

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

**REGULATIONS FOR THE TAKING OF MIGRATORY BIRDS FOR
SUBSISTENCE USES IN ALASKA, 50 CFR PART 92
OMB Control Number 1018-0178**

Terms of Clearance: None.

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

The Migratory Bird Treaty Act (MBTA) of 1918 (16 U.S.C. 703-712) and the Fish and Wildlife Act of 1956 (16 U.S.C. 742d) designate the Department of the Interior as the agency responsible for: (1) managing migratory bird populations that occur in the United States and (2) setting harvest regulations that allow for the conservation of bird populations. These responsibilities include collecting geographic and temporal data on the harvest of migratory birds. The MBTA Protocol Amendment (1995) provided for the customary and traditional subsistence use of migratory birds and their eggs by Indigenous inhabitants of Alaska. The amendment did not intend to cause significant increases in the take of migratory birds relative to their continental population sizes. A letter of submittal (May 20, 1996) from the Department of State to the White House accompanied the amendment and specified the need for harvest monitoring. The letter stated that the U.S. Fish and Wildlife Service (Service), the Alaska Department of Fish and Game (ADF&G), and Alaska Native Organizations would cooperatively collect data to produce harvest estimates for subsistence eligible areas.

In 2000, the Service created the Alaska Migratory Bird Co-Management Council (AMBCC) to implement provisions of the MBTA amendment. The AMBCC is composed of representatives from the Service, the ADF&G, and regional Alaska Native partners. The AMBCC provides recommendations for harvest regulations and other topics related to harvest and conservation of migratory birds, and conduct harvest monitoring.

The take of migratory birds for subsistence uses in Alaska happens in the spring-summer season, which is not included in the framework for the fall-winter general hunting harvest regulations. Regulations governing the subsistence harvest of migratory birds in Alaska are located in title 50 of the Code of Federal Regulations (CFR) in Part 92. These regulations allow for the continuation of customary and traditional subsistence uses of migratory birds in Alaska and specify when and where the harvesting of birds may occur. The migratory bird subsistence harvest regulations are developed cooperatively.

Information collection currently authorized under the OMB approval number 1018-0178 includes three items directly related to Federal regulations for the spring-summer subsistence harvest of migratory birds in Alaska: (1) invitation of residents of non-eligible regions to participate in harvesting activities in the eligible regions; (2) household registration permit for harvest in the Cordova area; and (3) hunter registration permit for harvest in the Kodiak Island Roaded Area. Harvest monitoring associated to the Cordova and Kodiak permits are authorized under a separate OMB Control Number (1018-0124).

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.

1. **Invitation to Harvest** – Regulations at [50 CFR 92.5\(d\)](#) allow immediate family members living in excluded areas (spouse, children, parents, grandchildren, grandparents, and siblings; as defined in 50 CFR 92.4) of residents of eligible areas to participate in the spring-summer subsistence harvest of migratory birds in a village's subsistence area. The regulations specify that participation of residents of excluded areas in the spring-summer harvest of migratory birds in an eligible area must be pre-authorized by an invitation letter [50 CFR 92.5(d.1)], or for the Upper Copper River region a permit [50 CFR 92.5(d.2)], issued by a local Tribal Council within the harvest area. The invitation process involves 3 steps:

- **Local Tribal Councils issue invitation to harvest letters or permits** – The permit certifies that the prospective harvester is an immediate family member and is thereby authorized to assist family members in harvest migratory birds in a defined subsistence harvest area. The permit is valid for 2 years from the date of issuance.
- **Tribal Councils notify the AMBCC** – Tribal Councils will provide copies of all issued invitation to harvest letters and permits to the Executive Director of the AMBCC.
- **AMBCC notifies AK Regional Office of Law Enforcement** – Upon receiving copies of issued invitation to harvest letters or permits from Tribal Councils, the AMBCC Executive Director will inform the Service's Alaska Regional Office of Law Enforcement (AK-OLE) within 2 business days.

2. **Cordova Harvest Household Registration Permit** – The Service's final rule published on April 8, 2014 (RIN 1018-BA02; [79 FR 19454](#)) authorized spring-summer harvest of migratory birds by residents of the community of Cordova in the Gulf of Alaska region. On April 4, 2017, the regulations were updated to allow residents of the neighboring communities of Tatitlek and Chenega to harvest in the area defined for the Cordova harvest (RIN 1018-BB71; [82 FR 16298](#)). Local partners, including the Eyak Tribe and the U.S. Forest Service (USFS) Cordova Office-Subsistence Program, worked in close collaboration with the ADF&G Division of Subsistence to develop a household registration and harvest monitoring system using a post-season mail survey. Household registrations are issued by the Tribal Councils of the communities of Cordova, Tatitlek, and Chenega, as well as by the USFS Cordova Office. The registration form includes fields to write the permit holder's name, mailing address, and the names of other household members authorized to harvest under the registration. Registration data are securely disposed of after completion of the annual harvest data collection and analysis.

