work for after the completion of searcher efficiency trials at the project. This type of operations monitoring would likely not be sufficient at some (most) projects.

Objectives for monitoring under permits covering eagle take resulting from electricity distribution infrastructure include: (1) assessing levels of take, (2) cause of take (e.g., location, type of equipment, etc.), (3) compliance with retrofitting requirements, and (4) effectiveness/success of retrofits. Objectives (1) and (3) are primarily important to ensure the permit authorization reflects real effects to eagles, and objectives (2) and (4) provide information the Service (and presumably industry) will use to further refine conservation measures to protect eagles. We agree that effective monitoring should not require covering more than a portion of lines. The regulatory requirement for third-party monitoring does not mandate that all monitoring be done by third parties. For example, monitoring protocols might call for third-party monitoring for compliance and success of retrofits, while in-house staff might monitor for rate and location of fatalities. We are developing guidance similar in format to the Eagle Conservation Plan Guidance for wind for electric utility permits and as part of that effort, we will work with industry and other stakeholders to develop protocols for monitoring under these permits.

(2) *Pre-Construction Surveys:*

EWAC Comment: Conducting pre-construction surveys on new electric transmission and distribution systems would be infeasible, highly inefficient, and has no known relationship between pre-construction data and eagle risk.

AWEA Comment: Permit applicants and permittees are not required to conduct pre-construction surveys according to the requirements in Appendix C of the Eagle Plan Conservation Guidance.

EWAC Comment: The Eagle Rule sets forth several pre-construction survey requirements, including two years of year-round eagle use surveys. If, for example, an applicant has a site where eagles are highly unlikely to be present except for in the winter, it is of questionable value to require year-round pre-construction surveys.

FWS Response/Action Taken to (2):

As noted in the response to comments on the final rule, the Service agrees that pre-construction data need for electric utilities may differ from that for wind facilities. As we stated there, we will take this into account as we develop guidance for eagle incidental take permits associated with electrical infrastructure.

Action Taken: See below:

The revised eagle rule does not require two years of year-round eagle surveys. The rule describes a default survey design which does anticipate year-round surveys, but then goes on to encourage prospective permit applicants to talk to the Service and to jointly design more sophisticated surveys that take temporal and spatial variation in eagle use into account. These customized surveys can take into account seasonal variation in eagle use, including structuring sampling to occur only in months when eagles will be present. The relevant portions of the preamble and rule are presented below, with highlights of key language.

From the Preamble: The rule language was developed from the specific recommendations in Appendix C of the ECPG, and represents the minimum level of information and the least sophistication in sampling design that will be acceptable for the Service to evaluate and decide whether to issue an eagle take permit for a wind facility. These standards will ensure that representative eagle exposure data are available with which to predict eagle fatalities consistent with the Service's adaptive management program. **The rule allows for deviations from the minimum standards, but only if the applicant consults with the Service early in the project-development process. In most cases both the Service and permit applicant will benefit by using this exception to design surveys that are designed to accommodate variation in eagle abundance over both space and time.**

From the rule: (d)(2)(i)(F) Stratified-random sampling (a sample design that accounts for variation in eagle abundance by, for example, habitat, time of day, season) will often provide more robust, efficient sampling. **Random sampling with respect to time of day, month, or project footprint can be waived if stratification is determined to be a preferable sampling strategy after consultation and approval in advance with the Service.**

(3) *Local Area Population:*

EWAC Comment: The applicant cannot plan for compensatory mitigation costs unless and until the Service conducts the LAP analysis and can then only rely on the results of that analysis without the ability to verify or question it...the output of LAP analysis and the delay in learning the results of the LAP analysis creates uncertainty and potentially additional costs that cannot be planned in advance.

And: The Service should not condition the amount of mitigation and NEPA analyses on the Local Area Population (LAP) results, or it should commit to providing LAP analysis early on in the applicant/Service coordination process and use transparent methods and data when doing so.

AWEA Comment: The manner in which the Service conducts the (LAP analysis leaves project applicants and permittees with insufficient information regarding the allowable take limits and the extent of unauthorized take occurring within the LAP... (pp 05)

FWS Response/Action Taken to (3):

The LAP is determined by extrapolating the average density of eagles in the pertinent Eagle Management Unit (EMU) to the LAP area, which is the project area plus an 86-mile (Bald Eagle) or 104-mile (Golden Eagle) buffer; these distances are based on natal dispersal distances of each eagle species. As an example, consider a one-year Golden Eagle nest disturbance permit application in western Colorado, which is in Bird Conservation Region (BCR) 6 under the current 2009 EMUs. The activity being undertaken could lead to the loss of one-year's productivity, which has an expected value of 0.59 Golden Eagles removed from the population (the average one-year productivity of an occupied Golden Eagle territory in BCR 16 at the 80th quantile, as described in the Status Report). This EMU has an estimated Golden Eagle population size of 3,585 at the 20th quantile, and the BCR covers 199,523 square miles, yielding an average Golden Eagle density of 0.018 Golden Eagles per square mile. The local area around a single point (the nest to be disturbed in this case) is a circle with a radius of 109 miles, which yields an LAP area of 37,330 square miles, thus the estimated number of Golden Eagles in this LAP would be 671 individuals. The 5% LAP take limit for this permit under the current 2009 EMUs would be 34. The Service has developed a Geographic Information System (GIS) application that queries spatial databases on existing eagle take permit limits

and known unpermitted take within the LAP area, as well as for any other permitted projects whose LAP intersects and overlaps the LAP of the permit under consideration. If this query indicates existing cumulative permitted (i.e., over all existing permits) take for the LAP area is less than 34, and the unpermitted take database and other information available to the Service does not suggest background take in the LAP is higher than average, a permit for the take of 0.59 Golden Eagles could be issued without further analysis of the effects on eagles by tiering off this PEIS. If either condition were not true, the permit would require additional NEPA analysis. In either case, if the permit is issued, it would require compensatory mitigation to offset the authorized take, because the EMU take limit for Golden Eagles is zero.

