Title 50
Wildlife and Fisheries

Parts 1 to 16

Revised as of October 1, 2014

Containing a codification of documents
of general applicability and future effect

As of October 1, 2014

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Explanation

The Code of Federal Regulations is a codification of the general and permanent rules published in the Federal Register by the Executive departments and agencies of the Federal Government. The Code is divided into 50 titles which represent broad areas subject to Federal regulation. Each title is divided into chapters which usually bear the name of the issuing agency. Each chapter is further subdivided into parts covering specific regulatory areas.

Each volume of the Code is revised at least once each calendar year and issued on a quarterly basis approximately as follows:

- Title 1 through Title 16…………………………………………………as of January 1
- Title 17 through Title 27………………………………………………as of April 1
- Title 28 through Title 41………………………………………………as of July 1
- Title 42 through Title 50………………………………………………as of October 1

The appropriate revision date is printed on the cover of each volume.

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The Paperwork Reduction Act of 1980 (Pub. L. 96-511) requires Federal agencies to display an OMB control number with their information collection request.
Many agencies have begun publishing numerous OMB control numbers as amendments to existing regulations in the CFR. These OMB numbers are placed as close as possible to the applicable recordkeeping or reporting requirements.

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Provisions of the Code that are no longer in force and effect as of the revision date stated on the cover of each volume are not carried. Code users may find the text of provisions in effect on any given date in the past by using the appropriate List of CFR Sections Affected (LSA). For the convenience of the reader, a “List of CFR Sections Affected” is published at the end of each CFR volume. For changes to the Code prior to the LSA listings at the end of the volume, consult previous annual editions of the LSA. For changes to the Code prior to 2001, consult the List of CFR Sections Affected compilations, published for 1949-1963, 1964-1972, 1973-1985, and 1986-2000.

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The term “[Reserved]” is used as a place holder within the Code of Federal Regulations. An agency may add regulatory information at a “[Reserved]” location at any time. Occasionally “[Reserved]” is used editorially to indicate that a portion of the CFR was left vacant and not accidentally dropped due to a printing or computer error.

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What is a proper incorporation by reference? The Director of the Federal Register will approve an incorporation by reference only when the requirements of 1 CFR part 51 are met. Some of the elements on which approval is based are:

(a) The incorporation will substantially reduce the volume of material published in the Federal Register.

(b) The matter incorporated is in fact available to the extent necessary to afford fairness and uniformity in the administrative process.

(c) The incorporating document is drafted and submitted for publication in accordance with 1 CFR part 51.

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A subject index to the Code of Federal Regulations is contained in a separate volume, revised annually as of January 1, entitled CFR INDEX AND FINDING AIDS. This volume contains the Parallel Table of Authorities and Rules. A list of CFR titles, chapters, subchapters, and parts and an alphabetical list of agencies publishing in the CFR are also included in this volume.
An index to the text of “Title 3—The President” is carried within that volume.

The Federal Register Index is issued monthly in cumulative form. This index is based on a consolidation of the “Contents” entries in the daily Federal Register.

A List of CFR Sections Affected (LSA) is published monthly, keyed to the revision dates of the 50 CFR titles.

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CHARLES A. BARTH,
Director,
Office of the Federal Register.
October 1, 2014.
Title 50—Fish and Wildlife is composed of thirteen volumes. The parts in these volumes are arranged in the following order: Parts 1–16; part 17 (17.1 to 17.95(a)), part 17 (17.95(b)), part 17 (17.95(c) to (e)), part 17 (17.95(f) to end of 17.95), part 17 (17.96 to 17.98), part 17 (17.99(a) to 17.99(h)), part 17 (17.99(i) to end of part 17), parts 18–199, parts 200–227, parts 228–599, parts 600–659, and part 660 to end. The first nine volumes consist of parts 1–16, part 17 (17.1 to 17.95(a)), part 17 (17.95(b)), part 17 (17.95(c) to (e)), part 17 (17.95(f) to end of 17.95), part 17 (17.96 to 17.98), part 17 (17.99(a) to 17.99(h), part 17 (17.99(i) to end of part 17), and parts 18–199 and contain the current regulations issued under chapter I—United States Fish and Wildlife Service, Department of the Interior. The tenth volume (parts 200-227) contains the current regulations issued under chapter II—National Marine Fisheries Service, National Oceanic and Atmospheric Administration. The eleventh volume (parts 228–599) contains the remaining current regulations issued under chapter II—National Marine Fisheries Service, National Oceanic and Atmospheric Administration, and the current regulations issued under chapter III—International Fishing and Related Activities, chapter IV—Joint Regulations (United States Fish and Wildlife Service, Department of the Interior and National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce); Endangered Species Committee regulations; and chapter V—Marine Mammal Commission. The twelfth and thirteenth volumes (parts 600–659 and part 660 to end) contain the current regulations issued under chapter VI—Fishery Conservation and Management, National Oceanic and Atmospheric Administration, Department of Commerce. The contents of these volumes represent all current regulations codified under this title of the CFR as of October 1, 2014.

Alphabetical listings of endangered and threatened wildlife and plants appear in §§17.11 and 17.12.


For this volume, Cheryl E. Sirofchuck was Chief Editor. The Code of Federal Regulations publication program is under the direction of John Hyrum Martinez, assisted by Jim Hemphill.
Title 50—Wildlife and Fisheries

(This book contains parts 1 to 16)
CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

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AUTHORITY: 5 U.S.C. 301.

SOURCE: 31 FR 16002, Dec. 15, 1966, unless otherwise noted.

§ 1.1 Meaning of terms.

As used in this chapter, unless separately defined, terms shall have the meaning ascribed in this part.

§ 1.2 Authorized representative.

Authorized representative means the subordinate official to which a principal official has delegated authority to act on a particular matter or a class of matters. The Director, U.S. Fish and Wildlife Service is frequently the authorized representative of the Secretary of the Interior, as also may be a regional director or an officer in charge of a Service field installation.

§ 1.3 Service.

Service means the United States Fish and Wildlife Service, Department of the Interior.

§ 1.4 Director.

Director means the Director, U.S. Fish and Wildlife Service or the authorized representative of such official.

[48 FR 44833, Sept. 30, 1983]

§ 1.5 Officer in Charge.

Officer in Charge means any person in charge of a national fish hatchery, national wildlife refuge, research center, or other U.S. Fish and Wildlife Service installation, or the authorized representative of such official.

[48 FR 44833, Sept. 30, 1983]

§ 1.6 Person.

Person means an individual, club, association, partnership, corporation, or private or public body, any one or all, as the context requires.

§ 1.7 Regional director.

Regional director means the official in charge of a region of the U.S. Fish and Wildlife Service or the authorized representative of such official.

[48 FR 44833, Sept. 30, 1983]

§ 1.8 Secretary.

Secretary means the Secretary of the Interior or the authorized representative of such official.

[48 FR 44833, Sept. 30, 1983]

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AUTHORITY: 5 U.S.C. 301.

§ 2.1 Headquarters.

The U.S. Fish and Wildlife Service is composed of a main office in the Washington, DC, area, referred to as “Headquarters”; eight regional offices, which are described in §2.2; and a variety of field installations, a nationwide network of law enforcement agents, and a number of field study teams for biological and ecological activities. Headquarters includes the Office of the Director, as well as program areas headed by Assistant Directors.

(a) The address for the Office of the Director is: Office of the Director, U.S. Fish and Wildlife Service, Main Interior, 1849 C Street NW., Room 3331, Washington, DC 20240–0001.

(b) The address of Headquarters program areas is: U.S. Fish and Wildlife Service Headquarters, MS: [Insert appropriate Mail Stop from table], 5275 Leesburg Pike, Falls Church, VA 22041–3803.
§ 2.2 Regional offices.

The U.S. Fish and Wildlife Service has eight regional offices that are responsible for implementing national policies. Each Regional Director has jurisdiction over Service activities performed by field installations in the State(s) encompassed by the region. Field installations include ecological services stations, endangered species stations, fishery assistance offices, national fish hatcheries, national wildlife refuges, research laboratories, and wildlife assistance offices. Unless otherwise stated for a particular matter in the regulations, all persons may secure from the regional offices information or make submittals or requests, as well as obtain forms and instructions as to the scope and contents of papers or reports required of the public. The geographic jurisdictions and addresses of the U.S. Fish and Wildlife regional offices are as follows:

(a) Pacific Regional Office (Region 1—comprising the States of Hawaii, Idaho, Oregon, and Washington; the Commonwealth of the Northern Mariana Islands; and American Samoa, Guam, and other Pacific possessions), Eastside Federal Complex, 911 NE. 11th Avenue, Portland, Oregon 97232.

(b) Southwest Regional Office (Region 2—comprising the States of Arizona, New Mexico, Oklahoma, and Texas), 500 Gold Avenue SW., Room 9018 (P.O. Box 1306), Albuquerque, New Mexico 87102.

(c) Midwest Regional Office (Region 3—comprising the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin), 5000 American Boulevard West, Suite 990, Bloomington, Minnesota 55437.

(d) Southeast Regional Office (Region 4—comprising the States of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee; the Commonwealth of Puerto Rico; and the Virgin Islands and Caribbean possessions), 1875 Century Boulevard, Suite 400, Atlanta, Georgia 30345.

(e) Northeast Regional Office (Region 5—comprising the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia; and the District of Columbia), 300 Westgate Center Drive, Hadley, Massachusetts 01035.

(f) Mountain-Prairie Regional Office (Region 6—comprising the States of Colorado, Kansas, Montana, Nebraska, North Dakota, South Dakota, Utah and Wyoming), 134 Union Boulevard (P.O. Box 25486), Lakewood, Colorado 80228.

(g) Alaska Regional Office (Region 7—comprising the State of Alaska), 1011 E. Tudor Road, Anchorage, Alaska 99503.

(h) Pacific Southwest Regional Office (Region 8—comprising the States of California and Nevada), 2800 Cottage
PART 3—NONDISCRIMINATION—CONTRACTS, PERMITS, AND USE OF FACILITIES

§ 3.1 Discrimination prohibited.

No person shall, on the ground of race, color, creed, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to any form of discrimination or segregation under any program or activity, or in the use of any facility or accommodation of the Service.

§ 3.2 Federal financial assistance.

The provisions of 43 CFR part 17, which implements title VI of the Civil Rights Act of 1964, are applicable to any program or activity for which Federal financial assistance is provided under any law administered by the Service, including the programs and activities that are federally assisted under the laws listed in Appendix A of 43 CFR part 17.

§ 3.3 Discrimination by contractors and permittees prohibited.

The provisions of part III of Executive Order 10925 (3 CFR, 1959–1963 Comp. p. 448) and the provisions of Executive Order 11114 (3 CFR, 1959–1963 Comp. p. 774), as they may be amended, and the regulations of the President’s Council on Equal Opportunity, the President’s Committee on Equal Employment Opportunity, the Equal Employment Opportunity Commission are applicable to all agreements, or modifications thereof, between the Service and any person for supplies, services or facilities, or for the use of any Government property, services or facilities.

(a) Any person who provides public accommodations, facilities, services, or privileges upon any land under the control or administration of the Service through a permit, contract, concession contract, or other form of agreement with the Service is prohibited from discriminating by segregation or otherwise against any person because of race, color, creed, or national origin in the furnishing or refusing to furnish such person any accommodation, facility, service, or privilege which is offered to or enjoyed by the general public, and will agree to abide by the prohibitions against discrimination contained in the permit, contract, or agreement.

(b) Any person who uses, occupies, or possesses any land under the administration or control of the Service through a permit, contract, concession contract, or other form of agreement with the Bureau is prohibited, in conjunction with the acts or activities authorized or permitted by such permit, contract, or agreement, from discriminating against any employee or applicant for employment or maintaining any employment practice which discriminates in any manner because of race, color, creed, or national origin, and will agree to abide by the prohibitions against discrimination contained in the permit, contract, or agreement.
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SOURCE: 38 FR 22015, Aug. 15, 1973, unless otherwise noted.

Subpart A—Introduction

§ 10.1 Purpose of regulations.

The regulations of this Subchapter B are promulgated to implement the following statutes enforced by the U.S. Fish and Wildlife Service which regulate the taking, possession, transportation, sale, purchase, barter, exportation, and importation of wildlife:

Lacey Act, 18 U.S.C. 42.
Bald and Golden Eagle Protection Act, 16 U.S.C. 668a–668d.


§ 10.2 Scope of regulations.

The various parts of this subchapter B are interrelated, and particular note should be taken that the parts must be construed with reference to each other.

§ 10.3 Other applicable laws.

No statute or regulation of any State shall be construed to relieve a person from the restrictions, conditions, and requirements contained in this subchapter B. In addition, nothing in this subchapter B, nor any permit issued under this subchapter B, shall be construed to relieve a person from any other requirements imposed by a statute or regulation of any State or of the United States, including any applicable health, quarantine, agricultural, or customs laws or regulations, or other Service enforced statutes or regulations.

§ 10.4 When regulations apply.

The regulations of this subchapter B shall apply to all matters arising after the effective date of such regulations, with the following exceptions:

(a) Civil penalty proceedings. Except as otherwise provided in §11.25, the civil penalty assessment procedures contained in this subchapter B shall apply only to any proceeding instituted by notice of violation dated subsequent to the effective date of these regulations, regardless of when the act or omission which is the basis of a civil penalty proceeding occurred.

(b) Permits. The regulations in this subchapter B shall apply to any permit application received after the effective date of the appropriate regulations in this subchapter B and, insofar as appropriate, to any permit which is renewed after such effective date.

Subpart B—Definitions

§ 10.11 Scope of definitions.

In addition and subject to definitions contained in applicable statutes and subsequent parts or sections of this subchapter B, words or their variants shall have the meanings ascribed in this subpart. Throughout this subchapter B words in the singular form shall include the plural, words in the plural form shall include the singular, and words in the masculine form shall include the feminine.

§ 10.12 Definitions.

Aircraft means any contrivance used for flight in the air.

Amphibians means a member of the class, Amphibia, including, but not limited to, frogs, toads, and salamanders; including any part, product, egg, or offspring thereof, or the dead body or parts thereof (excluding fossils), whether or not included in a manufactured product or in a processed food product.

Animal means an organism of the animal kingdom, as distinguished from the plant kingdom; including any part, product, egg, or offspring thereof, or the dead body or parts thereof (excluding fossils), whether or not included in a manufactured product or in a processed food product.

Birds means a member of the class, Aves; including any part, product, egg, or offspring thereof, or the dead body or parts thereof (excluding fossils), whether or not included in a manufactured product or in a processed food product.

Country of exportation means the last country from which the animal was exported before importation into the United States.

Country of origin means the country where the animal was taken from the wild, or the country of natal origin of the animal.

Crustacean means a member of the class, Crustacea, including but not limited to, crayfish, lobsters, shrimps, crabs, barnacles, and some terrestrial forms; including any part, product, egg, or offspring thereof, or the dead body or parts thereof (excluding fossils), whether or not included in a manufactured product or in a processed food product.

Director means the Director of the United States Fish and Wildlife Service, Department of the Interior, or his authorized representative.

Endangered wildlife means any wildlife listed in §17.11 or §17.12 of this subchapter.

Fish means a member of any of the following classes:

(1) Cyclostomata, including, but not limited to, hagfishes and lampreys;

(2) Elasmobranchii, including but not limited to, sharks, skates, and rays; and

(3) Pisces, including but not limited to trout, perch, bass, minnows, and catfish; including any part, product, egg, or offspring thereof, or the dead body or parts thereof (excluding fossils), whether or not included in a manufactured product or in a processed food product.

Fish or wildlife means any wild animal, whether alive or dead, including without limitation any wild mammal, bird, reptile, amphibian, fish, mollusk, crustacean, arthropod, coelenterate, or other invertebrate, whether or not bred, hatched, or born in captivity, and including any part, product, egg, or offspring thereof.

Foreign commerce includes, among other things, any transaction (1) between persons within one foreign country, or (2) between persons in two or more foreign countries, or (3) between a person within the United States and a person in one or more foreign countries, or (4) between persons within the United States, where the fish or wildlife in question are moving in any country or countries outside the United States.

Fossil means the remains of an animal of past geological ages which has been preserved in the earth’s crust through mineralization of the object.

Import means to land on, bring into, or introduce into, or attempt to land on, bring into, or introduce into any place subject to the jurisdiction of the United States, whether or not such landing, bringing, or introduction constitutes an importation within the meaning of the tariff laws of the United States.
Injurious Wildlife means any wildlife for which a permit is required under subpart B of part 16 of this subchapter before being imported into or shipped between the continental United States, the District of Columbia, Hawaii, the Commonwealth of Puerto Rico, or any possession of the United States.

Mammal means a member of the class, Mammalia; including any part, product, egg, or offspring, or the dead body or parts thereof (excluding fossils), whether or not included in a manufactured product or in a processed food product.

Migratory bird means any bird, whatever its origin and whether or not raised in captivity, which belongs to a species listed in §10.13, or which is a mutation or a hybrid of any such species, including any part, nest, or egg of any such bird, or any product, whether or not manufactured, which consists, or is composed in whole or part, of any such bird or any part, nest, or egg thereof.

Migratory game birds: See §20.11 of this subchapter.

Mollusk means a member of the phylum, Mollusca, including but not limited to, snails, mussels, clams, oysters, scallops, abalone, squid, and octopuses; including any part, product, egg, or offspring thereof, or the dead body or parts thereof (excluding fossils), whether or not included in a manufactured product or in a processed food product.

Permit means any document designated as a “permit,” “license,” “certificate,” or any other document issued by the Service to authorize, limit, or describe activity and signed by an authorized official of the Service.

Person means any individual, firm, corporation, association, partnership, club, or private body, any one or all, as the context requires.

Plant means any member of the plant kingdom, including seeds, roots and other parts thereof.

Possession means the detention and control, or the manual or ideal custody of anything which may be the subject of property, for one’s use and enjoyment, either as owner or as the proprietor of a qualified right in it, and either held personally or by another who exercises it in one’s place and name. Possession includes the act or state of possessing and that condition of facts under which one can exercise his power over a corporeal thing at his pleasure to the exclusion of all other persons. Possession includes constructive possession which means not actual but assumed to exist, where one claims to hold by virtue of some title, without having actual custody.

Public as used in referring to museums, zoological parks, and scientific or educational institutions, refers to such as are open to the general public and are either established, maintained, and operated as a governmental service or are privately endowed and organized but not operated for profit.

Reptile means a member of the class, Reptilia, including but not limited to, turtles, snakes, lizards, crocodiles, and alligators; including any part, product, egg, or offspring thereof, or the dead body or parts thereof, whether or not included in a manufactured product or in a processed food product.

Secretary means the Secretary of the Interior or his authorized representative.

Service means the United States Fish and Wildlife Service, Department of the Interior.

Shellfish means an aquatic invertebrate animal having a shell, including, but not limited to, (a) an oyster, clam, or other mollusk; and (b) a lobster or other crustacean; or any part, product, egg, or offspring thereof, or the dead body or parts thereof (excluding fossils), whether or not included in a manufactured product or in a processed food product.

State means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, and Guam.

Take means to pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to pursue, hunt, shoot, wound, kill, trap, capture, or collect. (With reference to marine mammals, see Part 18 of this subchapter.)

Transportation means to ship, convey, carry or transport by any means whatever, and deliver or receive for such shipment, conveyance, carriage, or transportation.

United States means the several States of the United States of America,
§ 10.13 List of Migratory Birds.

(a) Legal authority for this list. The legal authorities for this list are the Migratory Bird Treaty Act (MBTA; 16 U.S.C. 703–712), and the Fish and Wildlife Act of 1956 (16 U.S.C. 742a–742j). The MBTA implements Conventions between the United States and four neighboring countries for the protection of migratory birds, as follows:


2. **Mexico:** Convention between the United States and Mexico for the Protection of Migratory Birds and Game Mammals, February 7, 1936, 50 Stat. 1311 (T.S. No. 912), as amended.

3. **Japan:** Convention between the Government of the United States of America and Japan for the Protection of Migratory Birds and Birds in Danger of Extinction, and Their Environment, March 4, 1916, 39 Stat. 1311 (T.S. No. 7990); and


(b) Purpose of this list. The purpose is to inform the public of the species protected by regulations that enforce the terms of the MBTA. These regulations, found in parts 10, 20, and 21 of this chapter, cover most aspects of the taking, possession, transportation, sale, purchase, barter, exportation, and importation of migratory birds.

(c) What species are protected as migratory birds? Species protected as migratory birds are listed in two formats to suit the varying needs of the user: Alphabetically in paragraph (c)(1) of this section and taxonomically in paragraph (c)(2) of this section. Taxonomy and nomenclature generally follow the 7th edition of the American Ornithologists’ Union’s Check-list of North American birds (1998, as amended through 2010). For species not treated by the AOU Check-list, we generally follow The Clements Checklist of Birds of the World (Clements 2007).

1. **Alphabetical listing.** Species are listed alphabetically by common (English) group names, with the scientific name of each species following the common name.

   - **ACCENTOR, Siberian,** Prunella montanella
   - **AKIKEE, Loxops caeruleirostris**
   - **AKEPA, Loxops coccineus**
   - **AKIALOA, Greater,** Hemignathus elisianus
   - **AKIAPOLAAU, Hemignathus munroi**
   - **AKIKIKI, Oreomyctes bairdi**
   - **AKOHEKOHE, Palmeria dolei**
   - **ALAUHIO, Maui,** Paroreomyza montana
   - **ALBATROSS, Black-browed,** Thalassarche melanophris
   - **-**
   - **ANHINGA, Anhinga anhinga**
   - **ANI, Groove-billed,** Crotophaga sulcirostris
   - **ASIA, Magnuma pororari**
   - **APAPANE, Himatia sanguinea**
   - **AUKLET, Cassin’s,** Pachyramphus australis
   - **BECARD, Rose-throated,** Pachyramphus aequitincta

2. **Taxonomic listing.** Species are listed taxonomically by scientific name, with the English group name following the scientific name.

   - **AUKLET, Cassin’s,** Pachyramphus australis
   - **-**
   - **ANHINGA, Anhinga anhinga**
   - **ANI, Groove-billed,** Crotophaga sulcirostris
   - **ASIA, Magnuma pororari**
   - **APAPANE, Himatia sanguinea**
   - **AUKLET, Cassin’s,** Pachyramphus australis
   - **BECARD, Rose-throated,** Pachyramphus aequitincta

Species are generally followed by a number in parenthesis (English group names) that is intended to refer to the number in a list of common names or English group names. The common names listed are those that are commonly used for the species, with special names in parenthesis following the common name.
§ 10.13

50 CFR Ch. I (10–1–14 Edition)

BUTTERN, American, Botaurus lentiginosus
Black. Izobrychus flavicollis
Least. Izobrychus exilis
Schrenck’s. Izobrychus erythrmus
Yellow. Izobrychus sinensis
BLACK HAWK. Common. Buteogallus anthracinus
BLACKBIRD. Brewer’s. Euphagus cyanocephalus
Red-winged. Agelaius phoeniceus
Rusty. Euphagus carolinus
Tawny-shouldered. Agelaius humeralis
Tricolored. Agelaius tricolor
Yellow-headed. Xanthocephalus xanthocephalus
Yellow-shouldered. Agelaius xanthomus
BLUEBIRD. Eastern. Sialia sialis
Mountain. Sialia currucoides
Western. Sialia mexicana
BLUETAIL. Red-flanked. Tarsiger cyanurus
BLUETHROAT. Lucinia svecica
BOBOLINK. Dolichonyx oryzivorus
BOOBY. Blue-footed. Sula leucogaster
Brown. Sula leucogaster
Masked. Sula dactylatra
Red-footed. Sula sula
BRAMBLING. Fringilla montifringilla
BRANT. Branta bernicla
BUFFLEHEAD. Bucephala albeola
BULLFINCH. Eurasian. Pyrrhula pyrrhula
Puerto Rican. Lozirilla portoricensis
BUNTING. Blue. Cyanocompsa parellina
Gray. Emberiza caerulescens
Indigo. Passerina cyanea
Little. Emberiza pusilla
Lark. Calamospiza melanocorys
Lazuli. Passerina amoena
McKay’s. Plectrophenax hyperboreus
Painted. Passerina ciris
Pallas’ Emberiza pallasi
Pine. Emberiza leucocephalos
Red. Emberiza schoeniclus
Rustic. Emberiza rusticus
Snow. Plectrophenax nivalis
Varied. Passerina versicolor
Yellow-breasted. Emberiza aureola
Yellow-browed. Emberiza chrysophrys
Yellow-throated. Emberiza elegans
BUSH TIT. Psaltiparus minimus
CANVASSACK. Aegithula canadensis
CARACARA. Crested. Caracara cheriway
CARDINAL. Northern. Cardinalis cardinalis
CARIB. Green-throated. Eulampis holosericeus
Purple-throated. Eulampis jugularis
CATBIRD. Black. Melanotis rubiginosa
Gray. Dumetella carolinensis
CHAFFINCH. Common. Fringilla coelebs
CHAT. Yellow-breasted. Icteris virens
CHICKADEE. Black-capped. Poecile atricapillus
Boreal. Poecile hudsonicus
Carolina. Poecile carolinensis
Chesnut-backed. Poecile rufescens
Gray-sided. Poecile cinctus
Mexican. Poecile xinaluz
Mountain. Poecile gambeli
CHUCK-WILL’S-WIDOW. Caprimulgus carolinensis
CONDOR. California. Gymnogyps californianus
COTT. American. Fulica americana
Carribbean. Fulica caribaea
Eurasian. Fulica atra
Hawaiian. Fulica alii
CORMORANT. Brandt’s. Phalacorax auritus
Double-crested. Phalacorax auritus
Great. Phalacorax carbo
Little Pied. Phalacrocorax melanoleucos
Neotropic. Phalacrocorax brasilianus
Pelagic. Phalacrocorax pelagicus
Red-faced. Phalacrocorax urile
COWBIRD. Bronzed. Molothrus aeneus
Brown-headed. Molothrus ater
Shiny. Molothrus bonariensis
CREAKE. Corn. Cremex crex
Paint-billed. Neocrex erythrops
Spotless. Porzana tabuenus
Yellow-breasted. Porzana flavicenter
CRANE. Common. Grus grus
Sandhill. Grus canadensis
Whooping. Grus americana
CREEPER. Brown. Certhia americana
HAWAIIAN. Oreomyospis mana
CROSSBILL. Red. Loxia curvirostra
White-winged. Loxia leucoptera
CROW. American. Corvus brachyrhynchos
Fish. Corvus ossifragus
Hawaiian. Corvus hawaiiensis
Mariana. Corvus kubaryi
Northwestern. Corvus caurinus
Tananipa. Corvus imparatus
White-necked. Corvus leucognathus
CUCKOO. Black-billed. Coccyzus erythropthalmus
Common. Coccyzus canorus
Mangrove. Coccyzus minor
Oriental. Coccyzus opatus
Yellow-billed. Coccyzus americanus
CURLEW. Bristle-thighed. Numenius tahitii
Eskimo. Numenius borealis
Eurasian. Numenius arquata
Far Eastern. Numenius madagascariensis
Little. Numenius minimus
Long-billed. Numenius americanus
DICKCISSEL. Spiza americana
DIPPER. American. Cinclus mexicanus
DOTTEREL. Eurasian. Charadrius morinellus
DOVE. Inca. Columbina inca
Mourning. Zenaida macroura
White-tipped. Leptotila verreauxi
White-winged. Zenaida asiatica
Zenaida. Zenaida aurita
DOVEKIE. Alle ale
DOWITCHER. Long-billed. Limnodromus scolopaceus
Short-billed. Limnodromus griseus
DUCK. American Black. Anas rubripes
Eastern Spot-billed. Anas zonorhyncha
Falcated. Anas falcata
Harlequin. Histrionicus histrionicus
Hawaiian. Anas wyvilliana
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KINGFISHER, Belted, Megaceryle alcya
Collared, Todirhamphus chloris
Green, Chloroceryle americana
Micronesian, Todirhamphus cinnamominus
Ringed, Megaceryle torquata
KINGLET, Golden-crowned, Regulus satrapa
Ruby-crowned, Regulus calendula
KISKADEE, Great, Pitangus sulphuratus
KITE, Black, Milvus migrans
Hook-billed, Chondrohierax uncinatus
Mississippi, Lictinia mississippiensis
Snail, Rhynochetos sociabilis
Swallow-tailed, Euanides forficatus
White-tailed, Eulanis leucurus
KITTITWAKE, Black-legged, Rissa tridactyla
Red-legged, Rissa brevirostris
KNOT, Great, Calidris tenuirostris
Red, Calidris canutus
LAPWING, Northern, Vanellus vanellus
LARK, Horned, Eremophila alpestris
Sky, Alauda arvensis
LEAF-WARBLER, Pallas's, Phylloscopus proregulus
LIMPKIN, Aramus guarauna
LIZARD-CUCKOO, Puerto Rican, Coccyzus vieilloti
LONGSPUR, Chestnut-collared, Calcarius ornatus
Lapland, Calcarius lapponicus
McCaown's, Rhynchophanes mccownii
Smith's, Calcarius pictus
LOON, Arctic, Gavia arctica
Common, Gavia immer
Pacific, Gavia pacifica
Red-throated, Gavia stellata
Yellow-billed, Gavia adamsii
MAGPIE, Black-billed, Pica hudsonia
Yellow-billed, Pica nuttallii
MALLARD, Anas platyrhynchos
MANGO, Antillean, Anthracothorax dominicus
Green, Anthracothorax viridis
Green-breasted, Anthracothorax prevosti
MARTIN, Brown-heaved, Progne tapera
Caribbean, Progne dominicensis
Cuban, Progne cryptoleuca
Gray-breasted, Progne chalybaea
Purple, Progne subis
Southern, Progne elegans
MEADOWLARK, Eastern, Sturnella magna
Western, Sturnella neglecta
MEGAGASER, Common, Mergus merganser
Hooded, Lophodytes cucullatus
Red-breasted, Mergus serrator
MERLIN, Falco columbarius
MILLERBIRD, Acrocephalus familiaris
MOCKINGBIRD, Bahama, Mimus gundlachii
Blue, Melanotis caerulescens
Northern, Mimus polyglottos
MOOKHEN, Common, Calidris chloropus
MURRE, Common, Uria aalge
Thick-billed, Uria lomvia
MURRELET, Ancient, Synthliboramphus antiquus
Craveri's, Synthliboramphus craveri
Kittlitz's, Brachyramphus brevirostris
Long-billed, Brachyramphus perdix
Marbled, Brachyramphus marmoratus
Xantus's, Synthliboramphus hypoleucus
NEEDLETAIL, White-throated, Hirundapus caudacutus
NIGHT-HERON, Black-crowned, Nycticorax nycticorax
Japanese, Gorsachius goisagi
Malayan, Gorsachius melanoleucus
Yellow-crowned, Nyctanassa violacea
NIGHTHAWK, Antillean, Chordeiles gundlachii
Common, Chordeiles minor
Lesser, Chordeiles acutipennis
NIGHTINGALE-THRUSH, Black-headed, Catharus mexicanus
Orange-billed, Catharus aurantiurostris
NIGHTJAR, Buff-collared, Caprimulgus ridgwayi
Gray, Caprimulgus indicus
Puerto Rican, Caprimulgus noctitherus
NODDY, Black, Anous minutus
Blue-gray, Procelsterna cerulea
Brown, Anous stolidus
NUKUPUU, Hemignathus lucidus
NUTCRACKER, Clark's, Nucifraga columbiana
NUTHATCH, Brown-headed, Sitta pusilla
Pygmy, Sitta pygmea
Red-breasted, Sitta canadensis
White-breasted, Sitta carolinensis
OLOMAO, Myiastes laniensis
OMAO, Myiastes obscurus
ORIOLE, Altamira, Icterus galbula
Audubon's, Icterus graduacauda
Baltimore, Icterus galbula
Black-vented, Icterus vanderi
Bullock's, Icterus bullockii
Hooded, Icterus cucullatus
Orchard, Icterus spurius
Puerto Rican, Icterus portoricensis
Scott's, Icterus parisorum
Streak-backed, Icterus pustulatus
OSPREY, Pandion haliaetus
OU, Psittirostra psittacea
OVENBIRD, Seiurus aurocapilla
OWL, Barn, Tyto alba
Barred, Strix caria
Boreal, Aegolius funereus
Burrowing, Athene cunicularia
Elf, Micrathene whitneyi
Flammulated, Otus flammeolus
Great Gray, Strix nebulosa
Great Horned, Bubo virginianus
Long-eared, Asio otus
Mottled, Cicuaba virgata
Northern Hawk, Surnia ulula
Northern Saw-whet, Aegolius acadicus
Short-eared, Asio flammeus
Snowy, Bubo scandiacus
Spotted, Strix occidentalis
Stygian, Asio stygius
OYSTERCATCHER, American, Haematopus pallitus
Black, Haematopus bachmani
Eurasian, Haematopus ostralegus
PALILA, Zoiozodia baiulani
PALM-SWIFT, Antillean, Tachornis phoenicobia
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PARROTBILL, Maui, Pseudonestor xanthophrys
PARULA, Northern, Parula americana
Tropical, Parula gutturalis
PARAKEET, Common, Nyctidromus albicollis
PELICAN, American White, Pelecanus erythrorhynchos
Brown, Pelecanus occidentalis
PETREL, Bermuda, Pterodroma cahow
Black-capped, Pterodroma hasitata
Black-winged, Pterodroma nigripennis
Bonin, Pterodroma hypoleuca
Bulwer’s, Bulweria bulwerii
Cook’s, Pterodroma cookii
Gould’s, Pterodroma leucorhoa
Great-winged, Pterodroma macroptera
Hawaiian, Pterodroma sandvicensis
Herald, Pterodroma arminjoniana
Jouanin’s, Bulweria fallax
Juan Fernandez, Pterodroma externa
Kermadec, Pterodroma neglecta
Mottled, Pterodroma inexpectata
Murphy’s, Pterodroma ultima
Parkinson’s, Procellaria parkinsoni
Phoenix, Pterodroma alba
Stejneger’s, Pterodroma longirostris
Tahiti, Pterodroma rostrata
White-necked, Pterodroma cervicalis
PEWEE, Cuban, Contopus caribaeus
Greater, Contopus pertinax
Hispaniolan, Contopus hispaniolensis
Lesser Antillean, Contopus latirostris
PHAINOPEPLA, Phainopepla nitens
PHALAROPE, Red, Phalaropus fulicarius
Red-necked, Phalaropus lobatus
Wilson’s, Phalaropus tricolor
PHOEBE, Black, Sayornis nigricans
Eastern, Sayornis phoebe
Say’s, Sayornis saya
PIGEON, Band-tailed, Patagioenas fasciata
Plain, Patagioenas inornata
Red-billed, Patagioenas flavirostris
Scaly-naped, Patagioenas squamosa
White-crowned, Patagioenas leucocephala
PINTAIL, Northern, Anas acuta
White-cheeked, Anas bahamensis
PITPEE, American, Anthus rubescens
Olive-backed, Anthus hodgsoni
Pechora, Anthus gustavi
Red-throated, Anthus cervinus
Sprague’s, Anthus spraguei
Tree, Anthus trivialis
PLOVER, Black-bellied, Pluvialis squatarola
Collared, Charadrius collaris
Common Ringed, Charadrius hiaticula
Little Ringed, Charadrius dubius
Mountain, Charadrius montanus
Piping, Charadrius melodus
Semipalmated, Calidris semipalmata
Snowy, Charadrius alexandrinus
Wilson’s, Charadrius wilsonia
POCHARD, Baer’s, Aythya baeri
Common, Aythya ferina
POUND-HERON, Chinese, Ardea bacchus
POORWILL, Common, Phalaenoptilus nutillii
POO-ULI, Melmopsops phaeosoma
PUAIOH, Myadestes palmeri
PUFFIN, Atlantic, Fratercula arctica
Horned, Fratercula corniculata
Tufted, Fratercula cirrhata
PYGMY-OWL, Ferruginous, Glaucidium brasilianum
Northern, Glaucidium gnoma
PYRRHULOXIA, Cardinalis sinuatus
QUAIL-DOVE, Bridled, Geotrygon chrysa
Key West, Geotrygon chrysa
Ruddy, Geotrygon montana
QUETZEL, Eared, Euplectes enezenus
RAIL, Black, Laterallus capensis
Buff-banded, Gallirallus philippensis
Clapper, Gallirallus chloropus
Gauz, Gallirallus owstoni
King, Gallirallus elegans
Spotted, Pardirallus maculatus
Virginia, Gallirallus limicolus
Yellow, Coturnicops noveboracensis
RAVEN, Chihuahuan, Corvus cryptoleucus
Common, Corvus corax
RAZORBILL, Alca torda
REINHEAD, Aythya americana
REDPOLL, Common, Acanthis flammea
Hoary, Acanthis hornemannii
REDSHANK, Spotted, Tringa erythropus
REDSTART, American, Setophaga ruticilla
Painted, Myioborus pictus
Slate-throated, Myioborus minimus
REED-WARBLER, Nightingale, Acrocephalus luscinia
REEF-EGRET, Pacific, Egretta sacra
REEF-HERON, Western, Egretta gularis
ROADRUNNER, Greater, Geococcyx californianus
ROBIN, American, Turdus migratorius
Rufous-backed, Turdus rufipalliatus
Rufous-tailed, Luscinia sibilans
Siberian Blue, Luscinia cyane
ROCK-THRUSH, Blue, Monticola solitarius
ROSEFINCH, Common, Carpodacus erythrinus
ROSY-FINCH, Black, Leucosticte atrata
Brown-capped, Leucosticte australis
Gray-crowned, Leucosticte tephrocotis
RUBY-THROAT, Siberian, Luscinia collybice
BUFF, Philemonus pugnax
SANDLERING, Calidris alba
SANDPIPER, Baird’s, Calidris bairdii
Broad-billed, Limicola falcinellus
BUFF-breasted, Tryngites subruficollis
Common, Actitis hypoleucus
Curlew, Calidris ferruginea
Green, Tringa ochropus
Least, Calidris minutilla
Marsh, Tringa stagnatilis
Pectoral, Calidris melanotos
Purple, Calidris maritima
Rock, Calidris phalaropus
Semi-palmated, Calidris pusilla
Sharp-tailed, Calidris alpina
SOLITARY, Tringa solitaria
Spotted, Actitis macularius
Stilt, Calidris himantopus
Terek, Xenus cinereus
Upland, Brachypodion longicauda
Western, Calidris mauri
White-rumped, Calidris fuscicollis
Wood, Tringa glareola
SAND-PLover, Greater, Charadrius leschenaultii
Lesser, Charadrius mongolus
SAPSUCKER, Red-breasted, Sphyrapicus ruber
Red-naped, Sphyrapicus nuchalis
Williamson’s, Sphyrapicus thyroideus
Yellow-bellied, Sphyrapicus varius
SHEARWATER, Audubon’s, Puffinus tenuirostris
Western, Megacapnos kennicotti
Whiskered, Megacaps trichopsis
SCRUB-JAY, Florida, Aphelocoma coerulescens
Island, Aphelocoma insularis
Western, Aphelocoma californica
SEA-EAGLE, Steller’s, Haliaeetus pelagicus
SPREAD-EATER, White-collared, Sporophila torquela
SHEARWATER, Audubon’s, Puffinus lennienia
terminier
Black-vented, Puffinus opisthomelas
Buller’s, Puffinus bulleri
Cape Verde, Calonectris edwardii
Christmas, Puffinus niactilatus
Cory’s, Calonectris diomedea
Flesh-footed, Puffinus carneipes
Great, Puffinus gravis
Little, Puffinus assimilis
Manx, Puffinus pinnatus
Pink-footed, Puffinus creatopus
Short-tailed, Puffinus tenuirostris
Sooty, Puffinus gavia
Streaked, Calonectris leucomelas
Townsend’s, Puffinus auricularis
Wedge-tailed, Puffinus pacificus
SHOVELER, Northern, Anas clypeata
SHRIKE, Brown, Lanius cristatus
Loggerhead, Lanius ludovicianus
Northern, Lanius excubitor
SILKY-FLYCATCHER, Gray, Pygomyzus cinererus
SISKIN, Eurasian, Spinus spinus
Pine, Spinus pinus
SKIMMER, Black, Rynchops niger
SKUA, Great, Stercorarius skua
South Polar, Stercorarius maccormicki
SMEW, Mergellus albellus
SNPE, Common, Gallinago gallinago
Jack, Lymnocryptes minimus
Pin-tailed, Gallinago stenura
Swinhoe’s, Gallinago megala
Wilson’s, Gallinago delicta
SOLITAIRE, Townsend’s, Myadestes townsendii
SORA, Porzana carolina
SPARROW, American Tree, Spizella arborea
Bachman’s, Passerella iliaca
Bailey’s, Melospiza melodia
Black-headed, Melospiza fusca
Black-bellied, Melospiza americana
Brewer’s, Melospiza brevipes
Cassin’s, Pooecetes gramineus
Chipping, Spizella passerina
Clay-colored, Spizella palida
Field, Spizella pusilla
Five-striped, Ammodramus phoebe
Fork-tailed, Ammodramus subminuta
Golden-crowned, Zonotrichia atricapilla
Grasshopper, Ammodramus savannarum
Harris’s, Zonotrichia querula
Henslow’s, Ammodramus henslowii
Lark, Cincosterus glamolinus
Le Conte’s, Ammodramus lecontei
Lincoln’s, Melospiza lincolnii
Nelson’s, Ammodramus nelsonii
Olive, Arrenonomus rustigouatus
Rufous-breasted, Aimmophila ruficeps
Rufous-winged, Passerella iliaca
Sage, Melospiza ocellata
Saltmarsh, Ammodramus caudacutus
Savannah, Passerellus sandwichensis
Seaside, Ammodramus maritimus
Song, Melospiza melodia
Swamp, Melospiza georgiana
Vesper, Pooecetes gramineus
White-crowned, Zonotrichia leucophrys
White-throated, Zonotrichia albicollis
Worthen’s, Spizella wortheni
SPARROWHAWK, Japanese, Accipiter gularis
SPINDALIS, Puerto Rican, Spindalis portoricensis
Western, Spindalis zena
SPOONBILL, Roseate, Platalea ajaja
SPOONBILL, Least, Platalea minor
STRAW-BELLIED, Chestnut-cheeked, Sturnus philippensis
White-cheeked, Sturnus cinereus
STARTROAT, Plain-capped, Helianopterus
STILT, Black-necked, Himantopus mexicanus
Black-winged, Himantopus himantopus
STINT, Little, Calidris minuta
Long-toed, Calidris subminuta
Red-necked, Calidris ruficollis
Temminck’s, Calidris temminckii
STONECHAT, Suezicola torquatus
STORK, Wood, Mycteria americana
STORM-PETREL, Ashy, Oceanodroma homochroa
Banded-rumped, Oceanodroma castro
Black, Oceanodroma melanura
Black-bellied, Fregetta tropica
Fork-tailed, Oceanodroma furcata
Leach’s, Oceanodroma leucorhoa
Least, Oceanodroma microsoma
Matsuda’s, Oceanodroma matsudairae
Polynesian, Nesogreiga fulignosa
Ringed, Oceanodroma hayryi
Swinhoe’s, Oceanodroma monorhis
Tristram’s, Oceanodroma tristrami
Wedge-rumped, Oceanodroma tethys
White-faced, Pelagodroma marina
White-bellied, Fregetta grallaria

