

out a permit, for scientific, medical, educational, exhibition, or propagating purposes, but no such live reptiles or any progeny or eggs thereof may be released into the wild except by the State wildlife conservation agency having jurisdiction over the area of release or by persons having prior written permission for release from such agency.

**Subpart C—Permits**

§ 16.21 [Reserved]

§ 16.22 Injurious wildlife permits.

The Director may, upon receipt of an application and in accordance with the issuance criteria of this section, issue a permit authorizing the importation into or shipment between the continental United States, the District of Columbia, Hawaii, the Commonwealth of Puerto Rico, or any possession of the United States of injurious wildlife (See subpart B of this part) for zoological, educational, medical, or scientific purposes.

(a) *Application procedure.* Applications for permits to import or ship injurious wildlife for such purposes shall be submitted to the appropriate Special Agent in Charge (See § 13.11(b) of this subchapter). Each such application must contain the general information and certification required by § 13.12(a) of this subchapter plus the following additional information:

(1) The number of specimens and the common and scientific names (genus and species) of each species of live wildlife proposed to be imported or otherwise acquired, transported, and possessed;

(2) The purpose of such importation, whether acquisition, transportation, and possession;

(3) The address of the premises where such live wildlife will be kept in captivity;

(4) The name and address of the consignor or other person from whom such wildlife will be acquired; and

(5) A statement of applicant's qualifications and previous experience in caring for and handling captive wildlife.

(b) *Additional permit conditions.* In addition to the general conditions set forth in Part 13 of this Subchapter b, permits to import or ship injurious wildlife for zoological, educational, medical, or scientific purposes shall be subject to the following conditions:

(1) All live wildlife acquired under permit and all progeny thereof, must be confined in the approved facilities on the premises authorized in the permit.

(2) No live wildlife, acquired under permit, or any eggs or progeny thereof, may be sold, donated, traded, loaned, or transferred to any other person unless such person has a permit issued by the Director under § 16.22 authorizing him to acquire and possess such wildlife or the eggs or progeny thereof.

(3) Permittees shall submit a report of all live wildlife acquired under authority of a permit to the Director within 10 days following the date of such acquisition.

(4) Permittees must notify the Director by letter within 10 days following the escape of such wildlife and by telephone or telegraph within 24 hours following the escape of any such wildlife or their progeny possessed

under authority of a permit, unless specifically exempted from either requirement by special terms of his permit.

(c) *Issuance criteria.* The Director shall consider the following in determining whether to issue a permit to import or ship injurious wildlife for zoological, educational, medical, or scientific purposes:

(1) Whether the wildlife is being imported or otherwise acquired for a bona fide scientific, medical, educational, or zoological exhibition purpose;

(2) Whether the facilities for holding the wildlife in captivity have been inspected and approved, and consist of a basic cage or structure of a design and material adequate to prevent escape which is maintained inside a building or other facility of such structure that the wildlife could not escape from the building or other facility after escaping from the cage or structure maintained therein;

(3) Whether the applicant is a responsible person who is aware of the potential dangers to public interests posed by such wildlife, and who by reason of his knowledge, experience, and facilities reasonably can be expected to provide adequate protection for such public interests; and

(4) If such wildlife is to be imported or otherwise acquired for zoological or aquarium exhibition purposes, whether such exhibition or display will be open to the public during regular appropriate hours.

**Subpart D—Additional Exemptions**

§ 16.31 [Reserved]

§ 16.32 Importation by Federal agencies.

Nothing in this part shall restrict the importation and transportation, without a permit, of any live wildlife by Federal agencies solely for their own use, upon the filing of a written declaration with the District Director of Customs at the port of entry as required under § 14.61: *Provided*, That the provisions of this section shall not apply to bald and golden eagles or their eggs, or to migratory birds or their eggs, the importations of which are governed by regulations under Parts 22 and 21 of this chapter, respectively.

§ 16.33 Importation of natural-history specimens.

Nothing in this part shall restrict the importation and transportation, without a permit, of dead natural-history specimens of wildlife or their eggs for museum or scientific collection purposes: *Provided*, That the provisions of this section shall not apply to dead migratory birds, the importation of which is governed by regulations under Parts 20 and 21 of this chapter; to dead game mammals from Mexico, the importation of which is governed by regulations under Part 14 of this chapter; or to dead bald and golden eagles or their eggs, the importation of which is governed by regulations under Part 22 of this chapter.

**PART 17—ENDANGERED WILDLIFE**

**Subpart A—Introduction**

- Sec. 17.1 Purpose of regulations.
- 17.2 Scope of regulations.

