

**1 Supporting Statement A
for
Paperwork Reduction Act Submission**

OMB Control Number 1018-0012

**Declaration for Importation or Exportation of Fish or Wildlife
50 CFR 14.61 – 14.64**

FWS Forms 3-177 and 3-177a

Terms of Clearance. OMB approved this information collection on December 15, 2003, with the following terms of clearance: Upon DOI's next submission for approval of this collection, DOI shall list names and contact information of persons outside the agency that were consulted regarding the accuracy of the burden estimates provided in this package.

See response to item 8 for a list of persons contacted during this renewal process.

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

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The Endangered Species Act (16 U.S.C. 1531 et seq.) (ESA) makes it unlawful to import or export fish, wildlife, or plants without filing a declaration or report deemed necessary for enforcing the Act or upholding the Convention on International Trade in Endangered Species (CITES) (see 16 U.S.C. 1538(e)). The regulations at 50 CFR 14.61 and 14.63 provide the requirements for the declaration of imported or exported fish or wildlife using FWS Forms 3-177 (Declaration for Importation or Exportation of Fish or Wildlife) and 3-177a (Continuation Sheet). The exceptions to those requirements are in sections 14.62 and 14.64.

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.

FWS Form 3-177 is the declaration form that businesses or individuals must file with the Fish and Wildlife Service (we, Service) prior to importing into or exporting from the United States any fish, wildlife, or wildlife products. The information that we collect on Forms 3-177 and 3-177a is unique to each wildlife shipment and:

- Assists us during the inspection process when confirming the contents of the shipment.
- Enables us to enforce any regulations that pertain to the fish, wildlife, or wildlife products contained in the shipment.
- Enables us to maintain records of the importation and exportation of these commodities.

As one of our treaty obligations under CITES, we send to the CITES Secretariat in Geneva, Switzerland, an annual report on the number and types of imports and exports of fish, wildlife,

and wildlife products. We use information from FWS Forms 3-177 and 3-177a to compile this report.

We also use the information as an enforcement tool and management aid to monitor the international wildlife market and detect trends and changes in the commercial trade of fish, wildlife, and wildlife products. Our Division of Scientific Authority and Division of Management Authority use this information to assess the need for additional protection for native species. In addition, nongovernment organizations, including the commercial wildlife community, request information from us that we get from these forms.

We collect the following information on FWS Forms 3-177 and 3-177a:

Block 1 - The date of the import or export of the wildlife shipment is important for monitoring wildlife shipments. This date often differs from the date filed with U.S. Customs and Border Protection (CBP).

Block 2 - Regulations at 50 CFR 14.91 require that businesses and individuals obtain an import/export license prior to engaging in business as an importer or exporter of fish, wildlife or wildlife products. The license number allows us to determine (1) if this shipment complies with this requirement and (2) if this information is consistent with information provided in Block 5.

Block 3 - Identification of the wildlife shipment as an import or an export is necessary so we can (1) determine what documentation may be required to authorize the importation or exportation and (2) compile statistical data on fish, wildlife or wildlife products that are imported and exported.

Block 4 - The port of entry or export is important to us for long-term planning purposes. This information will assist us in tracking the volume of wildlife shipments by port and in setting priorities for establishing future ports where fish, wildlife or wildlife products can be imported or exported.

Block 5 - The purpose code identifies the intended purpose of the wildlife shipment.

Block 6 - The Custom Document Number(s) provides the CBP document number and connects Form 3-177 with corresponding CBP documents.

Blocks 7 - 12 provide specific information describing the wildlife shipment including how the wildlife shipment is being imported or exported and where it is available for inspection. Information includes the name and type of carrier, the carrier's identifying "way bill" or "bill of lading" number for the shipment, the location where the wildlife shipment is available for inspection, the number of cartons or containers of the wildlife shipment, and any distinguishing markings on those cartons or containers indicating that they contain fish, wildlife or wildlife products. The term "Bonded" means that the location of the shipment is under CBP control. This information helps to ensure that we can inspect the wildlife shipment without excessive delays to the importer or exporter.

