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Document: FWS-HQ-IA-2026-1948-0007
Comment from Animal Counsel

Submitter Information

Name: Allyson Koop
Organization: Animal Counsel

General Comment

Please see attached file

Attachments

Animal Counsel Comment 8.7.26

Submitted via Regulations.gov

July 20, 2026

Madonna Baucum
Information Collection Clearance Officer
U.S. Fish and Wildlife Service

Re: Agency Information Collection Activities; Federal Fish and Wildlife Permit Applications and Reports--Requirements for African Elephants

91 Fed. Reg. 34639 · Docket No. FWS-HQ-IA-2026-1948-0001

Dear Officer Baucum,

Thank you for the opportunity to provide information on the U.S. Fish and Wildlife Service's Collection Activities regarding African Elephants. My name is Allyson Koop, and I am a volunteer writing on behalf of Animal Counsel, a 501(c)(3) nonprofit organization dedicated to protecting animals and their habitats through law and policy. We seek to conserve wild populations while simultaneously promoting individual animal welfare.

We would first like to express gratitude to the agency for its conservation efforts. The U.S. Fish and Wildlife Service has taken procedural steps through this application process to better protect African Elephants from extinction.[1] With the animals' best interest in mind, the goal of conservation is paramount but there should also be consideration for the wellbeing of the individual elephants in addition to the survival of the species. There are some minor steps that could be taken to further this goal of conservation and ensuring the wellbeing on individual elephants.

I. The information being collected is necessary and carries practical utility.

Currently, applicants are required to provide information on where the permit is to be mailed, whether the applicant or any owners of the business (if applying as a business, corporation, or institution) have been assessed a civil penalty or convicted of any criminal provision of any statute or regulation relating to the activity for which the application is filed, the type of activity

[1] 89 FR 22522.

requested (interstate commerce, transfer, export, or foreign commerce), the current location of the animal(s) along with other identifying information.[2]

Additionally, for each animal involved in the export/transport, the applicant must provide the following information:[3]

- Scientific name (genus, species, and if applicable, subspecies);
- Common name;
- Approximate birth date (mm/dd/yyyy);
- Wild or captive-bred;
- Quantity;
- Sex (males, females, e.g., 10, 2);
- Permanent markings or identification (microchip #, leg band #, tattoos, studbook #, etc.);
- Information regarding source of specimen(s);
- A description and justification for the requested activity;
- Information regarding technical expertise and facilities;
- Information confirming that the receiving facility meets the CITES "suitably equipped to house and care for" requirements;
- The transportation/shipment condition of the live animals.

Animal Counsel supports the collection of this information. This information is critical for the Service to make an appropriate determination. The applicant must be able to provide context as to what they plan to do with the elephant if the Service is going to make effective conservation efforts. Arguably, the most important information in this list is a description and justification for the requested activity and information confirming that the receiving facility meets the CITES suitability requirements. That information is necessary to determine whether the applicant has a justified reason and the capabilities to properly care for an elephant.[4]

My recommendation is for the Service to require corroboration for the description of the requested activity. Corroboration could take numerous forms: a letter of reference, photos of the facility where the animal will be housed, or even a detailed care plan for the elephant. The Service could either (1) allow applicants to choose how they wish to corroborate their application or (2) could require a specific form of corroboration (such as the detailed care plan). This corroboration may be similar and, in some cases, even overlap with what the applicant provides to confirm that they are in accordance with the CITES suitability requirements. However, the possibility of redundance is outweighed by the threat of harm that could be done if these animals are transported to an inadequate facility or individual. Without requiring this additional information, applicants may acquire an elephant without ever having to prove that they have considered the wellbeing of the elephant. That could result in cases of neglect or in extreme cases even abuse of these animals that the Service and Animal Counsel wish to protect.

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[2] *Id*.
[3] *Id*.
[4] *Id*.

The collection of this information is grounded in law.[5] When applying for a U.S. import permit, the applicant must provide sufficient information for the Service to find that the applicant is suitably equipped to care for any wildlife imported.[6] It is reasonable to believe that the Service may require corroboration in order to make that necessary determination. As the number of African Elephants dwindles, the Service's conservation goals change. That may mean the Service requires more information to determine whether an applicant is suitably equipped. The argument here is that, the requirement of corroboration is supported by the law if it improves the Service's ability to make the determination.

II. The burden on the applicant is not unreasonable here because the information is used to assess the applicant's caretaking capabilities.

In weighing the interests of the individual animals with the possible burden on the applicant, the scale must tip in favor of the animals being transported. An applicant could reapply if needed, but an animal only has one life and the decision on what to do with that animal's life is not a light one. We acknowledge that there will be some burden on the applicants in supplying this information to the Service. However, any burden that the applicant may face in providing this particular information is justified and should not be lessened.

The Service's burden estimates exemplify its aim in protecting conservation efforts alongside effective procedure.[7] The estimates seem to be well thought out and a genuine approximation of the time it takes applicants to properly file. However, as we have mentioned previously, protecting the interests of individual elephants may require additional burden on applicants, such as further corroboration of activity. There should be some burden on applicants, otherwise it would be too easy for any one person to apply for the importation of an African Elephant even when they cannot effectively care for one. We do not intend to needlessly burden applicants; however, some additional burden will increase the information available to the Service and will also serve as a front-end filter to remove less responsible importers unwilling to even do the required paperwork. Such a person or organization cannot be trusted to properly care for an elephant. Thus, if the burden is supported by justification, it is appropriate. Here, the burden that the agency imposes is entirely justified by the need to conserve the species and ensure these animals can be adequately cared for. The burden that we additionally suggest is similarly justified and thus is not unjust to the applicants.

In terms of the technological collection of this information, there should be numerous routes for applicants to utilize. Electronic applications are likely less burdensome, as the agency's estimates suggest.[8] The electronic application option gives entities a more streamlined route that may be easier to keep track of than the hardcopy application. We thus support the creation of additional routes through which applicants may apply. And, as addressed earlier, the burdens imposed on applicants should be justified and aimed towards protecting African Elephants. Forcing

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[5] 50 C.F.R. § 23.35.
[6] 50 C.F.R. § 23.35(c).
[7] 89 FR 22522.
[8] *Id*.

applicants to fill out paperwork for its own sake does not accomplish those goals. But allowing easier electronic applications will potentially give the applicant time to provide more valuable information to the Service. Thus, we have no issue with applicants being able to apply electronically if that will save them some time and resources. However, in alleviating that burden, the Service should require the corroboration of proposed activity because that could actually provide insight into the ability of the applicant to adequately care for the animal.

III. Conclusion

The Service is taking the proper steps to ensure the conservation of African Elephants by requiring applicants to provide meaningful information. However, we ask that in addition to protecting the species from extinction, that the agency also deeply consider the wellbeing of the individual elephants being applied for. To do that, we believe the Service should require corroboration from applicants on their planned activity and purpose for the application. In doing this, the Service will have a better sense of why the applicant wants the elephant and the faculties that the agency has to provide the elephant with. This requirement will not be unjustifiably burdensome for applicants because it could provide the Service with crucial insight into the ability of the applicant to care for the elephant. Additionally, the Service alleviates some burden by allowing applicants to use an electronic application process which is less time consuming than the hardcopy application. Prohibiting the electronic application is a burden without any substantive benefit to the animals, unlike the additional requirement proposed here.

We appreciate the Service's attention to the conservation of African Elephants and welcome the opportunity to provide any further information that would assist the review.

Respectfully submitted,

Allyson Koop

Animal Counsel
AnimalCounsel.org