**Subpart B—Endangered Wildlife Lists**

- Sec. 17.11 Endangered foreign wildlife.
- 17.12 Endangered native wildlife.
- 17.13 Amendments of the lists of endangered wildlife.

**Subpart C—Endangered Wildlife Importation Permits**

- 17.21 General permit requirement.
- 17.22 Economic hardship permits.
- 17.23 Zoological, educational, scientific, or propagation permits.

*AUTHORITY:* Endangered Species Conservation Act of 1969, sec. 4(e), 83 Stat. 278 (16 U.S.C. 668cc-4).

**Subpart A—Introduction**

§ 17.1 Purpose of regulations.

The regulations contained in this part identify the species or subspecies of native and foreign wildlife determined by the Secretary to be threatened with extinction, establish procedures and criteria for issuance of permits for importation of endangered foreign wildlife, and provide for public participation in the amendment of the endangered wildlife lists. The regulations of this part implement, in part, the Endangered Species Conservation Act of 1969 (16 U.S.C. 668aa to 668cc-6).

§ 17.2 Scope of regulations.

(a) The regulations of this part apply only to endangered wildlife.

(b) The provisions in this part are in addition to, and are not in lieu of, other regulations of this subchapter B which may require a permit or prescribe additional restrictions or conditions for the importation, exportation, and interstate transportation of wildlife. (See also Part 13 of this subchapter).

**Subpart B—Endangered Wildlife Lists**

§ 17.11 Endangered foreign wildlife.

Based on the best scientific and commercial data available to him and after consultation, in cooperation with the Secretary of State, with the foreign country or countries in which such wildlife are normally found and, to the extent practicable, with interested persons and organizations and other interested Federal agencies, the Secretary has determined that the species or subspecies of wildlife listed below are threatened with worldwide extinction due to one or more of the factors listed in 16 U.S.C. 668cc-3(a). The presence of a trinomial (third word) in the "scientific name" column identifies that animal as a subspecies. If one or more subspecies of a species are listed, it indicates that the species as a whole is not endangered although the named subspecies are. The "common and commercial name" column contains the most generally accepted names in the English language. When two or more common names for a species are in common usage, the most widely used one is placed first, followed by others in parentheses. The public should be aware that common and commercial names may vary from local usage. The "where found" column is provided for the convenience of the public, is not exhaustive, is not required to be given by law, and has no legal significance.

17.12 Endangered native wildlife.

After consultation with the appropriate States and after having reviewed the advice and recommendations of interested persons and organizations as appropriate, the Secretary has determined, in accordance with the provisions of 16 U.S.C. 668aa(c), the following species or subspecies of native wildlife to be threatened with extinction within the territory of the United States. The presence of a trinomial (third word) in the "scientific name" column identifies that animal as a subspecies. The "common name" column contains the most generally accepted names in the English language. When two or more common names for a species are in common usage, the most widely used one is placed first, followed by others in parentheses. The public should be aware that common and commercial names may vary from local usage. If one or more subspecies of a species are listed, it indicates that the species as a whole is not endangered although the named subspecies are.

COMMON NAME AND SCIENTIFIC NAME

Fishes:

- Bonytail, Pahranaagat; *Gila robusta jordani*.
  - Chub, humpback; *Gila cypha*.
  - Chub, Mohave; *Siphateles mohavensis*.
  - Cisco, longjaw; *Coregonus alpenae*.
  - Cul-til; *Chasmistes cyrus*.
  - Dace, Kendall Warm Springs; *Rhinichthys osculus thermalis*.
  - Dace, Moapa; *Moapa coriacea*.
  - Darter, fountain; *Etheostoma fonticola*.
  - Darter, Maryland; *Etheostoma sellare*.
  - Darter, Okaloosa; *Etheostoma okaloosae*.
  - Darter, waterress; *Etheostoma nuchale*.
  - Gambusia, Big Bend; *Gambusia gagei*.
  - Gambusia, Clear Creek; *Gambusia heterochir*.
  - Gambusia, Pecos; *Gambusia nobolis*.
  - Killifish, Pahrump; *Empetrichthys latos*.
  - Pike, blue; *Stizostedion vitreum glaucum*.
  - Pupfish, Comanche Springs; *Cyprinodon elegans*.
  - Pupfish, Devil's Hole; *Cyprinodon diabolis*.
  - Pupfish, Owen River; *Cyprinodon radiosus*.
  - Pupfish, Tecopa; *Cyprinodon nevadensis calidae*.
  - Pupfish, Warm Springs; *Cyprinodon nevadensis pectoralis*.
  - Squawfish, Colorado River; *Ptychocheilus lucius*.
  - Stickleback, unarmored threespine; *Gasterosteus aculeatus williamsi*.
  - Sturgeon, shortnose; *Acipenser brevirostrum*.
  - Topminnow, Gila; *Poeciliopsis occidentalis*.
  - Trout, Arizona (Apache); *Salmo sp.*
  - Trout, Gila; *Salmo gila*.
  - Trout, greenback cutthroat; *Salmo clarki stomatias*.
  - Trout, Lahontan cutthroat; *Salmo clarki henshawi*.
  - Trout, Palute cutthroat; *Salmo clarki selentris*.
  - Woundfin; *Plagopherus argentissimus*.
- Reptiles and amphibians:
- Alligator, American; *Alligator mississippiensis*.
  - Boa, Puerto Rican; *Epicrates inornatus*.
  - Lizard, blunt-nosed leopard; *Crotaphytus silus*.
  - Salamander, desert slender; *Batrachoseps aridus*.
  - Salamander, Santa Cruz long-toed; *Ambystoma macrodactylum croceum*.
  - Salamander, Texas blind; *Typhlomolge rathbuni*.
  - Snake, San Francisco garter; *Thamnophis sirtalis tetrataenia*.
  - Toad, Houston; *Bufo houstonensis*.

