

**1 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.

Section 9(f) of 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. The Secretary of the Interior, with approval of the Secretary of Homeland Security, designates these ports after notice and opportunity for public comment. 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 (50 CFR 13.12). Exceptions to the designated port requirement are permitted 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).

Section 9(d) of the ESA makes it unlawful to import or export wildlife or wildlife products for commercial purposes without first obtaining an import/export license (50 CFR 14.91). Persons required to obtain a license must keep records that fully and correctly disclose each importation or exportation of fish, wildlife, or plants and the subsequent disposition made by them with respect to such fish, wildlife, or plants.

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.

2. Indicate how, by whom, how frequently, and for what purpose the information is to be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, explain how the collection complies with all applicable Information Quality Guidelines.

FWS Form 3-200-2 (Designated Port Exception Permit)

We have streamlined the application by eliminating the required detailed species information for imported or exported wildlife and replacing that requirement with a simplified way (checkboxes) to describe wildlife to be imported or exported. In addition, we will not collect some information (e.g., country of wildlife's origin and number of shipments) that we have in the past. The information we collect corresponds to the requirements in 50 CFR 14.31, 14.32, and 14.33. We use this information to determine if an applicant qualifies to use a nondesignated port. 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.

FWS Form 3-200-3 (Import/Export License)

We have eliminated the required general description narrative and replaced that requirement with a simplified way (checkboxes) to describe wildlife or wildlife products to be imported or exported. The information we collect corresponds to the requirements in 50 CFR 14.91, 14.92, and 14.93. We use this information as an enforcement tool and management aid to: (a) monitor the international wildlife market and (b) detect trends and changes in the commercial trade of wildlife and wildlife products. Import/export licenses are valid for 1 year and are renewed upon request, if the initial justification for issuing the license remains in effect.

Unless a form number is specified in the table below, we collect the following information on both FWS Forms 3-200-2 and 3-200-3.

We collect information on ...	So that we can ...
Name of the individual and personal identifying information such as date of birth, social security number, occupation, affiliation, and address and contact information	Identify the individual applying for the permit/license.
Name of business, tax identification number, description of business, and name and contact information for the principal officer	Identify the business and the activity conducted by the applicant for which a license/permit is required.
Name, street address, and contact information for each additional partner/principal officer (3-200-3)	Identify all individuals or businesses associated with the entity requesting a license/permit.
Whether or not applicant has or has ever had any Federal fish and wildlife permits. If yes, number of current permit or permit to be renewed/reissued	Identify prior or current activity under Federal wildlife permits.
U.S. address for foreign applicant	Inspect records, if necessary.
Name, physical address, and telephone number of agent or location where business records will be maintained	Inspect records, if necessary.
Street address and contact information for location where wildlife inventories will be kept (3-200-3)	Examine wildlife or wildlife products to be imported/exported.
Port(s) of entry where importation/exportation is requested (3-200-2)	Determine if additional workload can be accommodated by staff presently available at the requested port.
Valid import/export license number (for commercial shipments) (3-200-2)	Establish compliance with commercial import/export requirements.
Scientific purpose or use of the wildlife or wildlife products (3-200-2)	Determine if there is a bona fide scientific purpose, potential deterioration or loss, or potential economic hardship that would benefit from the issuance of the permit.
General description of wildlife or wildlife products	Determine workload burden.

Permittees and licensees must maintain records that accurately describe each importation or exportation of wildlife or wildlife products under the permit/license, and any additional sale or transfer of the wildlife or wildlife products. In addition, licensees must 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. We believe the burden associated with these recordkeeping requirements is minimal because the records already exist. Importers and exporters must complete FWS Form 3-177 (Declaration for Importation or Exportation of Fish or Wildlife) for all imports or exports of wildlife or wildlife products. This form provides an accurate description of the imports and exports. OMB has approved the information collection

for FWS Form 3-177 and assigned OMB Control Number 1018-0012. Normal business practices should produce records (e.g., invoices or bills of sale) needed to document additional sales or transfers of the wildlife or wildlife products.

