

**1SUPPORTING STATEMENT A
FOR PAPERWORK REDUCTION ACT SUBMISSION**

**ENDANGERED AND THREATENED WILDLIFE,
EXPERIMENTAL POPULATIONS – GRIZZLY BEAR (50 CFR 17.84)
OMB Control Number 1018-New**

Terms of Clearance: This is a request for a new OMB control number in conjunction with information collection associated with our proposed rule (RIN 1018-BG89), Proposed Establishment of a Nonessential Experimental Population of Grizzly Bear in the North Cascades Ecosystem, Washington.

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

Individuals of designated experimental populations for species listed as threatened or endangered under the Endangered Species Act (ESA, 16 U.S.C. 1531 *et seq.*) are categorically protected. Documentation of human-related mortalities, recovery of dead specimens, animal husbandry actions necessary to manage the population, and other types of take related to the status of experimental populations is important for monitoring the success of reintroduction efforts and recovery efforts in general. To minimize potential conflict with humans that could undermine recovery efforts, livestock depredations connected with experimental populations of listed species require prompt attention for purposes of determining the location, timing, and nature of the predatory behavior involved, accurate determination of the species responsible for a livestock kill, and the timely application of necessary control measures. We collect information in nonform format. The information collection requirements are in 50 CFR 17.84.

We prepared proposed regulations (RIN 1018-BG89) to establish a nonessential experimental population (NEP) of the grizzly bear (*Ursus arctos horribilis*) in the North Cascades Ecosystem (NCE), under section 10(j) of the ESA. Establishment of this NEP is intended to support a proposed reintroduction of grizzly bears to the NCE and provide the prohibitions and exemptions under the Act necessary and appropriate to conserve that species within a defined NEP area. The geographic boundaries of the proposed NEP would include most of the State of Washington except for an area around the Selkirk Ecosystem Grizzly Bear Recovery Zone in northeastern Washington. The best available data indicate that reintroduction of the grizzly bear to the NCE as a NEP is biologically feasible and will promote the conservation of the species. We are seeking comments on this proposed 10(j) rule.

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.

Experimental populations established under section 10(j) of the ESA, as amended, require information collection and reporting to the U.S. Fish and Wildlife Service (Service, we). We collect information on the experimental populations listed in 50 CFR 17.84 to help further the recovery of the species and to assess the success of the reintroduced populations.

There are no forms associated with this information collection. We propose to collect the following information where we have authorized harassment or lethal take of experimental animals (e.g., depredation of livestock or guard dogs, or in defense of human life):

- **Appointment of Designated Agent** – A designated agent is an employee of a Federal, State, or Tribal agency that is authorized by the Service to conduct grizzly bear management. A prospective designated agent would submit a letter to the Service requesting designated agent status. The letter would include a proposal for the work to be completed and resume of qualifications for the work they wish to perform. The Service would then respond to the requester with a letter authorizing them to complete the work.
- **Reporting Requirements** – The respondents would notify the Service when an incident occurred, so there would be no set frequency for collecting the information. Other Federal agencies would provide the Service with the vast majority of the information on experimental populations under cooperative agreements for the conduct of the recovery programs. However, the public also would provide some information to the Service. Reporting parties would include, but would not be limited to, individuals or households, businesses, farms, nonprofit organizations, and State/local/Tribal governments. The Service would collect the information by means of telephone calls or emails from the public to Service offices specified in the individual regulations. Standard information collected would include:
 - Name, address, and phone number of reporting party.
 - Species involved.
 - Type of incident.
 - Take (quantity).
 - Location and time of reported incident.
 - Description of the circumstances related to the incident.

Some of these contacts would be necessary follow-up reports under rules where the Service has authorized deterrence or lethal take of experimental animals (e.g., livestock depredation or in defense of human life). The Service would collect information in three categories:

- **General take or removal.** This type of information relates to nonlethal take that does not result in the death of a grizzly bear, as well as human-related mortality including unintentional taking incidental to otherwise lawful activities (e.g., highway mortalities), animal husbandry actions authorized to manage the populations (e.g., translocation or providing aid to sick, injured, or orphaned individuals), take in defense of human life, take related to defense of property (if authorized), or take in the form of authorized deterrence.
 - o Lethal take must be reported within 24 hours to both the Resident Agent in Charge and either the Service's Grizzly Bear Recovery Coordinator or the Service's Washington Fish and Wildlife Office.
 - o Non-lethal must be reported within 5 days to either the Service's Grizzly Bear Recovery Coordinator or the Service's Washington Fish and Wildlife Office.
- **Depredation-related take.** This type of reporting involves take for management purposes where depredation of livestock or guard dogs is documented and may include authorized deterrence or authorized lethal take of experimental animals in the act of attacking livestock or guard dogs.
- **Recovery or reporting of dead individuals and specimen collection from experimental populations.** This type of information is for the purpose of documenting incidental or authorized scientific collection. Most of the contacts with the public would deal primarily with the reporting of sightings of experimental

population animals, or the inadvertent discovery of an injured or dead individual.

