1SUPPORTING STATEMENT A
FOR PAPERWORK REDUCTION ACT SUBMISSION

Policy Regarding Voluntary Prelisting Conservation Actions
OMB Control Number 1018-0177

Terms of Clearance: With this submission, as required by OMB's Terms of Clearance assigned on 05/03/2024, we are providing example annual reports as supplemental documents in ROCIS from Arkansas DOT, Ohio DOT, and Pennsylvania DOT.

Justification

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 charged with implementing the Endangered Species Act of 1973, as amended (Act; 16 U.S.C. 1531 *et seq.*). The goal of the Act is to provide a means to conserve the ecosystems upon which listed species depend and a program for listed species conservation. Through our Candidate Conservation program, we encourage the public to take conservation actions for species prior to them being listed under the Act. Doing so may result in precluding the need to list a species, may result in listing a species as threatened instead of endangered, or, if a species becomes listed, may provide the basis for its recovery and eventual removal from the protections of the Act.

The Service's policy gives incentives to landowners, government agencies, and others to carry out voluntary conservation actions for unlisted species. It allows the benefits to the species from voluntary conservation actions undertaken prior to listing under the Act to be used-either by the person who undertook such actions or by third parties-to mitigate or offset the detrimental effects of other actions undertaken after listing. The policy requires that participating States track the voluntary conservation actions and provide this information to us on an annual basis. We require this information in order to provide the entities that have taken the conservation actions with proper credit that can later be used to mitigate for any detrimental actions they take after the species is listed.

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.

We collect the following information in conjunction with the Service's Policy Regarding Voluntary Prelisting Conservation Actions (735 FW 1):

State Developed Voluntary Conservation Action Program – As outlined in the policy, the Service reviews the State program to ensure compliance with the policy and the Service's mitigation policies. The program must explain how the State meets the net-conservation-benefit requirement. The program must identify:

- the service area;
- the metrics that will be used to measure progress toward meeting the conservation outcomes;
- the type and location of compensatory actions;

- a registry or tracking system that ensures transparency;
- defined process for seeking approval of compensatory-mitigation projects;
- defined process for a credit buyer to secure credits through a contractual agreement;
- administrative standards that define monitoring, adaptive-management, financial-assurance, and
- oversight roles.

Development of Conservation Strategy – In addition to the above information, the policy requires that States that choose to establish a program under this policy will also need to develop a Conservation Strategy if a strategy does not already exist. A strategy is a living document and updated, as needed, to include new information such as information on the species' status, threats, and aspects of its biology that would change management practices, as well as compatibility with other management plans and conservation actions. Strategies need to include enough information to set preliminary demographic and habitat targets for the species and to guide the on-the-ground conservation actions designed to meet these targets. The strategy-development process should be a collaborative effort and the information used in a strategy should undergo scientific peer review or be derived from scientific literature that has already been peer reviewed.

A conservation strategy will include the following seven elements:

1. ***Goals, Objectives, and Criteria*** – The goal is a statement of what the strategy is designed to achieve. Objectives describe the conditions and means necessary for achieving the goal; they can be identified in terms of reduction or elimination of threats to the species, or demographic parameters.
2. ***Geography or Landscape Context*** – Provides a description and maps of the lands where the species currently exists (e.g., locations, what land ownerships are involved, how many acres are involved). This information will assist in prioritizing work with landowners and in setting service areas.
3. ***Current Conditions*** –
   A. *Species information* – Includes biological information about the species, including its taxonomy, life-history characteristics, biological needs (including habitat requirements), current distribution and abundance, and other relevant information
   B. *Conservation efforts* – Describes ongoing action or actions that are part of a formalized conservation effort that is being implemented or is about to be implemented.
4. **Assessment of Threats** – Includes a concise description of known, suspected, and anticipated threats to the species; including a deconstruction of the threats into sources and stressors, and considers the exposure of individuals and populations to the threat (geographical and temporal (seasonal, ongoing, or near future)). Indicates which threats may have a more significant impact on the species.
5. **Conservation Action; Priorities and Implementation** – Provides a description of the specific conservation actions or best management practices needed to address the identified threats and to achieve sustainable populations.
6. **Measurement and Reporting of Success** – Includes a monitoring plan describing procedures to monitor and report progress on the implementation and the effectiveness of the specific conservation actions called for in the strategy by creating benchmarks for species populations or habitat indicators.
7. **Climate-Change Impacts and Resilience** – Identifies and promotes measures that help reduce the effects of climate change and improve the resilience of the species and its habitat.

Amendments to Conservation Strategy – States would amend conservation strategies as appropriate as new information dictates. This may be done as a collaborative process with the Service and other partners.

