

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

OMB Control Number 1018-0092

**Federal Fish and Wildlife Permit Applications and Reports—
Law Enforcement
50 CFR 13 and 14**

FWS Forms 3-200-2 and 3-200-3

Terms of Clearance. None.

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

All of the laws, treaties, and regulations administered by the U.S. Fish and Wildlife Service (we, Service) that authorize activities for which a permit is required provide the basis for our regulations in 50 CFR Part 13 (General Permit Requirements). The requirements in 50 CFR Part 13 are in addition to any other permit requirements that may apply to a specific circumstance, as outlined in other sections of subchapter B of Chapter 1, Title 50 of the CFR.

The Endangered Species Act (ESA) (16 U.S.C. 1531 et seq.), as amended, requires that fish or wildlife be imported into or exported from the United States only at a designated port or at a nondesignated port under certain limited circumstances. Authority for the designation of such ports and the requirement that all fish or wildlife be imported or exported at such a port is found in Section 9(f) of the ESA, 16 U.S.C. 1538(f). By regulation, these ports are designated by the Secretary of the Interior, initially with approval of the Secretary of the Treasury but now with approval of the Secretary of the Department of Homeland Security, after notice and opportunity for public comment for the purpose of facilitating enforcement and reducing enforcement costs of the ESA. To date, 17 U.S. Bureau of Customs and Border Protection ports of entry are designated for the import and export of wildlife and wildlife products.

Exceptions to the designated port requirement are permitted by the Secretary of the Interior under such terms and conditions as may be prescribed in the interest of the health and safety of the fish or wildlife or for (1) scientific purposes (50 CFR 14.31); (2) to minimize deterioration or loss (50 CFR 14.32); and (3) to alleviate undue economic hardship (50 CFR 14.33).

The Endangered Species Act (ESA) Section 9(d) (16 U.S.C. 1538 (d)), as amended, makes it unlawful “for any person to engage in business as an importer or exporter of fish or wildlife...without having first obtained permission from the Secretary [of the Interior].” Any person required to obtain permission must “keep such records as will fully and correctly disclose each importation or exportation of fish, wildlife, or plants made by him and the subsequent disposition made by him with respect to such fish, wildlife or plant” and “file such reports as the Secretary may require.”

On June 21, 1996 (61 FR 31871), we published a final rule revising 50 CFR 14, Importation, Exportation, and Transportation of Wildlife, to implement provisions of a number of wildlife laws enforced by the Service. As part of that rulemaking and under the authority of Section 9(d) of the ESA (16 U.S.C. 1538 (d)), an Import/Export license requirement was imposed on any person who engages in business as an importer or exporter of wildlife or wildlife products, unless that person imports or exports certain excepted wildlife or wildlife products or falls within one of the categories of persons exempted from the requirement of the final rule.

The information required on the Import/Export license application form is needed to enforce the Import/Export license conditions that are derived from the statutory mandate of the ESA. The information required to be maintained by persons under the Import/Export license requirement is also needed to satisfy the statutory mandate.

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.

An application must be made for a permit to import or export wildlife or wildlife products at nondesignated ports or to receive an Import/Export license. We collect information using FWS Forms 3-200-2 (Designated Port Exception Permit) and 3-200-3 (Import/Export License). We need the information to address the specific requirements contained in 50 CFR 14.31, 14.32, 14.33, 14.91, 14.92 and 14.93. The information will help us determine (1) if an applicant for a permit to import or export wildlife or wildlife products at a nondesignated port qualifies for the requested exemption, or (2) if we will issue a license authorizing the applicant to engage in business as an importer or exporter of wildlife or wildlife products.

Once a designated port exception permit is issued, we may require the permittee to file a report on activities conducted under authority of the permit.

To improve efficiency, the Service has changed the format of FWS Forms 3-200-2 and 3-200-3 so that the public can more easily navigate the form and complete the required fields in less time than with previous versions.

