

**1SUPPORTING STATEMENT A
FOR PAPERWORK REDUCTION ACT SUBMISSION**

**DECLARATION FOR IMPORTATION OR EXPORTATION OF
FISH OR WILDLIFE, 50 CFR 14.61-14.64 AND 14.94(K)(4)
OMB Control No. 1018-0012**

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 U.S. Fish and Wildlife Service (Service, we, FWS) has oversight responsibilities under statutory and regulatory authority to regulate the importation, exportation, and transportation of wildlife. The Service's inspection program is framed by the Endangered Species Act (ESA), 16 U.S.C. §§1531-1544, and the Lacey Act Amendments of 1981, 16 U.S.C. §§3371-3378. "Many endangered-species statutes take into account interests other than preservation of species and authorize federal authorities to issue permits so that people can legally take, possess, and import various categories of protected wildlife.... Each of these [laws] represents an attempt to balance the goal of species protection against competing societal and economic interests; the limitation on the importation of [wildlife] under Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) is no different." *United States v. Koczuk*, 252 F.3d 91, 99 (2d Cir. 2001) (referencing the Bald and Golden Eagle Protection Act, 16 U.S.C. §668a; the Migratory Bird Treaty Act, 16 U.S.C. §704(a); the Fur Seal Act, 16 U.S.C. §1153; the Marine Mammal Protection Act, 16 U.S.C. §1374(a); and the ESA, 16 U.S.C. §1539).

Thus, it is unlawful to import or export fish, wildlife, or plants without filing a declaration or report deemed necessary for enforcing the ESA or upholding CITES. See 16 U.S.C. §1538(e). To achieve the balance between species protection and economic interest, Section 11(e)(3) of the ESA, 16 U.S.C. §1540(e)(3), and Section 6(b) of the Lacey Act, 16 U.S.C. §3375(b), grant the Service broad enforcement and inspection authorities on both imports and exports. Consistent with this authority, we have established an inspection program to oversee the importation, exportation, and transportation of wildlife and wildlife products.

The strict liability nature of the ESA also lays out a framework for imports and exports that:

- (1) Defines import to mean to land on, bring into, or introduce into, or attempt to land on, bring into, or introduce into, any place subject to the jurisdiction of the United States (U.S.), whether or not such landing, bringing, or introduction constitutes an importation within the meaning of the customs laws of the U.S., 16 U.S.C. §1532 (10);
- (2) Defines "fish or wildlife" as any member of the animal kingdom, including without limitation any mammal, fish, bird, amphibian, reptile, mollusk, crustacean, arthropod or other invertebrate, and includes any part, product, egg, or offspring thereof, or the dead body or parts thereof, 16 U.S.C. §1532 (8);
- (3) Requires prior permission from the Secretary to engage in business as an importer or exporter of wildlife and wildlife products, with the exception of certain shellfish and fishery products, 16 U.S.C. §1538 (d)(1);
- (4) Establishes a system of designated ports to facilitate enforcement, 16 U.S.C. §1538 (f); and

- (5) Places the burden of proof on any person claiming the benefit of an exemption or permit, 16 U.S.C. §1539 (g).

In support of our program activities, we promulgated regulations contained in Title 50 of the Code of Federal Regulations in part 14 (50 CFR Part 14) to provide individuals and businesses with guidelines and procedures to follow when importing or exporting wildlife, including parts and products. These regulations explain the requirements for individuals or businesses importing or exporting wildlife for commercial purposes, or for people moving their household goods, personal items, or pets, as well as the exemptions provided for specific activities or types of wildlife.

These requirements include the filing of the Declaration for the Importation or Exportation of Fish or Wildlife (Form 3-177) and the availability of shipping documents, permits, licenses, or other documents required by the laws and regulations of the U.S.; permits or other documents required by the laws or regulations of any foreign country; and any documents and permits required by the country of export or re-export. These regulations also contain certain exceptions to the filing of Form 3-177 for which the importer bears the burden of proof under the ESA.

The Service is responsible for determining whether imports or exports are in compliance with the laws and regulations enforced by the Service and should be allowed to enter into or depart from the U.S. This determination must be made at the time of import and prior to export. Import laws administered by U.S. Customs and Border Protection (CBP) and many other federal agencies rely on commodity descriptions as laid out in the Harmonized Tariff Schedule of the U.S. (HTSUS). The laws administered by the Service are focused on tracking and monitoring of species in trade for conservation concerns. Live wildlife, or their parts and products are not openly delineated in the HTSUS except for a few categories. The HTSUS instead provides broad commodity descriptions without any recognition of the wildlife species contained therein. The number of tariff codes containing commodities manufactured with wildlife is growing as demand for the wildlife trade escalates. Neither the CBP entry declaration for import, nor the shipper export declaration collected by Census for exports, including any electronic alternatives provide any specific information on wildlife species contained in commodities to be imported or exported.

Currently, Service wildlife inspectors stationed at ports across the country receive species specific data directly from the importers or exporters who either file a paper Form 3-177 or file the electronic Form 3-177 in the Service's internet-based filing system called "eDecs", along with accompanying documentation either in paper form or as images uploaded in eDecs. After review and possible inspection of the shipment, the wildlife inspector decides whether to clear the import or export. This clearance process currently is separate and apart from any CBP processes. Under the International Trade Data System (ITDS), importers, through their agents where necessary, file Service data and documents in the Automated Commercial Environment (ACE) operated by CBP in lieu of filing in eDecs. The system pushes data and documents to eDecs for processing using risk analysis and other information in the Service's Law Enforcement Management Information System (LEMIS). It is anticipated that under ITDS, exporters will file their Form 3-177 data in eDecs. Once they receive a Service determination, the exporter will file the confirmation number associated with their eDecs filing in the Automated Export System (AES), as necessary. When Service inspectors detect shipments not clearly identified on a cargo manifest as wildlife, they often request invoices or other information from the importer or their customs broker to determine if the shipment requires clearance by the Service. This includes shipments of animals where the species and the source is not available

in manifest or CBP entry information, or shipments of manufactured products that may or may not contain wildlife.

In 2013, the President issued the Executive Order 13648 on Combatting Wildlife Trafficking. In the past decade, wildlife trafficking—the poaching or other taking of protected or managed species and the illegal trade in wildlife and their related parts and products—has escalated into an international crisis. Wildlife trafficking is both a critical conservation concern and a threat to global security with significant effects on the national interests of the U.S. and the interests of our partners around the world, and the U.S. is one of the world’s largest markets for illegally trafficked wildlife. This Executive Order mandates, among other things, that the Government must increase domestic and global law-enforcement to interdict illegal wildlife trade. The Service’s inspection program is the front line to detect and deter wildlife traffickers. This requires our trade partners to be vigilant in understanding and monitoring their supply chains, as well as to work with us to declare all regulated commodities with fish, wildlife, or parts thereof. With dedicated trade partners doing their part, the Service can effectively meet its enforcement obligations to combat wildlife trafficking while ensuring an efficient trade environment.

LAWS AND REGULATIONS SPECIFIC TO THIS INFORMATION COLLECTION:

Endangered Species Act (ESA) (16 U.S.C. 1531 et seq.) General Import/Export Provisions

- Section 9 of the ESA (16 U.S.C. §1538 (e)) 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.
- Section 9 of the ESA (16 U.S.C. §1538 (e)) 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.
- Section 9 of the ESA (16 U.S.C. §1538 (f)) makes it unlawful to import or export fish, wildlife, or plants except at a designated port unless otherwise authorized.
- Section 10 of the ESA (16 U.S.C. §1539 (g)) places the burden of proving an exemption on the person claiming the exemption.
- 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.
- The ESA defines “fish or wildlife” as any member of the animal kingdom, and includes any part, product, egg, or offspring or the dead body or parts. The term “import” means to land on, bring into, or introduce into, or attempt to land on, bring into, or introduce into, any place subject to the jurisdiction of the U.S., whether or not such landing, bringing, or introduction constitutes an import within the meaning of the customs laws of the U.S. The term “plant” is defined as any member of the plant kingdom, including seeds, roots and other parts thereof (see 16 U.S.C. §1532).

ESA Specific Provisions

- Section 9 of the ESA generally prohibits the import or export of endangered or threatened species except under a permit or exception.
- Section 9 of the ESA provides for an exemption for endangered or threatened species held in captivity or a controlled environment before December 28, 1973, or the date of the Federal Register notice listing the species. ESA provides for a rebuttable presumption that the fish or wildlife is not entitled to the exemption.

- Section 10 of the ESA grants an exemption to certain antique articles that are composed in whole or in part of an endangered or threatened species when the person importing enters the article through a specific port and provides documentation to establish that the article meets the requirements.

50 CFR Part 17 Endangered and Threatened Species (collection authorized under OMB Control Numbers 1018-0093 and 1018-0094, but some information is collected during the import/export declaration process)

- §17.4 Pre-Act Wildlife. Requires the importer or exporter to demonstrate that the pre-Act exemption applies, including through an affidavit containing the following information: affiant's name and address; identification of the affiant; identification of the endangered or threatened wildlife; a statement from the affiant regarding the holding in captivity or a controlled environment and records or other available evidence to demonstrate these facts.
- §17.8 Import Exemption for threatened, CITES Appendix II wildlife. At the time of import, the importer must provide documentation to show that the specimen was not acquired in foreign commerce in the course of a commercial activity.