Credit Agreement/Transfer of Credits – The credit agreement provides a schedule for credit releases as appropriate milestones are achieved. Failure to meet these milestones will result in suspension of credit release to ensure compliance. Administrative criteria that allow for initial credit release could include:

1. Site agreement and management plan have been approved;
2. The site has been secured with an appropriate real estate instrument; and
3. Appropriate financial assurances have been established.

Transferred credits must be used within a "service area" that is based on the biological needs of the species rather than on State boundaries and include a definition of "service area." Credits earned by undertaking a prelisting conservation action can be transferred to a third party if the prelisting conservation action and the credit are for the same species and within the appropriate biological area (i.e., service area). The State program describes procedures for transferring credits within their program.

Annual Reports – States must submit information collected to the Service (via email) annually. We will use this information to calculate the amount of credits that the entity taking the conservation action will receive. We will keep track of the credits and notify the entity of how much credit they have earned. The entity can then use these credits to mitigate or offset the detrimental effects of other actions they take after the species is listed (assuming it is listed).

State Recordkeeping Requirements – Each State choosing to participate in the voluntary-prelisting conservation program established by the policy will assign conservation value to credits, record transactions transferring and trading credits, and maintain a register of all voluntary-prelisting conservation actions that is publically accessible.

State Reporting - Voluntary Prelisting Conservation Actions Taken Under Program – The State will provide appropriate oversight to ensure the effective implementation and maintenance of voluntary-prelisting-conservation actions and provide a mechanism to notify the Service at least annually of each voluntary-prelisting-conservation action taken under a program. Each State will collect information from landowners, businesses, organizations, and Tribal and local governments that wish to receive credit for voluntary prelisting conservation actions. States may collect this information via an Access database, Excel spreadsheet, or other database of their choosing and submit the information to the Fish and Wildlife Service (via email) annually.

Site-Level Agreements – The site-level agreement is between the landowner and the State or other entity administering the overarching Program. The site-level agreement defines the roles and responsibilities of the landowner, the agencies, and any other parties, and provides an operational framework for development, implementation, monitoring, and compliance of the project. Site-level agreements must include a description of the amount of voluntary-prelisting-conservation-program credits to be provided, including a brief explanation of the metric used for this determination, and a process for adaptive management that will address uncertainties, including new information and unforeseen or unregulated situations (e.g., weather, fire).

Each agreement must identify discrete ecological- and administrative-performance standards to be met, and possible contingencies and consequences for not meeting standards. Monitoring

will be designed to validate the effectiveness of the conservation actions, answer program questions, contribute to filling knowledge gaps, and provide data to inform adaptive-management decisions.

Formal Agreements – Successful habitat conservation most likely requires coordination across Federal, State, Tribal, and private interests, the program administrator should be recognized through a formal agreement developed with major stakeholders including Federal, State, and Tribal partners. The agreement should clearly articulate the selection process for any entity responsible for administration of various elements of the program.

Monitoring Reports – Compliance will be monitored by the program administrator; compliance measures must include a credit-verification process, a tracking system, and a review of periodic monitoring reports. Monitoring reports at both the program and site level will be required at least annually, and copies must be submitted to the Service in the annual report submitted to the Service via email.

Site-Level Reports – Program administrators will collect and submit to Service site-level reports to document site conditions, attainment of administrative- and ecological-performance standards (measurable attributes used to determine if the management plan meets the agreed-upon goals and objectives), and management actions taken and expected to be taken in the future.

Management Plans – Program administrators will collect and submit to Service management plans to document the specific conservation measures to be implemented, how they will be implemented and where on the property they will be applied.

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.

The State agencies that participate will use an electronic database (Access, Excel, or other database program of their choosing) to track the information and generate the annual report they will send electronically to us. We do not plan to make this information available to the general public via the Internet, but can provide electronic reports to the State, upon a request from the public.

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 States are already required to collect similar information to what will be used in conjunction with this policy. Our Wildlife and Sport Fish Restoration Program (WSFR) requires the States to submit financial and performance reports via an electronic database – Wildlife Tracking and Reporting Actions for the Conservation of Species (Wildlife TRACS), currently approved under OMB Control No. 1018-0100. However, 16 USC 669h and 16 USC 777h prohibit the use of WSFR administrative funds to subsidize or otherwise support any other program or function in the Service, thus the States cannot use Wildlife TRACS to enter and report the information that we will use under this policy. States will use another tracking mechanism (such as Access or Excel). While some of the information will be the same as the information the States enter into

Wildlife TRACS, the policy requires additional information beyond what the States are currently entering, such as a more detailed description of the conservation actions being undertaken.