FWS Form 3-200-2 – The information we collect on the application corresponds to the requirements in 50 CFR 14.31, 14.32, and 14.33. The permits are valid for up to 2 years from the date of issuance to cover multiple shipments and are renewed upon request if the initial justification for issuing the permit remains in effect.

- We need information showing the scientific purpose or use of the wildlife or wildlife products to be imported or exported to determine if there is a bona fide scientific purpose or use which would benefit from the permit. Issuance of such a permit can facilitate the exchange of preserved museum specimens or live research animals.
- We collect information on the quantity and species of wildlife or wildlife products described by scientific and common names to be imported or exported, when the quantity and species can be readily determined, so that we can determine (a) if the applicant has complied with applicable laws that apply to the importation or exportation of the species identified and (2) if the species described are used for scientific purposes.

- The country or place in which the wildlife was removed from the wild (if known) or where the wildlife was born in captivity helps us determine if the applicant has complied with applicable laws that apply to the importation or exportation of the species, particularly, to determine compliance with the Lacey Act, 16 U.S.C. 3371 et seq.
- Information on the port(s) where the importation or exportation of wildlife or wildlife products is requested and the detailed reason(s) why the importation or exportation should be allowed at the requested port(s) rather than at a designated port allows us to determine where the importation or exportation will occur so that the shipment can be inspected and to determine why importation or exportation at the requested port(s) is more feasible than at a designated port.
- We need information on whether the exception is requested for a single shipment, a series of shipments, or shipments over a specified period of time, including the date(s) involved, to determine if multiple shipments are involved, eliminating the need to obtain a permit for each shipment, and to know when the shipments will arrive or depart so arrangements can be made to inspect the wildlife or wildlife products.

FWS Form 3-200-3 - The following specific justifications for information collections correspond to items on Form 3-200-3 and the requirements contained in 50 CFR 14.91, 14.92, and 14.93. The Import/Export license is valid for up to 1 year from the date of issuance and is renewed upon request, if the initial justification for issuing the Import/Export license remains in effect.

- A brief description of the nature of the applicant's business as it relates to the importation or exportation of wildlife or wildlife products, e.g. "live animal dealer", "fur broker", "taxidermist", "retail department store", or "pet shop", is needed to identify the activity conducted by the applicant for which a license is required.
- A statement disclosing the names and addresses of all partners and principal officers, if the application is in the name of a business, is needed to know who holds the license. If a license issued to a business subsequently is modified, suspended, or revoked, the partners or principal officers could attempt to obtain a new license under a different business.
- A statement of where books or records concerning wildlife or wildlife product imports or exports will be kept enables us to exercise our right to inspect those records.
- A statement of where inventories of wildlife or wildlife products will be stored allows us to examine inventories of imported wildlife or wildlife products or wildlife or wildlife products being prepared for export.
- We need the name, address, and telephone number of the officer, manager, or other person authorized to make records or wildlife or wildlife product inventories available for examination so that we can contact the appropriate agent of the licensee when the licensee is not an individual.
- The port(s) to be used for the importation or exportation of wildlife or wildlife products.
- A description of the wildlife or wildlife products to be imported or exported.

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].

We are exploring the development of a system to allow electronic submission of Forms 3-200-2 and 3-200-3 in compliance with the GPEA. Currently, we must receive a hard copy, originally signed application form by postal mail or hand delivery from an applicant. Facsimile and e-mailed signatures are not accepted but, applicants may submit any supporting documentation or information missing from the application, other than an original signature, via facsimile transmission. Forms 3-200-2 and 3-200-3 are currently available on the Internet in a fillable format, allowing the public to complete the form online and print the completed form for signature and submission.

4. Describe efforts to identify duplication.

No other Federal agency collects information of this type and no duplicate information is collected elsewhere in the Service that could be utilized to determine if a designated port exception permit or an Import/Export license can be issued. The information an Import/Export licensee or exempted person must maintain, however, should already be maintained to satisfy State business license requirements, reporting for the Internal Revenue Service or other similar business purposes and need not be duplicated to satisfy these requirements. The requirement that Import/Export licensees maintain records fully and correctly disclose the subsequent disposition of the wildlife or wildlife products may be met by maintaining records which are usually maintained as a normal business practice.