Lacey Act (18 U.S.C. 42; 16 U.S.C. §§3371-3378) General Import/Export Provisions

- In addition to the general prohibitions in Section 3 of the Lacey Act on import or export of any fish, wildlife, or plant with respect to U.S. law, treaty or regulation, State or Tribal law, or foreign law, Section 3 (16 U.S.C. §3372(b)) also makes it unlawful for any person to import or export any container or package unless it has been previously plainly marked, labeled, or tagged according to specific regulations.
- Section 6 of 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 U.S. or the customs waters of the U.S. from any point outside the U.S. or such customs waters, or if the conveyance or container is being used for exportation purposes, prior to departure from the U.S. It 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.

50 CFR Part 14 Importation, Exportation, and Transportation of Wildlife

- These general import/export regulations require wildlife to be imported and exported through a designated port unless a permit or exemption authorizes otherwise (§14.11).
- §14.52 requires clearance of all wildlife imported into the U.S. prior to release by U.S. Customs and Border Protection (CBP) unless an exemption applies. To obtain clearance, the importer or exporter or their agent must make available all shipping documents (including bills of lading, waybills and packing lists or invoices), all permits, licenses, or other documents required by the laws or regulations of the U.S., all permits and other documents required by the laws and regulations of any foreign country, the wildlife being imported or exported, and any documents and permits required by the country of export or re-export of the wildlife.
- §14.54 requires importers to notify the Service at least 48 hours prior to the estimated time of arrival of any live or perishable shipment of wildlife or wildlife products. It also requires exporters to notify the Service and make any shipment available at least 48 hours prior to the estimated time of export of any wildlife.
- §§14.61 and 14.63 require importers and exporters or their agents to declare their importation or exportation of fish or wildlife using Form 3-177 and 3-177a (Continuation

Sheet), in addition to making available: all shipping documents, permits, licenses, or other documents required by the laws or regulations of the U.S. or any foreign country.

- §§14.4, 14.62, and 14.64 exempts certain species of wildlife from import/export requirements when a specimen is domesticated and not obtained from wild populations. §14.55 exempts certain species of shellfish and fishery products, marine mammals, antiques, and scientific specimens from clearance when specific conditions and criteria are met.
- §§14.81-14.82 requires persons who import, export or transport in interstate commerce to mark any container or package containing any fish or wildlife. Alternatives to package or container markings are authorized that include the use of invoices, packing lists, bill of lading, or similar documents to accompany the shipment which accurately state the name and address of the shipper and consignee, the total number of packages or containers in the shipment, and for each species in the shipment specifies the common name, whether or not the species is venomous, and the quantity and weight of the species
- §14.92 (b) requires certain persons who do not require an import/export license to keep records that fully and correctly describe each importation and exportation of wildlife and the subsequent distribution made by them with respect to the wildlife as well as making these records accessible and available to copy by Service officers.
- §14.104 requires that any certificate or document required for the humane transport of birds or mammals to the U.S. that is written in a foreign language must be accompanied by an accurate English translation.
- §14.105 requires that any live mammal or bird must be accompanied by a certificate of veterinary medical inspection.

Wild Bird Conservation Act (16 U.S.C. §§4901-4916) General Import/Export Provisions

- Section 111 of the Wild Bird Conservation Act (WBCA) makes it unlawful for any person to import any exotic bird in violation of any prohibition, suspension, or quota on importation; to import an exotic bird of any species is included in an approved list of species if the bird was not captive bred at a qualifying facility (16 U.S.C. 4910 (a)). Section 111 also places the burden of proving an exemption or a permit is valid and in force on the person claiming the benefit.
- Section 112 of the WBCA authorizes the issuance of import permits if the importation is not detrimental to the survival of the species and the bird is being imported for scientific research, as a personal pet under certain criteria, for zoological breeding or display programs, or as part of a cooperative breeding program under certain criteria.

50 CFR Part 15 Wild Bird Conservation Act (collection authorized under OMB Control Number 1018-0093, but some information is collected during the import/export declaration process)

- §15.11 makes it unlawful for any person subject to the jurisdiction of the U.S. to import an exotic bird species except under a permit or exception.

Lacey Act Injurious Provisions

- 18 U.S.C. §42 prohibits the importation of any species of wild mammal, bird, fish (including mollusks and crustaceans), amphibians, reptiles, or brown tree snakes, or the offspring or eggs of any injurious species unless a permit is issued for zoological, educational, medical, or scientific purposes, or under an exemption for Federal agencies.

50 CFR Part 16 Injurious Wildlife (collection authorized under OMB Control Number 1018-

0078, but some information is collected during the import/export declaration process)

- §§16.11-16.15 prohibits the import of certain species except under a permit or exception.
- §16.13 exempts species of Family *Salmonidae* from injurious restrictions when such fish have been eviscerated or filleted or when such fish or eggs have been processed by canning, pickling, smoking, or otherwise prepared in manner whereby the *Oncorhynchus masou* virus and the viruses causing viral hemorrhagic septicemia, infectious hematopoietic necrosis, and infectious pancreatic necrosis have been killed.

Section 101 of the Marine Mammal Protection Act (16 U.S.C. §1371) prohibits the import of any marine mammal or marine mammal product without a permit or under an exemption.

50 CFR Part 18 Marine Mammals (information collections referencing 50 CFR Part 18 are authorized under OMB Control Numbers 1018-0066, 1018-0070, 1018-0093, and 1018-0094, but some information is collected during the import/export declaration process)

- §18.12 prohibits the import of any marine mammal or marine mammal product without a permit or under an exemption.
- §18.14 requires the importer or exporter to demonstrate that the pre-Act exemption applies, including through an affidavit at the time of import containing the following information:
 - affiant's name and address;
 - identification of the affiant;
 - a description of the marine mammals or marine mammal products;
 - a statement by the affiant that the marine mammals were taken before the Act;
 - a statement by the Affiant acknowledging the penalties for any false statements; and,
 - either records or other available evidence of the Pre-Act status or a statement from a responsible foreign government in the country of origin that any marine mammals were taken prior to the Act.
- §§18.21 and 18.25 provide additional exemptions to the prohibitions.
- §18.30 lays out import permit requirements for sport-hunted polar bear trophies. §18.30 (e)(5) lays out procedures that must be completed at the time of import, including prior notification of the import and tagging/marking requirements.

Migratory Bird Treaty Act (MBTA) General Import/Export Provisions

- Section 2 (16 U.S.C. §703(a)) makes it unlawful without a permit or under an exemption to import or export any migratory bird, any part, nest, egg of such bird, or any product, whether or not manufactured, which consists in whole or in part of any such bird, or any part, nest or egg.
- Section 4 (16 U.S.C. §705) of the MBTA makes it unlawful to import any bird, or any part, nest, or egg, captured, killed, taken, shipped, transported contrary to the laws of any Province of Canada.

50 CFR Part 20 Migratory Bird Hunting (collection authorized under OMB Control Number 1018-0022, but some information is collected during the import/export declaration process)

- §§20.53 and 20.66 requires the marking of a package or container with the name and address of the shipper and consignee and an accurate statement of the numbers of each species of birds.
- §20.61 requires an importer of migratory game birds from Mexico to have a Mexican hunting permit with appropriate date stamps corresponding to hunting dates.
- §20.64 prohibits the import of any migratory game birds killed in a foreign country unless the birds are accompanied by export permits, tags, or other documentation required by

foreign laws or regulations.

50 CFR Part 21, Migratory Bird Permits (collection authorized under OMB Control Number 1018-0022, but some information is collected during the import/export declaration process)

- §21.11 No person may import or export any migratory bird, or the parts, nests, or eggs of such bird except under a permit or exemption.
- §21.21 provides for import and export permit requirements, including exceptions for certain migratory bird species lawfully hunted for personal use in a foreign country. The exception requires evidence of a hunting license and any export documentation required by the country of origin.

Section 1 of the Bald and Golden Eagle Protection Act (16 U.S.C. §668 (a)) (collection authorized under OMB Control Number 1018-0022) makes unlawful the import or export of any bald or golden eagle, alive or dead, or any part, nest, egg without a permit.

50 CFR Part 22 Eagle Permits (collection authorized under OMB Control Number 1018-0022, but some information is collected during the import/export declaration process)

- §22.2 (a)(2) allows for the transport into or out of the U.S. of lawfully acquired pre-Act (lawfully acquired before October 4, 1962) bald or golden eagles, or their parts, nests, or eggs with a permit.
- §22.2 (a)(4) requires marking of shipments with the name and address of the person the shipment is going to, the name and address of the person the shipment is coming from, an accurate list of the contents by species and the number of each species.
- §22.21 allows for the transportation into or out of the U.S. of lawfully possessed non-living bald or golden eagles, their parts, nests, or eggs for the scientific or exhibitions purposes of public museums, public scientific societies, or public zoological parks with a permit.
- §22.22 allows for the transportation into or out of the U.S. of lawfully possessed non-living bald or golden eagles, their parts, nests, or eggs for Indian religious use with a permit.

Section 9 of the ESA (16 U.S.C. 1538 (c)(1)) makes it unlawful for any person subject to the jurisdiction of the U.S. to engage in any trade in specimens contrary to the provisions of CITES.

Article VIII, paragraph 6 of CITES, TIAS 8249, requires each Party to maintain records of trade in specimens of species included in Appendices I, II, and III which shall cover:

- the names and addresses of exporters and importers;
- the number and type of permits and certificates granted;
- the States with which such trade occurred;
- the numbers or quantities and types of specimens,
- names of species as included in Appendices I, II and III; and,
- where applicable, the size and sex of the specimens in question.