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Wilson's, Oceanites oceanicus
SURFBIRD, Aphriza virgata
SWALLOW, Bahama, Tachycineta cyanoeoisidis
Barn, Hirundo rustica
Claro, Petrochelidon fulva
Cliff, Petrochelidon pyrrhonota
Mangrove, Tachycineta albilinea
Northern Rough-winged, Stegiodopteryx serratipennis
Tree, Tachycineta bicolor
Violet-green, Tachycineta thalassina
SWAMPHEN, Purple, Porphyrio porphyrio
SWAN, Trumpeter, Cygnus buccinator
Tundra, Cygnus columbianus
Whooper, Cygnus cygnus
SWIFT, Alpine, Apus melba
Black, Cypseloides niger
Chinmey, Chaetura pelagica
Common, Apus apus
Fork-tailed, Apus pacificus
Short-tailed, Chaetura brachyura
Vaux's, Chaetura vauxi
White-collared, Streptoprocne zonaris
White-throated, Aeronautes larus
SWIFTLET, Mariana, Sternula antillarum
White-rumped, Aerodramus minimus
TANAGER, Flame-colored, Piranga bidentata
Hepatic, Piranga flava
Puerto Rican, Nesospingus speculiferus
Scarlet, Piranga olivacea
Summer, Piranga rubra
Western, Piranga ludoviciana
TATTLELET, Mariana, Cadarca fuscescens
Wandering, Phaethon birgus
TEAL, Baikal, Anas formosa
Blue-winged, Anas discors
Cinnamon, Anas cyanoptera
Green-winged, Anas crecca
TERN, Aleutian, Onychoprion aleuticus
Arctic, Sterna paradisaea
Black, Chlidonias niger
Black-naped, Sterna sumatrana
Bridled, Onychoprion anathecus
Caspian, Hydroprogne caspia
Common, Sterna hirundo
Elegant, Thalasseus elegans
Forster's, Sterna forsteri
Gray-backed, Onychoprion lunatus
Great Crested, Thalasseus bergii
Gull-billed, Gelochelidon nilotica
Large-billed, Phaethus simplex
Least, Sterna antillarum
Llittle, Sterna albifrons
Roseate, Sterna dougallii
Royal, Thalasseus maximus
Sandwich, Thalasseus sandvicensis
Sooty, Onychoprion fuscatus
Whiskered, Chlidonias hybrida
White, Gygis alba
White-winged, Chlidonias leucopterus
THASHER, Bendire's, Toxostoma bendirei
Brown, Toxostoma rubricollis
California, Toxostoma redivivum
Crissal, Toxostoma crissale
Curve-billed, Toxostoma curvirostre

Le Conte's, Toxostoma lecontei
Long-billed, Toxostoma longirostre
Pearly-eyed, Toxostoma peregrinoides
Sage, Oreoscoptes montanus
THRUSH, Aztec, Rhyacornis pinnicola
Bicknell's, Catharus bicknelli
Clay-colored, Turdus grayi
Dusky, Turdus naumanni
Eyesbrowed, Turdus obscurus
Gray-cheeked, Catharus minimus
Hermit, Catharus guttatus
Red-legged, Turdus plebejus
Swainson's, Catharus ustulatus
Varied, Ixoreus naevius
White-throated, Turdus mas
tilis
Wood, Hylocichla mustelina
TTMUSE, Black-crested, Baeolophus
atratus
Bridled, Baeolophus wollweberi
Juniper, Baeolophus ridgwayi
Oak, Baeolophus inornatus
Tufted, Baeolophus bicolor
TITTYA, Masked, Titra semipalmata
TOWHEE, Abert's, Melozone aberti
California, Melozone crissalis
Canyon, Melozone fuscus
Eastern, Pipilo erythrophthalmus
Green-tailed, Pipilo chlorurus
Spotted, Pipilo maculatus
TROGON, Elegant, Trogon elegans
TROPICBIRD, Red-billed, Phaethon aethereus
Red-tailed, Phaethon rubricauda
White-tailed, Phaethon lepturus
TURNSTONE, Black, Arenaria melanocephala
Ruddy, Arenaria interpres
TURTLE-DOVE, Oriental, Streptopelia
orientalis
VERDY, Catharus fuscescens
VERDON, Auriparus flaviceps
VIOLETTEAR, Green, Colibri thalassinus
VIREO, Bell's, Vireo bellii
Black-capped, Vireo atricapilla
Black-whiskered, Vireo altilogus
Blue-headed, Vireo solitarius
Cassin's, Vireo cassinii
Gray, Vireo vicinus
Hutton's, Vireo huttoni
Philadelphia, Vireo philadelphicus
Plumbeous, Vireo plumbeus
Puerto Rican, Vireo latimeri
Red-eyed, Vireo olivaceus
Thick-billed, Vireo crassirostris
Warbling, Vireo gilvus
White-eyed, Vireo griseus
Yellow-green, Vireo flavoviridis
Yellow-throated, Vireo flavifrons
Yucatan, Vireo magister
VULTURE, Black, Coragyps atratus
Turkey, Cathartes aura
WAGTAIL, Citrine, Motacilla citreola
Eastern Yellow, Motacilla tarsata
censis
Gray, Motacilla cinerea
White, Motacilla alba
WARBLER, Adelaide's, Dendroica adelaidae
Arctic, Phylloscopus borealis
Bachman's, Vermivora bachmani
Bay-breasted, Dendroica castanea
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Black-and-white, Mniotilta varia
Black-throated Blue, Dendroica caerulescens
Black-throated Gray, Dendroica nigrescens
Black-throated Green, Dendroica fusca
Blackburnian, Dendroica fusca
Blackpoll, Dendroica striata
Blue-winged, Vermivora cyanoptera
Canada, Wilsonia canadensis
Cape May, Dendroica tigrina
Cerulean, Dendroica cerulea
Chestnut-sided, Dendroica pensylvanica
Colima, Oreothlypis crissalis
Connecticut, Oporornis agilis
Crescent-cheeked, Oreothlypis superciliosa
Dusky, Phylloscopus fuscatus
Elfin-woods, Dendroica angelae
Fan-tailed, Euthlypis lachrymosa
Golden-cheeked, Dendroica chrysoparia
Golden-crowned, Basileuterus vulcanus
Golden-winged, Vermivora chrysoptera
Grace’s, Dendroica gracieu
Hermit, Dendroica occidentalis
Hooded, Wilsonia citrina
Kentucky, Oporornis formosus
Kirtland’s, Dendroica kirtlandii
Lanceolated, Locustella lanceolata
Lucy’s, Oreothlypis luciae
MacGillivray’s, Oporornis tolmies
Magnolia, Dendroica magnolia
Mourning, Oporornis philadelphia
Nashville, Oreothlypis ruficapilla
Olive, Psectramus tenuirostris
Orange-crowned, Oreothlypis celata
Palm, Dendroica palmarum
Pine, Dendroica pinus
Prairie, Dendroica colorado
Prothonotary, Protonotaria citrea
Red-faced, Cardellinia rubrifrons
Rufous-capped, Basileuterus rufifrons
Sedge, Acercomys schoenobaenus
Swainson’s, Limothlypis swainsoni
Tennessee, Oreothlypis peregrina
Townsend’s, Dendroica townsendi
Virginia’s, Oreothlypis virginiae
Willow, Phylloscopus trochilus
Wilson’s, Wilsonia pusilla
Wood, Phylloscopus bicolor
Worm-eating, Helminthis vermivorum
Yellow, Dendroica petechia
Yellow-browed, Phylloscopus sininorus
Yellow-rumped, Dendroica coronata
Yellow-throated, Dendroica dominica
WATERTHRUSH, Louisiana, Parkesia motacilla
Northern, Parkesia nivoborearum
WAXWING, Bohemian, Bombycilla garrulus
Cedar, Bombycilla cedrorum
WHEATTEAR, Northern, Oenanthe oenanthe
WHIMBREL, Numenius phaeopus
WHIPPOORWILL, Eastern, Caprimulgus vociferus
Mexican, Caprimulgus arizonae
WHISTLING-PUCK, Black-bellied, Dendrocygna autumnalis
Fulvous, Dendrocygna bicolor
West Indian, Dendrocygna arbores
WHITETHROAT, Lesser, Sylvia curruca
WHIGEON, American, Anas americana
Eurasian, Anas penelope
WILLETT, Tringa semipalmata
WOOD-PEWEE, Eastern, Contopus virens
Western, Contopus sordidulus
WOODCOCK, American, Scolopax minor
Eurasian, Scolopax rusticola
WOODPECKER, Acorn, Melanerpes formicivorus
American Three-toed, Picoides dorsalis
Arizona, Picoides arizonae
Black-backed, Picoides arcticus
Downy, Picoides pubescens
Gila, Melanerpes uropygialis
Great Spotted, Dendrocopos major
Hairy, Picoides villosus
Ivory-billed, Campephilus principalis
Ladder-backed, Picoides scalaris
Lewis’s, Melanerpes lewis
Nutall’s, Picoides nuttalli
Pileated, Dryocopus pileatus
Puerto Rican, Melanerpes portoricensis
Red-headed, Melanerpes carolinus
Red-cockaded, Picoides borealis
White-headed, Picoides albolarvatus
WOODSTAR, Bahama, Calliphlox evelynae
WREN, Bewick’s Thryomanes bewickii
Cactus, Campylorhynchus brunneicapillus
Canyon, Catherpes mexicanus
Carolina, Thryothorus luidovicianus
House, Troglodytes aedon
Marsh, Cistothorus palustris
Pacific, Troglodytes pacificus
Rock, Salpinctes obsoletus
Sedge, Cistothorus platensis
Sinaloa, Thryothorus sinaloa
Winter, Troglodytes hiemalis
WRENTIT, Chamaea fasciata
WRYNECK, Eurasian, Jynx torquilla
YELLOWLEGS, Greater, Tringa melanoleuca
Lesser, Tringa flavipes
YELLOWTHROAT, Common, Geothlypis trichas
Gray-crowned, Geothlypis poliocephala
(2) Taxonomic listing. Species are listed in phylogenetic sequence by scientific name, with the common (English) name following the scientific name. To help clarify species relationships, we also list the higher-level taxonomic categories of Order, Family, and Subfamily.

Order ANSERIFORMES

Family ANATIDAE

Subfamily DENDROCYGNINAE

Dendrocygna autumnalis, Black-bellied Whistling-Duck
Dendrocygna arbores, West Indian Whistling-Duck
Dendrocygna bicolor, Fulvous Whistling-Duck

Subfamily ANSERINAE

Anser fabalis, Taiga Bean-Goose
Family GAVIIDAE  
Order GAVIIFORMES  
Subfamily ANATINAE  

Oxyura jamaicensis, Nomonyx dominicus, Mergus serrator, Mergus merganser, Lophodytes cucullatus, Mergellus albellus, Bucephala islandica, Harrow's Goldeneye Merquellus albellus, Smew Lophodytes cucullatus, Hooded Merganser Mergus merganser, Common Merganser Merquellus albellus, Red-breasted Merganser Nomonyx dominicus, Masked Duck Ozzya jamaicensis, Ruddy Duck

Family GAVIIDAE  

Order GAVIIFORMES  

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Anser serrirostris, Tundra Bean-Goose  
Anser albifrons, Greater White-fronted Goose  
Anser erythropus, Lesser White-fronted Goose  
Cheen canagica, Emperor Goose  
Cheen caeruleus, Snow Goose  
Cheen rossi, Ross's Goose  
Branta bernicla, Brant  
Branta leucopsis, Barnacle Goose  
Branta canadensis, Canada Goose (including Branta hutchinsii, Cackling Goose)  

Phalacrocorax pygmeus, Least Grebe  
Podiceps auritus, Horned Grebe  
Podiceps grisagena, Red-necked Grebe  
Podiceps nigricollis, Eared Grebe  

Aechmophorus occidentalis, Western Grebe  
Aechmophorus clarkii, Clark's Grebe  

Order PHOENICOPTERIFORMES  

Family PHOENICOPTERIDAE  
Phoenicopterus ruber, American Flamingo  

Order Procellariiformes  

Family PROCELLARIIDAE  

Puffinus griseus, Puffinus bulleri, Puffinus pacificus, Puffinus carneipes, Puffinus creatopus, Calonectris diomedea, Calonectris leucomelas, Procellaria parkinsoni, Bulweria fallax, Bulweria bulwerii, Pterodroma rostrata, Pterodroma leucoptera, Pterodroma alba, Pterodroma cookii, Pterodroma ultima, Pterodroma arminjoniana, Pterodroma neglecta, Pterodroma sandwichensis, Pterodroma externa, Pterodroma hasitata, Pterodroma cahow, Pterodroma inexpectata, Pterodroma neglecta, Pterodroma macroptera, Phoebastria nigripes, Black-footed Albatross  

Family Procellariidae  

Fulmarus glacialis, Northern Fulmar  
Pterodroma macroptera, Great-winged Petrel  
Pterodroma neglecta, Kermadec Petrel  
Pterodroma arminjoniana, Herald Petrel  
Pterodroma ultima, Murphy's Petrel  
Pterodroma inexpectata, Mottled Petrel  
Pterodroma calonia, Bermuda Petrel  
Pterodroma hutchinsii, Black-capped Petrel  
Pterodroma externa, Juan Fernandez Petrel  
Pterodroma sandwichensis, Hawaiian Petrel  
Pterodroma cervicalis, White-necked Petrel  
Pterodroma hypoleuca, Bonin Petrel  
Pterodroma nigripennis, Black-winged Petrel  
Pterodroma cookii, Cook's Petrel  
Pterodroma longirostris, Stejneger's Petrel  
Pterodroma alba, Phoenix Petrel  
Pterodroma leucopetra, Gould's Petrel  
Pterodroma rostrata, Tahiti Petrel  

Bulweria bulwerii, Bulwer's Petrel  

Bulweria falklandica, Jouanin's Petrel  

Procellaria parkinsoni, Parkinson's Petrel  

Calonectris leucomeles, Streaked Shearwater  

Calonectris diomedea, Cory's Shearwater  

Calonectris edwardsi, Cape Verde Shearwater  

Puffinus creatopus, Pink-footed Shearwater  
Puffinus carneipes, Flesh-footed Shearwater  
Puffinus gravis, Great Shearwater  
Puffinus pacificus, Wedge-tailed Shearwater  
Puffinus bulleri, Bulwer's Shearwater  
Puffinus griseus, Sooty Shearwater  
Puffinus tenuirostris, Short-tailed Shearwater  
Puffinus nativitatis, Christmas Shearwater
Family PHALACROCORACIDAE
Phalacrocorax pelagicus, Pelagic Cormorant
Phalacrocorax melanoleucus, Little Pied Cormorant

Family ANHINGIDAE
Anhinga anhinga, Anhinga

Order PELECANIFORMES
Family PELECANIDAE
Pelecanus erythrorhynchos, American White Pelican

Family ARDEIDAE
Botaurus lentiginosus, American Bittern
Icthyophagus ichthyaetus, Yellow Bittern
Icthyophagus exilis, Least Bittern
Icthyophagus eurhythmus, Schrenck’s Bittern
Icthyophagus flavicollis, Black Bittern
Ardea herodias, Great Blue Heron
Ardea cinerea, Gray Heron
Ardea alba, Great Egret
Mesophoyx intermedia, Intermediate Egret
Egretta eulophotes, Chinese Egret
Egretta garzetta, Little Egret
Egretta sacra, Pacific Reef-Egret
Egretta gularis, Western Reef-Heron
Egretta thula, Snowy Egret
Egretta caerulea, Little Blue Heron
Egretta tricolor, Tricolored Heron
Egretta rufescens, Reddish Egret
Bubulcus ibis, Cattle Egret
Ardea pacifica, Chinese Pond-Heron
Butorides virescens, Green Heron
Nycticorax nycticorax, Black-crowned Night-Heron
Nyctanassa violacea, Yellow-crowned Night-Heron
Gorsachius goisagi, Japanese Night-Heron
Gorsachius melanolophus, Malayan Night-Heron

Family THRESKIORNITHIDAE
Subfamily THRESKIORNITHINAE
Eudocimus albus, White Ibis
Eudocimus ruber, Scarlet Ibis
Plegadis falcinellus, Glossy Ibis
Plegadis chihi, White-faced Ibis

Subfamily PLATALEINAE
Platalea ajaja, Roseate Spoonbill

Family CATHARTIDAE
Coragyps atratus, Black Vulture
Cathartes aura, Turkey Vulture

Family PANDIONIDAE
Pandion haliaetus, Osprey

Family ACCIPITRIDAE
Accipiter striatus, Sharp-shinned Hawk

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Accipiter cooperii, Cooper’s Hawk
Accipiter gentilis, Northern Goshawk
Geranospiza caeruleascens, Crane Hawk
Buteogallus anthracinus, Common Black-Hawk
Parabuteo unicinctus, Harris’s Hawk
Buteo magnirostris, Roadside Hawk
Buteo lineatus, Red-shouldered Hawk
Buteo platypterus, Broad-winged Hawk
Buteo nitisus, Gray Hawk
Buteo brachyurus, Short-tailed Hawk
Buteo swainsoni, Swainson’s Hawk
Buteo albicollis, White-tailed Hawk
Buteo albonotatus, Zone-tailed Hawk
Buteo solitarius, Hawaiian Hawk
Buteo jamaicensis, Red-tailed Hawk
Buteo regalis, Ferruginous Hawk
Buteo lagopus, Rough-legged Hawk
Aquila chrysaetos, Golden Eagle
Order FALCONIFORMES
Family FALCONIDAE
Subfamily FALCONINAE
Falco mexicanus, Peregrine Falcon
Subfamily CARACARINAE
Caracara cheriway, Crested Caracara
Subfamily MICRASTURINAE
Micrastur semitorquatus, Aplomado Falcon
Family JACANIDAE
Jacana spinosa, Northern Jacana
Family RECURVIROSTRIDAE
Recurvirostra americana, Black Oystercatcher
Family HAEMATOPODIDAE
Haematopus ostralegus, Eurasian Oystercatcher
Haematopus palliatus, American Oystercatcher
Family SCOPOLIIFORMES
Family SCOPOLIIDAE
Scopoli’s Pipit, Anthus scuamatus,
Family CHARADRIIDAE
Charadrius collaris, Collared Plover
Charadrius alexandrinus, Snowy Plover
Charadrius nivosus, Wilson’s Plover
Charadrius hiaticula, Common Ringed Plover
Charadrius semipalmatus, Semipalmated Plover
Charadrius melodus, Piping Plover
Charadrius dubius, Little Ringed Plover
Charadrius vociferus, Killdeer
Charadrius montanus, Mountain Plover
Charadrius morinellus, Eurasian Dotterel
Family JACANIDAE
Jacana spinosa, Northern Jacana
Family SCOPOLIIFORMES
Family SCOPOLIIDAE
Scopoli’s Pipit, Anthus scuamatus,
Subfamily LARINAE
Family LARIDAE
Subfamily PHALAROPODINAE
Larus argentatus, California Gull
Larus californicus, Brandt's Gull
Larus livens, Least Sandpiper
Larus occidentalis, Western Gull
Larus canus, Mew Gull
Larus delawarensis, Ring-billed Gull
Larus leucophaeus, Red-legged Kittiwake
Larus heermanni, Heermann's Gull
Larus marinus, Greater Black-backed Gull
Larus marinus, Glaucous-winged Gull
Larus hyperboreus, Glaucous Gull

Larus michahellis, Yellow-legged Gull
Larus thayeri, Thayer’s Gull
Larus glauconis, Iceland Gull
Larus fuscus, Lesser Black-backed Gull
Larus schistisagus, Slaty-backed Gull
Larus glaucescens, Glaucous-winged Gull
Larus hyperboreus, Glaucous Gull

Subfamily STERNINAE
Anous stolidus, Brown Noddy
Anous minutus, Black Noddy

Procellaria cerulea, Blue-gray Noddy
Gygis alba, White Tern
Onychoprion fuscatus, Sooty Tern
Onychoprion lunatus, Gray-backed Tern
Onychoprion anaethetus, Bridled Tern
Onychoprion aleuticus, Aleutian Tern
Sternula albifrons, Little Tern
Sternula antillarum, Least Tern
Phaetusa simplex, Large-billed Tern

Gelochelidon nilotica, Gull-billed Tern
Hydroprogne caspia, Caspian Tern
Chlidonias niger, Black Tern
Chlidonias leucopterus, White-winged Tern
Chlidonias hybridus, Whiskered Tern
Sterna dougalli, Roseate Tern
Sterna sumatrana, Black-naped Tern
Sterna hirundo, Common Tern
Sterna paradisea, Arctic Tern
Sterna forsteri, Forster's Tern
Thalasseus maximus, Royal Tern
Thalasseus bergii, Great Crested Tern
Thalasseus sandvicensis, Sandwich Tern
Thalasseus elegans, Elegant Tern

Subfamily RYNCHOPINAE
Rynchops niger, Black Skimmer

Family STERCORARIIDAE
Stercorarius skua, Great Skua
Stercorarius maccormicki, South Polar Skua
Stercorarius pomarinus, Pomarine Jaeger
Stercorarius parasiticus, Parasitic Jaeger
Stercorarius longicaudus, Long-tailed Jaeger

Family ALCIDAE
Alle alle, Dovkie
Uria aalge, Common Murre
Uria lomvia, Thick-billed Murre
Alca torda, Razorbill

Cepphus grylle, Black Guillemot
Cepphus columba, Pigeon Guillemot
Brachyramphus ruficollis, Long-billed Murrelet
Brachyramphus marmoratus, Marbled Murrelet
Brachyramphus brevirostris, Kittlitz’s Murrelet
Synthliboramphus hyperboreus, Xantus’s Murrelet
Synthliboramphus craveri, Craveri’s Murrelet
Synthliboramphus antiquus, Ancient Murrelet

Aethia psittacula, Parakeet Auklet
Aethia pusilla, Least Auklet
Aethia pygmea, Whiskered Auklet
Aethia cristatella, Crested Auklet