Block 13 - We need the name, address, telephone number, e-mail address, and any identifier number of the U.S. importer or exporter so that we can identify and communicate with the individual or business on any matters regarding the wildlife shipment. The identifier number in Block 13b, if applicable, may be issued by CBP or a commercial source of business information, such as Dun and Bradstreet (Duns number).

Block 14 - We ask for the name, foreign address, telephone number, e-mail address, country code, and any identifier number of the foreign importer or exporter so that we can determine the origin or destination of the wildlife shipment and the validity of any required import or export permits. Foreign government permits are intended for specific shipments and specific importers and exporters and cannot be transferred. Block 14b requires the two-letter International Organization for Standardization (ISO) country code of the foreign importer or exporter, and Block 14c, the identifier number, if applicable.

Block 15 - We need the business name, telephone and fax number, e-mail address, identifier number and contact person for the customs broker, shipping agent, or freight forwarder. These allow us to identify and communicate with the representative of the individual or business on any matters regarding the wildlife shipment. Block 15b requires the identifier number, if applicable, and Block 15c, the contact name.

Blocks 16, 19a, and 20 - We ask for the species of wildlife included in the shipment, listed by common name (Block 16a) and scientific name (Block 16b), the quantity of that species in the shipment (Block 19a), and the natural country of origin of that species in the shipment (Block 20). This information allows us to establish the legality of a wildlife shipment by determining compliance with Federal, State and foreign laws. This information also allows us to monitor trade in species listed in the appendices to CITES and to compile summary data for use in annual reports, management planning, and evaluation in various divisions of the Service and the National Marine Fisheries Service, and to fulfill treaty obligations under CITES.

Block 17 - The foreign (Block 17a) and United States (Block 17b) CITES permit numbers document compliance with Federal, State and foreign laws governing imports and exports of wildlife shipments and connect Form 3-177 with corresponding foreign and U.S. CITES permits.

Block 18 - The description code (Block 18a) identifies the imported or exported commodity as a live animal or a product. The source code (Block 18b) describes that commodity as being from the wild, captive-bred, or from another source. We use this information to establish the legality of a wildlife shipment by comparing the commodities present with any accompanying documentation. The description code also assists us in establishing inspection priorities by declaring that a given shipment contains a live or perishable commodity.

Block 19b - The declared value of the commodities allows us to monitor and report values of wildlife shipments being imported and exported and to ensure compliance with CBP duty rates.

Block 21- The importer/exporter must identify each species of live wildlife in the shipment as venomous or nonvenomous. This information will assist our wildlife inspectors to prepare for and inspect the wildlife shipment.

Block 22 - We need the signature of the person certifying the information provided on the forms and the date of that certification to establish legal responsibility for the wildlife shipment in the event of subsequent litigation.

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. Also describe any consideration of using information technology to reduce burden [and specifically how this collection meets GPEA requirements].

To reduce the information collection burden on the public, FWS Forms 3-177 and 3-177a, with

instructions for completion, are available for electronic submission at <https://edecs.fws.gov>. We estimate that respondents will submit approximately 60 percent of the responses electronically. We anticipate that the use of eDecs will expand in the future, which will further reduce the burden on the public. For those who wish to submit a hard copy of the declaration, the forms and instructions are available on the Internet in a fillable format at <http://www.fws.gov/forms/>. Respondents may also request copies by mail.

4. Describe efforts to identify duplication.

The Service is the lead agency for enforcement on the importation and exportation of wildlife shipments under the ESA, and is the lead agency for CITES implementation within the United States. We are not aware of any other Government agency that collects information identical to what we collect on FWS Forms 3-177 and 3-177a.

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

This information collection will not have a significant impact on small entities. We designed the forms to be easy to use, while still providing enough information to allow us to fulfill our responsibilities under the ESA and CITES. We included detailed instructions with the form so that it is easier to complete. If using eDecs, respondents can complete the form electronically in about one-half the time needed to complete the form by hand.

