



**DEPARTMENT OF THE INTERIOR, U.S. FISH AND WILDLIFE SERVICE (USFWS)
 FEDERAL FISH AND WILDLIFE PERMIT APPLICATION FORM**



Return to: U.S. Fish and Wildlife Service (USFWS)
[click here for return addresses](#)

Type of Activity: Native Endangered and Threatened Species
 Scientific, Enhancement of Propagation, or Survival (i.e.,
 Purposeful Take for Recovery)

Complete Sections A or B, and C, D, and E of this application. A U.S. physical address is required in Section C, see instructions for details.
Refer to the Application Form Instructions for information on how to make your application complete and help avoid unnecessary delays.

A. Complete if applying as an individual					
1.a. Last name		1.b. First name		1.c. Middle name or initial	1.d. Suffix
2. Date of birth (mm/dd/yyyy)	3. Occupation		4.a. Affiliation/Doing business as (see instructions)	4.b. Website URL (if applicable)	
5.a. Telephone number	5.b. Alternate telephone number	6. E-mail address			
B. Complete if applying on behalf of a business, corporation, public agency, Tribe, or institution					
1.a. Name of business, agency, Tribe, or institution			1.b. Doing business as (dba)		
2. Tax identification no.		3.a. Description of business, agency, Tribe, or institution		3.b. Website URL (if applicable)	
4.a. Principal officer (P.O.) last name	4.b. P.O. first name	4.c. P.O. middle initial	4.d. P.O. e-mail address		
5. P.O. title			6. Primary contact name		
7.a. P.O. telephone number	7.b. Alternate phone no.	8.a. Primary contact telephone no.		8.b. Primary contact e-mail address	
C. All applicants MUST complete					
1.a. Physical address (U.S. Street address; Apartment #, Suite #, or Room #; no P.O. Boxes)					
1.b. City	1.c. State	1.d. Zip code/Postal code	1.e. County/Province	1.f. Country	
2.a. Mailing address (if different than physical address) and name of contact person (if applicable)					
2.b. City	2.c. State	2.d. Zip code/Postal code	2.e. County/Province	2.f. Country	
D. All applicants MUST complete					
1. Attach the nonrefundable application processing (check or money order), payable to the U.S. FISH AND WILDLIFE SERVICE in the amount indicated on page 3. Federal, Tribal, State, and local government agencies, and those acting on behalf of such agencies, are exempt from the processing fee – attach documentation of fee exempt status as outlined in Application Form Instructions (50 CFR 13.11(d)).					
2. Do you currently have or have you ever had any Federal Fish and Wildlife permits (includes named on permit or List of Authorized Individuals)? Yes. List the number of the most recent permit you have held, or that you are applying to renew or amend: No.					
Certification: I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13 of the Code of Federal Regulations and the other applicable parts in subchapter B of Chapter I of Title 50 , and I certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement herein may subject me to the criminal penalties of 18 U.S.C. 1001.					
Original or electronic signature of individual applicant/Principal Officer (no photocopied or stamped signatures)				Date (mm/dd/yyyy)	

E. ALL APPLICANTS MUST COMPLETE.

Provide the information outlined in Section E. on the following pages. Be as complete and descriptive as possible. Please do not send pages that are over 8.5" x 11," videotapes, or DVDs. See page 9 for information on the Paperwork Reduction Act, Privacy Act, and Freedom of Information Act aspects of your application.

OTHER FEDERAL, TRIBAL, STATE, OR LOCAL APPROVALS OR AUTHORIZATIONS REQUIRED TO CONDUCT YOUR REQUESTED ACTIVITY

Please be aware that there may be other requirements necessary to conduct proposed activities such as obtaining permission to work on Federal or Tribal lands, a Federal bird banding permit, a Tribal, State, county or municipal permit, etc.

Have you obtained all required Federal, Tribal, State, county, municipal or foreign government approval to conduct the activity you propose?

Yes. Provide a copy of the approval(s). List the Federal agency, tribe, State, county, and/or municipality involved and type of document required. Include a copy of these documents with the application.

I have applied. List the Federal agency, tribe, State, county, and/or municipality involved, date of application(s), and type of permit(s). Provide the reasons why the authorizations/permits have not been issued.

Not required. The proposed activity does not require issuance of other approvals and/or authorizations.

