

**SUPPORTING STATEMENT A  
FOR PAPERWORK REDUCTION ACT SUBMISSION**

**RENEWAL OF CITES REGISTRATION OF COMMERCIAL BREEDING OPERATIONS FOR  
APPENDIX I WILDLIFE  
50 CFR 23  
OMB CONTROL NUMBER 1018-0150**

**Terms of Clearance:** New Collection.

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

The U.S. Fish and Wildlife Service, Division of Management Authority (DMA) collects information on application forms and in reports (in form and nonform format) to determine if applicants requesting permits for otherwise prohibited activities and permittees (individuals, companies, or agencies holding permits) meet the requirements mandated by:

- Bald and Golden Eagle Protection Act
- Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)
- Endangered Species Act (ESA).
- Lacey Act (Injurious Wildlife)
- Marine Mammal Protection Act
- Migratory Bird Treaty Act
- Wild Bird Conservation Act

Service regulations implementing these statutes and the CITES treaty are contained in Chapter 1, Subchapter B of Title 50, Code of Federal Regulations. These regulations stipulate general and specific requirements that when met allow us to issue permits to authorize activities that are otherwise prohibited.

This information collection request supports requirements under the CITES treaty (27 U.S.T. 1087) and regulations in 50 CFR 23.46 pertaining to the registration of commercial facilities breeding species listed in CITES Appendix I. CITES Appendix I includes species that are threatened with extinction and are, or may be, affected by international trade. Article III of the Treaty prohibits international commercial trade in Appendix I species; however, Article VII, paragraph 5 allows an exemption to this prohibition under certain circumstances. CITES Resolution Conf. 10.16 (Rev.) and Resolution Conf. 12.10 (Rev. CoP15) establish procedures under which a commercial breeding operation can register with the CITES Secretariat to conduct international commercial trade in Appendix I specimens. These procedures are contained in U.S. regulations in 50 CFR 23.46. The collection of information from individuals wishing to register an Appendix I breeding facility is approved under OMB No. 1018-0093 (Form 3-200-65).

Under CITES Resolution Conf. 12.10 (Rev. CoP15), Management Authorities are to monitor registered facilities to detect major changes in the nature of the operations or the specimens being produced for export. We are establishing a requirement that registrations be renewed every 5 years to assist us in monitoring these facilities and identifying major changes, if any, in their operations. This new request is to collect information through an application for renewal that will allow us to determine whether or not an operation continues to meet the requirements for registration.

We are also seeking approval for some information collection requirements in existing regulations that have not been approved previously (see item 2).

When the final rule becomes effective, we will merge the burden associated with this Information Collection Request into information collections already approved under OMB Control Number 1018-0093.

## **2. Indicate how, by whom, and for what purpose the information is to be used.**

We are seeking approval for the following new information collection requirement:

### **Renewal of Registration for Commercial Breeding Operations (§23.46).**

All Service permit applications are in the 3-200 series of forms, each tailored to a specific activity based on the requirements for specific types of permits. We collect standard identifier information for all permits, such as the name of the applicant and the applicant's address, telephone and fax numbers, social security or tax identification number, and email address. Standardization of general information common to the application forms makes the filing of applications easier for the public and expedites our review.

Form 3-200-65, "Federal Fish and Wildlife Permit Application Form: Registration of Appendix I Commercial Breeding Operations (CITES)," is approved under OMB No. 1018-0093. We use this form to collect information from commercial breeders of CITES Appendix I species who have requested registration of their facilities to allow them to conduct trade that would otherwise be prohibited. Form 3-200-65 allows us to collect specific information about a commercial breeding operation to register the facility with the CITES Secretariat. This information includes the name and location of the facility, the owner/operator, the species bred, the length of time the facility has been operating and its expertise at breeding the species for which registration is requested. The form also allows collection of information on the size of the breeding population, the source of the founding stock, physical description of the facility, the mortality rate experienced by the facility, and how the facility contributes to the long-term conservation of the affected species.

Under this final rule, we require that these registrations be renewed every 5 years. We will use the same form, Form 3-200-65, to renew an existing registration as we currently use for an initial request for registration. The information collection requests for renewal under Form 3-200-65 will involve only the identification of changes to the breeding operation since the original application or the last renewal request. Renewal of a registration will be less burdensome than the initial registration process as applicants will only be required to update information previously provided and describe any major changes to their operations. Our current regulations (50 CFR 23.46) include a requirement for annual reporting by registered operations, but we have never implemented this reporting requirement. Our final rule amends 50 CFR 23.46 to eliminate the annual reporting requirement for registered operations and instead require the renewal of the registration every 5 years.

