

**SUPPORTING STATEMENT
FOR PAPERWORK REDUCTION ACT SUBMISSIONS**

Native Endangered and Threatened Wildlife - Application Requirements for Scientific Purposes, Enhancement of Propagation or Survival Permits (i.e., Recovery Permits), and Interstate Commerce Permits - 50 CFR 17.22(a)(1) & (3) and 17.32(a)(1) & (3); Native Endangered and Threatened Plants - Application Requirements for Scientific Purposes, Enhancement of Propagation or Survival Permits (i.e., Recovery Permits) - 50 CFR 17.62(a) & (c) and 17.72(a) & (c).

A. Justification - Form 3-200-55

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 General Permit Procedures. These information collection requirements are contained in applications for permits that are specifically provided for in 50 CFR 13 and 17. The application form for this activity was assigned number 3-200-55.

1. All of the Laws, Treaties and Regulations administered by the U.S. Fish and Wildlife Service which authorize activities for which a permit is required, authorize such permits in 50 CFR Part 13 (General Permit Requirements). The requirements in 50 CFR Part 13 are in addition to any other permit regulations that may apply to a specific circumstance and are outlined in other sections of regulation. The regulations in 50 CFR Part 17 implement the prohibitions and exceptions provisions of the Endangered Species Act of 1973, 87 Stat. 884, 16 U.S.C. 1531-1543 (Act), except for those concerning the Convention on International Trade in Endangered Species of Wild Fauna and Flora, for which regulations are provided in Part 23 of this subchapter. The Act provides for the protection of listed species through establishment of programs for their recovery and through prohibition of harmful activities.

The Act provides a number of exceptions to its prohibitions against "take" of listed species through permitting programs. Regulations have been promulgated at 17.22(a) for endangered wildlife species, 17.32(a) for threatened wildlife species, 17.62 for endangered plant species, and 17.72 for threatened plant species to guide implementation of these permitting programs for Recovery and Interstate Commerce permits under section 10(a)(1)(A) of the Act. **Form 3-200-55** was developed to facilitate collection of information required by these regulations.

2. **Form 3-200-55** addresses application and reporting information requirements for Recovery permits and for Interstate Commerce permits under section 10(a)(1)(A) of the Act. Recovery permits for scientific research allow "take" of listed species as part of research and management actions, enhancement of propagation or survival, or zoological exhibition, or educational purposes, or special purposes consistent with the Act designed to benefit the species involved. Detailed descriptions of the proposed taking, its necessity for success of the proposed

action, and benefits to the species resulting from the proposed action are required under the implementing regulations cited above. Interstate Commerce permits allow transport and sale of listed species across State lines as part of breeding programs enhancing the survival of the species. Take authorized under this permit program would otherwise be prohibited by the Act.

We have significantly expanded the instructions in these permit application forms to make them easier to use and understand. We have also added information to clarify the permit application process in order to avoid common mistakes.

Recovery Permit

The following covers application requirements of 17.22(a)(1) & (3), 17.32(a)(1) & (3), 17.62(a) & (c), and 17.72(a) & (c) for Recovery permits. These regulations consist of application requirements for endangered and threatened wildlife and plant permits, and permit conditions for endangered and threatened wildlife and plant permits. The information is used by the U.S. Fish and Wildlife Service (Service) to evaluate applications and issue or deny permits based on the issuance criteria in 17.22(a)(2), 17.32(a)(2), 17.62(b), and 17.72(b). The issuance criteria are designed to ensure that the requirements of the Act are met, i.e., that conduct of the requested actions and issuance of the permit will enhance the survival of the species.

We kept the existing application requirements, but re-grouped them for added clarification. The purpose of each information request is as follows.

A. The common and scientific names are necessary to identify the species to be covered by the permit and so the evaluation and permit can be tailored to the individual species' requirements. We divided the information requests into two categories: those for a new permit and those for an amended permit. To assist us in our evaluation, we added the following requests for information: species' status (threatened, endangered, etc.) and a brief description of the activity for each species. For an amended permit we added an additional request for information on changed activities to be covered, and species to be deleted or added to the existing permit.

B. Identifies the area in which activities would be carried out.

C. 1. Allows the impact on listed wildlife populations to be assessed, provides a detailed description of techniques used to accomplish the applicant's objectives, for instance, "I will remove 4cc of blood from the thoracic aorta each 36 hours," allowing Service scientists to review these procedures for appropriateness and safety of the wildlife. Requires the applicant to consider and enunciate what he/she wishes to do in relationship to the issuance criteria and purposes of these regulations and, in some cases, results in the applicant finding that the proposed project does not fit the stated purposes. Allows the Service to determine that the planned disposition, release to the wild, transfer to a zoo or other researcher is in the best interest of the continued survival of the species and the

purposes of the Act.