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Cerorhinca monocerata, Rhinoceros Auklet
Fratercula arctica, Atlantic Puffin
Fratercula corniculata, Horned Puffin
Fratercula cirrhata, Tufted Puffin
Order COLUMBIFORMES
Family COLUMBIDAE
Patagioenas squamosa, Scaly-naped Pigeon
Patagioenas leucopephala, White-crowned Pigeon
Patagioenas flavirostris, Red-billed Pigeon
Patagioenas inornata, Plain Pigeon
Patagioenas fasciata, Band-tailed Pigeon
Streptopelia orientalis, Oriental Turtle-Dove
Zenaida asiatica, White-winged Dove
Zenaida aurita, Zenaida Dove
Zenaida macroura, Mourning Dove
Columbina inca, Inca Dove
Columbina passerina, Common Ground-Dove
Columbina talpactoti, Ruddy Ground-Dove
Leptotila verreauxi, White-tipped Dove
Geotrygon chrysar, Key West Quail-Dove
Geotrygon mystacea, Bridled Quail-Dove
Geotrygon montana, Ruddy Quail-Dove
Gallicolumba zanthorura, White-throated Ground-Dove
Gallicolumba striata, Friendly Ground-Dove
Ptilinopus perousii, Many-colored Fruit-Dove
Ptilinopus porphyreus, Crimson-crowned Fruit-Dove
Ptilinopus roseicapilla, Mariana Fruit-Dove
Ducula pacifica, Pacific Imperial-Pigeon
Order CUCULIFORMES
Family CUCULIDAE
Subfamily CUCULINAE
Cuculus fuga, Hodgson’s Hawk-Cuckoo
Cuculus canorus, Common Cuckoo
Cuculus optatus, Oriental Cuckoo
Coccyzus americanus, Yellow-billed Cuckoo
Coccyzus minor, Mangrove Cuckoo
Coccyzus erythropthalmus, Black-billed Cuckoo
Coccyzus vieilloti, Puerto Rican Lizard-Cuckoo
Subfamily NEOMORPHINAE
Geococcyx californianus, Greater Roadrunner
Subfamily CROTOPHAGINAE
Crotophaga ani, Smooth-billed Ani
Crotophaga sulcirostris, Groove-billed Ani
Order STRIGIFORMES
Family TYTONIDAE
Tyto alba, Barn Owl
Family STRIGIDAE
Otus flammeolus, Flammulated Owl
Otus sunia, Oriental Scops-Owl
Megascoops kensichi, Western Screech-Owl
Megascoopsasio, Eastern Screech-Owl
Megascoops trichopsis, Whiskered Screech-Owl
Megascoops nuditess, Puerto Rican Screech-Owl
Bubo virginianus, Great Horned Owl
Bubo scandiacus, Snowy Owl
Surnia ulula, Northern Hawk Owl
Glaucidium gnoma, Northern Pygmy-Owl
Glaucidium brasillianum, Ferruginous Pygmy-Owl
Micrathene whitneyi, Elf Owl
Athenecunicularia, Burrowing Owl
Ciccaba virgata, Mottled Owl
Strix occidentalis, Spotted Owl
Strix varia, Barred Owl
Strix nebulosa, Great Gray Owl
Asio otus, Long-eared Owl
Asio stygius, Stigian Owl
Asio flammeus, Short-eared Owl
Aegolius funereus, Boreal Owl
Aegolius acadicus, Northern Saw-whet Owl
Ninox scutulata, Brown Hawk-Owl
Order CAPRIMULGIFORMES
Family CAPRIMULGIDAE
Subfamily CHORDEILINAE
Chordeiles acutipennis, Lesser Nighthawk
Chordeiles minor, Common Nighthawk
Chordeiles gundlachii, Antillean Nighthawk
Subfamily CAPRIMULGINAE
Nyctidromus albicollis, Common Nauraque
Phalaenoptilus nuttallii, Common Poorwill
Caprimulgus carolinensis, Chuck-will’s-widow
Caprimulgus ridgwayi, Buff-collared Nightjar
Caprimulgus vociferus, Eastern Whip-poor-will
Caprimulgus arizonae, Mexican Whip-poor-will
Caprimulgus noctitherus, Puerto Rican Nightjar
Caprimulgus indicus, Gray Nightjar
Order APODIFORMES
Family APODIDAE
Subfamily CYPSELIODINAE
Cypseloides niger, Black Swift
Streptoprocne zonaris, White-collared Swift
Subfamily CHAETURINAE
Chaetura pelagica, Chimney Swift
Chaetura vauxi, Vaux’s Swift
Chaetura brachyura, Short-tailed Swift
Hirundapus caudacutus, White-throated Needletail
Aerodramus spodiopygius, White-rumped Swiftlet
Aerodramus bartchii, Mariana Swiftlet
Subfamily APODINAE
Apus melba, Alpine Swift
Aeronautes saxatalis, White-throated Swift
Tachornis phoenicobia, Antillean Palm-Swift
Subfamily TROCHILINAE
Colibri thalassinus, Green Violetear
Anthracothorax prevostii, Green-breasted Mango
Anthracothorax dominicus, Antillean Mango
Anthracothorax viridis, Green Mango
Eulampis jugularis, Purple-throated Carib
Eulampis holosericeus, Green-throated Carib
Orthorhyncus cristatus, Antillean Crested Hummingbird
Subfamily TYRANNINAE
Trogon elegans, Elegant Trogon
Euptilotis neoxenus, Eared Quetzal
Order UPUPIFORMES
Family UPUPIDAE
Upupa epops, Eurasian Hoopoe
Order CORACIFORMES
Family ALCEDINIDAE
Subfamily HALCYONINA
Todiramphus cinnamomina, Micronesian Kingfisher
Todiramphus chloris, Collared Kingfisher
Subfamily CERIALIANE
Macgeryle torquata, Ringed Kingfisher
Macgeryle alexan, Belted Kingfisher
Chloroceryle americana, Green Kingfisher
Order PICIFORMES
Family PICIDAE
Subfamily JYNGINAE
Jynx torquilla, Eurasian Wryneck
Subfamily PICINAE
Melanerpes lewis, Lewis’s Woodpecker
Melanerpes portoricensis, Puerto Rican Woodpecker
Melanerpes erythrocephalus, Red-headed Woodpecker
Melanerpes formicivorus, Acorn Woodpecker
Melanerpes uropygialis, Gila Woodpecker
Melanerpes aurifrons, Golden-fronted Woodpecker
Melanerpes carolinus, Red-bellied Woodpecker
Sphyrapicus thyroideus, Williamson’s Sapsucker
Sphyrapicus varius, Yellow-bellied Sapsucker
Sphyrapicus nuchalis, Red-naped Sapsucker
Sphyrapicus ruber, Red-breasted Sapsucker
Dendrocopos major, Great Spotted Woodpecker
Picoides scalaris, Ladder-backed Woodpecker
Picoides nuttallii, Nuttall’s Woodpecker
Picoides pubescens, Downy Woodpecker
Picoides villosus, Hairy Woodpecker
Picoides arizonae, Arizona Woodpecker
Picoides borealis, Red-cockaded Woodpecker
Picoides abolarvatus, White-headed Woodpecker
Picoides dorsalis, American Three-toed Woodpecker
Picoides arcticus, Black-backed Woodpecker
Colaptes auratus, Northern Flicker
Colaptes chrysoides, Gilded Flicker
Dryocopus pileatus, Pileated Woodpecker
Campephilus principals, Ivory-billed Woodpecker
Order PASSERIFORMES
Family TYRANNIDAE
Sayornis saya, Say’s Phoebe
Sayornis phoebe, Eastern Phoebe
Sayornis nigricans, Hairy Pewee
Sayornis saya, Say’s Pewee
Contopus virens, Eastern Wood-Pewee
Contopus caribaeus, Cuban Pewee
Contopus hispaniolensis, Hispaniolan Pewee
Contopus latirostris, Lesser Antillean Pewee
Empidonax flaviventris, Yellow-bellied Flycatcher
Empidonax virescens, Acadian Flycatcher
Empidonax alnorum, Alder Flycatcher
Empidonax trailli, Willow Flycatcher
Empidonax minimus, Least Flycatcher
Empidonax hammondii, Hammond’s Flycatcher
Empidonax wrightii, Gray Flycatcher
Empidonax oberholseri, Dusky Flycatcher
Empidonax difficilis, Pacific-slope Flycatcher
Empidonax occidentalis, Cordilleran Flycatcher
Empidonax fulvifrons, Buff-breasted Flycatcher
Sayornis nigricans, Black Phoebe
Sayornis phoebe, Eastern Phoebe
Sayornis saya, Say’s Phoebe
Pyrocephalus rubinus, Vermilion Flycatcher
Family TYRANINAE
Myiarchus tyrannulus, Tufted Flycatcher
Myiarchus virgo, Graceful Flycatcher
Myiarchus tyrannulus, Tufted Flycatcher
Myiarchus cinerascens, Ash-throated Flycatcher
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Myiarchus nussingi, Nutting's Flycatcher
Myiarchus crinitus, Great Crested Flycatcher
Myiarchus tyrannulus, Brown-crested Flycatcher
Myiarchus sagrei, La Sagra's Flycatcher
Myiarchus antillarum, Puerto Rican Flycatcher
Platystomus xanthophyllum, Great Kiskadee
Myioborus solstitialis, Social Flycatcher
Myioborus signatus, Sulphur-bellied Flycatcher
Legatus leucophalus, Piratic Flycatcher
Empidonax varius, Variegated Flycatcher
Empidonax minimus, Eastern Kingbird
Tyrannus melancholicus, Tropical Kingbird
Tyrannus couchii, Couch's Kingbird
Tyrannus vociferans, Cassin's Kingbird
Tyrannus crassirostris, Thick-billed Kingbird
Tyrannus verticalis, Western Kingbird
Tyrannus tyrannus, Eastern Kingbird
Tyrannus dominicensis, Gray Kingbird
Tyrannus caudifasciatus, Loggerhead Kingbird
Tyrannus forficatus, Scissor-tailed Flycatcher
Tyrannus sasana, Fork-tailed Flycatcher
Empidonax albicaudatus, Rose-throated Becard
Tityra semifasciata, Masked Titmouse
Family Laniidae
Lanius cristatus, Brown Shrike
Lanius ludovicianus, Loggerhead Shrike
Lanius excubitor, Northern Shrike
Family Vireonidae
Vireo griseus, White-eyed Vireo
Vireo crassirostris, Thick-billed Vireo
Vireo latimeri, Puerto Rican Vireo
Vireo bellii, Bell's Vireo
Vireo atricapilla, Black-capped Vireo
Vireo vicinior, Gray Vireo
Vireo flavifrons, Yellow-throated Vireo
Vireo plumbeus, Plumbeous Vireo
Vireo cassini, Cassin's Vireo
Vireo solitarius, Blue-headed Vireo
Vireo huttoni, Hutton's Vireo
Vireo gilvus, Warbling Vireo
Vireo philadelphicus, Philadelphia Vireo
Vireo olivaceus, Red-eyed Vireo
Vireo flaviviridis, Yellow-green Vireo
Vireo altiloquus, Black-whiskered Vireo
Vireo magister, Yucatan Vireo
Family Corvidae
Perisorex canadensis, Gray Jay
Piholarix morio, Brown Jay
Cyanocorax yncas, Green Jay
Gymnorhinus cyanocephalus, Pinyon Jay
Cyanocitta stelleri, Steller's Jay
Cyanocitta cristata, Blue Jay
Aphelocoma coerulescens, Florida Scrub-Jay
Aphelocoma insularis, Island Scrub-Jay
Aphelocoma californica, Western Scrub-Jay
Aphelocoma ultramarina, Mexican Jay
Nucifraga columbiana, Clark's Nutcracker
Pica hudsonia, Yellow-billed Magpie

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Pica nussingi, Yellow-billed Magpie
Corvus kubaryi, Mariana Crow
Corvus brachyrhynchos, American Crow
Corvus caurinus, Northwestern Crow
Corvus leucogaster, White-necked Crow
Corvus imparatus, Tamaulipas Crow
Corvus oswaldus, Fish Crow
Corvus hawaiiensis, Hawaiian Crow
Corvus cryptoleucus, Chiluahua Raven
Corvus corax, Common Raven
Family Alaudidae
Alauda arvensis, Skylark
Eremophila alpestris, Horned Lark
Family Hirundinidae
Subfamily Hirundininae
Progne subis, Brown Martin
Progne cryptoleucus, Cuban Martin
Progne dominicensis, Caribbean Martin
Progne chalybea, Gray-breasted Martin
Progne elegans, Southern Martin
Progne tapera, Brown-chested Martin
Tachycineta bicolour, Tree Swallow
Tachycineta albilinea, Mangrove Swallow
Tachycineta thalassina, Violet-green Swallow
Tachycineta cyanoeuroides, Bahama Swallow
Stelgidopteryx serripennis, Northern Rough-winged Swallow
Riparia riparia, Bank Swallow
Petrochelidon pyrrhonota, Cliff Swallow
Petrochelidon fulva, Cave Swallow
Hirundo rustica, Barn Swallow
Delichon urbicum, Common House-Martin
Family Paridae
Poecile carolinensis, Carolina Chickadee
Poecile atricapillus, Black-capped Chickadee
Poecile gambeli, Mountain Chickadee
Poecile sclateri, Mexican Chickadee
Poecile palustris, Chestnut-backed Chickadee
Poecile hudsonicus, Red-breasted Nuthatch
Poecile rufescens, Gray-breasted Nuthatch
Poecile gambeli, Gray-headed Chickadee
Baeolophus wollweberi, Bridled Titmouse
Baeolophus inornatus, Oak Titmouse
Baeolophus ridgwayi, Juniper Titmouse
Baeolophus bicolor, Tufted Titmouse
Baeolophus atricapillus, Black-crested Titmouse
Family Remizidae
Auriparus flaviceps, Verdin
Family Aegithalidae
Psaltriparus minimus, Bushtit
Family Sittidae
Subfamily Sittinae
Sitta carolinensis, Red-breasted Nuthatch
Sitta canadensis, Black-billed Nuthatch
Sitta pusilla, Brown-headed Nuthatch
Family Certhiidae
Subfamily Certhiinae
Certhia americana, Brown Creeper
Family Troglodytidae
Campylorhynchus brunneicapillus, Cactus Wren
Salpinctes obsoletus, Rock Wren
Catherpes mexicanus, Canyon Wren
Thryothorus lineola, Sinaloa Wren
Family POLIOPTILIDAE
Polioptila caerulea, Blue-gray Gnatcatcher
Polioptila californica, California Gnatcatcher
Polioptila melanura, Black-tailed Gnatcatcher
Polioptila nigriceps, Black-capped Gnatcatcher

Family CINCILLIDAE
Cinclus mexicanus, American Dipper

Family REGULIDAE
Regulus satrapa, Golden-crowned Kinglet
Regulus calendula, Ruby-crowned Kinglet

Family PHYLLOSCOPIDAE
Phylloscopus trochilus, Willow Warbler
Phylloscopus sibilatrix, Wood Warbler
Phylloscopus fuscatus, Dusky Warbler
Phylloscopus prorus, Pallasi's Leaf-Warbler
Phylloscopus inornatus, Yellow-browed Warbler

Family Sylviidae
Sylvia curruca, Lesser Whitethroat
Chamaea fasciata, Wrentit

Family ACRONEMALIDAE
Acrocephalus luscinia, Nightingale Reed-Warbler
Acrocephalus familiaris, Millerbird
Acrocephalus schoenobaenus, Sedge Warbler

Family MEGLURIDAE
Locustella ochelensis, Middendorff's Grasshopper-Warbler
Locustella lanceolata, Lanceolated Warbler

Family MUSCICAPIDAE
Ficedula narcissina, Narcissus Flycatcher
Ficedula megisaki, Mugimaki Flycatcher
Ficedula albicilla, Taiga Flycatcher
Musciapa sibirica, Dark-sided Flycatcher
Musciapa griseisticta, Gray-streaked Flycatcher
Musciapa daurica, Asian Brown Flycatcher

Family TURIDAE
Monticola solitarius, Blue Rock-Thrush
Luscinia sibilans, Rufous-tailed Robin
Luscinia calliope, Siberian Rubythroat
Luscinia svecica, Bluethroat
Luscinia cyane, Siberian Blue Robin
Tuairer cyanurus, Red-flanked Bluetail
Oenanthe oenanthe, Northern Wheatear
Saxicola torquatus, Stonechat
Stalia sialia, Eastern Bluebird
Stalia mexicana, Western Bluebird
Stalia furcata, Mountain Bluebird
Myiactes townsendi, Townsend's Solitaire
Myiactes cyanescens, Kamao
Myiactes lamaniensis, Oioma
Myiactes obscurus, Omao
Myiactes palmeri, Puohi
Myiactes lanaiensis, Olomao
Myiactes townsendi, Townsend's Solitaire
Myiactes cyanescens, Kamao
Myiactes lamaniensis, Oioma
Myiactes obscurus, Omao

Family CALCARIIDAE
Calcarius ornatus, Scarlet-faced Liocichla
Calcarius lapponicus, Siberian Blue Robin

Family BOMBYCIIDAE
Bombycilla garrulus, Bohemian Waxwing
Bombycilla cedrorum, Cedar Waxwing

Family MIMIDAE
Sturnus vulgaris, House Wren
Sturnus cineraceus, New World Wren
Sturnus philippensis, Philippine Wren
Margarops fuscatus, Puff-throated Babbler
Melanotis caerulescens, Blue Mockingbird
Margaretas fuscatus, Pearly-eyed Thrasher

Family Sturnidae
Sturnus cineraceus, Common Starling
Parus major, Great Tit
Parus montanus, Purple Finch
Parus caeruleus, Blue Tit
Parus caeruleus, European Starling
Parus caeruleus, Blue Tit
Parus caeruleus, European Starling
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Geothlypis poliocephala, Gray-crowned Yellowthroat
Wilsonia citrina, Hooded Warbler
Wilsonia pusilla, Wilson’s Warbler
Wilsonia canadensis, Canada Warbler
Cardellina rubrifrons, Red-faced Warbler
Myioborus pictus, Painted Redstart
Myioborus minimus, Slate-throated Redstart
Euthlypis lachrymosa, Fan-tailed Warbler
Basileuterus culcivorus, Golden-crowned Warbler
Basileuterus rufifrons, Rufous-capped Warbler
Icteria virens, Yellow-breasted Chat

Family THRAUPIDAE

Neosopyrus specularis, Puerto Rican Tanager
Spindalis zena, Western Spindalis
Spindalis portoricensis, Puerto Rican Spindalis

Family EMBERIZIDAE

Sporophila torquela, White-collared Seedeater
Tiaris olivaceus, Yellow-faced Grassquit
Tiaris bicolor, Black-faced Grassquit
Leagilla portoricensis, Puerto Rican Bullfinch
Arrenonops rufivirgatus, Olive Sparrow
Pipilo chlorarulus, Green-tailed Towhee
Pipilo maculatus, Spotted Towhee
Pipilo erythrophthalmus, Eastern Towhee
Aimophila ruficeps, Rufous-crowned Sparrow
Meloezone fusca, Canyon Towhee
Meloezone crissalis, California Towhee
Meloezone aberti, Abert’s Towhee
Peucaea carpalis, Rufous-winged Sparrow
Peucaea botterii, Botteri’s Sparrow
Peucaea cassini, Cassin’s Sparrow
Peucaea aestivalis, Bachman’s Sparrow
Spizella arborea, American Tree Sparrow
Spizella passerina, Chipping Sparrow
Spizella pallida, Clay-colored Sparrow
Spizella breweri, Brewer’s Sparrow
Spizella pusilla, Field Sparrow
Spizella wartheni, Worthen’s Sparrow
Spizella atrogularis, Black-chinned Sparrow
Pooecetes gramineus, Vesper Sparrow
Chondestes grammacus, Lark Sparrow
Amphispiza quinquestrata, Five-striped Sparrow
Amphispiza bilineata, Black-throated Sparrow
Amphispiza belli, Sage Sparrow
Calamospiza melanocorys, Lark Bunting
Passerculus sandwichensis, Savannah Sparrow
Ammodramus savannarum, Grasshopper Sparrow
Ammodramus bairdii, Baird’s Sparrow
Ammodramus henslowii, Henslow’s Sparrow
Ammodramus lecontei, Le Conte’s Sparrow
Ammodramus nelsoni, Nelson’s Sparrow
Ammodramus caudacutus, Saltmarsh Sparrow
Ammodramus maritimus, Seaside Sparrow

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Family Icteridae

Passerella iliaca, Fox Sparrow
Melospiza melodia, Song Sparrow
Melospiza lincolnii, Lincoln's Sparrow
Melospiza georgiana, Swamp Sparrow
Zonotrichia albicollis, White-throated Sparrow
Zonotrichia querula, Harris's Sparrow
Zonotrichia leucophrys, White-crowned Sparrow
Zonotrichia atricapilla, Golden-crowned Sparrow
Junco hyemalis, Dark-eyed Junco
Junco phaeonotus, Yellow-eyed Junco
Emberiza leucocephalos, Pine Bunting
Emberiza chrysophrys, Yellow-browed Bunting
Emberiza pusilla, Little Bunting
Emberiza rustica, Rustic Bunting
Emberiza elegans, Yellow-throated Bunting
Emberiza aureola, Yellow-brested Bunting
Emberiza variabilis, Gray Bunting
Emberiza pallasi, Pallas's Bunting
Emberiza schoeniclus, Reed Bunting

Family Cardinalidae

Piranga flavia, Hepatic Tanager
Piranga rubra, Summer Tanager
Piranga olivacea, Scarlet Tanager
Piranga ludovicianus, Western Tanager
Piranga bidentata, Flame-colored Tanager
Rhodothraupis celaeno, Crimson-collared Grosbeak
Cyanocorax cadinalis, Northern Cardinal
Cardinalis simuatus, Pyrrhuloxia
Phuechicus chrysopheplus, Yellow Grosbeak
Phuechicus ludovicianus, Rose-breasted Grosbeak
Phuechicus melanocephalus, Black-headed Grosbeak
Cyanocompsa parellina, Blue Bunting
Passerina caerulea, Blue Grosbeak
Passerina amoena, Lazuli Bunting
Passerina cyanea, Indigo Bunting
Passerina versicolor, Varied Bunting
Passerina ciris, Painted Bunting
Spiza americana, Dickcissel

Family Icteridae

Dolichonyx oryzivorus, Bobolink
Agelaius phoenicus, Red-winged Blackbird
Agelaius tricolor, Tricolored Blackbird
Agelaius humeralis, Tawny-shouldered Blackbird
Agelaius xanthomus, Yellow-shouldered Blackbird
Sturnella magna, Eastern Meadowlark
Sturnella neglecta, Western Meadowlark
Xanthocephalus xanthocephalus, Yellow-headed Blackbird
Euphagus carolinus, Rusty Blackbird
Euphagus cyanocephalus, Brewer's Blackbird
Quiscalus quiscula, Common Grackle
Quiscalus major, Boat-tailed Grackle
Quiscalus mexicanus, Great-tailed Grackle
Quiscalus nigrolineatus, Greater Antillean Grackle
Molothrus bonariensis, Shiny Cowbird
Molothrus aeneus, Bronzed Cowbird
Molothrus ater, Brown-headed Cowbird
Icterus portoricensis, Puerto Rican Oriole
Icterus wagleri, Black-vented Oriole
Icterus spurius, Orchard Oriole
Icterus cucullatus, Hooded Oriole
Icterus pustulatus, Streak-backed Oriole
Icterus bulbickii, Bullock's Oriole
Icterus galus, Altamira Oriole
Icterus gradensis, Audubon's Oriole
Icterus galbula, Baltimore Oriole
Icterus parisorum, Scott's Oriole

Family Fringillidae

Subfamily Fringillinae

Poo-uli

Subfamily Euphoniinae

Euphonia musica, Antillean Euphonia

Subfamily Carduelinae

Leucosticte tephrocoris, Gray-crowned Rosy-Finch
Leucosticte atrata, Black Rosy-Finch
Leucosticte australis, Brown-capped Rosy-Finch
Pinicola enucleator, Pine Grosbeak
Carpodacus erythrinus, Common Rosefinch
Carpodacus purpureus, Purple Finch
Carpodacus cassini, Cassin's Finch
Carpodacus mexicanus, House Finch
Loxia curvirostra, Red Crossbill
Loxia leucoptera, White-winged Crossbill
Acanthis flammea, Common Redpoll
Acanthis hornemanni, Hoary Redpoll
Spinus pinus, Eurasian Siskin
Spinus spinus, Pine Siskin
Spinus psaltria, Lesser Goldfinch
Spinus lawrencei, Lawrence's Goldfinch
Spinus tristis, American Goldfinch
Chloris sinica, Oriental Greenfinch
Pyrrhula pyrrhula, Eurasian Bullfinch
Coccothraustes vestini, Evening Grosbeak
Coccothraustes coccothraustes, Hawfinch

Subfamily Drepanidinae

Telespiza cantans, Laysan Finch
Telespiza ultima, Nihoa Finch
Psittirostra psittacea, Ou
Loxoides bailleui, Palila
Pseudonoster zanthopyrhus, Maui Parrotbill
Hemignathus virens, Hawaii Amakihi
Hemignathus flavus, Oahu Amakihi
Hemignathus kauaensis, Kauai Amakihi
Hemignathus elisianus, Greater Akialoa
Hemignathus lucidus, Nukupuu
Hemignathus munroi, Kikapua
Magumna parva, Anianiau
Oreomyctis bardi, Akikiki
Oreomyctis mana, Hawaii Creeper
Paroreomyza maculata, Oahu Alauahio
Paroreomyza flavipes, Kakawahi
Paroreomyza montana, Maui Alauahio
Loxops caeruleirostris, Akekee
Loxops coccineus, Akepa
Vestiaria coccinea, Iiwi
Palmeria dolei, Akohekohe
Himatione sanguinea, Akohekohe
Palmeria dolei, Akohekohe
Melampyrops phaeosoma, Poo-uli

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Subpart C—Addresses

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Director.  

(a) Mail forwarded to the Director for law enforcement purposes should be addressed: Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service, P.O. Box 3247, Arlington, VA 22203–3247.  

(b) Mail sent to the Director regarding permits for the Convention on International Trade in Endangered Species of Wild Fauna and Fauna (CITES), injurious wildlife, Wild Bird Conservation Act species, international movement of all ESA-listed endangered or threatened species, and scientific research on, exhibition of, or interstate commerce in nonnative ESA-listed endangered and threatened species should be addressed to: Director, U.S. Fish and Wildlife Service, (Attention: Office of Management Authority), 4401 N. Fairfax Drive, Room 700, Arlington, VA 22203. Address mail for the following permits to the Regional Director. In the address include one of the following: for import/export licenses and exception to designated port permits (Attention: Import/export license); for native endangered and threatened species (Attention: Endangered/threatened species permit); and for migratory birds and eagles (Attention: Migratory bird permit office). You can find addresses for regional offices at 50 CFR 2.2.


§ 10.22  

Law enforcement offices.

(a) Service law enforcement offices are located in Service regional offices. Regional office addresses are provided at 50 CFR 2.2. Mail should be addressed to “Special Agent in Charge, Office of Law Enforcement, U.S. Fish and Wildlife Service” at the appropriate regional office address. Telephone numbers for Service law enforcement offices follow:

<table>
<thead>
<tr>
<th>Region</th>
<th>Law enforcement office telephone number</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>303–231–6125</td>
</tr>
<tr>
<td>7</td>
<td>907–786–3311</td>
</tr>
<tr>
<td>8</td>
<td>916–414–4666</td>
</tr>
</tbody>
</table>

(b) Any resident or official of a foreign country may contact the Service’s Headquarters Office of Law Enforcement at the address provided at 50 CFR 2.1(b) or by telephone at 703–358–1949.


PART 11—CIVIL PROCEDURES

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SOURCE: 39 FR 1159, Jan. 4, 1974, unless otherwise noted.

Subpart A—Introduction

§ 11.1 Purpose of regulations.

The regulations contained in this part provide uniform rules and procedures for the assessment of civil penalties in connection with violations of certain laws and regulations enforced by the Service.

§ 11.2 Scope of regulations.

The regulations contained in this part apply only to actions arising under the following laws and regulations issued thereunder:


[47 FR 56860, Dec. 21, 1982]

§ 11.3 Filing of documents.

(a) Whenever a document or other paper is required to be filed under this part within a certain time, such document or paper will be considered filed as of the date of the postmark if mailed, or the date actually delivered to the office where filing is required. The time periods set forth in this part shall begin to run as of the date of the document or other paper.

(b) If an oral or written application is made to the Director up to 10 calendar days after the expiration of a time period established in this part for the required filing of documents or other papers, the Director may permit a late filing within a fixed period where reasonable grounds are found for an inability or failure to file within the time period required. All such extensions shall be in writing. Except as provided in this subsection, no other requests for an extension of time may be granted.

Subpart B—Assessment Procedure

§ 11.11 Notice of violation.

(a) A notice of violation (hereinafter “notice”), shall be issued by the Director and served personally or by registered or certified mail, return receipt requested, upon the person believed to be subject to a civil penalty (the respondent). The notice shall contain: (1) A concise statement of the facts believed to show a violation, (2) a specific reference to the provisions of the statute or regulation allegedly violated, and (3) the amount of penalty proposed to be assessed. The notice may also contain an initial proposal for compromise or settlement of the case. The notice shall also advise the respondent of his right to file a petition for relief pursuant to § 11.12, or to await the Director’s notice of assessment.

(b) The respondent shall have 45 days from the date of the notice of violation in which to respond. During this time he may:

(1) Undertake informal discussions with the Director;
(2) Accept the proposed penalty, or the compromise, if any, offered in the notice;
(3) File a petition for relief; or
(4) Take no action, and await the Director’s decision, pursuant to § 11.13.

(c) Acceptance of the proposed penalty or the compromise shall be deemed to be a waiver of the notice of assessment required by § 11.14, and of the opportunity for a hearing. Any counter offer of settlement shall be deemed a rejection of the proposed offer of compromise.

§ 11.12 Petition for relief.

If the respondent so chooses he may ask that no penalty be assessed or that the amount be reduced, and he may admit or contest the legal sufficiency of the charge and the Director’s allegations of facts, by filing a petition for relief (hereinafter “petition”) with the Director at the address specified in the notice within 45 days of the date thereof. The petition shall be in writing and signed by the respondent. If the respondent is a corporation, the petition must be signed by an officer authorized to sign such documents. It must set forth in full the legal or other reasons for the relief.
§ 11.13 Decision by the Director.

Upon expiration of the period required or granted for filing of a petition for relief, the Director shall proceed to make an assessment of a civil penalty, taking into consideration information available to him and such showing as may have been made by the respondent, either pursuant to §11.11 or §11.12, or upon further request of the Director.

§ 11.14 Notice of assessment.

The Director shall notify the respondent by a written notice of assessment, by personal service or by registered or certified mail, return receipt requested, of his decision pursuant to §11.13. He shall set forth therein the facts and conclusions upon which he decided that the violation did occur and appropriateness of the penalty assessed.

§ 11.15 Request for a hearing.

Except where a right to request a hearing is deemed to have been waived as provided in §11.11, the respondent may, within 45 calendar days from the date of the notice of assessment referred to in §11.14, file a dated, written request for a hearing with the Hearings Division, Office of Hearings and Appeals, U.S. Department of the Interior, 801 North Quincy Street, Arlington, Virginia 22203. The request should state the respondent’s preference as to the place and date for a hearing. The request must enclose a copy of the notice of violation and notice of assessment. A copy of the request shall be served upon the Director personally or by registered or certified mail, return receipt requested, at the address specified in the notice.

§ 11.16 Final administrative decision.

(a) Where no request for a hearing is filed as provided in §11.15 the Director’s assessment shall become effective and shall constitute the final administrative decision of the Secretary on the 45th calendar day from the date of the notice of assessment.

(b) If a request for a hearing is timely filed in accordance with §11.15, the date of the final administrative decision in the matter shall be as provided in subpart C of this part.

§ 11.17 Payment of final assessment.

When a final administrative decision becomes effective in accordance with this part 11, the respondent shall have 20 calendar days from the date of the final administrative decision within which to make full payment of the penalty assessed. Payment will be timely only if received in Office of the Director during normal business hours, on or before the 20th day. Upon a failure to pay the penalty, the Solicitor of the Department may request the Attorney General to institute a civil action in the U.S. District Court to collect the penalty.

Subpart C—Hearing and Appeal Procedures

§ 11.21 Commencement of hearing procedures.

Proceedings under this subpart are commenced upon the timely filing with the Hearings Division of a request for a hearing, as provided in §11.15 of subpart B. Upon receipt of a request for a hearing, the Hearings Division will assign an administrative law judge to the case. Notice of assignment will be given promptly to the parties, and thereafter, all pleadings, papers, and other documents in the proceeding shall be filed directly with the administrative law judge, with copies served on the opposing party.

§ 11.22 Appearance and practice.

(a) Subject to the provisions of 43 CFR 1.3, the respondent may appear in person, by representative, or by counsel, and may participate fully in these proceedings.

(b) Department counsel designated by the Solicitor of the Department shall represent the Director in these proceedings. Upon notice to the Director of the assignment of an administrative law judge to the case, said counsel shall enter his appearance on behalf of the Director and shall file all petitions and correspondence exchanged by the Director and the respondent pursuant to subpart B of this part, which shall become part of the hearing record. Thereinafter, service upon the Director
in these proceedings shall be made to his counsel.

§ 11.23 Hearings.

(a) The administrative law judge shall have all powers accorded by law and necessary to preside over the parties and the proceedings and to make decisions in accordance with 5 U.S.C. 554–557. Failure to appear at the time set for hearing shall be deemed a waiver of the right to a hearing and consent to the making of a decision on the record made at the hearing. Copies of the transcript may be inspected or copied.

(b) The transcript of testimony, the exhibits, and all papers, documents, and requests filed in the proceedings, shall constitute the record for decision. The judge will render a written decision upon the record, which shall set forth his findings of fact and conclusions of law, and the reasons and basis therefor, and an assessment of a penalty, if any.

§ 11.24 Final administrative action.

Unless a notice of request for an appeal is filed in accordance with §11.25 of this subpart C, the administrative law judge’s decision shall constitute the final administrative determination of the Secretary in the matter and shall become effective 30 calendar days from the date of the decision.

§ 11.25 Appeal.

(a) Either the respondent or the Director may seek an appeal from the decision of an administrative law judge rendered subsequent to January 1, 1974, by the filing of a “Notice of Request for Appeal” with the Director, Office of Hearings and Appeals, U.S. Department of the Interior, 801 North Quincy Street, Arlington, Virginia 22203, within 30 calendar days of the date of the administrative law judge’s decision. Such notice shall be accompanied by proof of service on the administrative law judge and the opposing party.

(b) Upon receipt of such a request, the Director, Office of Hearings and Appeals, shall appoint an ad hoc appeals board to determine whether an appeal should be granted, and to hear and decide an appeal. To the extent they are not inconsistent herewith, the provisions of subpart G of the Department Hearings and Appeals Procedures in 43 CFR part 4 shall apply to appeal proceedings under this subpart. The determination of the board to grant or deny an appeal, as well as its decision on the merits of an appeal, shall be in writing and become effective as the final administrative determination of the Secretary in the proceeding on the date it is rendered, unless otherwise specified therein.

§ 11.26 Reporting service.

Copies of decisions in civil penalty proceedings instituted under statutes referred to in subpart A of this part and rendered subsequent to June 3, 1970, may be obtained by letter of request addressed to the Director, Office of Hearings and Appeals, U.S. Department of the Interior, 801 North Quincy Street, Arlington, Virginia 22203. Fees for this service shall be as established by the Director of that Office.

PART 12—SEIZURE AND FORFEITURE PROCEDURES

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12.5 Seizure by other agencies.
12.6 Bonded release.

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§ 12.3 Definitions.

(a) As used in this part:

(1) Attorney General means the Attorney General of the United States or an authorized representative;

(2) Disposal includes, but is not limited to, remission, return to the wild, use by the Service or transfer to another government agency for official use, donation or loan, sale, or destruction.

(3) Domestic value means the price at which the seized property or similar property is freely offered for sale at the time and place of appraisement, in the same quantity or quantities as seized, and in the ordinary course of trade. If there is no market for the seized property at the place of appraisement, such value in the principal market nearest to the place of appraisement shall be reported.

