

**1 Supporting Statement A for
Paperwork Reduction Act Submission
OMB Control Number 1018-0146**

**Depredation Order for Blackbirds, Grackles, Cowbirds, Magpies, and Crows
50 CFR 21.43**

Terms of Clearance. None.

1. Explain the circumstances that make the collection of information necessary.

The Migratory Bird Treaty Act (MBTA; 16 U.S.C. 703 et seq.) implements four treaties concerning migratory birds that the United States has signed with Canada, Mexico, Japan, and Russia. Under the treaties, we must preserve most species of birds in the United States, and activities involving migratory birds are prohibited except as authorized by regulation.

This information collection is associated with our regulations that implement the MBTA. 50 CFR 21.43 is a depredation order for blackbirds, cowbirds, grackles, crows and magpies that authorizes take of these birds "when found committing or about to commit depredations upon ornamental or shade trees, agricultural crops, livestock, or wildlife, or when concentrated in such numbers and manner as to constitute a health hazard or other nuisance."

2. Indicate how, by whom, how frequently, and for what purpose the information is to be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, explain how the collection complies with all applicable Information Quality Guidelines.

All persons or entities acting under the depredation order at 50 CFR 21.43 must provide an annual report. We collect the name, address, phone number, and email address of each person operating under the Order and the following information for each species:

- Species and number of birds taken.
- Months 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).

We will use FWS Form 3-202-21-2143 to collect the information. To effectively manage migratory bird populations, we need to collect this information so that we can determine how many birds of each species are taken each year and whether the control actions are likely to affect the populations of those species.

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.

Respondents may submit reports electronically by email or through the mail. FWS Form 3-202-21-2143 will be available on our forms website in a fillable format

4. Describe efforts to identify duplication.

No other agency has the authority to regulate take of migratory birds, and the information we propose to collect is not being gathered elsewhere.

5. If the collection of information impacts small businesses or other small entities, describe the methods used to minimize burden.

This collection will not have a significant impact on small entities. We collect only the minimum information necessary to manage these migratory birds.

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.

Not collecting the information would not affect the depredation order. However, we need the information to assess the take it allows. The information also may allow us to eliminate take of some species under the order.

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.

There are no circumstances that require us to collect the information in a manner inconsistent with OMB guidelines.

8. Provide 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 (or in response to a PRA statement) and describe actions taken by the agency in response to these comments.

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.]

On July 1, 2013, we published in the Federal Register (78 FR 39309) a notice of our intent to request that OMB renew approval for this information collection. In that notice, we solicited comments for 60 days, ending on August 30, 2013. We received two comments. One commenter objected the killing of birds and to funding APHIS Wildlife Services. The other commenter stated that the State of Wyoming has no records for the species covered by the depredation order. We have not made any changes to our information collection requirements.

In the summer of 2013, we contacted the individuals below who had reported take under the order. We solicited comments on our burden estimates and other aspects of the annual report (see attachment). Five of them responded to our query.

Phil Mastrangelo State Director, USDA APHIS, Wildlife Services 2110 Miriam Circle, Suite A Bismarck, North Dakota 58501-2502 701-355-3301	Tara Baranowski USDA APHIS, Wildlife Services 6100 Columbus Avenue Sandusky, Ohio 44870 419-625-9093
Airport Operations Department Dallas/Fort Worth International Airport P.O. Drawer 619428 Dallas/Fort Worth Airport, Texas 75261	Mr. Gary Kaufman Offutt Air Force Base 513 SAC Blvd., Suite 111 Offutt AFB, NE 68113-2090
Mr. Fred Martinez PO Box 219 Dixon, NM 87527 505-579-4241	Clint Lott State Director, USDA APHIS, Wildlife Services 4227 Bailey Acres Circle Meridian, Mississippi 39305-8219 601-606-5620
Ms. Robin Dyer USDA APHIS Wildlife Services Capital West Business Center 81 Leighton Road, Suite 12 Augusta, Maine 04330-7705 207-629-5181	Mr. Ken Gruver 720 O'Leary Street NW Olympia, Washington 98502 9593 207-629-5181

Those who responded to the question agreed that our estimate for the time required for completion is accurate. Several of them also requested that we make the reporting form available and submittable electronically. We have developed an annual report form, which can be submitted electronically by email. Some of the commenters asserted that we should make better efforts to notify the public of the requirement for reporting. The reporting requirement is stated in our regulations and on our web page.

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

We do not provide payments or gifts to respondents.

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

We do not provide any assurance of confidentiality.

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.

We do not ask questions of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information.

We estimate 30 respondents will each submit an annual report. Each report will take approximately 2 hours to complete including time necessary to gather the information and review the report.

We estimate the annual dollar value of the burden hours to be \$2,526 (rounded). We used information from the Bureau of Labor Statistics to estimate average hourly wages and calculate benefits:

- Individuals – We used the wage and salary costs for all workers from Table 1, USDL 13-1385, September 11, 2013 (Employer Costs for Employee Compensation-June 2013), which states an hourly rate of \$21.44. To calculate benefits, we multiplied the hourly rate by 1.4. The hourly rate including benefits is \$30.02.
- Private Sector – Based on the Bureau of Labor Statistics, Occupational Employment and Wages, May 2012, United States (19-1023 Zoologists and Wildlife Biologists), the mean hourly wage for a wildlife biologist is \$30.05. We multiplied the hourly wage by 1.4 to account for benefits in accordance with BLS news release USDL 13-1385. The hourly rate including benefits is \$42.07.
- State Government – For purposes of this collection, we used the same hourly wage (\$30.05) as for the private sector. To calculate benefits, we multiplied the hourly rate by 1.5. The hourly rate including benefits is \$45.08

Annual Report	Annual Responses	Completion Time per Response (hours)	Annual Burden Hours	Hourly Labor Costs Including Benefits	Dollar Value of Annual Burden Hours
Individuals	5	2	10	\$30.02	\$ 302.00
Private Sector	5	2	10	42.07	420.70
State/Local/Tribal	20	2	40	45.08	1,803.20
Totals	30		60		\$ 2,525.90

13. Provide an estimate of the total annual [nonhour] cost burden to respondents or recordkeepers resulting from the collection of information.

There is no nonhour cost burden to respondents.

14. Provide estimates of annualized costs to the Federal Government.

The estimated annual cost to the Federal Government for reviewing and processing reports associated with this collection of information is \$856 (rounded). Staff in the migratory bird offices in each of our Regional Offices receive and process the reports. Using Office of Personnel Management 2013 Management pay tables [2013-RUS(x 2), 2013-ATL, 2013-DEN, 2013-MSP, 2013-POR, 2013-SAC, and 2013-AK], we estimate that the average hourly salary rate for a GS-

12/step 5 Fish and Wildlife Service permits biologist is \$38.05. We multiplied the hourly wage by 1.5 to account for benefits in accordance BLS news release USDL 13-1385, resulting in a total hourly average rate of \$57.08. We estimate it will take staff 1/2 hour to review and process each report (total of 15 hours).

Action	Position and Grade	Average Hourly Rate including Benefits	Average Hourly Rate including Benefits	Total Annual Hours	Annual Cost
Review and process annual reports	Biologist, GS 12/5	\$38.05	\$57.08	15	\$856.20

15. Explain the reasons for any program changes or adjustments.

We are reporting 30 annual responses totaling 60 burden hours, which is a decrease of 220 responses and 440 burden hours from our previous submission. This adjustment decrease is based on our experience over the past 3 years.

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

We will not publish the results of this information collection.

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 control number and expiration date on appropriate materials.

18. Certification.

There are no exceptions to the certification statement.