

1 Supporting Statement A for Paperwork Reduction Act Submission

Import of Sport-Hunted African Elephant Trophies, 50 CFR 17 U.S. Fish and Wildlife Service Form 3-200-19 OMB Control Number 1018-0164

Terms of Clearance. None.

NOTE: The burden in this ICR will be included in 1018-0093, when it expires in May 2017.

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

Under the U.S. Endangered Species Act (ESA) (16 U.S.C. 1531 et seq.), the Secretary of the Interior, through the U.S. and Wildlife Service, regulates import, export, and sale within the United States (16 USC 1538 and 1540) of listed species. The African elephant is listed as threatened under the ESA.

The ESA does not specify particular prohibitions and exceptions to those prohibitions for threatened species. Instead, under section 4(d) of the ESA, the Secretary of the Interior is given the discretion to issue such regulations as deemed necessary and advisable to provide for the conservation of the species. Exercising this discretion under section 4(d), the Service has developed general prohibitions (50 CFR 17.31) and established a permitting process for specified exceptions to those prohibitions (50 CFR 17.32) that apply to most threatened species. Permits issued under 50 CFR 17.32 must be for "Scientific purposes, or the enhancement of propagation or survival, or economic hardship, or zoological exhibition, or educational purposes, or incidental taking, or special purposes consistent with the purposes of the [ESA]."

2. Indicate how, by whom, and for what purpose the information is to be used.

We use FWS Form 3-200-19 (Import of Sport-hunted Trophies of Southern African Leopard, African Elephant, and Namibian Southern White Rhinoceros) as the application to import sport-hunted African elephant trophies. We use the information to determine whether an applicant qualifies for an ESA permit to import an African elephant sport-hunted trophy and, if so, to issue the permit. All Service permit applications are in the 3-200 series of forms, each tailored to a specific activity. We collect standard identifier information for all permits, such as the name of the applicant and the applicant's address, telephone and fax numbers, social security or tax identification number, and e-mail address. Standardization of general information common to the application forms makes the filing of applications easier for the public as well as expedite our review of applications. The information that we collect is the minimum necessary for us to determine if the applicant meets issuance requirements for the particular activity.

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].

FWS Form 3-200-19 is available to applicants in a fillable format on our forms and permits websites, by mail, or by fax. Applicants may complete the fillable application online, but must send the application form with an original signature and the applicable processing fee by mail. Applicants may send supporting information by email or fax, if we already have their application and they are able to reference an application number. At this time, we do not have a system for electronic submission of permit application forms or reports; however, we are actively developing the system and are pilot testing two Service application forms that have current OMB approval.

4. Describe efforts to identify duplication.

No other division of the Service or other agency of the Federal Government collects this information. The information that we collect is unique to the applicant and is not available from any other source.

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

This collection will not have a significant impact on small entities. We collect only the minimum information necessary to establish eligibility and to assess the effect of the permit program.

6. Describe the consequence to Federal program or policy activities if the collection were not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

If we do not collect the information, we cannot issue required ESA threatened species permits to allow import. These trophies cannot be imported without the proper permits. The frequency of collection is sporadic as information is only collected when a person wishes to obtain permission to import an African elephant sport-hunted trophy.

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 cause us to collect this information in a manner inconsistent with OMB guidelines.

- 8. If applicable, 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.

On June 9, 2016, we published in the *Federal Register* (81 FR 37207) a notice of our intent to request that OMB renew approval for this information collection. In that notice, we solicited comments for 60 days, ending on August 8, 2016. We received three substantive comments in response to this request.

Comment: The International Fund for Animal Welfare (IFAW) and the Natural Resources Defense Council (NRDC) submitted a joint response to the notice. They expressed their strong support for the permit requirement for import of sport-hunted trophies from all African elephant populations (both Appendix-I and Appendix-II populations) and the associated collection of information. They stated their belief that prospective trophy importers should be required to provide information on the specific elephant and population, which should be added to section E2 and or E3 of FWS Form 3-200-19. Such information should include, but not be limited to 1) sex and approximate age of the elephant and 2) approximate status of the individual within the herd's hierarchy. In addition, they believe that Section E5 of FWS Form 3-200-19 should be rephrased to *require* trophy hunters to provide information regarding "how the funds from license/trophy fees will be spent [and] what portion of the hunting fee will support conservation" as the current language suggests that hunters may provide this information at their own discretion. They also assert that in section E5, the Service should include specific subquestions and "require supporting documentation that places an increased burden on hunters to prove that their trophy meets the enhancement standard."

Response: We believe that Form 3-200-19 requests the information we need from applicants. Hunters often apply for import permits before leaving on safari and therefore are not in a position to provide information on the specific elephant and population. In addition, they are not necessarily in a position to know what portion of their hunting fees will support conservation. This is information that we acquire from the countries of origin, not from permit applicants.

With regard to the cost burden, these commenters state their belief that the permit application fee is too small and that it should be increased to fully compensate FWS for costs associated with performing individualized (as opposed to country-wide) enhancement findings. They note that the 2015 market rate for an African elephant hunting package was between \$25,000 and \$60,000 and state that the \$100 permit application fee "imposes trivial additional costs on the importer."

Response: We are currently reevaluating our permit fees and may, in the future, publish a proposed rule to revise our fee structure.

Comment: The Humane Society of the United States (HSUS) and Humane Society

International (HSI) jointly submitted comments in support of the request for extension of approval for information collection through FWS Form 3-200-19 from all importers of African elephant sport-hunted trophies. They state their belief that it is critically important that this information is collected from applicants for ESA import permits as the information “is essential for FWS to comply with its statutory duties to protect African elephants from threats that jeopardize the species’ continued existence.” They also believe that FWS Form 3-200-19 requests the “bare minimum information needed” from an applicant.