Generally, we do not require individuals and government entities to submit a report on activities conducted under the authority of a designated port exception permit. On a very limited basis, we may require businesses to provide a report on activities conducted under a designated port exception permit or an import/export license.

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].

Forms 3-200-2 and 3-200-3 are available on the Internet in a fillable format. Currently, we must receive a hard copy, originally signed application form by 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 e-mail or facsimile. At this time, we do not have a system for electronic submission of permit application forms; however, we are actively developing the system and are pilot testing two Service application forms that have current OMB approval.

4. Describe efforts to identify duplication.

The information that we collect is unique to the applicant and is not available from any other source. By tailoring application forms to particular activities, we eliminate duplication, provide better customer service, and improve our ability to process applications.

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

We have carefully analyzed and constructed these requirements to ensure that the information requested of all applicants is the minimum necessary, while still ensuring our ability to determine if an applicant qualifies for the permit/license. In addition, to reduce the burden for all applicants, we have designated specific law enforcement offices within each of our geographic regions to issue designated port exception permits and 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.

If we do not collect this information, applicants would not be issued permits/licenses. The information is either required on the permit itself or needed to make the necessary legal findings under the ESA. If we do not issue designated port exception permits, applicants who 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, businesses could not commercially import or export wildlife or wildlife products.

If we collect this information less frequently, (1) the information establishing the eligibility may no longer be applicable, and (2) the frequency for collecting this information would not be

consistent with the duration of validity for designated port exception permits and import/export licenses established in 50 CFR 14.31, 14.32, 14.33 and 14.93.

- 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. Permit regulations (50 CFR 13.46) require that records of any taking, possession, transportation, sale, purchase, barter, export or import of wildlife pursuant to a permit be maintained for 5 years from the expiration date of the permit. The statute of limitations for enforcement is 5 years. 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 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 February 25, 2010, we published in the Federal Register (75 FR 8732) a notice of our intent to request that OMB approve this information collection. In that notice, we solicited comments for 60 days, ending on April 26, 2010. We received two comments. One comment supported the reporting and recordkeeping requirements and stated that they were essential to meet the requirements of the ESA. The other comment stated that the permitting system is flawed, but did not address information requirements or the cost and hour burden estimates. We did not

make any changes to this collection as a result of these comments.

Opportunities for public comment are 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. Additional opportunities exist during interaction with importers and exporters during the course of business as part of our wildlife inspection process.

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

Ricardo, R.L. Jones 8830 Siempre Viva Road Suite 100 San Diego, CA 92154 619-661-8182 ext. 1220	Maria C. Powell 3525 S. Nantucket Drive Chandler, AZ 85286 480-274-4282, maria.powell@usairways.com
Cirene Revan President, The Butterfly People (Butterflies in Art) 257 Calle de la Cruz San Juan, PR 00901 787-723-2432 cemilinc@coqui.net	Annette Munoz The Stallion Boot & Belt Company 100 North Cotton Street El Paso, TX 79901 915-532-6268 amunoz@stallionboots.com
Diana Schilff Western Power Sports, Inc. 601 E. Gowen Rd. Boise, ID 83716 208-376-8400 dschilff@wps-inc.com	

Overall results from this outreach indicate that our hour burden estimate is well within reason and the forms are clearly written and easy to complete. One commenter suggested that we add addresses and contact information for Regional Offices to the printed forms, as was the case in the past. Applications available online have a "Click here for addresses" button, which addresses that issue. We receive numerous inquiries about the justification for a designated port exemption. We developed a fact sheet to help applicants determine if they qualify for an exemption - <http://www.fws.gov/le/ImpExp/DesignatedPortExceptionPermit.htm> .

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.

The Debt Reduction and Reconciliation Act of 2000 requires that we collect an individual's Social Security number when processing the payment of fees. All information, including Social Security numbers, is subject to the Privacy Act and will be maintained in a secure system of records accessible only by authorized Service employees (Investigative Case File System – Interior; FWS-20). These records may be subject to disclosure under provisions of 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 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.

