

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

**ENDANGERED AND THREATENED WILDLIFE –
GRIZZLY BEAR (50 CFR 17.40)
OMB Control Number 1018-New**

Terms of Clearance: This is a request for a new OMB control number in conjunction with information collection associated with our proposed rule (RIN 1018-BI14), *Endangered and Threatened Wildlife and Plants; Grizzly Bear Listing on the List of Endangered and Threatened Wildlife with a Revised Section 4(d) Rule; Proposed Revision of the Protective Regulations Under Section 4(d)*.

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

Individuals of designated experimental populations for species listed as threatened or endangered under the Endangered Species Act (ESA, 16 U.S.C. 1531 *et seq.*) are categorically protected. Documentation of human-related mortalities, recovery of dead specimens, animal husbandry actions necessary to manage the population, and other types of take related to the status of experimental populations is important for monitoring the success of reintroduction efforts and recovery efforts in general. To minimize potential conflict with humans that could undermine recovery efforts, livestock depredations connected with experimental populations of listed species require prompt attention for purposes of determining the location, timing, and nature of the predatory behavior involved, accurate determination of the species responsible for a livestock kill, and the timely application of necessary control measures. We collect information in nonform format. The information collection requirements are in 50 CFR 17.40.

We prepared proposed regulations (RIN 1018-BI14) to revise the protective regulations for the grizzly bear (*Ursus arctos horribilis*) in the lower-48 States under section 4(d) of the Endangered Species Act of 1973, as amended (Act or ESA). We are proposing substantive changes to the protective regulations that we proposed for the grizzly bear on January 15, 2025 ([90 FR 4234](#)).

Under our section 4(d) authorities, we put in place protections intended to both prevent a threatened species from becoming an endangered species and to promote its recovery. 4(d) rules explain what is prohibited for a threatened species, thus making the activity unlawful without a permit or authorization under the Act for the prohibited activity unless otherwise excepted in the 4(d) rule (species-specific 4(d) rules may also include affirmative requirements). Section 4(d) rules are therefore directly related to what actions may require permits in the future. Permits may be issued for purposes described in our threatened species permitting regulations at 50 CFR 17.32, including for recovery actions, conservation benefit agreements (previously referred to as candidate conservation agreements with assurances and safe harbor agreements), or habitat conservation plans. We may also except otherwise prohibited activities through a 4(d) rule itself, in which case threatened species permits would not be required for those activities. For example, there are two categories of exceptions we frequently include in 4(d) rules, and these are for otherwise prohibited acts or forms or amounts of “take” that are:

- (1) unavoidable while conducting beneficial actions for the species, or
- (2) considered inconsequential (de minimis) to the conservation of the species.

For otherwise prohibited take activities that require permits under section 10 of the Act, programmatic approaches—such as general conservation plans and template habitat

conservation plans—may be available as another way for project proponents to comply with take prohibitions or requirements applicable to one or more species while reducing the time that would otherwise be associated with developing individual permit applications. In addition, the Service and project proponents can reduce the need for such permits by developing standardized conservation measures that avoid the risk of “take.”

The grizzly bear (*Ursus arctos horribilis*) currently has a species-specific protective regulation at 50 CFR 17.40(b), which we are proposing to amend. The provisions of this species’ proposed protective regulations under section 4(d) of the Act are one of many tools we would use to promote the conservation of the grizzly bear. There are also population-specific protective regulations under section 10(j) of the Act for two nonessential experimental populations, the North Cascades and Bitterroot, that are not affected by this proposed rule, and any changes to those population-specific regulations would require separate rulemaking processes with opportunities for public review and comment.

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.

Proposed regulations under section 4(d) of the ESA, as amended, require information collection and reporting to the U.S. Fish and Wildlife Service (Service, we) by States, certain Federally recognized Tribal governments, and public zoological institutions. There are no forms associated with this information collection. We propose to collect the following information which would provide for the conservation of the grizzly bear listed in 50 CFR 17.40:

MEMORANDUMS OF UNDERSTANDING (MOUs) – This proposed 4(d) rule provides authorized agencies a path to gaining additional flexibilities by achieving certain benchmarks and entering into an MOU with the Service. This includes the requirement that agencies obtain prior authorization from the Service for conflict removals, as described in MOU between the Service and authorized agency. Authorized agencies may relocate bears as a preemptive action to prevent conflict that appears imminent or in an attempt to break the habituated behavior of grizzly bears lingering near human-occupied areas. Such taking must be coordinated with the Service as described in a current MOU between the Service and the authorized agency.

