

The Ornithological Council



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ABOUT BIRDS

Association of Field Ornithologists
Birds Caribbean
CIPAMEX: Sociedad para el Estudio y
Conservación de las Aves en México
Neotropical Ornithological Society
North American Crane Working Group
Pacific Seabird Group
Raptor Research Foundation
Waterbird Society
Wilson Ornithological Society

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U.S. Fish and Wildlife Service
Service Information Collection Clearance Officer
5275 Leesburg Pike, MS: PRB (JAO/3W)
Falls Church, VA 22041-3803

Re: Docket No. FWS-HQ-MB-2022-0056

Submitted via regulations.gov

The Ornithological Council is a consortium of scientific societies of ornithologists; these societies span the Western Hemisphere and the research conducted by their members spans the globe. Their cumulative expertise comprises the knowledge that is fundamental and essential to science-based bird conservation and management.

We appreciate the opportunity to submit comments on Docket No. FWS-HQ-MB-2022-0056, the U.S. Fish and Wildlife Service's request to renew their information collection for permits under the Migratory Bird Treaty Act (MBTA). Many of the ornithologists who are members of the organizations that make up the Ornithological Council must secure MBTA permits from the USFWS, either regularly or from time to time during their career. Given this, ensuring that the process of applying for, renewing, and amending MBTA permits is efficient and predictable is of the utmost concern to the Ornithological Council. We appreciate the willingness of the USFWS Migratory Birds Program to work with us over the years to ensure that these permits meet the needs of both the ornithologists on the ground and the agency.

Many of our comments below have been previously expressed to Migratory Bird Program staff and we appreciate their receptiveness to our feedback and their willingness to work towards solutions. Our comments here focus on ways to 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.

The Ornithological Council has concerns about the length of time it currently takes the USFWS to process applications for new permits or renewals, when submitted either through the paper application form or through the online permit system, ePermits. While the Migratory Bird Permit Program Handbook recommends that permits be submitted at least 60 days in advance, processing times are currently longer than that in some regions, making field work difficult. We encourage the agency to continue working to reduce processing times, including hiring and training additional permit staff, as needed.

Renewals are to be submitted 30 days before permit expiration, but again, longer processing times in recent years means that renewals often take longer than that to be issued. As noted in the Handbook, “permittees whose renewal requests are submitted at least 30 days prior to expiration may continue permitted activities until their requests are acted upon.” Again, with current delays in renewal request processing, this is a common situation. However, a number of ornithologists have expressed concerns that while the official policy allows them to continue their work without their renewal in hand, they would feel more confident if they have written evidence of this from the agency. We encourage the agency to explore whether the online ePermits system could auto-generate a letter to this effect upon submission of a renewal application. Of course, this does not address the issue for those submitting via email or in hard copy. Some regions will send a letter to this effect to permit holders upon submission of a renewal; we encourage the agency to make this practice or its equivalent standard practice.

While the time it takes to fill out the permit applications for MBTA permits is not generally unreasonable, many ornithologists have reported that when they do have questions about the appropriate answers and reach out to the help desk, it can take a long time to get a response. We would encourage USFWS to continue to improve the online system so that any queries or requests for assistance are responded to promptly, perhaps within two working days (typically 48 hours), allowing the permittees to quickly complete and submit their application.

Recently, internal USFWS guidance has resulted in regional permit offices requiring that MBTA permits for import/export list each individual shipment in detail. Previously, permits were issued that would cover all import/exports for a certain time period (as do the import/export permits issued by the Animal and Plant Health Inspection Service). Requiring a separate permit or permit amendment for each import or export greatly increases the burden on ornithologists, in terms of the time needed to secure each permit or permit amendment. Museums regularly loan materials to other institutions outside the U.S. Requiring those institution to get an individual permit or amend an existing permit each time would delay the speed of those transfers and create additional burden for the museums. Also, for institutions that go abroad for collecting trips, it can be hard to know what they will be bringing back until it is time to re-enter the country. But the permit processing time is too long for those researchers to wait and apply for an import permit once the collection is completed. Finally, this change would mean that the USFWS would have to process many more permits each year — given that they already have more permits to process than they can handle in a timely manner, this is concerning.

We were glad to see that the agency is working towards integrating Section E of the migratory bird permits into the online system, and we encourage them to move forward with this as quickly as their resources allow.

Again, we value our partnership with the U.S. Fish and Wildlife Service, and with the Migratory Bird Program in particular. We appreciate this opportunity to share some information with the agency about how the requirements of the MBTA permit system impact ornithologists. Thank you in advance for considering our views.

Sincerely,

A handwritten signature in black ink that reads "Laura M. Bies". The signature is written in a cursive, flowing style.

Laura M. Bies,
Executive Director