

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

### **Regulatory Authorizations for Migratory Bird and Eagle Possession by the General Public, Educators, and Government Agencies; 50 CFR 21 and 22 OMB Control Number **1018-0200****

**Terms of Clearance:** None. This is a request for a new control number in conjunction with RIN 1018-BC76, “Regulatory Authorizations for Migratory Bird and Eagle Possession by the General Public, Educators, and Government Agencies.” Changes made to this Supporting Statement A since OMB’s approval at the proposed rule stage are highlighted in yellow.

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

The U.S. Fish and Wildlife Service (Service) is the Federal agency delegated with the primary responsibility for managing migratory birds, including bald eagles and golden eagles. Our authority derives primarily from the Migratory Bird Treaty Act (MBTA, 16 U.S.C. 703 *et seq.*), which implements conventions with for Canada, Mexico, Japan, and the Russian Federation. The MBTA protects certain migratory birds from take, except as permitted under the MBTA. We implement the provisions of the MBTA through regulations in parts 10, 13, 20, 21, and 22 of title 50 of the Code of Federal Regulations (CFR). Regulations pertaining to migratory bird permits are set forth at 50 CFR part 21. In addition, the Bald and Golden Eagle Protection Act (Eagle Act; 16 U.S.C. 668–668d) prohibits take of bald eagles and golden eagles except pursuant to Federal regulations. The Eagle Act authorizes the Secretary of the Interior to issue regulations to permit the “taking” of eagles for various purposes, including the protection of “other interests in any particular locality” (16 U.S.C. 668a), provided the taking is compatible with the preservation of eagles. Regulations pertaining to eagle permits are set forth at 50 CFR part 22.

The Service has long authorized activities under regulatory authorizations. The origins of the regulatory authorization that provides for “general exceptions to permit requirements” (50 CFR 21.12) can be traced back to 1944. This rulemaking improves organization and transparency of the regulations that set forth regulatory authorizations. We also include new regulatory authorizations, expanding the activities that do not require a permit both because they are well suited to straightforward eligibility criteria and because they are likely to have no or negligible impact on migratory bird populations and conservation. Finally, we modify the limitations on permits under the Airborne Hunting Act regulations (50 CFR part 19) to support emerging uses of technology for bird conservation.

**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.**

This rulemaking revises existing regulatory authorizations, adds new regulatory authorizations, and amends various provisions in the regulations governing the take and possession of migratory birds (50 CFR part 21) and eagles (50 CFR part 22). Regulatory authorizations are regulations that establish eligibility criteria and conditions without requiring a permit to conduct those activities. Regulatory authorizations are best suited for activities that have straightforward eligibility criteria and well-established conditions and pose a low risk to migratory bird

populations. The Service uses regulatory authorizations to authorize the take or possession of migratory birds by entities or individuals acting in their personal capacity. We may include mandatory or recommended conditions and recordkeeping, reporting, and inspection requirements. Otherwise, regulatory authorizations have a relatively low administrative burden as they do not require obtaining a permit from the Service prior to conducting an activity. Entities and individuals acting in their personal capacity who are eligible for a regulatory authorization must comply with any required conditions, including recordkeeping and reporting requirements, and are subject to enforcement for noncompliance.

The information that we collect is the minimum necessary for us to determine if the applicant meets/continues to meet issuance requirements and that authorized activities are consistent with the Service's obligations under the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The new information collections identified are subject to approval from the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA; 44 U.S.C. 3501 *et seq.*):

**1) *Written Petitions – Request for Waiver from Disqualification (50 CFR 21.5)***

A conviction, or entry of a plea of guilty or nolo contendere, for a felony violation of the Lacey Act (18 U.S.C. 42, as amended), the Migratory Bird Treaty Act (16 U.S.C. 703–712), or the Bald and Golden Eagle Protection Act (16 U.S.C. 668–668d) disqualifies any such person from exercising the authorization granted by regulation or permit under part 21, unless such disqualification has been expressly waived by the Director in response to a written petition. This disqualification is lifted when the required reports are submitted unless the Service notifies the person in writing of permanent disqualification due to repeated or extended failure to meet reporting requirements.

