

## SUPPORTING STATEMENT A FOR PAPERWORK REDUCTION ACT SUBMISSION

### Federal Fish and Wildlife Permit Applications and Reports— Migratory Birds; 50 CFR 10, 13, 20, 21 OMB Control Number 1018-0022

**Terms of Clearance:** With this submission, we, the U.S. Fish and Wildlife Service (Service) requests approval of the following changes to the previously approved requirements under OMB Control Number 1018-0022:

*Reinstatement of OMB Control No. 1018-0167:* Information collection requirements associated with the Federal fish and wildlife permit applications and reports for both migratory birds and eagles are currently approved under a single OMB control number, 1018-0022, “Federal Fish and Wildlife Permit Applications and Reports—Migratory Birds and Eagles; 50 CFR 10, 13, 21, 22.” With this submission to OMB, we are proposing to reinstate OMB Control Number 1018-0167, “Eagle Take Permits and Fees, 50 CFR 22” in order transfer the eagle requirements back into a separate information collection. This transfer will facilitate easier management of the information collection requirements associated with eagles. This request will transfer the existing information collection requirements associated with eagles, along with proposed updates, back to their original collection under OMB Control Number 1018-0167. We will submit the reinstatement request for 1018-0167 concurrently with this revision to 1018-0022.

*ePermits Initiative:* We are also requesting OMB approval to automate certain migratory bird permit forms in conjunction with this revision of 1018-0022. The Service's new “ePermits” initiative is an automated permit application system that will allow the agency to move towards a streamlined permitting process to reduce public reporting burden. Public burden reduction is a priority for the Service; the Assistant Secretary for Fish, Wildlife, and Parks; and senior leadership at the Department of the Interior. The intent of the ePermits initiative is to fully automate the permitting process to improve the customer experience and to reduce time burden on respondents. This new system will enhance the user experience by allowing users to enter data from any device that has Internet access, including personal computers (PCs), tablets, and smartphones. It will also link the permit applicant to the Pay.gov system for payment of the associated permit application fee.

The new information collections associated with the permits to be automated in the ePermits system are highlighted in yellow in the burden calculations spreadsheet (MS Excel) which is uploaded to ROCIS as a supplemental document. We anticipate automating the following Service forms previously approved under this collection in the ePermits initiative: 3-186, 3-186a, 3-200-6 through 3-200-9, 3-200-10a through 3-200-10f, 3-200-12 through 3-200-13, 3-200-67, 3-200-79, 3-200-81, 3-202-1 through 3-202-10, 3-202-12, and 3-202-17. We will continue to provide the public with the option to complete the .pdf version of all forms until the system is deemed to be in steady-state (likely in late FY2022/early FY2023). At that time, with OMB approval, we anticipate discontinuing most paper submissions of permit applications and reporting requirements. Upon request, the Service will continue to accommodate requests for paper-based versions of any application or report form for respondents experiencing technological difficulties.

*Falconry Database Requirements:* Additionally, this submission will request approval of three new information collections (recordkeeping requirements, banding requirements, and required notifications) associated with the Service's "Falconry Database" as explained in detail in questions 1 and 2 below.

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

The Service is responsible for ensuring that migratory bird populations do not become threatened or endangered. As part of this effort, we collect information to determine the eligibility of applicants in certain activities in accordance with the criteria in various Federal wildlife conservation laws and international treaties, including the Migratory Bird Treaty Act (MBTA, 16 U.S.C. 703 *et seq.*) and the Lacey Act (16 U.S.C. 3371 *et seq.*).

Regulations implementing these statutes are in Chapter I, Subchapter B of Title 50, Code of Federal Regulations, which stipulate general and specific requirements that, when met, allow us to issue permits to authorize activities that are otherwise prohibited:

*50 CFR § 10 – General Provisions*

*50 CFR § 13 – General Permit Procedures*

*50 CFR § 20 – Migratory Bird Hunting*

*50 CFR § 21 – Migratory Bird Permits*

*50 CFR § 22 – Eagle Permits (requirements transferred back to 1018-0167)*

Section VII of the U.S.-Canada Migratory Bird Treaty authorizes the taking of migratory birds that, under extraordinary conditions, become seriously injurious to agricultural or other interests.

***Falconry*** – Raptors (birds of prey) are afforded Federal protection by the 1972 amendment to the Convention for the Protection of Migratory Birds and Game Animals, February 7, 1936, United States—Mexico, as amended; the Convention between the United States and Japan for the Protection of Migratory Birds in Danger of Extinction and Their Environment, September 19, 1974; and the Convention Between the United States of America and the Union of Soviet Socialist Republics (Russia) Concerning the Conservation of Migratory Birds and Their Environment, November 26, 1976.

The taking and possession of raptors are strictly prohibited, except as permitted under regulations implementing the MBTA. The regulations govern the issuance of permits for activities with migratory birds. They are in title 50, Code of Federal Regulations, parts 10, 13, 21, and 22. Raptors also may be protected by State, tribal, and territorial regulations. Our authority also is based on the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d). The Eagle Act extends additional protections for bald eagles and golden eagles, and addresses some human activities that may affect these species. The Act specifies circumstances under which falconers may take golden eagles from the wild.

On February 9, 2005, we issued regulations governing falconry (70 FR 6978-6992). These regulations addressed changes in the practice of falconry and responded to a request from the Association of Fish and Wildlife Agencies that we consider eliminating duplicative Federal/State falconry permitting. Beginning in 2014, the Service passed the authority to issue permits for the practice of falconry to individual States (50 CFR 21.29, [78 FR 72830](#)). As part of this change in authority, we required States to maintain databases of falconers

authorized to conduct falconry in their States, and required falconers to report transfers of falconry birds. We require each State that maintains its own database to ensure that it is compatible with the Service's database. To date, 47 States utilize the system provided by the Service. The Service's database continues to track take of birds from the wild by falconers and to maintain records of persons permitted by the States to practice falconry, as required by 50 CFR 21.29(k)(1).

**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. Regulations at 50 CFR 13.12, "General information requirements on applications for permits", require submission of this information. Standardizing general information common to the application forms makes filing of applications easier for the public as well as expedites our review of applications. We use this information 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, as well as information concerning:

- The applicant's education and experience conducting the activity;
- The type of species and number of bird(s) are involved in the activity;
- Whether the bird(s) will be euthanized or kept in captivity; and,
- The method used if euthanization of the bird(s) is necessary.

For captive-held bird(s), we ask for information about the holding facility, including the size of the enclosures and the material used in construction of the facility.

Additional Section E questions standard to all applications determine

- The location of records required by statute;
- Who, other than the permittee, will be conducting the authorized activity; and,
- To 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). APHIS-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.

On all applications for permits that authorize the lethal take of birds, we include 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.

**Monitoring and Reporting** - Most 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. Service biologists use these immediate reports to provide technical assistance to minimize additional take during the existing event and to prevent these events in the future.

We examined and revised all of the application and report forms 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. The full list of changes made to the forms is captured in the "Form Changes Tracking Table", provided to OMB as a supplementary document in ROCIS.

**Recordkeeping** – Some 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 species potentially affected and the effectiveness of the permitting program.

***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. The associated burden for these exceptions is included in Attachment 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** – Amendments 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 amount of take 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. 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.

**Transfers** – In general, permits issued under 50 CFR part 21 are not transferable.

### **PROPOSED REVISIONS TO THIS INFORMATION COLLECTION**

With this submission, we are proposing the following revisions to the existing information collection:

**Transfer of Eagle Requirements to OMB Control No. 1018–0167 (REINSTATEMENT)** – Information collection requirements associated with the Federal fish and wildlife permit applications and reports for both migratory birds and eagles are currently approved under a single OMB control number, 1018–0022, “Federal Fish and Wildlife Permit Applications and Reports—Migratory Birds and Eagles; 50 CFR 10, 13, 21, 22.” With this submission to OMB, we are proposing to reinstate OMB Control Number 1018–0167, “Eagle Take Permits and Fees, 50 CFR 22” in order to transfer the eagle requirements back into a separate information collection. This transfer will facilitate easier management of the information collection requirements associated with eagles. We are not proposing any changes to the currently approved eagle requirements. This request will simply transfer the information collection requirements associated with eagles back in to their original collection under OMB Control Number 1018–0167. The reinstatement request for 1018-0167 will be submitted to OMB simultaneously with this revision request for 1018-0022.

**ePermits Initiative** – The Service will request OMB approval to automate certain migratory bird permit forms. The Service's new “ePermits” initiative is an automated permit application system that will allow the agency to move towards a streamlined permitting process to reduce public burden. Public burden reduction is a priority for the Service; the Assistant Secretary for Fish, Wildlife, and Parks; and senior leadership at the Department of the Interior. The intent of the ePermits initiative is to automate the permitting process to improve the customer experience and to reduce time burden on respondents. This new system will enhance the user experience by allowing users to enter data from any device that has Internet access, including PCs, tablets, and smartphones. It will also link the permit applicant to the Pay.gov system for payment of the associated permit application fee.