APPLICATION TYPE AND PROCESSING FEES

Annual reports and any other required reports under your valid permit(s) must be on file before a permit will be considered for renewal or amendment. Check the appropriate box below for the activity that you are requesting.

- Administrative change:** You may update your name, address, telephone number, fax number, or e-mail address in your current application package on file at any time. These changes are considered administrative changes, and an application processing fee is not required. If you wish to make an administrative change, please complete pages 1-4 and indicate the information you are updating (e.g., address, telephone number, etc.). Submit completed pages 1-4 to the appropriate Regional Office (see <https://www.fws.gov/angered/permits/recovery-permits-contacts.html>).

Requests other than an administrative change require an application processing fee, as described below. Mark the appropriate box and enclose a check or money order payable to the *U.S. Fish and Wildlife Service* in the amount indicated. If you are **fee exempt**, attach evidence or a justification and mark this box (see section D.1.).

- New.** \$100 permit application processing fee
- Renewal.** \$100 permit application processing fee. If you are applying to renew a valid permit, your complete application package must be received at least **30 days** prior to the expiration of the valid permit ([50 CFR 13.22](#)) to avoid a lapse in permit coverage.

Renew my existing valid permit (**without changes**) using my current application on file. Permit no. _____. Provide the required information under Option 1 below.

Renew my existing valid permit (**with changes**). Permit no. _____. Below, indicate your requested amendments(s) and provide the required information under Option 2.

- Amendment.** \$50 permit application processing fee: An amendment to a valid permit is requested at a time other than renewal. Permit no. _____.

When the information in your current application package on file has changed, then you must apply for an amendment to your valid permit. For example, **such changes may include the additions of species to the permit and/or changes in location or activities.** Please contact the Regional Recovery Permit Contact within the U.S. Fish and Wildlife Service Region of your proposed activity for technical assistance in making this determination (<https://www.fws.gov/angered/permits/recovery-permits-contacts.html>). Provide the required information under Option 2 below. \$0 to **transfer** my existing valid permit. Use Option IV. Below to provide the required information.

Please indicate the amendment(s) you are requesting:

- Add species (specify) _____
- Add new activity) _____
- Add a geographic area _____
- Change in personnel _____
- Other (specify) _____

REFERRAL OF A RECOVERY PERMITTEE'S CONTACT INFORMATION (OPTIONAL)

The U.S. Fish and Wildlife Service often receives requests for contact information Permittees who could conduct endangered and threatened species (e.g., presence/absence surveys) contract work. In accordance with our Privacy Act System of Records Notice ([Permits System, Interior, FWS-21](#)), we may release the name, business address, business email address or business telephone number of those who wish to be contacted by third parties to do commercial survey activities. Such information is not normally released under the Freedom of Information Act - unless a compelling need on the part of the general public can be cited.

Please be aware that provision of Permittee contact information does not represent an endorsement by the USFWS of any particular Permittee. A referral is provided at the discretion of each U.S. Fish and Wildlife Service Regional Office as time and workload allow.

Please indicate below your preference for the release of your contact information to third parties.

- Yes.** The U.S. Fish and Wildlife Service may release my name, business address, business email address and/or business telephone number to third parties as a referral for endangered and threatened species contract work.
- No.** The U.S. Fish and Wildlife Service may not release my name, business address, business email address, and/or business telephone number to third parties.

SEA TURTLES

If your application involves sea turtles, please be aware that we share jurisdiction with National Marine Fisheries Service (NMF)/National Oceanic and Atmospheric Administration (NOAA) Fisheries for **sea turtles**. We evaluate applications for permits to conduct activities impacting sea turtles on land, or when applicants are conducting activities both on land and in the marine environment, and NMFS/NOAA Fisheries evaluates applications for permits to conduct activities impacting sea turtles in the marine environment. To apply for a permit to conduct activities with sea turtles in the marine environment or other species under NMFS/NOAA Fisheries jurisdiction, please contact the NMFS via their permit web page at <https://www.fisheries.noaa.gov/permits-and-forms>.

DISQUALIFICATION FACTOR

A conviction, or entry of a plea of guilty or *nolo contendere*, for a felony violation of the Endangered Species Act, Lacey Act, Migratory Bird Treaty Act, or the Bald and Golden Eagle Protection Act disqualifies any such person from receiving or exercising the privileges of a permit, unless such disqualification has been expressly waived by the USFWS Director in response to a written petition (50 CFR 13.21(c)).

