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accordance with paragraph (a) of this section, the Director will decide whether or not an exotic bird species should be listed as an approved species for importation from the country of export, under section 15.33. In making this decision, the Director shall consider in addition to the general criteria in part 13 of this subchapter, all of the following factors for the species:

(1) Whether the country of export is effectively implementing the Convention, particularly with respect to:
   (i) Establishment of a functioning Scientific Authority;
   (ii) The requirements of Article IV of the Convention;
   (iii) Remedial measures recommended by the Parties to the Convention with respect to the Convention's Secretariat;
   (iv) Article VIII of the Convention, including but not limited to establishment of legislation and infrastructure necessary to enforce the Convention, and submission of annual reports to the Convention’s Secretariat;

(2) Whether the country of export has developed a scientifically-based management plan for the species that:
   (i) Provides for the conservation of the species and its habitat(s);
   (ii) Includes incentives for conservation unless the species is a documented pest species;
   (iii) Is adequately implemented and enforced;
   (iv) Ensures that the use of the species is:
      (A) Sustainable;
      (B) Maintained throughout its range at a level that is consistent with the species' role in its ecosystem; and
      (C) Is well above the level at which the species might become threatened;
   (v) Addresses illegal trade, domestic trade, subsistence use, disease, and habitat loss; and
   (vi) Ensures that the methods of capture, transport, and maintenance of the species minimize the risk of injury, damage to health, and inhumane treatment; and

(3) If the species has a multi-national distribution:
   (i) Whether populations of the species in other countries in which it occurs will not be detrimentally affected by exports of the species from the country requesting approval;
   (ii) Whether factors affecting conservation of the species, including export from other countries, illegal trade, domestic use, or subsistence use are regulated throughout the range of the species so that recruitment and/or breeding stocks of the species will not be detrimentally affected by the proposed export;
   (iii) Whether the projected take and export will not detrimentally affect breeding populations; and
   (iv) Whether the projected take and export will not detrimentally affect existing enhancement activities, conservation programs, or enforcement efforts throughout the species’ range.

(4) For purposes of applying the criterion in paragraph (b)(2)(iv) of this section, the Director may give positive consideration to plans wherein very conservative capture and export quotas are implemented prior to being able to obtain all of the biological information necessary for a more large-scale management plan, if the country can demonstrate that such conservative capture and export quotas are non-detrimental to the species survival in the wild under the criterion in paragraph (b)(2)(iv) of this section.

(c) Publication in the Federal Register.
The Director shall publish notice in the Federal Register of the availability of each complete sustainable use management plan received under paragraph (a) of this section. Each notice shall invite the submission from interested parties of written data, views, or arguments with respect to the proposed approval.

(d) Duration of approval. A species and country of export listed in section 15.33 as approved shall be approved for 3 years, at which time renewal of approval shall be considered by the Service.

[61 FR 2091, Jan. 24, 1996]

§ 15.33 Species included in the approved list.

(a) Captive-bred species. The list in this paragraph includes species of captive-bred exotic birds for which importation into the United States is not
(b) Non-captive-bred species. The list in this paragraph includes species of non-captive-bred exotic birds and countries for which importation into the United States is not prohibited by section 15.11. The species are grouped taxonomically by order, and may only be imported from the approved country, except as provided under a permit.
Subpart E—Qualifying Facilities
Breeding Exotic Birds in Captivity

§ 15.41 Criteria for including facilities as qualifying for imports. [Reserved]

§ 15.42 List of foreign qualifying breeding facilities. [Reserved]

Subpart F—List of Prohibited Species Not Listed in the Appendices to the Convention

§ 15.51 Criteria for including species and countries in the prohibited list. [Reserved]

§ 15.52 Species included in the prohibited list. [Reserved]

§ 15.53 Countries of export included in the prohibited list. [Reserved]

PART 16—INJURIOUS WILDLIFE

Subpart A—Introduction

Sec.
16.1 Purpose of regulations.
16.2 Scope of regulations.
16.3 General restrictions.

Subpart B—Importation or Shipment of Injurious Wildlife

16.11 Importation of live wild mammals.
16.12 Importation of live wild birds or their eggs.
16.13 Importation of live or dead fish, mollusks, and crustaceans, or their eggs.
16.14 Importation of live amphibians or their eggs.
16.15 Importation of live reptiles or their eggs.

Subpart C—Permits

16.22 Injurious wildlife permits.

Subpart D—Additional Exemptions

16.32 Importation by Federal agencies.
16.33 Importation of natural-history specimens.

AUTHORITY: 18 U.S.C. 42.

SOURCE: 39 FR 1169, Jan. 4, 1974, unless otherwise noted.