Birds:

- Akepa, Hawaii (akepa); *Loxops coccinea coccinea*.
- Akepa, Maul (akepule); *Loxops coccinea ochracea*.
- Akiakoa, Kauai; *Hemignathus procerus*.
- Akiapolaau; *Hemignathus wilsoni*.
- Bobwhite, masked; *Colinus virginianus ridgwayi*.
- Condor, California; *Gymnogyps californianus*.
- Coot, Hawaiian; *Fulica americana alai*.
- Crane, Mississippi sandhill; *Grus canadensis pulla*.
- Crane, whooping; *Grus americana*.
- Crow, Hawaiian (alala); *Corvus tropicus*.
- Creeper, Molokai (kakawahie); *Loxops maculata flammea*.
- Creeper, Oahu (alauwahio); *Loxops maculata maculata*.
- Curllew, Eskimo; *Numenius borealis*.
- Duck, Hawaiian (koloa); *Anas wyvilliana*.
- Duck, Laysan; *Anas laysanensis*.
- Duck, Mexican; *Anas diazi*.
- Eagle, Southern bald; *Haliaeetus leucocephalus leucocephalus*.
- Falcon, American peregrine; *Falco peregrinus anatum*.
- Falcon, Arctic peregrine; *Falco peregrinus tundrius*.
- Finches, Laysan and Nihoa; *Psittirostra cantans*.
- Gallinule, Hawaiian; *Gallinula chloropus sandvicensis*.
- Goose, Aleutian Canada; *Branta canadensis leucopareia*.
- Goose, Hawaiian (nene); *Branta sandvicensis*.
- Hawk, Hawaiian (io); *Buteo solitarius*.
- Kite, Florida Everglade (snail kite); *Rostrhamus sociabilis plumbeus*.
- Honeycreeper, crested (akohekohe); *Palmeria dolei*.
- Millerbird, Nihoa; *Acrocephalus kingi*.
- Nukupuu, Kauai and Maui; *Hemignathus lucidus*.
- Oo, Kauai (oo aa); *Moho braccatus*.
- Ou; *Psittirostra psittacea*.
- Falla; *Psittirostra baillieui*.
- Parrot, Puerto Rican; *Amazona vittata*.
- Parrotbill, Maui; *Pseudonestor xanthophrys*.
- Pelican, brown; *Pelecanus occidentalis*.
- Petrel, Hawaiian dark-rumped; *Pterodroma phaeopygia sandwichiensis*.
- Pigeon, Puerto Rican plain; *Columba inornata wetmorei*.
- Prairie Chicken, Attwater's greater; *Tympanuchus cupido attwateri*.
- Rall, California clapper; *Rallus longirostris obsoletus*.
- Rall, light-footed clapper; *Rallus longirostris levipes*.
- Rall, Yuma clapper; *Rallus longirostris yumanensis*.
- Sparrow, Cape Sable; *Ammospiza mirabilis*.
- Sparrow, dusky seaside; *Ammospiza migracens*.
- Sparrow, Santa Barbara; *Melospiza melodia graminea*.
- Stilt, Hawaiian; *Himantopus himantopus kirilidseni*.
- Tern, California least; *Sterna albigrons browni*.
- Thrush, large Kauai; *Phaeornis obscurus myadestina*.
- Thrush, Molokai (olomau); *Phaeornis obscurus rutha*.
- Thrush, small Kauai (pualohi); *Phaeornis palmert*.
- Warbler, Bachman's; *Vermivora bachmanii*.
- Warbler, Kirtland's; *Dendroica kirtlandii*.
- Whip-poor-will, Puerto Rican; *Caprimulgus noctitherus*.
- Woodpecker, Ivory-billed; *Campephilus principalis*.
- Woodpecker, red-cockaded; *Dendrocopos borealis*.

