



# Permits for Native Species

## *under the Endangered Species Act*

Section 10 of the Endangered Species Act (ESA) is designed to regulate a wide range of activities affecting plants and animals designated as endangered or threatened, and the habitats upon which they depend. With some exceptions, the ESA prohibits activities affecting these protected species and their habitats unless authorized by a permit from the U.S. Fish and Wildlife Service (FWS) or the National Marine Fisheries Service (NMFS). Permitted activities are designed to be consistent with the conservation of the species.

### What activities are prohibited?

The ESA makes it unlawful to import or export; deliver, receive, carry, transport, or ship in interstate or foreign commerce in the course of a commercial activity; sell or offer for sale in interstate or foreign commerce; take (includes harm, harass, pursue, hunt, shoot, wound, kill, trap, capture, or collect any wildlife within the United States); take on the high seas; possess, ship, deliver, carry, transport, sell, or receive unlawfully taken wildlife; remove and reduce to possession any plant from areas under Federal jurisdiction; maliciously damage or destroy an endangered plant on areas under Federal jurisdiction; and remove, cut, dig up, or damage or destroy any endangered plant in knowing violation of any State law or regulation or in the course of a violation of a State criminal trespass law.\* These prohibitions apply to live or dead animals or plants, their progeny (seeds in the case of plants), and parts or products derived from them.

Some activities that might otherwise be prohibited are exempt; see the next page. Other activities are allowed in accordance with permit provisions.

### What kinds of activities can permits authorize?

The activities authorized by permits differ depending on whether the species is listed as endangered or threatened. An endangered species is in danger of extinction throughout all or a significant



*An incidental take permit allows for land development and the incidental take of listed species that may result from otherwise lawful activities. To offset the take, developers agree to implement conservation measures to minimize and mitigate the impacts to the species.*  
USFWS photo

portion of its range. A threatened species is likely to become endangered in the foreseeable future.

For endangered species, permits may be issued for scientific research, enhancement of propagation or survival, and taking that is incidental to an otherwise lawful activity.

For threatened species, permits also may be issued for zoological, horticultural, or botanical exhibition; educational use; and special purposes consistent with the ESA.

A person registered with the FWS may obtain a *captive-bred wildlife permit* to buy and sell within the United States live, non-native endangered or threatened animals that were captive born in the United States for enhancement of species propagation, provided the other person in the transaction is registered for the same

species. A separate permit is needed to import or export such species. Captive-bred wildlife permits are not issued to keep or breed endangered or threatened animals as pets. Using protected species as pets is not consistent with the purposes of the ESA, which is aimed at conservation of the species and recovery of wild populations.

### What are the different types of permits?

The FWS Endangered Species program, located in each of our Regional offices, issues permits for native endangered and threatened species, except for import or export permits, which are issued by the Division of Management Authority. NMFS also issues permits involving certain aquatic species, as outlined below. Permits issued by the Endangered Species program are of three basic types: incidental take permits, enhancement of survival permits, and recovery and interstate commerce permits.

\*It is unlawful to attempt to commit any of these offenses.

### *Incidental take permits*

Incidental take permits are required when non-Federal activities will result in take of threatened or endangered species. A habitat conservation plan or “HCP” must accompany an application for an incidental take permit. The habitat conservation plan associated with the permit ensures that the effects of the authorized incidental take are adequately minimized and mitigated.

### *Enhancement of survival permits*

These permits are issued to non-Federal landowners participating in Safe Harbor Agreements or Candidate Conservation Agreements with Assurances. These agreements encourage landowners to take actions to benefit species while also providing assurances that they will not be subject to additional regulatory restrictions as a result of their conservation actions.

### *Recovery and interstate commerce permits*

Recovery and interstate commerce permits are issued to allow for take as part of activities intended to foster the recovery of listed species. A typical use of a recovery permit is to allow for scientific research on a listed species in order to understand better the species’ long-term survival needs. Interstate commerce permits also allow transport and sale of listed species across State lines (e.g., for purposes such as a breeding program).

