



DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS-HQ-MB-2020-N091; FF07CAFB00-201-FXFR13350700001; OMB Control Number 1018-0146]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Depredation and Control Orders

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the U.S. Fish and Wildlife Service (Service), are proposing to renew an information collection with revisions.

DATES: Interested persons are invited to submit comments on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review – Open for Public Comments" or by using the search function. Please provide a copy of your comments to the Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, MS: PRB/PERMA (JAO/3W), 5275 Leesburg Pike, Falls Church, VA 22041-3803 (mail); or by email to Info_Coll@fws.gov. Please reference OMB Control Number 1018-0146 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: Madonna L. Baucum, Service Information Collection Clearance Officer, by email at Info_Coll@fws.gov, or by telephone at (703) 358-2503. Individuals who are hearing or speech impaired may call the Federal Relay

Service at 1–800–877–8339 for TTY assistance. You may also view the information collection request (ICR) at <http://www.reginfo.gov/public/do/PRAMain>.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (PRA, 44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public’s reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

On February 11, 2020, we published in the *Federal Register* (85 FR 7780) a notice of our intent to request that OMB approve this information collection. We received one comment, which did not address the information collection requirements. Therefore, no response was required.

As part of our continuing effort to reduce paperwork and respondent burdens, we are again soliciting comments from the public and other Federal agencies on the proposed information collection request (ICR) that is described below. We are especially interested in public comment addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated,

electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: The Migratory Bird Treaty Act (MBTA; 16 U.S.C. 703 *et seq.*) implements four treaties concerning migratory birds signed by the United States with Canada, Mexico, Japan, and Russia. These treaties require that we preserve most U.S. species of birds, and prohibit activities involving migratory birds, except as authorized by regulation. Under the MBTA, it is unlawful to take, possess, import, export, transport, sell, purchase, barter—or offer for sale, purchase, or barter—migratory birds or their parts, nests, or eggs, except as authorized by regulation. This information collection is associated with our regulations that implement the MBTA. We collect information concerning depredation actions taken to determine the number of take of birds of each species each year and whether the control actions are likely to affect the populations of those species.

Annual Report (FWS Form 3–2436)

Regulations at 50 CFR 21 establish depredation orders and impose reporting and recordkeeping requirements. All persons or entities acting under depredation orders must provide an annual report. The capture and disposition of all non-target migratory birds, including Endangered, Threatened, or Candidate species must be reported on the Annual Report. In addition to the name, address, phone number, and email address of

each person or entity operating under the Order, we collect the following information for each target and non-target species taken:

- Species taken,
- Number of birds taken,
- Months and years in which the birds were taken,
- State(s) and county(ies) in which the birds were taken,
- General purpose for which the birds were taken (such as for protection of agriculture, human health and safety, property, or natural resources), and
- Disposition of non-target species (released, sent to rehabilitation facilities, etc.).

We use the information to:

- Identify the person or entity acting under depredation orders;
- Assess the impact to non-target migratory birds or other species;
- Ensure that agencies and individuals operate in accordance with the terms, conditions, and purpose of the orders;
- Inform us as to whether there are areas in which control activities are concentrated and might be conducted more efficiently; and
- Help gauge the effectiveness of the following orders in mitigating order-specific related damages:

§21.43 – Depredation order for blackbirds, cowbirds, crows, grackles, and magpies;

§21.44 – Depredation order for horned larks, house finches, and white-crowned sparrows in California;

§21.46 – Depredation order for depredating California scrub jays and Steller's jays in Washington and Oregon;

§21.49 – Control order for resident Canada geese at airports and military airfields;

§21.50 – Depredation order for resident Canada geese nests and eggs;

§21.51 – Depredation order for resident Canada geese at agricultural facilities;

§21.52 – Public health control order for resident Canada geese;

§21.53 – Control order for purple swamphens;

§21.54 – Control Order for Muscovy ducks in the United States;

§21.55 – Control order for invasive migratory birds in Hawaii;

§21.60 – Conservation Order for light geese; and

§21.61 – Population control of resident Canada geese.