The Service believes the LAP analysis will likely reduce costs for permits. The Service expedites work with project proponents when they approach Service staff to help them understand the potential impacts of their project and related compensatory mitigation 'burden.' First, the LAP cumulative effects analysis is a relatively simple exercise that is conducted by the Service, so no additional resources are required from the applicant to conduct the analysis other than what would be required otherwise. Second, in cases where the LAP analysis is conducted as analyzed in the PEIS for the Eagle Rule, further project-specific NEPA analyses of the cumulative effects of the activity on eagles will not be necessary when projected take is within LAP take thresholds, thereby reducing overall costs for prospective permittees.

Action Taken: None.

(4) *Cost Estimate/Burden:*

EWAC Comment: Considering the increased hourly rates and hour estimates, the cost estimates provided in the Hours and Cost Table should be doubled, at a minimum, if revised to reflect actual costs. In sum, the Eagle Take Permit (ETP) application process has a far greater cost burden on the regulated community than reflected in the Hours and Cost Table. (Including NEPA, Compensatory Mitigation, and ETP Application)

AWEA Comment: AWEA is concerned that the [burden] numbers are significantly underestimated.

FWS Response/Action Taken to (4):

Activity	APLIC Cost Estimate	APLIC Burden Estimate (Hrs)	AWEA Cost Estimate	AWEA Burden Estimate (Hrs)	EWAC Cost Estimate	EWAC Burden Estimate (Hrs)	FWS Original Burden Estimate (Hrs)	FWS Original Cost Estimate	FWS Revised Burden Estimate (Hrs)	FWS Revised Cost Estimate	FWS Response
Preconstruction Eagle Surveys			\$260,000	700-1,250		700-1,250 (wind) 1,110-5,100 (electric)	650	\$319,410 (15 responses x 650 hours X \$32.76)	NC	\$906,262.50 (15 responses x 650 hours x \$92.95)	<p>We checked with FWS staff in the field and the range for the hour estimate for wind projects was 268-1244 hours. Therefore, we believe the estimates from industry are a bit high. Our previous estimate was 650 hours, which may be slightly low for wind. However, long-term permits cover activities other than wind energy projects, including electric utilities, many of which will not need to do preconstruction surveys as they are already built and operational. The figures submitted by FWS are averages for all classes of applicant, and considering that many wind projects also are already built and cannot do pre-construction surveys, we believe our overall estimate of 650 hours may be high rather than low. Further evaluation of the cost of providing information for this activity has been increased to account for input from industry as well as reconsideration of the selection of a wage class from the Bureau of Labor Statistics Employer Costs For Employee Compensation.</p> <p>Further evaluation of the cost of providing information for this activity has been increased to account for input from industry as well as reconsideration of selection of a wage class from the Bureau of Labor Statistics Employer Costs For Employee Compensation. As such, we have increased the average hourly wage from our prior submission using the average cost for all workers (\$34.90).</p> <p>Accordingly, we used BLS May 2016 National Industry-Specific Occupational Employment and Wage Estimates for NAICS 11-9121, "Natural Sciences Managers" which lists an hourly labor rate for natural science managers as \$65.46. In accordance with BLS News Release USDL-17-0321, dated March 17, 2017, we multiplied this rate by 1.42 to obtain a fully burdened hourly rate of \$92.95.</p> <p>The Service understands that costs can vary widely for each project depending on whether the activity is conducted in-house or through an outside consultant. Our experience is that smaller projects generally use in-house labor or smaller consulting firms while larger projects that are better financed use larger, more expensive consultants. We believe the cost of \$92.95 per hour accounts for this variation.</p>
Nest Surveys			\$200,000	1,200-1,500							<p>Nest surveys are not required, although our Eagle Conservation Plan Guidance (ECPG) recommends developers conduct them. We think the range suggested by AWEA is higher than what most surveys would require. Most projects should be able to survey within 10 miles in a day or two. Assuming the survey is conducted aerially using aircraft with two people in the plane and they conduct these surveys twice, the hours do not approach the low end of AWEA's estimate.</p>
Eagle Conservation Plan (ECP) Preparation			\$150,000	700 - 1,500		700-1,500	200	\$319,410 (15 responses x 200 hours x \$32.76)	300	\$418,275 (15 responses x 300 hours x \$92.95)	<p>The information needed to apply for a permit, when compiled into a single document, is often referred to as an ECP. Another way to refer to this task is "application preparation." Consultants often spend a lot of time writing these documents, and sometimes their client feels the need to produce multiple drafts, so those hours may add up to industry's estimate.</p> <p>However, we think that substantially fewer hours are necessary to draft an adequate application package (or ECP). If only a couple of drafts are written and every discussion/decision is not memorialized in the document every few months, substantially fewer hours would be necessary.</p> <p>That said, it may be difficult to keep consultants from dedicating, and billing for, more time than should be needed. For that reason, we are increasing our estimate from 200 to 300 hours. See the discussion above under Preconstruction Eagle Surveys regarding the hourly cost burden adjustment to \$92.95/hour.</p>
Permit Fees			\$126,000	800 - 1,000				\$76,000 (\$36,000 plus 5 x \$8,000)		\$36,000	<p>We are confused by both the monetary and hourly burden provided by AWEA. The permit application-processing fee for a long-term permit is \$36,000. Adding in the review cost of \$8,000 for each 5 year period (5 x \$8,000) adds an additional \$40,000. This results in a total permit processing fee of \$76,000 over the life of a 30 year permit. There is no hour burden associated with that</p>

