

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

OMB Control Number 1018-0012

**Declaration for Importation or Exportation of Fish or Wildlife and
Fee Exemption Program Certification
50 CFR 14**

Terms of Clearance: None.

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

FWS Form 3-177 (Declaration for Importation or Exportation of Fish or Wildlife)

1

The Endangered Species Act (ESA) (16 U.S.C. 1531 et seq.) 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 of Wild Fauna and Flora (CITES) (see 16 U.S.C. 1538(e)). Section 11 of the ESA (16 U.S.C. § 1540 (e)(3)) grants FWS enforcement officers the authority to detain for inspection and inspect any package, crate, or other container, including its contents, and all accompanying documents upon importation and exportation, whether or not such documents openly declare wildlife or plants. Section 9 of the ESA (16 U.S.C. § 1538 (d)-(e)) also requires any person who must obtain permission to engage in business as an importer or exporter of fish, wildlife or plants to keep records disclosing each importation and exportation, to afford access to such records, to allow copying of such records, and to submit declarations and reports as required.

Similarly, the Lacey Act (16 U.S.C. § 3375(b)) authorizes the detention and inspection by FWS officers of any vessel, vehicle, aircraft, or other conveyance, or any package, crate, or other container, including its contents, upon the arrival of the conveyance or container in the United States or the customs waters of the United States from any point outside the United States or such customs waters, or if the conveyance or container is being used for exportation purposes, prior to departure from the United States. The Lacey Act also authorizes FWS officers to inspect and demand the production of any documents and permits required by the country of natal origin, birth, or re-export of fish or wildlife.

FWS import/export regulations, 50 CFR Part 14, also require importers and exporters or their agents to declare their importation or exportation of fish or wildlife, in addition to making available: all shipping documents, permits, licenses, or other documents required by the laws or regulations of the United States or any foreign country.

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 and 3-177a (Continuation Sheet). The exceptions to those requirements are in sections 14.62 and 14.64.

Fee Exemption Program

The Endangered Species Act (16 U.S.C. 1538(d)(1)) makes it unlawful for any person to engage in business as an importer or exporter of certain fish or wildlife without first having obtained permission from the Secretary. 16 U.S.C. 1540(f) authorizes the U.S. Fish and Wildlife

Service (we, Service) to charge and retain reasonable fees for processing applications and for performing reasonable inspections of importation, exportation, and transportation of wildlife. The regulations at 50 CFR 14.91 provide the requirements for obtaining an import/export license prior to engaging in business as an importer or exporter of certain fish or wildlife and the regulations at 50 CFR 14.94(k) provide the exemptions for user fees that would otherwise be assessed to importers or exporters of certain fish or wildlife.

A commercial importer/exporter, who has obtained a Service Import/Export License, has the opportunity to request participation in the Fee Exemption Program. On October 26, 2012, the U.S. Fish and Wildlife Service published in the Federal Register (77 FR 65321), an interim rule that provided an exemption from the designated port base inspection fee for businesses meeting certain criteria. This rulemaking recognized that our current inspection fee schedule (adopted in 2009) 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. We have created a user fee exemption program as an interim measure while we work on a new economic analysis and determine any changes needed to the current user fee structure.

This request to participate in the Fee Exemption Program consists of certification by the eDecs filers that they will exclusively import and export wildlife shipments that meet all of the criteria.

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 3-177 and eDecs (Paper and Electronic)

FWS Forms 3-177/3-177a are the declaration forms that entities (including museums, zoos, universities, businesses, individuals, or government agencies) must file with us prior to importing into or exporting from the United States any fish, wildlife, or wildlife products. Entities can also provide information for electronic submission at <https://edecs.fws.gov>. Under eDecs, a filer creates an account, which collects name and contact information. Afterwards eDecs assigns a Filer Account number and the filer is able to create and submit the 3-177 electronically. The majority of importers/exporters currently provide the 3-177 and most accompanying documents via electronic submission through eDecs. The exception to the electronic documents is the requirement for the submission of original CITES and foreign country export permits.

