

## Supporting Statement for Paperwork Reduction Act Submissions

for applications and reports for **Depredation Permits** contained in the regulations at 50 CFR 21.41.

### A. Justification

The following information is provided as part of a request to renew the Office of Management and Budget's approval for information collection pursuant to regulations that implement the Migratory Bird Treaty Act. The information collection for Depredation Permits involves two forms tailored specifically for the activity. Information collection requirements are contained in the application for a permit that will allow the permit holder to take, possess, or transport for depredation control purposes. The Application Form for this activity was assigned number **3-200-13**. The information collection requirements for the Annual Report for the permit are contained in the annual report form, which is assigned form number **3-202 g**. The Annual Report form for this permit apparently was inadvertently omitted from the justification for the last OMB approval cycle. However, this annual report is necessary for the Service to determine whether permittees are in compliance with their permit and also to enable us to track the number of birds that were actually taken under the permit and monitor impact on the resource. It is authorized by the general permit regulations (50 CFR 13.45).

1. The Migratory Bird Treaty Act (MBTA) implements four treaties to protect migratory birds that the United States signed with Canada, Mexico, Japan, and Russia. The prohibitions under the MBTA effect the conservation objectives of the treaties. Under the MBTA it is unlawful to take, possess, import, export, transport, sell, purchase, barter, or offer for sale, purchase or barter, any migratory bird, their parts, nests, or eggs, except as permitted by regulations. Regulations implementing the MBTA authorize certain activities that are consistent with the intent of the treaties through a permitting system. The regulations for Depredation Permits appear in 50 CFR 21.30. The information collection requirements necessary for the public to apply for the permit are contained in the current OMB approval. As stated above, the information collection requirements for the Annual Report apparently were inadvertently omitted from the last OMB submission. Since the issuance of the current OMB approval, the application and report forms have been re-formatted, streamlined, and modified for clarity.

The appropriate sections of the MBTA and the implementing regulations mandating or authorizing the collection of information are attached.

2. (A) Application. The application information collection is achieved using the Service's Application form 3-200-13, which addresses the specific permit application requirements contained in 50 CFR 21.41. The information is used by the Service to evaluate whether a permit can be issued to allow the applicant to take, possess, and transport depredating birds regulated by the MBTA. The permits are valid for 1 year.

(B) Reports. If a Depredation Permit is issued to the applicant, he or she is required to submit an Annual Report. The Annual Report information collection is achieved using Annual Report

Form 3-202 g. The Depredation Permits generally authorize the take of multiple numbers of multiple species. The Annual Report is necessary so the permittee can report the number of birds, eggs, or nests he or she actually took under the permit. The Depredation Annual Report Form requests the name of the species taken, the month taken, the number killed, the number relocated, the number of eggs destroyed or relocated and the number of nests affected, and the final disposition of the birds taken. This is minimal, basic that the Service needs to determine whether a permit holder is in compliance with his or her permit and also to enable us to track the number of birds actually taken from the wild and monitor the impact on the resource.

3. To date, the electronic submission of the application is not possible. We must receive an originally signed application form. Facsimile and e-mailed signatures are not accepted, although applicants may submit supporting materials by facsimile transmission. We expect that as technology advances, we will be able to accept electronic submissions of applications. Therefore, we have changed the format of page 1 of the application form so that the information fields on the form correspond to the data fields in our Service-wide permit issuance and tracking computer system. Once the form is approved, it will be posted on the Internet in a format that will allow the public to complete the form on-line and print the completed form for signature and submission. We are also working on a mechanism to allow electronic submission of annual reports.

4. No duplicate information is collected elsewhere in the Service that could be utilized to decide whether this permit can be issued or whether a permittee is in compliance with his/her permit. Except for the general information such as name and address, no other Federal agency collects information of this kind.

5. The Service estimates that 200 small businesses and/or small entities annually submit applications and 600 submit reports that contain these information collection requirements. This is not considered a substantial number of small businesses. We have modified the application and report forms for clarity to facilitate completion.

6. The consequence of not collecting the information contained in this application form is that the applicant would not be issued a permit since the collected information is either required on the permit itself or needed to make the legal findings and determinations under the MBTA.

7. It is not anticipated that a respondent would have to address any of the information collection methods or circumstances described in this justification instruction.

8. We will request comments on this information collection in a Federal Register notice.

9. There is no provision within the MBTA to provide any gift or payment to respondents.

10. Since the information collected is subject to the requirements of the Privacy Act and the Freedom of Information Act, the Service can assure confidentiality to respondents. All applicants receive an information sheet explaining the requirements of both Acts.

11. None of the information collected on this application form is of a sensitive nature.

12. Service experience indicates that approximately 788 respondents will apply for a Depredation Permit each year. (This does not include the number of permittees requesting renewal of a permit due to expire, which is captured under the permit renewal application form 3-200-58.) The frequency of response is on occasion. The amount of time it takes an applicant to provide the information collected will depend on what he wants covered by the permit. Some applicants will only need to take one or several birds, in which case it will take about 30 minutes to complete the application. Other applicants may need authorization for large numbers of several species, in which case it may take about 3 hours to complete the application. We estimate it will take the average respondent an average of an hour and a half (1.5 hours) to complete the application, with a total burden assumed by all applicants of 1,182 hours. Approximately 2,148 permits are valid during any given year, and each permit requires an Annual Report. As with the application, the amount of time it takes to complete the annual report depends on the scope of the permit and the number of birds taken under it. We estimate it will take an average of 1 hour to complete the annual report. Therefore, the total annual report burden assumed by all applicants would be 2,148 hours or less. Therefore, the total annual burden to Depredation Permit holders is 3,330 hours.

We estimate that 200 small businesses and/or small entities annually submit applications and 600 submit reports that contain these information collection requirements. Assuming an hourly cost of \$10.00 yields \$ 9,000 (\$3,000 for application + \$ 6,000 for annual report) plus a \$25.00 application processing fee (\$ 5,000) for businesses, totaling \$ 14,000. All other applicants for this type of permit are individuals.

13. The annual "out of pocket" cost to the respondents is approximately \$ 19,700 (788 applicants multiplied by the \$25 application processing fee).

14. The annualized cost to the Federal Government for processing applications is estimated to be approximately \$ 37,824. This value is based on the average salary per hour of the Service personnel likely to be involved in the processing of the applications (\$20), plus operational expenses per hour (\$4), multiplied by the estimated number of hours required to process an application (2), multiplied by the number of applications the Service receives each year (788).

The annualized cost to the Federal Government for processing reports is estimated to be approximately \$ 33,831. This value is based on the average salary per hour of the Service personnel likely to be involved in the processing of the applications (\$17), plus operational expenses per hour (\$4), multiplied by the estimated number of hours required to process a report (45 minutes, or .750), multiplied by the number of reports the Service receives each year (2,148).

15. The increase in annual burden hours is due to the inclusion of the time it takes to submit the annual report for this permit, which was excluded from the previous OMB submission. The reduction in estimated cost to the Government resulted from our adjustment of our information collection analysis to differentiate between new permit applications (i.e., new respondents) and requests to renew existing permits that are due to expire. We have developed a streamlined

renewal application (see form 3-200-58), which takes considerably less time to complete. Previous respondent figures for this permit application included applications received requesting renewal of a permit due to expire.

16. There are no plans for publication of the results of this information collection.

17. The Service is not seeking approval to not display the expiration date for OMB approval.

18. There are no exceptions to the certification statement contained in Item 19 of OMB Form 83-I for the information being collected by this application form.

B. Collection of Information employing Statistical Methods.

No statistical methods are used.