Activity	APLIC Cost Estimate	APLIC Burden Estimate (Hrs)	AWEA Cost Estimate	AWEA Burden Estimate (Hrs)	EWAC Cost Estimate	EWAC Burden Estimate (Hrs)	FWS Original Burden Estimate (Hrs)	FWS Original Cost Estimate	FWS Revised Burden Estimate (Hrs)	FWS Revised Cost Estimate	FWS Response
											cost as this is strictly the permit processing fee and does not include the hour burden to complete and submit an application. Those hour burden costs are captured elsewhere.
NEPA Document			\$100,000	1,500 - 1,700	\$140,000					\$50,000 - \$100,000	<p>The Service is required to complete an analysis under NEPA to assess the environmental effects of issuing a permit. This assessment can take one of three documents: a Categorical Exclusion, an Environmental Assessment, or an Environmental Impact Statement. The decision as to which document to use most often has to do with the scale of the permitted activity and any public controversy.</p> <p>Most often Eagle Incidental Take permits require preparation of an Environmental Assessment. EAs cost around \$100,000 to \$150,000 and an EIS can easily get up to \$750,000. We just issued an EIS that should reduce the costs since we will tier off of it for the individual permits as much as possible. So, average costs are probably in the \$50,000 to \$100,000 range. These are per application, and the time frame can be less than 1 year or up to 4 years.</p> <p>The document is good for the life of the permit. We usually accomplish this through a 3rd party that the applicant pays for, though they are not required to do so. The reason we do this is because we don't have the staff to undertake the preparation of the document. These contracts are generally firm fixed price contracts and not time and materials. So any hour burden is difficult to quantify.</p>
Post-Construction Eagle Use Monitoring			\$375,000	1,300 - 7,000							We do not require or even encourage post-construction eagle use (exposure) monitoring, just fatality monitoring.
Post Construction (Fatality) Monitoring			\$3,000,000	Extensive		1,300-7,000 (wind)* 25,000–32,000 (electric)**	700	\$343,980 (15 responses x 700 hours x \$32.76)	400	\$660,480 (15 responses x 400 hours x \$110.08)	<p>\$3,000,000 for annual fatality monitoring far exceeds the cost of the range of reasonable scenarios FWS would require under a long-term eagle use permit. FWS's hourly burden estimate is based on the average annual cost over the life of the permit. Given our approach with regard to the applications we are currently processing, it is likely that that monitoring for most wind projects will consist of relatively intensive monitoring for the first few years and more limited and/or periodic monitoring after that. For this reason, we note that our estimate of 700 hours is too high, and we are lowering it to 400 hours. Regarding permits for electric utilities, we are assessing what standard monitoring methods and effort are appropriate. One consideration is that it this monitoring must be practicable, that is, it would not entail anything close to 25,000, not to mention 32,000 annual hours.</p> <p>As such, we have increased the average hourly wage. Our prior submission used the average cost for all workers (\$34.90). Accordingly, we used BLS May 2016 National Industry-Specific Occupational Employment and Wage Estimates for NAIC Code 541600, "Management, Scientific, and Technical Consulting Services" which lists a median hourly wage of \$75.92. To account for benefits, we used 45% as an average overhead rate for contracted work, resulting in a fully burdened hourly rate for consultants of \$110.08 (rounded). This higher labor cost is used for all entries in Attachment A that are associated with all permits that are likely to have considerable consultant involvement.</p>
Five-Year Review Consultant Costs			\$80,000	500-800		90–450	8	\$1,048.32 (4 responses x 8 hours x \$32.76)	30	\$13,209.60 (4 responses x 30 hours x \$110.08)	<p>Costs to industry will be minimal. The five-year review is essentially FWS task. We will compile and analyze the data submitted by industry under other tasks covered in this table.</p> <p>Costs to industry will be associated with:</p> <ul style="list-style-type: none"> time spent communicating with the Service about any deficiencies in their submissions to the Service, if applicable, any adjustments that will be made in conservation measures (based on the conditions set forth in the permit), as well as fatality estimates and compensatory mitigation, both of which will typically be reduced at the first five-year review.

Activity	APLIC Cost Estimate	APLIC Burden Estimate (Hrs)	AWEA Cost Estimate	AWEA Burden Estimate (Hrs)	EWAC Cost Estimate	EWAC Burden Estimate (Hrs)	FWS Original Burden Estimate (Hrs)	FWS Original Cost Estimate	FWS Revised Burden Estimate (Hrs)	FWS Revised Cost Estimate	FWS Response
											That said, we believe our hourly burden estimate of 8 hours is too low and are revising it to 30 hours.