Mammals:

- Bat, Hawaiian hoary; *Lasturus cinereus semotus*.
- Bat, Indiana; *Lyotis sodalis*.
- Cougar, Eastern; *Felis concolor cougar*.
- Deer, Columbian white-tailed; *Odocoileus virginianus leucurus*.
- Deer, Key; *Odocoileus virginianus clavium*.
- Ferret, black-footed; *Mustela nigripes*.
- Fox, San Joaquin kit; *Vulpes macrotis nutica*.
- Manatee, Florida (sea cow); *Trichechus manatus latirostris*.
- Mouse, salt marsh harvest; *Reithrodontomys raviventris*.
- Panther, Florida; *Felis concolor coryi*.
- Prarie Dog, Utah; *Gymnomys parvidens*.
- Pronghorn, Sonoran; *Antilocapra americana sonoriensis*.
- Rat, Morro Bay kangaroo; *Dipodomys heermanni morroensis*.
- Squirrel, Delmarva Peninsula fox; *Sciurus niger cinereus*.
- Wolf, Eastern timber; *Canis lupus lycaon*.
- Wolf, Northern Rocky Mountain; *Canis lupus irremotus*.
- Wolf, red; *Canis rufus*.

17.13 Amendments of the list of endangered wildlife.

(a) The lists of endangered foreign wildlife (§ 17.11) and endangered native wildlife (§ 17.12) may be revised from time to time as additional data become available which show, to the Secretary's satisfaction, that a species or subspecies should be added to or removed from either list.

(b) The Director shall receive and maintain data regarding endangered species and subspecies of wildlife and at least once every 5 years, will conduct a thorough review of the lists of endangered wildlife. Any revisions of the lists which are proposed by the Secretary as the result of such review or otherwise will be published in the FEDERAL REGISTER, which notice shall give interested persons not less than 30 days to submit written comments and suggestions.

(c) At any time any interested person may submit a request for a review of any particular listed or nonlisted species or subspecies. Such requests must be dated and in writing, and should be submitted to the Director. The request must contain the following information:

- (1) Name and address of the person making the request;
- (2) Association, organization, or business, if any, represented by the person making the request;
- (3) Reasons why the person making the request, or the person he represents, should be considered to be an "interested person";
- (4) Designation of the particular species or subspecies in question by common and scientific name;
- (5) Narrative explanation of the request for review and justification for a change in the status of the species or subspecies as aforesaid in question;
- (6) Scientific, commercial, or other data believed to support the request; and
- (7) Signature of the person making the request.

If it is determined that substantial evidence has been presented which warrants a review, a finding to that effect

shall be published in the FEDERAL REGISTER. Such notice shall give all interested persons an opportunity to submit information on the status of the species or subspecies under review in such form or manner as may be specified.

#### Subpart C—Endangered Wildlife Importation Permits

##### § 17.21 General permit requirement.

No person shall import from any foreign country and species or subspecies of wildlife which the Secretary has determined to be threatened with worldwide extinction, as evidenced by its inclusion on the list of endangered foreign wildlife (§ 17.11) without a valid permit issued pursuant to this subpart C.

##### § 17.22 Economic hardship permits.

The Director may, upon receipt of an application and in accordance with the issuance criteria of this section, issue a permit authorizing importation of endangered foreign wildlife to prevent undue economic hardship.

(a) *Application procedure.*—Applications for permits to import endangered foreign wildlife to prevent undue economic hardship shall be submitted by letter of application to the Director. Each such application must contain the general information and certification required by § 13.12(a) of this subchapter plus the following additional information:

(1) Common and scientific names of species or subspecies, number, and description (e.g., tanned hides), of the wildlife to be covered in the permit;

(2) Purpose of the importation;

(3) A full statement of the facts, circumstances and reasons why failure to grant a permit under this section would lead to undue economic hardship, together with all supporting documents, including certified copies of all relevant contracts, correspondence, financial commitments, and current and historical financial data which show the dollar amount of anticipated loss or economic hardship;

(4) A full statement of the applicant's involvement with the importation of the same or similar species or subspecies of wildlife during the calendar year immediately preceding the date the proposal to list such species or subspecies as endangered was published in the FEDERAL REGISTER and the same information for the period between the date the proposed listing was published in the FEDERAL REGISTER and the date the actual determination that the species or subspecies was endangered. This statement should include certified copies of all relevant contract, correspondence, and financial data pertaining to such importations;

(5) The economic and legal alternatives available to the applicant;

(6) Method of shipment;

(7) If live wildlife is involved, a detailed description of the type, size, and construction of the container; arrangements for feeding, watering, and otherwise caring for the wildlife in transit;

and the arrangements for caring for the wildlife on importation into the United States must be included;

(8) Date the importation is expected to occur; and

(9) Designated port of entry through which the importation will be made.