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 for us to calculate the amount of credits the entity that is taking the conservation action will receive. This information collection will not significantly impact small businesses or other small entities. The States will only collect information necessary to implement a voluntary prelisting conservation program as described in the policy.

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 did not collect the information, the Service would be unable to implement the policy and provide this incentive to entities to conserve unlisted species. Collecting the information less frequently than a year would result in our inability to provide credits to entities that are implementing voluntary prelisting conservation actions in a timely manner.

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 12, 2026, we published in the *Federal Register* (91 FR 35698) a notice of our intent to request that OMB approve this information collection. In that notice, we solicited comments for 60 days, ending on August 11, 2026. We also published the *Federal Register* notice on Regulations.gov (Docket No. FWS-HQ-ES-2026-1883). We received the following comments in response to that notice:

Comment 1: Anonymous electronic comment submitted via Regulations.gov [FWS-HQ-ES-2026-1883-0002] on June 14, 2026, recommending the Service list all species, past and present, as permanently endangered due to climate change.

> ***Agency Response to Comment 1:*** The commenter did not address the information collection requirements; therefore, no response is required.

Comment 2: Anonymous electronic comment submitted via Regulations.gov [FWS-HQ-ES-2026-1883-0003] on August 10, 2026, supports renewing the information collection for Voluntary Prelisting Conservation Actions because early conservation helps protect species and requires accurate tracking of actions and credits. They recommend creating a standardized electronic reporting system to reduce administrative burden and improve consistency across states. They also suggest using common outcome metrics, such as acres of habitat restored or protected, to show conservation benefits. They note that any added reporting requirements should be reasonable so they do not discourage voluntary participation.

> ***Agency Response to Comment 2:*** The Service appreciates the commenter's support for renewing the information collection for Voluntary Prelisting Conservation Actions. We agree that proactive conservation and accurate documentation are essential for effective use of conservation credits. We will aim to evaluate options for a more standardized electronic reporting system and clearer guidance on documenting measurable conservation outcomes where feasible. Any future updates to reporting will be designed to remain reasonable and supportive of continued voluntary participation while maintaining accountability.

Comment 3: Electronic comment received from Victoria Lopez submitted via Regulations.gov [FWS-HQ-ES-2026-1883-0004] on August 10, 2026, requesting the protection and listing of all animals.

> ***Agency Response to Comment 3:*** The commenter did not address the information collection requirements; therefore, no response is required.

Comment 4: Electronic comment received from Victoria Lopez submitted via Regulations.gov [FWS-HQ-ES-2026-1883-0005] on August 10, 2026, requesting the protection and listing of all animals.

Agency Response to Comment 3: The commenter did not address the information collection requirements; therefore, no response is required.

In addition to the *Federal Register* notice, we consulted with the three (3) individuals identified below who familiar with this collection of information in order to validate our time burden estimate and asked for comments on the questions below:

Organization	**Title**
Arkansas Department of Transportation	Natural Resources Section Head
Ohio Department of Transportation	Ecological Program Manager
Pennsylvania Department of Transportation	T&E Species Coordinator

"***Whether or not the collection of information is necessary, including whether or not the information will have practical utility; whether there are any questions they felt were unnecessary"***

Comments: All three respondents indicated that the collection of information was necessary and practical. Two respondents stated that the annual tracking and reporting of conservation actions is necessary to determine a credit ledger of conservation actions preformed if any of the species become federally listed through the Endangered Species Act (ESA). One respondent stated that the reporting requirements document that the work that has been done (in our case placing bat gates and real estate protections on abandoned railroad tunnels that are serving as hibernacula) has resulted in the protection of the tricolored bat and little brown bat species. This is necessary to justify the potential assignment of future mitigation credits for the conservation actions we are currently completing if these species become federally listed.

Agency Response/Action Taken: No action is needed to address the comments.

"The accuracy of our estimate of the burden for this collection of information"

Comments: One respondent indicated that the report took approximately 45 hours to prepare, which included research and decisions about what information to include, how to present it, and how to make conclusions from it. They estimate future reports will likely take less than 20 hours. One respondent concurred that 20 hours is an accurate estimate to prepare and submit the annual report, but that additional time is needed to collect the data (multiple field days to visit and inspect sites). The third respondent estimated that 3-4 hours were needed for total processing time for report preparation and finalization.

Agency Response/Action Taken: With one respondent agreeing that a 20-hour estimate was appropriate, one estimating 3-4 hours, and one estimating a one-time higher period of time of 45 hours that would be followed by 20 hours of annual reporting time needed, we decided not to change our burden hours estimate for this reporting cycle. Future estimates may need to be lowered if these respondents are able to more efficiently respond with less burden hours utilized for annual report creation.