**2) *Obtaining Landowner Permission to Access Land (50 CFR 21.16)***

The regulations in this section authorize salvage activities and provide an exception to permit requirements for these activities. Any person may salvage migratory bird specimens under the conditions set forth in this section. Specimens include whole birds found dead, parts, feathers, inactive nests, and nonviable eggs. This authorization does not apply to live birds, viable eggs, or in-use nests. This authorization does not grant land access. Authorized individuals requiring access are responsible for obtaining permission from landowners when necessary and for complying with other applicable laws. This authorization is not intended for individuals actively searching for dead birds, such as for scientific research.

**3) *3<sup>rd</sup> Party Notifications – National Eagle Repository (50 CFR 21.16)***

The National Eagle Repository (Repository) is responsible for determining whether salvaged eagle remains must be sent to the Repository or distributed to others. Eagle specimens include a whole bald eagle or golden eagle (eagle), part of an eagle (e.g., wing or tail), or feathers. Authorized individuals who salvage eagle specimens must immediately contact the Repository and follow the Repository's instructions on transferring the eagle, parts, or feathers to the Repository.

**4) *3<sup>rd</sup> Party Notifications – Transfer of Live Migratory Birds (50 CFR 21.20)***

The regulations in this section authorize any person who finds a sick, injured, or orphaned migratory bird, including bald eagles and golden eagles, to take possession of the bird for immediate transport to a licensed veterinarian or federally permitted migratory bird rehabilitator. Within 48 hours after hospitalization is no longer required, live migratory birds must be transferred to a federally permitted migratory bird

rehabilitator. If unable to transfer a bird within that time, authorized individuals must contact their regional migratory bird permit office for assistance in locating a permitted migratory bird rehabilitator, authorization to continue care, or a recommendation to euthanize the bird.

**5) 3<sup>rd</sup> Party Notifications – Endangered and Threatened Wildlife (50 CFR 21.22)**

Licensed veterinarians must notify the appropriate Ecological Services Office within 24 hours of receiving a migratory bird that is also on the List of Endangered and Threatened Wildlife (50 CFR 17.11).

**6) Requests for Written Authorization – National Eagle Repository (50 CFR 22.15)**

The regulations in this section authorize public museums, public scientific societies, and public zoological parks to possess lawfully acquired eagle specimens, including whole bird specimens, parts, feathers, inactive nests, and nonviable eggs, for conservation education purposes. Bald eagle and golden eagle specimens must be acquired from persons authorized by permit or regulatory authorization to possess and donate them. Authorized individuals are responsible for ensuring specimens were legally acquired. Eagle specimens salvaged after the effective date of the final rule must have written authorization from the National Eagle Repository for exhibition use.

**7) Agency Designation Letter (50 CFR 21.34)**

The regulations in this section authorize employees of Federal, State, Territorial, and federally recognized Tribal natural resource agencies to conduct the following activities while performing their official duties without a permit: salvage, exhibition use, transport, and relocation. Individuals under the direct supervision of an agency employee (e.g., volunteers or agents under contract to the agency) may, within the scope of their official duties, conduct the activities authorized by this authorization. An authorized individual must have a designation letter from the agency describing the activities that may be conducted by the individual and any date and location restrictions that apply.

**8) Law Enforcement Authorization (50 CFR 21.40)**

The regulations in this section authorize law enforcement personnel who enforce provisions of the MBTA or Eagle Act to take, acquire, possess, transport, and dispose of migratory birds, whether alive or dead, including their parts, nests, or eggs, while performing official duties and without a permit. Law enforcement personnel may designate non-law-enforcement personnel to acquire, possess, transport, or dispose of migratory birds on the behalf of law enforcement under this authorization. This designation includes recording the name and contact information of the individual designated, dates valid, activities authorized, and name and contact information of the authorizing agent.

**9) 3<sup>rd</sup> Party Notifications – Federally Permitted Rehabilitator (50 CFR 21.14, 21.34)**

Authorized individuals must immediately contact a federally permitted migratory bird rehabilitator and follow the rehabilitator's instructions when:

- § 21.14 – Any birds removed by trapping must be immediately released to the wild in a humane and healthful manner. However, for any bird that becomes exhausted, ill, injured, or orphaned, the authorized individual must immediately contact a federally permitted migratory bird rehabilitator and follow the rehabilitator's instructions.
- § 21.14 – Authorized individuals may remove nests, eggs, and nestlings from the

interior of a human-occupied building or structure. They are encouraged to seek the assistance of a federally permitted migratory bird rehabilitator or their regional Migratory Bird Permit Office prior to removing eggs or nestlings.