The Service would enter into MOUs with Federal, State, or Tribal authorities to authorize more flexible grizzly bear management and with public zoological institutions to allow for specific types of conservation related activities consistent with this 4(d) rule. The Service does not expect to enter into MOUs with local governments or authorities. We are not reporting burden for Federal agencies as they are exempt from the requirements of the PRA. The Service would collect information from the relevant agencies in relation to these MOUs as described below.

MANAGEMENT PLANS/CONSERVATION STRATEGIES – This proposed 4(d) rule outlines a tiered framework where take exceptions for grizzly bear management activities and incidental take are linked to a population’s demographic status and the status of conservation strategies and State or Tribal management plans. This framework would provide for the conservation of the species by tailoring take exceptions for populations with conservation strategies and management plans that have been approved by the Service through an MOU, such that otherwise prohibited activities are expected to have negligible impacts to grizzly bear populations. This would incentivize conservation actions and promote increased public tolerance and support for conservation efforts.

Management Plan – Federal, State, or Tribal wildlife management agencies

develop this document to define how they plan to manage grizzly bears. These plans should include specifics on conflict management, population management, adherence to associated conservation strategies, and harvest management, if applicable.

Conservation Strategy – This is an interagency document describing the habitat and population management mechanisms that will achieve and maintain a recovered population described by demographic and objectives; remain in place after grizzly bears are no longer listed under the Act; and demonstrates the adequacy, continuity, and continued agency application of population and habitat management regulatory mechanisms in order to maintain a recovered population. These documents are prepared by Federal, State, and Tribal agencies engaged in grizzly bear management within a given geography as part of their grizzly bear recovery efforts and are not a requirement of the proposed 4(d).

AMENDMENTS TO MANAGEMENT TIERS – Authorized agencies involved in grizzly bear management may gain additional flexibilities by entering into an MOU with the Service, where an agency may request to move from the additional exceptions under Tier 1 or Tier 2, once they present evidence that the criteria required for either tier have been met. This request may be in the form of an update to their MOU with the Service for grizzly bear management, or – for authorized agencies that do not yet have an MOU – a request to enter into a new grizzly bear management MOU with the Service. In either case, the request to enter an MOU or move between tiers may be made at any time. The Service would determine if the requestor, and the relevant geographic area, met the conditions specified in this rule for the requested management tier.

Signature of the MOU by the parties would represent the Service's determination that the relevant requirements to change management tiers had been met and would officially mark the transition of management activities and incidental take to the exceptions in the new tier for that authorized agency within that particular geographic area over which they have jurisdiction. Authorized agencies in Tier 1 or Tier 2 will be required to submit reports associated with applicable demographic monitoring on or by February 15 of the subsequent year. Upon receipt and review of this report, the Service will renew the MOU, or issue a new MOU for agencies moving up to Tier 1 or Tier 2, for the following year (see reporting requirements below).

ACTIONS REQUIRING PRIOR AUTHORIZATION FROM THE SERVICE

1. **Import** – Federal, State, or Tribal agencies may import or export grizzly bears into the lower-48 United States for scientific, research, or educational purposes with prior authorization from the Service. Public zoological institutions (see 50 CFR 10.12) may import grizzly bears into the United States with prior authorization from the Service.
2. **Possession** – With prior authorization from the Service, Federal, State, or Tribal agencies may possess, deliver, carry, transport, or ship grizzly bear specimens (including hides, skulls, paws, samples, etc.). Public zoological institutions (see 50 CFR 10.12) may possess wild grizzly bears (e.g. orphaned cubs) after entering into an MOU with the Service. Tribes, agencies, museums, and other nonprofit institutions may possess, deliver, carry, transport, or ship unlawfully or lawfully taken grizzly bear parts of grizzly bears, with prior authorization from the Service, for cultural, education, information, and outreach purposes.
3. **Interstate or foreign commerce** – A public zoological institution (see 50 CFR 10.12)

dealing with other public zoological institutions may sell grizzly bears or offer them for sale in interstate or foreign commerce, and may, in the course of commercial activity, deliver, receive, carry, transport, or ship grizzly bears in interstate or foreign commerce with prior authorization from the Service.

