

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

**OMB Control Number 1018-0129**

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

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

The Captive Wildlife Safety Act (CWSA) (16 U.S.C. 3371-3378) amended the Lacey Act by making it illegal to import, export, buy, sell, transport, receive, or acquire, in interstate or foreign commerce, live lions, tigers, leopards, snow leopards, clouded leopards, cheetahs, jaguars, or cougars, or any hybrid combination of any of these species, unless certain exceptions are met. There are several exceptions to the prohibitions of the CWSA, including:

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

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

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

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

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

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

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

**3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology; e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden [and specifically how this collection meets GPEA requirements].**

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

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

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

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

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

**6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.**

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

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:
- \* requiring respondents to report information to the agency more often than quarterly;
  - \* requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;
  - \* requiring respondents to submit more than an original and two copies of any document;
  - \* requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;
  - \* in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;
  - \* requiring the use of a statistical data classification that has not been reviewed and approved by OMB;
  - \* that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or
  - \* requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

We require that accredited wildlife sanctuaries maintain complete and accurate records of any possession, transportation, acquisition, disposition, importation, or exportation of specimens of the prohibited wildlife species for 5 years. This time period is consistent with the records requirements contained in our general permit procedures (50 CFR 13.46). Since accredited wildlife sanctuaries may have applied for and been issued permits under the general permit procedures, we believe it would be in the public interest that the records maintenance requirements for this information collection be consistent with those in the general permit procedures. There are no other special circumstances that require us to collect the information in a manner inconsistent with OMB guidelines.

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 April 6, 2016, we published in the Federal Register (81 FR 19990), a notice that we planned to ask OMB to renew their approval for our information collection associated with accredited wildlife sanctuaries. In that notice, we solicited public comments for 60 days, ending June 6, 2016. We received the following comments in response to this notice.

*Comment:* One comment suggested that the recordkeeping requirement should be expanded to other exempted entities under the CWSA, including Animal and Plant Health Inspection Service (APHIS) licensed facilities and State-licensed wildlife rehabilitators.

*Response:* The Service does not have the authority to establish a recordkeeping requirement on the

other entities exempted under the CWSA. The accredited wildlife sanctuary was the only exemption that was specifically defined in the CWSA, and as such, was the only exemption that lent itself to a recordkeeping requirement.

*Comment:* One comment suggested that appropriate records should be made available to the Service on an annual basis.

*Response:* The Service feels that the submission of records only on an as needed basis is adequate to substantiate that a particular wildlife sanctuary qualifies as accredited under the CWSA. The submission of records on an annual basis would require an application or other mechanism to receive and evaluate those records. In the development of the regulations to implement the CWSA, we considered options for developing some type of formal accreditation mechanism for wildlife sanctuaries, but concluded that because of a lack of available staff and resources to manage the submission of records on an annual basis, such a step was not practical.

*Comment:* One comment suggested that records should be made available to the public through an on-line database or through Freedom of Information Act requests.

*Response:* The Service feels that the requirements in the final rule to implement the CWSA by requiring wildlife sanctuaries to submit records on an as needed basis is adequate to substantiate that a particular wildlife sanctuary qualifies as accredited under the CWSA. We considered options for developing some type of formal electronic on-line database for wildlife sanctuaries, but concluded that because of a lack of available resources and staff to adequately implement such a mechanism, such a step was not practical. Any records the Service possesses could be made available to the public subject to the provisions of the Privacy Act.

*Comment:* One comment suggested that the Service incorporate an electronic recordkeeping system for wildlife sanctuaries that could be accessed and used by other Federal, State, or local agencies, and in particular, APHIS, to among other things, reconcile the information obtained under the CWSA with that maintained by APHIS under the Animal Welfare Act to ensure compliance.

*Response:* We considered options for developing some type of formal electronic accreditation mechanism for wildlife sanctuaries that could be accessed by other agencies, but concluded that, because of a lack of available resources and staff to adequately implement such a mechanism, such a step was not practical.

