

**1 Supporting Statement A
for
Paperwork Reduction Act Submission**

OMB Control Number 1018-XXXX

**Captive Wildlife Safety Act
50 CFR 14.250 – 14.255**

1. Explain the circumstances that make the collection of information necessary.

The Captive Wildlife Safety Act (CWSA) amends the Lacey Act by making it illegal to import, export, buy, sell, transport, receive, or acquire, in interstate or foreign commerce, live lions, tigers, leopards, snow leopards, clouded leopards, cheetahs, jaguars, or cougars, or any hybrid combination of any of these species, unless certain exceptions are met. There are several exceptions to the prohibitions of the CWSA, including:

- Persons licensed or registered by the United States Department of Agriculture, Animal and Plant Health Inspection Service, under the Animal Welfare Act.
- State colleges, universities, or agencies.
- State-licensed rehabilitators.
- State-licensed veterinarians.
- Accredited wildlife sanctuaries.

There is no requirement for wildlife sanctuaries to submit applications to qualify for the accredited wildlife sanctuary exemption. Wildlife sanctuaries themselves will determine if they qualify. To qualify, they must meet all of the following criteria:

- Approval by the United States Internal Revenue Service (IRS) as a corporation that is exempt from taxation under section 501(a) of the Internal Revenue Code of 1986, which is described in sections 501(c)(3) and 170(b)(1)(A)(vi) of that code.
- Do not engage in commercial trade in the prohibited wildlife species including offspring, parts, and products.
- Do not propagate the prohibited wildlife species.
- Have no direct contact between the public and the prohibited wildlife species.

2. Indicate how, by whom, how frequently, and for what purpose the information is to be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, explain how the collection complies with all applicable Information Quality Guidelines.

We are implementing the CWSA by adding subpart K to 50 CFR 14. This subpart requires that accredited wildlife sanctuaries maintain complete and accurate records of any possession, transportation, acquisition, disposition, importation, or exportation of the prohibited wildlife species. These records must be up to date and include the names and addresses of persons to or from whom any prohibited wildlife species has been acquired, disposed of, imported, exported or otherwise transferred, and the dates of these transactions. Accredited wildlife sanctuaries must:

- Maintain these records for 5 years.

- Make these records accessible to Service officials for inspection at reasonable hours.
- Copy these records for Service officials, if requested.

This recordkeeping requirement will enable Service officials to confirm that the sanctuary qualifies for the accredited wildlife sanctuary exemption.

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].

This collection of information is a recordkeeping requirement only and does not involve the use of information technology.

4. Describe efforts to identify duplication.

We do not collect duplicate information. However, to qualify for the accredited wildlife sanctuary exemption, the Internal Revenue Service (IRS) must approve the wildlife sanctuary as a corporation that is exempt from taxation under section 501(a) of the Internal Revenue Code of 1986. To receive this IRS approval, wildlife sanctuaries must be able to document that any possession, transportation, acquisition, disposition, importation, or exportation of specimens of the prohibited wildlife species is conducted on a not-for-profit basis. Records confirming this would be the same records that must be accessible to Service officials and, therefore, would not increase the burden on wildlife sanctuaries. Since we do not know which wildlife sanctuaries this information collection could impact, we are unable to use the information provided to the IRS by wildlife sanctuaries seeking to establish tax exempt status.

5. If the collection of information impacts small businesses or other small entities, describe the methods used to minimize burden.

We do not anticipate any significant burden on wildlife sanctuaries. We will require sanctuaries to make records available only on an as-needed basis.

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.

In the interest of public safety, Congress recognized the need to address the issue of ownership of large cat species on a nationwide basis. The CWSA regulates the movement of large cat species and provides improved safety for members of the public who are given opportunities for close proximity to or direct contact with the prohibited wildlife species. To fulfill the intent of Congress, we must be able to confirm that a particular wildlife sanctuary qualifies for the accredited wildlife sanctuary exemption provided in the CWSA. If we do not impose this recordkeeping requirement, we would not be able to confirm whether or not a particular wildlife sanctuary qualifies for this exemption.

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.

We will require that accredited wildlife sanctuaries maintain complete and accurate records of any possession, transportation, acquisition, disposition, importation, or exportation of specimens of the prohibited wildlife species for 5 years. This time period is consistent with the records requirements contained in our general permit procedures (50 CFR 13.46). Since accredited wildlife sanctuaries may have applied for and been issued permits under the general permit procedures, we believe it would be in the public interest that the records maintenance requirements for this information collection be consistent with those in the general permit procedures.

8. **Provide 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 (or in response to a PRA statement) and describe actions taken by the agency in response to these comments.**

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.]