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.

The ESA makes it unlawful to import or export fish, wildlife, or plants without filing a declaration or report deemed necessary for enforcing the Act or upholding CITES. This information collection is necessary for the Service to fulfill the statutory requirements of the ESA and the obligations of the United States as a party country to CITES. In addition, without this information, we would not be able to monitor imports or exports of wildlife shipments and, therefore, would be unable to determine if imports or exports of wildlife shipments comply with Federal, State and foreign laws.

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.**

The only special circumstance that is inconsistent with OMB guidelines is the timeframe for the retention of documents by commercial importers and exporters of wildlife and wildlife products. FWS Form 3-177 contains a requirement that importers and exporters must provide all relevant information including supplemental documentation as required in 50 CFR 14.52(c). To obtain clearance of an imported or exported shipment of wildlife or wildlife products, an importer or exporter must present all relevant shipping documents, and all permits, licenses or other documents required by the laws or regulations of any foreign country or the United States, including Form 3-177. Generally speaking, with the exception of Form 3-177, these are preexisting documents that are either completed by foreign governments or the carrier or are part of a normal business practice and would not impose any additional burden on the importer or exporter.

Under 50 CFR 14.93(c)(1), (2), and (3), we require that commercial importers and exporters of wildlife and wildlife products maintain for 5 years all documents that fully describe each import and export, and all permits, licenses, or other documents required by the laws or regulations of any foreign country or the United States for each import and export. This time period is consistent with the records requirements for permits (50 CFR 13.46). Since commercial importers and exporters may have applied for and been issued permits, we believe it would be in the public interest that the records maintenance requirements for this information collection be consistent with those for permits.

- 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 June 20, 2006, we published in the Federal Register (71 FR 35444) a notice that we planned to ask OMB to renew approval for our information collection associated with declarations for importation or exportation of fish and wildlife. In that notice, we solicited public comments for 60 days, ending August 21, 2006. We received one comment, which did not address the information collection requirements. We did not make any changes as a result of this comment.

Opportunities for informal public comment are available with members of the importing and exporting wildlife community regarding the Service's inspection process, of which Form 3-177 is a part. These interactions provide us with feedback on ways to improve the information collection. In addition, we consulted with the following individuals during this renewal process. We asked for feedback on our burden estimates, clarity of instructions, suggestions for improvement, and cost.

Carol Rutkowski, Dallas Manager, L.E. Coppersmith, Inc., 756 Port Americas, Ste 300, Grapevine, Texas, 76051, telephone: (817) 481-1260

Tin Tin Aye, Import-Export Specialist, Dolphin International, 1125 W. Hillcrest Blvd., Inglewood, California, 90301-2021, telephone: (310) 215-0012

Len Miyar, Licensed Customs Broker, Miyar International Brokerage, 6555 N.W. 36 St., Suite 219, Miami, Florida, 33166, telephone: (305) 526-0006

Debbie Logan, Branch Manager, Coppersmith Inc., 2580 S. 156th Street, Suite A201, Seattle, Washington, 98158, telephone: (206) 242-6181

John Meehan, President, Fauna and Flora Brokerage Co., 152-31 135th Avenue, Jamaica, New York, 11434, telephone: (718) 977-7700

Nancy Cizon, Air Import Manager, J. F. Moran Co. Inc., 200 E. Howard St., Suite 258, Des Plaines, IL 60018, telephone: (847) 299-8220.

Results from these consultations indicate that our burden estimates for the completion of FWS Forms 3-177 and 3-177a, both by hand and electronically, are well within reason and our instructions are clear. Three of the six individuals consulted agreed with the estimate of \$20.00 per hour for individuals completing these forms. Two individuals thought the estimate was too high and one thought it was too low. Since one-half of the individuals consulted thought that the estimate of \$20.00 per hour was accurate, we use that estimate in our calculation of total annual burden cost to the public.

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

We do not provide any gifts or payments to respondents.