C.2. Allows the Service to determine whether the proposed activities would lead to the recovery of affected species.

C.3. Requires the applicant to consider an alternative, if feasible, to taking animals from the wild and allows an evaluation of the past causes or mortalities and measures taken to prevent or decrease recurrences.

C. 4. Helps to substantiate that tentative, rather than speculative plans have been made.

C.5. Allows the Service to determine whether other permitting requirements have been met. The request for State permits was deleted because it is already requested on page 1 of the application form.

C.6. Allows the Service to locate the place where the individuals will be kept, allows an evaluation of the adequacy of facilities and personnel to care for the individuals, and indicates a willingness to cooperate in the recovery, through captive breeding and release to the wild of the concerned species. The request for resume, curriculum vitae, and previous professional experience was deleted here because the same information is requested under D.

D. Allows an evaluation of the adequacy of personnel conducting activities. We added clarification on the information requested for personnel qualifications.

E. Allows the Service to verify the legality of the means by which the species has been obtained.

F. Identifies the Federal land where the plant material will be collected and the kind of plant material collection requested.

G. Allows the applicant the option to release their business address as part of a list of individuals qualified to conduct permitted activities. We added information on the restrictions of the Privacy Act and on the restrictions on the ability of the Service to provide this referral due to workload.

The following paragraph addresses the reporting requirements of 17.22(a)(3), 17.32(a)(3), 17.62(c), and 17.72(c) for Recovery permits: 1) this annual reporting of the results subsequent to the activity authorized by the permit allows the Service to use the information obtained to evaluate the success of the project, formulate further research, and to develop management and recovery plans for the species; 2) this reporting of the circumstances surrounding an escape of captively-held wildlife allows an investigation of the incident to assess the negligence if any, on the part of the permittee, an evaluation of the feasibility of recapturing the specimen, and

development of techniques to reduce the possibility of future escapes.

Interstate Commerce Permit

The following covers application requirements of 17.22(a)(1) & (3), 17.32(a)(1) & (3), 17.62(a) & (c), and 17.72(a) & (c) for Interstate Commerce permits. These regulations consist of application requirements for endangered and threatened wildlife and plants, and permit conditions for endangered and threatened wildlife and plants permits. The information is used by the Service to evaluate applications and issue or deny permits based on the issuance criteria in 17.22(a)(2), 17.32(a)(2), 17.62(b), and 17.72(b). The issuance criteria are designed to ensure that the requirements of the Act are met, i.e., that conduct of the requested actions and issuance of the permit will enhance the survival of the species.

We kept the existing application requirements, and added additional requirements to better assist the Service in evaluating the qualifications of the permit applicant. The purpose of each information request is as follows.

I. For Wildlife

A. Identifies the kind and number of wildlife. We added birth date, birth place, and identifying features.

B. Identifies the dealer(s) involved in the transaction.

C. Allows the Service to verify the source of the wildlife.

D. Identifies required processing time.

E. Allows an evaluation of the adequacy of facilities.

F. Allows an evaluation of the adequacy of personnel experience with breeding this or similar species.

The following items were added to assist the Service in evaluating the qualifications of the applicant.

G. Allows an evaluation of experience in caring for the species.

H. Allows an evaluation of the quality of care.

I. Indicates a willingness to cooperate in the recovery, through captive breeding and release to the wild of the concerned species.

J. Allows the Service to verify the legality of the means by which the species has been obtained.

K. Indicates how the applicant will manage their breeding program.

II. For Plants

A. Identifies the location of cultivation.

B. Identifies the source of the breeding stock.

The following paragraph addresses the reporting requirements of 17.22(a)(3), 17.32(a)(3), 17.62(c), and 17.72(c) for Interstate Commerce permits: 1) this annual reporting of the results subsequent to the activity authorized by the permit allows the Service to use the information obtained to evaluate the success of the project, formulate further research, and to develop management and recovery plans for the species; 2) this reporting of the circumstances surrounding an escape of captively-held wildlife allows an investigation of the incident to assess the negligence if any, on the part of the permittee, an evaluation of the feasibility of recapturing the specimen, and development of techniques to reduce the possibility of future escapes.

3. The Service has developed an electronic permit issuance and tracking system called SPITS (Service Permit Issuance and Tracking System) that will greatly improve retrieval of file information, thereby reducing information collection requirements for renewal applications. 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.

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 SPITS. The Service is also currently developing electronic forms that will be available for use over the Internet, thereby allowing electronic filing of applications. 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.

