

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

**OMB Control Number 1018-0129**

**Captive Wildlife Safety Act  
50 CFR 14.250 – 14.255**

**Terms of Clearance: None**

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

The Captive Wildlife Safety Act (CWSA) (Pub. L. 108-191) amended the Lacey Act by making it illegal to import, export, buy, sell, transport, receive, or acquire, in interstate or foreign commerce, live lions, tigers, leopards, snow leopards, clouded leopards, cheetahs, jaguars, or cougars, or any hybrid combination of any of these species, unless certain exceptions are met. There are several exceptions to the prohibitions of the CWSA, including:

- Persons licensed or registered by the United States Department of Agriculture, Animal and Plant Health Inspection Service, under the Animal Welfare Act.
- State colleges, universities, or agencies.
- State-licensed rehabilitators.
- State-licensed veterinarians.
- Accredited wildlife sanctuaries.

There is no requirement for wildlife sanctuaries to submit applications to qualify for the accredited wildlife sanctuary exemption. Wildlife sanctuaries themselves will determine if they qualify. To qualify, they must meet all of the following criteria:

- Approval by the United States Internal Revenue Service (IRS) as a corporation that is exempt from taxation under section 501(a) of the Internal Revenue Code of 1986, which is described in sections 501(c)(3) and 170(b)(1)(A)(vi) of that code.
- Do not engage in commercial trade in the prohibited wildlife species including offspring, parts, and products.
- Do not propagate the prohibited wildlife species.
- Have no direct contact between the public and the prohibited wildlife species.

**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 implemented the CWSA by adding subpart K to 50 CFR 14. This subpart requires that accredited wildlife sanctuaries maintain complete and accurate records of any possession, transportation, acquisition, disposition, importation, or exportation of the prohibited wildlife species. These records must be up to date and include the names and addresses of persons to or from whom any prohibited wildlife species has been acquired, disposed of, imported, exported or otherwise transferred, and the dates of these transactions. Accredited wildlife sanctuaries must:

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- Maintain these records for 5 years.
- Make these records accessible to Service officials for inspection at reasonable hours.
- Copy these records for Service officials, if requested.

This recordkeeping requirement enables Service officials to confirm that the sanctuary qualifies for the accredited wildlife sanctuary exemption.

**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].**

This collection of information is a recordkeeping requirement only and does not involve the use of information technology.

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

We do not collect duplicate information. However, to qualify for the accredited wildlife sanctuary exemption, the Internal Revenue Service (IRS) must approve the wildlife sanctuary as a corporation that is exempt from taxation under section 501(a) of the Internal Revenue Code of 1986. To receive this IRS approval, wildlife sanctuaries must be able to document that any possession, transportation, acquisition, disposition, importation, or exportation of specimens of the prohibited wildlife species is conducted on a not-for-profit basis. Records confirming this would be the same records that must be accessible to Service officials and, therefore, would not increase the burden on wildlife sanctuaries. Since we do not know which wildlife sanctuaries this information collection could impact, we are unable to use the information provided to the IRS by wildlife sanctuaries seeking to establish tax exempt status.

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

We do not anticipate any significant burden on wildlife sanctuaries. We will require sanctuaries to make records available only on an as-needed basis.

**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.**

In the interest of public safety, Congress recognized the need to address the issue of ownership of large cat species on a nationwide basis. The CWSA regulates the movement of large cat species and provides improved safety for members of the public who are given opportunities for close proximity to or direct contact with the prohibited wildlife species. To fulfill the intent of Congress, we must be able to confirm that a particular wildlife sanctuary qualifies for the accredited wildlife sanctuary exemption provided in the CWSA. If we do not impose this recordkeeping requirement, we would not be able to confirm whether or not a particular wildlife sanctuary qualifies for this exemption.

- 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.**

We require that accredited wildlife sanctuaries maintain complete and accurate records of any possession, transportation, acquisition, disposition, importation, or exportation of specimens of the prohibited wildlife species for 5 years. This time period is consistent with the records requirements contained in our general permit procedures (50 CFR 13.46). Since accredited wildlife sanctuaries 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 for 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 January 21, 2010, we published in the Federal Register (75 FR 3483), a notice that we planned to ask OMB to renew approval for this information collection. In that notice, we solicited public comments for 60 days, ending March 22, 2010. We received 155 comments during the comment period, all of which supported this information collection. Of these comments, 153 were submitted as part of an electronic letterwriting campaign and two were individual responses.

*Comments:* The comments submitted as part of the letterwriting campaign suggested that sanctuaries should make appropriate records available to the Service and the public. Other comments suggested that: (1) appropriate records should be made available to the Service on an annual basis; (2) we establish an electronic recordkeeping system for wildlife sanctuaries that other Federal, State or, local agencies could access; and (3) wildlife sanctuaries be accredited by an independent organization.

