

## Supporting Statement for Paperwork Reduction Act Submissions

for applications and reports for **Bald and Golden Eagle Exhibition and Scientific Permits** contained in the regulations at 50 CFR 22.21.

### 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 and the Bald and Golden Eagle Protection Act. The information collection for Eagle Exhibition and Scientific Permits involves four forms tailored specifically to the requested activities—two forms for permits for exhibition/education purposes and two for scientific collecting/research permits. These regulations authorizes parties to take, possess, or transport bald or golden eagles for educational exhibition purposes and for scientific collecting or research purposes. The Application Forms for the Exhibition/Education Permit is assigned **Form 3-200-14a**. The Annual Report for the Eagle Exhibition/Education Permit is assigned **Form 3-430b**, which is the same form used for permits for migratory bird Special Purpose - Possession for Education permits. The Application Form for Eagle Scientific Collecting/Research Permits is assigned **Form 3-200-14b**. The Annual Report for the Eagle Scientific Collecting/Research Permit is assigned **Form 3-430d**. This is the same annual report form used for Migratory Bird Scientific Collecting permits.

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. The Bald and Golden Eagle Protection Act (BGEPA), provides additional protections to bald and golden eagles. Under both the MBTA and BGEPA, 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 and BGEPA authorize certain activities through a permitting system. The MBTA defers to the permitting provisions of BGEPA for most eagle permits. The regulations for Eagle Exhibition and Scientific Research/Collecting Permits appear in 50 CFR 22.21. The information collection requirements necessary for the public to apply for the permits and to comply with reporting requirements are contained in the current OMB approval. Since the issuance of the current OMB approval, the applications and report forms have been re-formatted, streamlined, and modified for clarity.

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

### 2. Use of Information Collected on Forms

#### A. Eagle Exhibition/Education Permit Application and Annual Report

Application. The application information collection is achieved using the Service's Application **Form 3-200-14a**, which addresses the application requirements contained in 50 CFR 22.21. The

information is used by the Service to evaluate whether a permit can be issued to allow the applicant to take, possess, and transport live or dead eagles for exhibition/education purposes. The permits are valid for 3 years.

Annual Report. If an Eagle Exhibition/Education Permit is issued to the applicant, he or she is required to submit an annual report of the birds received and possessed under his or her permit for educational purposes and information about the programs provided. Permittees are supposed to provide at least 12 educational programs a year. The Annual Report information is collected using **Form 3-430 b**. (This same annual report form is used for Special Purpose Possession for Education (Live and Dead) permits under the MBTA.) This form has been completely redesigned and modified for clarity. The report information is used by the Service to determine whether a permit holder is in compliance with his or her permit. It is also used to monitor the placement of nonreleasable birds in order to annotate any trends in birds used for education.

#### **B. Eagle Scientific Collecting/Research Permit Application and Annual Report Forms**

Application. The application information collection is achieved using the Service's Application **Form 3-200-14b**, which addresses the application requirements contained in 50 CFR 22.21. The information is used by the Service to evaluate whether a permit can be issued to allow the applicant to take, possess, and transport live or dead eagles for scientific research purposes. The permits are valid for 3 years.

Annual Report. If an Eagle Scientific Research Permit is issued to the applicant, he or she is required to submit an annual report of the birds taken under his or her permit. The Annual Report information is collected using **Form 3-430 d**. (This same annual report form is used for Scientific Collecting Permits issued under the under the MBTA.) This form has been completely redesigned and modified for clarity. The report information is used by the Service to determine whether a permit holder is in compliance with his or her permit. It is also used to track the number of birds taken from the wild so the Service can monitor 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.

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

5. The Service estimates that 20 small businesses and/or small entities annually submit applications for Eagle Exhibition/Education Permits and 100 submit Eagle Exhibition/Education Annual Reports that contain these information collection requirements. This is not considered a substantial number of small businesses. Eagle Research Permits generally are requested by Federal or State personnel. We have modified the application and report forms for clarity to facilitate completion, and we have streamlined our reporting requirements.
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 BGEPA and 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 BGEPA or 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. Estimates of hour burden:

Eagle Exhibition/Education Permits.

Service experience indicates that approximately 31 respondents will apply for a Eagle Exhibition/Education 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. It will take the respondent an average of 2.5 hours to complete the application, with a total burden assumed by all applicants of 77.5 hours. Approximately 300 permits are valid during any given year, and each permit requires an annual report which takes approximately 1 hour to complete. The total annual report burden assumed by all applicants would be 300 hours. Therefore, the total annual burden to Eagle Exhibition/Education permittees is 377.5 hours.

We estimate that 20 small businesses and/or small entities annually submit applications and 100 submit reports that contain these information collection requirements. Assuming an hourly cost of \$10.00 yields \$ 2,000 (\$ 500 for applications + \$ 1,000 for annual reports) plus a \$25.00 application fee (\$ 500) for businesses, totaling \$ 6,760. All other applicants for this type of permit are individuals.

Eagle Scientific Research Permit Applications and Annual Reports.

Service experience indicates that approximately 2 respondents will apply for a Eagle Scientific Research 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. It will take the respondent an average of 4 hours to complete the application, with a total burden assumed by all applicants of 8 hours.

Approximately 8 permits are valid during any given year, and each permit requires an annual report which takes approximately 30 minutes (0.5 hours) to complete. The total annual report burden assumed by all applicants would be 4 hours or less. Therefore, the total annual burden to Eagle Scientific Research permittees is 12.

Small businesses generally do not request these permits.

13. The annual "out of pocket" cost to the respondents is approximately \$ 800 (33 applicants multiplied by the \$25 application processing fee).

14. The annualized cost to the Federal Government for processing these permits is approximately \$ 9,240. The cost for each type of application annually is estimated below. 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 an application or annual report, multiplied by the number of applications or annual reports the Service receives each year.

Eagle Exhibition/Education:

Hours to process application - 4

Cost to Government to process Application - \$ 2,604

Hours to process annual report - 0.5

Cost to Government to process Annual Report - \$ 6,300

Total Annualized Cost = \$ 8,904

Eagle Scientific Research:

Hours to process application - 4

Cost to Government to process Application - \$ 168

Hours to process annual report - 1

Cost to Government to process Annual Report - \$ 168

Total Annualized Cost = \$ 336

15. The increase in the estimated annual burden on the public and the cost to the Government resulted primarily from two factors: (a) inadequate representation of the amount of time it takes to complete the applications for both permits in the previous OMB submission (1 hour in the previous submission compared to 2.5 and 4 hours in this submission) and, (b) inadequate representation of the number of annual reports required under the permits in the previous OMB submission (30 respondents in the previous OMB submission as compared to 308 in this submission). The increase is partially offset as a result of 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.