

Supporting Statement for Information Collection
Requirements Contained in 50 CFR. 14.31 - 14.33
Designated Port Exception Permits

A. Justification

The following information is provided as part of a request to renew the Office of Management and Budget's approval for information collection pursuant to regulations that implement the Endangered Species Act. These information collection requirements are contained in applications for a permit that would allow an exception to the designated port requirement under limited circumstances. The application form for this activity was assigned number 3-200-2.

1. The Endangered Species Act of 1973 (ESA), as amended, requires that fish or wildlife be imported into or exported from the United States only at a designated port or at a non-designated port under certain limited circumstances. Authority for the designation of such ports, and the requirement that all fish or wildlife be imported or exported at such a port, is found in § 9(f) of the ESA, 16 U.S.C. 1538(f). By regulation these ports are designated by the Secretary of the Interior with the approval of the Secretary of the Treasury after notice and opportunity for public hearing for the purpose of facilitating enforcement and reducing enforcement costs of the ESA. To date, thirteen (13) customs ports of entry are designated for the import and export of wildlife and wildlife products.

Exceptions to the designated port requirement are permitted by the Secretary of the Interior under such terms and conditions as may be prescribed in the interest of the health and safety of the fish or wildlife, or for other appropriate reasons consistent with the designated port requirement. Permits are available to import or export wildlife at non-designated ports for any one of three reasons: (1) scientific purposes (Section 14.31), (2) to minimize deterioration or loss (Section 14.32), and (3) to alleviate undue economic hardship (Section 14.33).

2. An application must be made for a permit to import or export wildlife at non-designated ports. The collection of information is achieved by using the Service's Application form 3-200-2. The information collected is needed to address the specific requirements contained in 50 CFR 14.31, 14.32, and 14.33. The information collection is needed to enable the Director (FWS) to determine if the applicant qualifies for a permit. Once the permit is issued, the permittee may be requested to file a report on activities conducted under authority of the permit. Information is collected by Service Law Enforcement Offices listed in Part 10, Subchapter B, Chapter I of Title 50 Code of Federal Regulations. The addresses of these seven district offices are contained in 50 CFR 10.22. The information is used to determine whether an applicant for a permit to import or export wildlife at a non-designated port qualifies for the requested exception. The following specific justifications are keyed to the items as they appear in 50 CFR 14.31, 14.32, and 14.33:

a. 50 CFR 14.31 permits to import or export wildlife at a non-designated port for scientific purposes.

(i) Information showing the scientific purpose or use of the wildlife to be imported or exported is needed to determine whether there is a bona fide scientific purpose or use which would benefit from the permit. Issuance of such a permit can facilitate the exchange of preserved museum specimens or live research animals.

(ii) The number and kind of wildlife described by scientific and common names to be imported or exported, when such number and kind can be ascertained, is needed to determine whether the applicant has complied with conservation laws which apply to the importation or exportation of the species identified and to determine whether the species described are used for scientific purposes.

(iii) The country or place in which the wildlife was removed from the wild (if known) or where the wildlife was born in captivity is needed to determine whether the applicant has complied with conservation laws which apply to the importation or exportation of the species, particularly, to determine compliance with the Lacey Act, 16 U.S.C. 3371 et seq.

(iv) The port(s) of entry where importation or exportation is requested and the reason(s) why importation or exportation should be allowed at the requested port(s) of entry rather than at a designated port is needed to determine where the importation or exportation will occur so that the shipment can be inspected and to determine why it is more feasible there than at a designated port.

(v) Whether the exception is requested for a single shipment, a series of shipments, or shipments over a specified period of time, including the date(s) involved, is needed to determine whether multiple shipments are involved (eliminating the need to obtain a permit for each shipment) and to know when the shipments will arrive or depart so arrangements can be made to inspect the wildlife.

(vi) A report on the permittee's activities conducted under the permit is needed to determine if the permit has been used only when the wildlife is inspected and cleared.

b. 50 CFR 14.32 permits to import or export wildlife at a non-designated port to minimize deterioration or loss.

(i) The number and kind of wildlife described by scientific and common names to be imported or exported is needed to determine whether the applicant has complied with conservation laws which apply to the importation or exportation of the species identified and to determine whether the species are those susceptible to substantial deterioration or loss.

(ii) The country or place in which the wildlife was removed from the wild or where the wildlife was born in captivity is needed to determine whether the applicant has complied with conservation laws which apply to the importation or exportation of the species identified by the applicant, particularly, to determine compliance with the Lacey Act, 16 U.S.C. 3371 et seq.

(iii) The port(s) of entry where importation or exportation is requested and the reason(s) why importation or exportation should be allowed at the requested port(s) of entry rather than at a designated port(s) is needed to determine where the importation or exportation will occur so that the shipment can be inspected and to determine whether the applicant qualifies for the permit. In addition, information must be included to show that an importation or exportation at a designated port would result in substantial deterioration or loss of the wildlife.

(iv) Whether the exception is requested for a single shipment, a series of shipments, or shipments over a period of time, and the date(s) involved is needed to determine if multiple shipments are involved (eliminating the need to obtain a permit for each shipment) and to determine when the shipments will arrive or depart so that arrangements can be made to inspect the wildlife.

(v) A report on the permittee's activities conducted under the permit is needed to determine if the permit has been used only when the wildlife is inspected and cleared.

c. 50 CFR 14.33 permits to import or export wildlife at a non-designated port to alleviate undue economic hardship.

