

Supporting Statement for Paperwork Reduction Act Submission:
Special Use Permit Applications on National Wildlife Refuges in Alaska
OMB Control Number 1018-0014
50 CFR 25.61, 26.22(b), 26.25, 36.33, 36.37, and 36.41

Section A. Justification

1. Explain why you need to collect this information. Identify any legal or administrative requirements that necessitate this information collection.

The National Wildlife Refuge Administration Act of 1966, as amended (16 U.S.C. 668dd-ee) (Administration Act) authorizes us to permit uses, including commercial visitor services, on national wildlife refuges only when we find the activity to be compatible with the purposes for which the refuge was established, and not inconsistent with public safety. The National Wildlife Refuge System Improvement Act of 1997 (Pub. L. 105-57) (Improvement Act) amended the Administration Act and established “organic legislation” for the National Wildlife Refuge System with a unifying mission. It also modified the process for determining compatible uses on refuges and required that we determine the use of refuge lands to be compatible with the mission of the Refuge System, as well as the refuge purposes. We published proposed regulations for determining if a use is compatible in the Federal Register on September 9, 1999 (64 FR 49056), along with a draft compatibility policy.

The Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3101 et seq.) was signed into law on December 2, 1980. Its broad purpose is to provide for the disposition and use of a variety of federally owned lands in Alaska. Section 303 of ANILCA established the purposes for which each Alaska refuge, and Section 304 requires that all uses we authorize on Alaska refuges first be found to be compatible with the refuge purposes. You can find regulations for administering special use permits on Alaska refuges in 50 CFR part 36.41.

Section 810 of ANILCA (16 U.S.C. 3120) requires that we evaluate the effect of any proposed use of refuge lands on subsistence uses and needs, in determining whether to permit such uses. It restricts us from permitting a use which would significantly restrict subsistence uses unless we give notice to the appropriate State agency and local committees and regional councils, hold a hearing in the vicinity of the area involved, and determine that such a restriction of subsistence uses is necessary, consistent with sound management principles, for the utilization of public lands, will involve the minimum amount of public lands necessary, and reasonable steps will be taken to minimize adverse impacts.

Sections 1303 and 1315 of ANILCA (16 U.S.C. 3193; 3203-3204) allow the Secretary of Interior to permit construction, use, and occupancy of cabins in national wildlife refuges in Alaska under certain conditions. Section 1303 (b)(3) of ANILCA states that we will issue no special use permits for cabins unless the permit applicant provides certain items of information. You can find regulations issued to implement these provisions in 50 CFR part 36.33.

Section 1307 of ANILCA (16 U.S.C. 3197) contains two provisions concerning persons and entities to whom we are to give special rights and preferences with respect to providing “visitor services” on refuges in Alaska. Section 1307 defines “visitor service” as “. . . any service made available for a fee or charge to persons who visit a conservation system unit, including such services as providing food accommodations, transportation, tours and guides excepting the guiding of sport hunting and fishing.” You can find regulations issued to implement these provisions in 50 CFR part 36.37.

Provision is made in our general refuge regulations for public entry for specialized purposes, including economic activities such as the operation of guiding and other visitor services on refuges by concessionaires or cooperators under appropriate contracts or legal agreements (50 CFR Part 25.61) or special use permits (50 CFR parts 26.22(b) and 26.25). These rules, in combination with the regulations for the administration of permits on refuges in Alaska (50 CFR part 36.41), provide the authorities and procedures for selecting permittees on Alaska refuges, the vast majority of which are providers of services and facilities to the public. We issue permits for a specific period of time, as determined by the type and location of the use or visitor service provided.

As such, we need the information requested on refuge permit application forms to review the specific use or activity proposed to evaluate its impacts on refuge resources and other users, and to determine if it is compatible with refuge purposes and the mission of the refuge system. We also need the permit information to determine eligibility for permit preference under section 1307 of ANILCA, where applicable.

2. Explain how FWS will use the information. If this is not a new collection, explain how FWS has used the information received.

We have been collecting this information for 11 years. We provide refuge permit applications as requested by interested applicants. We use the required written forms and/or verbal application information to ensure that an applicant is eligible for non-competitively awarded permits. In the case of competitively awarded permits, we use the information to select the most qualified applicant to receive the benefits of a refuge permit. In the case of permits awarded under section 1307 of ANILCA ("1307 preferences"), we will also use the information to determine whether the applicant is: A member of a Native Corporation; and/or a local resident; and/or was engaged in adequately providing visitor services on or before January 1, 1979; and/or is eligible to receive Cook Inlet Region rights.

In addition, we use the information requested on refuge permit applications to review the specific use or activity proposed to evaluate its impacts on refuge resources and other users and to determine if it is compatible with refuge purposes and the mission of the refuge system. Based on the information provided in the application, we determine special conditions needed in the permit to avoid unnecessary or inappropriate impacts on refuge resources and other refuge users.

