

U.S. Fish and Wildlife Service
Captive Breeding of Three Foreign Antelope Species
Under the Endangered Species Act
Myths & Facts

On January 5, 2012, the U.S. Fish and Wildlife Service (Service) published a final rule to eliminate a regulation that authorized certain otherwise prohibited activities under the Endangered Species Act (ESA) with U.S. captive-bred animals and sport-hunted trophies of three endangered African antelope species — the scimitar-horned oryx, addax and dama gazelle. The regulation being eliminated had excluded these three species from permitting requirements as long as certain conditions were met. Since the publication of this final rule, the Service has noticed through inquiries and online discussion forums that there are misunderstandings about the implications of this final rule. The Service has compiled this document to provide facts about the final rule and the resultant permitting process. To learn more and download any of the referenced information and forms, please visit:
http://www.fws.gov/international/DMA_DSA/threeantelopefinalrule.html

Myth #1: Once the rule goes into effect, an individual will not be able to carry out any former activities, including hunting these three species.

Fact: It is true that with the elimination of the regulation, certain activities would be otherwise prohibited if an individual does not obtain a permit or other authorization before carrying out the activity. However, the Service has a permitting process that will allow an individual to carry out the same activities that were previously exempted under the now eliminated regulation. The permit process includes obtaining a Captive-Bred Wildlife Registration (application form 3-200-41) and, if an individual is allowing hunters onto their ranching operations or property to hunt these species, an Endangered Species Take and Interstate Commerce (“cull”) permit (application form 3-200-37).

Myth #2: Applying for the necessary permits will cost me thousands of dollars annually.

Fact: The application process will not be expensive. As with any activity that is covered by the ESA if an individual plans to carry out activities that are otherwise prohibited, such as interstate commerce or culling, the appropriate permit or authorization is required. The Service has stream-lined Federal permit requirements for captive-born, exotic, endangered and threatened wildlife through the captive-bred wildlife (CBW) registration program. A CBW application has a \$200 processing fee and once issued remains effective for 5 years. This means that activities approved under the CBW could be carried out for a 5-year period without re-applying to the Service (there is however an annual reporting requirement on the activities that were carried out).

If an individual wishes to allow hunters onto their ranching operations or property to hunt one of these species, a take/interstate commerce (“cull”) permit is required. There is a permit application processing fee of \$100 and, if issued, the permit is valid for 1 year. The annual renewal of this permit would also have a \$100 processing fee, but can be processed much quicker than the original application. The take/interstate commerce permit does not place a restriction on the number of animals that can be taken in a given year, provided that the take is for herd management.

Permitting applications - example of costs:

Over a 5-year period, a rancher who is maintaining a herd of scimitar-horned oryx to enhance the propagation and survival of the species would incur the following application costs if they allowed hunting for herd management purposes.

<u>Year</u>	<u>Cost</u>	<u>Application</u>
1	\$200	CBW application - http://www.fws.gov/forms/3-200-41.pdf
	\$100	application for take - http://www.fws.gov/forms/3-200-37.pdf
2	\$100	application for take
3	\$100	application for take
4	\$100	application for take
5	\$100	application for take

5-year total costs: \$700

Additional information on the CBW program can be found online at:
<http://www.fws.gov/international/pdf/cbwregistration.pdf>

Myth #3: Permit processing will take 6-12 months, or longer.

Fact: Applicants should allow 90-days to process and review the original applications; however the Service is striving to reduce this time to 60 days or less. This review process includes a mandatory 30-day comment period to receive public comments. However, if an application is incomplete, or clarifying information is needed, the Service will contact the applicant to obtain this additional information. In these instances, processing time would increase, depending on when the clarifying information is received from the applicant. For re-issuances of both the CBW and the “cull” permit, the processing time is much shorter. The Service would not need to provide a 30-day comment period, so in most cases renewals could be finalized within 30 days or less. The Service is accepting applications now.

Myth #4: If an individual maintains small herds of these antelope species for personal viewing pleasure and now has to get permits to keep them, they should get rid of the herd if they want to avoid the permitting process.

Fact: Under the new regulations, which go into effect on April 4, 2012, an individual needs to obtain permits *only if* they wish to carry out activities that would otherwise be prohibited under the ESA, such as interstate or foreign commerce, import, export (including re-export), culling or other forms of take. The ESA does not prohibit possession. An individual would not need a permit from the Service for private ownership.

It should be noted, however, that under the current regulations that exempt these three antelope species from the permitting process culling (hunting or killing of animals) *may only* be carried out for herd management purposes. It is a violation of federal law to cull or take any of these three antelope species, unless the primary purpose of such activity is to enhance the propagation or survival of the species. This means that an individual cannot kill all of the animals on their ranching operations or property in the false belief that the permitting process would be too onerous.

Myth #5: If an individual doesn't obtain the proper permits by April 4, 2012, they will no longer be able to possess these three antelope species.

Fact: As of April 4, 2012, an individual will not be able to carry out activities that are otherwise prohibited under the ESA, including culling or take, unless the appropriate permits have been obtained. If an individual has not received a permit by April 4, 2012, they may still maintain a herd. If an individual applies and is approved for the appropriate permits, they may undertake the permitted activities on the date of issuance of the permit.

The final rule *Removal of the Regulation That Excludes U.S. Captive-Bred Scimitar-Horned Oryx, Addax, and Dama Gazelle From Certain Prohibitions* was published in the *Federal Register* on January 5, 2012. The rule becomes effective 90 days after the publication date, providing potential applicants the opportunity to apply for and be approved (if all conditions are met) for the appropriate permits prior to the effective date.

Myth #6: The Service is going to publish all of my personal information in the *Federal Register*.

Fact: It is true that for businesses and other organizations holding CBW registrations, including sole proprietorships that apply for permits or other authorizations for endangered species, the Service will include the name, city and state and brief description of the proposed activities. However, information that is protected under the Privacy Act (5 U.S.C. 552a) cannot be released. Additional information including original application materials, renewal applications, and recent annual reports will be released only upon request from the public. This is the same information that could be released under a Freedom of Information Act request that could be outside of the permit application process.