In addition to the above new requirement, we are seeking approval for the following information collection requirements in existing regulations that have never been approved:

**Reporting take of grizzly bears (§17.40(b)(1)(i)(B)).** Grizzly bears may be taken in self-defense or in defense of others, but such taking must be reported by the individual who has taken the bear or his designee within 5 days of occurrence to the appropriate Service Law Enforcement Office and to appropriate State and tribal authorities.

**Reporting take of mountain lions** (§17.40(h)(5)). Free-living mountain lions in Florida may be taken for human safety reasons. Such take must be reported in writing within 5 days to the Service's Office of Law Enforcement.

**Marking of vicuna products (§23.75(f)), beluga sturgeon caviar (§23.71), and African elephant sport-hunted trophies (§23.74(e)(2)).** CITES requires that specimens of these species in international trade are marked or labeled in a specific manner. Export permits, issued by the range countries for these species, must include the required marking/labeling information in order for the documents to be considered valid and for the United States to allow the import. Foreign export permits are reviewed by U.S. Fish and Wildlife inspectors at the time of import.

These marking requirements are not new. All were contained in special rules in 50 part 17 (17.40 and 17.44). They are CITES marking requirements that were included in the special rules in part 17 at a time when we did not have such detailed information in our CITES regulations (prior to publication of the 2007 revisions to part 23). We are moving them from part 17 into part 23 to make a clear distinction between CITES requirements and ESA requirements.

**Beluga sturgeon exemption (§17.44(y)(5)).** Our regulations allow for aquaculture facilities in countries where beluga sturgeon do not naturally occur to request an exemption from ESA permitting requirements for trade in beluga sturgeon caviar if they meet certain conditions. The facility must provide information demonstrating that it meets these conditions (i.e.; they are using best management practices, they do not rely on wild beluga sturgeon for brood stock, and they have entered into a formal agreement with a beluga sturgeon range State to enhance the survival of wild beluga sturgeon). Facilities granted such an exemption must file biennial reports with the Service documenting continued compliance with these conditions.

**Exempt wildlife hybrids (§23.43(f)(2)).** Our regulations allow the international trade of certain wildlife hybrids without CITES documents, if an individual can provide documentation at the port of entry/exit that his or her animal meets the criteria for the exemption. This provision has been in place since 2007. With this final rule we have provided examples of the type of documentation an individual could use to demonstrate that his/her animal qualifies for the exemption. The information provided must clearly identify the specimen and demonstrate its recent lineage. Such information may include, but is not limited to, the following:

(1) Records that identify the name and address of the breeder and identify the specimen by birth or hatch date and by sex, band number, microchip number, or other mark.

(2) A certified pedigree issued by an internationally recognized association that contains scientific names of the animals in the specimen's recent lineage and clearly illustrates its genetic history. If the pedigree contains codes, a key or guide that explains the meaning of the codes must be provided.

**Exception to use of CITES specimens after import (§23.55).** Our regulations provide an exception to the restrictions on use after import into the United States of certain CITES specimens. To take advantage of this exception, documentation (written records or other documentary evidence) must be provided that clearly demonstrates the specimen was imported prior to the CITES listing, with no restrictions on its use after import. If documentation does not clearly demonstrate that this exception applies, the specimen may be used only for noncommercial purposes.

**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 in the 3-200 series are available to applicants in a fillable format on our forms and permits websites, by mail, or by fax. Applicants may complete the fillable application online, but must send the application form with an original signature and the applicable processing fee by mail. Applicants may send supporting information by email or fax, if we already have their application and they are able to reference an application number. At this time, we do not have a system for electronic submission of permit application forms or reports; 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 requested information is applicant-specific and in some cases cannot be obtained from other sources. If applicants for renewal of registration are reporting to the FWS Migratory Bird Program (MBP), we will obtain the relevant reports from MBP (see response to 8.). We will also reference information previously submitted by the applicants and request that they only provide information on changes to their operations since their last application.

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

This collection of information does not have a significant economic effect on a substantial number of small entities. We only collect the minimum information necessary to determine an applicant's eligibility. The information requested is information that would be retained as part of usual and customary business recordkeeping. This collection of information provides an economic benefit to the applicants because registration of the breeding operation allows them to conduct commercial transactions that would otherwise be prohibited under CITES.

**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.**

As a signatory to CITES, the United States has an obligation to abide by the terms of the Treaty. This information collection ensures that we are meeting our obligations under CITES. We are required to monitor registered breeding facilities and advise the CITES Secretariat of any major change in the nature of these operations. Collecting the information less frequently than once every 5 years would not allow us to meaningfully fulfill our obligation to monitor registered facilities. Not collecting the requested information would jeopardize the ability of U.S. breeding operations to participate in commercial international trade of Appendix I species.

**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 3 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 statistical data classification that has 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 type of information collected is such that it is not unreasonable to expect that respondents would retain it as usual and customary business practice. No special circumstances exist that require us to collect information in a manner inconsistent with OMB guidelines.