## **What situations are exempt from the prohibitions of the ESA?**

### *Pre-ESA*

Species held in captivity or in a controlled environment on (a) December 28, 1973, or (b) the date of publication in the *Federal Register* for final species listing, whichever is later, are exempt from prohibitions of the ESA, provided such holding or any subsequent holding or use of the specimen was not in the course of a commercial activity (any activity that is intended for profit or gain). An affidavit and supporting material documenting pre-ESA status must accompany the shipment of listed species. A pre-ESA exemption does not apply to wildlife, including parts and products, offered for sale. Any endangered or threatened specimens born in captivity from pre-ESA parents is fully protected and is not considered pre-ESA.

### *Antiques*

Antiques, including scrimshaw, may be imported into the United States if accompanied by documentation that shows the article is at least 100 years old



*Conducting scientific research involving endangered or threatened species (such as monitoring sea turtle behavior through tagging, above) requires an endangered species or threatened species recovery permit. USFWS photo*

and has not been repaired or modified with any part of an endangered or threatened species since December 28, 1973. Such antiques must enter through a U.S. Customs Service port. If the antique contains a species listed under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the shipment must be accompanied by a Pre-Convention Certificate.

### *Special Rules*

For a species that is listed as threatened or as an experimental population, special rules may allow otherwise prohibited activities. Some foreign species that have

special rules include several primates, the African elephant, Nile crocodile, and leopard. Some native species that have special rules include the Utah prairie dog, Louisiana black bear, greenback cutthroat trout, and six sea turtle species.

### *Intrastate Commerce*

Commercial activities that take place entirely in one State and involve legally acquired endangered or threatened species are not prohibited by the ESA. However, many States have their own laws which regulate activities involving protected species. Contact the appropriate State agency before undertaking activities involving

Department of the Interior  
U.S. Fish and Wildlife Service  
Federal Fish and Wildlife Permit Application Form

Return to: U.S. Fish and Wildlife Service (USFWS)  
(see attached list of address)

Type of Activity: Native Endangered and Threatened Species -  
Enhancement of Survival Permits Associated with  
Safe Harbor Agreements &  
Candidate Conservation Agreements with Assurances

Complete Sections A, B, C, D, and E of this application. U.S. address may be required in Section C; see instructions for details.  
See attached instruction pages for information on how to make your application complete and help avoid unnecessary delays.

**A. Complete if applying as an individual**

1. Last name: (a) First name (b) Middle name or initial (c) Suffix  
2. Date of birth (month/day/year) 3. Social Security No. 4. Occupation 5. Affiliation (Using business or other institutions)  
6. Telephone number 7. Alternate telephone number 8. Fax number 9. E-mail address

**B. Complete if applying on behalf of a business, corporation, public agency or institution**

1. Name of business, agency, or institution 2. Type of business or office  
3. Tax identification no. 4. Description of business, agency, or institution  
4a. Principal officer Last name 4b. Principal officer First name 4c. Principal officer Middle name initial 4d. Suffix  
5. Principal officer title 6. Primary contact  
7. Business telephone number 7b. Alternate telephone number 8. Business fax number 9. Business e-mail address

**C. All applicants complete address information**

1. Physical address (Street address, Apartment #, Suite #, or Room #, or P.O. Box)  
2. P.O. Box 3. State 4. ZIP code/Postal code 5. County/Province 6. Country  
7. Mailing address (include if different than physical address, include name of contact person if applicable)  
8. City 9. State 10. ZIP code/Postal code 11. County/Province 12. Country

**D. All applicants MUST complete**

1. Attach check or money order payable to the U.S. Fish and Wildlife Service to the amount indicated on page 2. Federal, tribal, state, and local government agencies, and those acting on behalf of such agencies, are exempt from the processing fee - attach documentation if the exempt status is certified in accordance with 50 CFR 21.131(c).  
2. Do you currently have or have you ever had any Federal Fish and Wildlife permits? Yes  No   
3. Certification: I hereby certify that I have read and am familiar with the regulations contained in 50 CFR Part 17 of the Code of Federal Regulations and the other applicable parts in subchapter B of Chapter I of Title 50, and I certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statements herein may subject me to the criminal penalties of 18 U.S.C. 1001.  
Signature (in blue ink) of applicant/responsible for permit (No photocopy or stamped signature) Date of signature (month/day/year)

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Applying for a permit requires a completed application form, any necessary supporting materials (such as a Habitat Conservation Plan), and an application fee.

endangered or threatened wildlife and plants.