Our preliminary burden estimates for the ePermits versions of forms are contained in Attachment A provided as a supplemental document to OMB via ROCIS.

**Falconry Program Requirements** – Additionally, we propose to incorporate the information collection requirements associated with the Service's falconry program into this collection (OMB Control No. 1018-0022). Beginning in 2014, the Service passed the authority to issue permits

for the practice of falconry to individual States (50 CFR 21.29, [78 FR 72832](#)). As part of this change in authority, we required States to maintain databases of falconers authorized to conduct falconry in their States and required falconers to report transfers of falconry birds using the paper version of FWS Form 3–186A. We require each State that maintains its own database to ensure that it is compatible with the Service’s database. To date, 47 States utilize the system provided by the Service. The Service’s database continues to track take of birds from the wild by falconers and to maintain records of persons permitted by the States to practice falconry, as required by 50 CFR 21.29(k)(1).

In 2018, the Service requested and received OMB approval under the Department of the Interior Fast Track generic clearance (OMB Control No. 1090–0011) to conduct usability testing of the revised/repairs falconry database (database) replaced a legacy system based on outdated programming. It reduced the cost to the government by eliminating the need for Service personnel to enter data for each new falconer, and simply required the entry of data for State administrators. In addition, this new database enhances the user experience by allowing them to enter data from any device that has internet access, including PCs, tablets, and smart phones. The usability testing helped the Service to address problems and recommendations prior to the database going live. We are now ready to request full OMB approval of the falconry database and the following requirements associated with the falconry program:

*Recordkeeping Requirements* 50 CFR 21.29

Falconers are required to maintain basic records on falconry birds in their possession. Data from newly acquired falconry birds should be provided to state wildlife officials via paper forms or entering the information on the Federal 3-186A database on their profile within 10 days from the day on which the raptor was taken from the wild. This time requirement may vary per state requirements. Each state may do what they deem appropriate for record keeping as long as those standards are within the sideboards established for Federal Falconry regulations (50 CFR 21.29).

States must ensure their permitted falconers upload data directly into the Federal 3-186A database, or provide data to states for data transcription by state administrators into the Federal 3-186 A database. Falconers may, via their state permitting regulations maintain their profiles, add new 3-186 A forms for newly acquired birds, edit exiting 3-186A forms for birds lost or dead, delete 3-186 A forms when appropriate, and report any intra/interstate moves and address changes.

There is no Federal requirement that forces falconers to report health/injury issues, unless those injuries are caused by federally supplied non-reusable bands, and bands must be removed. Falconers possessing un-banded birds in this situation are required to possess exemption paperwork provided by the State falconry administrators when transporting or flying the raptor. However, falconers are required to maintain their birds under humane conditions [50 CFR 21.29 9(d)], and report fatalities via paper forms or uploading the information to the Federal 3-186A database. Falconers, per federal and state requirements must carry permits or legible copies of permits in their immediate possession when trapping, transporting, working with, or flying falconry raptors.

Information related to falconry acquisitions and bird transfers are used by state/federal wildlife officials to review and evaluate take of falconry species and subsequent impact to wild raptor populations across state lines; and to evaluate compliance with state/federal falconry rules and regulations. Accurate recordkeeping for raptors acquired

by falconers via the 3-186A database is a requirement in law, and is absolutely essential to the framework in place that allows for the practice of the sport. It also provides several benefits to falconers when a falconer crosses state lines with a raptor, or if a falconer moves and needs to document his/her experience in the new state for a permit there.

*Banding Requirements* 50 CFR 21.29 & 21.30

Falconry birds requiring bands bred in captivity must be banded with seamless metal bands and may have an ISO (International Organization for Standardization) compliant (134.2 kHz) microchip in addition to the band (see 50 CFR 21.29, 21.30). Falconry birds of the following species (Goshawk, Harris's Hawk, Peregrine Falcon, and Gyrfalcon) acquired in the wild, or acquired from another falconer or rehabilitator must be banded with a permanent, non-reusable, numbered U.S. Fish and Wildlife Service leg band supplied by the State agency. Some states require other species of wild caught falconry birds should banded with agency supplied, non-reusable bands. Wild caught falconry birds may also be affixed with ISO compliant microchips in addition to the bands. Band numbers of acquired birds must be reported to state wildlife officials via paper forms or uploading the information to the Federal 3-186A database within 10 days from the day on which the raptor was taken from the wild. This time requirement may vary per state rules and regulations.

Information related to band numbers on falconry acquisitions and transfers are used by state/federal wildlife officials to review and evaluate take of falconry species and subsequent impact to wild raptor populations across state lines; and to evaluate compliance with state/federal falconry rules and regulations.

*Required Notifications* 50 CFR 21.29

Falconers must maintain adequate records documenting the take, transfer, loss, re-banding, or microchipping of each falconry raptor until 5 years after they have transferred the lost bird or it has died. Additionally, a falconer is required to notify his/her State 30 days in advance via email of any change in address or the location of the facilities where birds are held. Information related to banding records of falconry acquisitions, transfers, loss, re-banding, and microchipping are to be maintained by the falconer for 5 years after the falconry bird(s) have been transferred, lost, or died. Information related to falconry records are used by state/federal wildlife officials to review and evaluate take of falconry species and subsequent impact to wild raptor populations across state lines; and to evaluate compliance with state/federal falconry rules and regulations.

If a falconer changes residence to a new State, Tribal area, or Federal Territory and take falconry birds with them, they must inform both the former state, and the permitting authority of their address change within 30 days of the move (meaning post-move). These records assist State/Federal wildlife agencies in maintaining current information to contact the falconer in a timely manner, and to evaluate compliance with state/federal falconry rules and regulations. In addition, they serve to document a falconer's experience, which determines the falconer's eligibility for advancement through the different falconry permit classes (i.e., Apprentice, General, and/or Master).

**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.**

Fillable PDF forms in this collection are currently available to applicants to be submitted in a few different manners. PDF forms are available 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 email the application to the regional office, or print and submit the application form with an electronic or original signature and submit 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.

Recently, we have launched an online permits interface to enable new applicants to submit the completed fillable PDF application form online, and complete payment online. Applicants are also able to submit reports related to their permits through this online system. We are working to enable submission of both renewals and amendments of permits through this system in the near future. This temporary solution facilitating easier payment methods for applicants is intended to be an interim step in streamlining our permit application process while we work on building the modernized ePermits System scheduled to go live in early FY21.

We are also offering the option to submit injury and mortality reports (Form 3-202-17: Bird and Bat Injury and Mortality Reporting) via our online Injury and Mortality Reporting (IMR) system as an alternative to the Excel spreadsheet version of this form. Submitting this way allows a user to collect all their data in a standardized way within a centralized system, and export a report easily in order to do their own analysis, or to submit to the regional permit office when their report is due. The user can also allow multiple users to view and enter data securely within the same system under the same project record, which promotes efficiency and collaboration.

*ePermits* – We are actively developing a new automated permit application system, referred to as “ePermits.” The ePermits System will allow the agency to move towards a streamlined permitting process to more significantly reduce the information collection burden on the public, particularly small businesses. Public burden reduction is a priority for the Service; the Assistant Secretary for Fish, Wildlife, and Parks; and senior leadership at the Department of the Interior. The intent of the ePermits System is to fully automate the permitting process to improve the customer experience and to reduce time burden on respondents. This new system will enhance the user experience by allowing users to enter data from any device that has Internet access, including personal computers, tablets, and smartphones. It will also link the permit applicant to the Pay.gov system for payment of the associated permit application fee.

Once the new ePermits System is in place, we anticipate a reduction in the amount of time necessary for an applicant to apply for a permit, and perform regular actions related to that permit (e.g., amend, renew, report). Through the ePermits account registration, we will track and be able to more accurately report the numbers of small business applicants, along with the type of business (for-profit, farm, not-for profit). This information will allow the Service to be more responsive in identifying the possibility of additional burden reduction on small businesses.

We also plan to eliminate 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 ePermits, an



applicant will be able to establish an account, apply for multiple permits through a single interface, and track all their applications, permits and permit-related actions as well as all communications between Service staff and the permittee/applicant within the same interface, significantly reducing the burden on the government to process these applications and manage permit-related actions.

The Service anticipates the discontinuance of the paper-based versions of a large number of forms after the ePermits System has been in full operation for at least 18-24 months. The elimination of paper based forms is expected to reduce the government cost of administering and processing permit applications. Upon request, the Service will continue to accommodate requests for paper-based versions of any application or report form for respondents experiencing technological difficulties.