These commenters also state that the current “paltry” applicant fee of \$100 for an African elephant sport-hunted trophy import permit is too low and should be increased. They assert that the \$100 application fee for import of trophies “cannot possibly reimburse the agency for all of its costs associated with ensuring that applicants are eligible for permits...” and they “urge OMB to formally request that FWS amend this fee structure

Response: See response to the previous comment.

Comment: Conservation Force submitted comments in opposition to the information collection, stating that “it is unnecessary and over burdensome for both the U.S. Fish and Wildlife Service...and permit applicants/tourist safari hunters, and it will not provide any useful information...” They contend that it is “a burden without a benefit” and that the burden cannot be reduced unless the permit requirement is removed. Conservation Force also asserts that the burden estimate is inaccurate because the Service has not considered: its current backlog of applications in assessing its ability to process another 300 permits; the additional costs and demands for seizures and law enforcement actions; the permit renewal fee.

Response: Our newly revised regulations require that we issue an ESA import permit for import of all African elephant sport-hunted trophies. We are seeking authorization to collect the information necessary for us to issue these permits. The burden estimates are developed in accordance with the Paperwork Reduction Act. In estimating the burden to the Service, we consider the time required to process an application, the cost of processing an application, including the salaries of the people doing the work, and the estimated number of applications. In estimating the burden to the applicant, we consider the time it takes to complete an application, including gathering the necessary information, an estimate of the salary of the person completing the form, and the permit fee. Based on our experience, we believe our burden estimates are accurate.

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

We do not 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.

We do not provide any assurance of confidentiality. The information that we collect from applicants is part of an existing Privacy Act system of records (Permits System - Interior/FWS-21) and is subject to the requirements of both the Privacy Act of 1974 and the Freedom of Information Act. For organizations, businesses, or individuals operating as a business (i.e., permittees not covered by the Privacy Act), we request that applicants identify any information that they wish us to consider privileged and confidential business information. We will determine if the information meets the FOIA criteria that will allow us to withhold it from the public. The nonconfidential information may be made available to the public under FOIA [43 CFR 2.13(c)(4), 43 CFR 2.15(d)(1)(i)].

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.

We do not ask questions of a sensitive nature.

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

We estimate that there will be approximately 300 respondents (individuals) annually for the activities included in this ICR (import of sport-hunted African elephant trophies from Appendix-II populations). We anticipate receiving approximately 300 responses annually, totaling 100 burden hours, based on a completion time of approximately 20 minutes per response.

We estimate the total dollar value of the annual burden hours for this collection to be \$3,400. We used the Bureau of Labor Statistics news release USDL 16-0463, March 10, 2016, Employer Costs for Employee Compensation—December 2015), to estimate average hourly wages and benefits. We used the total compensation rate for all workers from Table 1 (\$33.58). For purposes of this collection, we have used an hourly rate of \$34.00 (rounded).

ACTIVITY (Reporting and recordkeeping)	NUMBER OF RESPONDENTS	NUMBER OF RESPONSES	COMPLETION TIME PER RESPONSE	TOTAL ANNUAL BURDEN HOURS	TOTAL DOLLAR VALUE OF BURDEN HOURS (@\$34/hr) (rounded)
Form 3-200-19	300	300	20 minutes	100	\$3,400
TOTALS	300	300		100	\$3,400

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

We estimate that the total nonhour burden costs associated with the increase in number of applications that will be received as a result of the final rule will be \$30,000. The fee for processing an application for import of an African elephant sport-hunted trophy is \$100. We expect to receive about 300 additional applications per year.

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

We estimate the total cost to the Federal Government to administer this information collection will be \$53,550 (1,050 hours * \$51). We expect to receive about 300 applications to import African elephant sport-hunted trophies from Appendix-II populations. It will take approximately 3.5 hours to process each of these applications. The average hourly wage is \$51.00 (rounded). We used Office of Personnel Management Salary Table 2016-DCB to determine average hourly wages. We multiplied the hourly rate by 1.6 to account for benefits in accordance with BLS news release USDL 16-0463, March 10, 2016. The table below shows Federal staff and grade levels performing various tasks associated with this information collection. Service staff will:

- Review and determine the adequacy of the information an applicant provides.
- Conduct any internal research necessary to verify information in the application or evaluate the biological impact of the proposed activity.
- Evaluate whether the proposed activity meets the issuance criteria.
- Prepare either a permit or a denial letter for the applicant.
- Monitor reports.

POSITION AND GRADE	HOURLY RATE	HOURLY RATE INCLUDING BENEFITS	TIME SPENT ON INFORMATION COLLECTION	WEIGHTED AVERAGE \$/HOUR
Office Automation Assistant GS-326-5/5	\$19.15	\$30.64	5%	\$1.53
Legal Instrument Examiner GS-963-7/5	\$23.72	\$37.95	45%	17.08
Biologist GS-401/486-11/5	\$35.11	\$56.18	40%	22.47
Program Manager GS-340-14/5	\$59.13	\$94.61	10%	9.46
Total				\$50.54

15. Explain the reasons for any program changes or adjustments in hour or cost burden.

There are no program changes or adjustments.

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

We do not plan to publish the results of this 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.

We will display the OMB Control Number and expiration date on the form and other appropriate documents.

18. Explain each exception to the certification statement.

There are no exceptions to the certification statement.