Have you or, if applying as a business, any of the owners of the business, been convicted, or entered a plea of guilty or *nolo contendere*, forfeited collateral, or are currently under charges for any violations of the Endangered Species Act, Lacey Act, Migratory Bird Treaty Act, or the Bald and Golden Eagle Protection Act?

- No.**
- Yes.** Provide the following (use a separate page(s) if needed to complete your response:
- a) The individual's name:
 - b) Date of charge:
 - c) Location of incident:
 - d) Court:
 - e) Action taken for each violation:

SPECIFIC RELEVANT ACTIVITY REQUIRED INFORMATION: OPTION 1

Option 1. Renew an existing valid recovery permit *without* changes.

If you are applying to **renew an existing valid recovery permit without changes**, sign the following statement. The individual signing Section D. on page 1 of the application must also sign the following statement. This certification language is required under 50 CFR 13.22(a).

I certify that the statements and information submitted in support of my original application for a U.S. Fish and Wildlife Service Recovery permit no. TE _____ are still current and correct and hereby request renewal of that permit without changes. I also certify that all annual reports and any additional reporting requirements have been submitted to the USFWS.

Original or electronic signature of individual applicant/Principal Officer

Please legibly write or type the Signatory's name

Date

Signing the above statement completes your renewal application. Please submit completed pages 1- 5 of this application to the Regional Office covering the location of your proposed activity (see <https://www.fws.gov/endangered/permits/recovery-permits-contacts.html>). Requests for permit renewal must be complete and received by the USFWS no later than 30 days prior to the permit expiration to ensure that your current permit remains in effect while we process your request.

SPECIFIC RELEVANT ACTIVITY REQUIRED INFORMATION: OPTION 2

Option 2. New Recovery Permit, or Renewal with Amendment, or Amendment of an Existing Permit

General permit regulations for the USFWS are found at 50 CFR 13. Regulations for Recovery permits under the Endangered Species Act (ESA) can be found at 50 CFR 17.22(a)(1) for endangered wildlife species, 50 CFR 17.32(a)(1) for threatened wildlife species, 50 CFR 17.62 for endangered plant species, and 50 CFR 17.72 for threatened plant species.

Applications for a recovery permit must provide the following specific information (relevant to the activity) in addition to the general information on the previous pages of this application form. Please attach separate pages as needed. In order to assist us in processing your application, please provide the item number (i.e., A.1.a., etc.) that corresponds to the required information before each of your responses.

A. Identify species and activity:

1. For a new Recovery Permit or Amendment of an Existing Permit:
 - a. Provide the common and scientific names of the species being requested for coverage in the permit and their status (endangered (E) or threatened (T)). If you need to search for the scientific name of the species, please visit www.fws.gov/endangered/?ref=topbar. If you are requesting the addition of species to an existing permit, identify the species to be added to your valid permit.
 - b. Provide the number, age, and sex of such species to the extent known.
 - c. Identify the activity(ies) sought to be authorized (i.e., presence/absence survey, nest monitoring, bird banding, etc.) for each species. If you hold a valid permit and you are not requesting changes to authorized activities, indicate "No Changes".
 - d. Provide the project title and project duration (start date/completion date) along with a copy of the study proposal, project funding agreement(s), etc., if applicable.
 - e. If you hold a valid permit and wish to amend it to delete species and/or activities, please identify activities and/or species to be deleted from your valid permit and the reason(s) for the deletion.
2. Also, for the collection of **plants from the wild on lands under Federal jurisdiction**:
 - a. Describe the plant part(s), and the number(s) or other type(s) of indication of material you plan to collect (i.e., whole plant, leaves, pollen, seeds, etc.).
 - b. If the proposed activity involves the collection of seeds from the wild, provide information that evaluates the effects of the seed collection on the reproductive potential of the species at the collection location.

B. Identify the location of the proposed activity:

1. Provide the name of each State, county, Tribal land, and the specific location of the proposed activity site(s) below. Include a formal legal description, section/township/range information, county tax parcel number, local address, or any other identifying property designation that will precisely place the location of the proposed activity site(s) below. Because the permit is enforceable; it is *required* that you list each specific State that you wish to work in.