The information that we collect is unique to each wildlife shipment and enables us to:

- Make listing decisions under Wild Bird Conservation Act (16 U.S.C. § 4901 et seq.), Lacey Act (18 U.S.C. § 42 et seq.), and Endangered Species Act (16 U.S.C. 1531 et seq.) and used domestically and globally for listing decisions under CITES;
- Enforce regulations that pertain to fish, wildlife, or wildlife products in the shipment;
- Trends in illegal trade;
- Risk analysis;
- Legality of shipments and compliance with U.S., State, Tribal and Foreign wildlife laws;
- Import/Export data informs State partners of international trade of live wildlife in species of concern that pose invasive species risk;
- Accurately inspect the contents of the shipment;
- 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 Form 3-177 and eDecs 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 and in eDecs:

Data Field 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).

Data Field 2 - Regulations at 50 CFR 14.91 requires that anyone engaging in business as an importer or exporter of fish, wildlife or wildlife products obtain an import/export license. 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 Data Field 5.

Data Field 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.

Data Field 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 shipments can be imported or exported.

Data Field 5 - The purpose code identifies the intended purpose of the wildlife shipment.

Data Field 6 - The Custom Document Number(s) provides the CBP document number and connects FWS Forms 3-177 and 3-177a eDecs with corresponding CBP documents.

Data Fields 7 - 12 provide specific information describing the wildlife shipment including how the 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 in the shipment, and any distinguishing markings on those cartons or containers indicating that they contain items regulated by the Service. 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.

Data Field 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 Data Field 13b, if applicable, may be issued by CBP or a commercial source of business information, such as Dun and Bradstreet (Duns number).

Data Field 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 shipment is requested. Foreign government permits are intended for specific shipments and specific importers and exporters thus cannot be transferred. Data Field 14b requires the two-letter International Organization for Standardization (ISO) country code of the foreign importer or exporter, and Data Field 14c, the identifier number, if applicable.

Data Field 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. Data Field 15b requires the identifier number, if applicable, and Data Field 15c, the contact name.

Data Fields 16, 19a, and 20 - The species of wildlife included in the shipment, listed by scientific name (Data Field 16a) and common name (Data Field 16b), the quantity of that species in the shipment (Data Field 19a), and the natal country of origin of that species in the shipment (Data Field 20) allow us to establish the legality of a wildlife shipment by determining compliance with Federal, State, Tribal 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.

Data Field 17 - The foreign (Data Field 17a) and United States (Data Field 17b) CITES permit numbers document compliance with Federal, State, Tribal and foreign laws governing imports and exports of wildlife shipments and connect FWS Form 3-177/eDec with corresponding foreign and U.S. CITES permits.

Data Field 18 - The description code (Data Field 18a) identifies the imported or exported commodity as a live animal or a product. The source code (Data Field 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 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 live specimens or a perishable commodity.

Data Field 19b - The declared value of the imported or exported commodities allows us to monitor and report values of wildlife shipments being imported and exported, to verify compliance with CBP values and provides a basis to help determine monetary penalties.

Data Field 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 of a physical inspection of the shipment.

Data Field 22 - The signature of the person certifying the information provided on FWS 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.

In eDecs, when the filer clicks the "Submit" button to electronically file the 3-177, a Box appears:

“Note: Knowingly making false statement in a Declaration for Importation or Exportation of Fish or Wildlife may subject the declarant to the penalty provided by 18 U.S.C. 1001 and 16 U.S.C. 3372(d). By clicking OK, I certify under penalty of perjury that the information furnished is true and correct.”

Fee Exemption Certification

Businesses that require an import/export license under 50 CFR 14.93 may be exempt from the designated port base inspection fee as set forth in 50 CFR 14.94(k)(4)(i). Participants in this program must continue to pay the overtime fees, the nondesignated port base fees, the import/export license and nondesignated port application fees, and the business must meet all of the criteria for participation.

