

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

**OMB Control Number 1018-0092  
Federal Fish and Wildlife Permit Applications and Reports—  
Law Enforcement  
50 CFR 13 and 14**

**FWS Forms 3-200-2, 3-200-3a and 3-200-3b**

**Terms of Clearance: None.**

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

Section 9(d) of the Endangered Species Act (ESA) (16 U.S.C. 1531 et seq.), as amended, makes it unlawful to import or export wildlife or wildlife products for commercial purposes without first obtaining an import/export license (50 CFR Part 14.91). Persons required to obtain an import/export license must keep records that fully and correctly disclose each importation or exportation of fish, wildlife, or plants and the subsequent disposition made by them with respect to such fish, wildlife, or plants for a period of 5 years (50 CFR Part 13.46 and 14.93). Any live wildlife possessed under permit issued by the U.S. Fish and Wildlife Service (we, Service) must be maintained under humane and healthful conditions (50 CFR Part 13.41).

If an applicant resides or is located outside the United States and conducting commercial activities, the applicant must have an agent located in the United States (50 CFR Part 13.12).

Section 9(f) of the ESA requires that fish or wildlife be imported into or exported from the United States only at a designated port or at a nondesignated port under certain limited circumstances. The Secretary of the Interior, with approval of the Secretary of Homeland Security, designates these ports after notice and opportunity for public comment. To date, 18 U.S. Customs and Border Protection (CBP) ports of entry are designated for the import and export of wildlife and wildlife products (50 CFR 14.12). The Service has strategically located staff so that wildlife shipments are funneled through the most active CBP ports. Exceptions to the designated port requirement are permitted (1) scientific purposes (50 CFR 14.31); (2) to minimize deterioration or loss (50 CFR 14.32); and (3) to alleviate undue economic hardship (50 CFR 14.33).

All of the laws, treaties, and regulations administered by the Service that authorize activities for which a permit is required provide the basis for our regulations in 50 CFR Part 13 (General Permit Requirements) and 50 CFR Part 14 (Importation, Exportation, and Transportation of Wildlife). The requirements in 50 CFR Parts 13 and 14 are in addition to any other permit requirements that may apply to a specific circumstance, as outlined in other sections of the Code of Federal Regulations, Title 50, Chapter 1, subchapter B.

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

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

The information collected on the 3-200-2 will be used by Service employees to determine if the applicant qualifies to use a nondesignated port. The information we collect corresponds to the requirements in 50 CFR 14.31, 14.32, and 14.33.

The permits can be valid for up to 2 years from the date of issuance and can cover a single import/export shipment, multiple import/export shipments or shipments during a specified period of time. The permit can be renewed upon request.

We have updated the application to remove confusing questions and brought back some questions that were asked on previous versions of this form because the regulations require the information. We updated the form by providing the list of Service Designated ports. We have found recently that applicants were requesting designated ports on this application. We have removed the checklist of possible ports. We found the applicants were confused and many of them checked every box provided. After reviewing port usage, most of the time only 1 or 2 nondesignated ports were actually used, causing extra work and records maintenance by Service permit issuers.

We have added Q & As in front of the application. This should clear up much confusion and reduce the number of nondesignated port applications received, because the applicant did not need to apply in the first place.

Director's Order 212 (signed December 9, 2015) establishes policy and procedure for us to assert our full legal and regulatory authority to deny wildlife violators the ability to obtain wildlife permits and licenses.

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 shipment will be consolidated. Issuance of nondesignated port permits will be greatly reduced because the Service is required to have a port presence in order to process entries through ACE. Entries for shipments arriving at non-staffed nondesignated port locations has to be outside of the ACE process.

**FWS Form 3-200-3a and 3-200-3b (Import/Export License) (Paper and Electronic)**

We have simplified the application for the Import/Export License by separating into 2 forms: 1) for U.S. Entities (3-200-3a) and 2) Foreign Entities (3-200-3b). There has been much confusion in trying to keep two very different entities (and requirements) on one application. We have added Q & As specific to the different entities in front of each form. This should clear up much confusion and may reduce the number of import/export licenses we issue. We have found recently some foreign entities have applied for an Import/Export License, when the U.S. importer/exporter should have obtained the license and not a foreign entity.