Location	
State, county, tribal land, and the specific location of the proposed activity:	
Location Description:	

2. If the specific study area is known at the time of application, attach a U.S. Geological Survey map of the study area in 7.5 minute quadrangle (1:24,000) scale, or other appropriately scaled map. If you plan to conduct surveys on a contract basis in the future, these maps can be provided once the specific area is known, however, the counties in which you propose to work in must be provided at this time, or at the very least, the State(s).

3. If your request is for aquatic species, identify the aquatic system (river/lake/stream name, river mile information, and drainage basin).
4. For plant species, identify the lands under Federal jurisdiction (name, address) where the proposed activities will be conducted.

C. Describe the proposed activity:

Provide a statement justifying the permit request, including the items listed below. A copy of the pertinent research or study proposal that provides the required information should be attached if available. Attach additional separate pages as necessary.

1. Describe how the activities or proposal will help recover each species.
 - a. If there is an approved recovery plan, identify the recovery tasks by number and name, if applicable. Include any additional recovery tasks identified in a Spotlight Species Action Plan, if applicable, or in a 5-year status review of the species.
 - b. Identify or provide copies of any previous or similar research conducted on this species.
 - c. If this information exists, explain how the project will attempt to answer questions not answered by earlier research.
 - d. Explain how you will coordinate your efforts with past and ongoing research studies.
2. Describe in detail the purpose(s) and objective(s) of the activities or project.
 - a. Provide the study design, sampling methods and equipment to be used.
 - b. Identify any null hypothesis or other anticipated results from the project that will support the reasoning that the project will enhance the propagation or survival of the affected species.
 - c. Include planned disposition of specimens upon completion of project.
3. Can this activity or project result in the injury, death, or removal from the wild of any individuals of the species?
 - a. If yes, describe all that apply (i.e., injury, death, removal from the wild).
 - b. For each species, please state the maximum number of individuals that would be injured, killed, or removed from the wild: *[If applicable, please identify, based on a reasonable expectation, the number of individuals likely to be injured or killed per activity.]*
 - c. Please state what will be done to minimize the possibility of injury to or death of individuals.
 - d. If the proposed activity would cause the death of individuals from the wild or removal of individuals from the wild, describe your attempts to obtain the wildlife or plant specimens currently held in captivity/nurseries/museums, or produced in captivity. You must demonstrate conclusively that existing specimens are unavailable or your study objectives require new/additional specimens. *[Provide the identity and telephone number of each contact made in this regard.]*
4. Identify contracts and agreements held for the proposed activities (attach a copy or provide the title, funding organization name and address, date of signature, and duration of the contract).

Indicate whether full funding will be available for the completion of the proposed activity. *[If you do not hold a contract at this time, but foresee receiving one, you may apply for a permit contingent upon receiving the contract(s).]*
5. If live wildlife or plants to be covered by the permit are to be held in captivity:

[Note: Under regulations at 50 CFR 17.22(a)(3) and 17.32(a)(3), escape of wildlife held in captivity must be reported immediately to our appropriate Regional Office (see page 9 - USFWS Regional Contacts or www.fws.gov/endangered/regions/index.html).

 - a. Provide a complete description, along with photographs and/or diagrams, of the area and facilities where wildlife or plant(s) will be held and/or maintained in captivity and describe arrangements for care during transportation and maintenance. Include the name and physical address of the area and facilities. *[A separate discussion specific for each species must be provided, when applicable.]*
 - b. Provide the full name and contact information of the person(s) who will care for live specimens, and include a description of their experience in caring for these or similar species, including a resume of their experience in raising, caring for, and propagating these or similar wildlife or plants.
 - c. Provide a copy of any contract or agreement you have secured for care of any live specimens collected under this permit

request if the identified facility is not affiliated with you.

