

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

**National Double-Crested Cormorant Survey
OMB Control Number 1018-New**

Terms of Clearance: None. This is a request for a new control number in conjunction with a collection in use without OMB approval.

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, we) is the Federal agency delegated with the primary responsibility for managing migratory birds. Our authority derives from the Migratory Bird Treaty Act of 1918 (MBTA; 16 U.S.C. 703–712), as amended, which implements conventions with Great Britain (for Canada), Mexico, Japan, and Russia. We implement the provisions of the MBTA through the regulations in parts 10, 13, 20, 21, 22, and 92 of title 50 of the Code of Federal Regulations (CFR). The MBTA protects migratory birds (listed in 50 CFR 10.13) from take directed at birds, except as authorized under the MBTA. Regulations pertaining to specific migratory bird permit types are at 50 CFR parts 21 and 22.

The double-crested cormorant (cormorant) is a fish-eating migratory bird that is distributed across a large portion of North America. There are five different breeding populations, variously described by different authors as the Alaska, Pacific (or Western), Interior, Atlantic, and Southern populations. Although these populations are described by their breeding ranges, the birds commingle to various extents on their migration and wintering areas, with birds from populations closer to each other overlapping more than those that are more distant.

In response to ongoing damage at aquaculture facilities and other damage and conflicts associated with increasing cormorant populations, the Service administers regulations that authorize the take of cormorants through regular Depredation Permits (50 CFR 21.100) or the Special Double-crested Cormorant Permit available only to State and Tribal Fish and Wildlife Agencies (50 CFR 21.123). Take through these two permit types is supported by National Environmental Policy Act (NEPA) assessments that were completed in 2017 (an Environmental Assessment (EA) supporting issuance of depredation permits) and 2020 (an Environmental Impact Statement (EIS) supporting creation of the Special Double-crested Cormorant Permit). The 2020 EIS contained a Potential Take Limit (PTL) assessment to determine sustainable take of cormorants that is used to inform permitting decisions.

Federal, State, Tribal, and many private entities share the Service's goal of maintaining sustainable cormorant populations. Many of these entities conduct cormorant monitoring and contribute to ongoing research and regional or local cormorant management efforts. However, to date, coordinated monitoring across the Flyways with shared objectives and standardized sampling design does not exist. The desire to enhance existing monitoring efforts was shared in comments by States, Tribes, nongovernment organizations, and members of the public during the 2020 rulemaking process. Therefore, the Service committed to work in partnership with the four North American Flyways (Pacific, Central, Mississippi, and Atlantic) to develop a monitoring program for each subpopulation of cormorants. In the 2020 FEIS, the Service made the commitment to monitor cormorant populations and produce a report every five years that

provides analyses from population monitoring and other status information. The survey, which was developed in coordination with the four Flyways, will be conducted for the first time in 2024 and is scheduled to be repeated every 5 years in order to update population estimates and PTL assessments.

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.

A combination of Federal (Service and U.S. Department of Agriculture Wildlife Services) and State biologists, coordinated through Flyway working groups, will conduct the survey every 5 years (the initial 2024 survey was conducted without OMB approval). All surveys will use a standardized data sheet that documents:

1. Completion data:
 - a. State, county, names of observers, and agency); and,
 - b. Date/time, weather conditions (wind, sky, temperature).
2. Nesting colony information:
 - a. Colony name;
 - b. Latitude/longitude;
 - c. Whether the colony was existing, reestablished, or new;
 - d. Nest substrate; and
 - e. Site habitat condition.
3. Method used to survey the colony (i.e., ground count or aerial count).
4. Nest counts:
 - a. Number of active or inactive nests (with number of unknown);
 - b. Whether the entire colony was surveyed;
 - c. Whether co-nesting species was observed; and
 - d. Whether photos and/or video was taken.
5. General comments from the observer.

To be flexible, States will have the option to use an electronic version of the datasheet (i.e., using Survey 123 software), or using a paper-based survey form.