(i) The number and kind of wildlife described by scientific and common names to be imported or exported and a description of the form in which it is to be imported or exported, such as "live," "frozen," "raw hides," or a full description of any manufactured product is needed to determine whether the applicant has complied with conservation laws which apply to the importation or exportation of the species identified and to determine the severity of the economic hardship that likely would result if the permit is not issued.

(ii) The country or place in which the wildlife was removed from the wild or where the wildlife was born in captivity is needed to determine whether the applicant has complied with conservation laws which apply to the importation or exportation of the species identified, particularly, to determine compliance with the Lacey Act, 16 U.S.C. 3371 et seq.

(iii) The port(s) of entry where importation or exportation is requested and the reason(s) why importation or exportation should be allowed at the requested port (s) of entry rather than at a designated port. This includes information to show the difference

between the monetary cost of importation or exportation at the port(s) requested and the lowest cost of importation or exportation at a designated port or other port authorized by 50 CFR Part 14 to be used without a permit. This information is needed to determine where the importation or exportation will occur so that the shipment can be inspected and to determine the severity of the economic hardship that would result if the permit is not issued.

(iv) Whether the exception is requested for a single shipment, a series of shipments, or shipments over a period of time, and the date(s) involved, to determine if multiple shipments are involved (eliminating the need to obtain a permit for each shipment) and to determine when the shipments will arrive or depart so that arrangements can be made to inspect the wildlife.

(v) A report on the permittee's activities conducted under the permit is needed to determine if the permit has been used only when the wildlife is inspected and cleared.

3. To date, the electronic submission of the application is not possible. The Service must receive an originally signed application form. Facsimile and e-mailed signatures are not accepted. Currently, applicants may submit any supporting documentation or information missing from the application, other than an original signature, via facsimile transmission. Applications may obtain an application packet via the fax-back system. Applications are also available through the Internet. We expect that as technology advances, we will be able to accept electronic submissions of applications. Therefore, we changed the format of page 1 of the application form so that the information fields on the form correspond to the data fields in our service-wide permit issuance and tracking computer system. Once the form is approved, it will be posted on the Internet in a format that will allow the public to complete the form on-line and print the completed form for signature and submission.

We made one modification to the supplemental information. We are requesting that the applicant describe the location of the wildlife to be imported. This will allow the application examiner to determine if, in fact, a permit is required by the importer/exporter.

4. No duplicate information is collected elsewhere in the Service that could be used to decide whether a Designated Port Exception Permit can be issued. No other Federal agency collects this type of information except general information requirements such as name, address, etc.

5. Service records have been reviewed and show no similar information collected. The permits are valid for up to 1 year from the date of issuance to cover multiple shipments and are renewed upon request if the initial justification for issuing the permits remains in effect. Small organizations are among the potential applicants. The Service has carefully analyzed and constructed these requirements to ensure that the information requested of small organizations and all other potential applicants is the minimum necessary.

6. The consequence of not collecting the information contained in this application form is that the applicant would not be issued a permit since the collected information is either required on the permit itself or needed to make the necessary legal findings under the ESA.
7. It is not anticipated that a respondent would have to address any of the information collection methods or circumstances described in this justification instruction.
8. Attached is a copy of the Federal Register notice of November 29, 2000 (65 FR 30246) documenting the Service's notice soliciting comments on the information collection prior to submission to OMB. The Service's Information Collection Clearance Officer indicates that no comments were received regarding the general License/Permit Application form in response to this notice. Opportunities for informal public comment are also available through extensive personal contact with applicants and during annual permit workshops conducted at national conferences for various types of potential applicants (e.g. zoos, hunters of trophy animals, reptile breeders, etc.). The Service also continuously internally evaluates the effectiveness of its applications as they relate to regulations for permits.
9. There is no provision within the General Permit Procedures regulation (50 CFR 13) to provide any gift or payment to respondents.
10. Information collected on permit applications is subject to the Privacy Act and Freedom of Information Act guidelines. All applicants are provided information explaining the requirements of both Acts.
11. None of the information collected on this application form is of a sensitive nature.
12. Service experience indicates that approximately 635 applicants will apply for a Designated Port Exception Permit annually. The frequency of response is on occasion. It will take an average of 1 hour for each respondent to complete the initial and renewal applications for designated port exception permits. The permit is valid for a 2 year period. In addition, a report on activities is required annually and takes approximately 1 hour for each respondent to complete. The annual burden estimate for this survey is 1270 hours (635 respondents multiplied by 2 hours). The hourly cost to an individual is assumed to be \$10.00 per hour for a Total Annual Burden of \$12,700.00.
13. The annual non-hour dollar burden to the respondents is approximately \$15,875 (635 applicants multiplied by the \$25.00 application fee).

Type of Information	Number of Respondents Annually	Number of Responses	Average Time Required per Response	Total Annual Burden Hours	Total Annual Non-Hour Dollar Burden
Designated Port Exception Permit	635	1270	1 hour	1270	\$15,875.00

14. The estimate of annualized cost to the Federal Government is approximately \$38,100. This value is based on the average salary per hour of Service personnel likely to be involved in the processing/review of this application and annual report (\$20), plus operational expenses per hour (\$10), multiplied by the number of hours required to process an application (1), multiplied by the total number of responses (1270).

15. The increase in Total Annual Burden hours (746 increase) and total annual non-hour dollar burden resulted from an increase in the number of applicants using the 3-200-2 application form.

16. There are no plans for publication or tabulation of the information collection.

17. The Service will not be seeking approval to not display the expiration date for OMB approval of the information collection.

18. There are no exceptions to the certification statement identified on OMB Form 83-I.

B. This information collection was designed to conform to the requirements of § 9(f) of ESA, 16 U.S.C. 1538(f). The collection of this information does not employ statistical methods.