

**Supporting Statement for Paperwork Reduction Act Submission**  
**Designated Port Exception Permits Form 3-200-2**

OMB control number 1018-0092

50 CFR 14.31 through 14.33

**General Instructions**

A Supporting Statement, including the text of the notice to the public required by 5 CFR 1320.5(a)(i)(iv) and its actual or estimated date of publication in the Federal Register, must accompany each request for approval of a collection of information. The Supporting Statement must be prepared in the format described below, and must contain the information specified in Section A below. If an item is not applicable, provide a brief explanation. When Item 17 of the OMB Form 83-I is checked "Yes", Section B of the Supporting Statement must be completed. OMB reserves the right to require the submission of additional information with respect to any request for approval.

**Specific Instructions**

**A. Justification**

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

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, 14 U.S. Bureau of Customs and Border Protection 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 or wildlife products 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. Indicate how, by whom, and for what purpose the information is to be used. Except for a

new collection, indicate the actual use the agency has made of the information received from the current collection. [Be specific. If this collection is a form or a questionnaire, every question needs to be justified.]

An application must be made for a permit to import or export wildlife or wildlife products at non-designated ports. The collection of information is achieved by using the U.S. Fish and Wildlife Service's (Service) 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 Service's Office of Law Enforcement (OLE) 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 OLE offices listed in Part 10, Subchapter B, Chapter I of Title 50 Code of Federal Regulations. The addresses of these seven 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 or wildlife products at a non-designated port qualifies for the requested exception.

To improve the efficiency of this form, the Service has changed the format of Form 3-200-2 so that its information fields correspond to the data fields in the service-wide permit issuance and tracking computer system.

The following specific justifications correspond to the requirements as they appear in 50 CFR 14.31, 14.32, and 14.33:

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

(i) Information showing the scientific purpose or use of the wildlife or wildlife products 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 quantity and species of wildlife or wildlife products described by scientific and common names to be imported or exported, when the quantity and species can be readily determined, is needed to determine whether the applicant has complied with any applicable 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 applicable 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) where the importation or exportation of wildlife or wildlife products is requested and the reason(s) why the importation or exportation should be allowed at the requested port(s) 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 importation or exportation at the requested port(s) is more feasible 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 or wildlife products.

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

(i) The quantity and species of wildlife described by scientific and common names to be imported or exported is needed to determine whether the applicant has complied with any applicable laws which apply to the importation or exportation of the species identified and to determine whether the species is/are 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 any applicable 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) where importation or exportation of wildlife or wildlife products is requested and the reason(s) why importation or exportation should be allowed at the requested port(s) 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 or wildlife products, as compared to an importation or exportation at the requested port(s).

(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 or wildlife products.

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

(i) The quantity and species kind of wildlife described by scientific and common names to be imported or exported and a description of the form in which the wildlife or wildlife products are 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 any applicable 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 any applicable 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 name and address of the supplier or recipient of the wildlife or wildlife products.

(iv) The port(s) where importation or exportation is requested and the reason(s) why importation or exportation should be allowed at the requested port(s) rather than at a designated port. This includes information to show the difference between the monetary cost of the importation or exportation at the port(s) requested and the lowest cost of the importation or exportation at a designated port or other port authorized by 50 CFR Part 14 that could be utilized 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.

(v) 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 or wildlife products.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden [and specifically how this collection meets GPEA requirements.].

We are exploring the development of a system to allow electronic submission of Form 3-200-2 in compliance with GPEA. Currently, however, the Service must receive a hard-copy, originally signed application form by postal mail or hand delivery from an applicant. Facsimile and e-mailed signatures are not accepted, but applicants may submit any supporting documentation or information missing from the application, other than an original signature, via facsimile transmission. Form 3-200-2 is currently available on the Internet in .pdf fillable format, allowing the public to complete the form on-line and print the completed form for signature and submission.

In addition, the Service's Office of Law Enforcement (OLE) is exploring ways to establish the complete electronic processing of Form 3-200-2, including submission, processing of application fees and issuance of permits, similar to OLE's eDecs system, which allows the public to electronically submit, pay any associated inspection fees, and receive approval of, Form 3-177, Declaration for Importation or Exportation of Fish or Wildlife.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

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 set of information.

5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.

OLE estimates that 1,164 applications for designated port exception permits will be submitted annually. The permits are valid for up to two years from the date of issuance to cover multiple shipments and are renewed upon request if the initial justification for issuing the permit remains in effect. Small entities are among the potential applicants for designated port exception permits. OLE has carefully analyzed and constructed these requirements to ensure that the information requested of small entities and all other potential applicants is the minimum necessary, while still ensuring OLE's ability to determine whether an applicant for a permit to import or export wildlife or wildlife products at a non-designated port qualifies for the requested exception.