4. **Take of Orphaned Cubs** – Take associated with orphaned cubs must have prior authorization from the Service except in areas where Tier 2 set forth under paragraph (b)(3)(xiv)(D) applies. Take must be reported to the Service within 48 hours or as soon as possible given remote conditions.
5. **Relocation of Grizzly Bears** – With prior authorization from the Service, except in areas where Tier 2 under paragraph (b)(3)(xiv)(D) applies, authorized agencies may relocate grizzly bears to prevent conflicts, increase survival, or to break a habituated behavior, and may lethally remove a bear in certain situations considering the age and sex of the bear, nature of the conflict, and the bear's conflict history.
6. **Management of Grizzly Bears** – Take associated with management activities is excepted for authorized agencies, with prior authorization from the Service, except in areas where Tier 2 set forth under paragraph (b)(3)(xiv)(D) applies, to avoid human-bear conflicts, prevent habituation, improve grizzly bear survival, release or relocate non-targets, or aid in law enforcement investigations, given:
 - A. Efforts are made to eliminate potential sources of conflict, when applicable and reasonably possible, by securing attractants, using deterrence, and/or live-capturing and releasing the bear unharmed in a remote area.
 - B. Authorized agencies may relocate bears as a preemptive action for the purpose of preventing conflict that appears imminent or breaking habituated behavior of grizzly bears lingering near human-occupied areas.
 - C. Any relocations shall be coordinated with the Service and appropriate land-management agencies.
 - D. Decisions concerning lethal control of a grizzly bear involved in conflict shall be approved by the Service, and take multiple factors into consideration, including previous efforts to eliminate potential sources of conflict or move the bear away from a potential conflict; age, sex and conflict history of the bear involved; and the nature of the conflict.

REPORTING REQUIREMENTS

1. **Mortalities/Bodily Injury** – Mortalities or suspected lasting bodily injury must be reported to the Service as described in a current Technical Letter of Assistance (TLA) from, or a MOU with the Service.
 - a. **Take Resulting in Grizzly Bear Mortality** – Take that results in a grizzly bear mortality must be reported to the Service within 48 hours, or as soon as possible given remote conditions.
 - b. **Take Resulting in Grizzly Bear Lasting Bodily Injury** – Take that results in a grizzly bear lasting bodily injury must be reported to the Service within 48 hours, or as soon as possible given remote conditions.
2. **Moving Grizzly Bears** – Designated agents may move a grizzly bear to aid recovery or increase the genetic health of the population after notification to the Service.
3. **Defense of Life** – Any person may take a grizzly bear in defense of their own life or the

lives of others. Grizzly bears taken in self-defense or in defense of human life must be reported by the person who has taken the bear or their designee within 48 hours of occurrence or as soon as possible given remote conditions. Take must be reported to the Office of Law Enforcement, U.S. Fish and Wildlife Service, in the appropriate region (see 50 CFR 2.2 for regional office information), and to appropriate State and Tribal authorities within 48 hours, or as soon as possible given remote conditions.

4. **Annual Report** – Agencies receiving a TLA from or entering into an MOU with the Service will submit an annual report to the Service documenting the location, date, and type of all excepted take that resulted in the capture, relocation or mortality of a grizzly bear within a calendar year on or by February 15 of the subsequent year, at which point the Service will issue that agency a TLA.
5. **Monitoring** – Agencies must submit an annual report to the Service documenting the location, date, and type of all take resulting in the capture, relocation, or mortality of a grizzly bear within a calendar year on or by February 15 of the subsequent year.

APPOINTMENT OF DESIGNATED AGENT – A designated agent is an employee of a Federal, State, or Tribal agency who as part of their official duties, normally handles carnivores, and when acting in the course of their official duties, may engage in actions that result in take of the grizzly bear in the lower-48 United States consist with the proposed 4(d) rule.

ASSOCIATED CURRENTLY APPROVED INFORMATION COLLECTIONS

Additional information collection requirements associated with importing or exporting, possessing, possession, delivery, carriage, transport, or shipment of taken grizzly bear specimens; interstate or foreign commerce in the course of commercial activity; and selling or offering for sale in interstate or foreign commerce are currently approved under the following:

- OMB Control No. 1018-0092, Federal Fish and Wildlife Applications and Reports – Law Enforcement; 50 CFR 13 and 14 (expires 02/28/2026)
- OMB Control No. 1018-0093, Federal Fish and Wildlife Permit Applications and Reports – Management Authority; 50 CFR 13, 15, 16, 17, 18, 22, 23 (expires 12/31/2026)

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden and specifically how this collection meets GPEA requirements.

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

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

Requested information is not available from any other source. We work closely with cooperating agencies to minimize any duplication in reporting.

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

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

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

The consequence of not collecting this information or collecting this information less frequently would result in the Service being unable to authorize, or would create a delay in authorizing, research and management actions covered in this rule. This would leave Federal, State, and Tribal agencies unable to conduct any activities resulting in take of a grizzly bear.