*Falconry Requirements* – We are proposing to incorporate the information collection requirements associated with the Service's falconry program into this collection (OMB Control No. 1018-0022). Beginning in 2014, the Service passed the authority to issue permits for the practice of falconry to individual States (50 CFR 21.29; 78 FR 72830, December 4, 2013). As part of this change in authority, we required States to maintain databases of falconers authorized to conduct falconry in their States and required falconers to report transfers of falconry birds using the paper version of FWS Form 3–186A. We require each State that maintains its own database to ensure that it is compatible with the Service's database. To date, 47 States utilize the system provided by the Service. The Service's database continues to track take of birds from the wild by falconers and to maintain records of persons permitted by the States to practice falconry, as required by 50 CFR 21.29(k)(1).

The primary purpose of this database is to allow the Service to track take of raptors from the wild by falconers to ensure take does not exceed levels established in the Service's 2008 environmental assessment of the impacts of the falconry regulations on wild raptor populations. The ability to track and document the effects of the wild take of raptors by falconers remains a responsibility of the Service. The database also: (1) provides falconers and States with the information necessary to allow the efficient movement of falconers and raptors held under falconry permits among States; and (2) ensures that falconers can formally document their experience regardless of the States in which they have resided, which is required to advance from the apprentice- to general- to master-class permit levels.

In 2018, the Service requested and received OMB approval under the Department of the Interior Fast Track generic clearance (OMB Control No. 1090–0011) to conduct usability testing of the revised/repairs application and database functionality. The revised/repairs falconry database (database) replaced a legacy system based on outdated programming. It reduced the cost to the government by eliminating the need for Service personnel to enter data for each new falconer, and simply required the entry of data for State administrators. In addition, this new database enhances the user experience by allowing them to enter data from any device that has Internet access, including PCs, tablets, and smart phones. The usability testing helped the Service to address problems and recommendations prior to the database going live. We are now ready to request full OMB approval of the falconry database and the information collection requirements associated with the falconry program.

**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.**

Other than the general identifying information (name, address, telephone number, email address), the information that we collect 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.**

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. Small businesses or other small entities are affected primarily by the nest and egg depredation order, which requires online registration and reporting in order to destroy resident Canada goose nests and eggs. Although we require that registrations be renewed each year, registrants do not need to reenter information if the information entered during the initial registration is still current.

**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 would be unable to implement many federally mandated wildlife protection programs. Further, we would be unable to issue permits to applicants 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 be unable to conduct otherwise prohibited activities, such as possession of migratory birds

States/Tribes are not allowed to participate in the light geese conservation order in a given year unless they collect information on activities conducted under the program. Without such information, we would not be able to evaluate the effectiveness of the population control program and could not fulfill our responsibilities under the Migratory Bird Treaty Act. Collections conducted less frequently than annually would not allow us to properly manage light geese populations.

Not conducting this information collection would compromise our ability to conserve resident Canada goose populations in an informed and responsible manner and could consequently jeopardize the health of resident Canada goose populations in the United States. The information is necessary to ensure that the program complies with MBTA and treaty terms. Further, because of other current and potential impacts on these goose populations

(primarily special and regular hunting seasons), we believe that accurate and complete annual monitoring of take is justified.

Under the falconry regulation, the Service has delegated the permitting responsibility to the States. However, in the regulation, the Service as committed to maintaining the falconry 3-186A database, which tracks the take of raptors for falconry purposes. If the database was not approved, the Service would be out of compliance with the regulation and would be unable to fulfill our responsibility of periodic analysis of the biological impact of falconry on raptor populations.

**7. Explain any special circumstances that would cause an information collection to be conducted in a manner:**

- \* requiring respondents to report information to the agency more often than quarterly;**
- \* requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- \* requiring respondents to submit more than an original and two copies of any document;**
- \* requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;**
- \* in connection with a statistical survey that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- \* requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
- \* that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- \* requiring respondents to submit proprietary trade secrets, or other confidential information, unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

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 (FWS Forms 3-200-7; 3-202-1) and Special Purpose Utility permittees (FWS Forms 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.

Accidental take of 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.

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.

Permit regulations (21.29(e)(2)) require that State-permitted falconers file a report within 5 days of a transaction (take from the wild, buy, sell, or transfer). The MBTA, which was enacted to protect migratory birds from market hunting, strictly regulates commerce.

A falconer is required to notify his/her State 30 days in advance via email of any change in address or the location of the facilities where birds are held. Information related to banding records of falconry acquisitions, transfers, loss, re-banding, and microchipping are to be maintained by the falconer for 5 years after the falconry bird(s) have been transferred, lost, or died. Information related to falconry records are used by State/Federal wildlife officials to review and evaluate take of falconry species and subsequent impact to wild raptor populations across state lines; and to evaluate compliance with state/federal falconry rules and regulations.

If a falconer changes residence to a new State, Tribal area, or Federal Territory and take falconry birds with them, they must inform both the former state, and the permitting authority of their address change within 30 days of the move (meaning post-move). These records assist State/Federal wildlife agencies in maintaining current information to contact the falconer in a timely manner, and to evaluate compliance with state/federal falconry rules and regulations. In addition, they serve to document a falconer's experience, which determines the falconer's eligibility for advancement through the different falconry permit classes (i.e., Apprentice, General, and/or Master).

**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 October 28, 2019, we published in the *Federal Register* ([84 FR 57746](#)) a notice of our intent to request that OMB approve this information collection. In that notice, we solicited comments for 60 days, ending on December 27, 2019. We received the following comments in response to that notice:

***Comment 1: Comment received via email from Kelly Cordell, wildlife biologist with the Chelan County, Washington Public Utility District, on October 31, 2019:***

I am writing in support of OMB approval to automate migratory bird permit forms. The current application process is quite cumbersome and archaic. Additionally, annual reporting is difficult, even when using the information inputted into the ECOS IMR system. The IMR system collects information that differs slightly from that of the required reporting on the macro-enabled spreadsheet that is sent out to migratory bird special purpose utility permittees annually for submittal by 1/31. To complicate things, macro-enabled spreadsheets are risky from an IT standpoint, and do not get through our elevated security firewalls for our company. This requires a lot of time compiling information between our hard copy reports, IMR reports, and “fixing” an Excel sheet for agency submittal for our annual permit reporting requirements.

It would be wonderful to be able to capture all of the required reporting information through IMR for export into ePermits for submittal and permit renewal online.

***Agency Response to Comment 1:*** We talked with Kelly about the duplicate reporting she appeared to be doing – reporting to us using both to the online Injury and Mortality Reporting (IMR) system and our Excel reporting spreadsheet. We clarified that she should not be required to submit the information twice in two different forms. After checking with her FWS contact, she reported that she would only be using the online system in the future. We also corrected an issue in the online system that was showing her an extended form with additional fields she wasn’t required to fill out. She seemed overall very pleased with the resolution on her reporting concerns.

***Comment 2: Comment received via mail from the Ornithological Council on December 30, 2019:***

“It has been our experience that stakeholders may not understand when a permit is needed. For instance, most do not know that the MBTA regulatory exemption (50 CFR 21.12) exists or how it might apply to their situation. The MBTA permits do not mention the exemption. Finding, reading, and understanding the application of the regulations requires a degree of expertise. An online system could start by alerting the user to the exemption and offering a set of questions to determine if the exemption applies to their situation. There are also some mismatches in terminology that lead to misunderstanding. For instance, scientists use the term “scientific collecting” to mean the removal of an animal from the wild for scientific research. It might entail permanent removal; it might mean take by lethal means or capture of a living animal. However, it is understood to mean an entire animal. Unless stakeholders are aware that the regulatory definition is much broader, they might not realize, for instance, that a permit is needed to pick up molted feathers from a protected species from the ground. Although it might be unwieldy to add definitions to the paper form, the online format affords the opportunity to ask definitions, illustrations, and FAQs for each permit type.

We have reviewed the permit types most commonly needed by ornithologists and would like to offer the following comments. Although some of our observations pertain more to implementation than to the forms themselves, the inconsistent and confusing implementation might be averted, in part, by revision of the forms. Some of these concerns might also be addressed by the completion of the National Standards Operating Manual that the Division of Migratory Birds is compiling and, in the interim, by the issuance of guidance from Region 9 to the permit-issuing regions. For that reason, we are copying this letter to the Division of Migratory Bird Management.