Application 3-200-13, Depredation	\$2,365.50	41.5					1.75 hours - individuals 3.5 hours – private sector	\$51,931.20 - individuals (850 responses x 1.75 hours x \$32.76) and \$120,393.00 - private sector (1,050 responses x 3.5 hours x \$32.76)	N/C	\$52,999.63 - individuals (850 responses x 1.75 hours x \$35.63) and \$121,679.25 - private sector (1,050 responses x 3.5 hours x \$33.11)	The relevant burden for a Migratory Bird Depredation permit application shown on the application form renewed in 2013 varied from 1.75 hours for individuals to 3.5 hours for the private sector. This burden estimate includes time for reviewing instructions, gathering and maintaining data and completing and reviewing the form. APLIC's estimate of 41.5 hours, though not out of the question for a very complex application involving many birds, would be extraordinary base on our experience. We have increased the hourly rate to coincide with that paid by individuals. We do not believe APLIC members would hire an outside consultant to prepare this application so are using the average hourly rate reported by BLS.
Application 3-200-14, Eagle Exhibition	\$114	2					5.5 hours – private sector	\$27,027.00 (150 responses x 5.5 hours x \$32.76)	N/C	\$27,315.75 (150 responses x 5.5 hours x \$33.11)	It is not clear what information APLIC is using to estimate the hour burden for these permit applications. APIC members are not typical of applicants for these permits and would likely not qualify. We have increased the hourly rate to reflect the average rate of all workers as reported by the BLS.
Application 3-200-71, Eagle Incidental Take; Long-term	\$3,990	70					16 hours	\$7,862.40 (15 responses x 16 hours x \$32.76)	N/C	\$26,419.20 (15 responses x 16 hours x \$110.08)	The hours APLIC estimates for this activity include gathering and preparing the data that go into the application. Much of this time is already accounted for in other activities (pre-construction surveys, fatality monitoring, etc.) The hour burden FWS is referring to is that necessary to enter the information into the form. We have updated the hourly cost to the average reported by other industries to better reflect the need to hire consultants to gather the information needed in the application.
Amendment 3-200-71 and 3-200-72, Eagle/Nest Take	\$6,156	108					6	\$3,931.20 – Short-term (20 responses x 6 hours x \$32.76) Or \$ - Long-term (18 responses x 452 hours x \$32.76)	6 hours to 452 hours for long-term (only)	\$13,209.60 (20 responses x 6 hours x \$110.08) Or \$895,610.88 - Long-term (18 responses x 452 hours x \$110.08)	The hours APLIC estimates for this activity include gathering and preparing the data that go into the application. Much of this time is already accounted for in other activities (pre-construction surveys, fatality monitoring, etc.) The hour burden has been updated to show the different burden depending on whether the permit is long- or short-term., with short-term requiring much less time than long-term. We have updated the hourly cost to the average reported by other industries to better reflect the need to hire consultants to gather the information needed in the application.
Application 3-200-81, Special Purpose Utility	\$3,277.50	57.5					15	\$50,614.20 (103 responses x 15 hours x \$32.76)	N/C	\$ 170,073.60 (103 responses x 15 hours x \$110.08)	Though it is conceivable that an APLIC member could spend as much as 57.5 hours developing the materials for submission with this application, the vast majority of applicants will not expend that much effort. Most applicants apply for what is mainly a salvage permit with little effort needed on the part of an applicant to gather the information needed on the application. Some applicants will exert the effort to prepare an avian protection plan and develop a scientifically rigorous monitoring plan to support the application, but these are not usual. We have updated the hourly cost burden to reflect the use of consultants to complete an application, but are not changing the hour burden.
Report 3-202-3, Special Purpose Salvage	\$570	10					1	\$15,705.00 - individuals (450 responses x 1 hour x \$34.90) and \$39,312.00 - private sector (1,200 responses x 1 hour x \$32.76)	N/C	\$16,033.50 - individuals (450 responses x 1 hour x \$35.63) and \$39,732.00 - private sector (1,200 responses x 1 hour x \$33.11)	Special Purpose salvage permits are used by individuals and Private Sector entities to collect migratory birds for conservation education. The hour burden is only to enter the birds collected onto the report form. We do not believe 10 hours to do so is reasonable. As such we are not changing the hour burden. We have updated the Cost burden to reflect the more recent BLS data for average cost of all workers.
Report 3-202-9, Depredation	\$131.10	2.3					1	\$15,705.00 - individuals (850 responses x 1 hour x \$34.90) and \$34,398.00 - private sector (1,050 responses x 1 hour x \$32.76)	N/C	\$30,285.50 - individuals (850 responses x 1 hour x \$35.63) and \$34,765.50 - private sector (1,050 responses x 1 hour x \$33.11)	Depredation permits are used by individuals and Private Sector entities to take small numbers of birds to reinforce non-lethal measures. The hour burden is only to enter the birds taken onto the report form. We do not believe 2.3 hours to do so is reasonable. As such we are not changing the hour burden. We have updated the Cost burden to reflect the more recent BLS data for average cost of all workers.

Report 3-202-13, Eagle Exhibition	\$57	1					1	\$34,398.00 - private sector (500 responses x 1 hour x \$32.76)	N/C	\$16,555.00 - private sector (500 responses x 1 hour x \$33.11)	Holders of Eagle exhibition permits generally use in-house labor to complete the report, not outside consultants. So the Service has updated the Cost burden to reflect the more recent BLS data for average cost of all workers, But does not believe any other change is warranted.
Report 3-202-15, Eagle Take Monitoring & Reporting	\$7,239	127				8-40 (wind) 25-300 (electric)	30 (short-term) and 342 (long-term)	<u>Individuals</u> \$20,940.00 – Short-term (20 responses x 30 hours x \$34.90) Or \$11,935.80 - Long-term (1 response x 342 hours x \$34.90) <u>Private Sector</u> \$511,056.00 – Short-term (520 responses x 30 hours x \$32.76) Or \$201,670.56 - Long-term (18 responses x 342 hours x \$32.76)	(Short-term) 40 for both individual and private sector (Long-term) 40 for both individual and private sector	<u>Individuals</u> \$28,504.00 – Short-term (20 responses x 40 hours x \$35.63) Or \$1,425.20 - Long-term (1 response x 40 hours x \$35.63) <u>Private Sector</u> \$2,289,664.00 – Short-term (520 responses x 40 hours x \$110.08) Or \$79,257.60 - Long-term (18 responses x 40 hours x \$110.08)	<p>Annual reporting consists of little more than compiling the information gathered under other tasks covered in this burden table and submitting the report to FWS. We observe that our estimate of 342 hours was an error and way too high. Monitoring eagles is not reported to the Service. We are revising this estimate from 342 hours down to 40 hours (20 hours reporting plus 20 hours recordkeeping).</p> <p>We increased our hourly burden estimate for short-term eagle take and monitoring from 30 hours to 40 hours for both individuals and private sector.</p> <p>With regard to the long-term monitoring and reporting, we observe that our estimate of 342 hours was an error and way too high. We are revising this estimate from 342 hours to 40 hours for both individuals as well as private sector. We are also increasing the cost burden for private sector permittees to reflect their use of consultants versus in-house labor to complete the report.</p>
Report 3-202-17, Avian Injury/Mortality Report (SPUT)	\$28,933.20	507.6					6	\$49,140.00 – private sector (250 responses x 6 hours x \$32.76)	N/C	\$165,120.00 – private sector (250 responses x 6 hours x \$110.08)	<p>The hour burden for reporting with this form is limited to entering the birds found along with other pertinent data about the particular bird. On average there are 10 Electric utilities reporting this information each year with an average report of 38 birds found. the Service does not believe the hour burden reported by APLIC members reflects the reports we receive. The report form is already formatted correctly, so there is no extra hour burden for this task as reported by APLIC. Even though the Service appreciates receiving reports in a particular format to reduce the workload necessary to transfer the report data into our permitting system, a particular format is not required as long as the data themselves are substantially the same as requested.</p> <p>As such we are not adding any hour burden to our estimate to account for report formatting. We have updated the Cost burden to reflect the more recent BLS data for average cost of all workers for individuals reporting and have updated the hourly cost burden by private sector permittees to reflect their use of consultants to complete the report.</p>

