

# Supporting Statement A for Paperwork Reduction Act Submission

OMB Control Number 1018-XXXX

## Export of Caviar or Meat of Paddlefish or Sturgeon Removed from the Wild FWS Form 3-200-76 50 CFR Parts 13 and 23

**NOTE:** We request expeditious review and approval of this information collection. We are requesting a 1-year approval, because we plan to include this application form in our request for renewal of 1018-0093, which expires June 30, 2007. However, the fishing season is beginning and we would like to use FWS Form 3-200-76 as soon as possible. This form will:

- Help applicants understand what information we need.
- Reduce requests for applicants to provide additional information.
- Help us process applications more efficiently.

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

This information collection is associated with regulations implementing the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). CITES regulates international trade in listed species through a system of permits and certificates. The Fish and Wildlife Service's (we, Service) authority to implement the treaty lies within section 8A of the Endangered Species Act.

We assess permit requests according to criteria in CITES and Federal regulations for the issuance, suspension, revocation, or denial of permits. The regulations stipulate general and specific requirements that when met allow us to issue permits to authorize activities that are otherwise prohibited. We will use the information collected on FWS Form 3-200-76 to evaluate applications for the export of caviar or meat of paddlefish or sturgeon removed from the wild. These species are listed in Appendix II of CITES.

International trade in Appendix II species requires documents issued under guidelines set by CITES. Before a country can issue an export permit, the country's Scientific Authority must determine that the export will not be detrimental, and the Management Authority must be satisfied that the specimens were legally acquired. The information that applicants provide on FWS Form 3-200-76 allows the Service to accomplish this monitoring and fulfill our obligations under CITES.

### **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.**

We have developed a new application form specific to permit requests for the export of caviar or meat of paddlefish and sturgeon removed from the wild. In the past, applicants have used FWS Form 3-200-27 (Export of Wildlife Removed from the Wild) to provide this information. Applicants using that general form have had considerable difficulty in understanding what

information is necessary and how to supply it. We have developed a new permit application form, FWS Form 3-200-76, to clarify these issues. We will use the information collected to determine if the application meets the criteria specified in 50 CFR Parts 13 and 23.

- **Section D1.** Information needed to determine if a master file is to be created for multiple shipments of identical amounts of the specific product (roe/flesh), or if a single shipment is proposed. For paddlefish and sturgeon, we can create a master file, which allows the permittee to request additional permits for stocks of flesh and roe which have been previously approved for export and debit that amount from the total approved. This will help expedite the application review process and turn-around time for permits of highly perishable stock.
- **Section D2.** Information for each product to be exported:
  - Scientific and common names of the fish.
  - State(s) of harvest of fish. We confer with the State(s) biologists to determine if the fish were harvested legally.
  - Product description (caviar or meat).
  - Weight.
  - Shipping containers to be used and sizes. Information needed for permit.
  - If shipment is fresh, frozen, pasteurized, or other. Information needed for permit.
  - List of labels for caviar. Information needed to ensure compliance with the Universal Caviar Labeling requirement (CITES Resolution 12.7 (Rev. CoP13).
  - Current location of specimen(s).
- **Section D3.** Purpose of the export—commercial, personal, or other.
- **Section D4.** Information to determine if a portion of the proposed export has been authorized under a previous permit in order to streamline and expedite the approval process.

**Section D, 5-10.** The exporter must demonstrate an unbroken chain of custody from the fisher through all intermediaries to the exporter. This includes the production of fishing licenses, dealer's licenses, State harvest reports, and receipts demonstrating legal transfer of the product. This allows us to determine if the fish were taken/acquired legally. Because legal take/acquisition of paddlefish/sturgeon is closely tied to the potentiality of detriment to the species in the wild, we use this information to make a finding of no detriment.

- **Section D5.** Information (name, address, and total weight of product) for each intermediary supplier and dealer.
- **Section D6.** Information (name, address, and total weight of product) for each fisher.
- **Section D7.** Copy of the appropriate commercial buyer's license.
- **Section D8.** Copy of the current license, permit, or other document issued by the State for each fisher.
- **Section D9.** Copy of each fisher's State harvest report, which should include the dates of harvest, location of harvest, and gear used to harvest the fish. If this information is not on the State harvest report, applicants must provide it separately. This information allows us to determine if: (1) fish were taken legally; (2) take was in compliance with State regulations; and (3) harvest is detrimental to the species in the wild. States also use this information to

determine compliance with State code.

- **Section D10.** Copy of documents (dated sales receipts/invoices) showing transfer of ownership from each fisher or supplier to applicant.
- **Section D11.** Name of U.S. port through which the export will occur.
- **Section D12.** Address where we should mail the permit.
- **Section D13.** Applicant must provide air bill, prepaid envelope, or billing information if he/she wants us to mail the permit other than by regular mail.
- **Section D14.** Contact information (name, phone number, email) for questions about the application.
- **Section D15.** Applicant can establish a unique number for tracking purposes. Optional.

