



# United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Washington, D.C. 20240

OCT 17 2012

In Reply Refer To:  
FWS/OLE INV

Dr. Stuart Levenbach  
Department of the Interior Desk Officer  
Office of Information and Regulatory Affairs  
Office of Management and Budget  
Washington, D.C. 20503

Dear Dr. Levenbach:

The U.S. Fish and Wildlife Service requests emergency approval to collect information associated with a new user fee exemption program for low-risk importations and exportations. We also request a waiver of the requirement to publish 60-day and 30-day notices for this emergency approval. This information collection is included in an interim rule amending part 14, subchapter B of chapter I, title 50 of the Code of Federal Regulations.

In 2009, we implemented a new user fee system intended to recover the costs of the compliance portion of the wildlife inspection program. Since that time, we have been made aware that we may have placed an undue economic burden on businesses that exclusively trade in small volumes of low-value, non-Federally protected wildlife parts and products. To address this issue, we are implementing a program that exempts certain businesses from the designated port base inspection fees as an interim measure while we reassess the current user fee system.

The interim rule will require businesses to certify that their future wildlife imports and exports meet a per shipment value and quantity threshold. This certification process will allow us to collect data on the number of businesses engaged in the import or export of small wildlife shipments. These participants must still file FWS Form 3-177 and accompanying documents, but are required to file electronically under the program. Approximately 80% of our declarations are currently filed electronically. It is important to note that this proposed collection of data will only involve the analysis of Form 3-177s submitted electronically after businesses have been included in the user fee exemption program, and that those businesses will not be required to produce any documentation to justify their inclusion in the user fee exemption program.

This electronic collection, already approved under OMB Control number 1018-0012, includes data on quantity and value of each wildlife shipment and whether the species are federally protected, and can be matched up with the number of approved participants thus providing data on the volume of shipments that are exempted from the designated port inspection fees. The interim rule will allow us to collect these data with relatively low risk to the conservation goals of the Service and assist at least some businesses that may be currently experiencing an undue economic hardship. The interim rule does not add requirements on anyone; it merely relaxes fee requirements on as many as 1,000 licensees. We are committed to finalizing this rule after careful consideration of both public comments and collection of data on the number of eligible participants, the volume of shipments subject to the exemption and the impact on user fee collection.

We request that you approve this emergency request by October 31, 2012. If you approve this emergency request, we will proceed with the publication of our interim rule establishing our user fee exemption program for low-risk importations and exportations. We will then incorporate the associated burden for participants in this program into our request to renew OMB Control No. 1018-0012, which expires on March 31, 2013, and for which we will be submitting our renewal request later this year.

Thank you for your assistance. If you have any questions or need more information, please contact Hope Grey, Information Collection Clearance Officer, U.S. Fish and Wildlife Service, at 703-358-2482.

Sincerely,

A handwritten signature in black ink, appearing to read "William C. Woody", with a long horizontal flourish extending to the right.

For

William C. Woody  
Chief, Office of Law Enforcement