(4) Solicitor means the Solicitor of the Department of the Interior or an authorized representative.

(b) The definitions of paragraph (a) of this section are in addition to, and not in lieu of, those contained in §§1.1 through 1.8 and 10.12 of this title.

§ 12.4 Filing of documents.

(a) Whenever any document is required by this part to be filed or served within a certain period of time, such document will be considered filed or served as of the date of receipt by the party with or upon whom filing or service is required. The time periods established by this part shall begin to run on the day following the date of filing or service.


(g) The Marine Mammal Protection Act, 16 U.S.C. 1361 et seq.;

(h) The Endangered Species Act, 16 U.S.C. 1531 et seq.; and

(i) The Lacey Act, 18 U.S.C. 43–44.

§ 12.1 Purpose of regulations.

The regulations of this part establish procedures relating to property seized or subject to forfeiture under various laws enforced by the Service.

§ 12.2 Scope of regulations.

Except as hereinafter provided, the regulations of this part apply to all property seized or subject to forfeiture under any of the following laws:

(a) The Eagle Protection Act, 16 U.S.C. 668 et seq.;

(b) The National Wildlife Refuge System Administration Act, 16 U.S.C. 668dd et seq.;

(c) The Migratory Bird Treaty Act, 16 U.S.C. 703 et seq.;

(d) The Migratory Bird Hunting Stamp Act, 16 U.S.C. 718 et seq.;

(e) The Airborne Hunting Act, 16 U.S.C. 742j–1;
period established by this part, an extension of such period for a fixed number of days may be granted where there are reasonable grounds for the failure to file or serve the document within the period required. Any such extension shall be in writing. Except as provided in this paragraph, no other requests for an extension shall be granted.

§ 12.5 Seizure by other agencies.

Any authorized employee or officer of any other Federal agency who has seized any wildlife or other property under any of the laws listed in §12.2 will, if so requested, deliver such seizure to the appropriate Special Agent in Charge designated in §10.22 of this title, or to an authorized designee, who shall either hold such seized wildlife or other property or arrange for its proper handling and care.

§ 12.6 Bonded release.

(a) Subject to the conditions set forth in paragraphs (b) and (c) of this section, and to such additional conditions as may be appropriate, the Service, in its discretion, may accept an appearance bond or other security (including, but not limited to, payment of the value as determined under §12.12) in place of any property seized under the Endangered Species Act, 16 U.S.C. 1361 et seq.; Lacey Act, 18 U.S.C. 43; Lacey Act Amendments of 1981, 16 U.S.C. 668 et seq.; Airborne Hunting Act, 16 U.S.C. 742j–1; or Eagle Protection Act, 16 U.S.C. 668 et seq. If the seized property may lawfully be sold in the United States, its domestic value shall be determined in accordance with §12.3. If the seized property may not lawfully be sold in the United States, its value shall be determined by other reasonable means.

[47 FR 56860, Dec. 21, 1982]

Subpart C—Forfeiture Proceedings

§ 12.21 Criminal prosecutions.

If property is subject to criminal forfeiture, such forfeiture will be obtained in accordance with the Federal Rules of Criminal Procedure.

§ 12.22 Civil actions to obtain forfeiture.

The Solicitor may request the Attorney General to file a civil action to obtain forfeiture of any property subject to forfeiture under the Airborne Hunting Act, 16 U.S.C. 742j–1; Lacey Act, 16 U.S.C. 43; Lacey Act Amendments of 1981, 16 U.S.C. 3371 et seq.; Black Bass
§ 12.23 Administrative forfeiture proceedings.

(a) When authorized. Whenever any property subject to forfeiture under the Eagle Protection Act, 16 U.S.C. 668 et seq., or Airborne Hunting Act, 16 U.S.C. 742j–1, or any wildlife or plant subject to forfeiture under the Endangered Species Act, 16 U.S.C. 1531 et seq., or any fish, wildlife or plant subject to forfeiture under the Lacey Act Amendments of 1981, 16 U.S.C. 3371 et seq., is determined under §12.12 to have a value not greater than $100,000, the Solicitor may obtain forfeiture of such property in accordance with this section.

(b) Procedure—(1) Notice of proposed forfeiture. As soon as practicable following seizure, the Solicitor shall issue a notice of proposed forfeiture.

(A) Publication. The notice shall be published once a week for at least three successive weeks in a newspaper of general circulation in the locality where the property was seized. If the value of the seized property as determined under §12.12 does not exceed $1000, the notice may be published by posting, instead of newspaper publication, for at least three successive weeks in a conspicuous place accessible to the public at the Service’s enforcement office, the U.S. District Court or the U.S. Customhouse nearest the place of seizure. In cases of posting, the date of initial posting shall be indicated on the notice. In addition to newspaper publication or posting, a reasonable effort shall be made to serve the notice personally or by registered or certified mail, return receipt requested, on each person whose whereabouts and interest in the seized property are known or easily ascertainable.

(B) Contents. The notice shall be in substantially the same form as a complaint for forfeiture filed in United States District Court. The notice shall describe the property, including, in the case of motor vehicles, the license, registration, motor, and serial numbers. The notice shall state the time and place of seizure, as well as the reason therefor, and shall specify the value of the property as determined under §12.12. The notice shall contain a specific reference to the provisions of the laws or regulations allegedly violated and under which the property is subject to forfeiture. The notice shall state that any person desiring to claim the property must file a claim and a bond in accordance with paragraph (b)(2) of this section, and shall state that if a proper claim and bond are not received by the proper office within the time prescribed by such paragraph, the property will be declared forfeited to the United States and disposed of according to law. The notice shall also advise interested persons of their right to file a petition for remission of forfeiture in accordance with §12.24.

(2) Filing a claim and bond. Upon issuance of the notice of proposed forfeiture, any person claiming the seized property may file with the Solicitor’s office indicated in the notice a claim to the property and a bond in the penal sum of $5,000, or ten per centum of the value of the claimed property, whichever is lower, but not less than $250. Any claim and bond must be received in such office within 30 days after the date of first publication or posting of the notice of proposed forfeiture. The claim shall state the claimant’s interest in the property. The bond filed with the claim shall be on a United States Customs Form 4615 or on a similar form provided by the Department. There shall be endorsed on the bond a list or schedule in substantially the following form which shall be signed by the claimant.

§ 12.24 Remission of forfeited property.

(a) When authorized. The Solicitor shall remit any property forfeited to the United States or disposed of under §12.23, upon a finding that it was seized in good faith, and that the forfeiture was not for the purpose or to the advantage of the claimant.

(b) Petition for remission. Any person or interest may file a petition for remission of an item of property forfeited to the United States under §12.23 or §12.24, within 1 year from the date of the notice of proposed forfeiture or from the date of the notice of intended sale, as the case may be. The petition shall set forth briefly the circumstances under which the property was claimed, seized, and disposed of, and the reasons why it should be remitted to the claimant.

(c) Decision of the Solicitor. The Solicitor shall within 1 year of receipt of the petition, rule upon it.

(d) Petitioner’s right to sue. The petitioner shall have the right to sue for the wrongful taking or interference with the property, any claim to which he is entitled under the Act.

(e) Costs. Costs of the proceeding under this section, including reasonable attorney’s fees, shall be paid by the person for whom the property was remitted.
the claimant in the presence of the witnesses to the bond, and attested by the witnesses:

List or schedule containing a particular description of seized article, claim for which is covered by the within bond, to wit:

The foregoing list is correct.

Claimant

Attest:

The claim and bond referred to in this paragraph shall not entitle the claimant or any other person to possession of the property.

(3) Transmittal to Attorney General. As soon as practicable after timely receipt by the proper office of a proper claim and bond in accordance with paragraph (b)(2) of this section, the Solicitor shall transmit such claim and bond to the Attorney General for institution of forfeiture proceedings in U.S. District Court.

(4) Motion for stay. Upon issuance of the notice of proposed forfeiture, any person claiming the seized property may file with the Solicitor’s regional or field office indicated in the notice a motion to stay administrative forfeiture proceedings. Any motion for stay must be filed within 30 days after the date of first publication or posting of the notice of the proposed forfeiture. Each motion must contain:

(i) The claimant’s verified statement showing that he or she holds absolute, fee simple title to the seized property, free and clear of all liens, encumbrances, security interests, or other third-party interests, contingent or vested; and (ii) the claimant’s offer to pay in advance all reasonable costs anticipated to be incurred in the storage, care, and maintenance of the seized property for which administrative forfeiture is sought. Where a stay of administrative forfeiture proceedings would not injure or impair the rights of any third parties and where the claimant has agreed to pay in advance all reasonable costs associated with the granting of a stay, the Regional or Field Solicitor as appropriate may, in his discretion, grant the motion for stay and specify reasonable and prudent conditions therefor, including but not limited to the duration of the stay, a description of the factors which would automatically terminate the stay, and any requirement for a bond (including amount) to secure the payment of storage and other maintenance costs. If a motion for stay is denied, or if a stay is terminated for any reason, the claimant must file, if he or she has not already done so, a claim and bond in accordance with paragraph (b)(2) of this section not later than 30 days after receipt of the Solicitor’s Office denial or termination order. Failure to file the claim and bond within 30 days will result in summary forfeiture under paragraph (c) of this section.

(c) Summary forfeiture. If a proper claim and bond are not received by the proper office within 30 days as specified in paragraph (b)(2) of this section, the Solicitor shall declare the property forfeited. The declaration of forfeiture shall be in writing, and shall be sent by registered or certified mail, return receipt requested, to the Service and to each person whose whereabouts and prior interest in the seized property are known or easily ascertainable. The declaration shall be in substantially the same form as a default judgment of forfeiture entered in United States District Court. The declaration shall describe the property and state the time, place, and reason for its seizure. The declaration shall identify the notice of proposed forfeiture, describing the dates and manner of publication of the notice and any efforts made to serve the notice personally or by mail. The declaration shall state that in response to the notice a proper claim and bond were not timely received by the proper office from any claimant, and that therefore all potential claimants are deemed to admit the truth of the allegations of the notice. The declaration shall conclude with an order of condemnation and forfeiture of the property to the United States for disposition according to law.

§ 12.24 Petition for remission of forfeiture.

(a) Any person who has an interest in cargo, of a vessel or other conveyance employed in unlawful taking, subject
§ 12.25

Transfers in settlement of civil penalty claims.

In the discretion of the Solicitor, an owner of wildlife or plants who may be liable for civil penalty under the Endangered Species Act, 16 U.S.C. 1531 et seq.; Lacey Act, 18 U.S.C. 43; Lacey Act Amendments of 1981, 16 U.S.C. 3371 et seq.; Eagle Protection Act, 16 U.S.C. 668 et seq.; Marine Mammal Protection Act, 16 U.S.C. 1361 et seq., may be given an opportunity to completely or partially settle the civil penalty claim by transferring to the United States all right, title, and interest in any wildlife or plants that are subject to forfeiture. Such transfer may be accomplished by the owner’s execution and return of a U.S. Customs Form 4607 or a similar compromise transfer of property instrument provided by the Department.

[47 FR 56861, Dec. 21, 1982]

Subpart D—Disposal of Forfeited or Abandoned Property

SOURCE: 47 FR 17525, Apr. 23, 1982, unless otherwise noted.

§ 12.30 Purpose.

Upon forfeiture or abandonment of any property to the United States under this part the Director shall dispose of such property under the provisions of this subpart D.

§ 12.31 Accountability.

All property forfeited or abandoned under this part must be accounted for in official records. These records must include the following information:

(a) A description of the item.
§ 12.32 Effect of prior illegality.

The effect of any prior illegality on a subsequent holder of any wildlife or plant disposed of or subject to disposal is terminated upon forfeiture or abandonment, but the prohibitions, restrictions, conditions, or requirements which apply to a particular species of wildlife or plant under the laws or regulations of the United States or any State, including any applicable conservation, health, quarantine, agricultural, or Customs laws or regulations remain in effect as to the conduct of such holder.

§ 12.33 Disposal.

(a) The Director shall dispose of any wildlife or plant forfeited or abandoned under the authority of this part, subject to the restrictions provided in this subpart, by one of the following means, unless the item is the subject of a petition for remission of forfeiture under § 12.24 of this part, or disposed of by court order:

1. Return to the wild;
2. Use by the Service or transfer to another government agency for official use;
3. Donation or loan;
4. Sale; or
5. Destruction.

In the exercise of the disposal authority, the Director ordinarily must dispose of any wildlife or plant in the order in which the disposal methods appear in this paragraph (a) of this section.

(b) The Director shall dispose of any other property forfeited or abandoned under the authority of this part (including vehicles, vessels, aircraft, cargo, guns, nets, traps, and other equipment), except wildlife or plants, in accordance with current Federal Property Management Regulations (41 CFR chapter 101) and Interior Property Management Regulations (41 CFR chapter 114), unless the item is the subject of a petition for remission of forfeiture under § 12.24 of this part, or disposed of by court order.

(c) The Director shall dispose of property according to the following schedule, unless the property is the subject of a petition for remission of forfeiture under § 12.24 of this part:

1. Any live wildlife or plant and any wildlife or plant that the Director determines is liable to perish, deteriorate, decay, waste, or greatly decrease in value by keeping, or that the expense of keeping is disproportionate to its value may be disposed of immediately after forfeiture or abandonment; and
2. All other property may be disposed of no sooner than 60 days after forfeiture or abandonment.

(d) If the property is the subject of a petition for remission of forfeiture under § 12.24 of this part, the Director may not dispose of the property until the Solicitor or Attorney General makes a final decision not to grant relief.

§ 12.34 Return to the wild.

(a) Any live member of a native species of wildlife which is capable of surviving may be released to the wild in suitable habitat within the historical range of the species in the United States with the permission of the landowner, unless release poses an imminent danger to public health or safety.

(b) Any live member of a native species of plant which is capable of surviving may be transplanted in suitable habitat on Federal or other protected lands within the historical range of the species in the United States with the permission of the landowner.

(c) Any live member of an exotic species of wildlife (including injurious wildlife) or plant may not be returned to the wild in the U.S., but may be returned to one of the following countries for return to suitable habitat in accordance with the provisions of § 12.35 of this part if it is capable of surviving:
§ 12.35 Use by the Service or transfer to another government agency for official use.

(a) Wildlife and plants may be used by the Service or transferred to another government agency (including foreign agencies) for official use including, but not limited to, one or more of the following purposes:

(1) Training government officials to perform their official duties;
(2) Identifying protected wildlife or plants, including forensic identification or research;
(3) Educating the public concerning the conservation of wildlife or plants;
(4) Conducting law enforcement operations in performance of official duties;
(5) Enhancing the propagation or survival of a species or other scientific purposes;
(6) Presenting as evidence in a legal proceeding involving the wildlife or plant; or
(7) Returning to the wild in accordance with § 12.34 of this part.

(b) Each transfer and the terms of the transfer must be documented.

(c) The agency receiving the wildlife or plants may be required to bear all costs of care, storage, and transportation in connection with the transfer from the date of seizure to the date of delivery.

§ 12.36 Donation or loan.

(a) Except as otherwise provided in this section, wildlife and plants may be donated or loaned for scientific, educational, or public display purposes to any person who demonstrates the ability to provide adequate care and security for the item.

(b) Any donation or loan may be made only after execution of a transfer document between the Director and the donee/borrower, which is subject to the following conditions:

(1) The purpose for which the wildlife or plants are to be used must be stated on the transfer document;
(2) Any attempt by the donee/borrower to use the donation or loan for any other purpose except that stated on the transfer document entitles the Director to immediate repossession of the wildlife or plants;
(3) The donee/borrower must pay all costs associated with the transfer, including the costs of care, storage, transportation, and return to the Service (if applicable);
(4) The donee/borrower may be required to account periodically for the donation or loan;
(5) The donee/borrower is not relieved from the prohibitions, restrictions, conditions, or requirements which may apply to a particular species of wildlife or plant imposed by the laws or regulations of the United States or any State, including any applicable health, quarantine, agricultural, or Customs laws or regulations.

(6) Any attempt by a donee to retransfer the donation during the time period specified in the transfer document within which the donee may not retransfer the donation without the prior authorization of the Director entitles the Director to immediate repossession of the wildlife or plants;

(7) Any attempt by a borrower to retransfer the loan without the prior authorization of the Director entitles the Director to immediate repossession of the wildlife or plants;

(8) Subject to applicable limitations of law, duly authorized Service officers at all reasonable times shall, upon notice, be afforded access to the place where the donation or loan is kept and an opportunity to inspect it;

(9) Any donation is subject to conditions specified in the transfer document, the violation of which causes the property to revert to the United States;

(10) Any loan is for an indefinite period of time unless a date on which the loan must be returned to the Service is stated on the transfer document; and

(11) Any loan remains the property of the United States, and the Director may demand its return at any time.

(c) Wildlife and plants may be donated to individual American Indians
for the practice of traditional American Indian religions. Any donation of the parts of bald or golden eagles to American Indians may only be made to individuals authorized by permit issued in accordance with §22.22 of this title to possess such items.

(d) Edible wildlife, fit for human consumption, may be donated to a non-profit, tax-exempt charitable organization for use as food, but not for barter or sale.

(e) Wildlife and plants may be loaned to government agencies (including foreign agencies) for official use. Each transfer and the terms of the transfer must be documented.

§12.37 Sale.

(a) Wildlife and plants may be sold or offered for sale, except any species which at the time it is to be sold or offered for sale falls into one of the following categories:

(1) Listed in §10.13 of this title as a migratory bird protected by the Migratory Bird Treaty Act (16 U.S.C. 703-712);

(2) Protected under the Eagle Protection Act (16 U.S.C. 668-668d);

(3) Listed in §23.33 of this title as “Appendix I” under the Convention on International Trade in Endangered Species of Wild Fauna and Flora;

(4) Listed in §17.11 of this title as “endangered” or “threatened” under the Endangered Species Act of 1973 (16 U.S.C. 1533), unless the item or species may be lawfully traded in interstate commerce; and

(5) Protected under the Marine Mammal Protection Act (16 U.S.C. 1361-1407), unless the item or species may be lawfully traded in interstate commerce.

(b) Wildlife and plants must be sold in accordance with current Federal Property Management Regulations (41 CFR chapter 101) and Interior Property Management Regulations (41 CFR chapter 114) or U.S. Customs laws and regulations, except the Director may sell any wildlife or plant immediately for its fair market value if the Director determines that it is liable to perish, deteriorate, decay, waste, or greatly decrease in value by keeping, or that the expense of keeping it is disproportionate to its value.

(c) Wildlife or plants which may not be possessed lawfully by purchasers under the laws of the State where held may be moved to a State where possession is lawful and may be sold.

(d) Wildlife or plants purchased at sale are subject to the prohibitions, restrictions, conditions, or requirements which apply to a particular species of wildlife or plant imposed by the laws or regulations of the United States or any State, including any applicable conservation, health, quarantine, agricultural, or Customs laws or regulations, except as provided by §12.32 of this part.

(e) The Director may use the proceeds of sale to reimburse the Service for any costs which by law the Service is authorized to recover or to pay any rewards which by law may be paid from sums the Service receives.

§12.38 Destruction.

(a) Wildlife and plants not otherwise disposed of must be destroyed.

(b) When destroyed, the fact, manner, and date of destruction and the type and quantity destroyed must be certified by the official actually destroying the items.

§12.39 Information on property available for disposal.

Persons interested in obtaining information on property which is available for disposal should contact the appropriate Special Agent in Charge listed in §10.22 of this title.

Subpart E—Restoration of Proceeds and Recovery of Storage Costs

§12.41 Petition for restoration of proceeds.

(a) Any person claiming any property or interest therein which has been forfeited under the Endangered Species Act, 16 U.S.C. 1531 et seq.; Eagle Protection Act, 16 U.S.C. 668 et seq.; Airborne Hunting Act, 16 U.S.C. 742–1; or the Lacey Act Amendments of 1981, 16 U.S.C. 3371 et seq., and sold according to law, or any person claiming cargo or an interest therein, of a vessel or other conveyance employed in unlawful taking which has been forfeited under the Marine Mammal Protection Act, 16
§ 12.42

U.S.C. 1361 et seq., and sold according to law, may file with the Solicitor or, where forfeiture proceedings have been brought in U.S. District Court, the Attorney General, a petition for restoration of proceeds.
(b) A petition filed with the Solicitor need not be in any particular form, but it must be received within three months after the date of sale of the property and must contain the following:
(1) A description of the property;
(2) The time and place of seizure;
(3) Evidence of the petitioner's interest in the property, including contracts, bills of sale, invoices, security interests, certificates of title, and other satisfactory evidence;
(4) A request for restoration of the proceeds or such part thereof as is claimed by the petitioner; and
(5) A statement of all facts and circumstances relied upon by the petitioner to justify restoration of the proceeds, including proof that the petitioner did not know of the seizure before the declaration or order of forfeiture and was in such circumstances as prevented the petitioner from knowing of the same.
(c) The petition shall be signed by the petitioner or the petitioner's attorney at law. If the petitioner is a corporation, the petition must be signed by an authorized officer, supervisory employee, or attorney at law, and the corporate seal shall be properly affixed to the signature.
(d) A false statement in the petition may subject the petitioner to prosecution under title 18, U.S.C. 1531 et seq., any person whose act or omission was the basis for the seizure may be charged a reasonable fee for expenses to the United States connected with the transfer, board, handling, or storage of such property. If any fish, wildlife or plant is seized in connection with a violation of the Lacey Act Amendments of 1981, 16 U.S.C. 3371, et seq., any person convicted thereof, or assessed a civil penalty therefor, may be assessed a reasonable fee for expenses of the United States connected with the storage, care and maintenance of such property. Within a reasonable time after forfeiture, the Service shall send to such person by registered or certified mail, return receipt requested, a bill for such fee. The bill shall contain an itemized statement of the applicable costs, together with instructions on the time and manner of payment. Payment shall be made in accordance with the bill. The recipient of any assessment of costs under this section who has an objection to the reasonableness of the costs described in the bill may, within 30 days of the date
on which he received the bill, file written objections with the Regional Director of the Fish and Wildlife Service for the Region in which the seizure occurred. Upon receipt of the written objections, the appropriate Regional Director will promptly review them and within 30 days mail his final decision to the party who filed objections. In all cases, the Regional Director’s decision shall constitute final administrative action on the matter.

(47 FR 56861, Dec. 21, 1982)

§ 13.2 Purpose of regulations.

The regulations contained in this part provide uniform rules, conditions, and procedures for the application for and the issuance, denial, suspension, revocation, and general administration

§ 13.2 Purpose of regulations.

The regulations contained in this part provide uniform rules, conditions, and procedures for the application for and the issuance, denial, suspension, revocation, and general administration
§ 13.3 Scope of regulations.

The provisions in this part are in addition to, and are not in lieu of, other permit regulations of this subchapter and apply to all permits issued thereunder, including “Importation, Exportation and Transportation of Wildlife” (part 14), “Wild Bird Conservation Act” (part 15), “Injurious Wildlife” (part 16), “Endangered and Threatened Wildlife and Plants” (part 17), “Marine Mammals” (part 18), “Migratory Bird Permits” (part 21), “Eagle Permits” (part 22), and “Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)” (part 23). As used in this part 13, the term “permit” will refer to a license, permit, certificate, letter of authorization, or other document as the context may require, and to all such documents issued by the Service or other authorized U.S. or foreign government agencies.

[70 FR 18317, Apr. 11, 2005, as amended at 79 FR 30417, May 27, 2014]

§ 13.4 Emergency variation from requirements.

The Director may approve variations from the requirements of this part when he finds that an emergency exists and that the proposed variations will not hinder effective administration of this subchapter B, and will not be unlawful.

§ 13.5 Information collection requirements.

(a) The Office of Management and Budget approved the information collection requirements contained in this part 13 under 44 U.S.C. and assigned OMB Control Number 1018–0092. The Service may not conduct or sponsor, and you are not required to respond, to a collection of information unless it displays a currently valid OMB control number. We are collecting this information to provide information necessary to evaluate permit applications. We will use this information to review permit applications and make decisions, according to criteria established in various Federal wildlife conservation statutes and regulations, on the issuance, suspension, revocation, or denial permits. You must respond to obtain or retain a permit.

(b) We estimate the public reporting burden for these reporting requirements to vary from 15 minutes to 4 hours per response, with an average of 0.803 hours per response, including time for reviewing instructions, gathering and maintaining data, and completing and reviewing the forms. Direct comments regarding the burden estimate or any other aspect of these reporting requirements to the Service Information Collection Control Officer, MS–222 ARLSQ, U.S. Fish and Wildlife Service, Washington, DC 20240, or the Office of Management and Budget, Paperwork Reduction Project (1018–0092), Washington, DC 20690.

[63 FR 52634, Oct. 1, 1998]
§ 13.11

(3) You may obtain applications for Wild Bird Conservation Act permits (50 CFR part 15); injurious wildlife permits (50 CFR part 16); captive-bred wildlife registrations (50 CFR part 17); permits authorizing import, export, or foreign commerce of endangered and threatened species, and interstate commerce of nonnative endangered or threatened species (50 CFR part 17); marine mammal permits (50 CFR part 18); and permits and certificates for import, export, and re-export of species listed under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) (50 CFR part 23) from the Service’s permits Web page at http://www.fws.gov/permits/ or from the Division of Management Authority at the address provided at 50 CFR 2.1(b). Submit completed permit applications to the same street address.

(4) You may obtain Endangered Species Act permit applications (50 CFR 17) for activities involving native endangered and threatened species, including incidental take, scientific purposes, enhancement of propagation or survival (i.e., recovery), and enhancement of survival by writing to the Regional Director (Attention: Endangered Species Permits) of the Region where the activity is to take place (see 50 CFR 2.2 or the Service Web site, http://www.fws.gov, for addresses and boundaries of the Regions). Submit completed applications to the same address (the Regional office covering the area where the activity will take place). Permit applications for interstate commerce for native endangered and threatened species should be obtained by writing to the Regional Director (Attention: Endangered Species Permits) of the Region that has the lead for the particular species, rather than the Region where the activity will take place. You can obtain information on the lead Region via the Service’s Endangered Species Program Web page (http://endangered.fws.gov/wildlife.html) by entering the common or scientific name of the listed species in the Regulatory Profile query box. Send interstate commerce permit applications for native listed species to the same Regional Office that has the lead for that species. Endangered Species Act permit applications for the import or export of native endangered and threatened species may be obtained from the Division of Management Authority in accordance with paragraph (b)(3) of this section.

(5) You may obtain applications for bald and golden eagle permits (50 CFR part 22) and migratory bird permits (50 CFR part 21), except for banding and marking permits, from, and you may submit completed applications to, the “Migratory Bird Permit Program Office” in the Region in which you reside. For addresses of the regional offices, see 50 CFR 2.2, or go to: http://www.fws.gov/migratorybirds/mbpermits/ Addresses.html.

(c) Time notice. The Service will process all applications as quickly as possible. However, we cannot guarantee final action within the time limit you request. You should ensure that applications for permits for marine mammals and/or endangered and threatened species are postmarked at least 90 calendar days prior to the requested effective date. The time we require for processing of endangered and threatened species incidental take permits will vary according to the project scope and significance of effects. Submit applications for all other permits to the issuing/reviewing office and ensure they are postmarked at least 60 calendar days prior to the requested effective date. Our processing time may be increased by the procedural requirements of the National Environmental Policy Act (NEPA), the requirement to publish a notice in the Federal Register requesting a 30-day public comment period when we receive certain types of permit applications, and/or the time required for extensive consultation within the Service, with other Federal agencies, and/or State or foreign governments. When applicable, we may require permit applicants to provide additional information on the proposal and on its environmental effects as may be necessary to satisfy the procedural requirements of NEPA.

(d) Fees. (1) Unless otherwise exempted under this paragraph (d), you must pay the required permit processing fee at the time that you apply for issuance or amendment of a permit. You must pay in U.S. dollars. If you submit a
check or money order, it must be made payable to the “U.S. Fish and Wildlife Service.” The Service will not refund any application fee under any circumstances if we have processed the application. However, we may return the application fee if you withdraw the application before we have significantly processed it.

(2) If regulations in this subchapter require more than one type of permit for an activity and the permits are issued by the same office, the issuing office may issue one consolidated permit authorizing the activity in accordance with §13.1. You may submit a single application in such cases, provided that the single application contains all the information required by the separate applications for each permitted activity. Where more than one permitted activity is consolidated into one permit, the issuing office will charge the highest single fee for the activity permitted.

(3) Circumstances under which we will not charge a permit application fee are as follows:

(i) We will not charge a permit application fee to any Federal, tribal, State, or local government agency or to any individual or institution acting on behalf of such agency. Except as otherwise authorized or waived, if you fail to submit evidence of such status with your application, we will require the submission of all processing fees prior to the acceptance of the application for processing.

(ii) As noted in paragraph (d)(4) of this section.

(iii) We may waive the fee on a case-by-case basis for extraordinary extenuating circumstances provided that the issuing permit office and a Regional or Assistant Director approves the waiver.

(4) User fees. The following table identifies specific fees for each permit application or amendment to a current permit. If no fee is identified under the Amendment Fee column, this particular permit either cannot be amended and a new application, and application fee, would need to be submitted or no fee will be charged for amending the permit (please contact the issuing office for further information).

<table>
<thead>
<tr>
<th>Type of permit</th>
<th>Migratory Bird Treaty Act</th>
<th>Permit application fee</th>
<th>Administration fee</th>
<th>Amendment fee</th>
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<tr>
<td>Migratory Bird Import/Export</td>
<td>50 CFR 21</td>
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<td>Migratory Bird Banding or Marking</td>
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<td>Migratory Bird Scientific Collecting</td>
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<td>Migratory Bird Taxidermy</td>
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<td>Waterfowl Sale and Disposal</td>
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<td>Special Canada Goose</td>
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<td>Migratory Bird Special Purpose/Education</td>
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<td>Migratory Bird Special Purpose/Salvage</td>
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<td>Migratory Bird Special Purpose/Miscellaneous</td>
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<td>Falconry</td>
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<td>Raptor Propagation</td>
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<td>Migratory Bird Rehabilitation</td>
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<td>Migratory Bird Depredation</td>
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<td>Migratory Bird Depredation/Homeowner</td>
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<th>Bald and Golden Eagle Protection Act</th>
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<td>Eagle Scientific Collecting</td>
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<td>Eagle Exhibition</td>
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<td>Eagle—Native American Religion</td>
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<td>Eagle Take permits—Depredation and Protection of Health and Safety.</td>
<td>50 CFR 22</td>
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<td>Golden Eagle Nest Take</td>
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<td>Eagle Transport—Scientific or Exhibition</td>
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<td>Eagle Take—Native American Religious Purposes.</td>
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<td>Eagle Take—Associated With But Not the Purpose of an Activity.</td>
<td>50 CFR 22</td>
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<table>
<thead>
<tr>
<th>Type of permit</th>
<th>CFR citation</th>
<th>Permit application fee</th>
<th>Administration fee</th>
<th>Amendment fee</th>
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<td>Eagle Take—Associated With But Not the Purpose of an Activity—Programmatic, low-risk projects, 5- to 30-year tenure.</td>
<td>50 CFR 22</td>
<td>8,000</td>
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<td>Eagle Take—Associated With But Not the Purpose of an Activity—Programmatic, up to 5-year tenure.</td>
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<td>Eagle Take—Associated With But Not the Purpose of an Activity—Programmatic, over 5-year to 10-year tenure.</td>
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<td>Eagle Take—Associated With But Not the Purpose of an Activity—Programmatic, over 10-year to 15-year tenure.</td>
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<td>Eagle Take—Associated With But Not the Purpose of an Activity—Programmatic, over 20-year to 25-year tenure.</td>
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<td>Eagle Take—Associated With But Not the Purpose of an Activity—Programmatic, over 25-year to 30-year tenure.</td>
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<td>Eagle Nest Take</td>
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<td>Eagle Nest Take—Programmatic</td>
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<td>Eagle Take—Exempted under ESA</td>
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### Endangered Species Act/CITES/Lacey Act

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<th>Type of permit</th>
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<td>ESA Recovery</td>
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<td>ESA Interstate Commerce</td>
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<td>ESA Enhancement of Survival (Safe Harbor Agreement)</td>
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<td>ESA Enhancement of Survival (Candidate Conservation Agreement with Assurances)</td>
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<td>ESA Incidental Take (Habitat Conservation Plan)</td>
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<td>ESA and CITES Import/Export and Foreign Commerce.</td>
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<td>ESA and CITES Museum Exchange</td>
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<td>ESA Captive-bred Animal Registration</td>
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<td>ESA Captive-bred Wildlife Registration</td>
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<td>CITES Import (including trophies under ESA and MMPA).</td>
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<td>CITES Export</td>
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<td>CITES Certificate of Origin</td>
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<td>CITES Re-export</td>
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<td>CITES Personal Effects and Pet Export/Re-export</td>
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<td>CITES Appendix II Export (native furbearers and alligators—excluding live animals).</td>
<td>50 CFR 23</td>
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<td>CITES Master File (includes files for artificial propagation, biomedical, etc., and covers import, export, and re-export documents).</td>
<td>50 CFR 23</td>
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<td>—Renewal of CITES Master File</td>
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<td>—Single-use permits issued on Master File</td>
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<td>CITES Annual Program File</td>
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<td>—Single-use permits issued under Annual Program</td>
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<td>CITES replacement documents (lost, stolen, or damaged documents).</td>
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<td>CITES/ESA Passport for Traveling Exhibitions and Pets</td>
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<td>CITES/ESA Passport for Traveling Exhibitions</td>
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<td>CITES Participation in the Plant Rescue Center Program.</td>
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<td>CITES Registration of Commercial Breeding Operations for Appendix—II Wildlife.</td>
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</table>
§ 13.12 General information requirements on applications for permits.

