

**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; None.

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 Forms 3-177/3-177a are the declaration forms that individuals, businesses, or State and local government agencies 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 3-177/3-177a 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 3-177/3-177a 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 obtain from these forms.

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

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 Forms 3-177/3-177a 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 submitted at the time clearance of the wildlife shipment is requested. 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 so that we can 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 - 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) allow 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 to whether it is from the wild, captive-bred, or from another source. This information is necessary 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 imported or exported 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- Each species of live wildlife in the shipment must be identified as venomous or nonvenomous. This information will assist our wildlife inspectors in the preparation for and inspection of the wildlife shipment.

Block 22 - The signature of the person certifying the information provided on Form 3-177, and the date of that certification, are needed to establish legal responsibility for the wildlife shipment in the event of subsequent litigation resulting from the wildlife shipment.

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 Form 3-177, with instructions for its completion, is available for electronic submission at <https://edecs.fws.gov>. Approximately 80 percent of respondents submit responses electronically. We anticipate that the use of eDecs will expand in the future, which will further reduce the burden on the public.

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. The information that we collect on FWS Form 3-177 is not collected by any other Government agency.

U.S. Customs and Border Protection (CBP) is coordinating the implementation of the

International Trade Data System (ITDS). ITDS will consolidate all of the requirements for all Federal Government agencies that have jurisdiction over a given import shipment. When or if ITDS goes on line, electronic Form 3-177s submitted through our eDecs system must include a CBP entry number and a CBP line item number with each Form 3-177 line item. This CBP requirement will enable ITDS to accept electronic Form 3-177 data. However, the CBP entry number and line item number are preexisting information and would not impose any additional burden on respondents. This possible duplication of information collection will only apply to the electronic submission of Form 3-177.

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. Form 3-177 is designed for easy use, while still providing enough information to allow us to fulfill our responsibilities under the ESA and CITES. Detailed instructions are included with the form to make it 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 are in compliance 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 FWS 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), (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. Since commercial importers and exporters may have applied for and been issued permits under the general permit procedures, we believe it would be in the public interest that the records maintenance requirements of this information collection 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 August 13, 2009, we published in the Federal Register (74 FR 40836), 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 October 13, 2009. We received one comment. The commenter strongly supported the collection of this information and suggested the following ways to improve the quality of data collected:

Issue: FWS Form 3-177 should have language stating that filing a false or incomplete declaration may result in a penalty.

Response: The form already includes this language. FWS Form 3-177 contains the following statement: "Knowingly making a false statement in a Declaration for Importation or Exportation of Fish and Wildlife may subject the declarant to the penalty provided by 18 U.S.C. 1001 and 16 U.S.C. 3372(d)." In addition, item 22 of the form includes the following certification statement prior to signature "I certify under penalty of perjury that the information furnished is true and correct." We have added this language to the instructions as well.

Issue: The instructions for FWS Form 3-177 should include more direction on how the species and subspecies should be identified. Also, instructions are needed regarding entering the identifier number and ID type for questions 13, 14, and 15.

Response: The instructions for FWS Form 3-177 include guidance for accurately identifying

species, including the requirement to provide the scientific name (Latin name including genus and species and subspecies, if applicable) and the common name in English. The instructions also include guidance for entering the identifier number and ID type.

Issue: The Service should standardize the units of measure used on FWS Form 3-177 incorporating quantity, length, weight, and volume.

Response: We do not believe that this is practical and have not made any changes to the form or instructions.

Opportunities for informal public comment are available with members of the importing and exporting wildlife community regarding the Service’s inspection process, of which FWS Form 3-177 is a part. These interactions provide the Service with feedback on ways to improve the information collection.

In addition to the Federal Register notice and ongoing communication with importers and exporters, we contacted the following persons and asked for comments on the information collection:

Winona Myers, Entry Specialist Norman G. Jensen Inc. 127 SW 156th St. Burien, WA 98166 Telephone: 206-248-0506	James Olsen Olsen Bird Farm 1613 Woodcrest Corsicana, TX 75110 Telephone: 903-872-9100
Lex Supataraporn President, Intercontinental Imports, INC. 388 Twin Creeks Drive Bolingbrook, IL 60440-1070 Telephone: 630-985-2740	Walter Bloecker Vice President Aquatic Trading Co. 1531 SW 3rd Street Pompano, FL 33069 Telephone: 954-781-7699
Amy Morgan ECO Import Coordinator FedEx 3 Sally Ride Way Oakland, CA 94621 Telephone: 510-636-8942	Kathy Marshall Licensed Customs Broker Laing International BWI Air Cargo Complex Baltimore, MD 21240 Telephone: 410- 850-8365
Edgar Castenada Perishable Entry Supervisor B. J. Customs Brokerage 5730 W. Manchester Ave. Los Angeles, CA 90045 Telephone: 310-337-1628, ex. 105	Mario A. Monroy Charles Hardtke Broker Representative 11040 Argal Court El Paso, TX. 79935 Telephone: 915-590-0088
Adriana Trueba Atlanta Customs Brokers(ACB) 650 Atlanta South Parkway, Ste, 250 Atlanta, GA 30349 Telephone: 404-762-0953	

Results from these consultations indicate that the estimated cost and time burden estimates for the completion of FWS Form 3-177 by hand and electronically are well within reason.