Memorandums of Understanding (MOUs) – The Service would establish MOUs with Federal, State, or Tribal authorities related to the necessary relocation of bears, authorize lethal take of bears within 100 yards (91 m) of legally present livestock or guard dogs if depredation has been confirmed by the Service or Washington Department of Fish and Wildlife (WDFW), when necessary for public safety, or to protect property. The Service would collect information in three categories:

- **Relocation of bears.** Authorized Service, Federal, State, or Tribal authorities may live-capture any grizzly bear occurring in the NEP area to improve grizzly bear survival or recovery. Authorized Service, Federal, State, or Tribal authorities may live-capture grizzly bears in proposed Management Zones 2 or 3 and transport and release those grizzly bears in a remote area (1) if they depredate legally present livestock, (2) if necessary to prevent unnatural use of food materials that have been reasonably secured from the bear, or (3) after aggressive (not defensive) behavior toward humans that constitutes a demonstrable immediate or potential threat to human safety and/or that results in a human injury. Additionally, authorized Service, Federal, State, or Tribal authorities may live-capture any grizzly bear occurring in proposed Management Zone 3 and transport and release bears as a preemptive action to prevent a conflict that appears imminent or in an attempt to break habituated behavior of bears lingering near human-occupied areas.
 - **Conditioned lethal take.** With prior written agreement from the Service, livestock owners may lethally take a grizzly bear within 100 yards (91 m) of legally present livestock in proposed Management Zones 2 and 3 if a depredation has been confirmed by the Service or an authorized agency. Additionally, the Service, or its designated agents, are authorized to issue prior written authorization to any individual to kill a grizzly bear in proposed Management Zone 3 when necessary for public safety or to protect property.
 - **Removal of grizzly bears involved in conflict.** Authorized Service, Federal, State, or Tribal authorities may lethally take a grizzly bear in the NEP area if is not reasonably possible to otherwise eliminate the threat by non-lethal deterrence or live capturing and releasing the grizzly bear unharmed in a remote area agreed to by FWS, WDFW, and the applicable land management agency and if the taking is done in a humane manner. Grizzly bears may be taken in self-defense or in defense of other persons, based on a good-faith belief that the actions taken were to protect the person from bodily harm.
- **Recovery or reporting of dead individuals and specimen collection from experimental populations.** This type of information would be for the purpose of documenting incidental or authorized scientific collection and surrender of grizzly bear carcasses as the result of lethal take. Most of the contacts with the public deal primarily would be with the reporting of sightings of experimental population animals, or the inadvertent discovery of an injured or dead individual.
 - **Obtaining Landowner/Land Management Entity Authorization** – Individuals requesting the written authorizations mentioned above must obtain authorization from the landowner or land management entity, where appropriate.

The Service would use the information described above to document the locations of reintroduced animals, determine causes of mortality and conflict with human activities so that

Service managers could minimize conflicts with people, and improve management techniques for reintroduction. The information would help the Service assess the effectiveness of control activities and develop means to reduce problems with livestock for those species where depredation is a problem. Service recovery specialists would use the information to determine the success of reintroductions in relation to established recovery plan goals for the threatened and endangered species involved.

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.

Each reported incident is unique and those individuals responding generally are able to communicate details verbally via telephone, facsimile, or in writing. Due to limitations in funding and staff time, we do not have any plans to create a system for electronic submission of reported incidents, or to make the information available to the public over the internet, which might actually take longer to use than a simple telephone call for most responders.

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.

Requested information is not available from any other source. We work with the U.S. Department of Agriculture/APHIS Division of Wildlife Damage Management, and other Federal agencies as necessary, when investigating or confirming information received regarding any of the experimental populations. There is some potential for duplication if someone contacts both the Service and another agency regarding an experimental animal, but generally there is sufficient information available to the public through interagency outreach efforts to make reporting well known. We work closely with cooperating agencies to minimize any duplication in reporting.

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

This collection will not have a significant impact on small entities. There are no required forms or formats for the information we collect. We collect only the minimum information necessary to describe the reported incident.

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.

The current frequency and extent of information collection are necessary to collect sick, injured, or dead individuals where appropriate in order to aid sick or injured individuals or determine the cause of death and assess health of the individual and the status of the experimental populations that have been introduced to suitable habitat as part of the species' recovery goals. The consequence of not collecting the information or reduced information collection would result in our inability to address the individuals' needs and/or measure the implementation of these particular recovery goals. There is no information already available that can be used in lieu of that supplied by the respondent.