The data the Service collects through the range-wide cormorant monitoring program will be used to update cormorant population estimates and to update PTL assessments with the most up-to-date information as specified in the 2020 EIS. The updated take limits would also inform future Service permit allocation. The Service will share the population estimates and PTL assessments with State and Tribal fish and wildlife agencies to inform their respective management actions as well as other Federal Agencies including the U.S. Department of Agriculture Wildlife Services Program.

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.

States using electronic survey software will electronically submit a summary of survey data to the Service, while States using paper datasheets will scan the survey forms and electronically submit them to the Service. All data will be stored in a database that will archive the data and be used for analyses.

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 that we collect through this survey is not available from any other source. We are not aware of any other coordinated survey effort for cormorants in the U.S.

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

This collection affects only State and Tribal governments that are assisting with surveying cormorant nesting colonies. It does not impact small businesses or the general public.

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 not be able to assess the status of cormorant populations in the U.S. Without these data, we would not be able to inform the issuance of depredation permits to effectively address conflict issues with double-crested cormorants, resulting in increased threats to human health and safety and possible economic losses due to cormorant predation of fish stocked for public use. Not knowing this information would prevent the Service from effectively sustaining cormorant populations and thus, would put the Service at risk of legal challenges under the MBTA.

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 reporting requirements 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 April 22, 2024, we published in the *Federal Register* ([89 FR 29361](#)) a notice of our intent to request that OMB approve this information collection. In that notice, we solicited comments for 60 days, ending on June 21, 2024. 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-HQ-MB-2024-0044](#)) to provide the public with an additional method to submit comments (in addition to the typical U.S. mail submission methods). We received three comments in response to the notice. However, none of the comments addressed the information collection requirements; therefore, no response is required.

Outreach:

The Service worked closely with a cross-flyway team, USDA Wildlife Services, and the Association of Fish and Wildlife Agencies to design the survey. The cross-flyway team was composed of State representatives from the four North American Flyway Councils (Pacific, Central, Mississippi, and Atlantic). These stakeholders evaluated a set of 8 survey alternatives using a structured decision making (SDM) process and selected a dual framework survey design.

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

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.

The sampling framework developed by the cormorant monitoring working group identified 1,016 cormorant colonies to be sampled within 40 different States during the 2024 survey period. The working group estimated, on average, it will take 4 hours to complete each survey including traveling to the survey colony, conducting the survey, entering the data, and submitting the data to the Service. Based on this, we estimate that we will receive **1,016 responses** totaling **4,064 burden hours**. We estimate the annual dollar value of the burden hours is **\$249,001** (rounded).

We used Table 1 from the Bureau of Labor Statistics (BLS) [News Release](#) 24-1172, June 18, 2024, Employer Costs for Employee Compensation—March 2024, which lists an hourly rate of \$61.27 to calculate the cost of the total annual burden hours.

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>Double-Crested Cormorant Monitoring (Government)</i>							
Reporting	40	25.4	1,016	.5 Hour	508	\$ 61.27	\$ 249,001.28
Recordkeeping				3.5 Hours	3,556		
TOTALS:	40		1,016		4,064		\$ 249,001.28

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 non-hour costs associated with this information collection. Surveys will be conducted using already available equipment that other State and Federal partners have for performing their duties for other wildlife surveys.

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 **\$15,190 (rounded)**.

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-23-1305, we multiplied the hourly rate by 1.61 to calculate the fully burdened rates for each staff member.

Position and Grade	Hourly Rate	Fully Burdened Hourly Rate (Incl. Benefits)	Total Annual Hours	Total Annual Cost
Biologist, GS 13/05	\$ 64.06	\$ 103.14	80	\$ 8,251.20
Biologist, GS 12/05	53.87	86.73	40	3,469.20
Biologist, GS 12/05	53.87	86.73	40	3,469.20
Totals:			160	\$ 15,189.60

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 an ongoing 5-year survey in use without approval.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions. The Service plans to publish a 5-year comprehensive report of the survey results in 2026. This will be shared with State and Tribal partners as well as made available to the public.

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.