Six of the nine individuals consulted agreed with the estimate of 15 minutes per response when completing Form 3-177 by hand and 10 minutes per response when completing Form 3-177

electronically. One individual, suggested that 15 minutes was a more accurate estimate for completing Form 3-177 electronically. One individual suggested that it takes 15 to 30 minutes for a short entry of one page, and up to 1 hour for an entry with multiple pages when filing FWS Form 3-177 electronically. One individual suggested that it takes only 3 minutes to complete FWS Form 3-177 by hand. Since six of the nine individuals consulted thought that our burden estimates were accurate, we used those estimates in our calculations.

The consensus among the individuals was that our eDecs system was very user friendly. Two individuals suggested that our eDecs system should have a mechanism to save electronic declarations without submitting them. The scientific community has also weighed in on this issue recently. However, it is important to note that our eDecs system is intended to be a form filing system, not a form filling system. If someone wants to fill out a Form 3-177 and save it, they should use the on-line version of the form, not our eDecs system.

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.

We do not provide any assurance of confidentiality. All records made available under this information collection are subject to the Privacy Act and we will maintain them in a secure system of records 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 the information to the appropriate Federal, State, local, or foreign agency charged with investigating or prosecuting those violations. In the event of litigation, 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.

We have over 16,000 commercial import and export license holders who can be expected to submit FWS Forms 3-177 and 3-177a on a regular basis. In addition, there are probably nearly as many individuals or organizations who are not license holders that will submit these forms for clearance of an import or export wildlife shipment. 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.

We estimate that approximately 20,700 respondents will complete 182,000 forms annually to request clearance of an import or export wildlife shipment. Approximately 37,500 of these responses will be completed by hand, each requiring approximately 15 minutes (5 minutes to review instructions and 10 minutes to complete the form). Approximately 145,000 responses will be submitted electronically. Using eDecs should reduce the time to complete FWS Form 3-

177; therefore, we estimate each electronic response will require approximately 10 minutes (5 minutes to review instructions and 5 minutes to complete the form).

The total dollar value of the annual burden hours is approximately \$910,800. We used the Bureau of Labor Statistics news release USDL 09-1501, December 9, 2009, Employer Costs for Employee Compensation--September 2009 (<http://www.bls.gov/news.release/pdf/ecec.pdf>), to estimate average hourly wages and calculate benefits:

- Individuals - We used the wage and salary costs for all workers from Table 1, which states an hourly rate of \$20.50. To calculate benefits, we multiplied the hourly rate by 1.4. The hourly rate including benefits is \$28.70.
- Private Sector - We used the wage and salary costs for all workers from Table 5, which states an hourly rate of \$19.45. To calculate benefits, we multiplied the hourly rate by 1.4. The hourly rate including benefits is \$27.23.
- State Government - We used the wage and salary costs for all workers from Table 3, which states an hourly rate of \$26.24. To calculate benefits, we multiplied the hourly rate by 1.5. The hourly rate including benefits is \$39.36.

Requirement	Annual No. of Respondents	Total Annual Responses	Completion Time per Response	Total Annual Burden Hours*	Hourly Labor Costs including benefits	Total Dollar Value of Annual Burden Hours*
3-177 (hard copy)						
Individuals	1,500	1,500	15 minutes	375	\$28.70	\$ 10,763
Private Sector	2,675	35,450	15 minutes	8863	27.23	241,339
Government	25	50	15 minutes	13	39.36	512
Subtotal	4,200	37,000		9,251		252,614
3-177 (electronically)			10 minutes			
Individuals	200	200	10 minutes	33	28.70	947
Private Sector	16,275	144,750	10 minutes	24,125	27.23	656,924
Government	25	50	10 minutes	8	39.36	315
Subtotal	16,500	145,000		24,166		658,186
Total	20,700	182,000		33,417		\$910,800

*rounded

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 burden to respondents.

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

We estimate that the total annual cost to the Federal Government for this information collection is \$2,656,312, which includes:

- **Salary/Benefit Costs - \$2,260,440** (\$49.68 X 45,500 hours). Wildlife inspectors (GS-11) are the primary staff persons who process FWS Forms 3-177. Wildlife inspectors are located across the United States, many in large cities. Therefore, we used Office of Personnel Management Salary Table 2009-DCB (http://www.opm.gov/flsa/oca/09tables/html/dcb_h.asp) to determine an average hourly wage (\$33.12). We multiplied the hourly rate by 1.5 to account for benefits in accordance with BLS news release USDL 09-1098, September 10, 2009, resulting in a total hourly cost factor of \$49.68. We estimate that it will take approximately 15 minutes to process each form, or a total of 45,500 hours.
- **Operational Expenses - \$2,500.** Includes printing and distribution costs.
- **Data Entry - \$393,372.** We contract for data entry. We estimate an average of \$28.00 per hour and 14,049 hours each year for contract personnel to transfer data from FWS Form 3-177 into the law enforcement database. The number of data entry hours has increased considerably since our last submission because personnel are working on a backlog of forms and data entry now includes the scanning process, which was not included in the previous calculation.

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

We are reporting 182,000 responses totaling 33,417 annual burden hours. This is an increase of 12,000 responses and a decrease 583 burden hours from our previous request. These adjustments are based on our experience over the last several years. The decrease in burden hours is because more respondents are using electronic submission. In our previous submission, we estimated that 60 percent of the responses would use electronic submission; for this renewal we are projecting that almost 80 percent will be submitted electronically.

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. Certification.

There are no exceptions to the certification statement.