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

We rely on prompt public reporting on the location of sick, injured, or orphaned individuals in order to implement the necessary animal husbandry and specimen collection activities. In cooperation with the USDA/APHIS Division of Wildlife Damage Management, or other cooperating Federal agencies, we rely on prompt public reporting of depredation in order to resolve livestock-related problems. Therefore, a time sensitive requirement for reporting problems (varies between 24 hours to 5 days, depending on type of report) to the appropriate Service office is necessary.

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.

We prepared proposed regulations (RIN 1018-BG89) to establish a nonessential experimental population (NEP) of the grizzly bear (*Ursus arctos horribilis*) in the NCE, under section 10(j) of

the ESA. A copy of the proposed rule is attached. The proposed rule solicits public comment for a period of 60 days on the information collection requirements described in this supporting statement.

Other outreach as part of the development of this proposed rule:

Federal Agencies: The National Park Service (NPS) is co-leading the effort with the Service to restore grizzly bears to the NCE recovery zone. We have been coordinating closely with the U.S. Forest Service on the draft EIS.

State and Local Agencies: The Washington Department of Fish and Wildlife (WDFW) has expressed support for a nonessential experimental status in order to allow management flexibility for the Services, the State (if and when applicable), Tribes, and local governments, and to promote social tolerance. We have reached out to Washington Department of Natural Resources, Washington State Parks, and the Washington State Governor's Office to offer informational briefings.

Tribal Governments: We have reached out to all Washington Tribes and Tribes in states adjacent to the grizzly bear recovery zones in the Northern Continental Divide and Greater Yellowstone Ecosystems (likely source populations for restoration efforts) to offer government-to-government consultation on both the overall topic grizzly bear restoration, and separately on the topic of 10(j) management possibilities. Consultation has been initiated with the Confederated Tribes of the Colville Reservation and the Yakama Nation and is being discussed with several other Tribes, including the Upper Skagit Indian Tribe and the Swinomish Indian Tribal Community.

Local Governments: We have reached out to county commissions in the counties contiguous to the NCE recovery zone to offer informational briefings

Other Stakeholders: In 2018, the Service met with representatives from 49 agencies and organizations to discuss a potential 10(j) experimental population rulemaking under the ESA. We considered the feedback from those meetings in drafting of the proposed 10(j) experimental population rule.

In 2022, the NPS and Service initiated the process for developing an EIS/Grizzly Bear Restoration Plan for the NCE. Four virtual public meetings were held during the scoping period. Public comments received regarding a 10(j) experimental population were taken into consideration for development of the proposed rule.

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 assurances of confidentiality. This collection does not constitute a system of records under the Privacy Act of 1974 because the records are neither about individuals nor retrieved by a unique identifier assigned to an individual. To the extent any personal information may be collected it would be handled in accordance with the Department of Interior Privacy Policy available at <https://www.doi.gov/privacy>.

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 anticipate receiving approximately **24 responses annually**, totaling **24 annual burden hours (rounded)**. We estimate the total dollar value of the annual burden hours for this collection to be **\$1,122 (rounded)**.

We used Table 1 in the Bureau of Labor Statistics (BLS) [News Release](#) USDL-23-0488, March 17, 2023, Employer Costs for Employee Compensation—December 2022, to calculate the total annual burden.

- Individuals – the hourly rate for all workers \$42.46, including benefits.
- Private Sector – the hourly rate for all workers as \$40.23, including benefits.
- Government – the hourly rate for all workers as \$57.60, including benefits.

This is a new experimental population; therefore, we do not have actual burden estimates at this time. We are reporting a placeholder of 1 response per requirement and will update these burden estimates with the accurate response rates with the first renewal of this collection.

	Number of Annual Respondents	Number of Responses Each	Total Annual Responses	Average Completion Time (Hours)	Total Annual Burden Hours*	\$ Value of Annual Burden Hours
<i>Appointment of Designated Agent</i>						
Individuals	1	1	1	30 mins (Reporting) 30 mins (Recordkeeping)	1	\$ 42.46
Private Sector	1	1	1	30 mins (Reporting) 30 mins (Recordkeeping)	1	40.23
State/Local/Tribal Govt	1	1	1	30 mins (Reporting) 30 mins (Recordkeeping)	1	57.60
<i>Notification – General Take or Removal (Lethal Take)</i>						