### Offer for Sale

Endangered and threatened species may be advertised for sale provided the advertisement states that no sale may be consummated until an interstate commerce permit has been obtained from the FWS.

### Loans and Gifts

Lawfully taken and held endangered and threatened species may be shipped interstate as a *bona fide* gift or loan if there is no barter, credit, other form of compensation, or intent to profit or gain. A standard breeding loan, where no money or other consideration changes hands but some offspring are returned to the lender of a breeding animal, is not considered a commercial activity and, thus, is not prohibited by the ESA and does not require a permit. Documentation of such an activity should accompany shipment.

### Hybrids

Hybrids are offspring of animals or plants whose parents are different species or subspecies and, in the case of the ESA, at least one parent is a listed species. Hybrid offspring of animals bred or propagated in captivity are not protected by the ESA. It is recommended that breeding records be maintained to show parentage and hybrid status. CITES and laws such as the Migratory Bird Treaty Act (MBTA)

consider hybrids protected.

### Raptors

Prohibitions under the ESA do not apply to any endangered or threatened raptors legally held in captivity since November 10, 1978, or to any progeny, provided that they are possessed and banded under the terms of an MBTA permit and are identified in the earliest annual report required by permit. The bald eagle is protected by the MBTA and the Bald and Golden Eagle Protection Act (BGEPA).

### Seeds from Artificially Propagated Threatened Plants

No permits are required for activities involving seeds from artificially propagated specimens of threatened plants. However, seeds must be accompanied by a label stating that they are of cultivated origin.

### What other offices issue permits for endangered or threatened species?

The FWS Division of Management Authority, located in our headquarters office, issues permits for foreign endangered and threatened species, and for import/export of native and foreign species. It is also responsible for issuing captive breeding permits and permits allowing the use of live specimens of listed species for conservation education.

NMFS has jurisdiction for whales, seals, and sea lions. NMFS also has

jurisdiction for sea turtles in the water; the FWS has jurisdiction on land. Jurisdiction varies between NMFS and the FWS for anadromous fish such as salmon, trout, steelhead, and sturgeon. The FWS has jurisdiction for listed marine mammals such as the West Indian manatee and southern sea otter, as well as all sea birds. To see whether a species is under the jurisdiction of NMFS, go to the Office of Protected Resources Web page. <http://www.nmfs.noaa.gov/pr/species/esa/>

### What other laws apply?

Depending on the species involved, other requirements may need to be met under CITES, the MBTA, the BGEPA, the Wild Bird Conservation Act, the Marine Mammal Protection Act, the Lacey Act, and State or local laws.

### How do I apply for a permit?

Applications and instructions for native endangered and threatened species permits can be found on our Permits website at: <http://www.fws.gov/endangered/permits/index.html>, or by contacting your closest Regional Endangered Species office (see next page).

A fee is required to apply for a permit, and to amend an existing permit. Please see the instructions in each permit application form for further information concerning fees. Applicants should allow at least 90 days for processing of the completed application.

*Partnerships with private landowners via Safe Harbor Agreements and Candidate Conservation Agreements with Assurances under an enhancement of survival permit. USFWS photo*



## What about other types of permits?

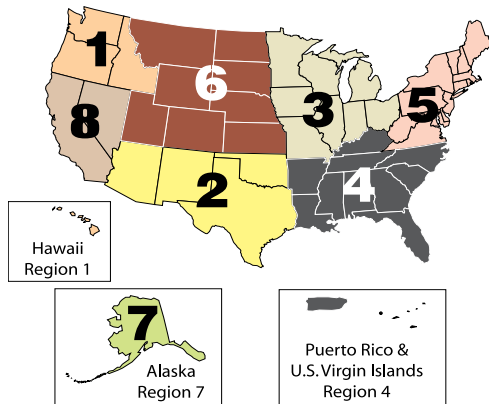
For information on ESA permits issued by NMFS, go to: <http://www.nmfs.noaa.gov/pr/permits/>.

The FWS Division of Management  
Authority issues import/export permits

for native species and all permits for foreign species. Visit the Web site at: [http://www.fws.gov/international/contact\\_page/DMA\\_who\\_we\\_are.html](http://www.fws.gov/international/contact_page/DMA_who_we_are.html)

For information on other types of FWS permits, visit our main permit Web site at <http://www.fws.gov/permits/>.