Action Taken: We are increasing the hourly burden estimate for preparation of an ECP from 200 to 300 hours. We are decreasing the hourly burden estimate for fatality monitoring under eagle permits from 700 to 400 hours to reflect the fact that these are average annual costs and we expect the monitoring effort required under long-term permits to be substantially reduced during most of the years the permit is valid. We are increasing the hourly burden estimate for five-year reviews from 8 to 30 hours. We are reducing the hourly burden estimate for annual reporting under long-term permits from 342 to 40 hours. This burden erroneously had incorporated some burden from monitoring under the permit. We addressed that burden separately in Attachment A. We used the higher specialized rate of \$92.95 for natural science managers and adjusted costs to industry for entries in Attachment A that are associated with long-term eagle incidental take permits. Finally, we used an hourly rate of \$110.08 for instances where we believe industry is more likely to use consultants to complete the work. (Captured again in question 12.)

5) *Low Risk Permit:*

EWAC Comment: EWAC strongly believes that a low-risk or general permit program for eagles is essential to resolving many of the issues surrounding ETPs. (pp 07)

AWEA Comment: AWEA strongly believes the Service should develop a low-risk permitting option... (pp 04)

FWS Response/Action Taken to (5):

In the Eagle Rule PEIS the Service programmatically analyzes eagle take within certain levels and the effects of complying with compensatory mitigation requirements to allow the Service to tier from the PEIS when conducting project-level NEPA analyses. The PEIS will cover the analysis of effects to eagles under NEPA if: (1) The project will not take eagles at a rate that exceeds (individually or cumulatively) the take limit of the EMU (unless take is offset); (2) the project does not result in Service authorized take (individually or cumulatively) in excess of 5% of the LAP; and (3) the applicant will mitigate using an approach the Service has already analyzed (e.g., power pole retrofitting), or the applicant agrees to use a Service-approved third-party mitigation program such as a mitigation bank or in-lieu fee program to accomplish any required offset for the authorized mortality. The PEIS, therefore, should streamline the NEPA process for these projects.

Action Taken: We will consider legal mechanisms for streamlining take authorizations to low-risk or lower impact activities in the future.

(6) *Third Party Monitoring:*

EWAC Comment: Having a blanket requirement for third-party monitoring for all long-term ETPs is of limited utility and significant cost.

AWEA Comment: The practical utility of requiring third-party monitoring of all long-term eagle take permits, as required in the Eagle Rule, is simply not justified in light of the excessive burden such monitoring imposes on permittees.

FWS Response/Action Taken to (6):

The Service received a large number of comments on the proposed Eagle Rule urging us to require third-party monitoring on long-term permits, and we agreed with these commenters. The final regulations require that for all permits with durations longer than 5 years, monitoring must be conducted by qualified, independent entities that report directly to the Service. In the case of permits of 5-year durations or shorter, such third-party monitoring may be required on a case-by-case basis. We do not agree that there will be significant additional costs imposed by the requirement for third-party monitoring. Most companies already rely on and pay for consultants to conduct project monitoring, presumably because it is more cost-effective than supporting those activities "in-house."

Action Taken: None.

7) *Waivers:*

EWAC Comment: Some EWAC members have encountered reluctance from the Service to issue waivers under the Eagle Rule, even where projects have fallen under the listed circumstances when a waiver would be granted. If the Service is unwilling to issue waivers, then many facilities may face several year delays, the prospect of no permit, additional costs,

and/or legal risk as a result.

AWEA Comment: AWEA believes there is value in the waivers of Information Collection pursuant to the Eagle Rule. Waivers should be made for operating facilities where the new requirements for pre-construction surveys are no longer attainable.

FWS Response/Action Taken to (7):

The final Eagle Rule regulations contain provisions that allow applicants to obtain coverage under all of the provisions of the prior regulations if they submit complete applications satisfying all of the requirements of those regulations within 6 months of the effective date of the final rule. However, we note that the Service guidance since 2011 has recommended 2 or more years of pre-construction eagle surveys, so any prospective wind projects or other industry project conceived since then should have been aware of this. The regulations are not retroactive, and we are incorporating a 6-month “grandfathering” period after the effective date of the Rule wherein applicants (persons and entities who have already submitted applications) and project proponents who are in the process of developing permit applications can choose whether to apply (or re-apply) to be permitted under all the provisions of the 2009 regulations or all the provisions of the final regulations.