6. Describe the consequence to Federal program or policy activities if the collection is not

conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

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. If designated port exception permits are not issued, small entities and all other potential applicants who legitimately meet one or more of the three exemptions for importing or exporting wildlife or wildlife products at non-designated ports would nevertheless not be allowed to import into, or export from, a non-designated port.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- \* requiring respondents to report information to the agency more often than quarterly;
- \* requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;
- \* requiring respondents to submit more than an original and two copies of any document;
- \* requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;
- \* in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;
- \* requiring the use of a statistical data classification that has not been reviewed and approved by OMB;
- \* that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or
- \* requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

There are no special circumstances that would require this information to be collected in a manner inconsistent with OMB guidelines.

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice [and in response to the PRA statement associated with the collection over the past three years] and describe actions taken by the agency in response to these comments. Specifically address comments

received on cost and hour burden.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported. [Please list the names, titles, addresses, and phone numbers of persons contacted.]

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years — even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained

Attached is a copy of the Federal Register notice of March 16, 2004 (69 FR 12343) documenting the Service's notice soliciting comments on the information collection prior to submission to OMB. In addition, on March 29, 2004, OLE distributed a public bulletin to the wildlife import/export community requesting comments on the renewal of the information collection contained in Form 3-200-2, and directed the submission of these comments to the Service's Information Collection Clearance Officer. This public bulletin was posted in all of OLE's wildlife inspection offices. No comments were received regarding this form in response to the notice or bulletin. Opportunities for informal public comment may also be available through extensive personal contact with potential applicants during permit workshops, seminars, meetings and related activities conducted on behalf of various interest groups, such as zoos, big game hunters or reptile breeders. In addition, opportunities for informal public comment exist with importers and exporters of wildlife and wildlife products during the course of business as part of OLE's wildlife inspection process. OLE continuously internally evaluates the effectiveness of its applications as they relate to regulations for permits.

Before the development of this justification to renew the information collection contained in Form 3-200-2, OLE consulted with the following individuals regarding the burden estimates contained herein:

Carol Rutkowski, National Customs Brokers and Freight Forwarders Association of America, 756 Port America Place, Suite 300, Grapevine, Texas, 76051, telephone: (817) 481-1260

Billy Darnell, Del Pitic Outfitters, 15 Broadway Club Lane, Animas, New Mexico, telephone: (505) 548-2422

Bigel (last name unknown), Ferrini USA Inc., 13624 Gamma Road, Dallas, Texas, 75380, telephone: (972) 980-8881

Loretta Clay, George Carden Circus, 3801 West State Highway O, Springfield, Missouri,

68503, telephone: (417) 833-3588.

Results from these consultations indicate that our hour burden estimate for the completion of Form 3-200-2 is well within reason, and there were no recommendations to modify the form. OLE receives numerous inquiries about how to determine which of the three designated port exemptions an applicant would qualify for. In response to these inquiries, OLE has developed a fact sheet on our website to help applicants determine if they would qualify for one of the three exemptions: to minimize deterioration or loss; to alleviate undue economic hardship; or for scientific purposes. In addition, OLE may receive inquiries about how to determine the species that is being imported or exported. However, the importer or exporter is responsible for providing this information on Form 3-177, Declaration for Importation or Exportation of Fish or Wildlife, which is approved under OMB control number 1018-0012 (expires December 31, 2006).

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

There is no provision within the General Permit Procedures regulation (50 CFR 13) to provide any gift or payment to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

Form 3-200-2 includes a notice concerning the Privacy Act and Paperwork Reduction Act. That notice states, among other things, that:

- The information may be subject to disclosure under provisions of the Freedom of Information Act;
- In the event that there is indicated a violation of a statute, regulation, rule, order, or license, whether civil, criminal, or regulatory in nature, the information may be transferred to the appropriate Federal, State, local, or foreign agency charged with investigating or prosecuting such violations; and
- In the event of litigation involving the records or the subject matter of the records, the information may be transferred to the U.S. Department of Justice.

The information collected on Form 3-200-2 is subject to the Privacy Act and is maintained in a secure system of records accessible only by authorized Service employees.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to

obtain their consent.

None of the information collected on this application form is of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information. The statement should:
- \* Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.
  - \* If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.
  - \* Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.