In particular, the scientific and exhibition purposes permit issued under 50 CFR 22.21 (3-200-14) for Bald Eagles and Golden Eagles has been problematic. The specific problems are:

1. The form is entitled "Eagle Exhibition" but the regulation covers both scientific research and exhibition. "We may, under the provisions of this section, issue a permit authorizing the taking, possession, transportation within the United States, or transportation into or out of the United States of lawfully possessed bald eagles or golden eagles, or their parts, nests, or eggs for the scientific or exhibition purposes of public museums, public scientific societies, or public zoological parks. We will not issue a permit under this section that authorizes the transportation into or out of the United States of any live bald or golden eagles, or any live eggs of these birds." The regulatory provision is for scientific or exhibition purposes. As titles alone can be misleading (why would someone needing a permit for scientific purposes even click on a permit entitled "exhibition"?) it might be advisable to change the title to Eagle Exhibition and Scientific Purposes.

a) The text on page 2 of the permit application contradicts the regulation. It reads, "A Federal Eagle Exhibition permit is required to possess and transport eagles for the purpose of educating the public about the biology, ecology, and conservation needs of eagles...A minimum of 12 public educational programs per year must be conducted under this permit." The regulation includes no requirement for public education purposes. The regulation allows transport and possession for scientific research or public exhibition (or, presumably, both) but the permit seems to be issued only for public exhibition.

b) Question 4 on the permit application requires a description of educational messages and materials. There is no such requirement in the regulation and while it is a reasonable question to ask if the purpose for the permit is exhibition, it is not pertinent if the purpose is scientific research.

2. The regulation specifies that the permit duration is stated on the face of the permit. Some regions have issued these permits to museums with letters stating that the permits are of indefinite duration and specifying that no annual report is required. This practice makes sense as museums rarely acquire new eagle specimens. Nearly all specimens are sent to the National Eagle Repository for distribution to the Tribes, per Department of Interior policy. Museum holdings will rarely change unless a specimen is transferred to another institution. Others regions still require regular renewal and annual reports.

3. Part 22 regulations specifically state that "You do not need a permit under parts 17 and 21 of this subchapter B for any activity permitted under this part 22 with respect to bald or golden eagles or their parts, nests, or eggs." [50 CFR 22.11(b)]. However, at least one region is requiring a museum to obtain a Part 21 scientific collecting permit in order to

receive a bald eagle carcass from the Service, rather than obtaining it under the museum's "Federal Eagle Exhibition" permit. The scientific collecting form (3-200-7), however, is entitled "Migratory Bird and Eagle Scientific Collecting" and includes the regulatory provision for eagles (50 CFR 22.21). Thus, this confusion seems to stem from 3-200-7 form, which overlaps the authority of the 3-200-14 permit that implements the eagle regulation (50 CFR 22.21).

We suggest that forms 3-200-7 and 3-200-14 be revised so as to eliminate this overlap; adding the quoted regulatory text might help permit specialists to avoid such errors."

**Agency Response to Comment 2:** Responses to comments with regard to Form 3-200-14 are addressed in the information collection package for OMB Control Number 1018-0167. With regard to the comment concerning overlap between the authority of Forms 3-200-14 and 3-200-7, there is no overlap between the types of activities that are authorized under these two permits. A scientific collecting permit is required to collect/salvage migratory birds and eagles from the wild. Acquisitions and transfers of eagle remains already in the possession of the Service or a permittee do not require a scientific collecting permit. An eagle exhibition permit (which is applied for using form 3-200-14), would be required to display eagle remains for educational use; and the specimen can be acquired and transferred from the Service to the museum once the specimen has been added to the list of specimens covered under that permit (which can be done via an amendment if that specimen was not on the original application). So, if a Region is requiring a Scientific Collection permit for this action, then the region may be in error, and you should contact your Regional Migratory Bird Permit Office to discuss this further and correct the error, if appropriate.

**Falconry Database Comments** – Additionally, on August 13, 2019, we published in the *Federal Register* ([84 FR 40086](#)) a notice of our intent to request that OMB approve the information collection requirements associated with the falconry database. In that notice, we solicited comments for 60 days, ending on October 15, 2019. Subsequently, the Service decided to incorporate those requirements into this collection as a revision rather than request OMB approval of a new collection because falconry activities are permitted under regulations implementing the MBTA. We reviewed and considered all comments received in response to that notice as part of the revision to OMB Control No. 1018-0022. Substantive comments were combined under a single agency response. In some cases, commenter's names appear multiple times below because their comment was broken down into separate response categories.

We received the following comments in response to the falconry database notice:

**Comment 1: Comment received via email from Bill Murrin on August 13, 2019:** I am NOT in favor of this information [collected falconry information] being used for law enforcement purposes. If a falconer has a falconry license and the raptor is reported into the appropriate database, law enforcement authority ends at that point. ...the authority of FWS to gather raptor harvest information ends once a WILD raptor has been legally taken and reported. After all, it is considered "dead" for wildlife population management purposes, just like legally harvested waterfowl. If falconers wish to transfer a wild taken raptor to other properly licensed individuals, this is beyond the scope of MBTA authority... In addition, the progeny of domestic bred raptors – whether pure species/subspecies or hybrids – is beyond the scope of the MBTA especially since the 2004 MBTA Revision excluded non-naturally occurring birds.

**Comment 2: Comment received via email from Chi Ma on August 28, 2019:**

Collecting information about domestically bred and kept raptors should not be in the scope of the system.

**Agency Response to Comments 1 and 2:** Wildlife law enforcement actions related to falconry remains important to maintain compliance with state rules and regulations regarding species of take, bird transfers and humane treatment of Falconry birds. Federal and State regulations governing falconry and raptors removed from the wild consider all falconry birds “wild” regardless of the length of time in captivity or if it has been transferred to another permittee or permit type.

**Comment 3: Comment received via email from Chi Ma on August 28, 2019:** In California the state bears the burden of collecting falconry data and reporting it to the USFWS.

**Comment 4: Comment received via email from Tanner Schaub on August 22, 2019:** The state agencies could execute an annual bulk upload of all take reports to the federal system.

**Agency Response to Comments 3 and 4:** California has authority to collect falconry information on their own database. This collection system was approved by the Service, as it mirrors the federal 3-186 A database used by all other states. Falconry data from California has been regularly transferred to the Service to aid in review of take of falconry species and subsequent impact to wild raptor populations across state lines. All other states have decided to use the Federal 3-186A database for collection of falconry information.

**Comment 5: Comment received via email from Chi Ma on August 28, 2019:** Since domestically bred raptors are not wild, some of them not having seen the wild for generations, the information about them should be outside the scope of the USFWS.... Another system that the average citizen has to manage for the same information the state has is redundant, burdensome and does not improve management of wild raptors.

**Comment 6: Comment received via email from David Williamson on October 14, 2019:** The Service should only track raptors taken from the wild; and recognize that the captive-bred raptors are No Longer migratory birds due to their origin. Neither are hybrids of exotic crosses with NA Migratory birds, still, NA Migratory birds. Your classification of them as such is in error, and creates unnecessary paperwork, NOT a reduction of paperwork.

**Agency Response to Comments 5 and 6:** Domestically bred raptors were from wild lineage at some point, and are for the most part, similar in appearance and behavior to wild-caught birds. Information collected on these birds assists state and federal agencies with compliance of rules and regulations, as codified by the Migratory Bird Treaty Act which prohibits any person from taking, possessing, purchasing, bartering, selling or offering to purchase, barter, or sell, among other things, raptors (birds of prey) protected by the Act, unless the activities are allowed by Federal permit.

**Comment 7: Comment received via email from David Williamson on October 14, 2019:** As the Service did away with the Federal Falconry Permit in 2014, requiring the



States to administer/maintain databases of Falconers; one wonders just how important the practice of Falconry should be to the Service. The new database does NOT enhance the user experience due to the complexity and forced necessity of Internet access.

**Agency Response to Comment 7:** The latest revision of the 3-186A database has been used by state and federal agencies to compile information regarding wild and captive bred raptors for the sport of falconry. State agencies provide falconers guidance to comply with their regulations; a part of this is to maintain current information on falconry take and disposition of falconry birds. While the new 3-186A database is internet based, some states have allowed paper forms to be submitted to falconry administrators when the internet is unavailable to the falconer. The decision to use paper forms, or other forms of data entry has been left to the states, although due to staffing issues, some states that still allow paper forms are moving have their falconers adopt the online data entry system. If a state chooses to allow the use of paper forms, the state assumes the responsibility for entering the required information into the 3-186A database system.

**Comment 8: Comment received via email from David Williamson on October 14, 2019:** The Services overregulation of Falconry is discriminatory towards a tiny minority of sportsmen and sportswomen. The Federal Govt. should expend their resources and efforts in data collection toward the identification and regulation/registration of the owners of military assault weapons, for instance!

**Agency Response to Comment 8:** Thank you for your comment. Your response is helpful and will be part of the public record.