**8. If applicable, provide a copy and identify 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.**

We have prepared final regulations to require the renewal of the registration for commercial breeding facilities. A copy of the final rule is attached. On March 8, 2012, we published a proposed rule (77 FR 14200), proposing the renewal of registration for commercial breeding facilities. We accepted comments for 30 days, ending on April 9, 2012 (77 FR 15019). In addition, during the rulemaking process, we solicited comments from commercial breeding operations that have already been registered to conduct international trade in Appendix-I specimens. We received 9 comments regarding information collection, all from falconers and raptor breeders, in response to our proposed rule. The comments are summarized here.

One falconer expressed dissatisfaction with the process for renewing a certificate of ownership for personally owned, live wildlife (§ 23.44). The commenter objected to having to complete an entire application when only a few items needed to be updated. He also considered the estimated time of 30 minutes for completion of Form 3-200-64 to be "overly conservative" and stated that "a more realistic, but still conservative estimate" would be at least 60 minutes.

Form 3-200-64, the application form for issuance of a certificate of ownership for personally owned live wildlife, asks for detailed information regarding the animal to be covered under the certificate. When a certificate holder wishes to renew a certificate of ownership, however, he or she should complete and submit Form 3-200-52, the application for re-issuance or renewal of a permit. This is a simplified application on which the applicant can certify that there have been no changes to the original application or that there have been changes as noted on an attached page. We appreciate the input regarding the length of time needed to complete Form 3-200-64. We are in the process of reviewing all of our application forms and will take this information into consideration during that process.

Some of the commenters stated that the new requirement for renewal of commercial breeding operation for Appendix-I wildlife (§ 23.46) would create a significant burden on registered operations. They noted that raptor breeders are already monitored by the Service, through the Migratory Bird

Program (MBP), and therefore the process for renewal of a registration would be redundant. They argued that the annual report and individual transactions forms provided to MBP should suffice for any monitoring requirement for CITES. Two commenters were more supportive of a simple registration update form and associated fee, if the required data submission was simply a reference to the current MBP data. One commenter suggested that if renewal of a registration is mandated by the Service, a one-page application with accompanying photocopies of the past five annual reports from the operation to the MBP should be all that is required.

The regulations in §23.46, regarding the process for registering a commercial breeding operation for Appendix-I wildlife, apply to operations breeding any Appendix-I species, not just raptors and other falconry birds. Although it is true, as one commenter has noted, that all of the U.S. facilities currently registered with the CITES Secretariat are breeding raptors, we do not anticipate that this will always be the case. Therefore, we need to establish registration and reporting procedures that will work not just for facilities breeding raptors, but for any commercial breeding operation that may be registered in the future. It is not our intention, however, to increase the burden for raptor breeders.

We understand that U.S. raptor breeders are regulated under the Migratory Bird Treaty Act (MBTA) and must provide reports to the MBP on specific activities related to the breeding of native raptors (as defined in part 21). It is also true, however, that not all CITES-listed, Appendix-I raptors are covered by the MBTA. There is no requirement for an operation breeding birds that are not covered by the MBTA (including raptors that are not native raptors under the definition in part 21) to provide reports to the MBP on activities associated with those birds. We agree that, for operations breeding native raptors, documents submitted to the MBP would include most, if not all, of the information needed for the renewal of a CITES registration. If an applicant requesting renewal of a registration is breeding native raptors and reporting to the MBP, he or she can inform us on the application for renewal, and we will obtain copies of the relevant documents, covering the past 5-year period, from MBP. A registered operation that is breeding Appendix-I species that are not covered by the MBTA, and therefore not covered in reports provided to the MBP, will need to include updated information relevant to those species in its renewal application.

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

We will not provide payment or gifts 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. The information collected is subject to the requirements of the Privacy Act and the Freedom of Information Act as explained in the "Notice" portion of all applications.

**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 1,297 annual responses totaling 752 burden hours (see table below).

Currently, there is a ban, under the ESA, on import of beluga sturgeon caviar (0 annual imports) into the United States. In estimating the burden for labeling of beluga sturgeon caviar, we used one response as a placeholder for this requirement.

In estimating the burden for the beluga sturgeon exemption for aquaculture facilities, we used one response as a placeholder for this requirement. Since 2005, we have received two requests with regard to this exemption. The requests were never completed or finalized and no exemptions have been issued. We expect to receive no more than 2 requests every 10 years.

We estimate the total dollar value of the burden hours for this collection will be \$22,681. We used USDL Bulletin 13-2349 to estimate wages and calculate benefits. Table 5 lists an hourly wage of \$21.54 for all workers. We multiplied the hourly rate by 1.4 to account for benefits, resulting in an hourly rate of \$30.16.