OLE data indicates that approximately 1,164 applicants will apply for a designated port exception permit annually. This estimate includes new applications and applications to renew existing designated port exception permits. This estimate is based upon OLE statistics for the number of designated port exception permits issued in 2003 for each of the three exemptions for importing or exporting wildlife or wildlife products at non-designated ports. In 2003, OLE issued 178 designated port exception permits to minimize deterioration or loss, 696 designated port exception permits to alleviate undue economic hardship, and 57 designated port exception permits for scientific purposes. Based upon recent trends, OLE projects an increase in the number of designated port exception permits issued for all three exemptions, of approximately 25 percent. Therefore, the projection of 1,164 applicants who will apply for a designated port exception permit annually is obtained by adding the following:

- multiplying 178 issued permits to minimize deterioration or loss by 1.25 which equals 223;
- multiplying 696 issued permits to alleviate undue economic hardship by 1.25 which equals 870; and

- multiplying 57 issued permits for scientific purposes by 1.25 which equals 71.

It will take an average of one hour for each respondent to complete the application for a designated port exception permit, whether it is a new application or an application to renew an existing designated port exception permit. The total annual estimated reporting burden for completing Form 3-200-2 is therefore 1,164 hours. We estimate that the average wage of individuals likely to be completing Form 3-200-2 is \$20.00 per hour. Therefore, the total estimated dollar value of this reporting burden is \$23,280.00.

Annual Number of Responses	Burden Hours Per Response	Total Annual Burden Hours	Dollar Value of Burden Hours	Total Dollar Value of Annual Burden Hours
1,164 responses	1 hour	1,164 hours	\$20.00 per hour	\$23,280.00

13. Provide an estimate of the total annual [non-hour] cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).

\*The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information [including filing fees paid]. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.

\*If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.

\*Generally, estimates should not include purchases of equipment or services, or

portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

The total annual non-hour dollar cost burden to the respondents is approximately \$29,100.00. We calculated this by multiplying the anticipated number of applications, 1,164, by the designated port exception permit application fee of \$25.00.

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.

The estimate of annualized cost to the Federal Government is approximately \$34,920.00. This value is based on the average salary per hour of OLE personnel likely to be involved in the processing or review of Form 3-200-2 applications (\$20.00 per hour), plus operational expenses (\$10.00 per hour), multiplied by the number of hours required to process an application (one hour), multiplied by the total number of responses per year (1,164 responses).

Number of Applications Per Year	Number of Hours to Process Each Application	Hourly Wage of Processors and Reviewers	Operational Expenses Per Hour	Total Annualized Cost to The Federal Government (1,164 hours x \$30.00 per hour)
1,164	1 hour	\$20.00	\$10.00	\$34,920.00

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I.

As explained in the preceding supporting statement, there is an overall decrease of 183 hours in the annual reporting and recordkeeping burden in item 13 of OMB Form 83-1 for OMB control number 1018-0092. This decrease requires explanation. The current OMB hour burden inventory for this collection includes an estimate of the hour burden for Form 3-200-26, a form which is not included in this renewal request. The responsibility for Form 3-200-26 has been transferred to the Service's Division of Management Authority, and is now included in the

information collection assigned OMB control number 1018-0093. The transfer of this form to another OMB control number resulted in a program change of a decrease of 2,235 burden hours and nearly \$56,000 in non-hour dollar cost burden for this collection.

For Form 3-200-2 in particular, the annual burden hours requested for designated port exception permits have decreased by 106 hours when compared to the current OMB inventory for these permits. However, upon closer examination, this decrease is also misleading. OLE data indicates that approximately 1,164 applicants will apply for a designated port exception permit annually. This is actually an increase of 529 applications from the estimate in the current OMB inventory. This is because the current OMB inventory includes an estimate of one hour of burden for reporting requirements for each of the 635 designated port exception permittees. Although OLE has authority to require reporting from these permittees, OLE never exercises this authority. Therefore, it is inaccurate to include this extra burden in the annual burden hours estimate. As such, even though the annual burden hours requested has decreased, the number of respondents has increased significantly, which in turn has increased the annual non-hour dollar cost burden associated with this form.

The increase in respondents and the corresponding increase in the annual non-hour dollar cost burden of \$13,225.00 can be explained by the increased volume of trade in wildlife and wildlife products. On December 15, 2003, OLE received OMB approval of the information collection contained in Form 3-177, Declaration for Importation or Exportation of Fish or Wildlife, OMB control number 1018-0012. OLE's justification for this information collection substantiated the dramatic increase in the number of Form 3-177's submitted annually, reflecting a dramatic increase in the volume of imports and exports of wildlife and wildlife products. An increase in the number of applications for designated port exception permits is consistent with the increase in the volume of imports and exports of wildlife and wildlife products.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

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

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

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

18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.

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

**B. Collections of Information Employing Statistical Methods**

The collection of this information does not employ statistical methods.