

fee schedule in accordance with 31 U.S.C. 9701, which states that charges for services provided by the Government shall be based on (1) the costs to the Government; (2) the value of the service or thing to the recipient; (3) public policy or interest served; and (4) other relevant facts. Thus, the Service took into consideration such factors as whether the permit serves the public interest, and whether the type of permit to be issued typically provides a commercial benefit, either directly or indirectly, to the recipient.

While the Service's proposed new fee schedule will more closely conform to the Federal user fee policy by recovering a greater portion of the direct and indirect costs of providing special services than is currently being recovered, the proposed fee increases are not great enough to recover the full cost of administering the Service's permit programs. Administrative costs include research and analysis, policy development, consultation, outreach, publication of notices in the **Federal Register**, and overall management of the permit programs. Remaining costs, not captured through permit application fees, must be met with money appropriated for base funding of Service programs.

The Service will review permit application fees on a regular basis, using the cost of living index, as reported by the Bureau of Labor Statistics, as well as other factors that impact the cost to the Government of providing these services, to determine when it is appropriate and necessary to adjust fees.

Native American Cultural and Religious Possession Permits

Native American applicants for permits to possess or travel with eagle and other migratory bird carcasses, parts, and feathers for cultural and religious use will not be required to pay a permit processing fee. We do not consider this type of permit to be a special service like the other permits the Service issues. The Service issues Native American cultural and religious possession permits as part of the Federal Government's trust responsibility toward Federally recognized Native American tribes, and in order to fulfill Native Americans' First Amendment Constitutional rights, and in accordance with the American Indian Religious Freedom Act of 1978. To require Native Americans to pay a fee in order to carry out traditional cultural and religious ceremonies could unduly burden their religious freedom. Thus, we have not proposed a processing fee for applications for permits to take, possess, or transport (including CITES

applications) eagle or other migratory bird carcasses, parts, and feathers for Native American cultural and religious use.

Migratory Bird Rehabilitation Permit Application Fees

For many years, applicants for migratory bird rehabilitation permits have paid no application fee. Although part 13 has never provided a formal exemption for rehabilitators, as a matter of practice, application fees for those permits have been waived. On December 6, 2001, the Service proposed a regulation to establish a specific permit category under which migratory bird rehabilitators will be permitted (66 FR 63349). Under that proposed rulemaking, migratory bird rehabilitation permit applicants are required to pay the fee listed in part 13, which is currently \$25. As part of that same rulemaking, migratory bird rehabilitation permits are proposed to be extended from a 3-year to a 5-year tenure. The net result of those changes is that migratory bird rehabilitation permit holders would pay \$5 per year in permit processing costs.

Under the present rulemaking proposed herein, the rehabilitation permit application fee would increase to \$50, resulting in a net increase to rehabilitation permit holders of another \$5 per year. While we recognize that migratory bird rehabilitators provide benefits to injured wildlife, the Service nevertheless incurs substantial costs when processing these permits. For the same reasons we are obliged to increase permit application fees Servicewide, we need to recoup the costs of issuing migratory bird rehabilitation permits, and we do not consider a fee equivalent to \$10 per year to be a significant economic burden for permit applicants.

Native Endangered and Threatened Species Permit Application Fees

Under the present rulemaking proposed herein, the application fee for native endangered and threatened species permits under the ESA will increase from \$25 to: \$100 for recovery and interstate commerce; \$50 for enhancement of survival permits with Safe Harbor Agreements; \$50 for enhancement of survival permits with Candidate Conservation Agreement with Assurances; and \$100 for incidental take permits with Habitat Conservation Plans. While we recognize that many of the activities authorized under these permits provide conservation benefits for endangered and threatened species, and the habitats upon which they depend, ESA permit applications for native species have risen significantly in

both number and complexity since the application fees were set in 1982. For the same reasons we are obliged to increase permit application fees Servicewide, we need to recoup costs of issuing native endangered and threatened species permits, and we do not consider this modest increase in permit application fees to be a significant economic burden for permit applicants.

Recent Changes in CITES Permits and the Corresponding Fee Changes

With the implementation of new CITES Resolutions and in an effort to improve the efficiency of the permitting process in the Division of Management Authority, changes to the permit procedures have been implemented. The implementation of new Resolutions has been addressed in a previous **Federal Register** notice (65 FR 26664; May 8, 2000). Other procedural changes are outlined below. In some cases, these new Resolutions and charges require that new fees be adopted to offset some new administrative costs.

(1) *Security Paper*. The Service has recently started to issue certain CITES permits and certificates on security paper, rather than using plain paper with a CITES security stamp. Security paper is specially produced paper that contains a variety of security features to prevent fraudulent use of the document. One aspect is a feature that does not allow the document to be clearly reproduced by photocopying. Since these documents cannot be photocopied, the Service needs to alter how we issue certain CITES documents.

(2) *Discontinuation of Multiple-Use Permits*. In the past, we have issued multiple-use permits that allowed multiple exports of specific items. These items have included artificially propagated plants, biological samples, circus animals, ginseng, and personally owned pets. With the exception of personally owned pets and circus animals, we have not issued multiple-use permits to export live animals. In appropriate situations, the applicant would submit a single application and, if approved, would receive a single document that could be used multiple times. Each time the document was used, a photocopied version would be submitted for clearance and would accompany the shipment. However, with the shift to security paper and because fewer countries are willing to accept photocopied documents, the Service has decided to discontinue the issuance of multiple-use permits.

(3) *Multiple Single-Use Permits*. As an alternative to multiple-use permits, we will begin issuing multiple single-use