This request to participate in the Fee Exemption Program consists of certification by eDecs filers that they will exclusively import and export wildlife shipments that meet all the following criteria:

- A. Each shipment does not contain live wildlife.
- B. Each shipment does not contain wildlife that requires a permit or certificate under 50 CFR parts 15 (Wild Bird Conservation Act), 17 (Endangered Species Act), 18 (Marine Mammal Protection Act), 20 (Migratory Bird Treaty Act), 21 (Migratory Bird Treaty Act), 22 (Bald and Golden Eagle Protection Act), or 23 (CITES) or is listed under 50 CFR part 16 (Injurious).
- C. Each shipment contains 25 or fewer items containing wildlife parts or products.
- D. Each wildlife shipment is valued at \$5,000 or less.

After the filer certifies, we determine the following:

- 1) The business has not been assessed a civil penalty, issued a violation notice, or convicted of any misdemeanor or felony violations involving the import or export of wildlife.
- 2) The business has had two or fewer wildlife shipments that were refused clearance in the 5 years prior to the receipt of their request by the Service.
- 3) The business has not previously participated in the program and been removed for failure to meet the criteria.

Another requirement to participate in the Fee Exemption Program is that all documents associated with each shipment must be uploaded into eDecs via the FWS eScan process.

If approved to participate in the program, the business must file FWS Form 3-177 and all required accompanying documents electronically using eDecs for each shipment and must meet all other requirements of 50 CFR 14. Using subsequent submissions of electronic FWS Forms 3-177, we will confirm that the business exclusively imports or exports nonliving, non-Federally protected wildlife, and that each wildlife shipment contains 25 or fewer specimens valued at \$5,000 or less.

Businesses must continue to meet the program criteria while participating in the program. If the business fails to meet the criteria after approval, it will be removed from the program. While such a business would still be able to import or export wildlife, it would need to pay the applicable designated port base inspection fees for its shipments.

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 91 percent of respondents submit responses electronically. This is an increase from approximately 85 percent of respondents who submitted responses electronically that was used as a basis for our 2012 request to OMB to renew this collection of information. We anticipate that the use of eDecs will continue to expand in the future, which will further reduce the burden on the public.

eDecs has many shortcuts built into the system. A filer creates an account, which collects name and contact information. This information is automatically loaded into the appropriate data field. A drop down list is also created so the eDec filer can select from previously entered importer/exporter names, foreign consignees and scientific names, thus reducing manual data entry.

The fee exemption certification required in order to participate in our user fee exemption program can only be submitted electronically through eDecs.

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, Lacey Act, and 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). Under the ITDS umbrella, through CBP's Automated Commercial Environment (ACE), the requirements for all Federal Government agencies that have jurisdiction over a given import cargo shipment will be consolidated. Importers that file electronically with CBP must file eDecs with the Service.

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

We collect the minimum information necessary to allow us to fulfill our responsibilities under the ESA, Lacey Act and CITES. FWS Form 3-177 is designed for easy use and detailed instructions are included. If using eDecs, respondents can complete the form electronically in about two-thirds the time needed to complete the form by hand. eDecs has many shortcuts built into the system. After a filer creates their eDecs account, this information is automatically loaded into the appropriate data field. A drop down list is also created so the eDec filer can select from previously entered importer/exporter names, foreign consignees and scientific names, thus reducing manual data entry. The fee exemption certification only requires respondents to certify that they meet the criteria. We have dropped the annual re-certification to participate in the fee exemption program. The Service found it unnecessary to burden the participants with this annual requirement. As long as the participant's shipments meet all of the criteria, they can continue in the fee exemption program.

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 we collect on FWS Form 3-177 is necessary for us to fulfill the statutory requirements of the ESA and the obligations of the United States as a party country to CITES. Without this data, the United States could not provide the annual CITES Report as required and would be in violation of the Treaty. The United States would face trade suspensions for not supplying required data. The U.S. enforces trade suspensions with other CITES countries when they fail to provide the required data to the CITES Secretariat.