3. **Kodiak Island Roaded Area Experimental Season Permit** – On April 19, 2021, we issued a final rule (RIN 1018-BF08, [86 FR 20311](#)) that allows an experimental migratory bird hunting and egg gathering in the Kodiak Island Roaded Area in the Kodiak Archipelago Region of Alaska. We developed these regulations under a co-management process involving the Service, the ADF&G, and Alaska Native representatives. To protect species of

conservation concern, spring-summer subsistence hunting and egg gathering for Arctic terns, Aleutian terns, mew gulls, and emperor geese remain closed in the roaded area. These regulations include a permit and harvest reporting system developed in collaboration with the AMBCC local partner, the Sun'aq Tribe of Kodiak. Previous regulations closed the roaded area to all subsistence migratory bird hunting and egg gathering, but allowed these activities in adjacent marine waters beyond 500 feet from shore, including offshore islands, where access requires a watercraft. The intent of the 2021 rule was to allow residents of the Kodiak Archipelago Region the opportunity to participate in subsistence hunting activities without the need for a watercraft. The mandatory registration permit and reporting of hunter activity and harvest allow estimation of hunter participation, bird and egg harvest, and harvest composition. These data allow to evaluate and adjust the related harvest regulations.

The Sun'aq Tribe of Kodiak worked in close collaboration with the ADF&G Division of Subsistence to develop a permit and harvest monitoring system. Permits are issued by the Sun'aq Tribe of Kodiak to individual harvesters. The Sun'aq Tribe provides copies of issued permits to the ADF&G Division of Subsistence, which uses this information to manage the harvest reporting system. The permit includes fields to write the permit holder's name and mailing address. The permit also includes a map of the harvest area and description of the harvest regulations. Permit data are securely disposed of after completion of the annual harvest data collection and analysis.

NONSUBSTANTIVE REVISIONS TO FORMS:

Forms 3-2381-1 to 3-2381-4 were before built using the software InDesing. We rebuilt these forms using Microsoft Word to standardize the software used across all forms and facilitate access to diverse staff involved in this project. This process resulted in minor changes to the layout of forms for improved clarity and ease of use, and no changes were made to previously approved information to be collected.

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.

Access to internet and electronic resources is still limited in remote communities in Alaska. The AMBCC relies on input from its Indigenous partners on all aspects of developing and implementing harvest regulations. The collection of information often does not involve the use of electronic or other technological collection techniques. Tribal Councils and the AMBCC may submit information electronically via email, as appropriate. The Sun'aq Tribe of Kodiak has chosen to receive permit requests for the Kodiak Island Roaded Area harvest via an online form; the Tribe also uses phone and email for communication related to issuing permits.

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

The information collected in the Cordova household registration, Kodiak Island roaded area permit, and invitation to hunt letter/permit is unique to households and individuals. This

information applies specifically to the context of management of the subsistence harvest of migratory birds in Alaska. This information is not collected by or available from any other source.

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

This collection does not have a significant impact on small entities.

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.

Invitation to hunt: if we do not collect the information or if we collect the information less frequently, we would be unable to facilitate the Tribal Councils' designations of residents of excluded areas authorized to harvest in eligible areas. Collection of this information is needed for the Service's Alaska Regional Office of Law Enforcement to verify compliance with regulatory requirements.

Cordova registration and Kodiak Roaded Area permit: if we do not collect this information, we are unable to implement approved regulations intended to provide harvest opportunities and to ensure sustainability of populations of migratory birds.

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

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

There are no special circumstances that require the Service to collect this information in a manner inconsistent with OMB guidelines.

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 June 26, 2023, we published in the *Federal Register* ([88 FR 41410](#)) a notice of our intent to request that OMB approve this information collection. In that notice, we solicited comments for 60 days, ending on August 25, 2023. In an effort to increase public awareness of, and participation in, our public commenting processes associated with information collection requests, the Service also published the *Federal Register* notice on Regulations.gov (Docket No. [FWS-R7-MB-2023-0082](#)) to provide the public with an additional method to submit comments (in addition to the typical Info_Coll@fws.gov email and U.S. mail submission methods). We received one comment in response to that notice which did not address the information collection requirements. No response to that comment is required.