Director's Order 212 (signed December 9, 2015) establishes policy and procedure for us to assert our full legal and regulatory authority to deny wildlife violators the ability to obtain wildlife permits and licenses.

The information we collect corresponds to the requirements in 50 CFR 14.91, 14.92, and 14.93. We use this information as an enforcement tool and management aid to: (a) monitor the international wildlife market and (b) detect trends and changes in the commercial trade of wildlife and wildlife products. Import/export licenses are valid for up to 1 year and can be renewed upon request.

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

<b>We collect information on ...</b>	<b>So that we can ...</b>
Name of the individual and personal identifying information such as date of birth, last 4 of social security number, occupation, and address and contact information	Identify the individual and the activity conducted by the applicant for which a license/permit is required.
Name of business, tax identification number or last 4 of social security number, description of business, website, and name and contact information for the principal officer	Identify the business and the activity conducted by the applicant for which a license/permit is required.
Name, street address, and contact information for each additional partner/principal officer (3-200-3a & 3b)	Identify all individuals or businesses associated with the entity requesting a license/permit.
Whether or not applicant has or has ever had any Federal fish and wildlife permits. If yes, number of current permit or permit to be renewed/reissued	Identify prior or current activity under Federal wildlife permits. This helps in determining their knowledge of Service laws and regulations.
U.S. address for foreign applicant	Inspect records, as necessary.
Name, physical address, and telephone number of agent or location where business records will be maintained	Inspect records, as necessary.
Street address and contact information for location where wildlife inventories will be kept (3-200-3a & 3b)	Licensees are required to provide Service Officers access to their facility to examine inventories of wildlife or wildlife products imported or to be exported.
Port(s) of entry where importation/exportation is requested (3-200-2)	Determine if it is an appropriate port to be requested. Determine if additional workload can be accommodated by staff presently available at the requested port.
Valid import/export license number (for commercial shipments) (3-200-2)	Establish compliance with commercial import/export requirements.
Reason for requesting port exception (3-200-2)	Determine if there is a bona fide scientific purpose, potential deterioration or loss, or potential economic hardship that would benefit from the issuance of the permit.
General description of wildlife or wildlife products	Determine workload burden.

Permittees and licensees must maintain records that accurately describe each importation or exportation of wildlife or wildlife products under the permit/license, and any subsequent sale or transfer of the wildlife or wildlife products. In addition, licensees must make these records and the corresponding inventory of wildlife or wildlife products available for our inspection at reasonable times, subject to applicable limitations of law. Any live wildlife possessed under a Service permit/license must be maintained under humane and healthful conditions. We believe the burden associated with these recordkeeping requirements is minimal because the records already exist. Importers and exporters must complete FWS Form 3-177 (Declaration for Importation or Exportation of Fish or Wildlife) for all imports or exports of wildlife or wildlife products. This form provides an accurate description of the imports and exports. OMB has approved the information collection for FWS Form 3-177 and assigned OMB Control Number 1018-0012. Normal business

practices should produce records (e.g., invoices or bills of sale) needed to document additional sales or transfers of the wildlife or wildlife products.

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

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

Currently forms 3-200-2 and 3-200-3 are available on the Internet in a fillable format. Currently, we must receive a hard copy, originally signed application form by mail or hand delivery from an applicant. Facsimile and e-mailed signatures are not accepted, but applicants may submit any supporting documentation or information missing from the application, other than an original signature, via e-mail or facsimile.

**eLicense**

We have developed and will soon pilot a new electronic application process (eLicense). Form 3-200-3a and 3b will be first to have an electronic application. This will simplify the application process and give the applicant the ability to pay online thru Pay.gov via credit card or direct bank payment. This will reduce the number of applicants requesting multiple licenses for the same business, and will reduce the number of bad addresses and bounced checks we contend with. An applicant will not be able to submit both an electronic and paper application.

Permittees/Licensees will receive their digitally signed permit/license electronically via the email address provided on the application. Renewal notifications will also be sent via e-mail 90, 60 and 30 days prior to expiration.