(a) General information required for all applications. All applications must contain the following information:

(1) Applicant’s full name and address (street address, city, county, state, and zip code; and mailing address if different from street address); home and work telephone numbers; and, if available, a fax number and e-mail address, and:

(5) We will charge a fee for substantive amendments made to permits within the time period that the permit is still valid. The fee is generally half the original fee assessed at the time that the permit is processed; see paragraph (d)(4) of this section for the exact amount. Substantive amendments are those that pertain to the purpose and conditions of the permit and are not purely administrative. Administrative changes, such as updating name and address information, are required under 13.23(c), and we will not charge a fee for such amendments.

(6) Except as specifically noted in paragraph (d)(4) of this section, a permit renewal is an issuance of a new permit, and applicants for permit renewal must pay the appropriate fee listed in paragraph (d)(4) of this section.

(e) Abandoned or incomplete applications. If we receive an incomplete or improperly executed application, or if you do not submit the proper fees, the issuing office will notify you of the deficiency. If you fail to supply the correct information to complete the application or to pay the required fees within 45 calendar days of the date of notification, we will consider the application abandoned. We will not refund any fees for an abandoned application.
(1) If the applicant resides or is located outside the United States, an address in the United States, and, if conducting commercial activities, the name and address of his or her agent that is located in the United States; and

(ii) If the applicant is an individual, the date of birth, social security number, if available, occupation, and any business, agency, organizational, or institutional affiliation associated with the wildlife or plants to be covered by the license or permit; or

(iii) If the applicant is a business, corporation, public agency, or institution, the tax identification number; description of the type of business, corporation, agency, or institution; and the name and title of the person responsible for the permit (such as president, principal officer, or director);

(2) Location where the requested permitted activity is to occur or be conducted;

(3) Reference to the part(s) and section(s) of this subchapter B as listed in paragraph (b) of this section under which the application is made for a permit or permits, together with any additional justification, including supporting documentation as required by the referenced part(s) and section(s);

(4) If the requested permitted activity involves the import or re-export of wildlife or plants from or to any foreign country, and the country of origin, or the country of export or re-export restricts the taking, possession, transportation, exportation, or sale of wildlife or plants, documentation as indicated in §14.32(c) of this subchapter B;

(5) Certification in the following language:

I hereby certify that I have read and am familiar with the regulations contained in title 50, part 13, of the Code of Federal Regulations and the other applicable parts in subchapter B of chapter I of title 50, Code of Federal Regulations, and I further 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 statement herein may subject me to suspension or revocation of this permit and to the criminal penalties of 18 U.S.C. 1001.

(6) Desired effective date of permit except where issuance date is fixed by the part under which the permit is issued;

(7) Date;

(8) Signature of the applicant; and

(9) Such other information as the Director determines relevant to the processing of the application, including, but not limited to, information on the environmental effects of the activity consistent with 40 CFR 1506.5 and Departmental procedures at 516 DM 6, Appendix 1.3A.

(b) Additional information required on permit applications. As stated in paragraph (a)(3) of this section, certain additional information is required on all permit applications. For CITES permit applications, see part 23 of this subchapter. Additional information required on applications for other types of permits may be found by referring to the sections of this subchapter cited in the following table:

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§ 13.21 Issuance of permits.

(a) No permit may be issued prior to the receipt of a written application therefor, unless a written variation from the requirements, as authorized by § 13.4, is inserted into the official file of the Bureau. An oral or written representation of an employee or agent of the United States Government, or an action of such employee or agent, shall not be construed as a permit unless it meets the requirements of a permit as defined in 50 CFR 10.12.

(b) Upon receipt of a properly executed application for a permit, the Director shall issue the appropriate permit unless:

1. The applicant has been assessed a civil penalty or convicted of any criminal provision of any statute or regulation relating to the activity for which the application is filed, if such assessment or conviction evidences a lack of responsibility.

2. The applicant has failed to disclose material information required, or has made false statements as to any material fact, in connection with his application;

3. The applicant has failed to demonstrate a valid justification for the permit and a showing of responsibility;

4. The authorization requested potentially threatens a wildlife or plant population, or

5. The Director finds through further inquiry or investigation, or otherwise, that the applicant is not qualified.

(c) Disqualifying factors. Any one of the following will disqualify a person from receiving permits issued under this part:

1. A conviction, or entry of a plea of guilty or nolo contendere, for a felony violation of the Lacey Act, the Migratory Bird Treaty Act, or the Bald and Golden Eagle Protection Act disqualifies any such person from receiving or exercising the privileges of a permit, unless such disqualification has been expressly waived by the Director in response to a written petition.

2. The revocation of a permit for reasons found in §13.28 (a)(1) or (a)(2) disqualifies any such person from receiving or exercising the privileges of a similar permit for a period of five years from the date of the final agency decision on such revocation.

3. The failure to pay any required fees or assessed costs and penalties, whether or not reduced to judgment disqualifies such person from receiving or exercising the privileges of a permit as long as such moneys are owed to the United States. This requirement shall not apply to any civil penalty presently subject to administrative or judicial appeal; provided that the pendency of a collection action brought by the United States or its assignees shall not constitute an appeal within the meaning of this subsection.

4. The failure to submit timely, accurate, or valid reports as required may disqualify such person from receiving or exercising the privileges of a permit as long as the deficiency exists.

(d) Use of supplemental information. The issuing officer, in making a determination under this subsection, may use any information available that is relevant to the issue. This may include any prior conviction, or entry of a plea of guilty or nolo contendere, or assessment of civil or criminal penalty for a violation of any Federal or State law or regulation governing the permitted activity. It may also include any prior permit revocations or suspensions, or any reports of State or local officials. The issuing officer shall consider all relevant facts or information available, and may make independent inquiry or investigation to verify information or substantiate qualifications asserted by the applicant.

(e) Conditions of issuance and acceptance—(1) Conditions of issuance and acceptance. Any permit automatically incorporates within its terms the conditions and requirements of subpart D of 50 CFR Ch. I (10–1–14 Edition)
§ 13.23 Amendment of permits.

(a) Permittee’s request. Where circumstances have changed so that a permittee desires to have any condition of his permit modified, such permittee must submit a full written justification and supporting information in conformity with this part and the part under which the permit was issued.

(b) The Service reserves the right to amend any permit for just cause at any time during its term, upon written finding of necessity, provided that any such amendment of a permit issued under §17.22(b) through (d) or §17.32(b) through (d) of this subchapter shall be consistent with the requirements of §17.22(b)(5), (c)(5) and (d)(5) or §17.32(b)(5), (c)(5) and (d)(5) of this subchapter, respectively.

(c) Change of name or address. A permittee is not required to obtain a new permit if there is a change in the legal individual or business name, or in the mailing address of the permittee. A permittee is required to notify the issuing office within 10 calendar days of such change. This provision does not authorize any change in location of the conduct of the permitted activity when
§ 13.24 Right of succession by certain persons.

(a) Certain persons other than the permittee are authorized to carry on a permitted activity for the remainder of the term of a current permit, provided they comply with the provisions of paragraph (b) of this section. Such persons are the following:

(1) The surviving spouse, child, executor, administrator, or other legal representative of a deceased permittee; or

(2) A receiver or trustee in bankruptcy or a court designated assignee for the benefit of creditors.

(b) In order to qualify for the authorization provided in this section, the person or persons desiring to continue the activity shall furnish the permit to the issuing officer for endorsement within 90 days from the date the successor begins to carry on the activity.

(c) In the case of permits issued under §17.22(b) through (d) or §17.32(b) through (d) or permits issued under §22.26 of this subchapter B, the successor’s authorization under the permit is also subject to our determination that:

(1) The successor meets all of the qualifications under this part for holding a permit;

(2) The proposed transferee has provided adequate written assurances of sufficient funding for the conservation measures, conservation plan, or Agreement, and will implement the relevant terms and conditions of the permit, including any outstanding minimization and mitigation requirements; and

(3) The proposed transferee has provided other information that we determine is relevant to the processing of the submission.

(d) Except as otherwise stated on the face of the permit, any person who is under the direct control of the permittee, or who is employed by or under contract to the permittee for purposes authorized by the permit, may carry out the activity authorized by the permit.

(e) In the case of permits issued under §17.22(b)–(d) or §17.32 (b)–(d) of this subchapter to a State or local governmental entity, a person is under the direct control of the permittee where:

(1) The person is under the jurisdiction of the permittee and the permit provides that such person(s) may carry out the authorized activity; or

(2) The person has been issued a permit by the governmental entity or has executed a written instrument with the governmental entity, pursuant to the terms of the implementing agreement.
§ 13.28 Permit revocation.

(a) Criteria for revocation. A permit may be revoked for any of the following reasons:

(1) The permittee willfully violates any Federal or State statute or regulation, or any Indian tribal law or regulation, or any law or regulation of any foreign country, which involves a violation of the conditions of the permit or of the laws or regulations governing the permitted activity; or

(2) The permittee fails within 60 days to correct deficiencies that were the cause of a permit suspension; or

(3) The permittee becomes disqualified under §13.21(c) of this part; or

(4) A change occurs in the statute or regulation authorizing the permit that prohibits the continuation of a permit issued by the Service; or

(5) Except for permits issued under §17.22(b) through (d) or §17.32(b)
§ 13.29 Review procedures.

(a) Request for reconsideration. Any person may request reconsideration of an action under this part if that person is one of the following:

(1) An applicant for a permit who has received written notice of denial;
(2) An applicant for renewal who has received written notice that a renewal is denied;
(3) A permittee who has a permit amended, suspended, or revoked, except for those actions which are required by changes in statutes or regulations, or are emergency changes of limited applicability for which an expiration date is set within 90 days of the permit change; or
(4) A permittee who has a permit issued or renewed but has not been granted authority by the permit to perform all activities requested in the application, except when the activity requested is one for which there is no lawful authority to issue a permit.

(b) Method of requesting reconsideration. Any person requesting reconsideration of an action under this part must comply with the following criteria:

(1) Any request for reconsideration must be in writing, signed by the person requesting reconsideration or by the legal representative of that person, and must be submitted to the issuing officer.
(2) The request for reconsideration must be received by the issuing officer within 45 calendar days of the date of notification of the decision for which reconsideration is being requested.
(3) The request for reconsideration shall state the decision for which reconsideration is being requested and shall state the reason(s) for the reconsideration, including presenting any new information or facts pertinent to the issue(s) raised by the request for reconsideration.
(4) The request for reconsideration shall contain a certification in substantially the same form as that provided by §13.22(a)(5). If a request for reconsideration does not contain such certification, but is otherwise timely and appropriate, it shall be held and the person submitting the request shall be given written notice of the need to submit the certification within 15 calendar days. Failure to submit certification shall result in the request being rejected as insufficient in form and content.

§ 13.29 Review procedures.

(a) Request for reconsideration. Any person may request reconsideration of an action under this part if that person is one of the following:

(1) An applicant for a permit who has received written notice of denial;
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[54 FR 38149, Sept. 14, 1989, as amended at 64 FR 32711, June 17, 1999]
§ 13.45 Filing of reports.

Permittees may be required to file reports of the activities conducted under the permit. Any such reports shall be filed not later than March 31 for the preceding calendar year ending December 31, or any portion thereof, during which a permit was in force, unless the regulations of this subchapter B or the provisions of the permit set forth other reporting requirements.
§ 13.46 Maintenance of records.
From the date of issuance of the permit, the permittee shall maintain complete and accurate records of any taking, possession, transportation, sale, purchase, barter, exportation, or importation of plants obtained from the wild (excluding seeds) or wildlife pursuant to such permit. Such records shall be kept current and shall include names and addresses of persons with whom any plant obtained from the wild (excluding seeds) or wildlife has been purchased, sold, bartered, or otherwise transferred, and the date of such transaction, and such other information as may be required or appropriate. Such records shall be legibly written or reproducible in English and shall be maintained for five years from the date of expiration of the permit. Permittees who reside or are located in the United States and permittees conducting commercial activities in the United States who reside or are located outside the United States must maintain records at a location in the United States where the records are available for inspection.


§ 13.47 Inspection requirement.
Any person holding a permit under this subchapter B shall allow the Director’s agent to enter his premises at any reasonable hour to inspect any wildlife or plant held or to inspect, audit, or copy any permits, books, or records required to be kept by regulations of this subchapter B.

[39 FR 1161, Jan. 4, 1974, as amended at 42 FR 32377, June 24, 1977]

§ 13.48 Compliance with conditions of permit.
Any person holding a permit under subchapter B and any person acting under authority of such permit must comply with all conditions of the permit and with all applicable laws and regulations governing the permitted activity.

[54 FR 38150, Sept. 14, 1989]

§ 13.49 Surrender of permit.
Any person holding a permit under subchapter B shall surrender such permit to the issuing officer upon notification that the permit has been suspended or revoked by the Service, and all appeal procedures have been exhausted.

[54 FR 38150, Sept. 14, 1989]

§ 13.50 Acceptance of liability.
Except as otherwise limited in the case of permits described in §13.25(d), any person holding a permit under this subchapter B assumes all liability and responsibility for the conduct of any activity conducted under the authority of such permit.

[64 FR 32711, June 17, 1999]
U.S. Fish and Wildlife Serv., Interior

§ 14.33 Permits to import or export wildlife at nondesignated ports to alleviate undue economic hardship.

Subpart D [Reserved]

Subpart E—Inspection and Clearance of Wildlife

14.51 Inspection of wildlife.
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Source: 45 FR 56673, Aug. 25, 1980, unless otherwise noted.

Subpart A—Introduction

§ 14.1 Purpose of regulations.

The regulations contained in this part provide uniform rules and procedures for the importation, exportation, and transportation of wildlife.

§ 14.2 Scope of regulations.

The provisions in this part are in addition to, and do not supersede other regulations of this subchapter B which may require a permit or prescribe additional restrictions or conditions for the importation, exportation, and transportation of wildlife.
§ 14.3 Information collection requirements.

The Office of Management and Budget (OMB) has approved the information collection requirements contained in this part 14 under 44 U.S.C. 3507 and assigned OMB Control Numbers 1018-0012, 1018-0092, and 1018-0129. The Service may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number. You can direct comments regarding these information collection requirements to the Service’s Information Collection Clearance Officer at the address provided at 50 CFR 2.1(b).


§ 14.4 What terms do I have to understand?

In addition to definitions contained in part 10 of this subchapter, in this part:

Accompanying personal baggage means all hand-carried items and all checked baggage of a person entering into or departing from the United States.

Accredited scientist means any individual associated with, employed by, or under contract to and accredited by an accredited scientific institution for the purpose of conducting biological or medical research, and whose research activities are approved and sponsored by the scientific institution granting accreditation.

Accredited scientific institutions means any public museum, public zoological park, accredited institution of higher education, accredited member of the American Zoo and Aquarium Association, accredited member of the American Association of Systematic Collections, or any State or Federal government agency that conducts biological or medical research.

Commercial means related to the offering for sale or resale, purchase, trade, barter, or the actual or intended transfer in the pursuit of gain or profit, of any item of wildlife and includes the use of any wildlife article as an exhibit for the purpose of soliciting sales, without regard to quantity or weight. There is a presumption that eight or more similar unused items are for commercial use. The Service or the importer/exporter/owner may rebut this presumption based upon the particular facts and circumstances of each case.

Domesticated animals includes, but is not limited to, the following domesticated animals that are exempted from the requirements of this subchapter B (except for species obtained from wild populations). Mammals: Alpaca—Lama alpaca; Camel—Camelus dromedarius; Camel (Boghdi)—Camelus bactrianus; Cat (domestic)—Felis domesticus; Cattle—Bos taurus; Dog (domestic)—Canis familiaris; European rabbit—Oryctolagus cuniculus; Ferret (domestic)—Mustela putorius; Goat—Capra hircus; Horse—Equus caballus; Llama (domestic)—Lama glama; Pig—Sus scrofa; Sheep—Ovis aries; Water buffalo—Bubalus bubalis; White lab mice—Mus musculus; White lab rat—Rattus norvegicus.

Fish (For export purposes only): Carp (koi)—Cyprinus carpio; Goldfish—Carassius auratus.

Birds: Chicken—Gallus domesticus; Ducks & geese—domesticated varieties; Guinea fowl—Numida meleagris; Peafowl—Pavo cristatus; Pigeons (domesticated)—Columba livia domestrica; Turkey—Meleagris gallopavo; Domesticated or Barnyard Mallards include: Pekin; Aylesbury; Bouen; Cayuga; Gray Call; White Call; East Indian; Crested; Swedish; Buff Orpington; Indian Runner; Campbell; Duclair; Merchtom; Termonde; Magpie; Chinese; Khaki Campbell.

Insects: Crickets, mealworms, honeybees (not to include Africanized varieties), and similar insects that are routinely farm raised.

Other Invertebrates: Earthworms and similar invertebrates that are routinely farm raised.

Export means to depart from, to send from, to ship from, or to carry out of, or attempt to depart from, to send from, to ship from, or to carry out of, or to consign to a carrier in any place subject to the jurisdiction of the United States with an intended destination of any place not subject to the jurisdiction of the United States, whether or not such departure, sending, or carrying, or shipping constitutes an exportation within the meaning of the Custom laws of the
§ 14.15 Personal baggage and household effects.

(a) Any person may import into or export from the United States at any Customs port wildlife products or manufactured articles that are not intended for commercial use and are used as clothing or contained in accompanying personal baggage. However, this exception to the designated port requirement does not apply to any raw or dressed fur; raw, salted, or crusted hide or skin; game trophy; or to wildlife requiring a permit pursuant to part 16, 17, 18, 21, or 23 of this subchapter B.

(b) Wildlife products or manufactured articles, including mounted game trophies or tanned hides, which are not intended for sale and are part of a shipment of the household effects of persons moving their residence to or from the United States may be imported or exported at any Customs port of entry. However, this exception to the designated port requirement does not apply to any raw fur; raw, salted, or crusted hide or skin; game trophy; or to wildlife requiring a permit pursuant to part 16, 17, 18, 21, or 23 of this subchapter B.
§ 14.16 Border ports.

(a) Except for wildlife requiring a permit pursuant to part 16, 17, 18, 21, or 23 of this subchapter B, wildlife whose country of origin is Canada or the United States may be imported or exported at any of the following Customs ports of entry:

1. Alaska—Alcan;
2. Idaho—Eastport;
3. Maine—Calais, Houlton, Jackman;
4. Massachusetts—Boston;
5. Michigan—Detroit, Port Huron, Sault Sainte Marie;
7. Montana—Raymond, Sweetgrass;
8. New York—Buffalo-Niagara Falls, Champlain;
10. Ohio—Cleveland;
11. Vermont—Derby Line, Highgate Springs; and

(b) Except for wildlife requiring a permit pursuant to part 16, 17, 18, 21, or 23 of this subchapter B, wildlife whose country of origin is Mexico or the United States may be imported or exported at any of the following Customs ports of entry:

1. Arizona—Lukeville, Nogales;
2. California—Calexico, San Diego-San Ysidro; and

(c) Except for wildlife requiring a permit pursuant to part 16, 17, 18, or 21 of this subchapter B, wildlife lawfully taken by U.S. residents in the United States, Canada, or Mexico and imported or exported for noncommercial purposes, may be imported or exported at any Customs port of entry.

§ 14.17 Personally owned pet birds.

Any person may import a personally owned pet bird at any port designated under, and in accordance with, 9 CFR part 92.

§ 14.18 Marine mammals.

Any person subject to the jurisdiction of the United States who has lawfully taken a marine mammal on the high seas and who is authorized to import such marine mammal in accordance with the Marine Mammal Protection Act of 1972 and implementing regulations (50 CFR parts 18 and 216) may import such marine mammal at any port or place.

§ 14.19 Special ports.

(a) Except for wildlife requiring a permit pursuant to part 16, 17, 18, 21, or 23 of this subchapter B, wildlife which is imported for final destination in Alaska, Puerto Rico, or the Virgin Islands, may be imported through those Customs ports of entry named hereafter for the respective State or Territory of final destination:

1. Alaska—Alcan, Anchorage, Fairbanks, Juneau;
2. Puerto Rico—San Juan; and
3. Virgin Islands—San Juan, Puerto Rico.

(b) Except for wildlife requiring a permit pursuant to part 16, 17, 18, 21, or 23 of this subchapter B, wildlife which originates in Alaska, Puerto Rico, or the Virgin Islands, may be exported through the following Customs ports for the respective State or Territory:

1. Alaska—Alcan, Anchorage, Fairbanks, Juneau;
2. Puerto Rico—San Juan; and
3. Virgin Islands—San Juan, Puerto Rico.

(c) Except for wildlife requiring a permit pursuant to part 16, 17, 18, 21, or 23 of this subchapter B, wildlife which has a final destination of Guam or which originates in Guam may be imported or exported, as appropriate, through the port of Agana, Guam.

§ 14.20 Exceptions by permit.

Wildlife may be imported into or exported from the United States at any Customs port of entry designated in the terms of a valid permit issued pursuant to subpart C of this part.

§ 14.21 Shellfish and fishery products.

(a)(1) General. Except for wildlife requiring a permit pursuant to part 17 or 23 of this subchapter, shellfish and fishery products imported or exported for
purposes of human or animal consumption or taken in waters under the jurisdiction of the United States or on the high seas for recreational purposes may enter or exit at any Customs port.

(2) Except for wildlife requiring a permit pursuant to part 17 or part 23 of this subchapter, live aquatic invertebrates of the Class Pelecypoda (commonly known as oysters, clams, mussels, and scallops) and the eggs, larvae, or juvenile forms thereof may be exported for purposes of propagation, or research related to propagation, at any Customs port.

(b) Pearls. Except for wildlife requiring a permit pursuant to part 17 or 23 of this subchapter, pearls imported or exported for commercial purposes may enter or exit the United States at any Customs port of entry. For the purposes of this part, all references to the term shellfish and fishery products will include pearls.

[61 FR 31868, June 21, 1996]

§ 14.23 Live farm-raised fish and farm-raised fish eggs.

Live farm-raised fish and farm-raised fish eggs meet the definition of “bred in captivity” as stated in 50 CFR 17.3. Except for wildlife requiring a permit pursuant to parts 17 or 23 of this subchapter, live farm-raised fish and farm-raised fish eggs may be exported from any U.S. Customs port.

[59 FR 41714, Aug. 15, 1994]

§ 14.24 Scientific specimens.

Except for wildlife requiring a permit pursuant to parts 16, 17, 18, 21, 22 or 23 of this subchapter, dead, preserved, dried, or embedded scientific specimens or parts thereof, imported or exported by accredited scientists or accredited scientific institutions for taxonomic or systematic research purposes may enter or exit through any U.S. Customs port, or may be shipped through the international mail system. Provided, that this exception will not apply to any specimens or parts thereof taken as a result of sport hunting.

[61 FR 31869, June 21, 1996]
§ 14.32 Permits to import or export wildlife at nondesignated port to minimize deterioration or loss.

(a) General. The Director may, upon receipt of an application submitted in accordance with the provisions of this section and §§13.11 and 13.12 of this subchapter, and in accordance with the issuance criteria of this section, issue a permit authorizing importation or exportation of wildlife, in order to minimize deterioration or loss, at one or more named Customs port(s) of entry not otherwise authorized by subpart B. Such permits may authorize a single importation or exportation, a series of importations or exportations, or importation or exportation during a specified period of time.

(b) Application procedure. Applications for permits to import or export wildlife at a nondesignated port to minimize deterioration or loss must be submitted to the Director. Each application must contain the general information and certification required in §13.12(a) of this subchapter, plus the following additional information:

(1) The number and kinds of wildlife described by scientific and common names to be imported or exported where such number and kinds can be determined;

(2) The country or place in which the wildlife was removed from the wild (if known), or where born in captivity;

(3) The port(s) of entry where importation or exportation is requested; and

(4) A statement as to whether the exception is being requested for a single shipment, a series of shipments, or shipments over a specified period of time and the date(s) involved.

(c) Additional permit conditions. In addition to the general conditions set forth in part 13 of this subchapter B, permits to import or export wildlife at a nondesignated port issued under this section are subject to the following condition: Permittee shall file such reports as specified on the permit, if any.

(d) Issuance criteria. The Director shall consider the following in determining whether to issue a permit under this section:

(1) Likelihood of a substantial deterioration or loss of the wildlife involved;

(2) The kind of wildlife involved and its place of origin; and

(3) Availability of a Service officer.

(e) Duration of permits. Any permit issued under this section expires on the date designated on the face of the permit. In no case will the permit be valid for more than 2 years from the date of issuance.
§ 14.33 Permits to import or export wildlife at nondesignated port to alleviate undue economic hardship.

(a) General. The Director may, upon receipt of an application submitted in accordance with the provisions of this section and §§13.11 and 13.12 of this subchapter, and in accordance with the issuance criteria of this section, issue a permit authorizing importation or exportation of wildlife in order to alleviate undue economic hardship at one or more named Customs port(s) of entry not otherwise authorized by subpart B. Such permits may authorize a single importation or exportation, a series of importations or exportations, or importation or exportation during a specified period of time.

(b) Application procedure. Applications for permits to import or export wildlife at a nondesignated port to alleviate undue economic hardship must be submitted to the Director. Each application must contain the general information and certification required in §13.12(a) of this subchapter, plus the following additional information:

(1) The number and kinds of wildlife described by scientific and common names to be imported or exported, where such number and kinds can be determined, and a description of the form in which it is to be imported, such as “live,” “frozen,” “raw hides,” or a full description of any manufactured product;

(2) The country or place in which the wildlife was removed from the wild (if known), or where born in captivity;

(3) The name and address of the supplier or consignee;

(4) The port(s) of entry where importation or exportation is requested, and the reasons why importation or exportation should be allowed at the requested port(s) of entry rather than at a designated port (information must be included to show the monetary difference between the cost of importation or exportation at the port requested and the lowest cost of importation or exportation at the port through which importation or exportation is authorized by subpart B without a permit); and

(5) A statement as to whether the exception is being requested for a single shipment, a series of shipments, or shipments over a specified period of time and the date(s) involved.

(c) Additional permit conditions. In addition to the general conditions set forth in part 13 of this subchapter B, permits to import or export wildlife at a nondesignated port issued under this section are subject to the following conditions:

(1) Permittee shall file such reports as specified on the permit, if any; and

(2) Permittee must pay fees in accordance with §14.94.

(d) Issuance criteria. The Director shall consider the following in determining whether to issue a permit under this section:

(1) The difference between the cost of importing or exporting the wildlife at the port requested and the lowest cost of importing or exporting such wildlife at a port authorized by these regulations without a permit;

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

(3) The kind of wildlife involved, including its form and place of origin; and

(4) Availability of a Service officer.

(e) Duration of permits. Any permit issued under this section expires on the date designated on the face of the permit. In no case will the permit be valid for more than 2 years from the date of issuance.

accompanying documents, upon importation or exportation. The Director may charge reasonable fees, including salary, overtime, transportation and per diem of Service officers, for wildlife import or export inspections specially requested by the importer or exporter at times other than regular work hours or locations other than usual for such inspections at the port.

§ 14.52 Clearance of imported wildlife.

(a) Except as otherwise provided by this subpart, a Service officer must clear all wildlife imported into the United States prior to release from detention by Customs officers. A Service officer must clear all wildlife to be exported from the United States prior to the physical loading of the merchandise on a vehicle or aircraft, or the containerization or palletizing of such merchandise for export, unless a Service officer expressly authorizes otherwise. Such clearance does not constitute a certification of the legality of an importation or exportation under the laws or regulations of the United States.

(b) An importer/exporter or his/her agent may obtain clearance by a Service officer only at designated ports (§14.12), at border ports (§14.16), at special ports (§14.19), or at a port where importation or exportation is authorized by a permit issued under subpart C of this part. An importer/exporter must return forthwith any wildlife released without a Service officer’s clearance or clearance by Customs for the Service under authority of §14.54 to a port where clearance may be obtained pursuant to this subpart.

(c) To obtain clearance, the importer, exporter, or the importer’s or exporter’s agent will make available to a Service officer or a Customs officer acting under §14.54:

1. All shipping documents (including bills of lading, waybills and packing lists or invoices);

2. All permits, licenses or other documents required by the laws or regulations of the United States;

3. All permits or other documents required by the laws or regulations of any foreign country;

4. The wildlife being imported or exported; and

5. Any documents and permits required by the country of export or re-export for the wildlife.

§ 14.53 Detention and refusal of clearance.

(a) Detention. Any Service officer, or Customs officer acting under §14.54, may detain imported or exported wildlife and any associated property. As soon as practicable following the importation or exportation and decision to detain, the Service will mail a notice of detention by registered or certified mail, return receipt requested, to the importer or consignee, or exporter, if known or easily ascertainable. Such notice must describe the detained wildlife or other property, indicate the reason for the detention, describe the general nature of the tests or inquiries to be conducted, and indicate that if the releasability of the wildlife has not been determined within 30 days after the date of the notice, or a longer period if specifically stated, that the Service will deem the wildlife to be seized and will issue no further notification of seizure.

(b) Refusal of clearance. Any Service officer may refuse clearance of imported or exported wildlife and any Customs officer acting under §14.54 may refuse clearance of imported wildlife when there are responsible grounds to believe that:

1. A Federal law or regulation has been violated;

2. The correct identity and country of origin of the wildlife has not been established (in such cases, the burden is upon the owner, importer, exporter, consignor, or consignee to establish such identity by scientific name to the species level or, if any subspecies is protected by the laws of this country or the country of origin to the subspecies level);

3. Any permit, license, or other documentation required for clearance of such wildlife is not available, is not
§ 14.61 Import declaration requirements.

Except as otherwise provided by the regulations of this subpart, importers currently valid, has been suspended or revoked, or is not authentic:

(4) The importer, exporter, or the importer’s or exporter’s agent has filed an incorrect or incomplete declaration for importation or exportation as provided in §14.61 or §14.63; or

(5) The importer, exporter, or the importer’s or exporter’s agent has not paid any fee or portion of balance due for inspection fees required by §14.93 or §14.94, or penalties assessed against the importer or exporter under 50 CFR part 11. This paragraph does not apply to penalty assessments on appeal in accordance with the provisions of part 11.

[61 FR 31869, June 21, 1996]

§ 14.54 Unavailability of Service officers.

(a) Designated ports. All wildlife arriving at a designated port must be cleared by a Service officer prior to Customs clearance and release. When importers or their agents expect live or perishable shipments of wildlife or wildlife products or request inspection at the time of arrival, they must notify the Service at least 48 hours prior to the estimated time of arrival. However, where a Service officer is not available within a reasonable time, Customs Officers may clear live or perishable wildlife subject to post-clearance inspection and investigation by the Service.

(b) Border and special ports. Wildlife lawfully imported at Canadian or Mexican border ports under §14.16, or into Alaska, Puerto Rico, or the Virgin Islands, under §14.19, may, if a Service officer is not available within a reasonable time, be cleared by Customs officers, subject to post-clearance inspection and investigation by the Service.

(c) Permit imports. Wildlife imported at a nondesignated port in accordance with the terms of a valid permit issued under subpart C of this part, may, if a Service officer is not available within a reasonable time, be cleared by Customs officers, subject to post-clearance inspection and investigation by the Service.

(d) Personal baggage and household effects. Wildlife lawfully imported at any port of entry under §14.15, may, if a Service officer is not available within a reasonable time, be cleared by Customs officers, subject to post-clearance inspection and investigation by the Service.

(e) Personally owned pet birds. Personally owned pet birds lawfully imported at a port of entry under §14.17, may, if a Service officer is not available within a reasonable time, be cleared by Customs officers, subject to post-clearance inspection and investigation by the Service.

(f) Exports. Exporters or their agents must notify the Service and make the shipment available for inspection at least 48 hours prior to the estimated time of exportation of any wildlife.


§ 14.55 Exceptions to clearance requirements.

Except for wildlife requiring a permit pursuant to part 17 or 23 of this subchapter B, clearance is not required for the importation of the following wildlife:

(a) Shellfish and fishery products imported for purposes of human or animal consumption or taken in waters under the jurisdiction of the United States or on the high seas for recreational purposes;

(b) Marine mammals lawfully taken on the high seas by United States residents and imported directly into the United States; and

(c) Certain antique articles as specified in §14.22 which have been released from custody by Customs officers under 19 U.S.C. 1499.

(d) Dead, preserved, dried, or embedded scientific specimens or parts thereof, imported or exported by accredited scientists or accredited scientific institutions for taxonomic or systematic research purposes. Except: That this exception will not apply to any specimens or parts thereof taken as a result of sport hunting.

or their agents must file with the Service a completed Declaration for Importation or Exportation of Fish or Wildlife (Form 3-177), signed by the importer or the importer’s agent, upon the importation of any wildlife at the place where Service clearance under §14.52 is requested. However, wildlife may be transshipped under bond to a different port for release from custody by Customs Service officers under 19 U.S.C. 1499. For certain antique articles as specified in §14.22, importers or their agents must file a Form 3-177 with the District Director of Customs at the port of entry prior to release from Customs custody. Importers or their agents must furnish all applicable information requested on the Form 3-177 and the importer, or the importer’s agent, must certify that the information furnished is true and complete to the best of his/her knowledge and belief.

[61 FR 49980, Sept. 24, 1996]

§ 14.62 Exceptions to import declaration requirements.

(a) Except for wildlife requiring a permit pursuant to part 17 or 23 of this subchapter B, an importer or his/her agent does not have to file a Declaration for Importation or Exportation of Fish or Wildlife (Form 3-177) for importation of shellfish and fishery products imported for purposes of human or animal consumption, or taken in waters under the jurisdiction of the United States or on the high seas for recreational purposes;

(b) Except for wildlife requiring a permit pursuant to part 16, 17, 18, 21, 22 or 23 of this subchapter B, a Declaration for Importation or Exportation of Fish or Wildlife (Form 3-177) does not have to be filed for importation of the following:

(1) Fish taken for recreational purposes in Canada or Mexico;

(2) Wildlife products or manufactured articles that are not intended for commercial use and are used as clothing or contained in accompanying personal baggage, except that an importer or his/her agent must file a Form 3-177 for raw or dressed furs; for raw, salted, or crusted hides or skins; and for game or game trophies; and

(3) Wildlife products or manufactured articles that are not intended for commercial use and are a part of a shipment of the household effects of persons moving their residence to the United States, except that an importer or his/her agent must file a declaration for raw or dressed furs and for raw, salted, or crusted hides or skins.

