

Supporting Statement for Information Collection  
Requirements Contained in 50 CFR 14.91 - 14.93  
**Import/Export License**

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 license that will allow any person to engage in business as an importer or exporter of fish or wildlife. The application form for this activity was assigned number 3-200-3.

1. The Endangered Species Act of 1973, Section 9(d) [16 U.S.C. 1538(d)], as amended, makes it unlawful "for any person to engage in business as an importer or exporter of fish or wildlife ... without having first obtained permission from the Secretary [of the Interior]. Any person required to obtain permission must "keep such records as will fully and correctly disclose each importation or exportation of fish, wildlife, or plants made by him and the subsequent disposition made by him with respect to such fish, wildlife, or plant and "file such reports as the Secretary may require."

On August 25, 1980 (45 FR 56668), the Fish and Wildlife Service published final rules revising 50 CFR Part 14 (Importation, Exportation, and Transportation of Wildlife) to implement provisions of a number of wildlife laws enforced by the Service. As part of that rule making and under the authority of section 9(d) of the ESA [16 U.S.C. 1538(d)], an import/export license requirement was imposed on any person who engages in business as an importer or exporter of fish or wildlife unless that person imports or exports certain excepted wildlife or falls within one of the categories of persons excepted from the requirement by the rules.

The information required on the license application form is needed to enforce the license conditions that are derived from the statutory mandate of the ESA. The information required to be maintained by persons excepted from the license requirement also is needed to satisfy the statutory mandate.

2. This collection of information is achieved by using the Service's Application form 3-200-3. Other supplemental information is outlined below pursuant to 50 CFR 13.12(b), to address the specific requirements contained in 50 CFR 14.91, 14.92 and 14.93. The information received through the use of this application form is used by the Director to determine if a license will be issued authorizing the applicant to engage in business as an importer or exporter of wildlife, to identify the type of business as it relates to the importation or exportation of wildlife, and to provide information essential to enforcing the license conditions.

(a) The following specific justifications are fundamental to the items as they appear in the regulations:

(i) A brief description of the nature of the applicant's business as it relates to the importation or exportation of wildlife, e.g. "live animal dealer", "fur broker", "taxidermist", "retail department store", or "pet shop" is needed to identify the activity conducted by the applicant for which a license is required.

(ii) A statement disclosing the names and addresses of all partners and principal officers if the application is in the name of a business is needed to know who holds the license. If a license issued to a business subsequently is modified, suspended, or revoked, the partners or principal officers could attempt to obtain a new license under a different business.

(iii) A statement of where books or records concerning wildlife imports or exports will be kept is needed for the Service to exercise its right to inspect those records.

(iv) A statement of where inventories of wildlife will be stored is needed for the Service to exercise its right to examine inventories of imported wildlife.

(v) The name, address, and telephone number of the officer, manager, or other person authorized to make records or wildlife inventories examination by service officials is needed to contact the appropriate agent of the licensee when the licensee is not an individual.

(vi) Records kept which fully and correctly disclose each importation or exportation of wildlife made by the licensee and the subsequent disposition made by the licensee with respect to such wildlife are needed to satisfy the statutory requirements. These records are inspected and copied if necessary during investigations of possible violations of law.

(vii) Copies of all permits required by the laws and regulations of the United States and any country of origin or export are needed to determine whether a particular importation or exportation was in compliance with law, thereby providing a means to resolve readily any questions regarding the legality of the shipment.

(viii) The five-year period that books and records must be maintained is needed to coincide with the statute of limitations for violations for which, the books and records of the licensee may be used as evidence.

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 wildlife to be imported/exported. This will allow the application examiner to determine if, in fact, an import/export license is required by the applicant.

4. No other Federal agency collects information of this type, and no duplicate information is collected elsewhere in the Service that could be utilized to determine whether an Import/Export License can be issued. The information a licensee or excepted person must maintain, however, should already be maintained for State business license, income tax, or other such business purposes. An additional set of records is not required. The requirement that the records fully and correctly disclose the subsequent disposition may be met by maintaining records which are specimen-specific, on an inventory control basis, or a combination of the two depending upon the normal business practice of the importer or exporter. A number of pre-existing documents or practices satisfy the requirement of excepted persons: bills of lading or airway bills used by common carriers, customs documents used by customs brokers, purchase orders, etc.

5. The Service estimates that 4,727 small businesses annually submit applications that contain these information collection requirements. In order to alleviate the burden to these businesses the Service has designated specific law enforcement offices within each of its seven geographic regions to issue Import/Export Licenses. The application form has also been simplified.

6. The information requested is limited to the minimum necessary to establish eligibility and license terms. The consequences of not collecting the information contained in this application is that the applicant would not be issued a license and therefore, could not commercially import or export wildlife or wildlife products. The collected information is required to make the necessary determination under the ESA. Any reduction in the application or record keeping burden could result in the Service not fulfilling its statutory obligation.

7. It is not anticipated that there will be any special circumstances that will require information collection to be conducted in a manner that is inconsistent with the general information collection guidelines in 5 CFR 13.20. Licenses are issued in response to requests from applicants. Information collection will occur at the time of application. The frequency of collection can therefore not be reduced.

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 one no comments were received in response to this notice regarding the Import/Export License. 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. The Service also continuously internally evaluates the effectiveness of its applicants as they relate to regulations for this permit.

9. There is no provision within the ESA to provide any gift or payment to respondents.

10. The information collected is subject to the Privacy Act and is maintained in a system of records; PLS-3, Licenses. The Service can assure confidentiality to respondents because the Service will only release information in response to inquiries that is subject to the requirements of the Privacy Act and the Freedom of Information Act.

11. None of the information requested is considered sensitive.

12. Service experience indicates that approximately 4,727 applicants will apply for a Import/Export License 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 Import/Export Licenses. The annual burden estimate for this survey is 4,727 hours (4,727 respondents multiplied by 1 hour). The hourly cost to an individual is assumed to be \$10.00 per hour for a Total Annual Burden of \$47,270.00.

13. The annual non-hour dollar burden to the respondents is approximately \$236,350 (4,727 applicants multiplied by the \$50.00 license fee).

<b>Type of Information</b>	<b>Number of Respondents Annually</b>	<b>Number of Responses</b>	<b>Average Time Required per Response</b>	<b>Total Annual Burden Hours</b>	<b>Total Annual Non-Hour Dollar Burden</b>
Import / Export License	4,727	4,727	1 hour	4,727	\$236,350.00

14. The estimate of annualized cost to the Federal Government is approximately \$141,810. 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 (4,727).

15. The decrease in Total Annual Burden hours (2,273 decrease) and total annual non-hour dollar burden resulted from a decrease in the number of applicants using the 3-200-3 application form.

16. There are no plans for publication of the results of this information collection

17. The Service is not seeking approval to not display the expiration date for OMB approval.

18. There are no exceptions to the certification statement identified in Item 19 of OMB Form 83-I for the information being collected by this application form.

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.