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, Tribal and foreign laws. If the fee exemption program were not established, businesses will not be able to take advantage of the exemption from the designated port base inspection fees.

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.**

FWS Form 3-177

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 for each shipment as required in 50 CFR 14.52(c). To obtain Service clearance of an imported or exported wildlife shipment, 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 FWS 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. In addition, it should be noted that our data indicates that at approximately

75% of these documents are submitted electronically with FWS Form 3-177 and we anticipate that this percentage will continue to increase in the future. Under 50 CFR 14.93(c)(1), (c)(2) and (c)(3), we require that commercial importers and exporters of wildlife shipments 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 five 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.]

FWS Form 3-177/ Fee exemption certification

On December 28, 2015, we published in the Federal Register (80 FR 80792), a notice that we planned to ask OMB to renew approval for our information collection associated with FWS Form 3-177 and the fee exemption certification. In that notice, we solicited public comments for 60 days, ending February 26, 2016. Only one comment was received in response to this notice. The commenter did not address the information collection requirements.

On April 28, 2016, we published another notice in the Federal Register (81 FR 25417) concerning this information collection. The following comment was received by OMB from Mr. Joseph J. Brunner on behalf of the Gulf Coast Shell Club in response to this notice:

"I am making this submission on behalf of the members of the Gulf Coast Shell Club to explain a problem of major concern to our membership and to the much larger community of thousands of seashell collectors throughout the United States and the world.

The United States Fish and Wildlife Service is currently reviewing regulations regarding the importation of species protected under the CITES (Convention on International Trade in Endangered Wild Species of Flora and Fauna) of 1973 and the F&W's own ECOS (Environmental Conservation Online System). Between the two they list 141 molluscan species under protection. Of these 131 are indigenous to the United States (virtually all of which are either terrestrial or freshwater species) and 10 are from outside US waters.

While shell collectors and specimen quality shell dealers appreciate the need to protect these species, the structure of these regulations is such that absolute enforcement will clearly destroy amateur shell collecting in the United States, disrupt the livelihood of the specimen dealers who supply most of the foreign shells to collectors, and discontinue the access provided by amateurs and dealers to specimens and information vital to the research efforts of professional malacologists. More so than in other natural science realms the amateur – dealer—professional

relationship is tightly integrated and has existed for centuries. Shell clubs maintain lists of species in their area, and provide materials from and information on the local habitat to the scientific community. Many amateurs participate in the seminars and conferences hosted by the professionals. Quite often you will find amateurs doing research in the same labs as the professionals. In turn the professionals and dealers are members of the local clubs and especially the national Conchologists of America organization.

The exact problem is threefold.

1. Specimen shell dealers are constantly importing and exporting small quantities of high quality shells. A dealer will generally import fewer than ten shells at a time from a foreign seller. They generally export only one or two shells in an outgoing shipment. Under the USFWS regulations they would have to file paperwork and pay a \$93.00 inspection fee for each transaction. As most shells sell for \$5-30 this would raise the price so high that no one would buy them.

2. Amateur collectors go on overseas shelling ventures that generally last for 5-7 days with collecting continuing through the day prior to departure. The USFWS requires that these shells be inspected. While the inspection fee is waived they do require a detailed inventory of all the collected materials to be submitted 48 hours prior to arrival in the United States. While this is impractical on its face it is also virtually impossible to properly identify all species under field conditions. It is only after careful cleaning and research that such a list becomes possible. Yet without this list you run the risk of having all your shells confiscated.

3. The FWS inspections have an incredibly difficult job. To be able to identify the incoming and outgoing flora and fauna would tax any of us. If you asked the most gifted malacologist if they could identify all of the 135,000 species of shells they would laugh at you. The inspectors do not have this option. They must make on-the-spot decisions to allow or disallow entry and do so based upon imperfect knowledge. Because of their position they will tend to err on the side of caution and disallow, an action that serves to the detriment of dealers and shell collectors.