Article VIII, paragraph 7 of CITES, requires each Party to prepare periodic reports on its implementation of the present CITES Convention and shall transmit to the Secretariat:

- an annual report containing a summary of the information specified in paragraph 6 of Article VIII; and,
- a biennial report on legislative, regulatory, and administrative measures taken to enforce the provisions of the present CITES Convention.

Article VIII, paragraph 8 of CITES requires Parties to make the information referred to in paragraph 7 of Article VIII available to the public where this is not inconsistent with the law of the Party concerned.

50 CFR Part 23 (CITES) (collection authorized under OMB Control Number 1018-0093, but some information is collected during the import/export declaration process)

- §23.15 (b)(1) requires that any personal or household effect shipment be accompanied by any document required by a country under its stricter national measures.
- §23.22 (b) requires in-transit shipments to be accompanied by specific documents, except for certain exempt specimens, including valid original CITES documents issued by the exporting or re-exporting country that designate the name of the importer in the country of final destination and transportation and routing documents that show the shipment has been consigned to the same importer and country of final destination as designated on the CITES document.
- §23.27 provides details on the types of original CITES documents that must be presented to the inspecting officials in the exporting or re-exporting country for certification or validation, when a copy of a CITES document must be surrendered to the inspecting official at the time of export or re-export, and when an original CITES document must be surrendered to the inspecting official at the time of import or introduction from the sea.
- §23.43 (f)(2) allows for the import, export, or re-export of an exempt CITES wildlife hybrid without a permit when at the time of import or export, the importer, exporter or re-exporter can clearly demonstrate that the specimen has no purebred CITES specimens in its recent lineage. The information must clearly identify the specimen and demonstrate its lineage and can include records that identify the name and address of the breeder and identity of the specimen by birth or hatch date and by sex, band number, microchip number, or other mark; or a certified pedigree issued by an internationally recognized association that contains scientific names of the animals in the specimen's recent lineage and clearly illustrates its genetic lineage. If the pedigree contains codes, a key or guide that explains the meaning of the codes must be provided.
- §23.48(b)(2) allows for a registered scientific institution to loan, donate or exchange preserved, frozen, dried, or embedded museum specimens with another registered institution provided that the shipment has an external label that contains the following information: the acronym "CITES," a description of the contents, the names and addresses of the sending and receiving registered institutions, the signature of the responsible officer of the sending registered institution, the scientific institution codes of both registered scientific institutions involved in the loan, donation or exchange.
- §§23.70 (e)(2) and (f)(2) requires specific marking and tagging requirements for crocodylian parts.
- §23.71 (b) requires specific labeling information for sturgeon caviar shipments.
- §23.74 (b) requires a license or other documentation of an authorized hunt to accompany sport-hunted trophy shipments.
- §23.74 (e) requires specific marking or tagging of certain sport-hunted trophies.
- §23.75 (f) requires specific labeling of vicuna cloth, and products manufactured from vicuna cloth or wool.
- §23.92 (b) provides exemptions for certain specimens to CITES requirements, but indicates an importer, exporter, or re-exporter may be required to demonstrate their specimen is exempt from the requirements.

Section 4 of the Antarctic Conservation Act (16 U.S.C. §2403 (b)) makes it unlawful for any person to import or export any native bird, native mammal, or native plant unless authorized by

permit.

- §670.34 requires any native bird, native mammal, or native plant taken within Antarctica to import or export through a designated port in 50 CFR Part 14.

Section 405 of the Security and Accountability for Every Port Act of 2006 (SAFE Port Act Public Law 109-347) mandated the development of ITDS as part of a single portal system through which industry will transmit data elements required for the importation or exportation of certain commodities. The SAFE Port Act requires federal agencies that require documentation for clearing or licensing the importation or exportation of cargo to participate in ITDS.

On February 19, 2014, the President issued **Executive Order 13659, Streamlining the Export/Import Process for America's Businesses**, which mandates participating agencies to have capabilities, agreements, and other requirements in place by December 31, 2016, to utilize ITDS as the primary means of receiving from users the standard set of data and other relevant documentation required for the release of imported cargo and clearance of cargo for export.

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.

Form 3-177 (Declaration for Importation or Exportation of Fish or Wildlife) with Accompanying Documentation, and Exemption to Form 3-177 (See "Proposed Revisions" below on p. 16)

Forms 3-177/3-177a are the declaration forms that entities (including museums, zoos, universities, businesses, individuals, or government agencies) must file with the Service, along with accompanying documentation on the shipment, prior to importing into, or exporting from, the U.S. any fish, wildlife, or wildlife products. Entities predominantly provide this information as an electronic Form 3-177/3-177a and uploaded images using the Service's electronic declaration filing system (eDecs). 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 Form 3-177 electronically and upload document images. Some importers/exporters still provide the Form 3-177 and accompanying documents via paper. Filers also have the option to submit a FWS Message Set via ACE. The FWS Message Set contains all information on Form 3-177. The ACE message set data transfers from ACE to FWS' LEMIS system, and generates an eDec. The exception to the electronic documents is the requirement for the submission of original CITES documents and foreign country export permits. An entity must submit Form 3-177, prior to import or export, for each shipment containing wildlife as defined by the ESA.

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

- Accurately inspect the contents of the shipment;
- Determine legality of each shipment upon import into U.S. jurisdiction or prior to export from U.S. jurisdiction and ensure compliance with U.S., State, Tribal, and Foreign wildlife laws;
- Enforce regulations that pertain to fish, wildlife, or wildlife products in the shipment;
- Maintain records of the importation and exportation of wildlife species;
- Conduct risk analysis to enhance enforcement and facilitate low risk trade;
- Detect trends in illegal trade;

- Inform State partners of import of live wildlife species of concern that may pose invasive species risk, or attempted export of native species that may have been taken in violation of State laws or regulations;
- Make listing decisions under Endangered Species Act (16 U.S.C. §§1531-1544), Wild Bird Conservation Act (16 U.S.C. §§4901-4916), and Lacey Act (18 U.S.C. §42 et seq.);
- Monitor international trade domestically and globally for listing decisions under CITES and for required reporting under CITES;
- Assist foreign conservation agencies with analyses of international trade in wildlife species between the U.S. and foreign countries;
- Assist the public and non-governmental organizations through FOIA with analyses of international trade in wildlife involving the U.S.

The following information is collected upon import and prior to export:

Date of Import or Export – The importer or exporter provides this date via the paper Form 3-177 or via a data field on the electronic Form 3-177 in eDecs to demonstrate when a shipment will arrive in U.S. jurisdiction, or when a shipment is due to depart from U.S. jurisdiction. The date is used to plan for review of the information, to make arrangements for physical inspection of goods, and to determine if applicable licenses, permits, certificates or other authorizations are valid. The date is also used for data management of wildlife trade statistics.

We collect this information in ACE through the FWS Message Set in the PG30 record.

Import/Export License Number – An importer or exporter provides the license number on the paper Form 3-177 or as a data field on the electronic Form 3-177 in eDecs to demonstrate they have received the necessary permission to engage in the business of importing or exporting wildlife. The number allows us to access information on the business and to match the issued license with the declared importer or exporter. In eDecs, this information is automatically linked and available for the inspector's view. The license is also used for data management of wildlife trade statistics to differentiate commercial and noncommercial entities.

We collect this information in ACE through the FWS Message Set in the PG 14 record using "LPCO type=FWL" and "LPCO number".

CITES Document Number – An importer or exporter provides the CITES document number (s) on the paper Form 3-177 or as a data field on the electronic Form 3-177 in eDecs to demonstrate they have the necessary authorization to trade in CITES specimens. This number allows us to match up the original required paper CITES document with the Form 3-177 (paper or electronic). Collection of this number will also allow us to match up any valid issued or received CITES e-permit in the future. The CITES document number is also used for data management of wildlife trade statistics.

We will collect this information in ACE through the FWS Message Set in the PG14 record using "LPCO type=FWU, FWF" and "LPCO number".

Foreign Law Document Number – An importer or exporter provides the Foreign Law document as an original paper document directly to FWS to demonstrate they have the necessary authorization to trade in species protected by foreign law. When filing in eDecs, the importer or exporter uploads a copy of the permit (s) associated with the Form 3-177

which allows the inspector to match a hard copy original received by the inspection office with the Form 3-177 filing and to begin review of the information pending receipt of the original. The Foreign Law document number is also used for data management of wildlife trade statistics.

In ACE, a broker or an authorized importer will upload the foreign law document in the document image system (DIS) to allow for advanced review by an inspector pending receipt of the original document at the inspection office. In ACE, electronic images are collected separately from the FWS message set data and will be transmitted from ACE to eDecs through separate means. In order to match up the original document with the filing, we will collect the foreign law document number in ACE. We will collect this information in ACE using “LPCO type=FWF” and “LPCO number”.

Import or Export Indicator – The importer or exporter indicates via a checkbox either on the paper Form 3-177 or the electronic Form 3-177 in eDecs whether a shipment is an import or export. This allows us to determine what documentation may be required to authorize the importation or exportation. The indicator is also used as part of data maintenance to differentiate imports from exports when creating statistical reports.

This information will not be collected in ACE or AES because the use of each specific system already identifies whether data is associated with an import or export.

