

## Supporting Statement for Paperwork Reduction Act Submissions

for applications and reports for **Waterfowl Sale and Disposal Permits** contained in the regulations at 50 CFR 21.25.

### 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. These information collection requirements are contained in permit applications that will allow the permit holder to sell, trade, donate, or otherwise dispose of to another person any species of captive-reared, properly marked waterfowl, except mallard ducks. The information collection requirements for the transfer of waterfowl held under the permit are contained in the Notice of Transfer report. The information collection requirements for the annual report for the permit are contained in the annual report forms. The Application Form for this activity was assigned number **3-200-9**. The Notice of Transfer or Sale of Migratory Waterfowl (Notice of Transfer) Report is **3-186**. The Annual Report Form is **3-202 c**.

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 Waterfowl Sale and Disposal permits appear in 50 CFR 21.25. The information collection requirements necessary for the public to apply for a Waterfowl Sale and Disposal permit and to comply with reporting requirements are contained in the current OMB approval. 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 by using the Service's Application form 3-200-9, which addresses the specific permit application requirements contained in 50 CFR 21.25. The information is used by the Service to evaluate whether a permit can be issued to allow the applicant to sell, trade, donate, or otherwise dispose of to another person captive-reared, properly marked migratory waterfowl regulated by the MBTA. The permits are valid for 3 years.

(B) Reports. If a Waterfowl Sale and Disposal Permit is issued to the applicant, he/she is required to notify the Service when he sells or transfers waterfowl raised under the permit. The information is required in the Notice of Transfer or Sale of Migratory Waterfowl (Form 3-186). The Form 3-186 requires information on the species, method of marking, quantity and sex and/or

eggs, the date of delivery, location of where birds/eggs will be kept, and the permittee's and recipient's and address are necessary to ensure compliance with the MBTA.

The Annual Report (Form 3-200c) is used by the Service to determine whether a permit holder is in compliance with their permit. Information on the calendar year, species names, quantity of birds and eggs at the start and end of the permit year, method of marking, and number raised, acquired, sold, died, and released is necessary to ensure compliance with the MBTA.

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.

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 98 small businesses and/or small entities annually submit applications and 1540 submit reports that contain these information collection requirements. We have modified the application and reporting forms to make them easier to understand and complete.

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 98 respondents will apply for a Waterfowl Sale and Disposal Permit each year. (This does not include the number of permittees requesting renewal, which is captured under the permit renewal application form 3-200-58.) The frequency of response is on occasion. It will take the respondent an average of 1 hour to complete the application, with a total burden assumed by all applicants of 98 hours or less. Approximately 1,540 permits are valid during any given year, and each permit requires an annual report which takes approximately 1 hour to complete. Therefore, the total annual report burden assumed by all applicants would be 1,540 hours or less. An estimate of 8,002 Notices of Transfer reports are submitted by permittees annually. These take approximately 10 minutes to complete, with a total burden of 1,334 hours. Therefore, the total annual burden to Waterfowl Sale and Disposal permittees is 2,972 hours.

We estimate that 98 small businesses and/or small entities annually submit applications and 1,540 submit reports that contain these information collection requirements. Assuming an hourly cost of \$10.00 yields \$ 17,822 (\$ 980 for application + \$ 1,442 for notice of transfer reports + \$ 15,400 for annual report) plus a \$25.00 application processing fee (\$ 2,450) for businesses, totaling \$ 20,272.

13. The annual "out of pocket" cost to the respondents is approximately \$ 2,450 (98 applicants multiplied by the \$25 application processing fee).

14. The annualized cost to the Federal Government for processing applications is estimated to be approximately \$ 2,058 or less. 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 number of hours estimated required to process an application (1), multiplied by the number of applications the Service receives each year (98).

The annualized cost to the Federal Government for processing Notices of Transfer reports is estimated to be approximately \$ 29,873. This value is based on the average salary per hour of the Service personnel likely to be involved in the processing of the reports (\$17), plus operational expenses per hour (\$4), multiplied by the number of hours estimated required to process a report (0.17 hours), multiplied by the number of reports the Service receives each year (8,002).

The annualized cost to the Federal Government for processing annual reports is estimated to be approximately \$ 16,170. 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 number of hours estimated required to process a report (0.5), multiplied by the number of reports the Service receives each year (1,540).

Therefore, the total annualized cost to the Government for processing permit requirements for Waterfowl Sale and Disposal Permits is \$48,101.

15. The reduction in cost burden to the Government resulted from our adjustment of our

information collection analysis to differentiate between new permit requests (i.e., respondents) and requests to renew existing permits that are due to expire. We have developed a streamlined renewal application (see form 3-200-58). Previous figures 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.