For this renewal request, we have made slight revisions to the special use permit application form we use for Alaska refuges (Form 3-2001). We expect these changes will make the application easier to understand and complete and will provide us with a better set of information on which to base permit decisions. The proposed changes to the application form are as follows:

- On page one, item 2, we added the phrase, "... and are not inconsistent with public safety" to the end of the first sentence to be consistent with Service regulations and policy requirements that we consider public safety, as well as the other factors listed, before authorizing uses on national wildlife refuges.
- On page one, item 3, we corrected the last sentence to state that permit applicants must provide their social security number or taxpayer identification number for activities subject to collection of fees by the Service, and we provided the legal citation for this requirement.
- On page one, item 6, we modified the first sentence to reflect our revised estimates of the public reporting burden.
- On page 2, we modified the application to provide the applicant the option to provide his/her taxpayer identification number or social security number.
- On page 2, we requested "valid dates" for the alternate phone number.

- On page 3, we replaced a confusing table with a list of Alaska refuges and types of uses in order to simplify the application. On the revised application, the applicant only needs to identify the refuge and the proposed activities applicable to his/her application by marking them with an "X" on the lists provided on the application form. By eliminating the table, we also provided more space on the application to provide a description and location of the proposed activity or use.
- We rearranged the permit information required on page 4 into a more logical sequence and format in order to simplify the application. We also added a statement of reference to an enclosed Insurance Information Sheet for minimum insurance requirements.
- On page 5, item 14, we added language to clarify that we need copies of only those State or Federal licenses, certifications, and registrations that are required for the activity the applicant proposes to conduct on the refuge.

In addition to the revisions identified above, we made a few minor editorial changes on the application form for clarification and plain language requirements. The editorial changes do not affect the information requirements of the application.

3. Does this information collection use automated, electronic, mechanical, or other technological techniques? Provide the reasons for the decision to adopt this means of collection. Describe any consideration you gave to using information technology to reduce burden on the public.

We have not previously used automated, electronic, or other technological information collection techniques, because the nature of the requested information provided limited opportunity to automate at the source level. This information is unique and resides only with each permit applicant, and many of the applicants lead a rural/subsistence lifestyle and typically have no access to computers or other automated equipment. However, we recognize the significant increase in availability and use of computers and other automated equipment, and we will make the permit applications available to the public on the Service's Region 7 website. We do not have appropriate technology or adequate funding at this time, however, to transform this collection into an electronic transaction that would allow transmission of the electronic form over the Internet with digital signature.

4. Describe efforts to identify duplication. Show why similar information already available cannot be used or modified.

The information required on the application is specific to the applicant and the use or activity proposed. No one else collects this information. Consequently, there is no duplication.

5. If the collection will have a significant impact on small entities, such as small businesses, describe methods used to minimize burden on them.

This collection of information does not have a significant impact on a substantial number of small entities. Small businesses from which we collect information are typically recreational hunting, fishing, guiding, or transporting operations. In the case of applicants for non-competitive permits, we limit the information requested to the minimum necessary to establish eligibility and resource protection and to demonstrate that applicants are aware of critical information that they should know to protect themselves from future legal and financial predicaments. We necessarily expand information collection requirements for competitively awarded permits to determine which applicant is the most qualified to obtain the benefit of receiving a special use permit.

In addition, we try to issue permits that are valid for as long a period of time as possible to minimize the burden on permit holders. Alaska refuge permit regulations (50 CFR part 36.41) provide for awarding refuge permits competitively when there is a need to limit the number or availability of permits. We issue competitively awarded permits of five-year terms, with a five-year automatic renewal if the permittee complied with the terms of the permit and provided a satisfactory service. This allows up to a ten-year period without additional information collection requirements. Individuals submit the information on applications for non-competitively awarded permits on an as-needed basis, and we normally issue those permits annually. Information collection only occurs at the time of application.

6. Describe the consequences to Federal programs or policies if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

Without the information requested on the refuge permit application, our personnel would be unable to review the proposed uses and evaluate the impacts or effects of proposed uses on refuge lands. This would preclude our ability to fulfill statutory requirements and responsibilities of the Service under the Administration Act, the Improvement Act, ANILCA, and other relevant laws and regulations to determine if the proposed activity or use meets refuge compatibility standards, to evaluate the impacts on subsistence uses required by Section 810 of ANILCA, to determine eligibility for 1307 preferences, and to fulfill any National Environmental Policy Act requirements that we may have.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

There are no circumstances under which we would require the collection to be inconsistent with the guidelines in 5 CFR part 1320.5.

