



DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS-HQ-LE-2019-N065; FF09L00200-FX-LE18110900000; OMB Control Number 1018-0012]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Declaration for Importation or Exportation of Fish or Wildlife

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the U.S. Fish and Wildlife Service (Service), are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

ADDRESSES: Send written comments on this information collection request (ICR) to the Office of Management and Budget's Desk Officer for the Department of the Interior by email at OIRA_Submission@omb.eop.gov; or via facsimile to (202) 395-5806. Please provide a copy of your comments to the Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, MS: AMAD-ARM-PPM, 5275 Leesburg Pike, Falls Church, VA 22041-3803 (mail); or by email to Info_Coll@fws.gov. Please reference OMB Control Number 1018-0012 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Madonna L. Baucum, Service Information Collection Clearance Officer, by email at Info_Coll@fws.gov, or by telephone at (703) 358-

2503. You may also view the ICR at <http://www.reginfo.gov/public/do/PRAMain>.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

On February 1, 2019, we published a *Federal Register* notice soliciting comments on this collection of information for 60 days, ending on April 2, 2019 (84 FR 1197). We received the following comments in response to the *Federal Register* notice:

Comment 1: Email comment received on February 1, 2019. The commenter requested the law be changed to prohibit international trophy hunting.

FWS Response to Comment 1: These comments did not address the collection of information using Form 3-177 and the related burden. No action taken.

Comment 2: Email comment on behalf of Robertson, Monagle & Eastaugh, received March 29, 2019. The author requested the Service revise its user fee system as it applies to commercial squid fisheries.

FWS Response to Comment 2: These comments did not address the collection of information using Form 3-177 and the related burden. Adoption of these comments would require a proposed rule to revise 50 CFR part 14. A Service rulemaking action would be a process separate from these information collection requirements.

Comment 3: Email comment on behalf of the Humane Society of the United

States, received April 1, 2019. The comments were supportive of the need to collect information using Form 3–177 and our estimation of the related burden. However, the commenter raised the concern that submission of information through U.S. Customs and Border Protection’s (CBP) Automated Commercial Environment (ACE), including the use of Census’ Automated Export System (AES), could result in the information possibly being no longer available to enable the Service to implement its legislative and CITES Treaty obligations, and that the information might be no longer available to the public to exercise their rights to petition the government or take other actions.

FWS Response to Comment 3: The submission of information through CBP’s ACE and AES systems will not result in a loss of data impacting the Service’s ability to meet its obligations or the ability of the public to exercise their rights. Rather, we will re-route this information for entry into the Service’s Law Enforcement Management Information System (LEMIS).

Comment 4: Letter dated March 28, 2019, on behalf of Friends of Animals, received by the Service on April 2, 2019. These comments addressed the Service’s Low Risk Fee Exemption Program and its negative impact on wildlife resources and the Service’s inspection program.

FWS Response to Comment 4: These comments did not address the collection of information using Form 3–177 and the related burden. Adoption of these comments would require a proposed rule to revise 50 CFR part 14. A Service rulemaking action would be a process separate from these information collection requirements.

Comment 5: Email on behalf of Safari Club International (SCI), dated April 2, 2019. SCI’s comments did not address the collection of information using Form 3–

177 and the related burden. Rather, these comments addressed the disclosure of personal information contained on Form 3–177 and found in LEMIS. See below for descriptions of and FWS responses to the comments.

FWS Response to Comment 5: SCI requested changes to Form 3–177 and its supporting information, requesting that the Service amend Form 3–177 to include a statement, to which the respondent could opt to agree, that the Service must maintain information contained on Form 3–177 in confidence and that we will not disclose the information in response to requests made under the Freedom of Information Act (FOIA) or any other law. However, the Service cannot include such an amendment to Form 3–177, because we must release information included on the form when requested, subject to the provisions of the FOIA.

In addition, SCI requested revisions to the language to the supporting information contained on Form 3–177, in particular, the “Routine Uses” and “Disclosure” text on the Notices page. SCI requested that the information included on Form 3–177 only be used for law enforcement purposes, and that information other than personal information may be subject to disclosure under the FOIA. The Service cannot include such a revision because we must release information included on the form when requested, subject to the provisions of the FOIA. SCI also requested additional revisions to the language to the supporting information contained on Form 3–177, in particular, the “Disclosure” and “Paperwork Reduction Act Statement” text on the Notices page. SCI requested that the language used in these statements be revised to indicate that the information requested on the form is involuntary, rather than voluntary. However, the Service considers the information requested on the form to be voluntary, in order to obtain or retain a benefit.

We are again soliciting comments on the proposed ICR that is described

below. We are especially interested in public comment addressing the following issues: (1) is the collection necessary to the proper functions of the Service; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Service enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Service minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: The Endangered Species Act (Act; 16 U.S.C. 1531 *et seq.*) makes it unlawful to import or export fish, wildlife, or plants without filing a declaration or report deemed necessary for enforcing the Act or upholding the Convention on International Trade in Endangered Species (CITES) (see 16 U.S.C. 1538(e)). With a few exceptions, businesses, individuals, or government agencies importing into or exporting from the United States any fish, wildlife, or wildlife product must complete and submit to the Service an FWS Form 3–177 (Declaration for Importation or Exportation of Fish or Wildlife). This form, as well as FWS Form 3–177a (Continuation Sheet) and instructions for completion, are available for electronic submission at <https://edecs.fws.gov>. These forms are also available in fillable format at <http://www.fws.gov/forms/>. The information that we collect is unique to each

wildlife shipment and enables us to:

- Accurately inspect the contents of the shipment;
- Enforce any regulations that pertain to the fish, wildlife, or wildlife products contained in the shipment; and
- Maintain records of the importation and exportation of these commodities.