- § 21.34 – Natural resource agency employees may transport sick, injured, or orphaned birds in accordance with § 21.76(a). If transport is not feasible within 24 hours, they must follow the instructions of a federally permitted migratory bird rehabilitator to provide supportive care, retain in an appropriate enclosure for up to 72 hours, or euthanize the bird(s).

#### **10) Tagging Requirements (50 CFR 21.16, 21.18, 22.15)**

Several regulations in this rulemaking require authorized individuals to tag specimens for identification:

- § 21.16 – Specimens intended for donation must be tagged with the species, date, location of salvage, and the name and contact information of the person who salvaged the specimen. The tag must remain with the specimen.
- § 21.18 – Each migratory bird specimen must remain tagged with the species, date, location, name of the donor, and donor's authorization for acquisition. Specimen tags may be temporarily removed during educational programs.
- § 22.15 – Each eagle specimen must remain tagged with the species, date, location, name of the donor, and the donor's authorization for acquisition. Specimen tags may be temporarily removed during educational programs.

#### **11) Law Enforcement Notifications (50 CFR 21.16, 21.32)**

Several regulations in this rulemaking require authorized individuals to notify the Office of Law Enforcement if illegal activity is suspected:

- § 21.16 – Authorized individuals must notify the Service Office of Law Enforcement prior to salvaging the birds if they suspect birds were purposefully illegally killed or if five or more birds are found dead.
- § 21.32 – Authorized individuals investigating mortality events must notify the Service Office of Law Enforcement if illegal activity is suspected.

#### **12) Verification of Legal Acquisition (50 CFR 21.18, 22.15)**

Several regulations in this rulemaking require authorized individuals to verify that specimens were obtained legally:

- § 21.18 – Migratory bird specimens must be acquired from person(s) authorized by permit or regulatory authorization to possess and donate them. Authorized individuals are responsible for ensuring specimens were legally acquired.
- § 22.15 – Bald eagle and golden eagle specimens must be acquired from person(s) authorized by permit or regulatory authorization to possess and donate them. Authorized individuals are responsible for ensuring specimens were legally acquired.

#### **13) Records Retention Requirements (50 CFR 21.16, 21.18, 21.22, 22.15)**

Regulations in this rulemaking require authorized individuals to maintain records of activities conducted under their authorization:

- § 21.16 – Authorized individuals must maintain records of all donated birds, including eagles sent to the National Eagle Repository, for 5 years. Records must include species, specimen type, date, location salvaged, and recipient. At any reasonable time upon request by the Service, the authorized individual must allow the Service to inspect any birds held under this authorization and to review any records kept.

- § 21.18 – Authorized individuals must maintain accurate records of operations on a calendar-year basis and retain these records for 5 years. Records must reflect how the individual meets the eligibility criteria for this authorization, the programs conducted, each specimen in possession, and, if applicable, specimen disposition. At any reasonable time upon request by the Service, the authorized individual must allow the Service to inspect any migratory bird specimens held under this regulatory authorization and review any records kept.
- § 21.22 – Licensed veterinarians must keep records for 5 years of all migratory birds held and treated under this authorization, including those euthanized. Records must include the species of bird, the type of injury, the date of acquisition, disposition (e.g., live bird transferred, remains destroyed, or remains donated), and, if the bird died in their care, the date and cause of death. Upon an inspection report, authorized individuals must present available specimens and records at any reasonable time.
- § 21.34 – Agencies must keep records for 5 years of activities conducted under paragraphs (a)(2) through (a)(4) of this section. The records must include the species and number of birds, the type of activity, date, and disposition.
- § 22.15 – Authorized individuals must maintain accurate records of operations on a calendar-year basis and retain these records for 5 years. Records must reflect how the authorized individual meets the eligibility criteria for this authorization, the programs conducted, each specimen in possession, and, if applicable, specimen disposition. At any reasonable time upon request by the Service, the authorized individual must allow the Service to inspect any migratory bird specimens held under this regulatory authorization and review any records kept.

**14) 3<sup>rd</sup> Party Notifications – Educational Programs (50 CFR 21.18)**

Several regulations in this rulemaking require specimens to be available for educational purposes:

- § 21.18 – Migratory bird specimens must be used for public conservation educational programs or held for public archival purposes. Programs must include information about migratory bird ecology, biology, or conservation. Specimens held for archival purposes must be properly archived and readily accessible to the public for research purposes.
- § 22.15 – Eagle specimens must be used for public educational programs or held for public archival purposes. Programs must include information about eagle ecology, biology, or conservation. Specimens held for archival purposes must be properly archived and readily accessible to the public for research purposes.