(b) *Additional permit conditions.*—In addition to the general conditions set forth in part 13 of this subchapter B, permits to import endangered wildlife to prevent undue economic hardship shall be subject to the following conditions:

(1) In addition to any reporting requirements set forth in the permit, a report of the importations made under authority of such permit shall be submitted in writing to the Director within 10 days following such importation.

(2) The death or escape of any living wildlife imported under the authority of such permit shall be reported to the Bureau's Office of Endangered Species and International Activities (phone 202-343-5687) immediately. The carcass of any such wildlife which die or are killed should be retained in such a manner as not to impair its use as a scientific specimen.

(c) *Issuance criteria.*—The Director shall consider the following in determining whether to issue a permit to import endangered foreign wildlife to prevent undue economic hardship:

(1) The direct or indirect effect which issuing such permit would be likely to have upon the wild populations of the wildlife;

(2) The severity of the economic hardship that likely would result should the permit not be issued;

(3) Evidence that the applicant had entered into a valid, binding contract to import into the United States the wildlife in question and that such contract had been concluded prior to the date on which the wildlife was listed as endangered pursuant to § 17.11;

(4) Whether the contract referred to in paragraph (c) (3) of this section had been entered into during the period between publication in the FEDERAL REGISTER of the proposal to list such species as endangered and the date of actual determination that the species or subspecies was endangered or during a period when the applicant would otherwise likely have known the wildlife in question would be determined to be endangered;

(5) Whether it appears the applicant can reasonably effect the importation within 1 year from the date on which the wildlife in question was listed as endangered in § 17.11; and

(6) The economic, legal or other alternatives or relief available to the applicant.

(d) *Tenure of permits.*—The tenure of permits to import endangered foreign wildlife to prevent undue economic hardship shall be designated on the face of the permit, but in no case shall extend beyond 1 year following the addition of that species or subspecies to the list of endangered foreign wildlife in § 17.11.

##### § 17.23 Zoological, educational, scientific, or propagation permits.

The Director may, upon receipt of an application and in accordance with the issuance criteria of this section, issue a permit authorizing the importation of endangered foreign wildlife for zoological, scientific, or educational purposes, or for the propagation of such wildlife in captivity.

(a) *Application procedures.*—Application for permits to import endangered foreign wildlife for zoological, educational, scientific, or propagational purposes shall be submitted by letter of application to the Director. Each such application must contain the general information and certification required by § 13.12(a) of this subchapter plus the following additional information:

(1) Common and scientific names of the species or subspecies, number, age, and sex of the wildlife to be covered in the permit;

(2) Copy of the contract or other agreement under which such wildlife is to be imported, showing the country of origin, name and address of the seller or consignor, date of the contract, number and weight (if available), and description of the wildlife;

(3) A full statement of justification for the permit, including details of the project or other plans for utilization of the wildlife in relation to zoological, educational, scientific, or propagational purposes as appropriate and the planned disposition of the wildlife upon termination of the project;

(4) A description and the address of the institution or other facility where the wildlife will be used or maintained;

(5) A statement that at the time of application the wildlife to be imported is still in the wild, was born in captivity, or has been removed from the wild;

(6) A résumé of the applicant's attempts to obtain the wildlife to be imported from sources which would not cause the death or removal of additional animals from the wild, if appropriate; and

(7) If live wildlife is to be imported, include:

(i) A complete description, including photographs or diagrams, of the area and facilities in which the wildlife will be housed;

(ii) A brief résumé of the technical expertise available, including any experience the applicant or his personnel have had in propagating the species or closely related species to be imported;

(iii) A statement of willingness to participate in a cooperative breeding program and maintain or contribute data to a studbook; and

(iv) A detail description of the type, size, and construction of the container; arrangements for feeding, watering, and otherwise caring for the wildlife in transit; and the arrangements for caring for the wildlife on importation into the United States.

(b) *Additional permit condition.*—In addition to the general conditions set