



April 26, 2023

Submitted Via Public Comments Portal and E-Mail

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

Re: OMB Control Number 1018-0167

Dear Madam or Sir:

As Governor of the Pueblo of Jemez, a federally recognized Indian Tribe located in the State of New Mexico (the "Pueblo"), with a tribally enrolled membership of approximately 3,800 members, I submit on behalf of the Pueblo the following comments on the notice of information collection published in the Federal Register on March 27, 2023 (88 Fed. Reg. 18173), regarding the U.S. Fish and Wildlife Service's ("Service") proposed information collection for permit applications associated with eagles.

The eagle has been sacred to the Pueblo from time immemorial and will continue to be a crucial and integral part of our religious and cultural practices. The Pueblo has historically used and continues to use the eagle and eagle feathers for cultural and religious purposes and for that reason, the Pueblo engages with the Service as part of the important government-to-government relationship that exists between the Pueblo and the United States to obtain the needed eagles that are imperative for the Pueblo's existence as an Indian Tribe. As part of that relationship, the Pueblo has worked closely with the Service over the years to ensure it is properly permitted to take eagles.

The Pueblo offers its comments for the Service to consider as it moves forward with its proposal to renew the information collection (in Form 3-200-77), without change.

The Pueblo requests the Service reconsider the necessity of the collection of a written explanation of "why take of a live eagle(s) from the wild is necessary and why eagle remains, parts, or feathers from another source will not suffice." See Question 10 in Form 3-200-77. The information sought by this particular question is not "standard identifier information" and instead is sensitive cultural information belonging to the Pueblo. Additionally, a written explanation of why taking live eagles "from the wild is necessary" on a form specifically created for Native American Eagle Take for Religious Purposes serves no practical utility and does not assist the

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Service in determining if the applicant meets and continues to meet the issuance requirements for the particular activity and particularly when the Form itself allows the applicant to provide a signed statement certifying the information requested would substantially burden the exercise of religion.

In addition to the relevancy issues of Question 10, the question unnecessarily burdens and asserts systematic assumptions onto the Pueblo as the Pueblo's reliance on eagle takes and eagle remains, parts and feathers are the basis of the Pueblo's cultural and religious survival. Forcing the Pueblo to provide a written explanation of what it needs to survive culturally is oppressive and demanding and particularly since the information sought does not pertain to the Service's proper performance of its functions and diminishes our time and resources.

Furthermore, and given the Service has recently informed the Pueblo that it has been publicly releasing the Pueblo's Eagle Take permits, including the Pueblo's 2022 Eagle Take application, its 2022 permit and 2021 Annual Reports, the Pueblo is significantly concerned about providing a written explanation. The Pueblo objects to the Service's public release of the collection of any and all information associated with the Pueblo's eagle take permits.

Regarding ways to enhance the quality, utility, and clarity of the information to be collected and minimizing the burden of the collection of information and given the Service is publicly releasing information related to the Pueblo's eagle activities, including Form 3-200-77, the Pueblo recommends the Service revise Question 10 into a checkbox format consistent with the other questions in Form 3-200-77. Revising Question 10 into a checkbox format to require applicants to confirm the necessity of live eagle takes from the wild over other sources would satisfy regulation as well as satisfy the Pueblo's confidentiality concerns.

The Pueblo also recommends the Service immediately notify the Pueblo when information collected by the Service from the Pueblo is being released and rather than after the fact, which deprives the Pueblo an opportunity to respond. In this way, the utility and clarity of the collected information will be enhanced as the Pueblo and other applicants will have more of an understanding of the intended and ultimate use of the information collected by the Service.

Thank you for the opportunity to comment, and please feel free to contact me if you have any questions, need additional information, or would like to discuss the comments of the Pueblo in more detail.

Sincerely,



Dominic Gachupin
Governor

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