Businesses or individuals must file FWS Forms 3-177 and 3-177a with us at the time when and at the port where they request clearance of the import or export of wildlife or wildlife products. Our regulations allow certain species of wildlife to be imported or exported between the United States and Canada or Mexico at U.S. Customs and Border Protection ports, even though our wildlife inspectors may not be present. In these instances, importers and exporters may file the forms with U.S. Customs and Border Protection. We collect the following information:

- (1) Name of the importer or exporter and broker.
- (2) Scientific and common name of the fish or wildlife.
- (3) Permit numbers (if permits are required).
- (4) Description, quantity, and value of the fish or wildlife.
- (5) Natural country of origin of the fish or wildlife.

In addition, certain information, such as the airway bill or bill of lading number, the location of the shipment containing the fish or wildlife for inspection, and the number of cartons containing fish or wildlife, assists our wildlife inspectors if a physical examination of the shipment is necessary.

In 2009, we implemented a new user fee system intended to recover the costs of the compliance portion of the wildlife inspection program. Since that time, we have been made aware that we may have placed an undue economic burden on

businesses that exclusively trade in small volumes of low-value, non-federally protected wildlife parts and products. To address this issue, we implemented a program that exempts certain businesses from the designated port base inspection fees as an interim measure while we reassess the current user fee system. Businesses that possess a valid Service import/export license may request to participate in the fee exemption program through our electronic filing system (eDecs). Qualified licensees must create an eDecs filer account as an importer or exporter if they do not already have one, and file their required documents electronically.

To be an approved participating business in the program and receive an exemption from the designated port base inspection fee, the licensed business must certify that it will exclusively import or export nonliving wildlife that is not listed as injurious under 50 CFR part 16 and does not require a permit or certificate under 50 CFR parts 15 (Wild Bird Conservation Act), 17 (Endangered Species Act), 18 (Marine Mammal Protection Act), 20 and 21 (Migratory Bird Treaty Act), 22 (Bald and Golden Eagle Protection Act), or 23 (the Convention on International Trade in Endangered Species of Wild Fauna and Flora). The requesting business also must certify that it will exclusively import or export the above types of wildlife shipments where the quantity in each shipment of wildlife parts or products is 25 or fewer and the total value of each wildlife shipment is \$5,000 or less. Any licensed business that has more than two wildlife shipments that were refused clearance in the 5 years prior to its request is not eligible for the program. In addition, any licensees that have been assessed a civil penalty, issued a notice of violation, or convicted of a misdemeanor or felony violation involving wildlife import or export will not be eligible to participate in the program.

We are also requesting OMB's continued approval for electronic collection of data through ACE as an alternative electronic option for importers and exporters to eDecs. The Safe Port Act requires the Service to participate in the International Trade Data System, and the Executive Order on Streamlining Exports and Imports establishes ACE as the primary means for collection of international trade data by the government. The latter includes the use of Census's Automated Export System (AES) to collect agency licenses and other permissions for exports. Although the Service does not mandate importers or exporters to use ACE and AES to file Service data at this time, we will begin collection of data in ACE as an alternative to eDecs. If importers file in ACE, they will not file in eDecs.

Title of Collection: Declaration for Importation or Exportation of Fish or Wildlife, 50 CFR 14.61–14.64 and 14.94(k)(4).

OMB Control Number: 1018–0012.

Form Number: 3–177 and 3–177a.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Businesses or individuals that import or export fish, wildlife, or wildlife products; scientific institutions that import or export fish or wildlife scientific specimens; and government agencies that import or export fish or wildlife specimens for various purposes.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion.

Total Estimated Annual Nonhour Burden Cost: None.

Requirement	Annual No. of Respondents	Total Annual Responses	Completion Time per Response	Total Annual Burden Hours*
FWS Form 3–177 Hard Copy (Upon Import)				
Individuals	8,996	9,569	15 minutes	2,392

Private Sector	128	347	15 minutes	87
Government	0	0	15 minutes	0
<i>Subtotals:</i>	<i>9,124</i>	<i>9,916</i>		<i>2,479</i>
FWS Form 3-177 Hard Copy (Upon Export)				
Individuals	717	881	15 minutes	220
Private Sector	30	43	15 minutes	11
Government	0	0	15 minutes	0
<i>Subtotals:</i>	<i>747</i>	<i>924</i>		<i>231</i>
eDecs/ACE (Upon Import)				
Individuals	21,567	25,030	10 minutes	4,172
Private Sector	13,005	120,035	10 minutes	20,006
Government	46	90	10 minutes	15
<i>Subtotals:</i>	<i>34,618</i>	<i>145,155</i>		<i>24,193</i>
eDecs (Upon Export)				
Individuals	975	1,930	10 minutes	322
Private Sector	2,548	32,230	10 minutes	5,372
Government	36	68	10 minutes	11
<i>Subtotals:</i>	<i>3,559</i>	<i>34,228</i>		<i>5,705</i>
eDecs - Confirmation Number (Automated Export System (AES))				
Private Sector	1,824	35,175	1 minute	586
Automated Commercial Environment (ACE)/AES Disclaimer (and Accompanying Documents)				
Private Sector	5,000	500,000	1 minute	8,333
eDecs - Fee Exemption Certification				
Private Sector	42	2,906	1 minute	48
Totals	54,914	728,304		41,575

*Rounded

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Dated: July 23, 2019

Signed: _____

Madonna Baucum,

Information Collection Clearance Officer, U.S. Fish and Wildlife Service.

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