(c) General declarations for certain specimens. Notwithstanding the provisions of 14.61 and except for wildlife included in paragraph (d) of this section, an importer or his/her agent may describe in general terms on a Declaration for the Importation or Exportation of Fish or Wildlife (Form 3-177) scientific specimens imported for scientific institutions for taxonomic, systematic research, or faunal survey purposes. An importer or his/her agent must file an amended Form 3-177 within 180 days after filing of the general declaration with the Service. The declaration must identify specimens to the most accurate taxonomic classification reasonably practicable using the best available taxonomic information. The Director may grant extensions of the 180-day period.

(d) Except for wildlife requiring a permit pursuant to part 16, 17, 18, 21, 22 or 23 of this subchapter, an importer or his/her agent does not have to file a Declaration for the Importation or Exportation of Fish or Wildlife (Form 3-177) at the time of importation for shipments of dead, preserved, dried, or embedded scientific specimens or parts thereof, imported by accredited scientists or accredited scientific institutions for taxonomic or systematic research purposes. An importer or his/her agent must file a Form 3-177 within 180 days of importation with the appropriate Assistant Regional Director—Law Enforcement in the Region where the importation occurs. The declaration must identify the specimens to the most accurate taxonomic classification reasonably practicable using the best available taxonomic information, and must declare the country of origin. Except: That this exception will not apply to any specimens or parts thereof taken as a result of sport hunting.

§ 14.63 Export declaration requirements.

Except as otherwise provided by the regulations of this subpart, a completed Declaration for Importation or Exportation of Fish or Wildlife (Form 3–177) signed by the exporter, or the exporter’s agent, shall be filed with the Service prior to the export of any wildlife at the port of exportation as authorized in subpart B of this part. All applicable information requested on the Form 3–177 shall be furnished, and the exporter or the exporter’s agent shall certify that the information furnished is true and complete to the best of his/her knowledge and belief.

§ 14.64 Exceptions to export declaration requirements.

(a) Except for wildlife requiring a permit pursuant to part 17 or 23 of this subchapter B, an exporter or his/her agent does not have to file a Declaration for the Importation or Exportation of Fish or Wildlife (Form 3–177) for the exportation of shellfish and fishery products exported for purposes of human or animal consumption or taken in waters under the jurisdiction of the United States or on the high seas for recreational purposes, and does not have to file for the exportation of live aquatic invertebrates of the Class Pelecypoda (commonly known as oysters, clams, mussels, and scallops) and the eggs, larvae, or juvenile forms thereof exported for purposes of propagation, or research related to propagation.

(b) Except for wildlife requiring a permit pursuant to part 16, 17, 18, 21, or 23 of this subchapter B, a Declaration for the Importation or Exportation of Fish or Wildlife (Form 3–177) does not have to be filed for the exportation of the following:

(1) Wildlife that is not intended for commercial use where the value of such wildlife is under $250;

(2) Wildlife products or manufactured articles, including game trophies, that are not intended for commercial use and are used as clothing or contained in accompanying personal baggage or are part of a shipment of the household effects of persons moving their residence from the United States; and

(3) Shipments of dead, preserved, dried, or embedded scientific specimens or parts thereof, exported by accredited scientists or accredited scientific institutions for taxonomic or systematic research purposes. An exporter or his/her agent must file a Form 3–177 within 180 days of exportation with the appropriate Assistant Regional Director—Law Enforcement in the Region where the exportation occurs. The declaration must identify the specimens to the most accurate taxonomic classification reasonably practicable using the best available taxonomic information, and must declare the country of origin. Except: That this exception will not apply to any specimens or parts thereof taken as a result of sport hunting.

(c) Except for wildlife requiring a period pursuant to parts 17 or 23 of this subchapter, a Declaration for the Importation or Exportation of Fish or Wildlife (Form 3–177) does not have to be filed for the exportation of live farm-raised fish and farm-raised fish eggs as defined in § 14.23.


Subpart G [Reserved]

Subpart H—Marking of Containers or Packages

SOURCE: 52 FR 45341, Nov. 27, 1987, unless otherwise noted.

§ 14.81 Marking requirement.

Except as otherwise provided in this subpart, no person may import, export, or transport in interstate commerce any container or package containing any fish or wildlife (including shellfish and fishery products) unless he/she marks each container or package conspicuously on the outside with both the name and address of the shipper and consignee. An accurate and legible list of its contents by species scientific name and the number of each species and whether or not the listed species are venomous must accompany the entire shipment.

[61 FR 31870, June 21, 1996]
§ 14.82 Alternatives and exceptions to the marking requirement.

(a) The requirements of §14.81 may be met by complying with one of the following alternatives to the marking requirement:

(1)(i) Conspicuously marking the outside of each container or package containing fish or wildlife with the word “fish” or “wildlife” as appropriate for its contents, or with the common name of its contents by species, and

(ii) Including an invoice, packing list, bill of lading, or similar document to accompany the shipment which accurately states the name and address of the shipper and consignee, states the total number of packages or containers in the shipment, and for each species in the shipment specifies:

(A) The common name that identifies the species (examples include: Chinook (or king) salmon; bluefin tuna; and whitetail deer) and whether or not the listed species is venomous; and

(B) The number of that species (or other appropriate measure of quantity such as gross or net weight).

The invoice, packing list, bill of lading, or equivalent document must be securely attached to the outside of one container or package in the shipment and, for each species in the shipment specifies:

(A) The common name that identifies the species (examples include: Chinook (or king) salmon; bluefin tuna; and whitetail deer) and whether or not the listed species is venomous; and

(B) The number of that species (or other appropriate measure of quantity such as gross or net weight).

(2) Affixing the shipper’s wildlife import/export license number preceded by the three letters “FWS” on the outside of each container or package containing fish or wildlife, if the shipper has valid wildlife import/export license issued under authority of 50 CFR part 14. For each shipment marked in accordance with this paragraph, the records maintained under §14.93(c) must include a copy of the invoice, packing list, bill of lading, or other similar document that accurately states the information required by paragraph (a)(1)(ii) of this section.

(b) In the case of subcontainers or packages within a larger packing container, only the outermost container must be marked in accordance with this section. Except, that for live fish or wildlife that are packed in subcontainers within a larger packing container, if the subcontainers are numbered or labeled, the packing list, invoice, bill or lading, or other similar document, must reflect that number or label. However, each subcontainer containing a venomous species must be clearly marked as venomous.

(4) A conveyance (truck, plane, boat, etc.) is not considered a container for purposes of requiring specific marking of the conveyance itself, provided that:

(i) The fish or wildlife within the conveyance is carried loosely or is readily identifiable, and is accompanied by the document required by paragraph (a)(1)(ii) of this section, or

(ii) The fish or wildlife is otherwise packaged and marked in accordance with this subpart.

(b) The requirements of §14.81 do not apply to containers or packages containing:

(1) Fox, nutria, rabbit, mink, chinchilla, marten, fisher, muskrat, and karakul that have been bred and born in captivity, or their products, if a signed statement certifying that the animals were bred and born in captivity accompanies the shipping documents;

(2) Fish or shellfish contained in retail consumer packages labeled pursuant to the Food, Drug and Cosmetic Act, 21 U.S.C. 301 et seq.; or

(3) Fish or shellfish that are landed by, and offloaded from, a fishing vessel (whether or not the catch has been carried by the fishing vessel interstate), as long as the fish or shellfish remain at the place where first offloaded.

(Approved by the Office of Management and Budget under control number 1018–0022)

[52 FR 45341, Nov. 27, 1987, as amended at 61 FR 31871, June 21, 1996]

Subpart I—Import/Export Licenses and Inspection Fees

SOURCE: 73 FR 74628, Dec. 9, 2008, unless otherwise noted.

§ 14.91 When do I need an import/export license?

(a) The Endangered Species Act (16 U.S.C. 1538(d)(1)) makes it unlawful for any person to engage in business as an importer or exporter of certain fish or wildlife without first having obtained permission from the Secretary. For the purposes of this subchapter, engage in
§ 14.92 What are the exemptions to the import/export license requirement?

(a) Certain wildlife. Any person may engage in business as an importer or exporter of the following types of wildlife without obtaining an import/export license:

(1) Shellfish (see § 10.12 of this chapter) and nonliving fishery products that do not require a permit under parts 16, 17, or 23 of this subchapter, and are imported or exported for purposes of human or animal consumption or taken in waters under the jurisdiction of the United States or on the high seas for recreational purposes;

(2) Live farm-raised fish and farm-raised fish eggs of species that do not require a permit under parts 16, 17, or 23 of this subchapter, that meet the definition of ‘‘bred-in-captivity’’ as stated in § 17.3 of this subchapter and that are for export only; and

(3) Live aquatic invertebrates of the Class Pelecypoda, commonly known as oysters, clams, mussels, and scallops, and their eggs, larvae, or juvenile forms, that do not require a permit under parts 16, 17, or 23 of this subchapter, and are exported only for the purposes of propagation or research related to propagation; and

(4) Pearls that do not require a permit under parts 16, 17, or 23 of this subchapter.

(b) Certain persons. (1) The following persons may import or export wildlife without obtaining an import/export license, provided that these persons keep records that will fully and correctly describe each importation or exportation of wildlife made by them and the subsequent disposition made by them with respect to the wildlife.

(i) Public museums, or other public, scientific, or educational institutions, importing or exporting wildlife for noncommercial research or educational purposes; and

(ii) Federal, State, tribal, or municipal agencies.

(2) Subject to applicable limitations of law, duly authorized Service officers at all reasonable times will, upon notice, be given access to these persons’ places of business, an opportunity to examine their inventory of imported wildlife or the wildlife to be exported, the records described in paragraph (1)
§ 14.93 How do I apply for an import/export license?

(a) Application form. You must submit a completed FWS Form 3-200-3, including the certification found on the form and in §13.12(a) of this subchapter, to the appropriate regional Special Agent in Charge under the provisions of this subpart and part 13 of this subchapter.

(b) Import/export license conditions. In addition to the general permit conditions in part 13 of this subchapter, you must comply with the following conditions:

(1) You must comply with all requirements of this part, all other applicable parts of this subchapter, and any specific conditions or authorizations described on the face of, or on an annex to, the import/export license;

(2) You must pay all applicable license and inspection fees as required in §14.94;

(3) You are responsible for providing current contact information to us, including a mailing address where you will receive all official notices the Service sends;

(4) You must keep, in a U.S. location, the following records that completely and correctly describe each import or export of wildlife that you made under the import/export license, for a period of 5 years:

(i) A general description of the wildlife, such as “live,” “raw hides,” “fur garments,” “leather goods,” “footwear,” or “jewelry”;

(ii) The quantity of the wildlife, in numbers, weight, or other appropriate measure;

(iii) The common and scientific names of the wildlife;

(iv) The country of origin of the wildlife, if known, as defined in §10.12 of this subchapter;

(v) The date and place the wildlife was imported or exported;

(vi) The date of the subsequent disposition, if applicable, of the wildlife and the manner of the subsequent disposition, whether by sale, barter, consignment, loan, delivery, destruction, or other means;

(vii) The name, address, telephone, and e-mail address, if known, of the person or business who received the wildlife;

(viii) Copies of all permits required by the laws and regulations of the United States;

(ix) Copies of all permits required by the laws of any country of export, re-export, or origin of the wildlife.

(5) You must, upon notice, provide authorized Service officers with access to your place(s) of business at all reasonable times and give us an opportunity to examine your inventory of imported wildlife or the wildlife to be exported, the records required to be kept by paragraph (b)(4) of this section, and an opportunity to copy these records subject to applicable limitations of the law;

(6) You must submit a report containing the information you must keep in paragraph (b)(4) of this section within 30 days of receiving a written request from us; and

(7) An import/export license gives you general permission to engage in business as an importer or exporter of wildlife. An import/export license is in addition to, and does not supersede, any other license, permit, or requirement established by Federal, State, or tribal law for the import or export of wildlife.

(c) Duration of import/export license. Any import/export license issued under this section expires on the date shown on the face of the import/export license. In no case will the import/export license be valid for more than 1 year after the date of issuance.

(d) Issuance, denial, suspension, revocation, or renewal of import/export license. We may deny, suspend, revoke, restrict, or deny renewal of an import/export license to any person named as the holder, or a principal officer or agent of the holder, under any of the criteria described in part 13 of this chapter or under the following criteria:

(1) Failure to pay fees, penalties, or costs required by this part;

(2) You repeatedly fail to notify our Service officers at the appropriate port at least 48 hours prior to the estimated time of arrival of a live or perishable wildlife shipment under §14.54(a) or at least 48 hours prior to the estimated
time of exportation of any wildlife under §14.54(f).

(3) You repeatedly import or export certain types of wildlife without meeting the requirements of this part or other applicable parts of this subchapter.

§ 14.94 What fees apply to me?

(a) Import/export license application fees. You must pay the application and amendment fees, as defined in §13.11(d)(4), for any required import/export license processed under §14.93 and part 13 of this subchapter.

(b) Designated port exception permit application fees. You must pay the application and amendment fees, as defined in §13.11(d)(4), for any required designated port exception permit processed under subpart C of this part.

(c) Designated port base inspection fees. Except as provided in paragraph (k) of this section, any shipment containing live or protected species, as defined in §14.94(h)(4), imported or exported by an import/export license holder at a designated port or a port acting as a designated port. You can find a list of designated ports in §14.12 and the criteria that allow certain ports to act as designated ports in §§14.16–14.19, §14.22, and §14.24 of this part.

(d) Staffed nondesignated port base inspection fees. You must pay a nondesignated port base inspection fee, as defined in §14.94(h)(2), for each wildlife shipment imported or exported at a designated port or a port acting as a designated port. You can find a list of designated ports in §14.12 and the criteria that allow certain ports to act as designated ports in §§14.16–14.19, §14.22, and §14.24 of this part.

(e) Nonstaffed, nondesignated port base inspection fees. You must pay a nonstaffed, nondesignated port base inspection fee, as defined in §14.94(h)(3), for each wildlife shipment imported or exported at a nonstaffed, nondesignated port using a designated port exception permit issued under subpart C of this part. This fee is in place of, not in addition to, the designated port base fee.

(f) Premium inspection fees. You must pay a premium inspection fee in addition to any base inspection fees required in paragraphs (c), (d), and (e) of this section, as defined in §14.94(h)(4), for the following types of shipments:

(1) Except as provided in paragraph (k) of this section, any shipment containing live or protected species, as defined in §14.94(h)(4), imported or exported by an import/export license holder at a designated port or a port acting as a designated port. You can find a list of designated ports in §14.12 and the criteria that allow certain ports to act as designated ports in §§14.16–14.19, §14.22, and §14.24 of this part.

(2) Any shipment containing live or protected species, as defined in §14.94(h)(4), imported or exported via air, ocean, rail, or truck cargo, by persons not requiring an import/export license under §14.91, at a designated port or a port acting as a designated port. You can find a list of designated ports in §14.12 and the criteria that allow certain ports to act as designated ports in §§14.16–14.19, §14.22, and §14.24 of this part.

(3) Any shipment containing live and protected species.

(g) Overtime fees. You must pay fees for any inspections, including travel time, that begin before normal working hours, that extend beyond normal working hours, or are on a Federal holiday, Saturday, or Sunday.

(1) Overtime fees are in addition to any base inspection fees or premium inspection fees required for each shipment. We will charge these fees regardless of whether or not you have an import/export license.

(2) Our ability to perform inspections during overtime hours will depend
§ 14.94  50 CFR Ch. I (10–1–14 Edition)

upon the availability of Service personnel. If we cannot perform an inspection during normal working hours, we may give you the option of requesting an overtime inspection.

(3) The overtime fee is calculated using a 2-hour minimum plus any actual time in excess of the minimum. It incorporates the actual time to conduct an inspection and the travel time to and from the inspection location.

(4) The Service will charge any overtime, including travel time, in excess of the minimum in quarter-hour increments of the hourly rate. The Service will round up an inspection time of 10 minutes or more beyond a quarter-hour increment to the next quarter-hour and will disregard any time over a quarter-hour increment that is less than 10 minutes.

(5) The Service will charge only one overtime fee when multiple shipments are consigned to or are to be exported by the same importer or exporter and we inspect all at the same time at one location. The overtime fee will consist of one 2-hour minimum or the actual time for inspection of all the applicable shipments, whichever is greater. All applicable base and premium fees will apply to each shipment.

(6) We will charge 1 hour of time at 1½ times the hourly labor rate for inspections beginning less than 1 hour before normal working hours.

(7) We will charge a minimum of 2 hours of time at an hourly rate of 1½ times the average hourly labor rate for inspections outside normal working hours, except for inspections performed on a Federal holiday.

(8) We will charge a minimum of 2 hours of time at an hourly rate of 2 times the average hourly labor rate for inspections performed on a Federal holiday.

(h) Fee schedule.

<table>
<thead>
<tr>
<th>Inspection fee schedule</th>
<th>Fee cost per shipment per year</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2008</td>
</tr>
<tr>
<td>(1) Designated port base inspection fee</td>
<td>$85</td>
</tr>
<tr>
<td>(2) Staffed nondesignated port base insp.</td>
<td>$133</td>
</tr>
<tr>
<td>(3) Nonstaffed nondesignated port base insp.</td>
<td>$133</td>
</tr>
<tr>
<td>(4) Premium inspection fee at any port</td>
<td></td>
</tr>
<tr>
<td>(i) Protected species. Any species that requires a permit under parts 15, 16, 17, 18, 21, 22, or 23 of this chapter.</td>
<td>$19</td>
</tr>
<tr>
<td>(ii) Live species. Any live wildlife, including live viable eggs and live pupae.</td>
<td>$19</td>
</tr>
<tr>
<td>(5) Overtime inspection fee (see §14.94(g)):</td>
<td></td>
</tr>
<tr>
<td>(i) Inspections beginning less than 1 hour before normal work hours.</td>
<td>$48</td>
</tr>
<tr>
<td>(ii) Inspections after normal work hours, including Saturday and Sunday. (2 hour minimum charge plus fee for additional time).</td>
<td>$96 min. + $48/hr.</td>
</tr>
<tr>
<td>(iii) Inspections on Federal holidays. (2 hour minimum charge plus fee for additional time).</td>
<td>$128 min. + $64/hr.</td>
</tr>
</tbody>
</table>

(i) The Service will not refund any fee or any portion of any license or inspection fee or excuse payment of any fee because importation, exportation, or clearance of a wildlife shipment is refused for any reason.

(j) All base inspection fees, premium inspection fees, and overtime fees will apply regardless of whether or not a physical inspection of your wildlife shipment is performed, and no fees will be prorated except as provided in paragraphs (e) and (g)(5) of this section.
(k) Exemptions to inspection fees—

(1) Certain North American-origin wild mammal furs or skins. Wildlife shipments that meet all of the following criteria are exempt from the designated port base inspection fee (however, these shipments are not exempt from the designated port overtime fees or the import/export license application fee):

(i) The wildlife is a raw fur; raw, salted, or crusted hide or skin; or a separate fur or skin part, lawfully taken from the wild in the United States, Canada, or Mexico that does not require permits under parts 17, 18, or 23 of this chapter; and

(ii) You, as the importer or exporter, or a member of your immediate family, such as your spouse, parents, siblings, and children, took the wildlife from the wild and are shipping the wildlife between the United States and Canada or Mexico; and

(iii) You have not previously bought or sold the wildlife described in paragraph (k)(1)(i) of this section, and the shipment does not exceed 100 raw furs; raw, salted, or crusted hides or skins; or fur or skin parts; and

(iv) You certify on Form 3–177, Declaration for Importation or Exportation of Fish or Wildlife, that your shipment meets all the criteria in this section.

(2) You do not have to pay base inspection fees, premium inspection fees, or overtime fees if you are importing or exporting wildlife that is exempt from import/export license requirements as defined in §14.92(a) or you are importing or exporting wildlife as a government agency as defined in §14.92(b)(1)(ii).

(3) You do not have to pay base inspection fees, premium inspection fees, or overtime fees if you are importing or exporting wildlife that meets the criteria for “domesticated animals” as defined in §14.4.

(4) Fee exemption program for low-risk importations and exportations—

(i) Program criteria. Businesses that require an import/export license under §14.93 may be exempt from the designated port base inspection fee as set forth in this paragraph (k)(4)(i). To participate in this program, you, the U.S. importer or exporter, must continue to pay the overtime fees, the nondesignated port base fees, or the import/export license and nondesignated port application fees, and your business must meet all of the following conditions:

(A) Each shipment does not contain live wildlife.

(B) Each shipment does not contain wildlife that requires a permit or certificate under parts 15, 17, 18, 20, 21, 22, or 23 of this chapter or is listed under part 16 of this chapter.

(C) Each shipment contains 25 or fewer wildlife parts and products containing wildlife.

(D) Each wildlife shipment is valued at $5,000 or less.

(E) Your business has not been assessed a civil penalty, issued a violation notice, or convicted of any misdemeanor or felony violations involving the import or export of wildlife.

(F) Your business has had two or fewer wildlife shipments that were refused clearance in the 5 years prior to the receipt of your request by the Service.

(G) Your business has not previously participated in the program and been removed for failure to meet the criteria.

(ii) Program participation. To participate in the fee exemption program for low-risk importations and exportations, you must use the Service’s electronic declaration filing system (eDecs) and take the following actions:

(A) You must certify that you will exclusively import and export wildlife shipments that meet all the criteria in paragraph (k)(4)(i) of this section and renew this certification annually. Upon completion of the certification and review of the criteria by the Service, eDecs will notify you if you have been approved to participate in the program.

(B) You must continue to meet the criteria in paragraph (k)(4)(i) of this section while participating in the program. If you fail to meet the criteria after approval, you will be removed from the program and must pay all applicable fees.

(C) If approved to participate in the program you must file FWS Form 3–177 and all required accompanying documents electronically using eDecs for
each shipment and meet all other requirements of this part.

Subpart J—Standards for the Human and Healthful Transport of Wild Mammals and Birds to the United States

SOURCE: 57 FR 27108, June 17, 1992, unless otherwise noted.

§ 14.101 Purposes.

The purpose of this subpart is to prescribe requirements necessary to ensure that live wild mammals and birds shipped to the United States arrive alive, healthy, and uninjured, and that transportation of such animals occurs under humane and healthful conditions. These regulations implement section 9(d) of the Lacey Act Amendments of 1981.

§ 14.102 Definitions.

In addition to the definitions contained in part 10 of subchapter B of this chapter, in this subpart—

Ambient air temperature means the temperature of the air surrounding a primary enclosure containing a wild mammal or bird.

Auxiliary ventilation means cooling or air circulation provided by such means as vents, fans, blowers, or air conditioning.

Carrier means any person operating an airline, railroad, motor carrier, shipping line, or other enterprise engaged in the business of transporting any wild mammal or bird for any purpose including exhibition and for any person, including itself.

Communicable disease means any contagious, infectious, or transmissible disease of wild mammals or birds.

Conveyance means any vehicle, vessel, or aircraft employed to transport an animal between its origin and destination.

Do not tip means do not excessively rock or otherwise move from a vertical to a slanting position, knock over, or upset.

Handle means feed, manipulate, crate, shift, transfer, immobilize, restrain, treat, or otherwise control the movement or activities of any wild mammal or bird.

Holding area means a designated area at or within a terminal facility that has been specially prepared to provide shelter and other requirements of wild mammals or birds being transported to the United States and in which such mammals or birds are maintained prior to, during, or following such shipment.

Kept clean means maintained free from dirt, trash, refuse, excreta, remains from other cargo, and impurities of any type.

Marine mammal means an individual of a species of the orders Cetacea, Pinnipedia, or Sirenia, or a polar bear (Ursus maritimus) or sea otter (Enhydra lutris).

Noncompatible means not capable of existing together in harmony.

Nonhuman primate means any nonhuman member of the order Primates.

Normal rigors of transportation means the stress that a wild animal can be expected to experience as a result of exposure to unaccustomed surroundings, unfamiliar confinement, caging, unfamiliar sounds, motion, and other conditions commonly encountered during transport.

Primary enclosure means any structure used to restrict a mammal or bird to a limited amount of space, such as a cage, room, pen, run, stall, pool, or hutch.

Professionally accepted standards means a level of practice established as acceptable by a body of qualified persons of the veterinary medical profession.

Psychological trauma means an episode of exposure to stressful conditions resulting in significant behavioral abnormality including, but not limited to, manifestations of unaccustomed aggressiveness, self-mutilation, or refusal of food or water.

Raptor means a live migratory bird of the order Falconiformes or the order Strigiformes.

Sanitize means to make physically clean and, as far as possible, free of toxic or infectious agents injurious to the health of wild mammals or birds.

Scheduled departure time means the time listed on a timetable of departures and arrivals or, in the absence of
a timetable, the time of departure agreed to by a carrier and shipper.

Shipper means any person, other than a carrier, involved in the transport of wild animals to the United States regardless of the purpose of such transport; e.g., exporter, importer, or agent.

Terrestrial mammals means mammals other than marine mammals.

Transport means to move, convey, carry, or ship by any means, or to deliver or receive for the purpose of movement, carriage, or shipment, by air, land, or sea.

Transporting device means any vehicle or device used to transport an animal between a conveyance and a terminal facility, in and around a terminal facility of a carrier, or within a conveyance.

Unweaned means a bird or mammal incapable of feeding itself independently.

Wild means the same as fish or wildlife, as defined in §10.12 of this chapter.

§ 14.103 Prohibitions.

Unless the requirements of this subpart are fully satisfied and all other legal requirements are met, it is unlawful for any person to transport to the United States, cause to be transported to the United States, or allow to be transported to the United States any live wild mammal or bird. It shall be unlawful for any person to import, transport, or to cause or permit to be transported to the United States any wild mammal or bird under inhumane or unhealthful conditions or in violation of this subpart J.

§ 14.104 Translations.

Any certificate or document required by this subpart to accompany a mammal or bird transported to the United States and written in a foreign language must be accompanied by an accurate English translation.

§ 14.105 Consignment to carrier.

(a) No carrier shall accept any live wild mammal or bird for transport to the United States that has not been examined within 10 days prior to commencement of transport to the United States by a veterinarian certified as qualified by the national government of the initial country from which the mammal or bird is being exported. If the national government of such country does not certify veterinarians, then the veterinarian must be certified or licensed by a local government authority designated by the national government as authorized to certify veterinarians.

(b)(1) A certificate of veterinary medical inspection, signed by the examining veterinarian, stating that the animal has been examined, is healthy, appears to be free of any communicable disease, and is able to withstand the normal rigors of transport must accompany the mammal or bird; the certificate should include the veterinarian’s license number, certification number, or equivalent. A mammal in the last third of its pregnancy, if this is detectable using professionally accepted standards, shall not be accepted for transport to the United States except for medical treatment and unless the examining veterinarian certifies in writing that the animal has been examined, the state of pregnancy has been evaluated, and that, despite the medical condition requiring treatment, the animal is physically able to withstand the normal rigors of transportation to the United States.

(2) A nursing mother with young, an unweaned mammal unaccompanied by its mother, or an unweaned bird shall be transported only if the primary purpose is for needed medical treatment and upon certification in writing by the examining veterinarian that the treatment is necessary and the animal is able to withstand the normal rigors of transport. Such an unweaned mammal or bird shall be transported only if the primary purpose is for needed medical treatment and upon certification in writing by the examining veterinarian that the treatment is necessary and the animal is able to withstand the normal rigors of transport. Such an unweaned mammal or bird shall not be transported to the United States for medical treatment unless it is accompanied at all times by and completely accessible to a veterinary attendant.

(c) A sick or injured wild mammal or bird shall be permitted transport to the United States only if the primary purpose of such transport is for needed medical treatment and upon certification in writing by the examining veterinarian that the treatment is necessary and the animal is able to withstand the normal rigors of travel in its present condition. A sick or injured animal shall be accompanied at all times throughout the transport process.
§ 14.106 Primary enclosures.

No carrier shall accept for transport to the United States any live wild mammal or bird in a primary enclosure that does not conform to the following requirements:

(a) The Container Requirements of the Live Animal Regulations (LAR), 20th edition, October 1, 1993, published by the International Air Transport Association (IATA) shall be complied with by all parties transporting wild mammals or birds to the United States. The incorporation by reference of the LAR was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from IATA, 2000 Peel St., Montreal, Quebec, Canada H3A 2R4. Copies may be inspected at the U.S. Fish and Wildlife Service Headquarters (see 50 CFR 2.1(b) for address) or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

(b) A primary enclosure shall be constructed so that—

(1) The strength of the enclosure is sufficient to contain the mammal or bird and to withstand the normal effects of transport;

(2) The interior of the enclosure is free from any protrusion that could be injurious to the mammal or bird within;

(3) No part of the animal can extend or protrude outside of the primary enclosure which may result in injury to the contained animal, to nearby persons or animals, or to handlers of the primary enclosure;

(4) Access to the primary enclosure is closed and secured with an animal-proof device designed to prevent accidental opening and release of the mammal or bird;

(5) The opening of the enclosure is easily accessible for either emergency removal or inspection of the mammal or bird by authorized personnel without the risk of escape of the mammal or bird;

(6) The enclosure has sufficient openings to ensure adequate circulation of air at all times.

(7) The material of which the primary enclosure is constructed is not treated with any paint, preservative, or other chemical that is injurious or otherwise harmful to the health or well-being of mammals and birds.

(c) Unless the enclosure is permanently affixed in the conveyance or has an open top for certain large mammals, spacer bars allowing circulation of air around the enclosure shall be fitted to the exterior of its top, sides, and base. Spacer bars on an enclosure need extend no more than 6 inches (15 centimeters) from the surface of the enclosure. Within this 6 inch limit, the spacer bars on an enclosure containing one animal shall extend a distance equal to at least 10 percent of the longer dimension of the surface to which they are attached, and the spacer bars on an enclosure containing more than one animal shall extend a distance equal to at least 20 percent of the longer dimension of the surface to which they are attached. Hand-holds may serve as spacer bars for the sides of the enclosure to which they are attached. A primary enclosure constructed with one or more slanted or curved walls containing ventilation openings need not be fitted with spacer bars on such walls.

(d) An enclosure that is not permanently affixed within the conveyance shall have adequate hand-holds or other devices for lifting by hand or to facilitate lifting and carrying by machine. Such hand-holds or other devices shall be made an integral part of the enclosure, shall enable it to be lifted without excessive tipping, and shall be
designated so that the person handling the enclosure will not come in contact with the animals contained therein.

(e) An enclosure shall have a solid, leak-proof bottom or removable, leak-proof collection tray under a slatted or wire mesh floor. The slatted or wire mesh floor shall be designed and constructed so that the spaces between the slats or the holes in the mesh cannot trap the limbs of animals contained within the enclosure. An enclosure for mammals shall contain unused absorbent litter on the solid bottom or in the leak-proof tray in sufficient quantity to absorb and cover excreta. This litter shall be safe and nontoxic and shall not resemble food normally consumed by the mammals. An enclosure used to transport marine mammals in water, in a waterproof enclosure, a sling, or on foam is exempt from the requirement to contain litter. An enclosure used to transport birds shall not contain litter, unless it is specified in writing by the examining veterinarian as medically necessary.

(f) If an enclosure has been previously used to transport or store wild mammals or birds, it shall have been cleaned and sanitized in a manner that will destroy pathogenic agents and pests injurious to the health of mammals and birds before the enclosure can be re-used.

(g) An enclosure that is not permanently affixed in the conveyance shall be clearly marked in English on the outside of the top and one or more sides of the enclosure, in letters not less than 2.5 centimeters (1 inch) in height, “Live Animals” or “Wild Animals”, “Do Not Tip,” “Only Authorized Personnel May Open Container,” and other appropriate or required instructions. All enclosure sides shall also be conspicuously marked on the outside with arrows to indicate the correct upright position of the enclosure. These arrows should extend up the sides of the enclosure so that the point of the arrow is visible and clearly indicates the top of the enclosure.

(h) Food and water instructions as specified in §14.108, information regarding what constitutes obvious signs of stress in the species being transported, and information about any drugs or medication to be administered by the accompanying veterinary attendant shall be securely attached to each enclosure. Copies of shipping documents accompanying the shipment shall also be securely attached to the primary enclosure. Original documents shall be carried in the carrier’s pouch or manifest container or by the shipper’s attendant accompanying the wild mammal or bird.

(i) Any food and water troughs shall be securely attached to the interior of the enclosure in such a manner that the troughs can be filled from outside the enclosure. Any opening providing access to a trough shall be capable of being securely closed with an animal-proof device. A water trough in an enclosure containing birds shall contain a foam or sponge insert, a perforated wooden block, or other suitable device to prevent spillage or drowning.

(j) When a primary enclosure is permanently affixed within a conveyance so that its front opening is the only source of ventilation, the opening shall face the outside of the conveyance or an unobstructed aisle or passageway within the conveyance. Such an aisle or passageway shall be at least 12 inches (30 centimeters) wide. The opening in the primary enclosure shall occupy at least 90 percent of the total surface area of the front wall of the enclosure and be covered with bars or wire mesh.

§ 14.107 Conveyance.

(a) The animal cargo space of a conveyance used to transport wild mammals or birds to the United States shall be designed, constructed, and maintained so as to ensure the humane and healthful transport of the animals.

(b) The cargo space shall be constructed and maintained so as to prevent the harmful ingress of engine exhaust fumes and gases produced by the conveyance.

(c) No wild mammal or bird shall be placed in a cargo space of a conveyance that does not provide sufficient air for it to breathe normally. Primary enclosures shall be positioned in a cargo...
space in such a manner that each animal has access to sufficient air for normal breathing.