Port of Clearance – The port of entry or export is required to determine if the shipment is at an authorized Service port. The importer or exporter provides a specific port code on the paper Form 3-177 or as a data field on the electronic Form 3-177 in eDecs. The list of port codes is available in the instructions accompanying the paper Form 3-177 or is available from a pull down menu in the electronic Form 3-177 in eDecs. The port is also used for the review of the information and to make arrangements for physical inspection of goods. The port is used in data management for statistical reports on wildlife trade, and for long-term planning of staffing levels. The information allows us to track the volume of wildlife shipments by port and set priorities for ports where shipments can be imported or exported.

In ACE, we will collect the port of entry through the CBP port of entry code in the entry. We have mapped our port codes to a defined set of CBP port codes.

Purpose of Shipment – The importer or exporter provides a purpose code on the paper Form 3-177 or as a data field on the electronic Form 3-177 in eDecs from a list that we provide that identifies the intended purpose of the import or export. The list of codes is available in the instructions accompanying the paper Form 3-177 or is available from a pull down menu in the electronic Form 3-177 in eDecs. The allowed codes are internationally accepted codes that are required by CITES. For ease of use, we apply these same codes to all shipments, including those with CITES species. We use this code to compare to other information to ensure the validity of information. The purpose code is used in data management for statistical reports on wildlife trade. The information allows us to track the volume of wildlife shipments by purpose.

In ACE, we will collect this information in the PG01 record using the “Intended Use” code. We have mapped our purpose codes to a defined set of ACE intended use codes.

Custom Document Number(s) – The CBP document number is a unique reference identifier for a particular shipment or import of goods found on CBP documents (including

electronic alternatives) that allows us to connect our declaration information with CBP's information for a particular shipment, or import of goods. The importer provides this number on paper Form 3-177 or as a data field in the electronic Form 3-177 in eDecs.

We will collect this information in ACE from the CBP entry.

Carrier Information – The importer or exporter provides specific information on the name of the carrier and a code representing the mode of transportation, the carrier's identifying "way bill" or "bill of lading" number for the shipment, the bonded location where the wildlife shipment is available for inspection, the number of cartons or containers with wildlife in the shipment, and any distinguishing markings on those cartons or containers. This information is provided on the paper Form 3-177 or as data fields in the electronic Form 3-177 in eDecs. This information helps us plan the review and physical inspection of the shipment to ensure that we can inspect the shipment without excessive delays to the importer or exporter. The carrier and mode of transport is also regularly used in statistical reporting of the wildlife trade.

In ACE, we will collect the carrier name, mode code and the waybill from manifest data in the CBP entry. The filer will provide the number of cartons in the PG17 record (Cartons Containing Wildlife), PG24 record (Marking/Labeling Information), and PG30 record (Inspection Location) in the FWS Message Set.

U.S. Entity Information – We collect the name, address, telephone number, and e-mail address, of the U.S. importer or exporter on the paper Form 3-177 or as a data field on the electronic Form 3-177 in eDecs so that we can identify and communicate with the individual or business on any matters regarding the shipment. We also use this information at the time of import or export to match the declared entity with any license, permit, certificate or other authorizations required for import or export of wildlife. In eDecs we provide a shortcut for this information. If the importer or exporter is licensed, the entity information is populated automatically when the Import/Export License number is entered. The entity information is also used for data management of wildlife trade statistics.

In ACE, we will collect the entity role code=FWI (FWS Importer), U.S. importer name, address, telephone number, and email address in the PG19, 20, and 21 records.

Foreign Entity Information – We collect the name, foreign address, telephone number, e-mail address, ISO country code, and postal code of the foreign importer or exporter on the paper Form 3-177 or as a data field on the electronic Form 3-177 in eDecs so that we can determine the origin or destination of the wildlife shipment and the validity of any required import or export permits. Foreign government permits are intended for specific shipments and specific importers and exporters thus cannot be transferred. The entity information is also used for data management of wildlife trade statistics.

In ACE, we will collect the entity role code=FWE for FWS foreign exporter, foreign exporter name, address, telephone number, email address, ISO country code, and postal code in the PG19, 20, and 21 records.

Broker, Agent, Freight Forwarder Information – We collect the business name, telephone and fax number, e-mail address and contact person for the customs broker, shipping agent, or freight forwarder on the paper Form 3-177 or as a data field on the electronic Form 3-177 in eDecs so that we can identify and communicate with the representative of the individual

or business on any matters regarding the wildlife shipment. We also collect the customs broker customs identifier information so that we can match CBP and Service electronic records filed by this entity. The entity information is also used for data management of wildlife trade statistics.

In ACE, we will collect the entity role code=CB, Entity Identification Code and Number associated with the broker's eDec filer account, broker business name, address, telephone number, email address and contact person in the PG19, 20, and 21 records.

Scientific and Common Name – We collect the genus, species, and subspecies if applicable, for each species of wildlife, including hybrid species, in the shipment as well as the common name, via a paper Form 3-177, as data fields in the electronic Form 3-177 in eDecs. In eDecs we accept text fields of scientific names which eDecs validates where possible. In eDecs, we created shortcuts to allow filers the ability to maintain and use a list of frequently used names.

We use the scientific name at the time of import or export to determine if the animal is legal under Federal, State, Tribal, and foreign law and whether the species requires permits, certificates or other authorization to do so. The scientific and common name information is used after import or export for statistical reporting purposes, monitoring of the wildlife trade, data management, and conservation assessments.

In ACE we will collect this information in the PG05 record using the Scientific Genus Name, Scientific Species Name and Scientific Subspecies Name.

Hybrid Indicator Code – We currently collect scientific name information for hybrids on the paper Form 3-177 or as a data field in the electronic Form 3-177 in eDecs. The scientific name of a hybrid specimen is a combination of the scientific names of the parents and eDecs can read the electronic text field and validate the information. We use this information after import or export for data management purposes and to monitor the wildlife trade.

In ACE, we will collect the APHIS-created “commodity qualifier code=A100 or A103” in the PG05 record in the FWS Message Set in ACE to indicate if a wildlife specimen is a hybrid. This code will trigger the ability for ACE to accept two data fields of Scientific genus name, Scientific species name, and Scientific subspecies name) for each specimen.

Quantity and Unit of Measure – We collect the quantity of each species in a shipment at the time of import or export via paper Form 3-177, or as a data field in the electronic Form 3-177 in eDecs to determine if the quantity is equal to or less than the quantity authorized under any permit, certificate or other authorization. The quantity of each species is used after import or export for statistical reporting purposes, monitoring of the wildlife trade for conservation purposes and for data management.

In ACE, we will collect the quantity and unit of measure for each species in the PG29 record.

Country of Species Origin – We collect the natal country of origin for each species in a shipment via paper Form 3-177, as a data field in the electronic Form 3-177 in eDecs. We use this information at the time of import or export to determine if the species is allowed for import or export and to compare with information from permits, certificates and other authorizations.

In ACE, we will collect this information in the FWS Message Set in the PG06 record using a combination of “Source Type Code=267 (Species Country of Origin)” and “Country Code=ISO Code”. The species country of origin is used after import or export for statistical reporting purposes, monitoring of the wildlife trade for conservation purposes and for data management.

Description Code – We collect a code that describes the animal using the harmonized international codes required by CITES. For ease of use, we use the CITES description codes for all wildlife. This code is collected via paper Form 3-177, or as a data field in the electronic Form 3-177 in eDecs. We use this information at the time of import to match a specimen with the required license, permit, certificate or other authorization. The description code also assists us in establishing inspection priorities by declaring that a given shipment contains live specimens or a perishable commodity. The description code is used after import or export for statistical reporting purposes, monitoring of the wildlife trade for conservation purposes and for data management.

In ACE, we will collect this information in the PG05 record using the “FWS Description Code.”

Source Code – We collect a code that describes whether a specimen is from the wild, captive-bred, or from another source. We use the internationally harmonized codes required by CITES as well as a code created specifically for domesticated specimens. For ease of use, we use these codes for all shipments. We collect this code via paper Form 3-177, or as a data field in the electronic Form 3-177 in eDecs. This information is necessary to establish the legality of a shipment by comparing the commodities present with any accompanying documentation. The source code is used after import or export for statistical reporting purposes, monitoring of the wildlife trade for conservation purposes and for data management.

We will collect this code in ACE in the PG10 record as a “Commodity Qualifier Code.”

Total Monetary Value – We collect the declared value of each imported or exported wildlife species using paper Form 3-177, or as a data field in the electronic Form 3-177 in eDecs. We use this value to verify compliance with CBP values at the time of import and export and to help us determine appropriate monetary penalties for violations. The value is used after import and export for statistical reporting purposes, monitoring of the wildlife trade for conservation purposes and for data management.

We will collect this value in ACE in the PG25 record using “PGA Line Value.”

Venomous Indicator – Each species of live wildlife must be indicated as venomous or nonvenomous. We collect this information associated with live wildlife using a checkbox on paper Form 3-177 or as a checkbox on the electronic Form 3-177 in eDecs. The information assists our wildlife inspectors in the preparation of a physical inspection of the shipment and alerts them to the need for specialized inspection equipment.

In ACE, we will collect this information in the PG17 record using “Live Venomous Wildlife Code” that is associated with FWS Description Code=LIV, LIVA100, or LIVA103.

Form 3-177 Information Certification –The importer or exporter provides the name and

signature of the person certifying the Form information as well as the date. The paper Form 3-177 includes the statement “I certify under penalty of perjury that the information furnished is true and correct.” The paper form provides for a signature, date and name of the certifier. In the electronic Form 3-177 in eDecs, when the filer clicks to “submit” the completed form, a box appears with the following certification statement: “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.” The eDecs system associates this “ok” with the filer account and the date of the filing. The signature, name 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 ACE, we will collect this certification in the PG22 record using “Entity Role Code=FWI”, “Declaration Code=FW3”, “Declaration Certification=Y”, and the date of signature.