- d. List mortalities and/or injuries resulting from your activities with these or similar species in the last 2 years.
 - e. Provide an explanation of each mortality event and the procedures employed or modified to eliminate any future mortality events.
 - f. Indicate your willingness to participate in a cooperative breeding or propagation program or to contribute data to a database or studbook. Holding wildlife and plants in captivity must comply with our Policy Regarding Controlled Propagation of Species Listed under the Endangered Species Act. This policy can be found on the USFWS Endangered Species web page at www.fws.gov/endangered/laws-policies/policy-controlled-propagation.html. Briefly describe how the proposed activity will comply with this policy.
 - g. State the planned disposition of the collected and/or propagated species after termination of the project/activity.
6. If working in multiple terrestrial and/or aquatic sites, provide the steps, protocols, and methodologies you will follow to prevent the spread of invasive species, infectious disease agents, and parasitic organisms, and to decontaminate vehicles and equipment.

D. Identify the persons who will conduct the proposed activity:

- 1. Provide the full name of all individuals, *including first name, middle initial, and last name*, who you propose will conduct activities under this permit (Please note that only those individuals who will be conducting the proposed activities independently without direct, and on-site supervision of an appropriately permitted individual need be included here).
 - a. If more than one activity is included in the permit application, indicate which activity(ies) will be completed by each individual.
 - b. For each listed individual, please provide a copy of each person's resume and/or curriculum vitae, in addition to specific information on previous professional training and experience conducting the proposed activities with the requested species or similar species. Information must include: dates and locations of previous activities involving these or similar species and the name of the supervising individual(s) under which such activities were conducted, and the approximate number of each species the applicant has worked with at each site.
 - c. For each listed individual, please provide at least two reference letters indicating the name, title, organization, email address, and telephone number preferably from federally permitted persons independent of each individual's place of employment, who can verify the individual's experience with the species.

END OF APPLICATION REQUIREMENTS

APPLICATION FORM INSTRUCTIONS

The following instructions pertain to U.S. Fish and Wildlife Service (USFWS) permit applications. The General Permit Procedures in [50 CFR 13](#) address the permitting process. For simplicity, all licenses, permits, registrations, and certificates are referred to as a permit.

GENERAL INSTRUCTIONS:

- Complete all relevant questions in Sections A or B, C, D, and E.
- **An incomplete application may cause delays in processing or may be returned to the applicant. Be sure you are completing in the appropriate application form for the proposed activity.**
- Print clearly or type the required response. Illegible applications may cause delays.
- Original or electronic signature of the application is required. Faxes or copies of the original signature will not be accepted.
- Mail the original application to the address at the top of page one of the applications or, if applicable, on the attached address list.
- **Keep a copy of your completed application.**
- **Please plan ahead. Allow at least 60 days for your application to be processed; however, some applications may take longer than 90 days to process ([50 CFR 13.11](#)).**
- Applications are processed in the order in which they are received.

SECTION A OR SECTION B:

Section A. Complete if applying as an individual:

- Enter the complete name of the responsible individual who will be the permittee if a permit is issued. Enter personal information that identifies the applicant.
- If you are applying on behalf of a client, the personal information must pertain to the client, and a document evidencing power of attorney must be included with the application.
- **Affiliation or Doing business as (dba):** business, agency, organizational, Tribe, or institutional affiliation directly related to the activity requested in the application (e.g., a taxidermist is an individual whose business can directly relate to the requested activity).

Section B. Complete if applying as a business, corporation, public agency, Tribe, or institution:

- Enter the complete name of the business, agency, Tribe, or institution that will be the permittee if a permit is issued. Give a brief description of the type of business the applicant is engaged in. Provide contact phone number(s) of the business. If you are applying on behalf of a client, a document evidencing power of attorney must be included with the application.
- **Principal Officer** is the person in charge of the listed business, corporation, public agency, Tribe, or institution and who is responsible for the application and any permitted activities. Often the Principal Officer is a Director or President. The **Primary Contact** is the person at the business, corporation, public agency, Tribe, or institution who will be available to answer questions about the application or permitted activities. Often, it is the preparer of the application.

ALL APPLICANTS COMPLETE SECTION C:

- A physical U.S. address is required.
- **Mailing address** is the address to which communications from USFWS should be mailed if different from the applicant's physical address.

ALL APPLICANTS COMPLETE SECTION D:

Section D.1. Application processing fee:

- An application processing fee is required at the time of application, unless exempted under 50 CFR 13. The application processing fee is assessed to partially cover the cost of processing a request. **The fee does not guarantee the issuance of a permit, nor will fees be refunded for applications for which processing has begun.**
- **Documentation of fee exempt status is not required for applications submitted by Federal, Tribal, State, or local government agencies, but must be supplied by those applicants acting on behalf of such agencies.** Such applications must include a letter on agency letterhead and signed by the head of the unit of government for which the applicant is acting on behalf, confirming that the applicant will be carrying out the permitted activity for the agency.