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

All records under this information collection are subject to the Privacy Act, and we will maintain them in a secure system of records (Investigative Case File System–Interior; FWS–20) accessible only by authorized Service employees. These records may be subject to disclosure under the Freedom of Information Act.

If there is an indication of a violation of a statute, regulation, rule, order, or license, whether civil, criminal, or regulatory in nature, we may transfer information to the appropriate Federal, State, local, or foreign agency charged with investigating or prosecuting those violations. In the event of litigation involving the information made available under this information collection, we may transfer the information to the U.S. Department of Justice.

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.

FWS Forms 3-177 and 3-177a document the importation or exportation of wildlife or wildlife products and do not ask questions of a sensitive nature.

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

The Service has over 16,000 commercial import and export license holders who could be

expected to complete and submit FWS Forms 3-177 and 3-177a for clearance of an import or export wildlife shipment on a regular basis. In addition, there are probably nearly as many individuals or organizations who are not license holders who will submit these forms for clearance of wildlife shipments. Included among these individuals or organizations are commercial importers or exporters who deal exclusively in products that are exempt from import/export license requirements; public institutions such as museums; Federal, State or municipal agencies; and private individuals. On very limited occasions, an importer or exporter may present a partially completed form, only providing the common or scientific name of a species and its natural country of origin, to inquire if a shipment of that species requires our clearance. We do not maintain these partially completed forms in our law enforcement database, and they do not impose any significant additional burden on the importer or exporter.

We estimate that approximately 30,600 respondents will complete 170,000 declaration forms annually to request clearance of an import or export wildlife shipment. Respondents will complete approximately 40 percent, or 68,000, in hard copy. Each of these responses will require approximately 15 minutes (5 minutes to review instructions and 10 minutes to complete the form). We estimate that respondents will complete and submit approximately 60 percent, or 102,000, electronically. Using eDecs should reduce the time to complete Form 3-177; therefore each electronic response will require approximately 10 minutes (5 minutes to review instructions and 5 minutes to complete the form). We estimate that the average wage of individuals likely to complete these forms is \$20.00 per hour. Therefore, the total estimated dollar value of this reporting burden is \$680,000.

Completion of 3-177 Forms	Annual No. of Respondents	Total annual responses	Completion time per response	Total annual burden hours	Total burden cost to public (\$20/hour)
Hard Copy	13,600	68,000	15 minutes	17,000	\$340,000
Electronic	17,000	102,000	10 minutes	17,000	\$340,000
Totals	30,600	170,000		34,000	\$680,000

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 burdens to respondents.

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

We estimate that the annual cost to the Federal Government for processing Forms 3-177 and 3-177a is approximately \$1,849,500. This is based on an average salary/benefits of \$29 per hour and operational expenses of \$10 per hour. Operational expenses include printing and distribution costs for the forms. We estimate processing time at 15 minutes per response or 42,500 hours. In addition, the annual cost estimate includes costs associated with the input of data from the forms into the law enforcement database. We contract for data entry at an average cost of \$24 per hour, and we estimate the number of data entry hours to be 8,000.

Salary/Benefits	\$1,232,500
Operational Expenses	425,000
Data Entry (contract)	192,000
Total annual cost for processing Form 3-177	\$1,849,500

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

We are requesting an increase of 7,168 hours in the annual burden. This increase is due to our

estimate that respondents will file approximately 170,000 forms annually, 60 percent electronically. During the last renewal request, we estimated that respondents would file an average of 120,000 forms annually, 33 percent electronically. Despite an estimated 42-percent increase in the number of forms filed, the corresponding burden hours will only increase 27 percent (26,832 to 34,000 hours), largely due to more use of electronic capability.

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

We do not publish the information collected on FWS Forms 3-177 and 3-177a; however, we do use some of the information to compile an annual report for the CITES Secretariat (see item 2).

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.

Not applicable. We will display the OMB control number and expiration date.

18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.

There are no exceptions to the certification statement contained in Item 19 of OMB Form 83-I.