**15) Notification Requirement – Current Authorizations (50 CFR 21.18) NEW**

So that we may better understand the number and types of entities operating under the current exhibition exception, we request that entities currently operating under 50 CFR 21.12(b)(1) email the Service by [INSERT DATE 60 DAYS AFTER THE DATE OF FEDERAL REGISTER PUBLICATION] with the following information: (1) the entity name, physical address, and, if different, mailing address; (2) the name, title, and contact information of the principal officer who is in charge of the organization; (3) the name, title, and contact information of the primary contact the Service should use, if different than the principal officer; and (4) the following statement: “This entity is currently operating under the permit exception at 50 CFR 21.12(b)(1) and intends to continue operating under the conditions of this exception until the Service publishes exhibition regulations.”

The Service will use this information to contact those entities once the new exhibition regulations are final.

**Reporting Requirement – Federal Bird Bands (50 CFR 21.16)**

Authorized individuals who encounter a migratory bird with a Federal band must report the band to the U.S. Geological Survey Bird Banding Laboratory. **NOTE:** This requirement, referenced in Service regulations as a requirement in § 21.16, is already approved by OMB under Control No. 1028-0082. The burden is not included in this submission.

**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.**

This is a nonform collection. Information collection requirements requiring designation letters or authorizations may be completed via email.

**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 Service is the Federal agency delegated with the primary responsibility for managing migratory birds, including bald eagles and golden eagles under the MBTA. The information that we collect is not 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.**

We collect only the minimum information necessary to establish eligibility of individuals for migratory bird and eagle possession under regulatory authorizations.

**6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.**

If we do not collect the information, or if we collect the information less frequently, we would be unable to implement many Federally mandated wildlife protection programs.

**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 requiring collection of the 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 1, 2023, we published in the *Federal Register* a proposed rule (RIN 1018-BC76, [88 FR 35809](#)) soliciting the necessary information to authorize possession of migratory birds and eagles under the MBTA. A copy of the proposed rule is attached. The proposed rule solicited public comment for a period of 60 days on the information collection requirements described in this supporting statement, ending on July 31, 2023.

The Service received 12 unique letters, which contained 59 distinct comments, on the proposed rule. The following section contains the substantive public comments we received on the proposed rule and our responses. Where appropriate, we explain why we did or did not incorporate the changes suggested by the commenters into this final rule. Not included are the many comments providing general support for provisions of the rulemaking. Likewise, we do not include summaries of any comments providing general opposition, unless they contain suggestions for improvement. We also do not respond to comments that we considered to be outside the scope of this rulemaking.

### **Birds in Buildings**

**Comment:** How should the public locate a federally permitted rehabilitator?

*Response:* The Service maintains a map of federally permitted migratory bird rehabilitators. This map can be found by visiting the migratory bird permits webpage (<https://www.fws.gov/program/migratory-bird-permits/living-around-birds>) or the Service's arcgis webpage (<https://fws.maps.arcgis.com/>) and selecting "Find a Migratory Bird Rehab Facility."

**Comment:** How can the public access the proper guidelines for euthanasia and the drugs or equipment necessary?

*Response.* The American Veterinary Medical Association Guidelines for the Euthanasia of Animals is readily available online at <https://www.avma.org/resources-tools/avma-policies/avma-guidelines-euthanasia-animals> with free public access.

**Comment:** The Service should consider developing a voluntary self-reporting tool for birds removed under the birds-in-buildings authorization.

**Agency Response:** The Service recognizes the value in information relating to the take of migratory birds; however, we must also balance the value of information collection with the time and cost burden of that collection. We are revising an existing regulation that did not previously have a reporting requirement and we did not propose a new reporting requirement. As the Service continues to develop the technology for easy, online reporting, we may consider changing our approach in the future.

### **Salvage Authorization**

**Comment:** Members of the public should consult with the Service or appropriate State agencies prior to disposal of dead migratory birds if high mortalities are encountered.

**Agency Response:** As stated in § 21.16(f), any person salvaging birds must notify the Service Office of Law Enforcement if five or more birds are found dead.

**Comment:** The Service should develop a list of institutions willing to accept salvaged bird specimens and make it available online.

**Agency Response:** At this time, we are unable to post a comprehensive list of those entities authorized to receive donated birds; however, the regional Migratory Bird Permit Offices can respond to inquiries from the donors or the recipients to assist with determining eligibility.