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

Small entities are among the potential applicants for designated port exception permits and import/export licenses. We have carefully analyzed and constructed these requirements to ensure that the information requested of small entities and all other potential applicants is the minimum necessary, while still ensuring our ability to determine if an applicant for a permit to import or export wildlife or wildlife products at a nondesignated port qualifies for the requested exemption. In addition, in order to alleviate the burden to small businesses, we have designated specific law enforcement offices within each of our seven geographic regions to issue Import/Export licenses.

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 consequence of not collecting the information contained in these application forms is that the applicant would not be issued a designated port exception permit or an Import/Export license since the collected information is either required on the permit itself or needed to make the necessary legal findings under the ESA. The information requested is limited to the minimum necessary to establish eligibility and designated port exception permit and Import/Export license terms.

If we do not issue designated port exception permits, small entities and all other potential

applicants who legitimately meet one or more of the three exemptions for importing or exporting wildlife or wildlife products at nondesignated ports would be unable to do so.

If Import/Export licenses are not issued, otherwise legitimate businesses could not commercially import or export wildlife or wildlife products.

- 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 records by designated port exception permittees and Import/Export licensees. Under 50 CFR 14.93(c)(1), (c)(2), and (c)(3), we require that commercial importers and exporters of wildlife and wildlife products maintain 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, for a period of 5 years. This time period is consistent with the records requirements contained in our general permit procedures in 50 CFR 13.46, which also apply to designated port exception permittees. Since commercial importers and exporters may have applied for and been issued permits under the general permit procedures, including designated port exception permits, we believe it would be in the public interest that the records maintenance requirements for Import/Export licensees be consistent with those in the general permit procedures.

- 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 April 23, 2007, we published in the Federal Register (72 FR 20131) a notice of our intent to request that OMB approve this ICR. In that notice, we solicited comments for 60 days, ending on June 22, 2007. We received one comment. The comment did not address issues surrounding the proposed collection of information or the cost and hour burden estimates. We have not made any changes to this collection as a result of the comment.

Opportunities for informal public comment are also available through extensive personal contact with potential applicants during permit workshops, seminars, meetings, and related activities conducted on behalf of various interest groups, such as zoos, big game hunters or reptile breeders. In addition, opportunities for informal public comment exist with importers and exporters of wildlife and wildlife products during the course of business as part of our wildlife inspection process.

We contacted the following individuals/groups that consistently use our forms and solicited comments on the applications and reports:

Rob Heintzman 196 Elton Park Rd. Oakville, Ontario Canada Direct line 416-863-4776	Maria D. Crow RODOLFO CORRAL, INC. 9100 S. Sepulveda Blvd., Ste. 124 Los Angeles, CA. 90045 Tel (310)568-9808 email: maria@rodolfocorral.com
Alejandro Salazar, Owner/Manager Toro Boots LLC 7271 Harwin Drive Houston, TX 77036 713-784-8832	Lynn S. McDuffie Asst. Curator of Records Disney's Animal Kingdom (407) 939-6237
Marisol Castro DJ Expressions 750 3rd Ave. Brooklyn, NY 11232 (718)-369-8800	

Necessity of Collection:

One commenter stated that the only valid information needed on the Form 3-200-2 continuation sheet should be the port where importation is requested.

Our response: All of the information requested on the Form 3-200-2 continuation sheet is necessary for us to determine if an applicant qualifies for a permit to import or export wildlife or wildlife products at a nondesignated port.

Burden Estimates:

One commenter believed that 1 hour was not sufficient time to complete Form 3-200-2. Two other contacts indicated that 1 hour was sufficient and, in one case, more than sufficient.