*Comment:* One comment suggested that records maintained by an accredited wildlife sanctuary must identify specific prohibited species and include the date of birth, age, and date of death of the specimen, and that specimens "otherwise transferred," as stated in the requirements, should include specific information on the disposition of the specimen remains.

*Response:* The Service feels that the requirements, as written, are sufficient to confirm the acquisition or disposition of specimens.

*Comment:* One comment suggested that an electronic recordkeeping system for wildlife sanctuaries could alleviate the time required to maintain records.

*Response:* We considered options for developing some type of formal electronic accreditation mechanism for wildlife sanctuaries, but concluded that, because of a lack of available resources and staff to adequately implement such a mechanism, such a step was not practical.

*Comment:* One comment suggested that maintaining records by an accredited wildlife sanctuary should not be considered a "burden."

*Response:* We used the term "burden" in our Federal Register notice simply because "burden" is the term typically used to measure the impact of an information collection.

*Comment:* One comment suggested that records maintained by an accredited wildlife sanctuary must be

updated within 30 days.

*Response:* The Service feels that the submission of records only on an as needed basis is adequate to substantiate that a particular wildlife sanctuary qualifies as accredited under the CWSA. Updating records within 30 days would require an application or other mechanism to receive and evaluate those records. In the development of the regulations to implement the CWSA, we considered options for developing some type of formal accreditation mechanism for wildlife sanctuaries, but concluded that because of a lack of available staff and resources to manage the submission of records on an annual basis, such a step was not practical

*Comment:* One comment suggested that records maintained by an accredited wildlife sanctuary should be maintained for 7 years.

*Response:* Under 50 CFR 14.254, we require that accredited wildlife sanctuaries maintain complete and accurate records of any possession, transportation, acquisition, disposition, importation, or exportation of the prohibited wildlife species for 5 years. This time period is consistent with the records requirements contained in our general permit procedures in 50 CFR 13.46. Since wildlife sanctuaries may have applied for and been issued permits under the general permit procedures, we believe it would be in the public interest that the records maintenance requirements of this information collection be consistent with those in the general permit procedures.

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

Founder & Executive Director The Wildcat Sanctuary P.O.Box 314 Sandstone, MN 55072 320-245-6871
Safe Haven Rescue Zoo 9605 Highway 400, P.O. Box 184 Imlay, NV 89418 775-538-7093
Shambala, The Roar Foundation 6867 Soledad Canyon Road Acton, CA 93510 661-268-0315
National Tiger Sanctuary 518 State Highway BB, Chestnutridge, MO 65630 417- 587-3633
The Exotic Feline Rescue Center 2221 E Ashboro Rd Center Point, IN 47840 812-835-1130
Exotic Cat Refuge and Wildlife Orphanage 254 Private Road 7025 Kirbyville, TX 75956 409-423-4847
President InSync Exotics 3430 Skyview Drive Wylie, TX 75098

972-442-6888

Turpentine Creek Wildlife Refuge  
President  
239 Turpentine Creek Lane  
Eureka Springs, AR 72632  
479-253-5841

Of these organizations, four responded to our request. Three of the four respondents stated that the collection of information is necessary and valuable, while one respondent did not address that issue. All of the respondents indicated complete agreement with our burden estimates. Three of the four respondents suggested that using mail, email or, an electronic form, to collect information would enhance the quality, utility, and clarity of the information to be collected and, would lessen the burden on respondents. However, the Service feels that the submission of records using mail, email or, an electronic form would require an application or other mechanism to receive and evaluate those records. In the development of the regulations to implement the CWSA, we considered options for developing some type of formal accreditation mechanism for wildlife sanctuaries, but concluded that because of a lack of available staff and resources to manage the submission of records, such a step was not practical.

Therefore, our cost and time burden estimates for copying and making pertinent records available are well within reason.

**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 payment to respondents.

**10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.**

We do not provide any assurance of confidentiality. All records made available to the Service under this recordkeeping requirement are subject to the Privacy Act, and we will maintain them in a secure system of records accessible only by authorized Service employees, under the system name, Investigative Case File System–Interior; FWS–20.