Recordkeeping Requirements (50 CFR 13.48)

Persons and entities operating under these orders must keep accurate records to complete Forms 3–436. The records of any taking must be legibly written or reproducible in English and maintained for 5 years after the persons or entities have ceased the activity authorized by this Order. Persons or entities who reside or are located in the United States and persons or entities conducting commercial activities in the United States who reside or are located outside the United States must maintain records at a location in the United States where the records are available for inspection.

Endangered, Threatened, and Candidate Species Take Report (50 CFR 21)

If attempts to trap any species under a depredation order injure a bird of a non-target species that is federally listed as endangered or threatened, or that is a candidate for listing, the bird must be delivered to a rehabilitator and must be reported by phone or email to the nearest U.S. Fish and Wildlife Service Field Office or Special Agent.

Capture and disposition of all non-target migratory birds must also be reported on the annual report.

PROPOSED REVISIONS

Title Change

To more accurately reflect the purpose of this collection, the Service is proposing to change the title of this information collection from “Depredation Orders Under 50 CFR 21.43 and 21.46” to “Depredation and Control Orders Under 50 CFR 21.”

Geese Requirements in 50 CFR subparts D and E:

In addition, we are proposing to merge information collection requirements associated with the management of geese contained in 50 CFR subparts D and E into OMB Control Number 1018–0146. OMB previously approved these information collection requirements under two OMB control numbers:

- 1018–0103, “*Conservation Order for Light Geese, 50 CFR 21.60*” (exp. 03/31/2021), and
- 1018–0133, “*Control and Management of Resident Canada Geese, 50 CFR 20.21, 21.49, 21.50, 21.51, 21.52 and 21.61*” (exp. 06/30/2022).

We are not proposing any changes to the currently approved requirements for either collection and are merely transferring the requirements into 1018–0146. Upon receiving OMB approval of this submission under 1018–0146, we will discontinue both 1018–0103 and 1018–0133 to avoid a duplication of burden.

FWS Form 3–2436 “Depredation and Control Orders – Annual Reporting”

Previously, all persons or entities acting under depredation orders provided information on the annual report via FWS Form 3–202–21–2143, “Annual Report – Depredation Order for Blackbirds, Cowbirds, Grackles, Magpies, and Crows” or FWS Form 3–2500, “Depredation Order for Depredating Jays in Washington and Oregon.” In February 2019, the Service received OMB approval to pretest FWS Form 3–2436 under the Department of the Interior “Fast Track” generic clearance process (OMB Control Number 1090–0011). With this submission, in an effort to streamline submissions and

reduce public burden, the Service is proposing to discontinue FWS Forms 3–202–21–2143 and 3–2500, and use FWS Form 3–2436, “Depredation and Control Orders – Annual Reporting” as the sole annual reporting form.

ePermits

As part of this revision, we will also request OMB approval to automate FWS Form 3–2436 in the Service's new “ePermits” initiative, an automated system that will allow the agency to move towards a streamlined permitting and reporting process to improve customer experience and to reduce public burden. Public burden reduction is a priority for the Service; the Assistant Secretary for Fish, Wildlife, and Parks; and senior leadership at the Department of the Interior. This new system will enhance the user experience by allowing users to enter data from any device that has Internet access, including personal computers (PCs), tablets, and smartphones.

Title of Collection: Depredation and Control Orders Under 50 CFR 21.

OMB Control Number: 1018–0146.

Form Number: FWS Form 3–2436.

Type of Review: Revision of a currently approved collection.

Respondents/Affected Public: State and Federal wildlife damage management personnel, farmers, and individuals.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion for take reports and annually for annual reports.

Total Estimated Annual Nonhour Burden Cost: \$78,000.

