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Comment On: FWS-HQ-IA-2026-1948-0001
Agency Information Collection Activities; Federal Fish and Wildlife Permit Applications and Reports--Requirements for African Elephants

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Comment from Anonymous

Submitter Information

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General Comment

The proposed information collection fails the threshold statutory requirement of "practical utility" under 44 U.S.C. § 3508 and 5 CFR § 1320.11. As currently structured, Form 3-200-37 series applications rely on unverified, self-certified narratives submitted by permit applicants regarding foreign conservation benefits, population baselines, and facility suitability. Because FWS is statutorily prohibited under ESA Section 10(a)(1)(A) (16 U.S.C. § 1539) and CITES Article III.3(b) from issuing import, export, or transfer permits without establishing that the authorized activity "enhances the survival of the species in the wild," an information collection mechanism that accepts unverified self-certifications lacks the practical utility required to render legally defensible enhancement findings. Under Motor Vehicle Mfrs. Ass'n v. State Farm, 463 U.S. 29 (1983), agency reliance on unverified source data creates an arbitrary and capricious administrative baseline. Before granting clearance for OMB Control No. 1018-0186, OMB must require FWS to amend these forms to mandate third-party, certified financial audits of conservation funding allocations and peer-reviewed biological population survey data.