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

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

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

Almost all of our permittees/licensees are small businesses. We have carefully analyzed and constructed these requirements to ensure that the information requested of all applicants is the minimum necessary, while still ensuring our ability to determine if an applicant qualifies for the permit/license. In addition, we have consolidated our 8 issuing offices into 2 (East Coast and West Coast) to reduce inconsistencies in the issuance process. We have designed the eLicense application process requiring the individual, sole owner or principal officer apply directly, which will save the small entity money because they no longer hire a Customshouse broker to complete their application.

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

If we do not collect this information, applicants would not be issued permits/licenses. The information is either required on the permit itself or needed to make the necessary legal findings under the ESA or Director's Order 212. If we do not issue designated port exception permits, applicants who meet one or more of the three exemptions for importing or exporting wildlife or wildlife products at staffed, nondesignated ports, would be unable to do so. If import/export licenses are not issued, businesses could not commercially import or export wildlife or wildlife products.

If we collect this information less frequently, (1) the information establishing the eligibility may no longer be applicable, and (2) the frequency for collecting this information would not be consistent with the duration of validity for designated port exception permits and import/export licenses established in 50 CFR Parts 14.31, 14.32, 14.33 and 14.93.

**7. Explain any special circumstances that would cause an information collection to be conducted in a manner:**

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

The only special circumstance that is inconsistent with OMB guidelines is the timeframe for the retention of documents. Permit regulations (50 CFR Parts 13.46 and 14.93) require that records of any taking, possession, transportation, sale, purchase, barter, export or import of wildlife pursuant to a permit be maintained for 5 years from the expiration date of the permit. The statute of limitations for enforcement is 5 years. Since commercial importers and exporters may have applied for and been issued permits under the general permit procedures, including designated port exception permits, we believe it would be in the public interest that the records maintenance requirements be consistent with those regulations.

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.**

On September 6, 2016 we published in the Federal Register (81 FR 61239) a notice of our intent to request that OMB approve this information collection. In that notice, we solicited comments for 60 days, ending on November 7, 2016. We received no comments in response to this notice.

Opportunities for public comment are available through extensive personal contact with potential applicants during permit workshops, seminars, meetings, trade shows and related activities conducted on behalf of various interest groups, such as zoos, trade groups or breeders. Additional opportunities exist during interaction with importers and exporters during the course of business as part of our wildlife inspection process.

In addition to the Federal Register notice, we solicited input from the following:

Chief Operations Officer Chrome Hearts LLC 915 N Mansfield Ave Hollywood, CA 90038 323-606-4156 <b>(Import/Export license)</b>	Registrar Nashville Zoo at Grassmere 3777 Nolensville Road Nashville, TN 37211 615-627-3052 <b>(Designated Port Exception Permit)</b>
Owner Chinchilla dealer 1610 Horseshoe Dr Ashland, NE 68003 402-641-5756 <b>(Import/Export license)</b>	President Xenopus 1 Corp. 5654 Merkel Road Dexter, MI 48130 734-426-2083 <b>(Import/Export license)</b>
Principal Officer Travel with Serval 11460 HWY 97C Merritt, BC, CA VHK 1M6 250-378-2346 <b>(Designated Port Exception Permit)</b>	Federal Compliance Officer Classic F.A. Packers & Shippers 295 North Street, Unit 6 Teterboro, NJ 07608 201-343-0011 x.112 <b>(Import/Export license)</b>

Overall results from this outreach indicate that our cost estimate for the completion of these applications is well within reason.

Overall results from this outreach indicate that our hour burden estimate is well within reason and the forms are clearly written and easy to complete. Only one commenter suggested that 1.25 hours was not sufficient time to review the instructions for a Designated Port Exception Permit (entity located outside the U.S. and requires a U.S. Agent).

**Comment:** Three commenters suggested that no application should be required for the renewal

of either form.

**Our response:** Our regulations in 50 CFR 13.22 require the submission of a written application for the renewal of a permit. However, we believe the move to eLicense will reduce the burden.