### U.S. Fish & Wildlife Service Native Endangered & Threatened Species Permit Contacts



*FWS Pacific Region (1): HI, ID, WA, OR, American Samoa, Commonwealth of the Northern Mariana Islands, Guam, and the Pacific Trust Territories*

U.S. Fish and Wildlife Service  
Endangered Species Permit Office  
911 NE 11th Avenue  
Portland, Oregon 97232-4181

<http://www.fws.gov/pacific/ecoservices/endangered/index.html>  
Phone: 503/231-2071  
email: [permitsR1ES@fws.gov](mailto:permitsR1ES@fws.gov)  
Fax: 503/231-6243

*FWS Southwest Region (2): AZ, NM, OK, TX*

U.S. Fish and Wildlife Service  
Endangered Species Permit Office  
500 Gold Avenue S.W. (street address)  
P.O. Box 1306 (mailing address)  
Albuquerque, New Mexico 87103-1306

<http://www.fws.gov/southwest/es/EndangeredSpecies/>  
Phone: 505/248-6633  
email: [permitsR2ES@fws.gov](mailto:permitsR2ES@fws.gov)  
Fax: 505/248-6788

*FWS Midwest Region (3): IA, IL, IN, MI, MN, MO, OH, WI*

U.S. Fish and Wildlife Service  
Endangered Species Permit Office  
B.H. Whipple Federal Building  
One Federal Drive  
Fort Snelling, Minnesota 55111-4056

<http://www.fws.gov/midwest/Endangered/>  
Phone: 612/713-5343  
email: [permitsR3ES@fws.gov](mailto:permitsR3ES@fws.gov)  
Fax: 612/713-5292

*FWS Southeast Region (4): AL, AR, FL, GA, KY, LA, MS, NC, SC, TN, Puerto Rico, U.S. Virgin Islands*

U.S. Fish and Wildlife Service  
Endangered Species Permit Office  
1875 Century Blvd., Suite 200  
Atlanta, Georgia 30345

<http://www.fws.gov/southeast/es/#>  
Phone: 404/679-7313  
email: [permitsR4ES@fws.gov](mailto:permitsR4ES@fws.gov)  
Fax: 404/679-7081

*FWS Northeast Region (5): CT, DC, DE, MA, MD, ME, NH, NJ, NY, PA, RI, VA, VT, WV*

U.S. Fish and Wildlife Service  
Endangered Species Permit Office  
300 Westgate Center Drive  
Hadley, Massachusetts 01035-9589

<http://www.fws.gov/northeast/endangered/>  
Phone: 413/253-8615  
email: [permitsR5ES@fws.gov](mailto:permitsR5ES@fws.gov)  
Fax: 413/253-8482

*FWS Mountain-Prairie Region (6): CO, KS, MT, NE, ND, SD, UT, WY*

U.S. Fish and Wildlife Service  
Endangered Species Permit Office  
Denver Federal Center  
P.O. Box 25486  
Denver, Colorado 80225-0489

<http://www.fws.gov/mountainprairie/endspp/>  
Phone: 303/236-7400  
email: [permitsR6ES@fws.gov](mailto:permitsR6ES@fws.gov)  
Fax: 303/236-0027

*FWS Alaska Region (7): AK*

U.S. Fish and Wildlife Service  
Endangered Species Permit Office  
1011 E. Tudor Rd.  
Anchorage, Alaska 99503-6199

<http://alaska.fws.gov/fisheries/endangered/index.htm>  
Phone: 907/786-3323  
email: [permitsR7ES@fws.gov](mailto:permitsR7ES@fws.gov)  
Fax: 907/786-3350

*FWS California & Nevada Region (8): CA and NV*

U.S. Fish and Wildlife Service  
Endangered Species Permit Office  
2800 Cottage Way, Suite W-2606  
Sacramento, California 95825-1846

<http://www.fws.gov/cno/es/recovery.html>  
Phone: 916/414-6464  
email: [permitsCNES@fws.gov](mailto:permitsCNES@fws.gov)  
Fax: 916/414-6486

**U. S. Fish and Wildlife Service  
Endangered Species Program  
4401 N. Fairfax Drive, Room 420  
Arlington, VA 22203  
703-358-2171  
<http://www.fws.gov/endangered/>  
May 2008**