Ways to Enhance the Quality, Utility, and Clarify of Information:

One commenter had specific questions about the desired effective date of an Import/Export

license, the length of time an Import/Export license is valid, the fact that the application does not ask for the port(s) to be used, where would a primary contacts address be included in the application and requested an explanation of a statement on Division of Management Authority policy.

Our response: The application does not request a desired effective date because for administrative reasons, the date of issuance of the Import/Export license must be the effective date. The maximum term of an Import/Export license is included in the regulations authorizing the issuance of Import/Export licenses and is available upon request. The application clearly indicates where to include contact information for a primary contact. The application does not request the port(s) to be used because that information is not necessary to determine if an applicant qualifies to be issued permission to engage in business as an importer or exporter of wildlife or wildlife products. The Division of Management Authority policy statement is included in the instructions for all versions of Form 3-200 since that form was expanded to address all potential permit needs, and does not apply to the issuance of Import/Export licenses.

Ways to Minimize Burden:

One commenter stated that a sample application would help with the completion of Form 3-200-2.

Our response: A sample application may not address the wide variety of potential applicants and we have determined that addressing applicant's questions on a case-by-case basis is a more effective method of answering those questions.

Conclusion:

Overall results from these consultations indicate that our hour burden estimate for the completion of Forms 3-200-2 and 3-200-3 is well within reason. Regarding the completion of Form 3-200-2, we receive numerous inquiries about how to determine which of the three designated port exemptions an applicant would qualify for. In response to these inquiries, we developed a fact sheet on our website to help applicants determine if they would qualify for the: minimize deterioration or loss; alleviate undue economic hardship; or scientific purposes; exemption. In addition, we receive inquiries about how to determine the species that is being imported or exported. The importer or exporter is responsible for providing this information on Form 3-177, Declaration for Importation or Exportation of Fish or Wildlife, approved by OMB and assigned control number 1018-0012.

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

We do not provide gifts or payment 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 made available to the Service under this information collection are subject to the Privacy Act and will be maintained in a secure system of records accessible only by authorized Service employees, under the system name, Investigative Case File System – Interior; FWS – 20. These records may be subject to disclosure under provisions of the Freedom of Information Act. Forms 3-200-2 and 3-200-3 do contain a Privacy Act Statement.

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 the information made available under this information collection 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.

We do not ask questions of a sensitive nature.

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

Approximately 1,173 applicants will apply for a designated port exception permit annually. This estimate includes new applications and applications to renew existing designated port exception permits. This estimate is based upon our statistics for the number of designated port exception permits issued in 2006 for each of the three exemptions for importing or exporting wildlife or wildlife products at nondesignated ports. In 2006, we issued 179 designated port exception permits to minimize deterioration or loss, 684 designated port exception permits to alleviate undue economic hardship, and 75 designated port exception permits for scientific purposes. Based upon recent trends, we project a 25-percent increase in the number of designated port exception permits.

We estimate it will take an average of 1 hour for each respondent to complete the application for a designated port exception permit, whether it is a new application or an application to renew an existing designated port exception permit. The total annual estimated reporting burden for completing Form 3-200-2 is approximately 1,173 hours. We estimate that the average dollar value of the wages/benefits of individuals likely to be completing Form 3-200-2 is \$30.00 per hour. Therefore, the total estimated dollar value for the completion of Form 3-200-2 is \$35,190.

Designated port exception permittees must maintain records that accurately describe each importation or exportation of wildlife or wildlife products made under the permit, and any additional sale or transfer of the wildlife or wildlife products. It will take an average of .25 hours per year for each respondent to maintain records that accurately describe each importation or exportation of wildlife or wildlife products made under the permit. The total annual estimated reporting burden for maintaining records under a designated port exception permit is approximately 293 hours. We estimate that the dollar value of the average salary/benefits of individuals likely to be maintaining these records is \$30.00 per hour. Therefore, the total estimated dollar value for maintaining records under a designated port exception permit is \$8,790.

