

FWS-21 Permits System

68 FR 52610, September 4, 2003; Modification published 73 FR 31877, June

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Privacy Act of 1974, As Amended; Revision of a System of Records

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed revisions to an existing system of records.

SUMMARY: The Department of the Interior (DOI) is issuing public notice of a system of records in its current inventory, Permits System--Interior, FWS-21, Act of 1974. This action is necessary to meet the requirements of the Privacy Act of 1974. This action is necessary to meet the requirements of the Privacy Act notice in the Federal Register of amended systems of records. A notice on this system was previously published in the Federal Register on December 6, 1983, (48 FR 60000). The agency is updating information on the system and adding new information on records, purposes, routine uses, and procedures.

DATES: Comments on this revised system of records must be received on or before September 4, 2003.

ADDRESSES: Address all comments on this revised system of records to U.S. Fish and Wildlife Service, Privacy Act Officer, Mail Stop 222, Arlington Square Building, 4401 Rte. 1, Arlington, Virginia 22203, or by email at Johnny_Hunt@fws.gov.

FOR FURTHER INFORMATION CONTACT: Mr. Johnny R. Hunt, Service Privacy Act Officer, Fish and Wildlife Service, telephone: (703) 358-1730, or fax: (703) 358-2269.

SUPPLEMENTARY INFORMATION: The U.S. Fish and Wildlife Service's (FWS) collects information to establish and verify an applicant's eligibility for a permit to engage in activities with wildlife and plants under various Federal wildlife laws and treat

would be released to the Department of Justice. We also propose to modify r subject matter experts that provide advice on the issuance of permits; Federal foreign wildlife and plant agencies for the exchange of permitting information; in the breeding of endangered or threatened species under Captive-bred Wildlife appropriate authorities and others who need to know who is permitted to receive sick, orphaned, and injured migratory birds; appropriate agencies when we need activities conducted under a permit or evaluate regulated trade and use; a copy response to an inquiry an individual has made; the General Accounting Office the information is required for the evaluation of the permit programs; and conduct consultations to accomplish a FWS function related to this system. The expansion not require new information to be collected.

The Privacy Act (5 U.S.C. 552a(e)(11)) requires that the public be provided a period in which to comment on the intended use of the information in the system of record. Management and Budget (OMB), in Circular A-130, requires an additional 10 days (out of 40 days) in which to make these comments. Any persons interested in commenting on the proposed system notice may do so by submitting comments in writing as indicated under ADDRESSES. Comments received within 40 days of publication will be considered. The system will be effective as proposed at the end of the comment period, unless we receive comments that would require a contrary determination. We will publish a revised notice of changes based on our review of comments received.

Dated: August 29, 2003.

John D. Kraus,

Chief, Division of Policy and Directives Management, U.S. Fish and Wildlife Service

INTERIOR/FWS-21

SYSTEM NAME:

Permits System.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

The records are stored at the following offices of the U.S. Fish and Wildlife Service:

- (1) For the Endangered Species Program:
 - (a) Regional Endangered Species Offices (see 50 CFR 2.2 for addresses)
 - (b) Division of Consultation, HCPs, Recovery and State Grants and Administration, Office of Conservation and Classification, Endangered Species Program, Wildlife Service, Mail Stop 420 Arlington Square Building, 4401 N. Lynn Street, Arlington, Virginia 22203

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records are maintained on applicants who seek permits to conduct certain wildlife and plants protected and/or regulated under the following Federal law: Golden Eagle Protection Act, Convention on International Trade in Endangered Fauna and Flora, Endangered Species Act, Marine Mammal Protection Act, Lacey Act, and Wild Bird Conservation Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

The records contain the name, address, date of birth, Social Security Number and work phone numbers, facsimile number, and email address of someone who holds a permit. For eagle permits for Native American religious purposes, the records also contain the applicant's affiliation and, at the applicant's discretion, religious ceremony. The records also contain the applicant's qualifications (such as, education and experience), the location and purposes of the proposed activity, and reports of activities conducted under a permit. The records also include documents that reflect the general administrative processing of the application, including public review required by certain laws, including comments received; our consultants and contractor matter experts, including but not limited to experts within the FWS and in State and foreign agencies, for the purpose of obtaining scientific, management, and legal advice; and the evaluation of information to make a decision on an application for a permit, and the activities that occur under a permit. Although the system contains records on corporate and other business entities including Tax Identification Number, only records containing information on individuals are subject to the Privacy Act.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d); Migratory Bird Treaty Act (16 U.S.C. 703-712); Marine Mammal Protection Act (16 U.S.C. 1361-1407); Endangered Species Act (16 U.S.C. 1531-1544); Wild Bird Conservation Act (16 U.S.C. 4901-4916); and Lacey Act (18 U.S.C. 42), and Title 50, parts 10, 13, 14, 15, 16, 17, 18, 21, 22, and 23 contain Regulations.

PURPOSE(S):

The purposes are to establish and verify an applicant's eligibility for a permit to conduct activities which affect wildlife and plants protected under a number of Federal wildlife laws; to produce reports to monitor the use and trade in protected wildlife and plants; and to assess the impact of permitted activities on the conservation and management of species.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING IDENTIFICATION OF THE USERS AND THE PURPOSES OF SUCH USES:

The FWS is the primary user of the system, and the primary uses of the records are:

- (1) To establish and verify an applicant's eligibility for a permit to conduct activities which affect protected wildlife and plants under a number of conservation laws and regulations;
- (2) To provide the public and permittees with permit-related information.

