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HSUS et al Comments on OMB No. 1018-0093

Laura Friend <lfriend@humanesociety.org>
To: "madonna_baucum@fws.gov" <madonna_baucum@fws.gov>

Tue, Apr 25, 2017 at 8:25 PM

Dear Service Information Collection Clearance Officer,

Attached, please find comments by The Humane Society of the United States, Humane Society International, and The Humane Society Legislative Fund on OMB Control No. 1018-0093.

Thank you,

Laura Friend

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The Humane Society of the United States is the nation's largest animal protection organization, rated most effective by our peers. For 60 years, we have celebrated the protection of all animals and confronted all forms of cruelty. We are the nation's largest provider of hands-on services for animals, caring for more than 100,000 animals each year, and we prevent cruelty to millions more through our advocacy campaigns.

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**HUMANE SOCIETY
INTERNATIONAL**



April 25, 2017

Service Information Collection Clearance Officer
U.S. Fish and Wildlife Service
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Re: OMB Control Number: 1018-0093, Federal Fish and Wildlife Permit Applications and Reports—Management Authority; 50 CFR 12, 13, 14, 15, 16, 17, 18, 21, 23.

Dear Service Information Collection Clearance Officer:

The Humane Society of the United States (HSUS), the nation's largest animal protection organization; Humane Society International (HSI), a global organization dedicated to protecting animals worldwide; and The Humane Society Legislative Fund, an animal welfare organization, submit the following comments in support of the U.S. Fish and Wildlife Service's (FWS) planned request to extend the Office of Management and Budget's (OMB) approval of FWS' information collection regarding wildlife permit and license applications and reports, which is due to expire on May 31, 2017. *See* 82 Fed. Reg. 11596 (Feb. 24, 2017) (OMB Control Number 1018-0093).

The applications and reports at issue in this information collection pertain to a wide array of activities involving imperiled wildlife, such as international trade in wildlife products, hunting trophies, and live animals and the humane management of captive populations of threatened and endangered species (FWS Forms 3-200-19 through 3-200-37, 3-200-39 through 3-200-44, 3-200-46 through 3-200-53, 3-200-58, 3-200-61, 3-200-64 through 3-200-66, 3-200-69 to 3-200-70, 3-200-73 through 3-200-76, 3-200-80, and 3-200-85 through 3-200-88). These applications and reports are essential to the proper administration of Federal wildlife laws and are currently approved under three different OMB control numbers: 1018-0093, "Federal Fish and Wildlife Permit Applications and Reports—Management Authority; 50 CFR 12, 13, 14, 15, 16, 17, 18, 21, 23"; 1018-0150, "Renewal of CITES Registration of Commercial Breeding Operations for Appendix I Wildlife and Other CITES Requirements, 50 CFR 17 and 23"; and 1018-0164, "Import of Sport-Hunted African Elephant Trophies, 50 CFR 17." "Federal Fish and Wildlife Permit Applications and Reports—Management Authority, 50 CFR 12, 13, 14, 15, 16, 17, 18, 21, 23"; "Renewal of CITES Registration of Commercial Breeding Operations for Appendix I Wildlife, 50 CFR 23"; and "Import of Sport-Hunted African Elephant Trophies, 50 CFR 17."

The United States is one of the largest importers and exporters of wildlife and wildlife parts and products, and it is essential for conservation efforts that such international trade be closely

monitored by the government. Indeed, forty percent of vertebrate animals that are listed as either endangered or threatened with extinction today were brought to that point, in part, by the wildlife trade.¹ While illegal wildlife trafficking is primarily responsible for the poaching fulfilling the demand for many species, currently legal trade may be unsustainable and can create demand for illegal products (or provide cover for illegal markets). Thus, in order for the Federal government to promote conservation of imperiled species, as required by law, this information is key.

This Collection of Information Is Necessary and Legally Required.