Respondent	Activity	Annual No. of Respondents	Number of Submissions Each	Total Annual Responses	Avg. Time per Response (hours)	Total Annual Burden Hours*
Annual Report – Depredation Order (Form 3–2436) 50 CFR §21						
Individuals	Reporting	8	1	8	3	24
	Recordkeeping				1	8
Private Sector	Reporting	8	1	8	3	24

	Recordkeeping				1	8
Government	Reporting	11	1	11	3	33
	Recordkeeping				1	11
(NEW) ePermits Annual Report – Depredation Order (Form 3–2436) 50 CFR §21						
Individuals	Reporting	8	1	8	2.5	20
	Recordkeeping				1	8
Private Sector	Reporting	8	1	8	2.5	20
	Recordkeeping				1	8
Government	Reporting	11	1	11	2.5	28
	Recordkeeping				1	11
Report Take – Endangered, Threatened, and Candidate Species 50 CFR §21.43, §21.49–21.55, and §21.61						
Individuals	Reporting	1	1	1	.75	1
	Recordkeeping				.25	0
Private Sector	Reporting	3	1	3	.75	2
	Recordkeeping				.25	1
Government	Reporting	3	1	3	.75	2
	Recordkeeping				.25	1
Conservation Order for Control of Light Geese 50 CFR §21.60 (From 1018–0103)						
Government	Reporting	39	1	39	106	4,134
	Recordkeeping				8	312
Conservation Order Participants – Provide Information to States 50 CFR §21.60 (From 1018–0103)						
Individuals	Reporting	21,538	1	21,538	.13333	2,872
Annual Report – Airport Control Order 50 CFR §21.49 (From 1018–0133)						
Private Sector	Reporting	25	1	25	1	25
	Recordkeeping				.5	13
Government	Reporting	25	1	25	1	25
	Recordkeeping				.5	13
Initial Registration – Nest & Egg Depredation Order 50 CFR §21.50 (From 1018–0133)						
Individuals	Reporting	126	1	126	.5	63
Private Sector	Reporting	674	1	674	.5	337
Government	Reporting	200	1	200	.5	100
Renew Registration – Nest & Egg Depredation Order 50 CFR §21.50 (From 1018–0133)						
Individuals	Reporting	374	1	374	0.25	94
Private Sector	Reporting	2,026	1	2,026	0.25	507
Government	Reporting	600	1	600	0.25	150
Annual Report – Nest & Egg Depredation Order 50 CFR §21.50 (From 1018–0133)						
Individuals	Reporting	500	1	500	.17	85
	Recordkeeping				.08	40
Private Sector	Reporting	2,700	1	2,700	.17	459
	Recordkeeping				.08	216
Government	Reporting	800	1	800	.17	136
	Recordkeeping				.08	64
Recordkeeping – Agricultural Depredation Order 50 CFR §21.51 (From 1018–0103)						
Private Sector	Recordkeeping	600	1	600	0.5	300
Annual Report – Agricultural Depredation Order 50 CFR §21.51 (From 1018–0133)						
Government	Reporting	20	1	20	7	140
	Recordkeeping				1	20
Annual Report – Public Health Order 50 CFR §21.52 (From 1018–0133)						
Government	Reporting	20	1	20	.75	15
	Recordkeeping				.25	5
Annual Report and Recordkeeping – Population Control Approval Request 50 CFR §21.61 (From 1018–0133)						

Government	Reporting	3	1	3	12	36
	Recordkeeping				12	36
Population Control Approval Request (Population and Distribution Estimates) 50 CFR §21.61 (From 1018–0133)						
Government	Reporting	3	1	3	160	480
Totals:		30,334		30,334		10,887

*Rounded to match ROCIS

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Dated: August 21, 2020.

Signed:

Madonna Baucum,

Information Collection Clearance Officer, U.S. Fish and Wildlife Service.

[FR Doc. 2020-18726 Filed: 8/25/2020 8:45 am; Publication Date: 8/26/2020]