Action Taken: The Service is developing guidance on when waivers may be appropriate. Projects that are already operational will be granted waivers, but will need to provide FWS sufficient data to predict the risk to eagles, as required in the permit regulation at (d)(3)(iii). When an enforcement action against past unpermitted eagle take is ongoing, projects will need to seek a civil settlement with the Service before a waiver or a permit may be granted. Issuance of the permit will not interfere with an ongoing civil or criminal action concerning past unpermitted eagle take at the project.

8) *Module for Electric Transmission and Distribution:*

EWAC Comment: The Eagle Rule is strongly focused on the wind energy sector and, as a result, several aspects of the Eagle Rule are unclear in their application to electric transmission and distribution. The result of this lack of clarity means potential delays, costs, and litigation risks that a non-wind energy applicant must bear. The Service should prioritize the development of guidance for the electric transmission and distribution industry and work collaboratively with the industry to ensure that the guidance is consistent with the practical realities of industry operations.

FWS Response/Action Taken to (8):

At this point, the only such standards were those included in the final Eagle Rule for estimating eagle take at wind facilities.

Action Taken: The Service plans to develop standards for other industries in the immediate future, and will seek industry input in the development of those protocols. The goal is to produce new ECPG modules for other industries in addition to wind energy. The first of these additional modules will be the module for electricity distribution referenced above.

In addition to the Federal Register Notice, we consulted with nine (9) individuals familiar with this collection of information in order to validate our time burden estimate and asked for comments on the questions below:

Permittee	Position
Federal Government	Biologist
American Eagle Research Institute.	Business Owner/Biologist
Arizona Game and Fish	Biologist
SIA, Inc.	Business Owner
Oncor Electric, Inc.	Program Manager
Center Point Energy	Program Manager
Environmental Consultant	Project Manager
City Administration – Allen, TX	Program Manager
City Environmental Services Agency – Carrollton, TX	Program Manager

“Whether or not the collection of information is necessary, including whether or not the information will have practical utility; whether there are any questions they felt were unnecessary”

Comments: The Permit Office may not understand information that is sent to them.

FWS Response/Action Taken: The Service will ensure the proper personnel will review the application materials submitted.

“The accuracy of our estimate of the burden for this collection of information”

Comments: The burden is over estimated.

FWS Response/Action Taken: The reported burden falls in a range from a high to low amount. The Service uses an average of the burden reported by applicants to estimate the burden for all applicants.

“Ways to enhance the quality, utility, and clarity of the information to be collected”

Comments: There should be a requirement for a permittee to submit to the Service the results of any scientific study. The annual reports are not adequate to fully assess the data being reported – there should be more reporting required.

FWS Response/Action Taken: Many times the results of that activity permitted results in generation of information the permittee considers to be trade secrets. The Service cannot compel a permittee to reveal such data. Divulging such information may be in violation of the Trade Secrets Act (18 U.S. Code § 1905).

The Service collects what we believe to be the bare minimum information from the permittee to ensure the permitted activity is not having a negative effect on bird populations, to monitor compliance with the permit authorizations and to assess the effectiveness of the permitting program. Collection of additional information would impose reporting requirements that would not meet these goals.

And

“Ways to minimize the burden of the collection of information on respondents”

Comments: The burden imposed at this time is about right for the program.

FWS Response/Action Taken: N/A

Additional comments received during the outreach:

Comments: There should be additional limitation put on some permits to avoid cumulative effects of issuing permits for certain activities that may impact bird populations.

FWS Response/Action Taken: The Service strives to ensure the minimum amount of requirements are put on permittees to reach the goals of the permitting program – to protect the bird resource while providing the public the opportunity to enjoy birds and deal with conflicts.

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. Information is collected and protected in accordance with the Privacy Act (5 U.S.C. § 552a) and the Freedom of Information Act (5 U.S.C. 552). We will maintain the information in a secure System of Records (Permits System–Interior, FWS–21, 68 FR 52610).

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. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

FWS Form 3-200-77 (Native American Eagle Take) is the application for a permit for Native Americans to take bald or golden eagles from the wild for Indian religious purposes. Typically the eagles are killed. The form includes a question asking the applicant to explain why the take of live eagle(s) from the wild is necessary. We ask that they describe the aspect of the religious ceremony or other religious practice that makes the take of a live eagle(s) from the wild necessary as a central part of the religious ceremony and belief system, and why an eagle carcass, parts, or feathers from another source, such as the National Eagle Repository, will not suffice. We only ask for as much information as we need to evaluate in order to weigh the religious need against our statutory obligation under the Bald and Golden Eagle Protection Act to conserve eagles.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- * Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of

potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.

- * If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens.
- * Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here.

We estimate that we will receive **56,384 responses** totaling **314,704 annual burden hours** for this information collection (see Attachment A). The total dollar value of the annual burden hours is approximately **\$15,409,874** (rounded) (see Attachment A). To more accurately reflect annualized cost burden for this information collection, Attachment A reflects four (4) different rates explained as follows:

(1) Nationwide ICs Using General BLS Statistical Data

We used the of Bureau of Labor Statistics (BLS) News Release [USDL-17-0770](#), June 9, 2017, Employer Costs for Employee Compensation— March, 2017, to calculate the total annual burden.

- Individuals. Table 1 lists the hourly rate for all workers as \$35.63, including benefits.
- Private Sector. Table 5 lists the hourly rate for all workers \$33.11, including benefits.
- Government. Table 3 lists the hourly rate for all workers as \$48.24, including benefits.