**Comment 9: Comment received via email from Jean Public on August 16, 2019:** "there are less than 200 falconers in the entire united states. why are american taxpayers paying all these fat cat bureaucratic funds to take care of such a small group. this is loss for all taxpayers. there is no reason to have them with this intense exploitation by the united states fish and wildlife division. this should be closed down entirely. you are wasting american tax dollars in all the fat cat bureaucracy set up around falcons. nobody needs it. it is just a terrible waste of american tax dollars. (Public 2019) and: "it is very expensive to run an expensive federal fat cat bureaucracy for about 200 falconers in the entire usa. this is a very small group of people who love to see birds kill other animals and birds. it does not deserve 328 million americans being dunned to pay for this playtoy of some in america. this should be shut down. it is not what we should be wasting our american tax dollars on. they pay nothing to speak of to pay the costs of this hugely expensive federal program it needs to be shut down. cut the excess federal fat cat bureaucracy immediately."

**Agency Response to Comment 9:** Thank you for your comment. Your response is helpful and will be part of the public record.

**Comment 10: Comment received via email from Joan Marie on August 21, 2019:** I am a Master Falconer who has weathered the online system. As most falconers in North America, I practice in relative isolation and heavily depend on connecting with the community on several social media groups. The vast majority of complaints on the database is that it is simply not user friendly. Other complaints are missing dispositions and the random ability to view other permittee's dispositions.

**Agency Response to Comment 9:** Thank you for your comment. Your response is

helpful and will be part of the public record.

***Comment 10: Comment received via email from Joe Nelson on October 15, 2019:***

As a user of the original and new database, I find the newer much more confusing and time consuming. It should look and work and print just as the older system did in 2013-2014. Looked like and printed out like a 3-186a. I've lost takes recorded from 2015 from the state editing out those forms and removing them. There's no need for a state to go in and edit a form a permitted licensed falconer has recorded and made causing it to be lost or in some clear cases deleted and showing the state agency that edited or deleted. It's become a nightmare to use and maintain and get original records back in place within the system. Bottom line is it needs to be a standard looking 3-186 where once a registered falconer records info the state cannot remove it or edit.

***Comment 11: Comment received via postal mail from Sheldon Nicolle on October 15, 2019:*** We find the process of completing the form online unnecessarily cumbersome, tedious and therefore error prone. In particular, we suggest form-based, rather than field-based data entry validation. This would greatly simplify the data-entry process.” (Nicole 2019)

The posting anticipates that it will take 2.5 hours to complete the form. This would be outrageous if it were true. In our experience it takes approximately 30 minutes to complete a 3-186A online. However, this time could be and should be reduced to approximately 10 minutes with proper website design including the use of form-based rather than field-based data entry validation.

***Comment 12: Comment received via postal mail from Steve Oleson on September 17, 2019:*** The Service could enhance the utility of the information and minimize the burden of the collection of information upon the respondents if the application was made more user friendly.

***Agency Response to Comments 10-12:*** In the quest to get the database functioning again quickly, we also had to adhere to recent changes in Federal computer standards. We agree the accurate data entry for most acquisition and transfers should take 10 to 30 minutes, depending on the situation and details related to the falconry bird. Re-design of the 3-186A database to utilize the standard 3-186A paper form online is something that the Service will strive for in the future when we have more resources and staff capability.

***Comment 13: Comment received via postal mail from John Goodell on August 22, 2019:*** Is the database necessary to the proper functions of the Service? In collaboration with the States, the Service should be monitoring falconry take to ensure that take does not exceed 5% as recommended by the USFWS in Millsap and Allen 2006.

***Agency Response to Comment 13:*** The 3-186A database is the mechanism that the Service established to accomplish that exact task, to track the number of raptors removed from the wild annually by falconers to ensure compliance with the take limits established in the 2008 Environmental Assessment. The current framework, where permitting authority is delegated to the states, hinges on the ability for take to be tracked nationally via the 3-186A database. In addition, however, the 3-186A database provides information within and across state boundaries to allow state and federal wildlife officials for periodic review of take of raptors used for falconry, and to be cognizant of potential impacts to wild raptors where species issues have been suggested or documented by credible data, and/or

independent, peer reviewed research.

**Comment 14: Comment received via postal mail from John Goodell on August 22, 2019:** Will this information be processed and used in a timely manner?" My suspicion in talking with some agency biologists is that there is essentially zero capacity at the state level to monitoring these databases for accuracy, compliance, or take levels among other reasons. So the existence of the system itself is possibly unjustified. There seems to be no funding or time within the agencies to look at this information. Since falconers are already submitting annual reports to their state F&W agency every year, they are, in effect, submitting duplicate records for no reason. I would contend that falconer reporting is an onerous requirement as currently managed and even more so since the agencies don't look at the information anyway.

**Comment 15: Comment received via postal mail from John Goodell on August 22, 2019:** How might the Service enhance the quality, utility, and clarity of the information to be collected? "The system should replace annual reporting at the state level and should be highly user-friendly. Due to the dysfunction of the last system, a lot of people were just submitting paper copies anyway to their state falconry staff person. The problems had to do with permit number formatting where the fields did not clearly set the format of entry. Also, many birds are transferred between some state permits and some other federal permits like propagation, abatement, or other. or to or from out of state, state falconry permits that the system sometimes didn't recognize and allow. In general the system did not recognize some other valid permit types that related to falconry transfers. Also each user account did not save a database for the permittee. The system should work both ways...to give info to the agency while maintaining a safe and accurate database of record submissions for each permittee."

**Comment 16: Comment received via postal mail from John Goodell on August 22, 2019:** How might the Service minimize the burden of this collection on the respondents? Advise states that an annual report requirements are being met by the database reporting system and are thus unnecessary.

**Comment 17: Comment received via postal mail from Tanner Schaub on August 22, 2019:** This process can be streamlined by elimination of reporting by falconers. Falconers report raptor take to their state agency... It is redundant for both falconers and state wildlife agencies to report the same information.

**Agency Response to Comment 14-17:** State biologists, in concert with biologists and computer specialists from the Service's Division of Migratory Birds, regularly look at data provided by falconers. When questions of accuracy, compliance or take levels are derived from information supplied by falconers, state falconry administrators reach out to falconers to maintain quality assurance. In response to questionable information, state administrators may reach out to their Wildlife Law Enforcement branch for potential follow-up with the falconer. Data submission on the 3-186A database, as well as via additional annual reporting has been considered standard practice by some states. This requirement may vary, as each state may do what they deem appropriate for record keeping as long as those standards are within the sideboards of Federal Falconry regulations (50 CFR 21.29)

**Comment 18: Comment received via postal mail from John Goodell on August 22, 2019:** Make the database idiot-proof and make sure it is formatted to allow transfer and

acquisitions between all possible legal permit types. Make sure the database serves the permittee by saving all submissions and allowing the permittee to search and print all past submissions easily.

To add to that, maybe link the transfers, so that when one permittee fills out a transfer on the database, it will prompt that other involved permittee by email "Joe has submitted his 3-186, click here to submit yours by X date". This would keep reporting accurate and keep folks out of trouble tenfold. I'm sure the Service doesn't want to pursue enforcement based on someone losing track of paperwork when they are submitting a lot of forms every year and forget one.

**Comment 19: Comment received via postal mail from Karen 'Kitty' Irene Tolson Carroll on August 31, 2019:** The database needs a complete re-write. Signing in is nearly impossible. The PDF forms are difficult to use, and often deletes my information as I am typing it. There should be a PDF 'send/save' mode where we send the PDF as an attachment. There should be a sent conformation number /email for our records that we note the data sent on our records. I still sent it in as a paper copy. I always advise to print and keep a paper copy. A comments' section on the form is needed. Description of bird if it has unusual markings, etc. I use Safari, Firefox, and Chrome. It should be easily used with all three of these browsers.

**Agency Response to Comment 18-19:** Your comments are helpful as the Service and states look to improve the 3-186A database and falconry record keeping. Thank you for your comment, and your response will be part of the public record.

**Comment 20: Comment received via postal mail from John Goodell on August 22, 2019:** Increase the length of time a permittee has to report a transfer or acquisition to make it less likely that violations are a matter of plain forgetting.

**Agency Response to Comment 20:** Current timelines by Federal and state regulations are 10 days for the length of time necessary to report an acquisition or transfer. This requirement may vary to be more restrictive, as each state may do what they deem appropriate for record keeping as long as those standards are within the sideboards of Federal Falconry regulations (50 CFR 21.29).

**Comment 21: Comment received via postal mail from Sheldon Nicolle on October 15, 2019:** We are confused by some statements in the posting: For example, it indicated that the service anticipated about 40 annual respondents. Since the 3-186A form is required for every raptor taken, release or transferred, and nearly 700 birds are taken annually, we would expect closer to 1,000 3-186A forms to be submitted every year.

**Agency Response to Comment 21:** We admit the error of the Service statement in the *Federal Register* notice and thank the commenter for pointing this out. In review of our statements, the Service was indicating the time expected to be interacting with all State falconry administrators regarding the 3-186A database. The commenter is correct on the approximate time necessary for falconers across the United States to provide their pertinent data under their permit to the states via the 3-186A database.