### **Exhibition Use of Specimens Authorization**

**Comment:** There should not be an annual reporting requirement for educational use of specimens under § 21.18.

**Agency Response:** The Service did not propose an annual reporting requirement. The proposed and final rule requires that records be maintained and be available upon request as outlined in § 21.18(g).

**Comment:** This rule removes Service oversight and control over the collection, keeping,



transferring, and displaying of migratory birds, which could be misused and exploited.

**Agency Response:** The regulations pertain to the exhibition use of migratory bird specimens. The Service did not propose nor does this rule change any requirements regarding collection or take of live birds from the wild. As with any regulation, there is the potential for misuse or exploitation. Restricting possession under this regulatory authorization to government agencies and nonprofit organizations limits that potential and is a minimal extension beyond what was previously authorized under § 21.12(b)(2).

**Comment:** Clarify what eliminating the general authorization to possess live birds means for exempt facilities.

**Agency Response:** Any entity currently operating under § 21.12(b)(1) may continue activities currently authorized by the regulatory authorization until the Service finalizes a rulemaking regarding the exhibition of live migratory birds and eagles for educational purposes (RIN 1018–BF58). Once the educational use rulemaking is finalized, those entities would need to comply with the new regulations.

To continue authorization, entities currently operating under § 21.12(b)(1) should email the Service at [migbirdpermits@fws.gov](mailto:migbirdpermits@fws.gov) by [INSERT DATE 60 DAYS AFTER THE DATE OF FEDERAL REGISTER PUBLICATION] with the following information: (1) the entity name, physical address, and, if different, mailing address; (2) the name, title, and contact information of the principal officer who is in charge of the organization; (3) the name, title, and contact information of the primary contact the Service should use, if different than the principal officer; and (4) the following statement: “This entity is currently operating under the permit exception at 50 CFR 21.12(b)(1) and intends to continue operating under the conditions of this exception until the Service publishes exhibition regulations.” This information will be used by the Service primarily to contact entities once the new regulations are final; however, the Service may also use this information to better understand the number and types of entities currently operating under this exception.

### **Exhibition Use of Eagle Specimens Authorization**

**Comment:** Can the Service make it easier and more efficient for agencies and the general public to provide eagle specimens to the National Eagle Repository and clarify who makes the determination that an eagle specimen is not suitable for Native American distribution?

**Agency Response:** This rule provides the authority for agencies and the public to salvage and ship eagle specimens to the National Eagle Repository without first obtaining a permit. The Repository provides instructions for obtaining a pre-paid shipping label and shipping boxes on their website. The Repository has discretion to determine if eagles, parts, or feathers are suitable for distribution. If determined unsuitable by the Repository, eagles, parts, or feathers may be donated for scientific or exhibition purposes or completely destroyed. The Repository should be contacted directly with questions regarding suitability for distribution.

### **Licensed Veterinarian Authorization**

**Comment:** Prior consultation with an avian veterinarian or migratory bird rehabilitator should be required before providing veterinary care authorized under this part.

**Agency Response:** The Service agrees that birds should get the best possible care. Trained avian veterinarians and migratory bird rehabilitators have the most training to provide quality care. However, individuals with these skills are not available in all areas. In these situations, licensed veterinarians are best positioned to provide care. The Service currently authorizes licensed veterinarians to conduct these activities.

**Comment:** The proposed statement is ambiguous: Within 48 hours after hospitalization is no longer required, live migratory birds must be transferred to a federally permitted migratory bird rehabilitator.

**Agency Response:** The Service updated the language as follows: After hospitalization is no longer required, within 48 hours, live migratory birds must be transferred to a federally permitted migratory bird rehabilitator.

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

We do not provide payments or gifts to respondents.

**10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.**

We do not provide any assurance of confidentiality. Information is collected and protected in accordance with the Privacy Act (5 U.S.C. § 552a) and the Freedom of Information Act (5 U.S.C. 552). We will maintain the information in a secure System of Records (Permits System—Interior, FWS—21, September 4, 2003, 68 FR 52610; modification published June 4, 2008, [73 FR 31877](#)).

**11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.**

We do not ask questions of a sensitive nature.

**12. Provide estimates of the hour burden of the collection of information. The statement should:**

- \* Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.
- \* If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens.
- \* Provide estimates of annualized cost to respondents for the hour burdens for

**collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here.**

We estimate that we will receive **4,800 responses** totaling **3,310 annual burden hours** for this information collection (see Attachment A). The estimated total dollar value of the annual burden hours is **\$173,518** (rounded).

