

Supporting Statement for Paperwork Reduction Act Submission
OMB Control Number 1018-0103
Conservation Order for Control of Mid-Continent Light Geese
50 CFR 21.60
March 2, 2005

A. Justification

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

Regulations allowing the take of migratory birds are authorized by the Migratory Bird Treaty Act (16 U.S.C. 703-712), which implements the four bilateral migratory bird treaties the United States entered into with Canada, Mexico, Japan, and Russia. The Act authorizes and directs the Secretary of the Interior to allow hunting, taking, etc., of migratory birds subject to the provision of, and in order to carry out the purposes of, the four migratory bird treaties. Section VII of the U.S.-Canada Migratory Bird Treaty authorizes the taking of migratory birds that, under extraordinary conditions, become seriously injurious to agricultural or other interests.

A depredation permit (50 CFR 21.41) or a depredation order (50 CFR 21.42) may be issued when it is determined that migratory birds have become injurious to agricultural or other interests of the United States and are subsequently taken for purposes of depredation control. Mid-continent light geese (MCLG) have become overabundant and are destroying arctic and subarctic breeding habitats in Canada essential to their own survival and to other migratory bird populations. On February 16, 1999, the Fish and Wildlife Service (We, Service) published a final rule (64 FR 7517) that established a conservation order for MCLG (50 CFR 21.60). This regulation authorized States and tribes in the mid-continent region to control MCLG within the United States through the use of alternative regulatory strategies within the conditions provided by the Service in the conservation order. We withdrew this regulation to prevent further litigation from several anti-hunting groups that opposed the conservation order. Subsequently, Congress passed the Arctic Tundra Habitat Emergency Conservation Act (Pub.L. 106-108), which reinstated the conservation order regulations published on February 16, 1999. On December 20, 1999 (64 FR 71236), we published a final rule that notified the public that congressional action resulted in reinstatement of 50 CFR 21.60.

North American light geese are comprised of lesser snow geese (*Anser caerulescens caerulescens*), greater snow geese (*A. c. atlantica*), and Ross' geese (*A. rossii*). Collectively, these species and subspecies are referred to as light geese due to their light coloration, as opposed to "dark" geese such as Canada and white-fronted geese. Most populations of light geese are currently increasing in numbers. Light geese that nest in the central and eastern Arctic are comprised of two populations: mid-continent population and western central flyway population of lesser snow and Ross' geese (combined). The two species are combined in the population terminology for management purposes. Mid-continent light geese refers to the combination of the two populations.

The number of MCLG has increased exponentially over the past several decades in prairie Canada and the midwestern United States, primarily due to the expansion of agriculture and concurrent increase in food supply. These rapidly expanding populations have placed an unprecedented amount of pressure on arctic and subarctic breeding habitats. Large, expanding concentrations of MCLG, coupled with a short tundra growing season, have resulted in removal of vegetation by feeding geese. Loss of vegetation leads to increased evaporation and hypersaline soils, resulting in severe habitat degradation along west Hudson and James Bays, and in the Queen Maude Gulf regions of northern Canada. Symptoms of habitat degradation are appearing in other arctic and subarctic regions as well. Negative impacts to other migratory bird populations have been documented both on the breeding grounds and along migration routes. MCLG populations must be reduced to avoid further loss of an ecosystem essential to migratory bird populations. Prior to implementation of the conservation order, we attempted to curb the growth rate of MCLG populations by liberalizing bag limits and increasing the light goose hunting season to 107 days, the maximum allowed by the Migratory Bird Treaty Act, as amended. Although these changes resulted in increased harvest, the harvest rate (percent of population harvested) continued to decline as populations grew exponentially. Clearly, traditional wildlife management strategies were not working. Therefore, we established an alternative regulatory strategy to effectively and efficiently reduce MCLG populations, which precluded the use of more drastic, direct control measures.

Prior to implementation of the conservation order, MCLG could only be harvested during traditional hunting season framework dates between September 1 and March 10, as prescribed by the Migratory Bird Treaty with Canada. Most of the harvest of MCLG occurs in the United States. Use of population reduction measures on the Canadian breeding grounds would be cost-prohibitive, dangerous, inefficient, and would be out of Service jurisdiction. Therefore, the Service created the conservation order to control light geese by authorizing States and tribes to implement alternative regulatory strategies for MCLG outside of the Treaty framework dates of September 1 and March 10. The States and tribes may conduct a population reduction program under the authority of the conservation order within the conditions provided by the Service.

The conservation order authorizes States and tribes to implement population control measures without having to obtain a permit, thus significantly reducing their administrative burden. States and tribes may allow the use of additional methods of take described within the conditions of the conservation order and can maximize the potential to increase take of MCLG by authorizing take beyond March 10, when historically States have been limited by framework closing dates. Establishing a conservation order to reduce MCLG is a streamlined process that affords an efficient and effective population reduction strategy, rather than addressing the issue through the Service's permitting process. Furthermore, this strategy precludes the use of more drastic and costly direct population-reduction measures such as trapping and culling geese.

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.]

States and tribes must designate participants who must operate under the conditions of the conservation order and they must inform participants of such requirements and conditions. The method by which participants are designated is at the discretion of individual States and tribes.

States and tribes must keep records of activities carried out under the authority of the conservation order. This includes the number of mid-continent light geese taken under the regulation, the methods by which they are taken (e.g. unplugged shotgun, electronic call), and the dates they were taken. We believe that this recordkeeping requirement is necessary to ensure those individuals carrying out control activities are authorized to do so. The States and tribes must submit an annual report summarizing the activities conducted under the conservation order on or before August 1 of each year.