**Comment 22: Comment received via postal mail from Steve Oleson on September 17, 2019:** I support the collection of data regarding acquisition and dispositions of wild raptors used in falconry. While the Environmental Assessment by Millsap, et al. found that

falconry take of raptors has no impact on raptor populations, comprehensive collection of this information on a nation-wide basis may be of value to biologists and historians. The collection of such data should support these functions of the USFWS: enforcing federal wildlife laws, protecting endangered species and managing migratory birds.

**Agency Response to Comment 22:** Thank you for your comment. Your response is helpful and will be part of the public record.

**Targeted Outreach**

In addition to the *Federal Register* notices described above, we consulted with the nine (9) individuals identified in Table 8.1 who familiar with this collection of information in order to validate our time burden estimate and asked for comments on the questions below:

**Table 8.1**

<b>Organization</b>	<b>Title</b>	<b>Response Received</b>
Audubon Society	Not Provided	Yes
Berkeley University	Not Provided	Yes
The MN Raptor Center	Not Provided	Yes
American Eagle Research Institute	Bald & Golden Eagle Biologist	Yes
Soarin Hawk Raptor Rehab	Not Provided	Yes
Missouri (World Bird Sanctuary)	Not Provided	Yes
Liberty Wildlife	Not Provided	Yes
Sundance, Biology, Inc.	Not Provided	Yes
Modesto Irrigation District	Not Provided	No

**“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:** Most commenters thought that the questions asked on the forms they used regularly were necessary. The following comments are those where the information requested was questioned or believed to be confusing or duplicative.

*Scientific Collection Application (FWS Form 3-200-7):*

On the Scientific Collection application (3-200-7), Berkeley University and MN Raptor Center respondents commented that they think the NEPA compliance questions on that application (Questions 4a-d) are a bit burdensome, and questioned the purpose and if they were really needed.

MN Raptor Center asked if questions 4a-4d could be simplified into a table. And that “Describe in detail” is actually somewhat vague and can be an excessive burden. Berkeley University suggested that it might be helpful to include a link to the NEPA policy to help applicants realize why they are being required to think of their research across so many broad scales.

**Agency Response/Action Taken:** We have modified the form to provide some additional information about NEPA and why it’s needed, and have restructured the question so that the applicant must only indicate which items might apply, and only need to provide more information associated with the items they think might apply. The question now reads as follows: “Prior to making decisions, federal agencies are required to comply with the

National Environmental Policy Act (NEPA) to assess the environmental effects of proposed actions, including permit issuance. To assist us, please check the box below if you anticipate any effects to the environment by your activities. If yes, describe below. We may contact you for more information regarding your responses. (For more information on NEPA, see the USFWS's NEPA FAQ Sheet")

**Comments:** The American Eagle Research Institute commenter commented that he completely disagrees with IACUC (Question 2f and 7h require IACUC approval) having any say at all in the permit process. He thinks bringing these outside entities into the permit process is a big mistake. He argues that this allows IACUC to place even further restrictions on what they can do, even though they (IACUC) have no clue whatsoever as to how to capture raptors or eagles.

**Agency Response/Action Taken:** This application form is used for permits for both eagles and also other migratory birds. Many applicants are seeking permits for activities for research involving captive-held migratory birds, for which IACUC approval is appropriate and often required. Some universities' IACUCs require their researchers in the field to obtain IACUC approval as well. We agree, however, that such approval is sometimes not necessary or appropriate and we are modifying the permit application to reflect that.

**Comments:** *Special Purpose Education Report (FWS Form 3-202-5)*  
Liberty Wildlife commented that some of the information requested on the report form (Form 3-202-5) was already in your records and was therefore redundant to ask for again (e.g. who the bird was transferred to). This information is provided on the transfer form (3-202-12) permittees fill out and provide to us whenever they transfer a bird.

**Agency Response/Action Taken:** The online permitting and reporting system we are working toward developing should help reduce the redundancies in the current reporting process. This is because modernized online forms and a modernized data tracking system will allow us and the permittee to more seamlessly capture and track the full inventory of birds for each permittee over multiple years, including the history of changes to that inventory. For example, when a permittee needs to transfer a bird, the system will pull up their known inventory, allowing them to choose the bird they wish to transfer from that list, and filling out the required information for transfer. After transfer the system retains the history that that bird was transferred and that bird is no longer in the permittee's inventory. So, at year's end, when the annual report is due, some of the transactional history (e.g. acquisitions and transfers) can be automatically prepopulated by the system.

## **"The accuracy of our estimate of the burden for this collection of information"**

### **Comments:**

#### *Special Purpose Education Report (FWS Form 3-202-5):*

MN Raptor Center thought the burden estimate should be 3 hours instead of 1.5. Liberty Wildlife uses form 3-202-5 says they spends approximately 200 hours collecting and reporting their annual report information.

#### *Rehabilitation Report (FWS Form 3-202-4):*

MN Raptor Center suggested that the current burden estimate of 3 hours is appropriate for a permittee dealing with ~150 birds; however, any more than that would be an

increase in burden. Liberty Wildlife, who deals with a very large amount of birds, said they spend at least 400 hours a year on reporting. A separate commenter (Soarin Hawk Raptor Rehab) on the Rehabilitation report form said that it takes them 20 minutes.

*Rehabilitation Application (FWS Form 3-200-10b):*

MN Raptor Center said their estimate would be 8-10 hours as opposed to the 12 listed currently, while the other Rehab commenter (Soarin Hawk Raptor Rehab) said it only took them 2 hours.

*Migratory Bird Special Purpose Possession (Education) Permit Acquisition and Transfer Request Form (FWS Form 3-202-12):*

Audubon said it took them 5-10 minutes, as opposed to the one hour currently listed for the burden associated with that form. World Bird Sanctuary, who regularly uses this form, said it only took them 10 minutes for each of these form as well, rather than the hour listed.

*Scientific Collection Application and Report Form (FWS Forms 3-200-7 and 3-202-1):*

It sounds like depending on the extent of what's being collected it might take longer or shorter to complete these forms. Berkeley University said it takes them about 8 hours per form. Liberty Wildlife commented it takes them about 4-6 hours on the application form and 2.5 hours on the report form.

**Agency Response/Action Taken:** It is difficult to know whether or not the burden needs to be changed based on such a small sample size of commenters. Because of that, and because we should be moving to a more automated way of collecting information online, which will presumably change the burden on the public, we will be waiting to make any changes to the burden estimates until the next forms update. At that time, we should have much more accurate information upon which to base our estimates.

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

**Comment 1:** *Scientific Collecting Application Form (FWS Form 3-200-7)*

Berkeley University commented that a simplification of the Collecting Activity Table in the Scientific Collection application form (Form 3-200-7) would be helpful. She said the spaces provided in the table are small, and so she generally ends up recreating the table in a spreadsheet program to make it easier to manipulate and keep track of her entries.

**Agency Response/Action Taken:** We are working toward developing an online system which should ultimately alleviate many of these problems. In the meantime, most regional permit offices should support submitting the information in whichever format makes the submittal process easiest for you. You can double-check with your regional permit office to confirm they are okay with you submitting in a different format prior to submittal. However, as long as you are submitting the same information as is requested on the form, it should likely not be a problem.

**Comment 2:** *Scientific Collecting Application Form (FWS Form 3-200-7)*

Berkeley University commented that the column for calendar year/collection period is ambiguous. The suggestion was to list actual years rather than which year in the project.

**Agency Response/Action Taken:** We understand the confusion on this. We have modified the form so that the examples accurately reflect how we want the year reported (by individual calendar year).

**Comment 3:** *Scientific Collecting Application Form (FWS Form 3-200-7)*

Berkeley University commented that as someone who works at a museum, it would be great to have a specific section in the table in Form 3-200-7 that sites salvage. She said it is difficult to know if and how much you may collect for salvage, but it would be nice to have at least a box that you can check or fill out with a yes or no, on whether you will be salvaging material at a site if you request it in your permit.

**Agency Response/Action Taken:** To address this issue/concern, we have modified question #1 on the application to include a question on whether or not the applicant wishes to include salvage in the permit authorization.

**Comment 4:** *Scientific Collecting Application Form (FWS Form 3-200-7)*

Berkeley University recommends adding a Trap and Sample column so they know how many birds will be having scientific samples taken from them before they are released.

**Agency Response/Action Taken:** We have modified the instructions above the table to better describe what activities are included in each of the collection activity columns represented in the table. The “Trap and Release” column includes sampling, so we clarified that in the instructions and modified the “Trap and Release” column heading to read “Trap and Release (includes sampling)” to clarify that this category also includes sampling.

