

1 SUPPORTING STATEMENT A FOR PAPERWORK REDUCTION ACT SUBMISSION

Captive Wildlife Safety Act, 50 CFR 14.250 – 14.255 OMB Control No. 1018-0129

Terms of Clearance: None.

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.

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, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection. Be specific. If this collection is a form or a questionnaire, every question needs to be justified.

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:

- 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. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

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 any 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 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. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and in response to the PRA statement associated with the collection over the past three years, and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

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.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every three years — even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

On December 27, 2018, we published in the *Federal Register* (83 FR 66740) a notice of our intent to request that OMB approve this information collection. In that notice, we solicited

comments for 60 days, ending on February 25, 2019. We received the following comment in response to that Notice:

Comment 1: On February 11, 2019, we received a comment from the Executive Director of the Zoological Association of America (ZAA). The ZAA strongly opposes the elimination of recordkeeping requirements or any further preference proposed by the Service for wildlife sanctuaries under the Captive Wildlife Safety Act. The ZAA specifically cited their objection to the “accredited wildlife sanctuary” exemption that they feel largely hinges on IRS 501(c)(3) status and not wildlife expertise. ZAA stated that any reputable wildlife holding facility should have extensive records, including acquisition and disposition records, as well as husbandry and medical records. These records establish the basis of knowledge and care of every animal in the care of a facility, and no facility, accredited or not, should be exempt from having such records.

Agency Response to Comment 1: No action required. The Service, in the *Federal Register* notice, announced our intention to renew the information collection requirements established under the CWSA for accredited wildlife sanctuaries, not eliminate them.

In addition to the Federal Register Notice, we consulted with the nine (9) individuals identified in Table 8.1 who familiar with this collection of information in order to validate our time burden estimate and asked for comments on the questions below:

Table 8.1

Organization	Title
Jungle Friends	Sanctuary Manager
Tiger Haven	Chief Executive Officer
The Exotic Feline Rescue Center	Sanctuary Manager
Black Pine Animal Sanctuary	Executive Director
Cedar Cove Feline Conservation and Education Center	Private Tour Coordinator
The Wild Animal Sanctuary	Sanctuary Manager
Cleveland Amory Black Beauty Ranch	Sanctuary Director
Performing Animal Welfare Society (PAWS)	President
Wildcat Ridge Sanctuary	Sanctuary Manager

Additional comments received during the outreach: Only two of the nine organizations responded to our request for feedback.

Tiger Haven did not have specific comments regarding our burden estimates but had no concerns regarding those burden estimates. They indicated that the record keeping requirements imposed under the CWSA for accredited wildlife sanctuaries are consistent with those that Tiger Haven must provide to the Tennessee State authorities.

The Performing Animal Welfare Society indicated that the collection of information was essential, accurate, and clear.

Despite several telephone calls and a detailed e-mail message describing our request for feedback, the remaining 7 organizations did not respond to our request for feedback.

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 (published May 28, 1999, 64 FR 29055; modification published June 4, 2008, [73 FR 31877](#)).

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. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

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. The statement should:

- * **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**
- * **If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens.**
- * **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here.**

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.

We used Table 5 of the of Bureau of Labor Statistics (BLS) News Release [USDL-19-1002](#), June 18, 2019, Employer Costs for Employee Compensation—March 2019, to calculate the cost of the total annual burden hours. Table 5 lists the hourly rate for all full-time private sector workers as \$39.92, including benefits.

Requirement	Average Number of Annual Respondents	Average Number of Responses Each	Average Number of Annual Responses	Average Completion Time per Response	Estimated Annual Burden Hours	Hourly Rate	\$ Value of Annual Burden Hours
Recordkeeping Requirement							
Private Sector	750	1	750	1 Hour	750	\$39.92	\$29,940

13. Provide an estimate of the total annual non-hour cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected in item 12.)

- * The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information (including filing fees paid for form processing). Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.
- * If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.
- * Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

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 cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of

hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information.

We estimate that the total annual cost to the Federal Government for this information collection is at most approximately **\$165,180**, which includes:

- **Salary/Benefit Costs - \$121,680** (rounded) (\$54.08 X 2,250 hours). We used Office of Personnel Management Salary [Table 2019-RUS \(LEO\)](#) to determine an average hourly wage for a GS-11, step 5 (\$33.80). In accordance with BLS News Release [USDL-19-1002](#), June 18, 2019, Employer Costs for Employee Compensation—March 2019, we multiplied the hourly rate by 1.6 to account for benefits, resulting in a total hourly cost factor of \$54.08.
- 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. 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 - \$43,500.** 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 \$43,500 (75,000 miles X \$.58/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 the estimate above.

15. Explain the reasons for any program changes or adjustments in hour or cost burden.

There are no program changes or adjustments.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

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. Explain each exception to the topics of the certification statement identified in "Certification for Paperwork Reduction Act Submissions."

There are no exceptions to the certification statement.