What we would like to see in the new regulations is a continuation of the policy adopted after 2009 that eased the inspection burden on small businesses, to wit:

“To address this issue, we implemented 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. Businesses that possess a valid Service import/export license may request to participate in the fee exemption program through our electronic filing system .”

Further we would ask for an even more simplified durable permit process for the amateur shell collector that recognizes the difficulty in meeting the two day prior submission of a materials list and the difficulty in the field of the required FWS identification of species collected during an overseas trip.”

The Service provides the following in response to Mr. Brunner’s comment:

The commenter mistakenly indicates that the Service is undergoing ruling making with this notice. This notice is simply updating the approval for collection of import and export for wildlife as required under the Paperwork Reduction Act. However, we provide the following response to the issues raised by the commenter.

1. The current wildlife import/export regulations in 50 C.F.R. § 14.61 require the declaration of seashells regardless of value unless the import is exempt as personal or household effects. If the import or export is for commercial purposes (including hobby collectors that buy and sell shells), then an import/export license is required and user fees are assessed for each shipment.

Nothing about this information collection changes these regulatory requirements.

2. The commenter indicates that a detailed inventory is required to be provided to the Service 48 hours prior to arrival. The Service only requires 48 hour prior notification for live or perishable shipments upon import. Such requirements do not apply to dead shells unless they are perishable, which is not indicated in the comments. In addition, the Service does not require a detailed inventory at the time of prior notification. This notification is simply to ensure that staff members are available to expedite the clearance process for these vulnerable shipments. Such detail is, however, required upon import and is part of the information collection for USFWS Form 3-177. In order to import wildlife into the United States, the importer is required to provide detailed information as to the species involved, the origin, etc.

3. Import of sea shells is only allowed if the declaration accurately reflects the contents of the shipment, and all other import requirements are met, including protected species permits, if needed. Failure to declare wildlife upon import is a violation of the Endangered Species Act and subjects the importer to an enforcement action, including seizure of the goods or refusal of entry.

The commenter indicated they would like to see the continuation of a “2009 policy that exempts small businesses.” We would point out that this fee exemption is already codified in 50 C.F.R. § 14.94 (k)(4). The collection of information associated with application for this exemption is outlined in this notice, but nothing about this notice changes the regulatory exemption.

Finally, the commenter asks for the regulations to be changed to exempt shell collectors from import requirements. The Service is not currently in a rulemaking process for 50 C.F.R. Part 14. However, when the Service publishes a proposed notice of rulemaking that involves the wildlife import requirements, we would welcome any comments from the Gulf Coast Shell Club.

Opportunities for informal public comment are also available with members of the wildlife importing and exporting community regarding the Service’s inspection process, of which FWS Form 3-177 and the fee exemption certification are 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 contained in FWS Form 3-177 and the fee exemption certification:

Ron Fryrear Walter F. Meuter Customs Brokers Inc. 4601 S. 6 th Street Louisville, KY 40214 Telephone: 502-380-9111	Lynn Javier Manager Hunter International Brokerage Services, Inc. 5674 Stoneridge Drive, Suite 209 Pleasanton, CA 94588 Telephone: 925-417-5270
Lynette Lilley, Trophy Department Supervisor WELL Worldwide Energy Logistics 17401 Aldine Westfield Road Houston, TX 77073 Telephone: 281-606-2400	Amy Morgan ECO Import Coordinator FedEx Trade Networks #5 Sally Ride Way Oakland, CA Telephone: 510- 636-8942
Lex Supataraporn –owner Intercontinental Imports 388 Twin Creeks Drive	Tiffany Stillwater Client Services Manager Brooks Applied Labs

Bolingbrook, IL 60440 Telephone: 630-222-3173	18804 North Creek Parkway, Suite 100 Bothell, WA 98011 Telephone: 206-632-6206
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FWS Form 3-177

One commenter indicated that the estimate to complete Form 3-177 by hand was reasonable although the estimate to complete Form 3-177 electronically should also be 15 minutes. This same individual indicated that our estimate (2013 submission) of the average per hour salary for individuals completing FWS Form 3-177, \$30.77, was reasonable.