**Comment:** Three commenters suggested that it would be helpful to have automatic renewals and pay online.

**Our response:** We believe the move to eLicense will accommodate these concerns. It won't be an automatic renewal, but applicant will see the data currently in our system and can update as necessary. We are testing the eLicense programming to send email notifications 60, 30, and 15 calendar days prior to the I/E License expiration. These email notifications will be sent to the person(s) identified on the eLicense account. Applicants will be able to pay online via Pay.gov or direct bank withdrawal when eLicense goes live.

**Comment:** One commenter mentioned the instructions were clear, but too lengthy.

**Our response:** Based on prior experience with these forms, we determined the in depth instructions helps reduce the number of telephone calls our issuers will receive. We believe that separating the 3-200-3 into 2 forms: U.S. Entities (3a) and Foreign Entities (3b) will add clarity to the instructions.

**Comment:** One commenter suggested that there should be no requirement for the U.S. Agent to sign the application form.

**Our response:** Based on our prior experience, the signature of the U.S. Agent is necessary. The U.S. Agent needs to agree to the requirements. We have had instances in the past where a foreign entity designated a U.S. Agent without their knowledge. When our enforcement officers notified the U.S. Agent of document inspection, they were surprised by our visit and had no knowledge they were named for this role.

**Comment:** One commenter suggested that Question 7 (regarding Applicants located outside the U.S.) on the 3-200-3 (I/E License) was not clear.

**Our response:** We believe that separating the 3-200-3 into 2 forms: U.S. Entities (3a) and Foreign Entities (3b) will remove this confusion.

**Comment:** One commenter (who deals mainly with live research animals), inquired why we allow scientific purposes as one reason for a Designated Port Exception Permit, when they believe it falls on transportation stress.

**Our response:** Subpart C of Title 50 Part 14 of the Code of Federal Regulations provides 3 reasons Designated Port Exception Permits can be issued: 1) scientific purposes, 2) minimize deterioration or loss, and 3) alleviate undue economic hardship.

**Comment:** Two commenters suggested the term of the I/E License should be changed. One commented that the applicant should decide on a 1, 2, or 3 year term – with discounts on multiple year terms. Another commented that the I/E License should be 2 years.

**Our response:** We believe an annual renewal is appropriate. This annual review helps monitor trade and provides additional safeguards that information collected (principal officers, location of wildlife inventory, etc., is current. Many of our I/E License holders do not update their information

within 10 days as required.

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

We do not provide gifts or payment to respondents.

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

We have changed the form to obtain only the last 4 digits of an individual's Social Security number in order to verify the applicant. This information will be maintained in a secure system of records accessible only by authorized Service employees (Permits System – Interior, FWS-21). These records may be subject to disclosure under provisions of the Freedom of Information Act.

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

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

We do not ask questions of a sensitive nature.

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

We estimate that we will receive 10,764 responses totaling 13,452 annual burden hours for this information collection. The total dollar value of the annual burden hours is approximately \$346,556. We used the Bureau of Labor Statistics news release USDL-16-1808, September 8, 2016, Employer Costs for Employee Compensation—June 2016 (<http://www.bls.gov/news.release/pdf/ecec.pdf>) to estimate average hourly wages and calculate benefits for:

- Individuals - We used the wage and salary costs for all workers from Table 1, which states an hourly rate of \$23.23. The hourly rate including benefits is \$34.69.
- Private Sector - We used the wage and salary costs for “Office and administrative support” workers from Table 2, which states an hourly rate of \$17.09. The hourly rate including benefits is \$25.18.
- State Government - We used the wage and salary costs for all workers from Table 3, which states an hourly rate of \$ 28.59. The hourly rate including benefits is \$45.14.