*Response:* During development of the regulations to implement the CWSA, we considered options for some type of formal accreditation mechanism for wildlife sanctuaries, but concluded that it was not practical for a number of reasons. We believe that the requirement that wildlife sanctuaries provide records on an as-needed basis is adequate to substantiate whether or not a particular wildlife sanctuary qualifies as accredited under the CWSA. In addition, the Privacy Act and the Freedom of Information Act have certain requirements pertaining to the release of information that may prohibit us from making these records openly available to the public. Since the Service is responsible for determining if a wildlife sanctuary qualifies as accredited under the CWSA, giving this responsibility to an outside organization would not be appropriate.

In addition to the Federal Register notice, we contacted the following persons via electronic mail and asked for comments on the information collection:

Pat Craig Executive Director, The Wild Animal Sanctuary 1946 WCR 53 Keenesburg, CO, 80643 303-536-0118	Richard Gilbreth International Exotic Feline Sanctuary Box 637 Boyd, TX, 76023 940-433-5091
Tammy Quist The Wildcat Sanctuary P.O.Box 202 Cedar, MN, 55011 763-444-8545	Tippi Hedren Shambala, The Roar Foundation 6867 Soledad Canyon Road Acton, CA, 93510 661-268-0315
Barbara Dicely, Executive Director Wild Cat Education and Conservation Fund P.O. Box 430 Occidental, CA, 95465 707-874-3176	

Of these persons, only one responded to our request. This respondent indicated that our estimate for the time to copy documents was too low and suggested that it would take approximately 16 hours to copy pertinent records. In addition, this respondent indicated that his/her facility is probably larger than most wildlife sanctuaries, with over 200 rescued animals on site. This facility is substantially larger than most wildlife sanctuaries. Most wildlife sanctuaries have only a small number of animals. Therefore, we believe our burden estimates for copying pertinent records are well within reason.

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

We will not provide any 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.**

We do not provide any assurance of confidentiality. All records made available to the Service under this recordkeeping requirement are subject to the Privacy Act, and we will maintain them

in a secure system of records accessible only by authorized Service employees, under the system name, Investigative Case File System–Interior; FWS–20.

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 contained in these records to the appropriate Federal, State, local, or foreign agency charged with investigating or prosecuting those violations. In the event of litigation involving these records or the subject matter of these records, 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.**

These records only document the possession, transportation, acquisition, disposition, importation, or exportation of specimens of the prohibited wildlife species and do not involve questions of a sensitive nature.

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

We estimate that there are no more than 750 wildlife sanctuaries that could qualify for the “accredited wildlife sanctuary” exemption. The requirement to make records available will be initiated only on an as-needed basis.

Complying with the recordkeeping requirement can be met by making available and copying, if needed, a small number of documents pertaining to the possession, transportation, acquisition, disposition, importation, or exportation of the prohibited wildlife species, which we estimate can be completed in an hour or less. The total estimated annual burden for complying with this recordkeeping requirement for all of these wildlife sanctuaries is 750 hours or less.

The total dollar value of the annual burden hours is \$20,565. We used the Bureau of Labor Statistics news release USDL 10-0283, March 10, 2010, Employer Costs for Employee Compensation--December 2009 (<http://www.bls.gov/news.release/pdf/ecec.pdf>) to determine hourly wages. Table 5 estimates the hourly wage for all workers to be \$27.42 including benefits.

Requirement	Annual No. of Respondents	Total Annual Responses	Completion Time per Response	Total Annual Burden Hours	Hourly Labor Costs incl. benefits	Total Dollar Value of Annual Burden Hours
Private Sector	750	750	1 hour	750	\$27.42	\$20,565

**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 burden cost 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 approximately \$123,210, which includes:

**Salary/Benefit Costs - \$105,210** (\$46.76 X 2,250 hours).

Special agents (GS-11) are the primary staff persons who would visit a wildlife sanctuary to confirm that it qualifies as accredited. Since special agents are located all across the United States, we used Office of Personnel Management Salary Table 2010-RUS ([http://www.opm.gov/oca/10tables/html/RUS\\_h.asp](http://www.opm.gov/oca/10tables/html/RUS_h.asp)) to determine an average hourly wage for a GS-11/step 5 (\$31.17). To determine benefits, we multiplied the hourly rate by 1.5 in accordance with BLS news release USDL 10-0283, March 10, 2010, resulting in a total hourly cost factor of \$46.76. We estimate that most wildlife sanctuaries are within 1 hour driving time from one of our special agent field offices. We also estimate that a site visit of a wildlife sanctuary can be completed in about 1 hour. Therefore, if each of the estimated 750 wildlife sanctuaries were visited by one of our special agents, these site visits would take approximately 2,250 hours to complete (2 hours of travel time + 1 hour site visit X 750).

**Operational Expenses - \$18,000.** We estimate that most wildlife sanctuaries are within 50 miles of a special agent field office. Therefore, if each of the estimated 750 wildlife sanctuaries were visited by one of our special agents, these site visits would cover approximately 75,000 miles at a cost of approximately \$18,000 (75,000 miles X \$.24/mile for vehicle costs).

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

There are no program changes or adjustments.

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

We do not publish this information.

**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. This information collection is a recordkeeping requirement.

**18. Certification.**

There are no exceptions to the certification statement.