One commenter indicated that the estimate to complete Form 3-177 by hand was too low for a first time user but reasonable for a repeat user and the estimate to complete Form 3-177 electronically was reasonable for a first time user but possibly too high for a repeat user. This same individual indicated that our estimate of the average per hour salary for individuals completing FWS Form 3-177, \$30.77, was too high. This same individual indicated that the eDecs system was very user friendly.

One commenter indicated that the estimate to complete Form 3-177 electronically was too high for a simple shipment but could take 20-30 minutes for larger shipments with many different species. This same individual indicated that our estimate of the average per hour salary for individuals completing FWS Form 3-177, \$30.77, was too high. This same individual would like to see the species database expanded, especially for tropical fish. Importers have access to a database through our eDecs system. In the event that additional data is needed, additional databases are available on the Internet, in particular, at <http://www.itis.gov/>.

One commenter agreed with our estimates to complete Form 3-177 by hand and electronically and our estimate to complete the registration for the fee exemption certification. This same individual indicated that our estimate of the average per hour salary for individuals completing FWS Form 3-177, \$30.77, was too low. One commenter agreed with our estimates to complete Form 3-177 electronically and indicated that electronic filing was very efficient, although the system logs you out after 4:30 PM Pacific time.

One commenter agreed with our estimates to complete Form 3-177 electronically and our estimate to complete the registration for the fee exemption certification. This same individual indicated that our estimate of the average per hour salary for individuals completing FWS Form 3-177, \$30.77, was accurate.

One commenter indicated that although our estimate to complete Form 3-177 electronically was accurate, an additional ten minutes was necessary to upload supporting documents and make payment. This same individual indicated that additional clarity of the instructions would be helpful, in particular, regarding the port code and bonded location for inspection data fields of Form 3-177. We provide explicit instructions for the completion of Form 3-177 on our website at: <http://www.fws.gov/le/pdf/3177-instructions.pdf>, which address, among other things, the port code and bonded location for inspection

The majority of commenters agreed that our estimates to complete Form 3-177 by hand and electronically were accurate.

Five commenters addressed our estimate of the average per hour salary for individuals

completing FWS Form 3-177. Two agreed with that estimate.

Fee Exemption Certification

Two commenters addressed the fee exemption certification and indicated that the estimated cost and time burden estimates for the completion of the fee exemption certification were accurate.

We did not make any adjustments to our estimates based on the above outreach comments; however, we did revise our wage estimates, based on the latest BLS data.

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.

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 (Interior-FWS 20, 48 FR 54719) accessible only by authorized Service employees. These records may be subject to disclosure (as allowed) under the Freedom of Information Act (FOIA). Items that are trade secrets or considered business confidential are traditionally redacted from any responses to FOIA requests. If the Service receives a FOIA request regarding information on a specific importer or exporter previously provided to us, the Service will coordinate with the subject of the FOIA to provide an opportunity to determine what (if any) information should be withheld in accordance to FOIA.

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, Tribal, 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.

FWS Form 3-177

We currently have 9,351 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 19829 respondents will complete 188,653 forms annually to request clearance of an import or export wildlife shipment. Approximately 16,207 of these responses will be completed by hand, each requiring approximately 15 minutes to complete (5 minutes to review instructions and 10 minutes to complete the form). Approximately 172,446 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 to complete (5 minutes to review instructions and 5 minutes to complete the form).

Fee Exemption certification

We estimate that approximately 33 respondents will complete fee exemption certifications annually to request participation in our user fee exemption program for low-risk importations and exportations. All respondents must respond electronically, each requiring approximately 1 minute to complete the certification.