Reported information allows the Service to assess the effectiveness of light geese population control methods and strategies and assess whether or not additional population control methods are needed. Information on date of harvest allows us to assess the interaction between normal hunting season, migration timing by species such as whooping cranes and other migratory birds, and the conservation order. By monitoring the number of light geese taken during the conservation order, we will be able to monitor trends in harvest and ensure that light geese and other migratory bird populations are managed properly. Reports by independent researchers indicate that approximately 1.4 million light geese should be harvested each year in order to reduce the population size. We have used information collected in previous years under the conservation order to determine how close we are to achieving this level of harvest.

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 and tribes may submit the information collected electronically to the following e-mail addresses: james_r_kelley@fws.gov or brian_millsap@fws.gov. Allowing States and tribes to submit their reports electronically reduces administrative burden to States and the Federal Government. Tribal information can be incorporated in State reports to reduce the number of reports submitted.

We have considered developing a web-based system whereby States may submit their information electronically on a secure server, thus streamlining the information collection process. However, severe budget constraints the past 2 years have precluded implementation of such a system. It is possible that such a system may be developed for FY 2006.

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.

No duplicate information is collected elsewhere in the Service, nor does any other Federal agency collect information of this type.

5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.

Since the conservation order is available only to State wildlife agencies and tribes, no small businesses or other small entities are affected by the information collection requirements.

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.

States are not allowed to participate in the conservation order unless they collect information on activities conducted under the program. Without such information, the Service will not be able to evaluate the effectiveness of the population control program and cannot fulfill its responsibilities under the Migratory Bird Treaty Act. Collections conducted less frequently than annually will not allow the Service to properly manage light geese populations. There are no technical or legal obstacles to reducing burden.

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.**

No special circumstances exist.

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. [Please list the names, titles, addresses, and phone numbers of persons contacted.]

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 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 November 15, 2004 (69 FR 65627), we published a 60-day Federal Register notice that solicited public comments on this information collection. We received no public comments.

We contacted some participating States to estimate the burden hours for this information collection renewal. During preparation of the original Supporting Statement for the conservation order in 1998, we had no previous experience to guide development of an estimate of burden hours. The original estimate was conservatively stated as 30 total hours per response (including report preparation). This estimate was used in subsequent renewals of our information collection permit, apparently without any outreach to determine how accurate the estimate was. Our recent outreach to a limited number of participants indicated that the average number of burden hours was substantially higher than our original estimate. We now believe that the average burden hour estimate should be revised to 74 hours per response. The names and e-mail addresses for those contacted are:

Jim Gammonley, Colorado Division of Wildlife - jim.gammonley@state.co.us
Robert Helm, Louisiana Dept. of Wildlife and Fisheries - rhelm@wlf.louisiana.gov
Steve Maxson, Minnesota Dept. of Natural Resources - steve.maxson@dnr.state.mn.us
Corey Huxoll, South Dakota Game, Fish and Parks - corey.huxoll@state.sd.us
Mike Johnson, North Dakota Game and Fish Dept. - mjohnson@state.nd.us
Dave Morrison, Texas Parks and Wildlife - dave.morrison@tpwd.state.tx.us
Guy Zenner, Iowa Dept. of Natural Resources - guy.zenner@dnr.state.ia.us
Craig Miller, Illinois Dept. of Natural Resources (now with LSU) - craigm@lsu.edu
Scott Baker, Mississippi Dept. of Wildlife, Fisheries and Parks - mahannah1@aol.com

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

We do not provide any gifts or payment to respondents.

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

The information collected is not subject to the requirements of the Privacy Act and any records provided to the Service will be available under the Freedom of Information Act.

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.

None of the information collected is 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 in Item 13 of OMB Form 83-I.**
- * **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. Instead, this cost should be included in Item 14.**

We expect a maximum of 24 States to participate under the authority of the conservation order each year that it is available, each requiring an average of 74 hours to collect information from participants and prepare a report. Therefore, the burden to State participants will be 1,776 hours

or less. The annual burden cost to States is estimated to be \$53,280 (1,776 burden hours multiplied by \$30.00/hour average wage).

This estimate is substantially higher than our previous estimate of burden hours. As explained in Item 8 above, our original estimate of burden hours was only 30 total hours per response. In preparation for the current renewal application, we conducted limited outreach to some participating States to determine how realistic our estimate was. Feedback indicated that the average burden hours was substantially higher; thus, we have revised our estimate to 74 hours per response. This increased the estimate of total burden hours from 720 hours to 1,776 hours.

Estimated annual hour burden for States participating in the conservation order.

Estimated total annual number of respondents (maximum)	24
Estimated number of hours required per response	74
Estimated number of total annual burden hours	1,776
Estimated hourly wage	\$30.00
Estimated dollar value	\$53,280

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 shown in Items 12 and 14).

- * **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]. 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.

- 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. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.**

There is minimal annualized cost to the Federal Government as a result of this information collection because we only monitor the number of light geese harvested to ensure that the harvest is in line with our projections. We estimate an annual total of 3 hours to prepare a spreadsheet consolidating the information, review the harvest totals, and maintain the necessary files at a cost of \$120.00 (\$30 per hour).

- 15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I.**

We adjusted our estimate for the average burden hour per respondent from 30 to 74 hours per response. This adjustment was made as a result of contacting a limited number of participants to obtain a more recent estimate of average 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 results of this information collection 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.**

We are not seeking approval to not display the expiration date for OMB approval.

**18. Explain each exception to the certification statement identified in Item 19,
"Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.**

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

B. Collections of Information Employing Statistical Methods

This information collection does not employ statistical methods.