8. Cite and provide a copy of the 60-day Federal Register notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received on the 60-day notice, and describe actions taken by FWS in response to those comments. Specifically address comments received on cost and hour burden. Describe your efforts to consult with persons outside of FWS to obtain their views on the availability of data; frequency of collection; clarity of instructions, disclosure, or reporting format; and data elements to be recorded, disclosed, or reported. Consultation should include obtaining their views on the amount of burden to be imposed and ways to minimize the burden. If circumstances prevent this consultation, describe them.

On February 14, 2003, we published in the Federal Register (68 FR 7578) a notice soliciting public comment on our request to OMB to renew its approval of this information collection. We did not receive any comments.

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

We will not provide any payment or gift to permit applicants.

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

We require no confidential information and state that we are requesting this information in accordance with the Privacy Act of 1974.

11. Provide justification for any questions of a sensitive nature. Include the reasons why the questions are necessary, the specific uses for the information, the explanation given to respondents, and steps taken to obtain respondents consent.

We require no information of a sensitive nature.

12. Provide estimates of the hour burden of the information collection. Include an estimate of the dollar value of the burden hours.

We estimate from knowledge of previous applicants' completion of the information collection requirements that it takes an average of 1.5 hours to supply the needed information for non-competitively awarded permits and 30 hours for competitively awarded permits, including 1307 preferences. Most respondents should have access to the required documentation and have personal knowledge of the requested information; however, respondents may need to do research to provide the information. We estimate that there will be an average of 80 applicants filling out 180 competitively awarded permit applications, and 120 applicants completing 170 non-competitively awarded permit applications, per year. This will result in a total annual hour burden of 5,655 hours. We estimate the dollar value of the annual burden hours for 200 respondents to be \$113,100. We base this estimate on an estimated average salary of \$20 per hour multiplied by the estimated total annual hour burden to all respondents of 5,655 hours (\$20 per hour x 5,655 hours = \$113,100).

Information Collection for Refuge Permit Applications		
	Competitive	Non-competitive
Number of respondents (applicants):	80	120
Number of responses (applications):	180	170
Estimated burden hours per response:	30	1.5
Annual burden hours:	5,400	255
Total annual burden hours:	5,655	
Dollar value of total annual burden hours:	\$113,100	

13. Provide an estimate for the total annual non-hour dollar cost burden to respondents or recordkeepers. Do not include the cost of burden hours described in items 12 and 14.

There is no estimated dollar cost burden on respondents. There is no fee to apply for a refuge special use permit or any other fees associated with this information collection.

14. Provide estimates of the annual cost to the Federal Government. Include a description of the method used to estimate cost, which should include quantification of hours, operational expenses, and any other expense that would not have been incurred without this collection of information.

We estimate the annualized cost to the government at \$66,350. We base this estimate on GS-12 staff time, which costs the government an estimated \$35 per hour (including the 25% Alaska cost of living allowance). We estimate the average time required to review the information on each permit application to be 8 hours per application for each of the 180 competitively awarded permits, and one hour per application for each of the 170 non-competitively awarded permits. Based on these estimates, the Service would spend an average of 1,440 hours per year reviewing the information in competitive permit applications, and 340 hours per year reviewing non-competitive permit applications. Our cost estimate includes an estimated \$10,000 annually to cover operational expenses. [(180 applications x 8 hours per application + 170 applications x 1 hour per application) x \$35 per hour + \$10,000 operational expenses = \$66,350.]

Annual Cost to the Federal Government		
	Competitive	Non-competitive
Number of responses (applications):	180	170
Estimated hours to review each application:	8	1
Annual burden hours to Government:	1,440	170
Total annual burden hours to Government:	1,610	
Dollar value of total annual burden hours:	\$56,350	
Plus estimated \$10,000 operational expenses:	\$66,350	

15. Provide the reasons for any program changes or adjustments reported in items 13 or 14 of OMB 83-I.

We have revised the estimated annual time and cost burdens associated with this information collection from previous (2000) estimates to reflect an increase in the number of annual permit applications and increased operational costs. These numbers are significantly higher than in previous years due to the significant time and operational expenses associated with the competitive big game guide selection process (which is in a ten year cycle) occurring in 2003. We reduced our estimated number of respondents because many respondents submit separate refuge applications for different types of activities and/or for different refuges. This reduction in the estimated number of respondents did not affect the estimate of the total annual burden hours that are based on the number of responses. We also reduced the estimated time needed to complete applications for 1307 preferences to be consistent with the estimated time needed for other competitive permit applications.

16. For collections whose results will be published, outline the plans for tabulation and publication.

This is an ongoing information collection with no plans for publication.

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 will display the OMB approval number and expiration date on the application.

18. Explain each exception to the certification statement identified in item 19 of OMB 83-I.

There are no exceptions to the certification statement identified in item 19 of the OMB 83-I.

Section B. Collections of Information Employing Statistical Methods

We do not use statistical methods.