(d) The interior of an animal cargo space shall be kept clean of disease-causing agents.

(e) A wild mammal or bird shall not be transported in a cargo space that contains any material, substance, or device that may reasonably be expected to result in inhumane conditions or be injurious to the animal’s health unless all reasonable precautions are taken to prevent such conditions or injury.

§ 14.108 Food and water.

(a) No carrier shall accept any wild mammal or bird for transport to the United States unless written instructions from the shipper concerning the animal’s food and water requirements are securely affixed to the outside of its primary enclosure. Such instructions shall be consistent with professionally accepted standards of care and include specifically the quantity of water required, the amount and type of food required, and the frequency of feeding and watering necessary to ensure that the animal is transported humanely and healthfully.

(b) A mammal or bird requiring drinking water shall have uncontaminated water suitable for drinking made available to it at all times prior to commencement of transport to the United States, during intermediate stopovers, and upon arrival in the United States, or as directed by the shipper’s written instructions.

(c) A mammal or bird that obtains moisture from fruits or other food shall be provided such food prior to commencement of transport to the United States, during stopovers, and upon arrival in the United States, or as directed by the shipper’s written instructions.

(d) During a stopover or while still in the custody of the carrier after arrival in the United States, a mammal or bird in transit shall be observed no less frequently than once every four hours and given food and water according to the instructions required by §14.108(a).

(e) Suitable and sufficient food shall be made available during transport.

(f) Additional requirements for feeding and watering particular kinds of animals are found below in the specifications for the various groups.

§ 14.109 Care in transit.

(a) During transportation to the United States, including any stopovers during transport, the carrier shall visually inspect each primary enclosure not less than once every 4 hours, or in the case of air transport, every 4 hours whenever the cargo hold is accessible. During such inspections, the carrier shall verify that the ambient air temperature is within allowable limits (see §14.109(b)), that enclosures have not been damaged, that adequate ventilation is being provided, and when transport is by air, that air pressure suitable to support live animals is maintained within the cargo area (pressure equivalent to a maximum altitude of 8000 feet). During these observations the carrier shall also determine whether any animals are in obvious distress as described in documents attached to the enclosure. The absence of such a document or the absence of information as to signs of distress shall not remove this responsibility. The carrier shall attempt to correct any condition causing distress and shall consult the shipper concerning any possible need for veterinary care if no veterinary attendant is traveling with the shipment; if the shipper cannot be reached in the case of an emergency, qualified veterinary care should be provided. A veterinarian or qualified attendant traveling with the shipment shall be provided access to the animal.

(b) Unless otherwise specified in writing by the examining veterinarian the ambient air temperature in a holding area, transporting device, conveyance or terminal facility containing mammals or birds shall not be allowed to fall below 12.8 degrees C (55 degrees F) nor to exceed 26.7 degrees C (80 degrees F). Auxiliary ventilation shall be provided when the ambient air temperature is 23.9 degrees C (75 degrees F) or higher. In the case of penguins and auks, the ambient air temperature shall not be allowed to exceed 18.3 degrees C (65 degrees F) at any time, and auxiliary ventilation shall be provided...
when the ambient air temperature exceeds 15.6 degrees C (60 degrees F). In the case of polar bears and sea otters, ambient air temperature shall not be allowed to exceed 10 degrees C (50 degrees F).

§ 14.110 Terminal facilities.

(a) Any terminal facility used for wild mammal or bird transport in the country of export, stopover countries, or the United States shall contain an animal holding area or areas. No carrier or shipper shall co-mingle live animal shipments with inanimate cargo in an animal holding area.

(b) A carrier or shipper holding any wild mammal or bird in a terminal facility shall provide the following:

(1) A holding area cleaned and sanitized so as to destroy pathogenic agents, maintained so that there is no accumulation of debris or excreta, and in which vermin infestation is minimized;

(2) An effective program for the control of insects, ectoparasites, and pests of mammals or birds;

(3) Sufficient fresh air to allow the animals to breathe normally with ventilation maintained so as to minimize drafts, odors, and moisture condensation;

(4) Ambient air temperatures maintained within prescribed limits as specified in §14.109(b).

§ 14.111 Handling.

(a) Care shall be exercised to avoid handling the primary enclosure in a manner likely to cause physical or psychological trauma to the mammal or bird.

(b) A primary enclosure used to move any mammal or bird shall not be dropped, tipped excessively, or otherwise mishandled, and shall not be stacked or placed in a manner that may reasonably be expected to result in its falling or being tipped.

(c) Animals incompatible with one another shall not be crated together or held in close proximity.

(d) Transport of mammals or birds to the United States shall be accomplished by the carrier in the most expeditious manner, with the fewest stopovers possible, and without unnecessary delays.

(e) Consistent with other procedures and requirements of the carrier, live wild mammals or birds shall be last loaded and first unloaded from a conveyance.

(f) A carrier shall not allow mammals or birds to remain for extended periods of time outside a holding area and shall move them between a holding area and a conveyance as expeditiously as possible. A carrier or shipper maintaining mammals or birds in a holding area, or transporting them to or from a holding area or between a holding area and a conveyance, shall provide the following:

(1) Shelter from sunlight. When sunlight is likely to cause overheating or discomfort, sufficient shade shall be provided to protect animals from the direct rays of the sun.

(2) Shelter from precipitation. Animals shall be provided protection so that they remain dry during rain, snow, or other forms of precipitation.

(3) Shelter from cold. Animals shall be provided protection from cold. Protection shall include, but not be limited to, that provided by covering and/or heating of transporting devices, holding areas, conveyances or terminal facilities.

(4) Protection from harassment. Animals shall be protected from disturbances, including, but not limited to, harassment by humans, other animals, or machinery that makes noise, emits fumes, heat, or light, or causes vibration.

§ 14.112 Other applicable provisions.

In addition to the provisions of §§14.101–14.111, the requirements of §§14.121–14.172 applicable for particular groups of animals shall be met for all shipments of wild mammals and birds covered by this part.

SPECIFICATIONS FOR NONHUMAN PRIMATES

§ 14.121 Primary enclosures.

(a) No more than one primate shall be transported in a primary enclosure. However, a mother and her nursing young being transported to the United States for medical treatment, an established male-female pair, a family group, a pair of juvenile animals that
§ 14.122 Food and water.

(a) A nonhuman primate shall be provided water suitable for drinking within 4 hours prior to commencement of transport to the United States unless the shipper's written instructions direct otherwise. A carrier shall provide suitable drinking water to any primate at least every 12 hours after acceptance for transport to the United States, unless instructed in writing to do so more frequently by the shipper.

(b) After acceptance for transport, and unless otherwise instructed in writing by the shipper, a carrier shall provide suitable food to any nonhuman primate at least once every 12 hours.

§ 14.123 Care in transit.

(a) A primate shall be observed for signs of distress and given food and water according to the shipper's instructions during any intermediate stop that lasts more than 4 hours.

(b) Care shall be taken to keep enclosures containing primates sufficiently separated in the conveyance or holding area to minimize the risk of spread of disease from one species or shipment to another.

SPECIFICATIONS FOR MARINE MAMMALS (CETACEANS, SIRENIANS, SEA OTTERS, PINNIPEDS, AND POLAR BEARS)

§ 14.131 Primary enclosures.

(a) A primary enclosure that is not open on top shall have air inlets situated at heights that provide cross ventilation at all levels and that are located on all four sides of the enclosure. Such ventilation openings shall comprise not less than 20 percent of the total surface area of each side of the enclosure.

(b) Straps, slings, harnesses, or other such devices used for body support or restraint when transporting marine mammals such as cetaceans or sirenians shall meet the following requirements:

1. The devices shall not prevent attendants from having access to the mammal to administer care during transportation;
2. The devices shall be equipped with sufficient padding to prevent trauma or injury at points of contact with the mammal's body;
3. Slings or harnesses shall allow free movement of flippers outside of the harness or sling;
4. The devices shall be capable of preventing the mammal from thrashing about and causing injury to itself, handlers, or other persons, but shall be designed so as not to cause injury to the mammal.

(c) A primary enclosure used to transport marine mammals shall be large enough to assure the following:

1. A sea otter or polar bear has sufficient space to turn about freely with all four feet on the floor and to sit in an upright position, stand, or lie in a natural position;
§ 14.142 Primary enclosures.

(a) Except as provided in §14.106(j), ventilation openings must be located on at least two walls of a primary enclosure. When the required ventilation openings are located on two opposite walls of the primary enclosure, these ventilation openings shall comprise at least 16 percent of the total surface area of each ventilated wall. When ventilation openings are located on all four walls of the primary enclosure, the openings shall comprise at least 8 percent of the total surface area of each wall. At least one-third of the minimum area required for ventilation shall be located on the lower one-half

§ 14.132 Food and water.

A marine mammal shall not be transported for more than a period of 36 hours without being offered suitable food unless the shipper’s written instructions or the shipper’s attendant travelling with the mammal direct otherwise. After feeding, a marine mammal shall be rested for 6 hours prior to resuming transport.

§ 14.133 Care in transit.

(a) Any marine mammal shall be accompanied, in the same conveyance, by the shipper or an authorized representative of the shipper knowledgeable in marine mammal care to provide for the animal’s health and well-being. The shipper or representative shall observe such marine mammals to determine whether or not they need veterinary care and shall provide or obtain any needed veterinary care as soon as possible. Care during transport shall include the following (on a species-specific basis):

(1) Keeping the skin moist or preventing the drying of the skin by such methods as covering with wet cloths, spraying it with water or applying a nontoxic emollient;

(2) Assuring that the pectoral flippers (when applicable) are allowed freedom of movement at all times;

(3) Making adjustments in the position of the mammal when necessary to prevent necrosis of the skin at weight pressure points; and

(4) Calming the mammal to prevent struggling, thrashing, and other activity that may cause overheating or physical trauma.

(b) Unless otherwise directed by a shipper or authorized representative, at least one-half of the floor area in a primary enclosure used to transport sea otters to the United States shall contain sufficient crushed ice or ice water to provide each otter with moisture necessary to maintain its hair coat by preventing it from drying and to minimize soiling of the hair coat with urine and fecal material.

(c) A marine mammal exhibiting excited or otherwise dangerous behavior shall not be taken from its primary enclosure except under extreme emergency conditions and then only by the shipper or other authorized individual who is capable of handling the animal safely.

SPECIFICATIONS FOR ELEPHANTS AND UNGULATES

§ 14.141 Consignment to carrier.

Species that grow antlers shall not be accepted for transport unless the antlers have been shed or surgically removed.

§ 14.142 Primary enclosures.

(a) Except as provided in §14.106(j), ventilation openings must be located on at least two walls of a primary enclosure. When the required ventilation openings are located on two opposite walls of the primary enclosure, these ventilation openings shall comprise at least 16 percent of the total surface area of each ventilated wall. When ventilation openings are located on all four walls of the primary enclosure, the openings shall comprise at least 8 percent of the total surface area of each wall. At least one-third of the minimum area required for ventilation shall be located on the lower one-half.
§ 14.151

(a) Except as provided in §14.106(j), ventilation openings must be located on at least two walls of a primary enclosure. When the required ventilation openings are located on two opposite walls of the primary enclosure, these ventilation openings shall comprise at least 16 percent of the total surface area of the ventilated wall. When ventilation openings are located on all four walls, the openings shall comprise at least 8 percent of the total surface area of each wall. At least one-third of the total minimum area required for ventilation of the primary enclosure shall be located on the upper one-half of the primary enclosure.

(b) No more than one elephant or ungulate shall be transported in a primary enclosure, except that: a mother and nursing young may be shipped in the same primary enclosure if the shipment complies with the provisions of §14.105(b); in the case of land or sea transport, a pair of juvenile elephants or ungulates or other pairs that have been habitually housed together may be shipped in the same primary enclosure.

(c) A primary enclosure used to transport an elephant or ungulate shall be large enough to allow the animal to lie or stand in a natural upright position with the head extended, but not large enough for the animal to roll over.

(d) A primary enclosure used to transport an elephant or ungulate with horns or tusks shall be designed and constructed to prevent the horns or tusks from becoming trapped or injuring the animal itself, other animals nearby, attendants, or cargo handlers.

(e) A primary enclosure for an elephant or ungulate shall be equipped with a removable water trough that can be securely hung within the enclosure above the floor and can be filled from outside the enclosure.

SPECIFICATIONS FOR SLOTHS, BATS, AND FLYING LEMURS (CYNOCÉPHALIDAE)

§ 14.151

(a) Except as provided in §14.106(j), ventilation openings must be located on at least two walls of a primary enclosure. When the required ventilation openings are located on two opposite walls of the primary enclosure, these ventilation openings shall comprise at least 16 percent of the total surface area of each ventilated wall. When openings are located on all four walls of the enclosure, the openings shall comprise at least 8 percent of the total surface area of each wall. At least one-third of the total minimum area required for ventilation shall be located on the lower one-half of the enclosure, and at least one-third of the total minimum area required for ventilation shall be located on the upper one-half of the enclosure.

(b) No more than one sloth, bat, or flying lemur (Cynocephalidae) shall be transported in a primary enclosure. However, a mother and her nursing young being transported for medical reasons, an established male-female pair, a family group, a pair of juvenile animals that have not reached puberty, or other small groups of animals that may have been habitually housed together may be shipped in the same primary enclosure.

(c) A primary enclosure used to transport sloths, bats, or flying lemurs (Cynocephalidae) shall be large enough to ensure that each animal has sufficient space to move freely and in a normal manner and shall have a wide perch, bar, or mesh of suitable strength fitted under the top of the enclosure and spaced from it in such a way that the animals may hang from it freely in a natural position.

SPECIFICATIONS FOR OTHER TERRESTRIAL MAMMALS

§ 14.161

(a) Except as provided in §14.106(j), ventilation openings must be located on at least two walls of a primary enclosure. When the required ventilation openings are located on two opposite walls of the primary enclosure, these ventilation openings shall comprise at least 16 percent of the total surface area of each ventilated wall. When openings are located on all four walls of the enclosure, the openings shall comprise at least 8 percent of the total surface area of each wall. At least one-third of the total minimum area required for ventilation shall be located on the lower one-half of the enclosure, and at least one-third of the total minimum area required for ventilation shall be located on the upper one-half of the enclosure.

(b) No more than one terrestrial mammal (other than rodents) shall be transported in a primary enclosure. However, a mother and her nursing young may be shipped in the same primary enclosure. However, a mother and her nursing young may be shipped in the same primary enclosure if the shipment complies with the provisions of §14.106(b).

(c) More than one rodent may be transported in the same primary enclosure if they are members of the same species.
§ 14.172 Primary enclosures.

(a) A primary enclosure for birds shall have ventilation openings on two vertical sides that comprise at least 16 percent of the surface area of each side and are positioned so as to decrease the likelihood of creating a draft.

(b) Perches shall be provided for birds that rest by perching. The diameter of the perch shall be sufficient to permit the birds to maintain a firm, comfortable grip. Perches shall be placed so that droppings do not fall into food or water troughs or onto other perched birds. There shall be enough head room to allow the birds to move onto and off the perches without touching the top of the enclosure.

(c) An enclosure used to transport one or more birds that rest by perching shall be large enough to ensure that sufficient perch space is available for all birds to perch comfortably at the same time. No more than 50 birds that rest by perching shall be transported in one primary enclosure, with the exception of large birds (longer than 23 cm, or 9 inches), which are limited to a maximum of 25 per primary enclosure.

(d) A primary enclosure used to transport a raptorial bird shall be large enough to transport the bird comfortably and to permit it to turn around without stretching its wings to the fullest extent. Only one raptorial bird shall be contained in a primary enclosure.

(e) A primary enclosure containing nonraptorial birds that do not rest by perching shall be large enough for the birds to turn around, to lie down, to stand erect, and to change posture in a normal manner.

(f) Nectar-feeding birds shall either be transported in a primary enclosure equipped with feeding bottles accessible from outside the enclosure for replenishment or hand-carried and fed in accordance with the written instructions of the shipper.

(g) Birds transported in the same primary enclosure shall be of the same species and be compatible with one another. Birds that are incompatible shall be placed in individual primary enclosures.

§ 14.171 Consignment to carrier.

(a) A personally owned pet bird originally transported from the United States and being returned to this country with its original United States certificate of veterinary inspection within 60 days of departure may be accepted by a carrier without a new veterinary examination.

(b) No carrier shall accept for transport to the United States any bird that was captured in the wild unless a qualified veterinarian, authorized by the national government of the country from which the bird is being exported, certifies that the bird has been held in captivity for at least 14 days.

Density Guidelines for Rodents

<table>
<thead>
<tr>
<th>Max. No.</th>
<th>Space/Animal Ht. of Box</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>cm²</td>
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<tr>
<td>wt. in grams of rodent:</td>
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<tr>
<td>220 or less</td>
<td>20</td>
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<tr>
<td>220–450</td>
<td>12</td>
</tr>
<tr>
<td>450–1000</td>
<td>6</td>
</tr>
<tr>
<td>1,000–5,000</td>
<td>2</td>
</tr>
</tbody>
</table>

(d) A primary enclosure used to transport terrestrial mammals shall be large enough to ensure that each animal has sufficient space to turn around freely in a normal manner. The height of the primary enclosure shall provide adequate space for the animal to stand upright in a normal posture with space above its head. The length of the primary enclosure shall be great enough to enable the animal to lie in a full prone position.
enclosures and these enclosures shall not be stored or transported in visual proximity to one another.

Subpart K—Captive Wildlife Safety Act

SOURCE: 72 FR 45946, Aug. 16, 2007, unless otherwise noted.

§ 14.250 What is the purpose of these regulations?


§ 14.251 What other regulations may apply?

The provisions of this subpart are in addition to, and are not in place of, other regulations of this subchapter B that may require a permit or describe additional restrictions or conditions for the importation, exportation, transportation, sale, receipt, acquisition, or purchase of wildlife in interstate or foreign commerce.

§ 14.252 What definitions do I need to know?

In addition to the definitions contained in part 10 of this subchapter, and unless the context otherwise requires, in this subpart:

Accredited wildlife sanctuary means a facility that cares for live specimens of one or more of the prohibited wildlife species and:

1. Is approved by the United States Internal Revenue Service as a corporation that cares for live specimens of one or more of the prohibited wildlife species and:
   a. Is approved by the United States Internal Revenue Service as a corporation that is exempt from taxation under §501(a) of the Internal Revenue Code of 1986, which is described in §§501(c)(3) and 170(b)(1)(A)(vi) of that code;
   b. Does not commercially trade in prohibited wildlife species, including offspring, parts, and products;
   c. Does not propagate any of the prohibited wildlife species; and
   d. Does not allow any direct contact between the public and the prohibited wildlife species.

Direct contact means any situation in which any individual other than an authorized keeper or caregiver may potentially touch or otherwise come into physical contact with any live specimen of the prohibited wildlife species.

Licensed person means any individual, facility, agency, or other entity that holds a valid license from and is inspected by the U.S. Department of Agriculture’s Animal and Plant Health Inspection Service (APHIS) under the Animal Welfare Act (AWA) (7 U.S.C. 2131 et seq.) (See definition of “licensee” in 9 CFR 1.1.).

Prohibited wildlife species means a specimen of any of the following eight species: Lion (Panthera leo), tiger (Panthera tigris), leopard (Panthera pardus), snow leopard (Uncia uncia), clouded leopard (Neofelis nebulosa), jaguar (Panthera onca), cheetah (Acinonyx jubatus), and cougar (Puma concolor) or any hybrids resulting from the breeding of any combination of any of these species, for example, a liger (a male lion and a female tiger) or a tiglon (a male tiger and a female lion), whether naturally or artificially produced.

Propagate means to allow or facilitate the production of offspring of any of the prohibited wildlife species, by any means.

Registered person means any individual, facility, agency, or other entity that is registered with and inspected by APHIS under the AWA (See definition of “registrant” in 9 CFR 1.1.).

§ 14.253 What are the restrictions contained in these regulations?

Except as provided in §14.255, it is unlawful for any person to import, export, transport, sell, receive, acquire, or purchase, in interstate or foreign commerce, any live prohibited wildlife species.

§ 14.254 What are the requirements contained in these regulations?

In order to qualify for the exemption in §14.255, an accredited wildlife sanctuary must maintain complete and accurate records of any possession, transportation, acquisition, disposition, importation, or exportation of the prohibited wildlife species covered by the CWSA. These records must be up to date, and must include the names and addresses of persons to or from whom any prohibited wildlife species has been
acquired, imported, exported, purchased, sold, or otherwise transferred; and the dates of these transactions. The accredited wildlife sanctuary must maintain these records for 5 years, must make these records available to Service officials for inspection at reasonable hours, and must copy these records for Service officials, if requested. In addition, by declaring itself to be accredited under this subpart, a wildlife sanctuary agrees to allow access to its facilities and its prohibited wildlife specimens by Service officials at reasonable hours.

§ 14.255 Are there any exemptions to the restrictions contained in these regulations?

The prohibitions of §14.253 do not apply to:

(a) A licensed person or registered person;
(b) A State college, university, or agency;
(c) A State-licensed wildlife rehabilitator;
(d) A State-licensed veterinarian;
(e) An accredited wildlife sanctuary; or
(f) A person who:
   (1) Can produce documentation showing that he or she is transporting live prohibited wildlife species between persons who are exempt from the prohibitions in §14.253; and
   (2) Has no financial interest in the prohibited wildlife species other than payment received for transporting them.
§ 15.3 Definitions.

In addition to the definitions contained in parts 10 and 23 of this subchapter B, and unless the context requires otherwise, in this part:

Documentation means a description of how scientific information was collected, including the methodologies used; names and institutions of individuals conducting the work; dates and locations of any study; and any published results or reports from the work.

Exotic bird means any live or dead member of the Class Aves that is not indigenous to the 50 States or the District of Columbia, including any egg or offspring thereof, but does not include domestic poultry, dead sport-hunted birds, dead museum specimens, dead scientific specimens, products manufactured from such birds, or birds in any of the following families: Phasianidae, Numididae, Cracidae, Meleagrididae, Anatidae, Struthionidae, Rhelidae, Dromaiinaceae, and Gruidae.

Indigenous means a species that is naturally occurring, not introduced as a result of human activity, and that currently regularly inhabits or breeds in the 50 States or the District of Columbia.

Life cycle means the annual processes involved with breeding, migration, and all other non-breeding activities.

Person means an individual, corporation, partnership, trust, association, or any other private entity; or any officer, employee, agent, department, or instrumentality of the Federal Government, of any State, municipality, or political subdivision of a State, or of any foreign government; any State, municipality, or political subdivision of a State; or any other entity subject to the jurisdiction of the United States.

Species means any species, any subspecies, or any district population segment of a species or subspecies, and includes hybrids of any species or subspecies. Hybrids will be treated according to the more restrictive appendix or category in which either parental species is listed.

Status means a qualitative measure of the vulnerability to extinction or extirpation of a population at a given time (e.g., endangered, threatened, vulnerable, non-threatened, or insufficiently known).

Sustainable use means the use of a species in a manner and at a level such that populations of the species are maintained at biologically viable levels for the long term and involves a determination of the productive capacity of the species and its ecosystem, in order to ensure that utilization does not exceed those capacities or the ability of the population to reproduce, maintain itself and perform its role or function in its ecosystem.

Trend means a long-term assessment of any change in the absolute or relative size of a species’ population or habitat over time (e.g., increasing, decreasing, at equilibrium, insufficiently known).

United States means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.


§ 15.4 Information collection requirements.

(a) The Office of Management and Budget approved the information collection requirements contained in this part 15 under 44 U.S.C. 3507 and assigned OMB Control Number 1018–0093. The Service may not conduct or sponsor, and you are not required to respond, to a collection of information unless it displays a currently valid OMB control number. We are collecting this information to provide information necessary to evaluate permit applications. We will use this information to review permit applications and make decisions, according to criteria established in various Federal wildlife conservation statutes and regulations, on the issuance, suspension, revocation, or denial of permits. You must respond to obtain or retain a permit.
§ 15.21 General application procedures.

(a) The Director may issue a permit authorizing the importation of exotic birds otherwise prohibited by §15.11, in accordance with the issuance criteria of this subpart, for the following purposes only: Scientific research; zoological breeding or display programs; cooperative breeding programs designed to promote the conservation and maintenance of the species in the wild; or personally owned pets accompanying persons returning to the United States after being out of the country for more than 1 year.

(b) Additional requirements as indicated in parts 13, 14, 17, 21, and 23 of this subchapter must also be met.

Subpart B—Prohibitions and Requirements

§ 15.11 Prohibitions.

(a) Except as provided under a permit issued pursuant to subpart C of this part, it is unlawful for any person subject to the jurisdiction of the United States to commit, attempt to commit, to solicit another to commit, or to cause to be committed, any of the acts described in paragraphs (b) through (f) of this section in regard to any exotic bird.

(b) It is unlawful to import into the United States any exotic bird species listed in the Appendices to the Convention that is not included in the approved list of species, pursuant to subpart D of this part, except that this paragraph (b) does not apply to any exotic bird that was bred in a foreign breeding facility listed as qualifying pursuant to subpart E of this part.

(c) It is unlawful to import into the United States any exotic bird species not listed in the Appendices to the Convention that is not included in the approved list of species, pursuant to subpart D of this part.

(d) It is unlawful to import into the United States any exotic bird species from any country included in the prohibited country list, pursuant to subpart F of this part.

(e) It is unlawful to import into the United States any exotic bird species from a qualifying facility breeding exotic birds in captivity, listed pursuant to subpart E of this part, if the exotic bird was not captive-bred at the listed facility.

(f) It is unlawful for any person subject to the jurisdiction of the United States to engage in any activity with an exotic bird imported under a permit issued pursuant to this part that violates a condition of said permit.

§ 15.22 Permits for scientific research.

(a) Application requirements for permits for scientific research. Each application shall provide the following information and such other information that the Director may require:

(1) A description of the exotic bird(s) to be imported, including:
   (i) The common and scientific names of the species, number, age or age class, and, when known, sex; and
   (ii) A statement as to whether, at the time of the application, the exotic bird is still in the wild, has already been removed from the wild, or was bred in captivity;

(2) If the exotic bird is in the wild or was taken from the wild, include:
   (i) The country and region where the removal will occur or occurred;
   (ii) A description of the status of the species in the region of removal; and
   (iii) A copy of any foreign collecting permit or authorizing letter, if applicable;

(3) If the exotic bird was bred in captivity, include:
   (i) Documents or other evidence that the bird was bred in captivity, including the name and address of the breeder, and when known, hatch date and identity of the parental birds; and
   (ii) If the applicant is not the breeder, documentation showing the bird was acquired from a breeder and a history of multiple transactions, if applicable:

(4) A statement of the reasons the applicant is justified in obtaining a permit, and a complete description of the scientific research to be conducted on the exotic bird requested, including:

   (i) Formal research protocol with timetable;
   (ii) The relationship of such research to the conservation of the species in the wild;
   (iii) A discussion of possible alternatives and efforts to obtain birds from other sources; and
   (iv) Plans for disposition of the exotic birds and any progeny upon completion of the research project;

   (5) Qualifications of the scientific personnel conducting the proposed research, including applicable experience and a description of relevant past research conducted;

   (6) A description of the care and maintenance of the exotic bird, and how the facility meets professionally recognized standards, including:

      (i) The name and address of the facility where the exotic bird will be maintained;
      (ii) Dimensions of existing enclosures for the birds to be imported and number of birds to be housed in each; and
      (iii) Husbandry practices.

(b) Issuance criteria. Upon receiving an application completed in accordance with paragraph (a) of this subpart, the Director will decide whether or not a permit should be issued. In making this decision, the Director shall consider, in addition to the general criteria in part 13 of this subchapter, the following factors:

   (1) Whether the purpose of the scientific research is adequate to justify removing the exotic bird from the wild or otherwise changing its status;
   (2) Whether the proposed import would be detrimental to the survival of the exotic bird species in the wild, including whether the exotic bird was bred in captivity or was (or will be) taken from the wild, taking into consideration the conservation status of the species in the wild;
   (3) Whether the permit, if issued, would conflict with any known program intended to enhance the survival of the population from which the exotic bird was or would be removed;
   (4) Whether the research for which the permit is required has scientific merit;
   (5) Whether the expertise, facilities, or other resources available to the applicant appear adequate for proper care.
§ 15.23 Permits for zoological breeding or display programs.

(a) Application requirements for permits for zoological breeding or display programs. Each application shall provide the following information and such other information that the Director may require:

(1) A description of the exotic bird(s) to be imported, including:
   (i) The common and scientific names of the species, number, age or age class, and, when known, sex; and
   (ii) A statement as to whether, at the time of the application, the exotic bird is still in the wild, has already been removed from the wild, or was bred in captivity;

(2) If the exotic bird is in the wild or was taken from the wild include:
   (i) The country and region where the removal will occur or occurred;
   (ii) A description of the status of the species in the region of removal; and
   (iii) A copy of any foreign collecting permit or authorizing letter, if applicable;

(3) If the exotic bird was bred in captivity, include:
   (i) Documents or other evidence that the bird was bred in captivity, including the name and address of the breeder, and when known, identity of the parental birds, and hatch date; and
   (ii) If the applicant is not the breeder, documentation showing the bird was acquired from a breeder and a history of multiple transactions, if applicable;

(4) A statement of the reasons the applicant is justified in obtaining a permit, and a complete description of the breeding or display program to be conducted with the exotic bird requested, including:
   (i) A breeding or education protocol that provides information on educational materials on the ecology and/or conservation status of the species provided to the general public;
   (ii) Plans, if any, for developing or maintaining a self-sustaining population of the exotic bird species in captivity;
   (iii) A statement on efforts to obtain birds from alternative sources or sources within the United States;
   (iv) The relationship of such a breeding or display program to the conservation of the species in the wild; and
   (v) Plans for disposition of the exotic birds and any progeny;

(b) Issuance criteria. Upon receiving an application completed in accordance with paragraph (a) of this section, the Director will decide whether or not a permit should be issued. In making this decision, the Director shall consider, in addition to the general criteria in part 13 of this subchapter, the following factors:

(1) Whether the zoological breeding or display program is adequate to justify removing the exotic bird from the wild or otherwise changing its status;
(2) Whether the proposed import would be detrimental to the survival of the exotic bird species in the wild, including whether the exotic bird was...
§ 15.24 Permits for cooperative breeding.

(a) Application requirements for permits for cooperative breeding. Each application shall provide the following information and such other information that the Director may require:

(1) A description of the exotic bird(s) to be imported, including:

(i) The common and scientific names of the species, number, age or age class, and, when known, sex; and

(ii) A statement as to whether, at the time of the application, the exotic bird is still in the wild, has already been removed from the wild, or was bred in captivity;

(2) If the exotic bird is still in the wild or was taken from the wild include:

(i) The country and region where the removal will occur or occurred;

(ii) A description of the status of the species in the region of removal; and

(iii) A copy of any foreign collecting permit or authorizing letter, if applicable;

(3) If the exotic bird was bred in captivity, include:

(i) Documents or other evidence that the bird was bred in captivity, including the name and address of the breeder, when known, the identity of the parental birds and hatch date; and

(ii) If the applicant is not the breeder, documentation showing the bird was acquired from the breeder and a history of multiple transactions, if applicable;

(4) A statement of the reasons the applicant is justified in obtaining a permit, and a statement detailing the applicant’s participation in a cooperative breeding program approved under section 15.26 of this chapter, including:

(i) Copies of any signed agreements or protocols with the monitoring avicultural, conservation, or zoological organization overseeing the program; and

(ii) Applicable records of the cooperative breeding program of any other birds imported, their progeny, and their disposition;

(5) A complete description of the relationship of the exotic bird to the approved cooperative breeding program, including:

(i) A statement of the role of the exotic bird in a breeding protocol;

(ii) A plan for maintaining a self-sustaining captive population of the exotic bird species;

(iii) Details on recordkeeping; and

(iv) Plans for disposition of the exotic birds and any progeny produced during the course of this program.

(6) A statement outlining the applicant’s attempts to obtain the exotic bird in a manner that would not cause its removal from the wild, and attempts to obtain the specimens of the exotic bird species from stock available in the United States;

(7) A description of the care and maintenance of the exotic bird, and how the facility meets professionally recognized standards, including:

(i) The name and address of the facility where the exotic bird will be maintained;

(ii) Dimensions of existing enclosures for birds to be imported and number of birds to be housed in each; and

(iii) Husbandry practices;
§ 15.25 Permits for personal pets.

(a) Application requirements for personal pets not intended for sale. No individual may import more than two exotic birds as pets in any year. Each application shall provide the following information and such other information that the Director may require:

(1) A description of the exotic bird to be imported, including:

(i) The common and scientific names, number, age, and, when known, sex;

(ii) A band number, house name, or any other unique identifying feature; and

(iii) A statement as to whether the exotic bird was bred in captivity or taken from the wild;

(2) A statement of the reasons the applicant is justified in obtaining a permit;

(3) Documentation showing that the applicant has continually resided outside of the United States for a minimum of one year;

(4) A statement of the number of exotic birds imported during the previous 12 months as personal pets by the applicant;

(5) Information on the origin of the exotic bird, including:

(i) Country of origin; and

(ii) A description and documentation of how the exotic bird was acquired, including a copy of any Convention permit under which the bird was re-exported or exported. If there is no such permit, a sales receipt or signed statement from seller with name and address of seller, date of sale, species, and other identifying information on the bird or signed breeder’s certificate or statement with name and address of breeder, date of sale or transfer, species and hatch date.

(b) Issuance criteria. Upon receiving an application completed in accordance with paragraph (a) of this section, the Director will decide whether or not a permit should be issued. In making this decision, the Director shall consider, in addition to the general criteria in part 13 of this subchapter, the following factors:

(1) Whether the proposed import would be detrimental to the survival of the exotic bird species in the wild;

(2) Whether the exotic bird to be imported is a personal pet owned by the applicant;

(c) Permit conditions. In addition to the general conditions set forth in part 13 of this subchapter, every permit issued under this section shall be subject to special conditions as the Director may deem appropriate.