In addition to the *Federal Register* notice, we consulted with individuals (listed below) who are familiar with this collection of information to assess our time burden estimate and asked for comments on the questions below.

Organization

Alaska Dept of Fish and Game, Division of Wildlife Conservation
Alaska Department of Fish and Game, Division of Subsistence
Alaska Dept of Fish and Game, Division of Wildlife Conservation
Association of Village Council Presidents, Natural Resources
Chugach Regional Resources Commission
Chugach Regional Resource Commission
Native Village of Eyak, Dept of the Env. and Natural Resources
Sun'aq Tribe of Kodiak
Sun'aq Tribe of Kodiak

Title

Assistant Director
Research Director
Area Wildlife Biologist
Manager
Executive Director
Inter-Tribal Liaison
Director
Biologist
AMBCC Liaison

Invitation to Harvest

“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: Respondents felt that the information is necessary and has practical utility.

Respondents did not identify any questions they felt were unnecessary. One respondent seemed unfamiliar with the associated harvest regulations and processes and answered questions by asking several questions.

Agency Response/Action Taken: Potential changes and suggestions about this process and forms must be considered by the AMBCC Invitation to Harvest Committee including Indigenous partners and staff of the Service and the Alaska Department of Fish and Game. We compiled anonymized comments and questions and shared with members of the AMBCC Invitation to Harvest Committee.

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

Comments: Most respondents considered that the time estimated to complete the associated forms is adequate and two respondents considered it may be slightly overestimated.

Agency Response/Action Taken: We did not change times used for the burden estimate because most responses indicated it is adequate.

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

Comments: One respondent noted that wording used in forms sometimes referred to “hunting” and sometimes to “hunting and harvesting”.

Agency Response/Action Taken: We updated forms to use standard wording.

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

Comments: (a) One respondent suggested to use check boxes as much as possible and minimize written out responses. (b) One respondent suggested reducing the number of steps for transfer of information from 3 to 2. (c) One respondent suggested for USFWS staff to assist communities in completing forms and providing them to the AMBCC Executive Director, although he also recognized budget shortages.

Agency Response/Action Taken: (a) We did not feel appropriate to make more substantial changes to forms developed by AMBCC partners and Tribal organizations without consulting with them. (b) The number of steps is defined in harvest regulations collaboratively developed by AMBCC partners. (a), (b), and (c) We compiled anonymized comments and questions and shared with members of the AMBCC Invitation to Harvest Committee for their consideration.

Additional comments received during the outreach:

Comments: One respondent highlighted the importance of providing harvest opportunities for people residing out of eligible areas and flexibility on eligibility criteria.

Agency Response/Action Taken: This comment pertained to the nature of harvest regulations and not to a data collection process. We compiled anonymized comments and questions and shared with members of the AMBCC Invitation to Harvest Committee for their consideration.

Cordova Harvest Household Registration

“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: Respondents felt that the information is necessary and has practical utility. Respondents did not identify any questions they felt were unnecessary.

Agency Response/Action Taken: Not applicable.

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

Comments: Respondents considered that the time estimated to complete the associated forms is adequate.

Agency Response/Action Taken: Not applicable.

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

Comments: Respondents did not provide comments or suggestions.

Agency Response/Action Taken: Not applicable.

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

Comments: Respondents did not provide comments or suggestions.

Agency Response/Action Taken: Not applicable.

Additional comments received during the outreach:

Comments: One respondent asked for education of young generations about harvesting birds and their eggs.

Agency Response/Action Taken: This comment did not pertain to a data collection process. We compiled anonymized comments and questions and shared with members of the AMBCC Outreach Committee.

Kodiak Island Roded Area Permit

“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: Respondents felt that the information is necessary and has practical utility. Respondents did not identify any questions they felt were unnecessary.

Agency Response/Action Taken: Not applicable.

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

Comments: Respondents considered that the time estimated to complete the associated forms is adequate.

Agency Response/Action Taken: Not applicable.

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

Comments: Respondents did not provide comments or suggestions.

Agency Response/Action Taken: Not applicable.

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

Comments: Respondents did not provide comments or suggestions.

Agency Response/Action Taken: Not applicable.

Additional comments received during the outreach:

Comments: One respondent commented that AMBCC partners should discuss if a permit is needed after the experimental period of the hunt is completed, based on preliminary harvest assessment.