If there is an indication of a violation of a statute, regulation, rule, order, or license, whether civil, criminal, or regulatory in nature, we may transfer the information contained in these records to the appropriate Federal, State, local, or foreign agency charged with investigating or prosecuting those violations. In the event of litigation involving these records or the subject matter of these records, we may transfer the information to the U.S. Department of Justice.

**11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.**

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

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

We estimate that there are no more than 750 wildlife sanctuaries that could qualify for the “accredited wildlife sanctuary” exemption. The requirement to make records available will be initiated only on an as-needed basis. Complying with the recordkeeping requirement can be met by making available and copying, if needed, a small number of documents pertaining to the possession, transportation, acquisition, disposition, importation, or exportation of the prohibited wildlife species, which we estimate can be completed in an hour or less. The total estimated annual burden for complying with this recordkeeping requirement for all of these wildlife sanctuaries is 750 hours or less.

The total dollar value of the annual burden hours is \$24,045. We used the Bureau of Labor Statistics news release USDL 16-1151 to determine hourly wages. Table 5 estimates the hourly wage for all workers to be \$32.06 including benefits.

Requirement	Annual No. of Respondents	Total Annual Responses	Completion Time per Response	Total Annual Burden Hours	Hourly Labor Costs incl. benefits	Total Dollar Value of Annual Burden Hours
Private Sector	750	750	1 hour	750	\$32.06	\$24,045

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

This information collection requirement can be met by making available and copying, if needed, a small number of documents pertaining to the possession, transportation, acquisition, disposition, importation, or exportation of the prohibited wildlife species. A reasonable estimate of copying costs is \$.04 per page. Most sanctuaries will only have a small number of specimens of the prohibited wildlife species. If each of the estimated 750 wildlife sanctuaries had 10 pages of documents pertaining to their activities with the prohibited wildlife species, the cost to copy these documents would be \$.40. Therefore, if we were to require that all of the estimated 750 wildlife sanctuaries had to copy their pertinent documents, the estimated total annual nonhour cost burden would be \$300. However, it must again be noted that the requirement to make records available will be initiated only on an as-needed basis so, in all probability, the total annual nonhour cost burden will be far less than \$300.

**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 at most approximately \$136,058 which includes:

- **Salary/Benefit Costs - \$115,808** (\$51.47 X 2,250 hours). Special agents (GS-11) are the primary staff persons who would be visiting a wildlife sanctuary to confirm that it qualifies as accredited. Special agents are located all across the United States. Therefore, we used Office of Personnel Management Salary Table 2010-RUS to determine an average hourly wage (\$32.17). We multiplied the hourly rate by 1.6 to account for benefits, resulting in a total hourly cost factor of \$51.47. We estimate that most wildlife sanctuaries are within 1 hour of driving time from one of our special agent field offices. We also estimate that a site visit of a wildlife sanctuary can be completed in about 1 hour. Therefore, if each of the estimated 750 wildlife sanctuaries was visited by one of our special agents, these site visits would take at most approximately 2,250 hours to complete (2 hours of travel time + 1 hour site visit X 750).
- **Operational Expenses - \$20,250.** We estimate that most wildlife sanctuaries are within 50 miles of a special agent field office. Therefore, if each of the estimated 750 wildlife

sanctuaries was visited by one of our special agents, these site visits would cover at most approximately 75,000 miles at a cost to of approximately \$20,250 (75,000 miles X \$.27/mile for vehicle costs).

However, it must again be noted that the requirement to make records available will be initiated only on an as-needed basis so, in all probability, the total annual cost to the Federal Government for this information collection will be far less than \$136,058.

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

There are no program changes or adjustments, except for \$300 for total nonhour cost burden,

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

We do not publish this information.

**17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.**

This information collection is a recordkeeping requirement.

**18. Certification.**

There are no exceptions to the certification statement.