We used table 1 from the of Bureau of Labor Statistics (BLS) [News Release](#) USDL-24-0485, March 13, 2024, Employer Costs for Employee Compensation—December 2023, to calculate the total annual burden.

- Individuals – the hourly rate for all workers is \$45.42, including benefits.
- Private Sector – the hourly rate for all workers is \$43.11, including benefits.
- Government – the hourly rate for all workers is \$60.56, including benefits.

We used a placeholder of 1 response to indicate it is possible that we might receive a submission, but we do not expect responses on an annual basis.

<b>Requirement</b>	<b>Average Number of Annual Respondents</b>	<b>Average Number of Responses Each</b>	<b>Average Number of Annual Responses</b>	<b>Average Completion Time per Response</b>	<b>Estimated Annual Burden Hours*</b>	<b>Hourly Rate</b>	<b>\$ Value of Annual Burden Hours</b>
<b>Written Petitions – Request for Waiver from Disqualification (50 CFR 21.5)</b>							
<i>Individuals</i>	1	1	1	1	1	\$ 45.42	\$ 45.42
<i>Private Sector</i>	1	1	1	1	1	43.11	43.11
<i>Government</i>	1	1	1	1	1	60.56	60.56
<b>Obtaining Landowner Permission to Access Land (50 CFR 21.16)</b>							
<i>Individuals</i>	1	1	1	0.25	0	\$ 45.42	\$ 0.00
<i>Private Sector</i>	1	1	1	0.25	0	43.11	0.00
<i>Government</i>	1	1	1	0.25	0	60.56	0.00
<b>3rd Party Notifications – National Eagle Repository (50 CFR 21.16)</b>							
<i>Individuals</i>	25	1	25	0.25	6	\$ 45.42	\$ 272.52
<i>Private Sector</i>	25	1	25	0.25	6	43.11	258.66
<i>Government</i>	50	1	50	0.25	13	60.56	787.28
<b>3rd Party Notifications – Transfer of Live Migratory Birds (50 CFR 21.20)</b>							
<i>Individuals</i>	1	1	1	1	1	\$ 45.42	\$ 45.42
<i>Private Sector</i>	100	1	100	1	100	43.11	4,311.00
<i>Government</i>	1	1	1	1	1	60.56	60.56
<b>3rd Party Notifications – Endangered and Threatened Wildlife (50 CFR 21.20)</b>							
<i>Individuals</i>	1	1	1	0.25	0	\$ 45.42	\$ 0.00
<i>Private Sector</i>	10	1	10	0.25	3	43.11	129.33
<i>Government</i>	1	1	1	0.25	0	60.56	0.00
<b>Requests for Written Authorization – National Eagle Repository (50 CFR 22.15)</b>							
<i>Individuals</i>	1	1	1	0.25	0	\$ 45.42	\$ 0.00
<i>Private Sector</i>	1	1	1	0.25	0	43.11	0.00
<i>Government</i>	2	1	2	0.25	1	60.56	60.56
<b>Agency Designation Letter (50 CFR 21.34)</b>							
<i>Individuals</i>	1	1	1	0.5	1	\$ 45.42	\$ 45.42
<i>Private Sector</i>	1	1	1	0.5	1	43.11	43.11
<i>Government</i>	20	1	20	0.5	10	60.56	605.60
<b>Law Enforcement Authorization (50 CFR 21.40)</b>							
<i>Government</i>	1	1	1	0.5	1	\$ 60.56	\$ 60.56
<b>3rd Party Notifications – Federally Permitted Rehabilitator (50 CFR 21.14, 21.34)</b>							
<i>Individuals</i>	100	1	100	0.25	25	\$ 45.42	\$ 1,135.50
<i>Private Sector</i>	25	1	25	0.25	6	43.11	258.66
<i>Government</i>	5	1	5	0.25	1	60.56	60.56
<b>Tagging Requirements (50 CFR 21.16, 21.18)</b>							