ACTIVITY	TOTAL ANNUAL RESPONSES	COMPLETION TIME PER RESPONSE (HOURS)	TOTAL ANNUAL BURDEN HOURS	HOURLY RATE INCLUDING BENEFITS	\$ VALUE OF ANNUAL BURDEN HOURS*
3-200-2 - application and recordkeeping					
Individuals	629	1.25	786	\$34.69	\$ 27,266
Private Sector	755	1.25	944	25.18	23,770
Government	14	1.25	18	45.14	813
3-200-2 Subtotal	1,398		1748		51,849
Designated Port Exception Permit Report (private sector)	5	1	5	25.18	126
3-200-3a - application and recordkeeping (private sector)	9225	1.25	11,531	25.18	290,350
3-200-3b - application and recordkeeping (private sector)	126	1.25	158	25.18	3,979
Import/Export License Report (priv. sector)	10	1	10	25.18	252
<b>Totals</b>	<b>10,764</b>		<b>13,452</b>		<b>\$346,556</b>

\*rounded

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

The total annual nonhour dollar cost burden to the respondents is approximately \$1,074,900 for application fees. The fee for each application (Forms 3-200-2 and 3-200-3) received from individuals and private sector is \$100 (10,749 respondents x \$100 – see table above). There is no fee for applications from government agencies or for processing reports.

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

We estimate that the total annual cost to the Federal Government for this information collection is \$450,446, which includes:

**Salary/Benefit Costs - \$444,446** (\$41.29 X 10,764).

Permit issuers have been consolidated into 2 issuing centers – East Coast (located in Atlanta, Georgia) and West Coast (located in Sacramento, California). These issuers are solely dedicated to reviewing and processing applications and reports for designated port exception permits and import/export licenses. The median grade/step for these employees is GS-8/step 5. Therefore, we used Office of Personnel Management Salary Table 2016 <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2016/general-schedule/> for Sacramento (the higher salary of the locations) \$25.81 and multiplied by 1.6 to account for benefits (average percentage for budgetary calculations). We determined an average hourly wage of \$41.29.

We estimate that we will receive 10,764 applications and reports annually. It takes approximately 1 hour to process these for a total of 10,764 hours, at a cost of \$444,446. We expect these costs to go down on the Import/Export License application once eLicense goes live because the data entry will be completed by the applicant and not the Service permit issuer.

These forms do not have an annual reporting requirement. However, there may be a very small number of applicants that may have this requirement added to their permit conditions due to extra scrutiny necessary because of prior violations.

**Operational Expenses - \$6,000.** Includes printing and mailing costs. These applications are almost exclusively obtained electronically from the Service website (<https://www.fws.gov/forms/>). We expect these costs to go down on the Import/Export License application once eLicense goes live because this document will be digitally signed and emailed to the applicant at the email address provided on their application.

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

We revised the forms to clarify some questions that caused confusion to the applicants. We do not expect additional burden with these changes.

- 3-200-2:
  - o We added clarification on action requested on the application (new/renewal/amendment/address change only).
  - o We separated blocks for individual applicants versus business/corporate/public agency/etc.
  - o We clarified the information we needed for many of the blocks.
  - o We changed the order of the questions for a less confusing flow.
  - o We added checkboxes so that the applicant could be reminded that statements were required and should be submitted with the application. This is expected to reduce the number of rejected applications that are returned to the applicant due to missing information/documentation.
  - o We added the Disqualification Factor question to be consistent with the other FWS forms.
  - o We revised and moved the “Foreign Applicant ONLY” question to the end of the application to reduce confusion. Previously, almost every U.S. applicant would complete this question, even though it did not pertain to them.
- 3-200-3a and 3-200-3b
  - o We eliminated 3-200-3 by separating the Import/Export License form into 2 documents to reduce the confusion on when a foreign entity needs to obtain an Import/Export License.
  - o We added clarification on action requested on the application (new/renewal/amendment/address change only).
  - o We clarified the information we needed for many of the blocks.

Due to the Q & As included with these applications, we expect a slight reduction in the number of permit/license applications. We have recently noticed confusion on who should apply for a permit/license and we expect the Q & As to provide clarity.

Due to the increased scrutiny involved to comply with Director’s Order 212, the process time for each application has increased.

For this information collection renewal, we are estimating that there will be 10,764 responses totaling 13,452 burden hours, which is a net increase of 1,561 responses and 1,951 burden hours from our previous request.

We are also reporting as an adjustment, an increase of \$571,570 for application fees because of the increased number of permit/license applications received since our last information collection in 2013.

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

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

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

We will display the OMB control number and expiration date.

**18. Certification.**

There are no exceptions to the certification statement.