The total dollar value of the annual burden hours for the submission of FWS Form 3-177 and the fee exemption certification is approximately \$1,027,432 (rounded). We used the Bureau of Labor Statistics news release USDL-16-0463, March 10, 2016, Employer Costs for Employee Compensation—December 2015, 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 \$23.06. To calculate benefits, we multiplied that rate by 1.4, resulting in an hourly rate of \$32.28 (rounded).
- Private Sector - We used the wage and salary costs for all workers from Table 5, which states an hourly rate of \$22.14. To calculate benefits, we multiplied that rate by 1.4, resulting in an hourly rate of \$31 (rounded).
- State Government - We used the wage and salary costs for all workers from Table 3, which states an hourly rate of \$28.63. To calculate benefits, we multiplied that rate by 1.5, resulting in an hourly rate of \$42.95 (rounded).

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	11,472	12,510	15 minutes	3,128	\$32.28	\$100,972
Private Sector	460	3,697	15 minutes	924	\$31.00	28,644
Government	0	0	15 minutes	0	\$42.95	0
3-177 (electronically)						
Individuals	1,097	24,581	10 minutes	4,097	\$32.28	132,251
Private Sector	6,762	147,638	10 minutes	24,606	\$31.00	762,786
Government	38	227	10 minutes	38	\$42.95	1,632
Fee Exemption Certification (electronically)						
Private Sector	33	2221	1 minute	37	31.00	1147
Total	19,862	190,874		32,830		\$1,027,432

*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 \$2,670,258 which includes:

FWS Form 3-177 (\$2,668,309)

- **Salary/Benefit Costs - \$2,484,075** (\$52.67 X 47,163 hours, rounded). Wildlife inspectors (GS-11) are the primary staff persons who will process these certifications. Wildlife inspectors are located across the United States, many in large cities. Therefore, we used Office of Personnel Management Salary Table 2016-DCB to determine an average hourly wage for a GS-11/5 (\$35.11). We multiplied the hourly rate by 1.5 to account for benefits in accordance with BLS news release USDL 15-2329, December 19, 2015, resulting in total hourly cost factor of \$52.67 rounded. We estimate that it will take an average of 15 minutes to process each response, for a total of 47,163 staff hours. We estimate that total salary/benefit costs will be \$2,484,075 (rounded) (\$52.67 * 47,163 hours).
- **Operational Expenses - \$2,625.** Includes printing and distribution costs.
- **Data Entry - \$181,609.** We contract for data entry of Form 3-177. We estimate an hourly rate including benefits of \$29.55 for contract personnel to transfer data from FWS Form 3-177 into the law enforcement database. We no longer stipulate the number of hours in the contract awarded for this purpose. The total amount of the contact for Form 3-177 data entry is \$181,609.20.

Fee Exemption certification (\$1,949)

- **Salary/Benefit Costs - \$1,949** (\$52.67 X 37 hours). Wildlife inspectors (GS-11) are the primary staff persons who will process these certifications. Wildlife inspectors are located across the United States, many in large cities. Therefore, we used Office of Personnel Management Salary Table 2016-DCB to determine an average hourly wage (\$35.11). We multiplied the hourly rate by 1.5 to account for benefits in accordance with BLS news release USDL 15-2329, December 19, 2015, resulting in a total hourly cost factor of \$52.67. We estimate that it will take approximately 1 minute to process each certification form (2,221), for a total of 37 hours.

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

We are reporting 190,874 annual responses totaling 32,830 annual burden hours. This is a net adjustment increase of 6,571 annual responses and a net decrease of 99 annual burden hours from our previous submission. Though the total number of annual responses has increased, the decrease in annual burden hours can be attributed to the increase in the number of responses being 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 or the fee exemption certification statement collected in our eDecs system; however, we do use some of the information collected on FWS Forms 3-177 and 3-177a 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.

We will display the OMB control number and expiration date.

18. Certification.

There are no exceptions to the certification statement.