Disclaimer of No Wildlife – The Service regulates wildlife species, including parts and products while imports and exports are described for customs and statistical trade analysis purposes in more general terms, such as handbags, watches, sweaters, musical instruments, knives, etc. The ACE and AES systems were built around regulating/tracking commodities described within the HTSUS/Schedule B and collecting duty and general trade statistics. There is not a one-to-one relationship between wildlife species and most tariff codes/Schedule B numbers. The majority broadly describe commodities without any reference to scientific names, and in many cases without reference to whether the commodity contains animal. For example, chapter 96 of the HTSUS is the chapter on musical instruments, which includes pianos. Pianos can have ivory keys, and ivory is a part or product of wildlife that is regulated by the Service. The HTSUS for pianos describe them as either “grand” or “upright.” The HTSUS description, however, does not provide any reference to materials from which the piano is composed. Thus, this broad description means the Service is obligated to stop incoming and outgoing shipments described under these vague tariff codes to determine compliance with conservation laws and regulations.

Recognizing the burden placed on both the trade and the agency in stopping shipments for further review, in ACE and AES we will instead collect a disclaimer code (Disclaim=E) indicating a commodity does not contain wildlife for those tariff codes that do not describe only wildlife. This collection will allow ACE and AES to automatically process the shipment without holding the shipment for manual review and inspection, unless a particular shipment is held for enforcement purposes.

eDecs Confirmation Number – If an importer currently files Form 3-177 with applicable accompanying documents electronically in the Service’s eDecs and receives a unique eDec confirmation number.

In AES, it is anticipated that the exporter will provide the “eDec confirmation number” in lieu of filing Form 3-177 with accompanying documents.

In ACE, we will collect the eDecs Confirmation Number in lieu of Form 3-177 and accompanying documents when the importer had already filed via eDecs prior to filing any data in ACE. Imports from a foreign trade zone require the filer to submit the eDec Confirmation Number of the cleared eDec to ACE, as Service filing requirements had to have been met upon import into the zone (upon landing on US soil).

Accompanying Documentation – The Service currently collects accompanying documentation for wildlife shipments under three broad categories: (1) transportation documents, such as waybills; (2) transaction documents such as invoices or packing lists, affidavits; and (3) species specific documents such as licenses, permits, species inventories, photographic records associated with an affidavit, tag/label inventories, etc. Importers or exporters submitting the paper Form 3-177 provide these documents in paper form. The majority of importers and exporters, however, upload these documents as electronic images in eDecs.

In ACE, these documents are collected and submitted to eDecs via the Document Image System (DIS). One PDF file, containing all required FWS documents are uploaded to DIS using “Document Label Code=FWS_SUPPORTING_DOCS” or “DocCode=FWS02”.

PROPOSED REVISIONS

With this submission, we will request OMB approval of the below listed revisions to Form 3-177 (Declaration for Importation or Exportation of Fish or Wildlife):

1. We propose to collect the container number for fish or wildlife shipped via ocean cargo. When fish or wildlife are imported and exported on cargo ships, they are packed in shipping containers, which have unique numbers. When our inspectors receive documents for these shipments, the documents often, but do not always, include the container number. However, Form 3-177 currently does not have a field for the container number. It is difficult for our wildlife inspectors to locate a shipment at a seaport without the container number, as ocean cargo shipments are tracked by container number. By adding a field for the container number to Form 3-177 and thus requiring this information on the form, we will improve our ability to inspect ocean cargo shipments and expedite the inspection process for individuals, businesses, and others who ship via ocean cargo.
2. Second, we propose to add a field to collect U.S. permit numbers other than CITES. Currently, we require importers and exporters to include the number for a U.S. CITES permit for those CITES listed species that require a U.S. CITES permit. They may also or instead have other U.S.-issued wildlife permits, such as those required under the Endangered Species Act, Migratory Bird Treaty Act, Marine Mammal Protection Act, Wild Bird Conservation Act, Bald and Golden Eagle Protection Act, and Lacey Act. These additional permit numbers will enable us to link the Form 3-177 to the permit. This will improve data collection and analysis, as we will be able to better ascertain what fish or wildlife is being imported and exported and tie it to what is being permitted. It will also help us ensure that permits are not duplicated and are used the allowable number of times, aiding enforcement.
3. We also propose to add a field to collect the designated port exception permit number. We have designated certain ports for import and export of fish and wildlife (see 50 CFR 14.12). Generally, individuals, businesses, and others who seek to import and export fish and wildlife at non-designated ports must obtain a designated port exception permit by submitting an application and paying the appropriate fees (see 50 CFR part 13). When they file Form 3-177, they must also include the issued designated port exception permit in their document package. Requiring importers and exporters to put the permit number on Form 3-177, along with the import-export license number (which we already require on Form 3-177), will assist us in tracking permits and making sure that importers

and exporters are authorized to use the ports they are seeking to use. Having the number easily accessible on Form 3-177 will help to streamline the review process. If they are not authorized because they have not obtained the designated port exemption permit for the particular port, it will assist us with enforcement.

4. Finally, we propose to add a field to collect the CITES tag or marking number for sport-hunted wildlife species that require a CITES tag or marking for import, export, and in-transit shipments (see 50 CFR 23.74(e)). Those species include black rhinoceros, crocodylians (all members of the order Crocodylia, which includes alligators, caimans, crocodiles, and gavials), elephants, leopards, and markhor. A CITES tag or marking is specific to an individual wildlife item and may not be used for multiple wildlife items. Each CITES tag or marking has a unique alphanumeric identifier. Requiring placement of the CITES tag or marking number on Form 3-177 will help ensure we can match the tag or marking to the Form 3-177 declaration and verify that the tag or marking has only been used once. Thus, we will improve our ability to inspect shipments of these species, expedite inspections, and improve enforcement. It will also bolster our ability to meet our obligations under the CITES treaty.

As part of the renewal of and proposed changes for this information collection, we also reviewed and updated the instructions pages of Form 3-177. Changes to the Form 3-177 are highlighted in yellow.

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 the Service reduces the information collection burden associated with Form 3-177/3-177a with accompanying documents by allowing submission of the form electronically and uploading of document images via the Service's eDecs system. Approximately 96 percent of respondents submit responses electronically. This is a slight increase from approximately 94 percent of respondents who submitted responses electronically that was used as a basis for our 2019 request to OMB to renew this collection of information.

In addition to detailed instructions on filing, 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 eDecs 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.

Importers and exporters of Service regulated shipments may voluntarily use ACE to submit Service data. This electronic data system is intended to make importation quicker and more efficient. The Service has not yet implemented AES for filing of exports. However, the use of these information technologies and automated processes made available by ACE and AES will enable the Service to reduce the amount of time it takes to release imports and exports. Importers and exporters will have the option to interface with ACE and AES using customizable,

proprietary software allowing them to enter data quickly into ACE and AES. This has the potential to reduce burden when ACE and AES are fully implemented.

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.

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 U.S. The majority of information collected is unique to the Service.

In ACE and AES, filers submit messages sets attached to the CBP entry or Census export filing separately to all other applicable agencies. While the Service may request information in common with other agencies through a Message Set, the importer/exporter software can populate data fields for multiple agency message sets so that repeat entry should not be necessary. In ACE and AES, the Service will not separately collect any data elements collected on the CBP entry or Census export declaration through the FWS message set, since the CBP or Census collects these data which can be pushed to the Service.

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

We collect the minimum information necessary to allow us to fulfill our responsibilities under the ESA, Lacey Act, CITES, and other conservation laws and regulations. This collection is required regardless of the size of business. Form 3-177/3-177a 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 eDecs filer can select from previously entered importer/exporter names, foreign consignees and scientific names, thus reducing manual data entry.

In ACE, the importer/exporter software can populate data fields for multiple agency message sets so that repeat entry should not be necessary. In the design of the FWS Message Set in ACE, the Service harmonized currently collected Service information to existing data elements in the Standard Data Set and used harmonized sub-codes wherever possible. The Message Set was designed to mandate the collection of the minimum information necessary for the Service to meet its statutory and regulatory responsibilities.

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.

Respondents to this data collection are expected to respond when import shipments arrive in the U.S. or export shipments depart from the U.S. Because of the large number of Service-regulated products imported into, or exported from, the U.S. each year, the Service cannot physically examine every Service-regulated import or export. Therefore, it is essential for the Service to receive information regarding Service-regulated shipments so that the Service may remotely and electronically review the information to strategically focus efforts with respect to shipments admitted without further review, which shipments to detain without physical inspection, and which shipments to allocate further resources to, for example, physically inspect

a shipment.

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. The information we collect on Form 3-177/3-177a, accompanying documents and exemptions to the Form 3-177 is necessary for us to fulfill the statutory requirements of the ESA and the obligations of the U.S. as a party country to CITES. Without this data, the U.S. could not provide the required annual CITES Report and would be in violation of the Treaty. The U.S. 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 comply 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.

There are legal consequences to the Federal Government for failing to meet our legal obligations and responsibilities relating to import and export of wildlife. The parties to CITES can impose compliance measures, including trade suspensions, on parties who fail to meet their treaty obligation to accurately and fully report to the CITES Secretariat on import and export of CITES specimens, including parts and products. The U.S. may face criticism from other parties for failing to adequately identify, and therefore enforce, the restrictions on wildlife imports and exports under a number of international agreements.