Individuals	100	1	100	0.25	25	\$ 45.42	\$ 1,135.50
Private Sector	300	1	300	0.25	75	43.11	3,233.25
Government	500	1	500	0.25	125	60.56	7,570.00
<b>Law Enforcement Notifications (50 CFR 21.16, 21.32)</b>							
Individuals	1	1	1	0.25	0	\$ 45.42	\$ 0.00
Private Sector	1	1	1	0.25	0	43.11	0.00
Government	3	1	3	0.25	1	60.56	60.56
<b>Verification of Legal Acquisition (50 CFR 21.18, 22.15)</b>							
Individuals	1	1	1	0.25	0	\$ 45.42	\$ 0.00
Private Sector	5	1	5	0.25	1	43.11	43.11
Government	10	1	10	0.25	3	60.56	181.68
<b>Records Retention Requirements (50 CFR 21.16, 21.18, 21.20, 22.15)</b>							
Individuals	200	1	200	1	200	\$ 45.42	\$ 9,084.00
Private Sector	600	1	600	1	600	43.11	25,866.00
Government	1,000	1	1,000	1	1,000	60.56	60,560.00
<b>3rd Party Notifications – Educational Programs (50 CFR 21.18)</b>							
Individuals	1	1	1	1	1	\$ 45.42	\$ 45.42
Private Sector	400	1	400	1	400	43.11	17,244.00
Government	500	1	500	1	500	60.56	30,280.00
<b>Notification Requirement – Current Authorizations (50 CFR 21.18) NEW</b>							
Individuals	1	1	1	0.25	0	\$ 45.42	\$ 0.00
Private Sector	500	1	500	0.25	125	43.11	5,388.75
Government	300	1	300	0.25	75	60.56	4,542.00
<b>TOTALS:</b>	<b>4,800</b>		<b>4,800</b>		<b>3,310</b>		<b>\$ 173,518.10</b>

\*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 are no nonhour cost burdens associated with this collection.

**14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information.**

We estimate the total cost to the Federal Government to administer this information collection will be **\$16,130** (rounded).

Service biologists (GS-11/13) and permit examiners (GS-9/12), with support of GS-7 staff, will:

- Review and determine the adequacy of the information an applicant provides.
- Conduct any internal research necessary to verify information in the application or evaluate the biological impact of the proposed activity.
- Assess the biological impact of the proposed activity.
- Evaluate whether the proposed activity meets the issuance criteria.
- Prepare or review NEPA documentation.
- Prepare either a permit or a denial letter for the applicant.
- When necessary to evaluate the impact of the proposed activity, visit the location to examine site-specific conditions.
- Monitor reports.

Permits are processed in our eight Regional Offices, which are located in major cities across the United States. Therefore, we used Office of Personnel Management Salary Table [2024-DCB](#) to obtain the most up-to-date hourly rates for staff. In accordance with BLS [News Release USDL-24-0485](#), we multiplied the hourly rate by 1.61 to calculate the fully burdened rates for each staff member. The table below shows Federal staff and grade levels performing various tasks associated with this information collection.

Position/Grade	2024 Hourly Rate	Hourly Rate, Incl. Benefits (x1.61 multiplier)	Time Spent on Information	Weighted Average (\$/Hour)
Clerical – Receptionist, Office Asst. (GS-07/05)	\$ 30.37	\$ 48.90	5%	\$ 2.45
Legal documents examiner – Permit Examiner (GS-09/05)	37.15	59.81	30%	17.94
Legal documents examiner - Permit Examiner (GS-11/05)	44.94	72.35	30%	21.71
Biologist (GS-11/05)	44.94	72.35	10%	7.24
Supervisor – Permit Chief (GS-12/05)	53.87	86.73	20%	17.35
Management - Branch/Division Chief, Solicitor (GS-13/05)	64.06	103.14	5%	5.16
<b>Weighted Average (\$/hr)</b>				<b>\$ 71.85</b>

Activity	Number of Responses (From Q12)	Govt Hours (Total)	Weighted Average (\$/hr)	Total Cost
Written Petitions – Request for Waiver from Disqualification (50 CFR 21.5)	3	3	\$ 71.85	\$ 215.55
Obtaining Landowner Permission to Access Land (50 CFR 21.16)				\$0.00
3rd Party Notifications – National Eagle Repository (50 CFR 21.16)	100	8	71.85	574.80
3rd Party Notifications – Transfer of Live Migratory Birds (50 CFR 21.20)	102	8	71.85	574.80

