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RE: 1018-0102

Jay H <mci1830@yahoo.com>

Wed, Apr 19, 2017 at 9:28 PM

Reply-To: Jay H <mci1830@yahoo.com>

To: "madonna_baucum@fws.gov" <madonna_baucum@fws.gov>

I submit the following comments in opposition to the February 24, 2017 Public Notice in the Federal Register: "Proposed Information Collection; National Wildlife Refuge Special Use Permit Applications and Reports."

I offer the following comments as they relate to the request for:

"Whether or not the collection of information is necessary ... Ways to enhance the quality, utility, and clarity of the information to be collected"

1) The information collected is not necessary because it appears not to be a lawfully authorized request. Although it is difficult to know which law cited by the FWS is applicable to which CFR given because the Federal Registry entry does not appear to comply with FR requirements for specificity, see 1 CFR 21 and 22. Regardless none of the laws cited; 16 U.S.C. 668dd-668ee, 16 U.S.C. 460k-460k-4, 6 U.S.C. 3101 et seq. (it is unclear what "et seq." is referring to) appear relevant at a minimum to Form 3-1383-C.

The 16 U.S.C. 460k-460K-4 codes (subchapter LXVIII) is entitled "NATIONAL CONSERVATION RECREATIONAL AREAS", these parts only concern recreation and do not even use the word commercial, economic, business, etc.

16 U.S.C. 668dd-668ee likewise address recreation and management, conservation, etc. but has no mention of the word "commercial" or any other type of "economic" activity.

16 U.S.C. 3101 speaks to the needs of recreation and scientific purposes, *et al.* but no mention of commercial, economic or other business interests.

Therefore, the information requested from form 3-1383-C regarding "Commercial Activities" would appear not only unnecessary but also unauthorized based on the authorities cited.

Even the statement in Section I (Abstract) appears to acknowledge this fact: "We issue special use permits for a specific period as determined by the type and location of the **management activity or visitor service** provided." No mention of commercial activities.

2) 29 CFR 29.1 is mentioned as both an agricultural activity and a commercial activity, however none of the statutory authority cited mentions anything to do with agricultural activity or commercial activity. Nor do they mention these activities as "permissible" activities. Therefore, the informational requests regarding 29 CFR 29.1 in regards to forms 3-1383-C would also appear unnecessary and also not authorized by the authorities cited.

3) 29 CFR 29.2 is mentioned as a farming activity however the regulation itself is clearly a "management activity" using various methods to achieve the management:

"§ 29.2 Cooperative land **management**."

Cooperative agreements with persons for crop cultivation, haying, grazing, or the harvest of vegetative products, including plantlife, growing with or without cultivation on wildlife refuge areas may be executed on a share-in-kind basis when such agreements are in aid of or benefit to the **wildlife management of the area.**

Just performing “agricultural activities” does not necessarily bring the activity within the realm of “wildlife management” of the area. Regardless the authorities cited do not cross to 50 CFR 29.2 and if they did it could only authorize “cooperative agreements” not Special Use Permits, therefore this informational request must also be considered not only unnecessary but also not allowed by the authorities cited.

4) The informational requests within the forms given make no mention of how any potential commercial activity would comply with federal contracting law. As written these type of commercial activities would appear to unlawfully escape the Competition in Contract Act, Federal Acquisition Regulations and a host of other legal requirements like small business, minority and disadvantaged groups, wage requirements, etc. These types of informational requests and notifications would be required to be included within any permitting form if not addressed within other forms. Therefore, the information requests appear to be inadequate in this regard.

5) Lastly, the informational requests in the forms do not appear to comport with 1 CFR part 21 and 22 regarding authority citations. Specifically, the forms do not indicate the specific authority delegated by statute nor do they indicate any delegation from the Secretary of the Interior to the FWS, e.g. “The provisions of this subchapter and any such regulation shall be enforced by any officer or employee of the United States Fish and Wildlife Service **designated by the Secretary of the Interior.**” 16 USC 460k-3