- (1) To subject matter experts, including but not limited to experts in State and foreign agencies, for the purpose of obtaining scientific, management, and information relevant to making a decision on an application for a permit.
- (2) To the public as a result of publishing Federal Register notices and responses to permit applications for public comment or notice of the decision on a permit application.
- (3) To Federal, State, local, or foreign wildlife and plant agencies for the purpose of providing information on permits granted or denied to assure compliance with all requirements.
- (4) To Captive-bred Wildlife registrants under the Endangered Species Act; and to new developments and techniques of captive breeding of these protected species.
- (5) To Federal, State, and local authorities who need to know who is permitted to capture and rehabilitate sick, orphaned, and injured birds under the Migratory Bird Conservation Act; Bald and Golden Eagle Protection Act; federally permitted rehabilitators; and a permitted rehabilitator with whom to place a sick, injured, or orphaned bird; and licensed veterinarians who receive, treat, or diagnose sick, orphaned, and injured birds.
- (6) To the Department of Justice (DOJ), or a court, adjudicative, or other authority, or to a party in litigation before a court or adjudicative or administrative proceeding:
 - (a) One of the following is a party to the proceeding or has an interest in the proceeding:
 - (i) The DOI or any component of the DOI;
 - (ii) Any DOI employee acting in his or her official capacity;
 - (iii) Any DOI employee acting in his or her individual capacity and the DOI or DOJ has agreed to represent the employee; or
 - (iv) The United States, when DOI determines that DOI is likely to be affected by the proceeding; and
 - (b) The DOI deems the disclosure to be:
 - (i) Relevant and necessary to the proceedings; and
 - (ii) Compatible with the purpose for which we compiled the information.
- (7) To the appropriate Federal, State, tribal, local, or foreign government agency responsible for investigating, prosecuting, enforcing, or implementing a regulation, order, or license, when we become aware of an indication of potential violation of the statute, rule, regulation, order, or license, or when we monitor activities conducted under a permit or evaluate regulated wildlife use.
- (8) To a congressional office in response to an inquiry to the office by the public if the record pertains.
- (9) To the General Accounting Office or Congress when the information is requested for the evaluation of the permit programs.
- (10) To a contractor, expert, or consultant employed by the FWS when the contractor, expert, or consultant is to accomplish a FWS function related to this system of records.
- (11) To provide addresses obtained from the Internal Revenue Service

(c) The disclosure is made to such agencies, entities, and person to assist in connection with the Department's efforts to respond to confirmed compromise and prevent, minimize, or remedy such ha

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Pursuant to 5 U.S.C. 552a(b)12, disclosures may be made from this system to agencies as they are defined in the Fair Credit Reporting Act (15 U.S.C. 1681) and the Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in file folders, on microfiche, in electronic form in computer reports and computer printouts. Paper records are stored in file cabinets, room. Electronic records are stored on a computer server and disks or tapes.

RETRIEVABILITY:

Paper and microfiche records are retrieved by name of applicant or by permit number. Electronic records may be searched on or reported by any data field. Retrieval is based on the report or purpose of usage and whether a need to know exists. Records are retrieved for several purposes, such as processing a permit application, verifying a permit to conduct an activity with a protected species, and tracking whether permits have been submitted.

SAFEGUARDS:

Access to records in the system is limited to authorized personnel whose official duties require such access, under requirements found in the Code of Federal Regulations (48 CFR) and microfiche records are maintained in locked metal file cabinets and/or in locked drawers. Electronic records are password-protected, backed up daily, and maintained in accordance with meeting the security requirements of 43 CFR 2.51.

RETENTION AND DISPOSAL:

Records are maintained in accordance with the FWS record schedule.

SYSTEM MANAGER(S) and ADDRESS(ES):

(1) Chief, Division of Consultation, HCPs, Recovery and State Grants, Conservation and Classification, Endangered Species Program, U.S. Fish and Wildlife Service, Mail Stop 420 Arlington Square Building, 4401 North Fairfax Drive, Arlington, Virginia 22203.

(2) Chief, Division of Management Authority, U.S. Fish and Wildlife Service, Arlington Square Building, 4401 North Fairfax Drive, Arlington, Virginia

RECORD ACCESS PROCEDURES:

For copies of your records, write to the pertinent System Manager at the local request envelope and letter should be clearly marked "PRIVACY ACT REQUEST". A request for access must meet the content requirements of 43 CFR 2.63(b)(

CONTESTING RECORD PROCEDURES:

Use the same procedures as "Records Access Procedures" section above. (

RECORD SOURCE CATEGORIES:

Records come from individuals who apply for permits to conduct certain activities involving wildlife and plants.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

The Privacy Act at 5 U.S.C. 552a(j)(2) provides general exemption authority for records. Under that authority, the FWS adopted a regulation [43 CFR 2.79(b)] regulation, the system is exempt from the following subsections of the Privacy Act (5 U.S.C. 552a): subsections (d)(1) and (g)(1)(B). For more information, see Federal Register publication 40 FR 37217 published on August 26, 1975