In addition, any person (NGO, individual, etc.) could bring a lawsuit under the ESA Citizen Suit if a business, individual, or other entity has imported or exported an endangered or threatened species in violation of the import/export prohibitions of the ESA. While the Service or the Department of Interior may not be a party to such a lawsuit, a court may be extremely critical if such a violation is the result of the government's failure to have an effective system in place to identify wildlife imports and exports.

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 by commercial importers and exporters of wildlife and wildlife products. 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), including information requesting exemption from Form 3-177. 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 U.S., including Form 3-177.

Generally speaking, with the exception of 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 approximately 96 percent of these documents are submitted electronically via the Service's eDecs system with Form 3-177 and we anticipate that this percentage will continue to increase in the future.

Under 50 CFR §14.93(c)(1-3), 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 U.S. for each import and export, for a period of five years. This time frame 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. 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 May 5, 2023, we published in the *Federal Register* ([88 FR 29145](#)) a notice of our intent to request that OMB approve this information collection. In that notice, we solicited comments for 60 days, ending on July 5, 2023. In an effort to increase public awareness of, and

participation in, our public commenting processes associated with information collection requests, the Service also published the *Federal Register* notice on Regulations.gov (Docket No. [FWS-HQ-LE-2023-0049](#)) to provide the public with an additional method to submit comments (in addition to the typical Info_Coll@fws.gov email and U.S. mail submission methods). We received the following comments in response to that notice:

Comment 1: Electronic comment received May 5, 2023, via Regulations.gov (FWS-HQ-LE-2023-0049-0003) from Jean Public.

Agency Response to Comment 1: The commenter did not address the information collection requirements. No response is required.

Comment 2: Electronic comment received June 8, 2023, via Regulations.gov (FWS-HQ-LE-2023-0049-0004) from Laura Bies, on behalf of the Ornithological Council.

First, the commenter stated that it is difficult to enter many specimens into the e-Decs system individually rather than being able to upload a spreadsheet or a batch of information. Individual entry takes several hours, and the eDecs system appears to time out. Second, the commenter stated that automatic recognition of species' protected status under CITES, ESA, MBTA, etc., by the eDecs system when the importer/exporter is entering them, would be helpful and would save a lot of time. Third, the commenter agreed that the average estimate for an eDec with one species is 10 minutes, but for a scientific eDec with many species, it may take hours.

Agency Response to Comment 2: First, we are working on a tool in eDecs that will allow bulk entry of species comparable to what the commenter describes. Second, it is up to the importer/exporter to know the status and the requirements for the species they are importing or exporting; further, we are concerned that if the system flags a species as protected, dishonest importers/exporters will simply choose a different species and declare the species as that one instead. Third, we note the commenter's points about the burden estimate and have addressed them below, along with the comments we received from the outreach regarding the burden estimate.

Comment 3: Electronic comment received June 26, 2023, via Regulations.gov (FWS-HQ-LE-2023-0049-0005) from Jose D. Gonzalez, President, on behalf of the National Customs Brokers & Forwarders Association of America, Inc.

First, the commenter stated that the container number is available in ACE. Relatedly, the commenter said that the container number is not known for exports because the container is loaded after inspection. Second, the commenter notes that the permit number and port exception number are available in ACE, while the CITES tag number is available on the CITES certificate. Third, the commenter states that the additional data elements may not apply to exports, and asks for an N/A option. Fourth, the commenter states that ACE does not support the generation of multiple eDecs per entry. Fifth, the commenter provided burden estimates for declaration filing; 15-20 minutes for eDecs, 10-15 minutes for a complete data set in ACE, and 15-25 minutes for a limited data set in ACE. The commenter added that the burden goes beyond the actual data entry and includes preparation and post-entry elements.

Agency Response to Comment 3: First, not all declarations are submitted through ACE, so we need to ask for the container number in eDecs and on the 3-177. The

container number is sometimes known for exports, but we will not make this a required field. Second, again, not all declarations are submitted through ACE, and we note that the CITES certificate has the tag number, but it will better enable our inspection efforts to have it on the declaration in eDecs, and in ACE as well. Third, we disagree that these additional elements do not apply to exports, as all of them could; a field may be required based on the commodity and location of export. Fourth, we recognize that the systems have this limitation; it is a problem we hope to address in the future, recognizing that there are budget constraints. Fifth, we note the comments about additional efforts relating to the import process from the commenter. Lastly, we note the burden estimates and have addressed them below, along with the comments we received from the outreach regarding the burden estimate.

Comment 4: Anonymous comment received July 2, 2023, via Regulations.gov (FWS-HQ-LE-2023-0049-0006).

Agency Response to Comment 4: The commenter did not address the information collection requirements. No response is required.

Comment 5: Electronic comment received July 4, 2023, via Regulations.gov (FWS-HQ-LE-2023-0049-0007) from John McLaurin, President, on behalf of Safari Club International.

The commenter expressed concern about the personal information of hunters who import and export harvested wildlife and therefore use the 3-177 form. The commenter suggested changes to the existing Privacy Act and Paperwork Reduction Act statements on the form that would reflect a commitment to withhold declarants' personal private information under Freedom of Information Act (FOIA) Exemptions 6 and 7(A). The commenter also requested that we add a place on the form where declarants could indicate they want their personal information withheld from disclosure.

Agency Response to Comment 5: The commenter submitted comments on the existing Privacy Act and Paperwork Reduction Act Statements. We included revised statements with the draft form we placed in the docket along with the 60-day notice. We have since revised the Privacy Act and Paperwork Reduction Act, and FOIA statements. In particular, we revised the FOIA statement to address personally identifiable information under Exemption 6. With this addition to the statement, there is no need for declarants to identify personal information for withholding. We did not make changes to the Paperwork Reduction Act Statement, as submissions are voluntary.

Comment 6: Electronic comment received July 4, 2023, via Regulations.gov (FWS-HQ-LE-2023-0049-0008) from Tanya Sanerib, International Legal Director, Center for Biological Diversity, and from Nicholas Arrivo, Managing Attorney, on behalf of The Humane Society of the United States.

First, the commenter notes that the information we receive on Forms 3-177 is essential for law enforcement functions, for meeting CITES obligations, and for us and the public to understand and monitor trade. Second, the commenter makes several suggestions regarding the FOIA statement, including that the statement should reflect that all information received will be disclosed, except for some personally identifiable information under FOIA exemptions 6 and 7(A), and that the commercial information exemption

(exemption 4), should not apply. The commenter also states that we should not continue to engage in a submitter notice review process that is burdensome on us and on data submitters, and their changes would allow us to avoid this. Third, the commenter states that the form should say that imports/exports will be denied if the 3-177 is not completed. Fourth, the commenter states that the full scientific and common name of each species needs to be on the 3-177; for example, marine aquarium tropical fish importers do not provide that information, so it is not clear what species are being imported. Fifth, the commenter states that submitters do not always fill out the number of specimens imported/exported, but rather the number of cartons; we should require both. Lastly, the commenter states that our recent application of FOIA exemption 4 has created an incredibly onerous system for data submitters and for us, and their suggested changes to the FOIA statement would resolve this.

Agency Response to Comment 6: Regarding the FOIA statement suggestion that all information should be disclosed except for personally identifiable information, we agree in part. We will continue to apply Exemption 4 as explained in the draft form's FOIA statement, and we added a statement reflecting that personally identifiable information will be withheld as appropriate under Exemption 6. We are retaining our previous language and proposed process under Exemption 4 of the FOIA regarding submitted commercial information. The Service believes that it is possible that a submitter could make an appropriate showing, in some circumstances, that Exemption 4 applies to information on the 3-117. Because Exemption 4 relies upon information provided by a submitter, it is necessary that the Service include instructions for transmitting that information. We believe the approach outlined on the draft form's statement is appropriate. Because various FOIA requesters ask for import/export data in a variety of ways, we think that an approach led by the FOIA Officer will lead to less burden on the day-to-day requester and allow the Service to apply Exemption 4 more accurately.

Next, regarding the commenter's statement that the notices on the form should say that authorization to import/export wildlife will be denied if the form is incomplete, we made some changes in this language so that the public knows submission of the information is voluntary. We also clarified that information submission is required to receive import/export authorization and that failure to provide all requested information may result in denial of authorization. We will not select automatic denial in all cases and state that on this form; we routinely work with importers/exporters to correct mistakes, and we have enforcement discretion that we do not want to limit without compelling justification.

Regarding requiring the full and scientific names, we are working on programming that will allow improved/bulk entry of species names, and we hope will increase the number of species identified in the 3-177 vs. in supporting documents. As for the number of specimens, that is a required item. Lastly, we appreciate the commenter's efforts to suggest improvements to overcome the challenges presented to the Service by the application of FOIA exemptions to such an expansive database. The Service looks forward to working with the public to better inform its Exemption 4 practice in ways that enhance our mission and fully comply with the law.

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

| Organization | Title |
|-----------------------------|---|
| Florida State University | Doctoral Candidate |
| Fossil Group | Senior Director, Logistics & Trade Compliance |
| Bollore Logistics USA, Inc. | Senior Entry Writer |
| FedEx Trade Networks | Customs Broker |
| Malca-Amit Custom House B | Customs Broker |
| Platinum Cargo Logistics | Customs Broker |
| Omni Export Services, Inc. | Customs Broker |
| Orient Seafood | Seafood Importer |
| Small Business Owner | Owner |

“Whether or not the collection of information is necessary, including whether or not the information will have practical utility; whether there are any questions they felt were unnecessary”

Comments: The individual from Fossil Group stated that it would be interesting to see reports on FWS’s accomplishments from applying the regulations, and that it could support common global sustainability goals. The individual from FedEx stated that the collection of information was necessary but that their particular group does not handle ocean freight.