On January 31, 2006, we published in the Federal Register (71 FR 5041) a proposed rule to implement the CWSA. In that proposed rule, we solicited comments on the information collection requirements for 60 days, ending on March 2, 2006. We received two comments on the proposed recordkeeping requirement for wildlife sanctuaries.

One comment suggested that imposing a \$15,000.00 burden on a small wildlife sanctuary could cripple the sanctuary. This commenter misunderstood our burden estimates in the proposed rule. We estimate that the total annual burden for complying with this recordkeeping requirement should be 1 hour or less for each wildlife sanctuary. Estimating the average wage of individuals likely to be providing these documents at \$20.00 per hour, the annual cost of this recordkeeping requirement for each wildlife sanctuary would be only \$20.00.

One comment suggested that the recordkeeping requirement on wildlife sanctuaries could create serious financial and resource burdens on those sanctuaries. We disagree. We do not anticipate any significant burden on wildlife sanctuaries, because the maintenance of the records that we would collect is typically a normal business practice. Most wildlife sanctuaries will have custody of only a limited number of specimens of the prohibited wildlife species. Therefore, complying with this requirement can be met by maintaining, making available, and copying, if needed, a small number of documents pertaining to the possession, transportation, acquisition, disposition, importation, or exportation of specimens of the prohibited wildlife species.

Consultation with persons outside the Service has not taken place. We do not know which wildlife sanctuaries this information collection could impact. In addition, consulting with several wildlife sanctuaries on the potential impact of this recordkeeping requirement during the proposed rule stage of this rulemaking would have been inappropriate.

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

We will not provide any gifts 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.

All records made available to the Service under this recordkeeping requirement are subject to the Privacy Act, and we will maintain them in a secure system of records accessible only by authorized Service employees, under the system name, Investigative Case File System–Interior; FWS–20. These records may be subject to disclosure under provisions of the Freedom of Information Act. This recordkeeping requirement does not involve the use of applications or forms that would require a Privacy Act Statement.

If there is an indication of a violation of a statute, regulation, rule, order, or license, whether civil, criminal, or regulatory in nature, we may transfer the information contained in these records to the appropriate Federal, State, local, or foreign agency charged with investigating or prosecuting those violations. In the event of litigation involving these records or the subject matter of these records, we may transfer the information to the U.S. Department of Justice.

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.

These records only document the possession, transportation, acquisition, disposition, importation, or exportation of specimens of the prohibited wildlife species and do not involve questions of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information.

We are aware of only three organizations that accredit wildlife sanctuaries. An examination of the charter members of these organizations yields about 75 wildlife sanctuaries that could qualify as an accredited wildlife sanctuary. Extrapolating this number on a nationwide basis, we estimate there are no more than 750 wildlife sanctuaries that could qualify for the accredited

wildlife sanctuary exemption. In arriving at this estimate, we considered that many wildlife sanctuaries choose not to obtain membership in the three organizations of which we are aware.

The estimated annual burden for complying with this recordkeeping requirement is 1 hour or less for each sanctuary. We estimate that the average wage of individuals likely to be providing these documents is \$20.00 per hour. Therefore, the total estimated annual burden cost to the public is \$15,000.00.

Requirement	Annual No. of Respondents	Total annual responses	Completion time per response	Total annual burden hours	Total burden cost to public (\$20/hour)
Recordkeeping and copying records if needed	750	750	1 hour	750	\$15,000.00

13. Provide an estimate of the total annual [nonhour] cost burden to respondents or recordkeepers resulting from the collection of information.

There is no nonhour cost burden to respondents.

14. Provide estimates of annualized costs to the Federal Government.

The annual cost to the Federal Government consists of salary/benefit and travel expenses for official Service visits to wildlife sanctuaries to inspect and/or collect records. These costs will vary greatly based upon the proximity of Service duty stations to the wildlife sanctuaries. We estimate that we will visit no more than 10 wildlife sanctuaries per year, with salary/benefit and travel costs for each visit averaging \$1,500. Total annual cost to the Federal Government is approximately \$15,000.

15. Explain the reasons for any program changes or adjustments.

This is a new information collection. To implement the CWSA, we are imposing a recordkeeping requirement on accredited wildlife sanctuaries. We estimate a total of 750 annual burden hours.

16. For collections of information whose results will be published, outline plans for tabulation and publication.

This information collection is a recordkeeping requirement, and we do not plan to publish information contained in the records obtained from wildlife sanctuaries.

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.

Not applicable. This information collection is a recordkeeping requirement.

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 contained in Item 19 of OMB Form 83-I.