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

Comments: None of the respondents had any suggestions on ways to enhance the quality, utility, or clarity of the information being collected. One respondent mentioned that they had developed the monitoring protocol in cooperation with their local Service Field Office, and that they had already endeavored for quality, utility, and clarity in their annual report. Another respondent noted that the Prelisting Agreement detailed the reporting requirements and that those requirements are not burdensome.

Agency Response/Action Taken: No action is necessary.

And

"Ways to minimize the burden of the collection of information on respondents"

Comments: Two of the three respondents had no suggestions to minimize the information collection burden, with one noting that their methods were likely among the most efficient ways to gather and share this information. The third respondent noted that if they advanced efforts to expand or enhance pollinator habitat under the prelisting agreement terms that they would propose a submission of an annual pollinator acreages ledger sheet as an acceptable surrogate to the annual report.

Agency Response/Action Taken: No action is necessary.

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

We will not provide any payment or gifts to respondents, except possible credit for voluntary prelisting conservation actions.

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

We will not provide any assurance of confidentiality. We will store the State-supplied information by species and sort it by the name of the entity implementing the conservation actions. We do not ask for other personal identifiers such as social security numbers, street addresses, or telephone numbers.

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 (INTERIOR/FWS-21, Permits System, September 4, 2003 (68 FR 52610); modifications published June 4, 2008 (73 FR 31877) and March 16, 2023 (88 FR 16277)).

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 will not ask any 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 have received only three responses to this policy and are using that number for each IC identified in Table 12.1 totaling **24 annual responses** and **1,925 annual burden hours** (rounded). The total dollar value of the annual burden hours is approximately **$127,839** (rounded) (1,925 burden hours x $66.41).

We used Table 1 from the of Bureau of Labor Statistics (BLS) News Release USDL-26-0827, June 12, 2026, Employer Costs for Employee Compensation—March 2026, to calculate the cost of the total annual burden hours. Table 1 lists the hourly rate for all government workers as $66.41, including benefits.

Table 12.1

Requirement	% of Electronic Submissions	Annual Number of Respondents	Average Number of Responses Each	Annual Number of Responses	Average Completion Time per Response (Hours)	Estimated Annual Burden Hours
State Developed Voluntary Conservation-Action Program						
Government	100%	1	1	**1**	320	**320**
Development of Conservation Strategy						
Government	100%	1	1	**1**	200	**200**
Amendments to Conservation Strategy						
Government	1000%	1	1	**1**	16	**16**
Credit Agreement/Transfer of Credits						
Government	100%	3	1	**3**	80	**240**
Annual Reports						
Government	0%	3	1	**3**	20	**60**
State Recordkeeping Requirements						
Government	0%	3	1	**3**	240	**720**
State Reports - Voluntary Prelisting Conservation Actions Taken Under Program						
Government	0%	3	1	**3**	.25	**1**
Site-Level Agreements						
Government	100%	1	1	**1**	100	**100**
Formal Agreements						
Government	0%	1	1	**1**	4	**4**
Monitoring Reports						
Government	0%	3	1	**3**	24	**72**
Site-Level Reports						
Government	0%	3	1	**3**	24	**72**
Management Plans						
Government	0%	1	1	**1**	120	**120**
Totals:		***24***		***24***		***1,925***

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

- **The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information (including filing fees paid for form processing). Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.**
- **If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.**
- **Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.**

There is no non-hour cost burden associated with this information 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.

The total estimated cost to the Federal Government for processing and reviewing reports from States as a result of this collection of information is **$95,149** (rounded) ($107.15 X 888 hours hours). This estimate includes Service salary and benefits only; no other costs are associated with this information collection.

To determine average annual salary costs, we used the Office of Personnel Management Salary Table 2026-DCB as an average nationwide rate. The salary rate for a GS-13, step 5 is $66.14. In accordance with BLS News Release USDL-26-0827, we multiplied the annual salaries by 1.62 to account for benefits resulting in a fully burdened rate of $107.15.

Staff in the Headquarters Branch of Recovery and Conservation Planning or Regional Office staff in the Ecological Services program will review annual reports, determine the amount of credit each conservation action will earn, and annually submit this information to the participating States and entities that are implementing the conservation actions. We estimate that staff will spend an average of 37 hours per response annually to administer this collection (37 hours x 24 responses = 888 hours).

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

We are reporting a change in agency estimate to 24 annual responses and 888 annual burden hours.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

The information we will collect will not be published.

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.

Not applicable.

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.