Agency Response/Action Taken: The Service is required to report to Congress and the public on our use of public funds and accomplishment of our mission.

“The accuracy of our estimate of the burden for this collection of information”

Comments: The individual from Florida State relayed that the 3-117 took 20 minutes to complete. The individual from Fossil Group stated that it takes on average 1 hour per form to collect, sort, and transfer information to an eDec. While they have customized software to support eDec completion, they still have to do some manual data entry because of the eDec format. The individual from Bollore relayed that filing through ACE enabled quick data entry because most of the FWS data fields were already populated from entering the Customs information; they did not provide an actual estimate of the time burden. The individual from FedEx stated that the form may take 2 minutes to complete for smaller shipments but an hour for larger scientific shipments.

Agency Response/Action Taken: In addition to these comments, we received two public comments regarding time burden. We are addressing both sets of comments here. For the Form 3-177 hard copy, no commenter specifically commented on our burden estimate; therefore, we are not changing the burden. For the eDecs time burden, we received several estimates. The National Customs Brokers & Forwarders Association of America, Inc., estimated 15-20 minutes, which we are rounding to 17.5 minutes. FedEx estimated 2 minutes for smaller shipments but an hour for larger scientific shipments; however, we receive very few declarations for scientific shipments (2% of declarations from a sampled weekday in August 2023 were scientific), so we are not including the hour in our calculation. The Ornithological Council estimated 10 minutes for shipments with a single species but hours for shipments with many species; however, “hours” is not specific, so we are not including it. The individual from Fossil Group estimated an hour, but their estimate included tasks that went well beyond filling out the form and reading instructions, so we are not including it. The individual from Florida State estimated 20 minutes. The average time

burden of these estimates for the eDec completion is 12.375 minutes (rounded to 12), and we are changing the estimate accordingly. For the ACE filing estimated time burden, we received two responses. One was from the National Customs Brokers & Forwarders Association of America, Inc., which was 10-15 minutes for a complete data set in ACE, and 15-25 minutes for a limited data set in ACE. We are not including the second estimate, as that process involves filing a complete eDec and then submitting a confirmation number in ACE; therefore, it should be counted under that organization's eDec burden estimate, which they reported separately. The Bollore Group estimated that the ACE process was quicker than eDecs but did not provide an actual time. Based on these two comments, we estimate that the ACE burden should be 10 minutes.

“Ways to enhance the quality, utility, and clarity of the information to be collected”

Comments: The individual from Florida State relayed that they are unsure if they are supposed to contact us confirm that someone has received the 3-177 after submission because it has sometimes taken several months to hear back. The individual from Fossil Group stated that if we could provide a data template for the 3-177, like what Customs offers through approved software providers, that would be a great help. It would spare data having to be manually typed. The individual from FedEx stated that it would help to be able to search filed eDecs for genus and species during the declaration filing process and provided an example, suggesting typing in “mother of pearl.”

Agency Response/Action Taken: We will work on acknowledging scientific declarations sent in under the 180-day provisions in the future. Regarding a data template, we are exploring options to improve automated data entry. We continue to find ways to improve the customer experience, including the search function, within LEMIS.

“Ways to minimize the burden of the collection of information on respondents”

Comments: The individual from Fossil Group stated that AI technology may support data submission in the future. They also stated that if various agencies, such as FWS and CBP, had a single portal for data submission, data would not need to be entered multiple times.

Agency Response/Action Taken: In 2020, we integrated with CBP's single window platform (ACE). So all filers can file CBP data and all other required Participating Government Agency (PGA) data, including FWS data at the same time in ACE.

Additional comments received during the outreach:

Comments: The individual from Florida State relayed that they were unsure what to put in the airway bill section if they are hand-carrying samples on a flight. The individual from Fossil Group stated that operating practices differ across FWS offices, which poses challenges for their company. Also, the requirement to file a 3-177 48 hours before an export limits Fossil Group's ability to compete for customers in Canada because they cannot ship certain products overnight. The individual from Bollore Group expressed concern that any changes we made to the 3-177 would impact their company's ability to file using ACE because they would have to make changes to their system.

Agency Response/Action Taken: The airway bill section can be left blank or a flight number can be used in lieu of an airway bill number if a sample is being hand-carried on a flight. Regarding inconsistent operating practices, each port is uniquely positioned, and there are

different types of ports (e.g., airports, border ports, mail expedited ports). Nevertheless, we continue to work on consistency when appropriate. Regarding the 48-hour export notification, this is necessary to ensure we have staff in place to inspect exports, and it is a reasonable regulation. The only system change that would be needed would be the CITES tag field; all other proposed changes incorporate information already available in ACE.

We did not get responses from 5 individuals, despite a minimum of 2 emails and 1 phone call follow up. These individuals include each entity in the list above, following FedEx.

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 maintained in a secure System of Records, INTERIOR/FWS-21, Permit System, published September 4, 2003, [68 FR 52610](#); modifications published June 4, 2008, [73 FR 31877](#) and March 16, 2023, [88 FR 16277](#)).

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 with 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. 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.

We do not ask 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 we will receive **324,664 responses** totaling **37,197 burden hours**. We estimate the annual dollar value of the burden hours is **\$1,535,415** (rounded).

Form 3-177 with Accompanying Documentation/Exemption to Form 3-177

We estimate that approximately 7,099 respondents will complete 174,841 forms, including accompanying documents, annually to request clearance of an import or export wildlife shipment. Approximately 3,183 (3,107 upon import and 76 upon export) 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). We note that the estimates for the 3-177 hard copy imports and exports are lower than the previous estimates, and there were no Private Sector responses. One possibility for this change is the COVID-19 pandemic, which necessitated the transition to electronic filing by companies. This aligns with the overall increase in electronic filing and partially with the drop in paper filing by individuals.

Approximately 171,658 responses will be submitted electronically using either eDecs or ACE. Using eDecs should reduce the time to complete FWS Form 3-177 and upload already existing electronic images; therefore, we estimate each electronic response will require approximately 12 minutes to complete (5 minutes to review instructions and 7 minutes to complete the form).

The use of ACE/AES is not mandatory for the Service, and ACE is currently being utilized on 10 percent of all electronic declaration submissions. Based on comments received, we estimate importers require less time to complete Form 3-177 via the ACE message set and upload documents in ACE via DIS (5 minutes to review instructions and 5 minutes to complete). For exporters, we anticipate the same amount of time to complete Form 3-177 via AES message set and upload documents (5 minutes to review instructions and 5 minutes to complete). However, the AES message set has not yet been implemented and therefore we are not able to provide an estimated number of respondents or annual responses.

We note that eDecs and ACE was included under one requirement in the previous version of the table. Now that ACE has been implemented, we are able to provide separate data sets in the current table, "eDecs (Upon Import)" and "ACE (Upon Import)".

We also removed the "eDecs - Confirmation Number (AES)" requirement from the table, as this has not been implemented, and we are unable to provide an estimated number of respondents or annual responses.

In addition to the collection of Form 3-177 data and documents (or the eDec confirmation number in lieu of the Form data and documents), importers and exporters will provide a code disclaiming the need to submit Form 3-177 and accompanying documents. In the last 12 months, approximately 819 respondents provided approximately 149,820 responses in ACE requiring no more than 1 minute to complete the disclaimer code. We note that the previous

estimate was 500,000; however, this was an anticipated estimate made prior to the implementation of this process. Now that we have data, we can provide a more accurate estimate.

We removed the “eDecs - Fee Exemption Certification” requirement from the table. There are no additional declaration filing requirements if you are part of the fee exemption program. The burden estimate is thus the same, though the declarant must file in eDecs.

For those ICs previously approved where we did not receive responses during the current review period, we are using a placeholder of 1 to continue receiving approval for potential submissions in the future.

We used the Bureau of Labor Statistics (BLS) [News Release](#) USDL-23-1305, June 16, 2023, Employer Costs for Employee Compensation—March 2023, to calculate the total annual burden.