**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].**

FWS Form 3-200-76 will be available to applicants in fillable format on our website, by mail, or by fax. Applicants may complete the fillable application online, but must send the application form with an original signature and the processing fee to the Service by mail. At this time, the Service does not have a system for electronic submission of permit application forms; however, we are actively developing the system and are pilot testing two of our application forms that have current OMB approval. Applicants may send us supporting documents or spreadsheets electronically through e-mail or fax if they reference their application number on the documents.

**4. Describe efforts to identify duplication.**

No duplicate information is collected elsewhere in the Service. No other Federal agency collects similar information, except general information requirements such as name, address, etc. One effort that we have implemented to reduce duplication is the establishment of "master permit files." This procedure allows applicants who frequently apply for permits under CITES to submit most of the required information only once, instead of each time that they apply.

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

The collection will not have a significant impact on small entities. Specific information is required before we can issue authorization for an otherwise prohibited activity, regardless of whether the applicant is a small business or private individual. We work closely with all applicants. If we already have their original application, we allow them to use electronic mail to submit additional information, and we accept faxes to ease the burden.

**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.**

We only collect the information when someone wants to export caviar or meat of paddlefish or sturgeon removed from the wild. If we do not receive the information contained in the application, we would be unable to determine if the applicant meets the criteria for issuance of a permit under CITES and, therefore, could not issue a permit.

**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.

There are no circumstances that require the information be collected in a manner inconsistent with OMB guidelines.

**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 September 20, 2006, we published in the **Federal Register** (71 FR 55004) a notice of our intent to request that OMB approve this information collection. In that notice, we solicited comments for 60 days, ending on November 20, 2006.

Additionally, we conducted public outreach by sending a copy of the **Federal Register** notice to

the following individuals in the caviar community and asking them to comment on our proposed collection:

Denise Leavitt, owner, Great Atlantic Caviar, caviarstardenise@hotmail.com  
George Scholten, Reservoir and River Fisheries Coordinator, Tennessee Wildlife Resource Agency, Nashville, TN 37204, PHONE (615) 781-6574 (State employee)  
Posey, Bill R, brposey@agfc.state.ar.us (State employee)  
Stefanavage, Tom, TStefanavage@dnr.IN.gov (State employee)  
Browne Trading, Richard Hall, Richard@browne-trading.com (applicant)  
Optimus Caviar, amasoud@markys.biz (applicant)  
IP Trading, iptradingllc@aol.com (applicant)  
Petrossian, michel.emery@petrossian.com (applicant)  
Unifood, unifood@hitmark.com (applicant)

We received two responses. One commenter was a State fisheries coordinator who supported the new form. The second commenter stated that the proposed form has more focused information and would assist applicants in preparing applications. The second commenter also had two suggestions:

(1) That we increase the estimated time to complete the application. After considering this comment, we increased the estimated average time to complete an application to 3 hours.

(2) That we revise the wording in the application to more accurately reflect how caviar exporters work. Wholesalers and suppliers typically do not provide the fishermen information directly to the applicant because it may be considered proprietary information. Due to the concern, we are not requiring that the intermediary provide the information to the applicant who is responsible for submitting the application. Instead, the supplier may submit it directly to the Service provided that it is clear which application is being referenced. In such cases, if the supplier believes the information is proprietary, the supplier should identify it as proprietary and/or business confidential, as appropriate. The applicant is still responsible for providing a complete application to the Service.

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

We do not provide any payment of gifts to respondents.

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

The information that we collect is subject to the requirements of the Privacy Act and the Freedom of Information Act. We may share the information with States or other Federal agencies to verify compliance with related State and Federal regulations. We explain this in the application.

**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.**

We do not ask questions of a sensitive nature.

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

Activity	Annual Number Of Respondents	Annual Number Of Responses	Average time required per response	Total annual burden hours	Dollar value of total annual burden hours (@ \$30/hour)
Form 3-200-76	12	120	3 hours	360	\$10,800

We estimate that 12 applicants will submit 120 applications annually to export caviar or meat of paddlefish or sturgeon from the wild. It will take an average of 3 hours to complete the application for a total annual burden of 360 hours. At an average rate of \$30 per hour for salary and benefits, we estimate the dollar value of the annual burden hours to be \$10,800.

**13. Provide an estimate of the total annual [nonhour] cost burden to respondents or recordkeepers resulting from the collection of information.**

The annual nonhour cost burden to respondents is approximately \$12,000 for the application fees (120 applications multiplied by the \$100 application fee). The total cost burden will be less if applicants who have multiple exports of identical amounts take advantage of our "master file" procedures. The application contains information on the different types of authorizations and the costs for each. We are not aware of any other nonhour burden associated with this collection.

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

We estimate the annual cost to the Federal Government to be \$48,000. We based this on the average salary/benefits cost per hour for Service personnel likely to process the applications (\$50) multiplied by the number of hours to process an application (8) multiplied by the number of applications (120).

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

This is a new collection.

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

We will not publish the information collected.

**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.**

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.