4. Requested information is unique to the applicant and is not available from any other source. Application information is kept in office files to eliminate repeat or duplicate requests in the case of renewals, extensions or repeat applications. The Service has developed an electronic permit issuance and tracking system that will greatly improve retrieval of file information, therefore further reducing duplicate information requests for use in renewals, extensions and repeat applications. Since only the Service is authorized to issue this type of permit for species under Service jurisdiction, there is no duplication of other agencies' efforts. Ongoing development of the Service's new permit issuance and tracking system will ensure that no

duplication arises among Service offices.

5. Small businesses or small entities must provide the same information required of individual applicants. The information requested is limited to the minimum necessary to establish eligibility.

6. The current frequency and extent of information collection is necessary in order to satisfy public requests for permits. Reduced information collection would result in the Service's inability to respond to permit requests. 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 findings under applicable laws and regulations. Consequently, without a permit, the activity in question would be prohibited. Each application is unique as to species number, age, sex, source of animals, facilities and expertise and purpose of the applicant seeking the permit. There is no information already available that can be used in lieu of that supplied by the applicant.

7. Guidelines in 5 CFR 1320.6 are not exceeded.

8. Attached is a copy of the Federal Register notice of December 21, 2000 (65 FR 80449) 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 this License/Permit Application form in response to this notice. Opportunities for informal public comment are available through extensive personal contacts with applicants. The Service, on its own initiative, continually evaluates the effectiveness of its regulations and permits. Necessary changes are made through the formal proposed rulemaking procedure at which time public comment is solicited and carefully responded to in a final rulemaking.

9. Not applicable, no payment or gift to respondents is made.

10. Not applicable, no confidential information is solicited. 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. Not applicable, no sensitive questions are asked.

12. It will take a first time applicant for this type of permit an average of about two hours to complete this application. Therefore, the annual burden to 525 applicants to complete the application totals 1050 hours. The information is already known to the applicant as part of normal business practices and need only be entered on the application form. The number of applicants, 525, for these permits has remained stable over the past few years and is expected to remain stable. Cost to applicants is estimated at \$30 each, or a total of \$15,750 based on an estimated cost of \$15 per hour for time spent searching for required information and completing the forms.

It will take a permittee whose permit requires an annual report approximately 2 hours to develop the annual report. Approximately 100 permits of this type are currently valid. Therefore, the annual burden of those 100 permittee totals 200 hours. The data is already known to the permittee as part of normal research practice. The number of permittee of this type has remained at approximately this level for the past several years, and is expected to remain at this level. Cost to permittee is estimated at \$30 each, or a total of \$3,000 based on an estimated cost of \$15 per hour for time spent compiling data and writing it up.

The total burden hours for completing the permit application and reporting requirement is 1,250 hours.

13. There is an additional cost in the form of a \$25.00 processing fee per application. The annual non-hour dollar burden to the respondents for form 3-200-55 is approximately \$13,125 (525 applicants multiplied by the \$25.00 application fee).

14. The total cost to the Federal government of processing and renewing this type of permit applicant is estimated at \$186,375 or approximately \$355 per application. About 525 applications are received each year. These estimates are based on current experience with the application and current costs for time, printing, analysis of information and issuance or denial of a permit.

Annual reports are required for approximately 50 of these permits, generally those involving scientific research. Therefore, approximately 100 annual reports are received annually since the permits are usually issued for a two year period. The total cost to the Federal government for processing the annual reports is estimated at \$363 or \$3.63 per permit report. These estimates are based on current experience with annual reports and current cost for time, printing, analysis of information and any follow-up correspondence.

15. No program changes or adjustments have been made.

16. Summary information for endangered species permit applications will be published in the Federal Register as required by regulation.

17. Not applicable, the expiration date will be displayed.

18. Not applicable, no exception is requested.

Incorrect Form Numbers On Previous Approval

The Division of Endangered Species was originally assigned form numbers 3-200-52, 3-200-53, and 3-200-54 for our permit application forms, but while we were preparing our OMB justification the Division of Management Authority added 2 forms during the preparation of their OMB justification, and took the form numbers 3-200-52 and 3-200-53. When we were informed of their changes, we removed the 3-200-52 and 3-200-53 numbers from our justification and substituted the numbers 3-200-55 and 3-200-56. On November 21, 1997, the Service submitted the following Division of Endangered Species permit application forms to OMB for approval: 3-200-54 (Safe Harbor Agreements and Candidate Conservation Agreements with Assurances), 3-200-55 (Recovery and Interstate Commerce), and 3-200-56 (Incidental Take). The Service was notified on February 6, 1998, that OMB approval was granted for the Division of Endangered Species permit application forms. However, the OMB notification had the old form numbers of 3-200-52, 3-200-53, and 3-200-54. OMB records are still using the old form numbers for the Division of Endangered Species permit application forms. The Service requests that the OMB records be updated as part of this request for renewal of our approval.

B. Collection of Information Employing Statistical Methods (Not applicable)