Agency Response/Action Taken: At this time, the experimental hunt is still in place and the period defined for preliminary harvest assessment was not yet completed. We compiled anonymized comments and questions and shared with members of the AMBCC Kodiak Island Roaded Area.

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

This information collection does 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 may be shared in accordance with the Privacy Act of 1974; the routine uses listed in System of Record Notices “Permits System-Interior, FWS-21” (September 4, 2003, [68 FR 52610](#); modifications published June 4, 2008, [73 FR 31877](#), and March 16, 2023, [88 FR 16277](#)), Migratory Bird Population and Harvest Systems-Interior, FWS-26” (May 28, 1999, [64 FR 29055](#); modification published March 16, 2023, [88 FR 16277](#)) ; and, as described in the Migratory Bird Data Repository and Harvest Information System Privacy Impact Assessment (PIA). We attached copies of SORNS and PIA to ICR in ROCIS.

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.

To date, the AMBCC Executive Director has received a total of two letters of invitation to hunt since the last revision of 50 CFR 92.5(d) in 2014 (79 FR 19454, April 8, 2014). We are using a placeholder value of 1 respondent for the IC related to the letters of invitation and for to the IC related to the permits. For the Kodiak Island Roaded Area permit, we are updating the expected number of responses from 200 to 100 based on the number of permits issued in recent years. For the Cordova household registration, we are updating the expected number of responses from 30 to 50 based on the number of registrations issued in recent years. We estimate **154 annual responses** totaling **42 burden hours** with this collection, resulting in an estimated annual dollar value of the burden hours of **\$1,869** (rounded).

We used the civilian workers category from Table 1 of Bureau of Labor Statistics (BLS) [News Release](#) USDL-23-1305, June 16, 2023, Employer Costs for Employee Compensation—March 2023, to calculate the cost of the total annual burden hours. Table 1 lists the hourly rates for individuals and government respondents as:

- Individuals – the table lists the hourly rate for all workers as \$43.07, including benefits.
- Government – the table lists the hourly rate for all workers as \$58.08, including benefits.

Table 12.1 – Burden Estimates

Requirement	Average Number of Annual Respondents	Average Number of Responses Each	Average Number of Annual Responses	Average Completion Time per Response	Estimated Annual Burden Hours*	Hourly Rate	\$ Value of Annual Burden Hours
<i>Tribal Council Invitation Letter (50 CFR 92.5)</i>							
Tribal Government	1	1	1	.5 Hour	1	\$ 58.08	\$ 58.08

Tribal Council Invitation Permit (50 CFR 92.5)							
Tribal Government	1	1	1	.5 Hour	1	58.08	58.08
Tribal Council Notification to AMBCC (50 CFR 92.5)							
Tribal Government	1	1	1	.5 Hour	1	58.08	58.08
AMBCC Notification to AK Region Office of Law Enforcement (50 CFR 92.5)							
Tribal Government	1	1	1	.5 Hour	1	58.08	58.08
Kodiak Island Roded Area Experimental Season Permit (50 CFR 92.31)							
Individuals	100	1	100	.25 Hour	25	43.07	1,076.75
Cordova Household Registration (50 CFR 92.31)							
Individuals	50	1	50	.25 Hour	13	43.07	559.91
Totals:	154		154		42		\$ 1,868.88

*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.

There is no non-hour cost burden to respondents. There are no fees associated with the invitation to hunt letter/permit, Cordova household registration, and Kodiak Island Roded Area permit.

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 cost to the Federal Government for law enforcement personnel to review documentation related to invitation to hunt letters/permit as **\$3,776** (rounded).

We used the Office of Personnel Management’s Salary Table [2023-AK](#) to determine the average hourly rates. In accordance with BLS [News Release](#) USDL-23-1305, we multiplied the hourly wages by 1.61 to account for benefits.

Position and Grade	Hourly Rate	Hourly Rate (incl. benefits)	Total Annual Hours	Annual Cost
Supervisory Biologist (GS-15/5)	\$ 83.80	\$ 134.92	10	\$ 1,349.20
Federal Law Enforcement Officer (GS 13/5)	60.29	97.07	25	2,426.75
			Totals:	\$ 3,775.95

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

With this submission, we are reporting a discretionary change in estimate of -80 annual responses and -20 annual burden hours.

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.

We will not publish any information.

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.

The OMB control number and expiration date will be displayed on the forms.

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.