As FWS has previously explained, the information collected through import/export license applications is used to monitor the international wildlife market and to detect trends and changes in the commercial trade of wildlife—functions that are crucial for conservation and for FWS to fulfill its mandate. *See* 81 Fed. Reg. 96,031, 96,032 (Dec. 29, 2016). Similarly, the information collected through the permit application forms for importing and exporting live animals and wildlife specimens provide critical information to the government, and to the public, on the nature of the United States’ role in the international trade of wildlife parts and products (such as leather, fur, medicinal items, and ornamental objects) and for live animals used as exotic pets or for exhibition. Further, the information collected pertaining to the “take” of marine mammals or captive-bred wildlife is essential for ensuring that individuals of imperiled species held in captivity are treated humanely and managed to promote conservation.

FWS collects information for the forms at issue pursuant to a host of federal wildlife statutes, including: the Endangered Species Act (ESA); the Lacey Act; the Bald and Golden Eagle Protection Act; the Marine Mammal Protection Act; and the Wild Bird Conservation Act. Pursuant to these statutes, FWS is obligated to closely monitor what wildlife and wildlife products are coming into and out of this country and to ensure that captive populations in the U.S. contribute to global conservation efforts. In order for FWS to fulfill its obligations under the ESA and other wildlife protection statutes, it is necessary that FWS obtain information from permit applicants and collect reports on the activities conducted under these permits to ensure continued compliance and gather critical information on the wildlife trade and management of captive threatened and endangered species.

FWS also has responsibilities to collect information under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), an international treaty that aims to prevent species from becoming endangered or extinct by restricting international trade. CITES art. 8, March 3, 1973, T.I.A.S. No. 8249, 27 U.S.T. 1087.² CITES imposes varying levels of legal protections on roughly 5,600 species of animals, directing the more than 180 member countries (including the United States) to adopt import and export permitting programs. FWS implements the United States’ CITES responsibilities through the ESA. *See* 16 U.S.C. § 1537a(a). CITES prioritizes transparency and

¹ Humane Society International, Wildlife Trade, http://www.hsi.org/issues/wildlife_trade/facts/wildlife_trade.html (last visited Apr. 24, 2017).

² *See also* U.S. Submission to CITES, *Actions to Combat Wildlife Trafficking* (2016), at https://www.fws.gov/international/cites/cop17/ussubmissions/combating_wildlife_trafficking.pdf (explaining recent actions taken by the United States to enforce CITES and recommendations for further implementation).

oversight in tracking international trade in wildlife, and requires member countries to compile data on wildlife and wildlife parts and products that go into or out of those countries. *See* CITES art. 8.

The information that FWS collects on the import and export of wildlife is not only crucial to the federal government's operations, but also frequently becomes available to the public, such as through the Freedom of Information Act. *See* 5 U.S.C. § 552. Such information not only allows the government and private organizations to calculate and analyze trends, but also provides private citizens with information necessary to exercise their legal rights to participate in the implementation of the ESA. *See* 16 U.S.C. §§ 1533(b)(3) (allowing the public to submit petitions for the protection of species), 1533(d) (requiring protective regulations for threatened species, which private plaintiffs can seek judicial review of under the Administrative Procedure Act), 1540(g) (allowing for citizen suits of ESA violations).

The information collected in the forms and reports at issue are important not only to responsibly managing the legal wildlife trade and captive propagation of protected species, but also to gaining insight into illegal trafficking, as legal and illegal trade in wildlife are often closely linked and can be fueled by captive breeding if oversight is insufficient. For example, FWS has recently acknowledged that "[l]egal sales of ivory, including within domestic markets, are likely to increase the risk to elephant populations and local communities, as domestic ivory markets, whether in range, transit, or consumer countries, create a significant opportunity for the laundering of illegal ivory under the guise of legality."³

As the information collected pursuant to the forms and reports at issue is absolutely necessary and has an abundance of practical utility, and this information collection creates a negligible burden on those providing the information, we urge OMB to extend approval of this information request.

Thank you for your consideration of these comments.

Sincerely,



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³ U.S. Submission to CITES, *supra* note 2, at 2; *see also* Douglas F. Williamson & Leigh A. Henry, TRAFFIC N. Am., Paper Tigers? The Role of the U.S. Captive Tiger Population in the Trade in Tigers Parts (2008).

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