Section D.2. Federal Fish and Wildlife permits:

- List the permit number of your most recently issued USFWS permit.

Section D.3. CERTIFICATION:

- **The individual identified in Section A, the principal officer named in Section B, or a person with a valid power of attorney (documentation must be included in the application) must sign and date the application using original or electronic signature.** This signature legally binds the applicant to the statement of certification. You are certifying that you have read and understand the regulations that apply to the permit. You are also certifying that all information included in the application is true to the best of your knowledge, as described under 50 CFR 13. Be sure to read the statement and re-read the application and your answers before signing.

NOTICES

PRIVACY ACT STATEMENT

Authority: The information requested is authorized by the following: the Bald and Golden Eagle Protection Act (16 U.S.C. 668), 50 CFR 22; the Endangered Species Act of 1973 (16 U.S.C. 1531-1544), 50 CFR 17; the Migratory Bird Treaty Act (16 U.S.C. 703-712), 50 CFR 21; the Marine Mammal Protection Act (16 U.S.C. 1361, et seq.), 50 CFR 18; the Wild Bird Conservation Act (16 U.S.C. 4901-4916), 50 CFR 15; the Lacey Act: Injurious Wildlife (18 U.S.C. 42), 50 CFR 16; Convention on International Trade in Endangered Species of Wild Fauna and Flora (TIAS 8249), 50 CFR 23; General Provisions, 50 CFR 10; General Permit Procedures, 50 CFR 13; and Wildlife Provisions (Import/export/transport), 50 CFR 14.

Purpose: The collection of contact information is to verify the individual has an eligible permit to conduct activities which affect protected species. This helps USFWS monitor and report on protected species and assesses the impact of permitted activities on the conservation and management of species and their habitats.

Routine Uses: The collected information may be used to verify an applicant's eligibility for a permit to conduct activities with protected species; to provide the public and the permittees with permit related information; to monitor activities under a permit; to analyze data and produce reports to monitor the use of protected species; to assess the impact of permitted activities on the conservation and management of protected species and their habitats; and to evaluate the effectiveness of the permit programs. More information about routine uses can be found in the System of Records Notice, Permits System, FWS-21.

Disclosure: Response to the information requested in this form is voluntary. However, submission of requested information is required to process applications for permits authorized under the listed authorities. Failure to provide the requested information may be sufficient cause for the U.S. Fish & Wildlife Service to deny the request.

PAPERWORK REDUCTION ACT STATEMENT

We are collecting this information subject to the Paperwork Reduction Act (44 U.S.C. 3501) to provide the U.S. Fish and Wildlife Service the information needed to decide whether or not to allow the requested use and to respond to requests made under the Freedom of Information Act and the Privacy Act of 1974. The information that you provide is voluntary; however, submission of the requested information is required to evaluate the qualifications, determine eligibility, and document permit applicants. Failure to provide all required information is sufficient cause for the U.S. Fish and Wildlife Service to deny a permit. We may not conduct or sponsor, and you are not required to respond to a collection of information, unless it displays a currently valid OMB control number. OMB has approved this collection of information and assigned OMB Control No. 1018-0094.

ESTIMATED BURDEN STATEMENT

Public reporting for this collection of information is estimated to average 3 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Service Information Clearance Officer, U.S. Fish and Wildlife Service, 5275 Leesburg Pike, MS: PRB (JAO/3W), Falls Church, VA 22041-3803, or via email at Info_Coll@fws.gov. Please do not mail your completed form to this address.

FREEDOM OF INFORMATION ACT NOTICE (FOIA)

For organizations, businesses, or individuals operating as a business (i.e., permittees not covered by the Privacy Act), we request that you identify any information that should be considered privileged and confidential business information to allow the USFWS to meet its responsibilities under FOIA. Confidential business information must be clearly marked "Business Confidential" at the top of the letter or page and each succeeding page and must be accompanied by a non-confidential summary of the confidential information. The non-confidential summary and remaining documents may be made available to the public under FOIA [43 CFR 2.23 and 43 CFR 2.24].