Individuals	1	1	1	30 mins (Reporting)	1	\$ 42.46
				30 mins (Recordkeeping)		
Private Sector	1	1	1	30 mins (Reporting)	1	40.23
				30 mins (Recordkeeping)		
State/Local/Tribal Govt	1	1	1	30 mins (Reporting)	1	57.60
				30 mins (Recordkeeping)		
Notification – General Take or Removal (Non-lethal Take)						
Individuals	1	1	1	30 mins (Reporting)	1	\$ 42.46
				30 mins (Recordkeeping)		
Private Sector	1	1	1	30 mins (Reporting)	1	40.23
				30 mins (Recordkeeping)		
State/Local/Tribal Govt	1	1	1	30 mins (Reporting)	1	57.60
				30 mins (Recordkeeping)		
Notification – Recovery or Reporting of Dead Specimen and Specimen Collection						
Individuals	1	1	1	30 mins (Reporting)	1	\$ 42.46
				30 mins (Recordkeeping)		
Private Sector	1	1	1	30 mins (Reporting)	1	40.23
				30 mins (Recordkeeping)		
State/Local/Tribal Govt	1	1	1	30 mins (Reporting)	1	57.60
				30 mins (Recordkeeping)		
Memorandums of Understanding – Relocation of Bears						
Individuals	1	1	1	30 mins (Reporting)	1	\$ 42.46
				30 mins (Recordkeeping)		
Private Sector	1	1	1	30 mins (Reporting)	1	40.23
				30 mins (Recordkeeping)		
State/Local/Tribal Govt	1	1	1	30 mins (Reporting)	1	57.60
				30 mins (Recordkeeping)		
Memorandums of Understanding – Conditioned Lethal Take						
Individuals	1	1	1	30 mins (Reporting)	1	\$ 42.46
				30 mins (Recordkeeping)		
Private Sector	1	1	1	30 mins (Reporting)	1	40.23
				30 mins (Recordkeeping)		
State/Local/Tribal Govt	1	1	1	30 mins (Reporting)	1	57.60
				30 mins (Recordkeeping)		
Memorandums of Understanding – Removal of Grizzly Bears						
Individuals	1	1	1	30 mins (Reporting)	1	\$ 42.46
				30 mins (Recordkeeping)		
Private Sector	1	1	1	30 mins (Reporting)	1	40.23
				30 mins (Recordkeeping)		
State/Local/Tribal Govt	1	1	1	30 mins (Reporting)	1	57.60
				30 mins (Recordkeeping)		
Landowner/Land Management Entity Authorization						
Individuals	1	1	1	30 mins (Reporting)	1	\$ 42.46
				30 mins (Recordkeeping)		
Private Sector	1	1	1	30 mins (Reporting)	1	40.23
				30 mins (Recordkeeping)		
State/Local/Tribal Govt	1	1	1	30 mins (Reporting)	1	57.60
				30 mins (Recordkeeping)		
TOTALS:	24		24		24	\$ 1,122.32

*Rounded to match ROCIS

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.

The only foreseeable nonhour burden cost to respondents would be a small cost for making a telephone call or sending a facsimile. However, we do not expect that this would occur often, and any costs would be negligible.

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 that the total cost to the Federal Government for receiving and processing the notifications as a result of this collection of information is **\$1,729 (rounded)**. We multiplied the hourly weighted salary rate (\$82.36) x total hours for Federal Government review (21) which results in an estimated annual cost to the Federal Government of \$1,729.56.

These costs are primarily for staff time to receive the notifications via phone calls or facsimiles, and to process the information contained in the notification. For each telephone call, we will write up a record of the telephone conversation. We will then process the information received in the facsimile or telephone call, and analyze the information to determine whether or not it has any significant impact on the affected experimental population.

Depending upon their geographic location, some employees are paid under a Federal salary table that includes locality pay. We used the 2023 Office of Personnel Management's Salary Tables as an average wage rate for each position listed. To calculate benefits, we multiplied the hourly rate by 1.61 in accordance with the BLS [News Release](#) USDL-23-0488. The time required for Federal Government employees to process and analyze the information contained in the notification will vary, but we estimate it will take an average of 1 hour per response.

<u>Position/Grade</u>	<u>Locality</u>	<u>Hourly Rate</u>	<u>Hourly Rate, Incl. Benefits (x 1.59)</u>	<u>Time Spent On Collection</u>	<u>Weighted Average</u>
Clerical (GS-07/05)	2023-SEA	\$ 28.20	\$ 45.40	5%	\$ 2.27
Professional/technical (GS-12/05)	2023-SEA	50.03	80.55	45%	36.25
Professional/technical (GS-13/05)	2023-RUS	53.49	86.12	45%	38.75
Grizzly Bear Recovery Coord. (GS-14/05)	2023-RUS	63.21	101.77	5%	5.09
Weighted Average (\$/hr)					\$ 82.36

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

This is a request for a new OMB control number in conjunction with information collection associated with our proposed rule (RIN 1018-BG89) as described in question 2 above.

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 is only for internal tracking and use. No publication of information is anticipated.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

This is a regulatory requirement. We will display the OMB Control Number and expiration date on appropriate documents.

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.