(d) Duration of permits. The duration of the import permits issued under this section shall be designated on the face of the permit, but in no case will these permits be valid for longer than one year.
applicant, who has continuously resided outside the United States for a minimum of one year, and who has no intention to sell the bird; and

(3) Whether the number of exotic birds imported in the previous 12 months by the applicant does not exceed two.

(c) Permit conditions. In addition to the general conditions set forth in part 13 of this subchapter, every permit issued under this section shall be subject to special conditions that no individual may import more than two exotic birds as personal pets in any year, the exotic birds cannot be sold after importation into the United States, and any other conditions as the Director may deem appropriate.

(d) Duration of permits. The duration of the import permits issued under this section shall be designated on the face of the permit.

§ 15.26 Approval of cooperative breeding programs.

Upon receipt of a complete application, the Director may approve cooperative breeding programs. Such approval will allow individuals to import exotic birds otherwise prohibited by section 15.11, with permits under section 15.24. Such approval for cooperative breeding programs shall be granted in accordance with the issuance criteria of this section.

(a) Application requirements for approval of cooperative breeding programs. Each application shall provide the following information and such other information that the Director may require:

(1) A description of the exotic bird(s) to be imported or to be covered under the program, including the common and scientific names of the species, number, sex ratio (if applicable), and age class;

(2) A statement of the reasons the applicant is justified in obtaining this approval, and a description of the cooperative breeding program requested for the exotic bird species, including:

(i) A breeding protocol, including a genetic management plan and breeding methods;

(ii) A statement on the plans for developing and maintaining a self-sustaining population in captivity of the exotic bird species;

(iii) Details on the system of record-keeping and tracking of birds and their progeny, including how individual specimens will be marked or otherwise identified;

(iv) A statement on the relationship of such a breeding program to the conservation of the exotic bird species in the world;

(v) Details on the funding of this program; and

(vi) Plans for disposition of the exotic birds and any progeny;

(3) A qualification statement for each individual who will be overseeing the cooperative breeding program. This statement should include information on the individual’s prior experience with the same or similar bird species. Individuals overseeing the program will be required to demonstrate an affiliation with an avicultural, conservation, or zoological organization;

(4) A statement of the oversight of the program by the avicultural, zoological, or conservation organization, including their monitoring of participation in the program, criteria for acceptance of individuals into the program, and the relationship of the cooperative breeding program to enhancing the propagation and survival of the species; and

(5) A history of the cooperative breeding program, including an annual report for the last 3 years (if applicable), mortality records, breeding records, and a studbook if one has been developed for the species.

(b) Issuance criteria. Upon receiving an application completed in accordance with paragraph (a) of this section, the Director will decide whether or not a cooperative breeding program should be approved. In making this decision, the Director shall consider, in addition to the general criteria in part 13 of this subchapter, the following factors:

(1) Whether the cooperative breeding program for which the approval is requested is adequate to justify removing the exotic bird from the wild or otherwise changing its status;

(2) Whether the granting of this approval would be detrimental to the survival of the exotic bird species in the wild, including whether the exotic
birds were bred in captivity or will be taken from the wild, taking into consideration the conservation status of the species in the wild;

(3) Whether the granting of this approval would conflict with any known program intended to enhance the survival of the population from which the exotic bird species was or would be removed;

(4) Whether the cooperative breeding program for which the permit is requested would be likely to enhance or promote the conservation of the exotic bird species in the wild or result in a self-sustaining population of the exotic bird species in captivity; and

(5) Whether the expertise or other resources available to the program appear adequate to successfully accomplish the objectives stated in the application.

(c) Publication in the Federal Register. The Director shall publish notice in the Federal Register of each application submitted under §15.26(a). Each notice shall invite the submission from interested parties of written data, views, or arguments with respect to the application. The Director shall publish periodically a notice as appropriate in the Federal Register of the list of approved cooperative breeding programs.

(d) Approval conditions. In addition to the general conditions set forth in part 13 of this subchapter, every approval issued under this paragraph shall be subject to the special condition that the cooperative breeding program shall maintain records of all birds imported under permits issued under this subpart and their progeny, including their sale or transfer, death, or escape, and breeding success. These records shall be made available to the Service on request and when renewing an approval.

(e) Duration of approval. Cooperative breeding programs shall be approved for two years, at which time applicants may apply to the Service for renewal of a program’s approval. Applications for renewal of approval shall comply with the general conditions set forth in part 13 of this subchapter.
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plans shall include the following information, and any other information that may be appropriate:

(1) Background information, including the following:

(i) The scientific and common name of the species;

(ii) Letters from the country of export’s Management and Scientific Authorities transmitting the management plan of this species;

(iii) A summary of the country of export’s legislation related to this species and legislation implementing the Convention, and, where appropriate, a summary of implementing regulations;

(iv) A summary, from the country of export’s Management Authority, of the country’s infrastructure and law enforcement and monitoring mechanisms designed to ensure both enforcement of and compliance with the requirements of the management plan, and that the number of birds removed from the wild or exported will be consistent with the management plan;

(v) Recent information on the distribution of the species within the country of export, including scientific references and maps, and historical information on distributions, if relevant; and

(vi) The species’ status and its current population trend in the country of export, including scientific references and copies of the most recent non-detritum findings made by the exporting country’s Scientific Authority.

(2) Habitat information, including:

(i) A general description of habitats used by the species for each portion of the life cycle completed within the country of export;

(ii) Recent information on the size and distribution of these habitats throughout the country of export and in each area or region of take, including scientific references and maps. The approximate location of any reserves that provide protection for this species should be indicated on the accompanying map(s), along with a brief description of how reserves are protected and how that protection is enforced;

(iii) Status and trends of the important habitats used by the species in the country of export as a whole whenever available and within each area or region of take, including scientific references;

(iv) Factors, including management activities, favoring or threatening the species’ habitat in the foreseeable future within each area or region of take, and throughout the country of export whenever available, including scientific references; and

(v) A list of management plans that have been or are being planned, developed, or implemented for the species’ important habitats, if any.

(3) Information on the role of the species in its ecosystem, including:

(i) A description of the part(s) of the species’ life cycle completed within the country of export;

(ii) A description of nest sites and/or plant communities that are most frequently used for placement of nests and, if applicable, nesting habits;

(iii) A general description of the species’ diet and where the species forages (aerial feeder, tree canopy, tree trunk, midstory, understory, open water or other), and seasonal changes in foraging habits, including, when available, scientific references; and

(iv) Information on any species or plant community which is dependent on the occurrence of the exotic bird species.

(4) Population dynamics of the species, including:

(i) Recent population data for the population of the species in the country of export, as derived from indices of relative abundance or population estimates, along with documentation for each estimate;

(ii) Within each area or region of take, documentation for recent population data or estimates, conducted for at least 3 separate years or 1 year with a description of survey plans for future years. These population assessments should have been conducted during the same season (breeding or non-breeding) of each year for which documentation is submitted (i.e., be methodologically comparable—both temporally and spatially);

(iii) Within each area or region of take, a scientific assessment (with documentation) of recent reproductive (nesting) success. This assessment should include information on the...
number of young produced per egg-laying female per year or per nesting pair, or if scientifically appropriate for the species to be exported, estimates on the number of young produced per year from pre-breeding and post-breeding surveys conducted within the same annual cycle:

(iv) Within each area or region of take, estimation (with documentation) of annual mortality or loss including natural mortality and take for subsistence use, export trade, and domestic trade in each area of take; or

(v) When appropriate, information (with documentation) on the number of young which can be taken from the area, as a result of a conservation enhancement program.

(5) Determination of biologically sustainable use:

(i) Estimation of the number exported from the country during the past 2 years, and the number of birds removed from the wild for export, domestic trade, illegal trade, subsistence use, and other purposes (specify) for the country of export during the past 2 years;

(ii) The estimated number of birds that will be removed from the wild from each area of take each year for all purposes (export trade, domestic trade, illegal trade, and subsistence use), including a description of age-classes (nestlings, fledglings, sub-adults, adults, all classes), when applicable;

(iii) For the projected take addressed in the management plan, a description of the removal process, including, but not limited to feeding and care during transport, densities of birds in shipping enclosures, and estimated consignment sizes.

(iv) Documentation of how each projected level of take was determined;

(v) Explanation of infrastructure and law enforcement and monitoring mechanisms that ensure compliance with the methodology in the management plan and that the species will be removed at a level that ensures sustainable use; and

(vi) Description of how species in each area or region of take will be monitored in order to determine whether the number and age classes of birds taken is sustainable.

(6)(i) For species that are considered “pests” in the country of origin: documentation that such a species is a pest, including a description of the type of pest,—e.g., agricultural, disease carrier; a description of the damage the pest species causes to its ecosystem; and a description of how the sustainable use management plan controls population levels of the pest species.

(ii) For non-pest species: A description of how the sustainable use management plan promotes the value of the species and its habitats. Incentives for conservation may be generated by environmental education, cooperative efforts or projects, development of cooperative management units, and/or activities involving local communities.

(7) Additional factors:

(i) Description of any existing enhancement activities developed for the species, including, but not limited to, annual banding programs, nest watching/guarding, and nest improvement; and

(ii) Description, including photographs or diagrams, of the shipping methods and enclosures proposed to be used to transport the exotic birds, including but not limited to feeding and care during transport, densities of birds in shipping enclosures, and estimated consignment sizes.

(b) Approval criteria. Upon receiving a sustainable use management plan in 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 this and similar species, including recommendations of permanent committees of the Convention; and
§ 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 prohibited by section 15.11. The species are grouped taxonomically by order.

<table>
<thead>
<tr>
<th>Order Falconiformes:</th>
<th>Common name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Buteo buteo</td>
<td>Common European buzzard.</td>
</tr>
<tr>
<td>Order Columbiformes:</td>
<td>Rock dove.</td>
</tr>
<tr>
<td>Columba livia</td>
<td></td>
</tr>
<tr>
<td>Order Psittaciformes:</td>
<td>Masked lovebird.</td>
</tr>
<tr>
<td>Agapornis personata</td>
<td>Peach-faced lovebird.</td>
</tr>
<tr>
<td>Agapornis roseicollis</td>
<td>Jendaya conure.</td>
</tr>
<tr>
<td>Aratinga jandaya</td>
<td>Maltese ringneck parrot.</td>
</tr>
<tr>
<td>Barnardius barnardi</td>
<td>Lineolated parakeet (blue form).</td>
</tr>
<tr>
<td>Bolborhynchus lineola (blue form)</td>
<td></td>
</tr>
<tr>
<td>Species</td>
<td>Common name</td>
</tr>
<tr>
<td>---------</td>
<td>-------------</td>
</tr>
<tr>
<td>Polytelis alexandrae</td>
<td>Princess parrot.</td>
</tr>
<tr>
<td>Polytelis anthus</td>
<td>Regent parrot.</td>
</tr>
<tr>
<td>Psephotus chrysopterygius</td>
<td>Golden-shouldered parakeet.</td>
</tr>
<tr>
<td>Psephotus haematonotus</td>
<td>Red-rumped parakeet.</td>
</tr>
<tr>
<td>Psephotus varius</td>
<td>Mulga parakeet.</td>
</tr>
<tr>
<td>Psittacula krameri manillensis</td>
<td>Indian ringneck parakeet.</td>
</tr>
<tr>
<td>Psephotus varius</td>
<td>Red-capped parrot.</td>
</tr>
<tr>
<td>Trichoglossus chlorolepidotus</td>
<td>Scaly-breasted lorikeet.</td>
</tr>
<tr>
<td>Aegintha temporalis</td>
<td>Red-browed Finch.</td>
</tr>
<tr>
<td>Aidemosyne modesta</td>
<td>Cherry Finch.</td>
</tr>
<tr>
<td>Chloris gouldiae</td>
<td>Gouldian finch.</td>
</tr>
<tr>
<td>Emblema guttata</td>
<td>Diamond Sparrow.</td>
</tr>
<tr>
<td>Emblema picta</td>
<td>Painted Finch.</td>
</tr>
<tr>
<td>Lonchura castaneothorax</td>
<td>Chestnut-breasted Finch.</td>
</tr>
<tr>
<td>Lonchura domestica</td>
<td>Society (or Bengalese) Finch.</td>
</tr>
<tr>
<td>Lonchura pectoralis</td>
<td>Pictorella Finch.</td>
</tr>
<tr>
<td>Neochmia ruficauda</td>
<td>Star Finch.</td>
</tr>
<tr>
<td>Poephila acuticauda</td>
<td>Long-tailed Grassfinch.</td>
</tr>
<tr>
<td>Poephila bichenovii</td>
<td>Double-barred Finch.</td>
</tr>
<tr>
<td>Poephila cincta</td>
<td>Parson Finch.</td>
</tr>
<tr>
<td>Poephila guttata</td>
<td>Zebra Finch.</td>
</tr>
<tr>
<td>Poephila personata</td>
<td>Masked Finch.</td>
</tr>
<tr>
<td>Serinus canaria</td>
<td>Common Canary.</td>
</tr>
</tbody>
</table>

1 Note: Permits are still required for these species under part 17 (species listed as endangered or threatened under the Endangered Species Act (ESA)) of this chapter.
(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 issued pursuant to subpart C of this part.


**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.

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**Subpart D—Additional Exemptions**

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

**Subpart A—Introduction**

§ 16.1 Purpose of regulations.

The regulations contained in this part implement the Lacey Act (18 U.S.C. 42).

§ 16.2 Scope of regulations.

The provisions of 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).

§ 16.3 General restrictions.

Any importation or transportation of live wildlife or eggs thereof, or dead fish or eggs or salmonids of the fish family Salmonidae into the United States or its territories or possessions is deemed to be injurious or potentially injurious to the health and welfare of human beings, to the interest of forestry, agriculture, and horticulture, and to the welfare and survival of the wildlife or wildlife resources of the United States; and any such importation into or the transportation of live wildlife or eggs thereof between the continental United States, the District of Columbia, Hawaii, the Commonwealth of Puerto Rico, or any territory or possession of the United States by any means whatsoever, is prohibited except for certain purposes and under certain conditions as hereinafter provided in this part: Provided, That the provisions of this section shall not apply to psittacine birds (see also §§16.32 and 16.33 for other exemptions).
Subpart B—Importation or Shipment of Injurious Wildlife

§ 16.11 Importation of live wild mammals.

(a) The importation, transportation, or acquisition is prohibited of live specimens of: (1) Any species of so-called “flying fox” or fruit bat of the genus Pteropus; (2) any species of mongoose or meerkat of the genera Atilax, Cynictis, Helogale, Herpestes, Ichneumia, Mungos, and Suricata; (3) any species of European rabbit of the genus Oryctolagus; (4) any species of Indian wild dog, red dog, or dhole of the genus Cuon; (5) any species of multimammate rat or mouse of the genus Mastomys; (6) any raccoon dog, Nyctereutes procyonoides; and (7) any brush-tailed possum, Trichosurus vulpecula: Provided, that the Director shall issue permits authorizing the importation, transportation, and possession of such mammals under the terms and conditions set forth in §16.22.

(b) Upon the filing of a written declaration with the District Director of Customs at the port of entry as required under §14.61, all other species of live wild mammals may be imported, transported, and possessed in captivity, without a permit, for scientific, medical, educational, exhibition, or propagating purposes, and the eggs of such birds may be imported, transported, and possessed, without a permit, for propagating or scientific collection purposes, but no such live wild birds or any progeny 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.

(c) Upon the filing of a written declaration with the District Director of Customs at the port of entry as required under §14.61, all species of live wild mammals may be imported, transported, and possessed in captivity, without a permit, for scientific, medical, educational, exhibition, or propagating purposes, but no such live wild mammals or any progeny thereof may be released into the wild except by or under the direction of State wildlife conservation agencies when such agencies have received prior written permission from the Director for such release: Provided, That the provisions of this paragraph shall not apply to live bald and golden eagles or to live migratory birds, the importation of which is governed by regulations under parts 22 and 21 of this chapter, respectively, or to birds of the Family Psittacidae (parrots, macaws, cockatoos, parakeets, lories, lovebirds, etc.), the importation and transportation of which is governed by U.S. Public Health Service regulations under 42 CFR parts 71 and 72.

§ 16.12 Importation of live wild birds or their eggs.

(a) The importation, transportation, or acquisition is prohibited of any live specimen or egg of (1) the species of so-called “pink starling” or “rosy pastor” Sturnus roseus; (2) the species of dioch (including the subspecies black-fronted, red-billed, or Sudan dioch) Quelea quelea; (3) any species of Java sparrow, Padda oryzivora; (4) the species of red-whiskered bul-bul, Pycnonotus jocosus: Provided, That the Director shall issue permits authorizing the importation, transportation, and possession of such live birds under the terms and conditions set forth in §16.22.

(b) Upon the filing of a written declaration with the District Director of Customs at the port of entry as required under §14.61, all species of live wild game, birds may be imported, transported, and possessed in captivity, without a permit, for scientific, medical, educational, exhibition, or propagating purposes, and the eggs of such birds may be imported, transported, and possessed, without a permit, for propagating or scientific collection purposes, but no such live wild game birds or any progeny 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.

(c) Upon the filing of a written declaration with the District Director of Customs at the port of entry as required under §14.61, all species of live wild nongame birds (other than those listed in paragraph (a) of this section) may be imported, transported, and possessed in captivity, without a permit, for scientific, medical, educational, exhibition, or propagating purposes, but no such live wild nongame birds or any progeny thereof may be released into the wild except by or under the direction of State wildlife conservation agencies when such agencies have received prior written permission from the Director for such release: Provided, That the provisions of this paragraph shall not apply to live bald and golden eagles or to live migratory birds, the importation of which is governed by regulations under parts 22 and 21 of this chapter, respectively, or to birds of the Family Psittacidae (parrots, macaws, cockatoos, parakeets, lories, lovebirds, etc.), the importation and transportation of which is governed by U.S. Public Health Service regulations under 42 CFR parts 71 and 72.
§ 16.13 Importation of live or dead fish, mollusks, and crustaceans, or their eggs.

(a) Upon an exporter filing a written declaration with the District Director of Customs at the port of entry as required under §14.61 of this chapter, live or dead fish, mollusks, and crustaceans, or parts thereof, or their gametes or fertilized eggs, may be imported, transported, and possessed in captivity without a permit except as follows:

(1) No such live fish, mollusks, crustaceans, 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 from such agency.

(2) The importation, transportation, or acquisition of any of the species listed in this paragraph is prohibited except as provided under the terms and conditions set forth in §16.22:

(i) Live fish or viable eggs of walking catfish, family Claridae.
(ii) Live mitten crabs, genus Eriocheir, or their viable eggs.
(iii) Live mollusks, veligers, or viable eggs of zebra mussels, genus Dreissena.
(iv) Any live fish or viable eggs of snakehead fishes of the genera Channa and Parachanna (or their generic synonyms of Bostrychoidei, Ophicephalus, Ophiocephalus, and Parophiocephalus) of the Family Channidae, including but not limited to:

(A) Channa amphotereus (Chel or Borna snakehead).
(B) Channa argus (Northern or Amur snakehead).
(C) Channa asiatica (Chinese or Northern Green snakehead).
(D) Channa aurantimaculata.
(E) Channa bankanensis (Bangka snakehead).
(F) Channa baramensis (Baram snakehead).
(G) Channa barca (barca or tiger snakehead).
(H) Channa bleheri (rainbow or jewel snakehead).
(I) Channa cyanospilos (bluespotted snakehead).
(J) Channa gachua (dwarf, gaucha, or frog snakehead).
(K) Channa harcourtbutleri (Inle snakehead).
(L) Channa lucius (shiny or splendid snakehead).
(M) Channa maculata (blotched snakehead).
(N) Channa marulius (bullseye, murrel, Indian, great, or cobra snakehead).
(O) Channa maruloides (emperor snakehead).
(P) Channa melanoptera.
(Q) Channa melasoma (black snakehead).
(R) Channa micropeltos (giant, red, or redline snakehead).
(S) Channa nor.
(T) Channa orientalis (Ceylon or Ceylonese Green snakehead).
(U) Channa panau.
(V) Channa pleurophthalmus (ocellated, spotted, or eyespot snakehead).
(W) Channa punctata (dotted or spotted snakehead).
(X) Channa steartii (golden snakehead).
(Y) Channa striata (chevron or striped snakehead).
(Z) Parachanna africana (Niger or African snakehead).
(AA) Parachanna insignis (Congo, square-spotted African or light African snakehead).
(BB) Parachanna obscura (dark African, dusky, or square-spotted snakehead).

(v) Any live fish, gametes, viable eggs, or hybrids of the following Asian carp species in family Cyprinidae:

(A) Hypophthalmichthys harmandi (largescale silver carp).
(B) Hypophthalmichthys molitrix (silver carp).
(C) Hypophthalmichthys nobilis (bighead carp).
(D) Mylopharyngodon piceus (black carp).

(3) Notwithstanding §16.32, all Federal agencies shall be subject to the requirements stated within this section. Live or dead uneviscerated salmonid fish (family Salmonidae), live fertilized eggs, or gametes of salmonid fish are prohibited entry into the United States for any purpose except by direct shipment accompanied by a certification that: as defined in paragraph (e)(1) of
§ 16.13

This section, the fish lots, from which the shipments originated, have been sampled; virus assays have been conducted on the samples according to methods described in paragraphs (e)(2) through (4) of this section; and *Oncorhynchus masou* virus and the viruses causing viral hemorrhagic septicemia, infectious hematopoietic necrosis, and infectious pancreatic necrosis have not been detected in the fish stocks from which the samples were taken. In addition, live salmonid fish can be imported into the United States only upon written approval from the Director of the U.S. Fish and Wildlife Service.

(4) All live fish eggs of salmonid fish must be disinfected within 24 hours prior to shipment to the United States. Disinfection shall be accomplished by immersion for 15 minutes in a 75 part per million (titratable active iodine) non-detergent solution of polyvinylpyrrolidone iodine (iodophor) buffered to a pH of 6.0 to 7.0. Following disinfection, the eggs shall be rinsed and maintained in water free of fish pathogens until packed and shipped. Any ice or water used for shipping shall be from pathogen-free water.

(b)(1) The certification to accompany importations as required by this section shall consist of a statement in the English language, printed or typewritten, stating that this shipment of dead uneviscerated salmonid fish, live salmonid fish, or live, disinfected fertilized eggs or gametes of salmonid fish has been tested, by the methods outlined in this section, and none of the listed viruses were detected. The certification shall be signed in the country of origin by a qualified fish pathologist designated as a certifying official by the Director.

(2) The certification must contain:

(i) The date and port of export in the country of origin and the anticipated date of arrival in the United States and port of entry;

(ii) Surface vessel name or number or air carrier and flight number;

(iii) Bill of lading number or airway bill number;

(iv) The date and location where fish, tissue, or fluid samples were collected;

(v) The date and location where virus assays were completed; and

(vi) The original handwritten signature, in ink, of the certifying official and his or her address and telephone number.

(3) Certification may be substantially in the following form:

I, __________, designated by the Director of the U.S. Fish and Wildlife Service on ________ (date), as a certifying official for ________ (country), do hereby certify that the fish lot(s) of origin ________ (weight in kilograms) dead uneviscerated salmonid fish, live salmonid fish, live salmonid fish eggs disinfected as described in §16.13, or live salmonid gametes to be shipped hereunder (bill of lading number or airway bill number), were sampled at ________ (location of fish facility) on ________ (sampling date) and the required viral assays were completed on ________ (date assays were completed) at ________ (location where assays were conducted) using the methodology described in §16.13. I further certify that *Oncorhynchus masou* virus and the viruses causing viral hemorrhagic septicemia, infectious hematopoietic necrosis, and infectious pancreatic necrosis have not been detected in viral assays of the fish lot(s) of origin.

The shipment is scheduled to depart ________ (city and country) on ________ (date), via ________ (name of carrier) with anticipated arrival at the port of ________ (city), U.S.A., on ________ (date).

(Signature in ink of certifying official)

(Printed name of certifying official)

Date: __________

Organization employing certifying official: ________

Mailing address: ________

City: ________

State/Province: ________

Zip Code/Mail Code: ________

Country: ________

Office telephone number: International code ________

Fax number ________

(c) Nothing in this part shall restrict the importation and transportation of dead salmonid fish when such fish have been eviscerated (all internal organs removed, gills may remain) or filleted or when such fish or eggs have been processed by canning, pickling, smoking, or otherwise prepared in a manner whereby the *Oncorhynchus masou* virus and the viruses causing viral hemorrhagic septicemia, infectious hematopoietic necrosis, and infectious pancreatic necrosis have been killed.

(d) Any fish caught in the wild in North America under a valid sport or
§ 16.13

commercial fishing license shall be exempt from sampling and certification requirements and from filing the Declaration for Importation of Wildlife. The Director may enter into formal agreements allowing the importation of gametes, fertilized eggs, live fish, or dead, uneviscerated fish without inspection and certification of pathogen status, if the exporting Nation has an acceptable program of inspection and pathogen control in operation, can document the occurrence and distribution of fish pathogens within its boundaries, and can demonstrate that importation of salmonid fishes into the United States from that National will not pose a substantial risk to the public and private fish stocks of the United States.

e) Fish sampling requirements, sample processing, and methods for virus assays—(1) Fish sampling requirements. (i) Sampling for virus assays required by this section must be conducted within the six (6) months prior to the date of shipment of dead uneviscerated salmonid fish, live salmonid fish, live salmonid eggs, or salmonid gametes to the United States. Sampling shall be on a lot-by-lot basis with the samples from each lot distinctively marked, maintained, and processed for virus assay separately. A fish lot is defined as a group of fish of the same species and age that originated from the same discrete spawning population and that always have shared a common water supply. In the case of adult broodstock, various age groups of the same fish species may be sampled as a single lot, provided they meet the other conditions previously stated and have shared the same container(s) for at least 1 year prior to the sampling date.

(ii) In a sample, or sub-sample of a given lot, collection of 10 or more moribund fish shall be given first preference. The remainder of fish required for collection shall be randomly selected live fish from all containers occupied by the lot being sampled. Moribund fish shall be collected and processed separately from randomly selected fish. In the event the sample is taken from adult broodstock of different ages that share the same container, first preference shall be given to collecting samples from the older fish.

(iii) The minimum sample numbers collected from each lot must be in accordance with a plan that provides 95 percent confidence that at least one fish, with a detectable level of infection, will be collected and will be present in the sample if the assumed minimum prevalence of infection equals or exceeds 2 percent. A total of 150 fish collected proportionately from among all containers shared by the lot usually meets this requirement. A sampling strategy based on a presumed pathogen prevalence of 5 percent (60 fish) may be used to meet sampling requirements for shipments of gametes, fertilized eggs, or uneviscerated dead fish; provided that in the previous 2 years no disease outbreaks caused by a pathogen of concern have occurred at the facility from which the shipment originated and all stocks held at the facility have been inspected at least four times during that period (at intervals of approximately 6 months) and no pathogens of concern detected.

(iv) Fish must be alive when collected and processed within 48 hours after collection. Tissue and fluid samples shall be stored in sealed, aseptic containers and kept at 4 °Celsius (C.) or on ice but not frozen.

(v) Tissue collection shall be as follows:

(A) Sac Fry and fry to 4 centimeter (cm): Assay entire fish. If present, remove the yolk sac.

(B) Fish 4–6 cm: Assay entire visceral mass including kidney.

(C) Fish longer than 6 cm: Assay kidney and spleen in approximately equal weight proportions.

(D) Spawning adult broodstock: Assay kidney and spleen tissues from males and/or females and ovarian fluid from females. Ovarian fluid may comprise up to 50 percent of the samples collected.

(2) General sample processing requirements. (i) Ovarian fluid samples shall be collected from each spawning female separately. All samples from individual fish shall be measured to ensure that similar quantities from each fish are combined if samples are pooled. Ovarian fluid samples from no more than five fish may be combined to form a pool.
(i) Whole fry (less yolk sacs), viscera, and kidney and spleen tissues from no more than five fish may be similarly pooled.

(ii) Antibiotics and antifungal agents may be added to ovarian fluid or tissue samples to control microbial contaminant growth at the time of sample collection. Final concentrations shall not exceed 200–500 micrograms/milliliter (μg/ml) of Gentamycin, 800 international units/milliliter (IU/ml) of penicillin, or 800 μg/ml of streptomycin. Antifungal agent concentrations should not exceed 200 IU/ml of mycostatin (Nystatin) of 20 μg/ml of amphotericin B (Fungizone).

(iii) Sample temperature must be maintained between 4 at 15 °C. during processing. Use separate sets of sterile homogenization and processing equipment to process fluids or tissues from each fish lot sampled. Processing equipment need not be sterilized between samples within a single lot.

(iv) At the time of inoculation onto cell cultures, total dilution of processed tissue samples must not exceed 1:100 (volume to volume) (v/v); total dilution of ovarian fluid samples must not exceed 1:20 (v/v). In samples inoculated onto cell cultures, the final antibiotic concentration shall not exceed 100 μg/ml of Gentamicin, 100 IU/ml of penicillin, or 100 μg/ml of streptomycin and antifungal agent concentrations should not exceed 25 IU/ml of mycostatin (Nystatin) or 2.5 μg/ml of amphotericin B (Fungizone).

(f) Cell culture procedures. (i) Both epithelioma papulosum cyprini (EPC) and chinook salmon embryo (CHSE–214) cell lines must be maintained and used in all virus assays. Susceptible, normal appearing, and rapidly dividing cell cultures shall be selected. Penicillin (100 IU/ml), streptomycin (100 μg/ml), and antifungal agents, such as mycostatin/Nystatin (25 IU/ml) or amphotericin B/Fungizone (2.5 μg/ml), are permitted in media used for cell culture and virus assay work.

(ii) Cell cultures shall be seeded and grown, at optimum temperatures, to 80–90 percent confluence in 24-well plates for virus assay work.

(iii) Decant the medium from the required number of 24-well plates of each cell line, and inoculate four replicate wells per cell line with .10 ml per well of each processed sample. When all wells have been inoculated, tilt plates to spread the inocula evenly. Incubate inoculated plates for 1 hour at 15 °C. for sample contact. After the 1 hour contact add cell culture medium. Medium shall be buffered or cells incubated so that a pH between 7.4 and 7.8 is maintained. All cell culture assays shall be incubated, without overlays, at 15 °C. for 21 days.

(4) Virus identification by serological methods. All cell cultures showing cytopathic effects (CPE) must be subcultured onto fresh cell cultures. If CPE is observed, determine the presence and identity the virus by serum neutralization, dot blot, enzyme-linked immunosorbent assay, or other equivalent serological technique.

(g) The information collection requirements contained in this part have been approved by the Office of Management and Budget under 44 U.S.C. 3501 et seq. and assigned clearance number 1018–0078. The information is being collected to inform U.S. Customs and USFWS inspectors of the contents, origin, routing, and destination of fish and eggs shipments and to certify that the fish lots were inspected for listed pathogens. The information will be
§ 16.14 Importation of live amphibians or their eggs.

Upon the filing of a written declaration with the District Director of Customs at the port of entry as required under §14.61, all species of live amphibians or their eggs may be imported, transported, and possessed in captivity, without a permit, for scientific, medical, education, exhibition, or propagating purposes, but no such live amphibians 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.

§ 16.15 Importation of live reptiles or their eggs.

(a) The importation, transportation, or acquisition of any live specimen, gamete, viable egg, or hybrid of the species listed in this paragraph is prohibited except as provided under the terms and conditions set forth in §16.22:

(1) *Boiga irregularis* (brown tree snake).

(2) *Python molurus* (including *P. molurus molurus* (Indian python) and *P. molurus bivittatus* (Burmese python).

(3) *Python sebae* (Northern African python or African rock python).

(4) *Python natalensis* (Southern African python or African rock python).

(5) *Eunectes notaeus* (yellow anaconda).

(b) Upon the filing of a written declaration with the District Director of Customs at the port of entry as required under §14.61, all other species of live reptiles or their eggs may be imported, transported, and possessed in captivity, without a permit, for scientific, medical, exhibition or propagating purposes, but no such live reptiles or any progeny of 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

§ 16.22 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 requirements. Submit applications for permits to import, transport, or acquire injurious wildlife for such purposes to the attention of the Director, U.S. Fish and Wildlife Service, at the address listed for the Division of Management Authority at 50 CFR 2.1(b). Submit applications in writing on a Federal Fish and Wildlife License/Permit application (Form 3–200) and attach all of the following 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 or other acquisition, transportation and possession;

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

4. A statement of the 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 notify the nearest Special Agent-in-Charge (see §10.22 of this chapter) by telephone or other expedient means within 24 hours following the escape of any wildlife imported or transported under authority of a permit issued under this section, or the escape of any progeny of such wildlife, unless otherwise specifically exempted by terms of the 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.

(d) The Office of Management and Budget approved the information collection requirements contained in this part 16 under 44 U.S.C. 3507 and assigned OMB Control Number 1018–0093. The Service may not conduct or sponsor, and you are not required to respond to, a collection of information unless it displays a currently valid OMB control number. We are collecting this information to provide information necessary to evaluate permit applications. We will use this information to review permit applications and make decisions, according to criteria established in various Federal wildlife conservation statutes and regulations, on the issuance, suspension, revocation, or denial of permits. You must respond to obtain or retain a permit. We estimate the public reporting burden for these reporting requirements to average 2 hours per response, including time for reviewing instructions, gathering and maintaining data, and completing and reviewing the forms. Direct comments regarding the burden estimate or any other aspect of these reporting requirements to the Service’s Information Collection Clearance Officer at the address provided at 50 CFR 2.1(b).


Subpart D—Additional Exemptions

§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.
FINDING AIDS

A list of CFR titles, subtitles, chapters, subchapters and parts and an alphabetical list of agencies publishing in the CFR are included in the CFR Index and Finding Aids volume to the Code of Federal Regulations which is published separately and revised annually.

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