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

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

We rely on prompt reporting on the location of sick, injured, or orphaned individuals in order to implement the necessary animal husbandry and specimen collection activities, and to promote human safety. Therefore, a time sensitive requirement for reporting problems (varies between 24 - 48 hours, depending on type of report) to the appropriate Service office is necessary.

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and in response to the PRA statement associated with the collection over the past three years, and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping,

disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every three years — even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

We prepared proposed regulations (RIN 1018-BI14) to revise the protective regulations for the grizzly bear (*Ursus arctos horribilis*) in the lower-48 States under section 4(d) of the Endangered Species Act of 1973, as amended (Act or ESA). A copy of the proposed rule is attached. The proposed rule solicits public comment for a period of 60 days on the information collection requirements described in this Supporting Statement.

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

We do not provide payments or gifts to respondents.

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

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

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

We do not ask questions of a sensitive nature.

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

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

The cost of contracting out or paying outside parties for information collection activities should not be included here.

We anticipate receiving approximately **73 responses annually**, totaling **66 annual burden hours** (rounded). We estimate the total dollar value of the annual burden hours for this collection to be **\$4,134 (rounded)**.

We used Table 1 in the Bureau of Labor Statistics (BLS) [News Release](#) USDL-25-0958, June 13, 2025, Employer Costs for Employee Compensation—March 2025, to calculate the total annual burden. to calculate the total annual burden.

- Individuals – the hourly rate for individuals/households is \$47.92, including benefits.
- Private Sector – the hourly rate for all workers as \$45.48, including benefits.
- Government Workers – the hourly rate for all workers is \$64.00, including benefits.

	Number of Annual Respondents	Number of Responses Each	Total Annual Responses	Average Completion Time (Hours)	Total Annual Burden Hours*	\$ Value of Annual Burden Hours
Amendments - Management Tiers						
State/Tribal Government	4	1	4	60 mins (Reporting)	4	\$ 256.00
Authorization – Take of Orphaned Cubs						
State/Tribal Government	7	1	7	60 min (Reporting)	7	448.00
Authorization – Relocation of Grizzly Bears						
State/Tribal Government	7	4	28	60 mins (Reporting)	28	1,792.00
Authorization – Lethal Control of Grizzly Bears						
State/Tribal Government	7	2	14	30 mins (Reporting)	7	448.00
Letter of Authorization – Zoos						
Private Sector	4	1	4	30 mins (Reporting)	2	90.96
				30 mins (Recordkeeping)	2	90.96
Reporting Requirement – Take for Defense of Life						
Individuals	1	1	1	60 min (Reporting)	1	47.92
Reporting Requirement – Annual Reports (Submitted by Agencies (Includes relocations, mortalities, etc.))						
State/Tribal Government	7	1	7	60 mins (Reporting)	7	448.00
Reporting Requirement – Monitoring						
State/Tribal Government	4	1	4	60 mins (Reporting)	4	256.00
Appointment of Designated Agent						
State/Tribal Government	4	1	4	60 mins (Reporting)	4	256.00
TOTALS:	45		73		66	\$ 4,133.84

*Rounded to match ROCIS

13. Provide an estimate of the total annual non-hour cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected in item 12.)

- * The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information (including filing fees paid for form processing). Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.

- * If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.
- * Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

The only foreseeable non-hour burden cost to respondents would be a small cost for making a telephone call or sending an email. ¹However, we do not expect that this would occur often, and any costs would be negligible.

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

We estimate that the total cost to the Federal Government associated with this collection of information is **\$ 92,788 (rounded)**.

We used the Office of Personnel Management's Salary Table [2025-RUS](#) as average annual salary rates for employees Nationwide. To calculate benefits, we multiplied the hourly rate by 1.62 in accordance with the BLS [News Release](#) USDL-25-0958.

Position/Grade	Annual Salary	Annual Salary, Incl. Benefits (x 1.62)	Time Spent On Collection	Total Annual Costs
Conflict Coord. (GS-12/05)	\$ 100,440.00	\$ 162,712.80	50%	\$ 81,356.40
Program Coord. (GS-14/05)	141,135.00	228,638.70	5%	<u>11,431.94</u>
				\$ 92,788.34

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 the information collections associated with our proposed rule (RIN 1018-BI14).

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.

¹The information is only for internal tracking and use. No publication of information is anticipated.

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

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

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

There are no exceptions to the certification statement.