3rd Party Notifications – Endangered and Threatened Wildlife (50 CFR 21.20)	12	1	71.85	71.85
Requests for Written Authorization – National Eagle Repository (50 CFR 22.15)	4	1	71.85	71.85
Agency Designation Letter (50 CFR 21.34)	22	2	71.85	143.70
Law Enforcement Authorization (50 CFR 21.40)	1	0.25	71.85	17.96
3rd Party Notifications – Federally Permitted Rehabilitator (50 CFR 21.14, 21.34)				0.00
Tagging Requirements (50 CFR 21.16, 21.18)				0.00
Law Enforcement Notifications (50 CFR 21.16, 21.32)	5	1	71.85	71.85
Verification of Legal Acquisition (50 CFR 21.18, 22.15)				0.00
Records Retention Requirements (50 CFR 21.16, 21.18, 21.20, 22.15)				0.00
3rd Party Notifications – Educational Programs (50 CFR 21.18)				0.00
Notification Requirement – Current Authorizations (50 CFR 21.18) <b>NEW</b>	801	200.25	71.85	14,385.96
<b>TOTAL GOVERNMENT COST:</b>	<b>1,051</b>	<b>225.5</b>		<b>\$ 16,130.33</b>

The following ICs (highlighted in green above) do not have an associated cost to the government for the reasons stated below:

- *Obtaining Landowner Permission to Access Land (50 CFR 21.16)* – Authorized individuals requiring access to land for salvage activities must obtain permission from landowners. This information collection occurs between the authorized individuals and landowners.
- *3rd Party Notifications – Federally Permitted Rehabilitator (50 CFR 21.14, 21.34)* – Authorized individuals must contact a federally permitted migratory bird rehabilitator when conducting certain activities. This information collection occurs between the authorized individuals and rehabilitators.
- *Tagging Requirements (50 CFR 21.16, 21.18)* – Several regulations in this rulemaking require authorized individuals to tag specimens for identification. This requirement is performed by the authorized individual and does not require Service review.
- *Verification of Legal Acquisition (50 CFR 21.18, 22.15)* – Several regulations in this rulemaking require authorized individuals to verify that specimen were obtained legally. This requirement is performed by the authorized individual and does not require Service review.
- *Records Retention Requirements (50 CFR 21.16, 21.18, 21.20, 22.15)* – Regulations in this rulemaking require authorized individuals to maintain records of activities conducted under their authorization. These records are not reviewed by the Service unless upon request.
- *3rd Party Notifications – Educational Programs (50 CFR 21.18)* – Several regulations in this rulemaking require specimens to be available for educational purposes. This requirement is performed by the authorized individual and does not require interaction with the Service.

**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-BC76) as described in question 2 above.

Additionally, with this submission at the final rule stage, we removed two ICs included in the ICR reviewed by OMB at the proposed rule stage:

**Notification Requirement – States (50 CFR 19.21)**

Upon issuance of a permit by a State to a person pursuant to this section, the issuing authority will provide immediate notification to the Special Agent in Charge having

jurisdiction.

**Removal of this IC resulted in -1 annual response and no change to the annual burden hours.**

**Annual Report – State Issuance of Permits (50 CFR 19.21)**

Any State issuing permits to persons to engage in airborne hunting or harassing of wildlife or any State whose employees or agents participate in airborne hunting or harassing of wildlife for purposes of administering or protecting land, water, wildlife, livestock, domestic animals, human life or crops, shall file with the Director, an annual report on or before July 1 for the preceding calendar year ending December 31.

**Removal of this IC resulted in -1 annual response and -1 annual burden hours.**

We also added a new IC not originally included in the ICR reviewed by OMB at the proposed rule stage:

**Notification Requirement – Current Authorizations (50 CFR 21.18) NEW**

So that we may better understand the number and types of entities operating under the current exhibition exception, we request that entities currently operating under 50 CFR 21.12(b)(1) email the Service by [INSERT DATE 60 DAYS AFTER THE DATE OF FEDERAL REGISTER PUBLICATION] with the following information: (1) the entity name, physical address, and, if different, mailing address; (2) the name, title, and contact information of the principal officer who is in charge of the organization; (3) the name, title, and contact information of the primary contact the Service should use, if different than the principal officer; and (4) the following statement: "This entity is currently operating under the permit exception at 50 CFR 21.12(b)(1) and intends to continue operating under the conditions of this exception until the Service publishes exhibition regulations."

The Service will use this information to contact those entities once the new exhibition regulations are final.

**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 the results of this information collection.

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

We will display the OMB control number and expiration date.

**18. Explain each exception to the topics of the certification statement identified in "Certification for Paperwork Reduction Act Submissions."**

There are no exceptions to the certification statement.