(2) Specialized ICs Related to Management, Scientific, and Technical Consultants in the Oil and Gas Industry

As explained in the table in question 8, the cost burden associated with certain activities are often conducted using contracted services which does not fit well within the hourly rates published by the BLS. The cost of these services can vary widely depending on size of the consulting company, the seniority of the persons providing the services, and the reputation of the consulting firm. In general, individuals contracting for these services select a smaller company with less experienced personnel as opposed to a large company that selects a renowned consulting firm employing senior scientists with decades of experience. As a cost comparison basis, we determined consulting rates offered to the federal government through GSA indicate a range of \$35 to \$150 per hour. Accordingly, we used BLS May 2016 National Industry-Specific Occupational Employment and Wage Estimates for NAIC Code [541600, "Management, Scientific, and Technical Consulting Services"](#) which lists a median hourly wage of \$75.92. To account for benefits, we used 45% as an average overhead rate for contracted work, resulting in a fully burdened hourly rate for consultants of **\$110.08** (rounded).

(3) Specialized ICs related to Natural Sciences Managers

We used BLS May 2016 National Industry-Specific Occupational Employment and Wage Estimates for NAICS 11-9121, "Natural Sciences Managers" which lists an hourly labor rate for natural science managers as \$65.46. In accordance with BLS News Release USDL-17-0321, dated March 17, 2017, we multiplied this rate by 1.42 to obtain a fully burdened hourly rate of **\$92.95**.

(4) Specialized ICs Related to Archivists, Curators, and Museum Workers

The cost burden for permit exceptions under 50 CFR 21.12 are generally attributed to curators. The BLS Occupational Outlook Handbook for [Archivists, Curators, and Museum Workers](#) lists a

median hourly rate of \$22.71. We multiplied this specialized rate by 1.59 in accordance with BLS News Release USDL-17-0321 to obtain the fully burdened rate of **\$36.11** (rounded).

13. Provide an estimate of the total annual non-hour cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected in item 12.)

- * The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information (including filing fees paid for form processing). Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.
- * If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.
- * Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

We estimate the nonhour cost burden to respondents for this information collection to be **\$2,085,125** (Attachment A). These costs are primarily for application processing fees, which range from \$0 to \$36,000. Substantive amendments to certain permit types cost from \$50 for rehabilitation permits to \$500 for amendments to eagle nest and short-term eagle take permits. There are no processing fees for reports. Federal, Tribal, State, and local government agencies and those acting on their behalf are exempt from processing fees. When there is more than one applicable fee, such as for an original permit or an amendment, we have used the higher fee to calculate costs.

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information.

We estimate the total cost to the Federal Government to administer this information collection will be **\$2,944,045** (rounded) (see Attachment A).

Service biologists (GS-11/13) and permit examiners (GS-9/12), with support of GS-7 staff, will:

- Review and determine the adequacy of the information an applicant provides.

- Conduct any internal research necessary to verify information in the application or evaluate the biological impact of the proposed activity.
- Assess the biological impact of the proposed activity on the bald or golden eagle.
- Evaluate whether the proposed activity meets the issuance criteria.
- Prepare or review NEPA documentation.
- Prepare either a permit or a denial letter for the applicant.
- When necessary to evaluate the impact of the proposed activity, visit the location to examine site-specific conditions.
- Monitor reports.

Permits are processed in our eight Regional Offices, which are located in major cities across the United States. Therefore, we used Office of Personnel Management Salary Table [2017-DCB](#) to obtain the most up-to-date hourly rates for staff. We used BLS News Release [USD-17-0321](#), March 17, 2017, Employer Costs for Employee Compensation—December 2016, to calculate the fully burdened rates for each staff member. The table below shows Federal staff and grade levels performing various tasks associated with this information collection.

Position/Grade	2017 Hourly Rate	Hourly Rate, Incl. Benefits (x1.59 multiplier)	Time Spent on Information Collection	Weighted Average (\$/Hour)
Clerical – Receptionist, Office Asst. (GS-07/05)	\$ 24.41	\$ 38.81	5%	\$1.94
Legal documents examiner – Permit Examiner (GS-09/05)	29.85	47.46	30%	14.24
Legal documents examiner - Permit Examiner (GS-11/05)	36.12	57.43	30%	17.23
Biologist (GS-11/05)	36.12	57.43	10%	5.74
Supervisor – Permit Chief (GS-12/05)	43.29	68.83	20%	13.77
Management - Branch/Division Chief, Solicitor (GS-13/05)	51.48	81.85	5%	4.09
Weighted Average (\$/hr)				\$57.01

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

NOTE: “Attachment A” referenced below is now an Excel spreadsheet uploaded to ROCIS as a supplemental document. The file name is “1018-0022 Burden Calculations Tables OIRA Response Updated 11082017.xlsx”.

We are reporting the following based on adjustments to agency estimates since the previous submission (see Attachment A for itemization by IC):

- (1,476) Total Annual Responses
- (1,691) Annual Burden Hours
- \$154,800 Nonhour Burden Costs

We are reporting the following based on changes due to “Agency Discretion” as explained in the Table 15.1 below (see also Attachment A for itemization by IC):

- (3,763) Total Annual Responses
- 206,352 Annual Burden Hours
- \$409,800 Nonhour Burden Costs