**Comment 5:** *Scientific Collecting Report Form (FWS Form 3-202-1)*

Sundance Biology, Inc. suggested that a column be added for take of eggs and egg addling on the report form.

**Agency Response/Action Taken:** We’ve removed the word “collection” so that any form of egg take can be reported in this column.

**Comment 6:** *Scientific Collecting Application Form (FWS Form 3-200-7)* MN Raptor Center commented that the use of the scientific collecting permit to acquire education specimens is only partially clear. It is not clear when a scientific collecting permit (salvage column) is needed vs a salvage permit for purposes such as acquiring biofacts for education. The exhibition permit allows for specimens (non-live) to be held by an organization and used for education.

**Agency Response/Action Taken:** We have made changes to the language in form 3-200-7 and the associated form FAQ that should help resolve these questions and concerns. The changes were as follows:

- For question #1, we added a check box for salvage and note that “the scientific collecting permit can also cover opportunistic salvage of dead migratory birds, nonviable eggs, and abandoned nests”.
- In the NOTE section at the top of page 2, we changed the following language “A Federal Migratory Bird Scientific Collecting permit can authorize you to collect, transport or possess migratory birds their parts, nests, or eggs for scientific research or for educational purposes” to “A Federal Migratory Bird Scientific Collecting permit can authorize you to collect, transport or possess migratory birds (live or dead), their



parts, nests, or eggs for scientific purposes. The original language was confusing, because the permit does not typically cover collecting for educational purposes. For more information on what's covered under a Scientific Collecting permit as opposed to a Special Purpose – Possession for Education Live and/or Dead and Salvage for Educational Purposes permit or a Special Purpose - Salvage permit, please see our response to comment # 10. We've also made sure the language to the FAQ for 3-200-7 is consistent with the changes made in the application form.

***Comment 7:*** The Ornithological Council commented that Part 22 regulations specifically states that “You do not need a permit under parts 17 and 21 of this subchapter B for any activity permitted under this part 22 with respect to bald or golden eagles or their parts, nests, or eggs.” [50 CFR 22.11(b)]. However, at least one region is requiring a museum to obtain a Part 21 scientific collecting permit in order to receive a bald eagle carcass from the Service, rather than obtaining it under the museum’s “Federal Eagle Exhibition” permit. The scientific collecting form (Form 3-200-7), however, is entitled “Migratory Bird and Eagle Scientific Collecting” and includes the regulatory provision for eagles (50 CFR 22.21). Thus, this confusion seems to stem from Form 3-200-7, which overlaps the authority of the Form 3-200-14 permit that implements the eagle regulation (50 CFR 22.21). We suggest that Forms 3-200-7 and 3-200-14 be revised so as to eliminate this overlap; adding the quoted regulatory text might help permit specialists to avoid such errors.”

***Agency Response/Action Taken:*** There is no overlap between the types of activities that are authorized under these two permits. A scientific collecting permit is required to collect/salvage migratory birds and eagles from the wild. Acquisitions and transfers of eagle remains already in the possession of the Service or a permittee do not require a scientific collecting permit. An eagle exhibition permit (which is applied for using form 3-200-14), would be required to display eagle remains for educational use; and the specimen can be acquired and transferred from the Service to the museum once the specimen has been added to the list of specimens covered under that permit (which can be done via an amendment if that specimen was not on the original application). So, if a Region is requiring a Scientific Collection permit for this action, then the region may be in error, and you should contact your Regional Migratory Bird Permit Office to discuss this further, and correct the error, if appropriate.

***Comment 8:*** *Rehabilitation Application Form (FWS Form 3-200-10b)*  
MN Raptor Center suggested referencing the current edition of Minimum Standards for Wildlife Rehabilitation (rather than specific edition).

***Agency Response/Action Taken:*** We acknowledge this is an outdated version of the Minimum Standards; however, we are not able to change this reference because the Rehabilitation regulations at 50 CFR 21.31 specifically reference the 2000 edition. Until the regulation is modified, we must continue to reference the older version. We are currently uncertain as to when we will be able to make this modification to the regulation.

***Comment 9:*** *Rehabilitation Application Form (FWS Form 3-200-10b)*  
MN Raptor Center commented that “Creance flying” is a technique. It would be more appropriate to say describe your reconditioning technique in detail.

***Agency Response/Action Taken:*** We modified the form to address this comment. The questions now reads: “Describe your reconditioning technique(s). If you will use Creance flying, describe in detail the technique(s) you will use and your experience with these

techniques. List two references, including contact information, familiar with your Creance experience. At least one reference must be an individual outside of your organization.”

**Comment 10:** *Special purpose – Possession for Education Application Form (FWS Form 3-200-10c)*

MN Raptor Center commented “it is unclear how this permit aligns with scientific collecting permit for education and/or the salvage permit. Are all three required to salvage migratory birds for educational use?”

**Agency Response/Action Taken:** Three permits are not required to salvage migratory birds. Only one of the following permits is required, and depends on the specific applicant and activity. Scientific collecting permits authorize salvage of migratory birds for scientific purposes (including museum archival collections). *Special Purpose – Possession for Education Live and/or Dead and Salvage for Educational Purposes* permits authorize the permittee to salvage migratory birds to use in their wildlife conservation educational programs. Special Purpose - Salvage permits authorize entities or persons to salvage migratory birds for entities that are exempt in 50 CFR 21.12(b) who wish to possess birds for educational purposes. The exemption in 50 CFR 21.12(b) only authorizes possession of migratory birds and does not include take/salvaging dead birds, parts, nonviable eggs, and nests from the wild. The changes we’ve made to the NOTE section under Section E in form 3-200-7 and to the language in the FAQ for this application form will hopefully help to clarify and resolve some of the confusion surrounding this. The FAQs included for each of these applications should also help clarify the activities they cover. However, if there is still confusion, or if there’s anything else that you feel could be done to clarify this further, then please let us know.

**Comment 11:** *Special Purpose – Possession for Education Application Form (FWS Form 3-200-10c)*

MN Raptor Center asked the following: “Questions 6, 8, and 11 - Could these be replaced by referencing the requirement to meet specific standards? The requests for diet, food source and enrichment information seem to be to establish knowledge base of curator. These are minimal when considering the knowledge base needed for appropriate bird management, which is indirectly covered by experience requirements. Could expand this section to include information on training and other handling techniques, but more likely this accountability should be covered in another manner such as an exam or certificate – or presumed based on adequate experience with an approved mentor/facility

**Agency Response/Action Taken:** The questions asked on this application form do sufficiently capture for us the information needed to determine the applicant has the knowledge base necessary for appropriate bird management. However, we agree that the specific questions referenced could be more clearly stated and better organized to reduce confusion. Therefore, in response to your comments, we have made modifications to this section of the application form to clarify the questions, and more efficiently and effectively capture what we need from the applicant.

**Comment 12:** *Special Purpose – Possession Live and/or Dead Salvage of Migratory Birds for Educational Purposes Report Form (FWS Form 3-202-5)*

MN Raptor Center commented that identifier information for individual birds would be helpful/useful.

**Agency Response/Action Taken:** We agree; however, it is not currently a requirement unless it is a species that must be banded (from falconers or captive bred). Please refer to the following two responses regarding how we will consider the use of unique identifiers as we work toward modernizing our data management systems.

**Comment 13:** *Special Purpose – Possession Live and/or Dead and Salvage of Migratory Birds for Educational Purposes Report Form (FWS Form 3-202-5)*

MN Raptor Center commented that an eElectronic form would be great for reporting. With an identifier, it would allow tracking of trends and information analysis.

**Agency Response/Action Taken:** We agree, and we are working on getting an online permitting and reporting system up and running, and integrating this with other systems we have. As we do this, we will certainly look into use of unique identifiers to help us improve our data tracking and analysis capabilities.

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

**Comment 14:** *Scientific Collecting Application Form (FWS Form 3-200-7)*

MN Raptor Center commented that the responses to question 7 (in 3-200-7) would be covered in an approved IACUC and asked if submission of that could replace the need to fill out the details?

**Agency Response/Action Taken:** We have modified #7 on the form to state that if the information being requested in #7 is in another document (i.e. grant proposal, IACUC approval, etc.), you may provide that document with an index to the page and section or paragraph numbers where each item is specifically answered.

**Comment 15:** *Rehabilitation Application Form (FWS Form 3-200-10b)*

MN Raptor Center asks “Could questions 4a-4d be simplified into a table? “Describe in detail” is actually somewhat vague and can be an excessive burden.

**Agency Response/Action Taken:** We have modified question 4 to be a table (in part) as suggested, and reworked the question for improved clarity.

**Comment 16:** *Rehabilitation Application Form (FWS Form 3-200-10b)*

MN Raptor Center states “Question 5 would not be necessary for a renewal.”