- Individuals. Table 1 lists the hourly rate for all workers \$43.07, including benefits.
- Private Sector. Table 5 lists the hourly rate for all workers as \$40.79, including benefits.
- Government. Table 3 lists the hourly rate for all workers as \$58.08, 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 |
|--|---------------------------|------------------------|------------------------------|----------------------------|-------------------------------------|---|
| Form 3-177 Hard Copy (Upon Import) | | | | | | |
| Individuals | 2,884 | 3,107 | 15 minutes | 777 | \$ 43.07 | \$ 33,465.39 |
| Private Sector | 1 | 1 | 15 minutes | 0 | 40.79 | 0.00 |
| Subtotals: | 2,885 | 3,108 | | 777 | | \$ 33,465.39 |
| Form 3-177 Hard Copy (Upon Export) | | | | | | |
| Individuals | 76 | 76 | 15 minutes | 19 | \$ 43.07 | \$ 818.33 |
| Private Sector | 1 | 1 | 15 minutes | 0 | 40.79 | 0.00 |
| Subtotals: | 77 | 77 | | 19 | | \$ 818.33 |
| eDecs (Upon Import) | | | | | | |
| Individuals | 1,273 | 15,576 | 12 minutes | 3,115 | \$ 43.07 | \$ 134,163.05 |
| Private Sector | 1,563 | 110,653 | 12 minutes | 22,131 | 40.79 | 902,723.49 |
| Government | 89 | 347 | 12 minutes | 69 | 58.08 | 4,007.52 |
| Subtotals: | 2,925 | 126,576 | | 25,315 | | \$ 1,040,894.06 |
| eDecs (Upon Export) | | | | | | |
| Individuals | 642 | 15,782 | 12 minutes | 3,156 | \$ 43.07 | \$ 135,928.92 |
| Private Sector | 429 | 16,258 | 12 minutes | 3,252 | 40.79 | 132,649.08 |
| Government | 61 | 213 | 12 minutes | 43 | 58.08 | 2,497.44 |
| Subtotals: | 1,132 | 32,253 | | 6,451 | | \$ 271,075.44 |
| ACE (upon Import) (New – Split out from former “eDecs/ACE (Upon Import)” ICs) | | | | | | |
| Individuals | 1 | 1 | 10 minutes | 0 | \$ 43.07 | \$ 0.00 |
| Private Sector | 81 | 12,828 | 10 minutes | 2,138 | 40.79 | 87,209.02 |
| Government | 1 | 1 | 10 minutes | 0 | 58.08 | 0.00 |
| Subtotals: | 83 | 12,830 | | 2,138 | | \$ 87,209.02 |
| ACE/AES Disclaimer | | | | | | |
| Private Sector | 819 | 149,820 | 1 minute | 2,497 | \$ 40.79 | \$ 101,852.63 |
| eDecs - Fee Exemption Certification (Private Sector) REMOVED | | | | | | |
| eDecs - Confirmation Number (AES) (Private Sector) REMOVED | | | | | | |
| Totals | 7,921 | 324,664 | | 37,197 | | \$ 1,535,314.87 |

* Rounded to match ROCIS

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.

There is no non-hour cost burden to respondents using paper or eDecs. For respondents that use the FWS Message Set in ACE, there will be an initial software cost in developing the link with ACE. These respondents may purchase pre-developed software packages. Some filers may also program the linking process into their existing programs, which is generally less expensive than purchasing or developing new software. Further, purchase of outside broker services is part of usual and customary business practices for declaring imports to CBP and exports to Census.

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 to be **\$3,389,061** (rounded). To determine average hourly rates, we used Office of Personnel Management Salary Table [2023-RUS](#) as an average nationwide rate. In accordance with BLS [News Release](#) USDL-23-0488, we multiplied the hourly rates by 1.61 to calculate the fully burdened rate.

| Position/Requirement | Grade/Step | Hourly Rate | Fully Burdened Hourly Rate (x1.59 for Benefits) | Staff Hours | Total Costs (Rounded) |
|---|------------|-------------|---|-------------|-----------------------|
| Form 3-177 (with Accompanying Documents/ Exemptions to Form 3-177) | | | | | |
| Wildlife Inspectors | GS-12/05 | \$ 44.98 | \$ 72.42 | 43,710 | \$ 3,165,478.20 |

| | |
|-----------------------------|------------------------|
| Operational Expenses | 3,368.00 |
| Data Entry (Contract Costs) | 220,215.00 |
| Total: | \$ 3,389,061.20 |

Form 3-177 (with Accompanying Documents/ Exemptions to Form 3-177)

- Salary/Benefit Costs – Wildlife inspectors (GS-12) are the primary staff persons who will process these declarations. Wildlife inspectors are located across the U.S., many in large cities. We estimate that it will take an average of 15 minutes to process each response, totaling 43,710 staff hours.
- Operational Expenses – Includes printing and distribution costs.
- Data Entry – We contract for data entry to transfer data from Form 3-177 into the law enforcement database. We no longer stipulate the number of hours in the contract awarded for this purpose.

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

We are reporting the following changes due to agency discretion: **-53,460** annual responses and 1,458 annual burden hours. We are also reporting the following changes due to adjustment in agency estimate: **-350,180** annual responses and **-5,836** annual burden hours. These changes are itemized, by individual IC, below:

| FWS Form 3-177 - Declaration for Importation or Exportation of Fish or Wildlife (Hard Copy - Upon Import) (Individuals) | | | | |
|--|---------------------|-----------|-------------------|--------------------|
| | Previously Approved | Requested | Agency Discretion | Change in Estimate |
| Responses | 9,569 | 3,107 | | -6,462 |
| Hours | 2,392 | 777 | | -1,615 |

| FWS Form 3-177 - Declaration for Importation or Exportation of Fish or Wildlife (Hard Copy - Upon Import) (Private Sector) | | | | |
|---|---------------------|-----------|-------------------|--------------------|
| | Previously Approved | Requested | Agency Discretion | Change in Estimate |
| Responses | 347 | 1 | | -346 |
| Hours | 87 | 0 | | -87 |

| FWS Form 3-177 - Declaration for Importation or Exportation of Fish or Wildlife (Hard Copy - Upon Export) (Individuals) | | | | |
|--|---------------------|-----------|-------------------|--------------------|
| | Previously Approved | Requested | Agency Discretion | Change in Estimate |
| Responses | 881 | 76 | | -805 |
| Hours | 220 | 19 | | -201 |

| FWS Form 3-177 - Declaration for Importation or Exportation of Fish or Wildlife (Hard Copy - Upon Export) (Private Sector) | | | | |
|---|---------------------|-----------|-------------------|--------------------|
| | Previously Approved | Requested | Agency Discretion | Change in Estimate |
| Responses | 43 | 1 | | -42 |
| Hours | 11 | 0 | | -11 |

| eDecs/ACE (Upon Import) (Individuals) | | | | |
|---|---------------------|-----------|-------------------|--------------------|
| | Previously Approved | Requested | Agency Discretion | Change in Estimate |
| Responses | 25,030 | 15,576 | | -9,454 |
| Hours | 4,172 | 3,115 | | -1,057 |

| eDecs/ACE (Upon Import) (Private Sector) | | | | |
|--|---------------------|-----------|-------------------|--------------------|
| | Previously Approved | Requested | Agency Discretion | Change in Estimate |
| Responses | 120,035 | 110,653 | | -9,382 |
| Hours | 20,006 | 22,131 | | 2,125 |

| eDecs/ACE (Upon Import) (Government) | | | | |
|--|---------------------|-----------|-------------------|--------------------|
| | Previously Approved | Requested | Agency Discretion | Change in Estimate |
| Responses | 90 | 347 | | 257 |
| Hours | 15 | 69 | | 54 |

| eDecs/ACE (Upon Export) (Individuals) | | | | |
|---|---------------------|-----------|-------------------|--------------------|
| | Previously Approved | Requested | Agency Discretion | Change in Estimate |
| Responses | 1,930 | 15,782 | | 13,852 |
| Hours | 322 | 3,156 | | 2,834 |

| eDecs/ACE (Upon Export) (Private Sector) | | | | |
|--|---------------------|-----------|-------------------|--------------------|
| | Previously Approved | Requested | Agency Discretion | Change in Estimate |
| Responses | 32,230 | 16,258 | | -15,972 |
| Hours | 5,372 | 3,252 | | -2,210 |

| eDecs/ACE (Upon Export) (Government) | | | | |
|--|---------------------|-----------|-------------------|--------------------|
| | Previously Approved | Requested | Agency Discretion | Change in Estimate |
| Responses | 68 | 213 | | 145 |
| Hours | 11 | 43 | | 32 |

| ACE/AES Disclaimer (Private Sector) | | | | |
|--|---------------------|-----------|-------------------|--------------------|
| | Previously Approved | Requested | Agency Discretion | Change in Estimate |
| Responses | 500,000 | 149,820 | | -350,180 |
| Hours | 8,333 | 2,497 | | -5,836 |

(New ICs – Split out from former “eDecs/ACE (Upon Import)” ICs)

| ACE (Upon Import) (Individuals) | | | | |
|--|---------------------|-----------|-------------------|--------------------|
| | Previously Approved | Requested | Agency Discretion | Change in Estimate |
| Responses | 0 | 1 | 1 | |
| Hours | 0 | 0 | 0 | |

| ACE (Upon Import) (Private Sector) | | | | |
|---|---------------------|-----------|-------------------|--------------------|
| | Previously Approved | Requested | Agency Discretion | Change in Estimate |
| Responses | 0 | 12,828 | 12,828 | |
| Hours | 0 | 2,138 | 2,138 | |

| ACE (Upon Import) (Government) | | | | |
|---------------------------------------|---------------------|-----------|-------------------|--------------------|
| | Previously Approved | Requested | Agency Discretion | Change in Estimate |
| Responses | 0 | 1 | 1 | |
| Hours | 0 | 0 | 0 | |

(Removed ICs)

| eDecs - Fee Exemption Certification (Private Sector) | | | | |
|---|---------------------|-----------|-------------------|--------------------|
| | Previously Approved | Requested | Agency Discretion | Change in Estimate |
| Responses | 2,906 | 0 | -2,906 | |
| Hours | 48 | 0 | -48 | |

| eDecs - Confirmation Number (AES) (Private Sector) | | | | |
|---|---------------------|-----------|-------------------|--------------------|
| | Previously Approved | Requested | Agency Discretion | Change in Estimate |
| Responses | 35,175 | 0 | -35,175 | |
| Hours | 586 | 0 | -586 | |

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 currently publish the information collected on 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 Forms 3-177 and 3-177a to compile an annual report for the CITES Secretariat (see item 2). We are exploring the legal ability to publish certain species data on the Service's website to facilitate the public's use of this information and reduce the need for repeated requests under FOIA.

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. 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.