On a very limited basis, we may require designated port exception permittees to file a report on activities conducted under authority of the permit. We estimate that 5 applicants will file a report annually. It will take an average of 1 hour for each respondent to complete this report. The total annual estimated reporting burden for filing a report under a designated port exception permit is approximately 5 hours. We estimate an average of \$30.00 per hour for the dollar value of wages/benefits of individuals likely to be completing this report. Therefore, the total estimated dollar value for filing reports under a designated port exception permit is \$150.00.

Approximately 14,500 applicants will apply for an Import/Export license annually. This estimate

includes new applications and applications to renew existing Import/Export licenses. This estimate is based upon our statistics for the number of Import/Export licenses issued in 2006 (11,596). Based upon recent trends, we project a 25-percent increase in the number of Import/Export licenses issued.

It will take an average of 1 hour for each respondent to complete the application for an Import/Export license, whether it is a new application or an application to renew an existing Import/Export license. The total annual estimated reporting burden for completing Form 3-200-3 is approximately 14,500 hours. We estimate that the dollar value of salary and benefits of individuals likely to be completing Form 3-200-3 is \$30.00 per hour. Therefore, the total estimated dollar value for the completion of Form 3-200-3 is \$435,000.

Import/Export licensees must maintain records that accurately describe each importation or exportation of wildlife or wildlife products made under the license, and any additional sale or transfer of the wildlife or wildlife products. In addition, licensees are required to make these records and the corresponding inventory of wildlife or wildlife products available for our inspection at reasonable times, subject to applicable limitations of law. It will take an average of .25 hour per year for each respondent to maintain records that accurately describe each importation or exportation of wildlife or wildlife products made under the license. The total annual estimated reporting burden for maintaining records under an Import/Export license is approximately 3,625 hours. We estimate that the average wage of individuals likely to be maintaining these records is \$30.00 per hour. Therefore, the total estimated dollar value for maintaining records under an Import/Export license is \$108,750.

Requirement	Annual No. of Respondents	Total annual responses	Completion time per response	Total annual burden hours	Total burden cost to public (\$30/hour)
3-200-2 – application	1,173	1,173	1 hour	1,173	\$ 35,190
Recordkeeping requirement for Form 3-200-2	1,173*	1,173*	.25 hour	293	8,790
Reporting requirement for Form 3-200-2	5	5	1 hour	5	150
3-200-3 - application	14,500	14,500	1 hour	14,500	435,000
Recordkeeping requirement for Form 3-200-3	14,500*	14,500*	.25 hour	3,625	108,750
Total	15,678	15,678		19,596	\$ 587,880

*Not included in total since respondents for recordkeeping are same as for application.

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

The total annual nonhour dollar cost burden to the respondents is approximately \$1,567,300 for application fees. The fee for each application (Form 3-200-2 and 3-200-3) is \$100. There is no fee for processing reports.

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

We estimate the total annualized cost to the Federal Government for processing Forms 3-200-2 and 3-200-3 to be approximately \$940,380. We base this on an average of 1 hour to process each application and \$50.00 per hour for the average salary/benefits of Service personnel likely to be involved in the processing. In addition we estimate operational expenses (printing and distribution) to be \$156,730.

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

For this information collection renewal, we are estimating that there will be 15,678 responses totaling 19,596 burden hours. This is an increase of 7,628 responses and 11,546 burden hours from our previous request.

We are reporting as a program change:

- 5 responses totaling 5 burden hours associated with a report that may be required of nondesignated port permit holders.
- 3,566 hours for recordkeeping associated with permits for nondesignated port and Import/Export licenses.

While the above recordkeeping and reporting requirements are included in the regulations and are not new, our previous request inadvertently omitted the burden.

The remaining burden increase is a result of our adjustment in the number of responses based on our experience over the past 3 years and a projected 25-percent increase in the number of responses.

The increase in the nonhour cost burden (\$762,300) is primarily due to our estimated increase in the number of responses.

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

We will not publish the results of these information collections.

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.

There are no exceptions to the certification statement.