**Agency Response/Action Taken:** This is true. We have added language to indicate that this question does not need to be answered if submitting a renewal.

**Comment 17:** *Rehabilitation Application Form (FWS Form 3-200-10b)*

MN Raptor Center commented that Question 9 is unneeded and seems like a poor stand-in for establishing competence.

**Agency Response/Action Taken:** This is a regulatory requirement (50 CFR 21.31 (e)(2)) which requires the Service establish that the applicant is providing the birds in their care with a diet that is appropriate for that specific bird. The answer to this question is used in conjunction with responses to other questions on the form to help the Service to assess the overall competence of the applicant.

***Comment 18: Rehabilitation Application Form (FWS Form 3-200-10b)***

MN Raptor Center commented that “renewal fees for individuals but not institutions seems an undue burden for individuals.”

***Agency Response/Action Taken:*** These are not renewal fees; they are processing fees that help cover the cost of evaluating and processing permit-related actions. However, this concept is under review at a national level.

***Comment 19: Special Purpose – Special Purpose – Possession for Education Live and/or Dead and Salvage for Educational Purposes Application Form (FWS Form 3-200-10c)***

MN Raptor Center commented that “Requesting letters of organizations showing interest in schedule programs is unnecessary, as are brochures and educational materials.”

***Agency Response/Action Taken:*** The letters from organizations showing interest are necessary to demonstrate that there is a need to possess birds (live/dead/parts) for educational purposes. These letters prove that the applicant has a “business plan” for the educational programs. Any legitimate educational program should have established a business plan including letters of interest as part of their start up process. Brochures and educational materials are not required but requested if available.

***Comment 20: Special Purpose – Special Purpose – Possession for Education Live and/or Dead and Salvage for Educational Purposes Application Form (FWS Form 3-200-10c)***

MN Raptor Center commented that “question 5 is redundant with the transfer form.”

***Agency Response/Action Taken:*** We have made changes to this question on the form to clarify and ensure the applicant does not duplicate effort.

***Comment: Special Purpose – Possession for Education Live and/or Dead and Salvage for Educational Purposes Report Form (FWS Form 3-200-5)***

Liberty Wildlife commented “We feel like some of the information requested for educational animals is already in your records and is therefore possibly redundant as there has already been permission given to transfer.”

***Agency Response/Action Taken:*** The new ePermits System under development should help reduce the redundancies in the current reporting process. This is because modernized online forms and a modernized data tracking system will allow us and the permittee to more seamlessly capture and track the full inventory of birds for each permittee over multiple years, including the history of changes to that inventory. For example, when a permittee needs to transfer a bird, the system will pull up their known inventory, allowing them to choose the bird they wish to transfer from that list, and filling out the required information for transfer. After transfer the system retains the history that that bird was transferred and that bird is no longer in the permittee’s inventory. So, at year’s end, when the annual report is due, some of the transactional history (e.g. acquisitions and transfers) can be automatically repopulated by the system.

**Additional comments received during the outreach:**

***Comments:*** Liberty Wildlife commented that for rehabilitation permits, it would be easier for them if the state and federal had the same requirements. She mentioned, the state requires much more information and it takes considerably longer to accomplish.

MN Raptor Center commented that an on-going challenge is the process/timing of having to have facilities and a state permit before getting a Federal permit.

**Agency Response/Action Taken:** It is the permittee's responsibility to obtain a state permit if one is required. An applicant may be in the process of obtaining a state permit while applying for the federal permit (we have modified question 3 in the application to clarify this). Being in the process of obtaining a state permit will not hinder processing of the federal permit. However, the state permit (if it is required in that state) must be effective before the federal permit is considered valid. It is at the discretion of each individual state to determine their requirements. Some states may choose requirements that are more restrictive than the federal requirements. It is the permittee's responsibility to obtain a state permit if one is required. An applicant may be in the process of obtaining a state permit while applying for the federal permit (we have modified question 3 in the application to clarify this). Being in the process of obtaining a state permit will not hinder processing of the federal permit. However, the state permit (if it is required in that state) must be effective before the federal permit is considered valid. It is at the discretion of each individual state to determine their requirements. Some states may choose requirements that are more restrictive than the federal requirements.

**Comment:** As just a general comment, Audubon mentioned that it's sometimes difficult and confusing to find what she's looking for on the FWS website.

**Agency Response/Action Taken:** We are continuously to working to improve our websites and forms to make it easier for the public to find information. For instance, we've recently co-located all of our forms on our Migratory Bird webpage at: <https://www.fws.gov/birds/policies-and-regulations/permits/need-a-permit.php> and provided links to instructions and FAQs directly in the application and report forms. As we continue to work to modernize the way we collect and deliver information, this should alleviate some, if not all the currently difficulties in locating documents and information.

**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, September 4, 2003, 68 FR 52610; modification published June 4, 2008, [73 FR 31877](#)).

**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.**

We do not ask questions of a sensitive nature.

**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 **53,510 responses** totaling **394,967 annual burden hours** for this information collection (see Attachment A). The total dollar value of the annual burden hours is approximately **\$14,319,191** (rounded) (see Attachment A). To more accurately reflect annualized cost burden for this information collection, Attachment A reflects three (3) different rates explained as follows:

**(1) Nationwide ICs Using General BLS Statistical Data**

We used table 1 from the of Bureau of Labor Statistics (BLS) News Release [USD-19-2195](#), December 18, 2019, Employer Costs for Employee Compensation—September 2019, to calculate the total annual burden.

- Individuals – the table lists the hourly rate for all workers as \$37.03, including benefits.
- Private Sector – the table lists the hourly rate for all workers as \$34.77, including benefits.
- Government – the table lists the hourly rate for all workers as \$51.66, including benefits.

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

The cost burden associated with certain activities are often conducted using contracted services 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 2018

National Industry-Specific Occupational Employment and Wage Estimates for NAICS Code [211100, "Oil and Gas Extraction"](#) which lists a median hourly wage of \$70.69 (11-1021, General and Operations Managers). 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 **\$102.50** (rounded).

### **(3) 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 (2018) for [Archivists, Curators, and Museum Workers](#) lists a median hourly rate of \$23.27. We multiplied this specialized rate by 1.43 in accordance with BLS News Release USDL-19-2195 for private industry workers to obtain the fully burdened rate of **\$33.28** (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 **\$491,050** (see Attachment A uploaded to ROCIS). These costs are primarily for application processing fees, which range from \$0 to \$2,000, depending on the activity.

The nonhour burden costs associated with the conservation order for the control of light geese (IC transferred from 1018-0103) is higher. We estimate that each participating State/Tribe will incur overhead costs (materials, printing, postage, etc.) associated with mailing surveys to conservation order participants of approximately \$2,000, or a total of \$78,000 in non-hour burden costs (39 responses x \$2,000). Conservation order participants manually report the

data back to the States/Tribes who then report it electronically to the Service (as explained in question 3).

**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 **\$1,933,765** (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 [2020-DCB](#) to obtain the most up-to-date hourly rates for staff. In accordance with BLS News Release [USD-19-2195](#), December 18, 2019, Employer Costs for Employee Compensation—September 2019, we multiplied the hourly rate by 1.59 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	2020 Hourly Rate	Hourly Rate, Incl. Benefits (x1.59 multiplier)	Time Spent on Information	Weighted Average (\$/Hour)
Clerical – Receptionist, Office Asst. (GS-07/05)	\$26.43	\$42.02	5%	\$2.10
Legal documents examiner – Permit Examiner (GS-09/05)	32.33	51.40	30%	15.42
Legal documents examiner - Permit Examiner (GS-11/05)	39.12	62.20	30%	18.66
Biologist (GS-11/05)	39.12	62.20	10%	6.22
Supervisor – Permit Chief (GS-12/05)	46.88	74.54	20%	14.91
Management - Branch/Division Chief, Solicitor (GS-13/05)	55.75	88.64	5%	4.43
<b>Weighted Average (\$/hr)</b>				<b>\$61.74</b>

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

We are reporting a decrease of 2,874 responses, an increase of 80,263 annual burden hours, and a decrease of \$1,594,075 annual cost burden associated with the revision to this collection. We reported these program changes as due to agency discretion in light of our decision to seek OMB approval of the information collection requirements associated with the explanation



outlined in "Terms of Clearance" on page 1 of this document.

Please see attached supplemental document uploaded to ROCIS titled "1018-0022 Form Changes Tracking Table Rev 02212020.xlsx" for a detailed list of changes made to information collection requirements submitted in this revision.

**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.**

The information contained in the 3-186A falconry database is publicly available to: (1) provide falconers and States with the information necessary to allow the efficient movement of falconers and raptors held under falconry permits among States; and (2) ensure that falconers can formally document their experience regardless of the States in which they have resided, which is required to advance from the apprentice- to general- to master-class permit levels.

**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.