ACTIVITY	NUMBER OF ANNUAL RESPONDENTS	NUMBER OF ANNUAL RESPONSES	COMPLETION TIME PER RESPONSE (hours)	TOTAL ANNUAL BURDEN HOURS*	\$ VALUE OF ANNUAL BURDEN HOURS* (\$30.16 /HR)
<b>Renewal of Registration (FWS Form 3-200-65)</b>	5	5	20	100	\$ 3,016
<b>Report Take – Grizzly Bears</b>	25	25	.25	6	181
<b>Report Take – Mountain Lions</b>	15	15	.25	4	121
<b>Marking/Labeling</b>					
Vicuna products	20	150	.5	75	2,262
African Elephant Sport-Hunted Trophies	450	450	.5	225	6,786
Beluga Sturgeon Caviar	1	1	.5	1	30
<b>Beluga Sturgeon Exemption</b>	1	1	16	16	483
<b>Exempt Wildlife Hybrids</b>	75	150	.5	75	2,262
<b>Exception to Restrictions on Use of Certain CITES Specimens After Import into the United States</b>	500	500	.5	250	7,540
<b>TOTALS</b>	1,092	1,297		752	\$22,681

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

We estimate the annual nonhour cost burden for this collection of information will be \$250. These costs reflect the renewal application fee of \$50 per renewal request (x 5 requests).

**14. Provide estimates of annualized cost to the Federal Government.**

We estimate the total annual cost to the Federal Government to administer this information collection will be \$93,162 (rounded). We used the Office of Personnel Management’s Salary Table 2014-DCB



to determine the average hourly wages. We multiplied the hourly wages by 1.5 to account for benefits (Bureau of Labor Standards news release USDL Bulletin 13-2349).

ACTIVITY	NUMBER OF ANNUAL RESPONSES	FEDERAL TIME SPENT PER RESPONSE	HOURLY RATE WITH BENEFITS	TOTAL ANNUAL HOURS	TOTAL ANNUAL FEDERAL COST*
Renewal of Registration (FWS Form 3-200-65)	5	5	\$68.90 <sup>1</sup>	25	\$ 1,723
Report Take – Grizzly Bears	25	16	61.61 <sup>2</sup>	400	24,644
Report Take – Mountain Lions	15	.16	61.61 <sup>2</sup>	240	14,786
<b>Marking/Labeling</b>					
Vicuna products	150	.1	51.38 <sup>3</sup>	150	7,707
African Elephant Sport-Hunted Trophies	450	.1	51.38 <sup>3</sup>	450	23,121
Beluga Sturgeon Caviar	1	.1	51.38 <sup>3</sup>	1	51
<b>Beluga Sturgeon Exemption</b>	1	.5	51.38 <sup>3</sup>	1	51
<b>Exempt Wildlife Hybrids</b>	150	.5	51.38 <sup>3</sup>	75	3,854
<b>Exception to Restrictions on Use of Certain CITES Specimens After Import into the United States</b>	500	.5	68.90 <sup>1</sup>	250	17,225
<b>TOTALS</b>					<b>\$93,162</b>

\*rounded

<sup>1</sup> Renewal of Registration - To analyze and review the information required by the rulemaking, we estimate the Government will spend an average of 5 hours for each renewal request. Based on a cost factor of \$68.90 per hour, the annualized cost to the Government will be \$1,723 (5 requests x 5 hours x \$68.90).

Position	Grade	Hourly Pay rate (\$/hour estimate)	Hourly rate including benefits (1.5 x \$/hour)	Percent of time spent on collection	Weighted Average (\$/hour)
Biologist	GS-7/step 5	\$23.15	\$34.73	20%	\$6.95
Permit Biologist	GS-11/step 5	\$34.26	\$51.39	70%	\$35.98
Chief, Branch of Permits	GS-14/step 5	\$57.50	\$86.55	30%	\$25.97
<b>Weighted Average (\$/hour)</b>					<b>\$68.90</b>

<sup>2</sup> Take of Grizzly Bears and Mountain Lions - It takes an LE Special Agent (GS-12 or GS-13) up to 16 hours to follow up on the report, depending on the circumstances. We used the hourly rate for a GS-12/step 5 (\$41.07) as an average rate and multiplied by 1.5 to account for benefits, resulting in an average cost factor of \$61.61.

<sup>3</sup> Marking/Tagging – We estimate it takes a wildlife inspector (GS 11/step 5) about 1 hour to review shipments. The average hourly wage for a wildlife inspector is \$34.25. We multiplied this rate by 1.5 to account for benefits, resulting in an hourly cost factor of \$51.38.

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

This is a new collection.

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

We will not publish the data from 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 on the application form as well as other appropriate materials.

**18. Explain each exception to the certification statement.**

There are no exceptions to the certification statement.