Table 15.1

JUSTIFICATION/EXPLANATION Changes Due to "Agency Discretion"			
IC	Category	Reported Change	Explanation
Application - Take of Golden Eagle Nests Renewal of a Migratory Bird or Eagle Permit (Form 3-200-68)	Individuals/ Households	(-1,300) Responses (-1,950) Burden Hours (-\$130,000) Nonhour Costs	We removed this IC as the activities were incorporated into the various forms specific to the permitted activity, making this form redundant and unnecessary. We transferred the associated to the appropriate forms in this revision.
	Private Sector	(-2,750) Responses (-4,125) Burden Hours (-\$275,000) Nonhour Costs	
	Government	(-1,000) Responses (-1,500) Burden Hours	
Application - Eagle Incidental Take (Form 3-200-71)	Private Sector	\$177,500 Nonhour Costs	Reporting a fee increase from \$500 to \$2,500 for "Eagle Incidental Take" for businesses.
Application - Eagle Incidental Take; Long-term (Form 3-200-71)	Individuals/ Households	1 Response 16 Burden Hours \$36,000 Nonhour Costs	Burden was broken out separately from original "Eagle Incidental Take" and then re-categorized as "long-term" to standardize the reporting to be consistent with the other ICs..
	Private Sector	15 Responses 240 Burden Hours \$540,000 Nonhour Costs	
	Government	1 Response 16 Burden Hours	
Amendment for Eagle Incidental Take; Short-term (Form 3-200-71)	Private Sector	\$7,000 Nonhour Costs	We have revised the terminology used for Eagle Incidental and nest take permits to remove the use of standard versus programmatic permits. This was confusing to the public. We have clarified this by renaming the permits to long-term; greater than 5 years (formerly referred to as programmatic) or short-term; less than 5 years (formerly standard). For Eagle nest take permits we changed from a standard and programmatic permit to single nest and multiple nest. We have revised the burden table to account for these changes to permit types.
Application - Eagle Nest Take; Single Nest (Form 3-200-72)	Private Sector	\$17,500 Nonhour Costs	
Application - Eagle Nest Take; Multiple Nests (Form 3-200-72)	Individuals/ Households	\$500 Nonhour Costs	
	Private Sector	\$5,000 Nonhour Costs	
Amendment - Eagle Nest Take; Single Nest (Form 3-200-72)	Individuals/ Households	\$150 Nonhour Costs	Reporting the correction of fees associated with ICs Amendment - Eagle Nest Take; Single and Multiple Nests (Form 3-200-72)" to reflect \$150 for individuals and \$500 for private sector and to add the missing IC to report the government burden.
	Private Sector	\$500 Nonhour Costs	
	Government	1 Response 20 Burden Hours	
Amendment - Eagle/Eagle Nest Take; Multiple Nests (Form 3-200-72)	Individuals/ Households	(\$850) Nonhour Costs	Reporting the correction of fees associated with ICs Amendment - Eagle Nest Take; Single and Multiple Nests (Form 3-200-72)" to reflect \$150 for individuals and \$500 for private sector.
	Private Sector	(\$500) Nonhour Costs	
Annual Report - Eagle Depredation (Form 3-202-11)	Individuals	(5) Responses (5) Burden Hours	This IC was removed because individuals may not submit eagle depredation applications. Thus, there is no associated requirement to submit an annual report.
Annual Report - Eagle Take (Monitoring and Reporting); Short-term (Form 3-202-15)	Individuals	200 Burden Hours	Our estimate of 342 hours per response was an error and way too high. We revised this estimate from 342 hours down to 40 hours.
	Private Sector	5,200 Burden Hours	
	Government	4,500 Burden Hours	

Eagle Take Monitoring and Reporting	Individuals/ Households	(1) Responses (342) Burden Hours	We realized this IC (referred to as Eagle Take Long Term) with form 3-202-15 was a duplicate of the Eagle Mortality Monitoring and Reporting below (transferred in from 1018-0167) and was subsequently removed in ROCIS.
	Private Sector	(18) Responses (6,156) Burden Hours	
	Government	(1) Responses (342) Burden Hours	
Pre-construction Monitoring Surveys	Private Sector	15 Responses 9,750 Burden Hours	IC transferred in from 1018-0167
Preparation of Eagle Conservation Plan	Private Sector	15 Responses 4,500 Burden Hours	IC transferred in from 1018-0167
Eagle Mortality Monitoring and Reporting	Private Sector	15 Responses 6,000 Burden Hours	IC transferred in from 1018-0167
Reporting Take of Eagles	Private Sector	10 Responses 20 Burden Hours	IC transferred in from 1018-0167
Reporting Take of Threatened and Endangered Species	Private Sector	1 Response 2 Burden Hours	IC transferred in from 1018-0167
5 Year Permit Reviews	Private Sector	4 Responses 120 Burden Hours \$32,000 Nonhour Costs	IC transferred in from 1018-0167
Eagle Recovery Tag (Form 3-2480)	Government	500 Responses 125 Burden Hours	New IC - This form is an internal form but the Service now wishes to have it used by the public. The form is used to track dead eagles as they move through the process of laboratory examination to determine cause of death and finally to the National Eagle Repository for distribution to Native Americans for use in religious ceremonies. This information is needed to maintain chain of custody for law enforcement and scientific purposes.
Reporting – Native American Eagle Take	Government	3 Responses 3 Burden Hours	New IC – Erroneously omitted from previous submissions
Permit Exceptions – Notifications	Private Sector	731 Responses 190,060 Burden Hours	On August 23, 2017, we clarified the reporting requirements under 50 CFR parts 13 and 21 (in addition to the previously reported requirements under part 22). The burden associated with these reporting requirements was not submitted previously.

Corrections to Nonhour Burden approved under 1018-0167 being moved to 1018-0022:

We have corrected an error in the non-hour burden previously reported for amendments to eagle nest take permits. The submittal for Information Collection 1018-0167 erroneously listed this fee as \$600, but should have been \$500 as published in the Final Rule.

We have also corrected an error that listed Application - Amendment to Eagle/Eagle Nest Take Programmatic Permit (Forms 3-200-71 & 72) with a fee of \$1,000. This should have been listed - as Transfer of Long-Term Eagle Take (Form 3-200-71) with a fee of \$1,000.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

There are no plans for publication of the results of these information collections.

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 topics of the certification statement identified in "Certification for Paperwork Reduction Act Submissions."

There are no exceptions to the certification statement.