We estimate that we will receive 11,915 responses totaling 14,891 annual burden hours for this information collection. The total dollar value of the annual burden hours is approximately \$408,397. We used the Bureau of Labor Statistics news release USDL 10-1241, September 8, 2010, Employer Costs for Employee Compensation—June 2010 (<http://www.bls.gov/news.release/pdf/ecec.pdf>), to estimate average hourly wages and calculate benefits for:

- Individuals - We used the wage and salary costs for all workers from Table 1 (\$20.55) and multiplied by 1.4 to calculate benefits, resulting in an hourly rate of \$28.77.
- Private Sector - We used the wage and salary costs for all workers from Table 5 (\$19.53) and multiplied by 1.4 to calculate benefits, resulting in an hourly rate of \$27.34.
- State Government - We used the wage and salary costs for all workers from Table 3 (\$26.13) and multiplied by 1.5 to calculate benefits, resulting in an hourly rate of \$39.20.

ACTIVITY	ANNUAL NO. OF RESPONDENTS	TOTAL ANNUAL RESPONSES	COMPLETION TIME PER RESPONSE (HOURS)	TOTAL ANNUAL BURDEN HOURS	HOURLY RATE INCLUDING BENEFITS	\$ VALUE OF ANNUAL BURDEN HOURS*
3-200-2 - application and recordkeeping						
Individuals	608	608	1.25	760	\$28.77	\$ 21,865
Private Sector	729	729	1.25	911	27.34	24,907
Government	13	13	1.25	16	39.20	627
3-200-2 Subtotal	1,350	1,350		1,687		47,399
Designated Port Exception Report (private sector)	5	5	1	5	27.34	137
3-200-3 - application and recordkeeping (private sector)	10,555	10,555		13,194	27.34	360,724
Import/Export License Report (priv. sector)	5	5	1	5	27.34	137
Totals	11,915	11,915		14,891		\$408,397

*rounded

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 \$1,189,200 for application fees. The fee for each application (Forms 3-200-2 and 3-200-3) is \$100; however, there is no fee for applications from government agencies. There is no fee for processing reports.

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 \$251,304, which includes:

Salary/Benefit Costs - \$250,804 (\$42.06 X 5,963 hours).

Permit issuers in the Service's Regional Offices (GS-9/step 5) review and process applications and reports for designated port exception permits and import/export licenses. The Service's Regional Offices are located in major cities across the United States. Therefore, we used Office of Personnel Management Salary Table 2010-DCB http://www.opm.gov/oca/10tables/html/dcb_h.asp to determine an average hourly wage (\$28.04). We multiplied the hourly rate by 1.5 to account for benefits in accordance with BLS news release USDL 10-1241, September 8, 2010, resulting in a total hourly cost factor of \$42.06.

We estimate that we will receive 11,905 applications annually. It will take approximately 30 minutes to process each application, or a total of 5,953 hours, at a cost of \$250,383 (rounded).

We expect to receive 10 reports annually, each taking approximately 1 hour to review and process, or a total of 10 hours, at a cost of 421 (rounded).

Operational Expenses - \$500. Includes printing and distribution costs. Designated port exception permit and import/export license applications are almost exclusively obtained electronically.

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

For this information collection renewal, we are estimating that there will be 11,915 responses totaling 14,891 burden hours. This is a decrease of 3,763 responses and 4,705 burden hours from our previous request. This decrease is an adjustment, due mostly to the significant decrease in the number of import/export licenses issued annually.

We are reporting as a program change a net increase of 3 responses and 3 burden hours as follows:

- We do not foresee any circumstances where we would ask an individual to submit a report on activities conducted under a designated port exception permit. Therefore, we eliminated the 2 responses and 2 burden hours included in our previous submission.
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- We have included 5 responses totaling 5 burden hours associated with a report that may be required of import/export license holders. While the above reporting requirement is included in the regulations and is not new, our previous request inadvertently omitted the burden.

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

We will not perform any analyses, develop statistical reports, or publish the results of this information collection.

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. Certification.

There are no exceptions to the certification statement.