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CODE OF FEDERAL REGULATIONS

Title 50
Wildlife and Fisheries

Parts 1 to 16

Revised as of October 1, 2024

Containing a codification of documents
of general applicability and future effect

As of October 1, 2024

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Cite this Code: CFR

To cite the regulations in this volume use title, part and section number. Thus, 50 CFR 1.1 *refers to title 50, part 1, section 1.*

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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

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

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An index to the text of ''Title 3—The President'' is carried within that volume.

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OLIVER A. POTTS,
Director,
Office of the Federal Register
October 1, 2024

THIS TITLE

Title 50—WILDLIFE AND FISHERIES 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 (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, Department of Commerce. The eleventh volume (parts 228–599) contains the remaining current regulations issued under chapter II—National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce; 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, 2024.

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

The OMB control numbers for the National Oceanic and Atmospheric Administration appear in 15 CFR 902.1.

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 Stephen J. Frattini.

Title 50—Wildlife and Fisheries

(This book contains parts 1 to 16)

Part

CHAPTER I—United States Fish and Wildlife Service, Department of the Interior 1

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

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SUBCHAPTER A—GENERAL PROVISIONS

PART 1—DEFINITIONS

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1.3 Service.
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1.5 Officer in Charge.
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1.8 Secretary.

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]

PART 2—AGENCY ORGANIZATION AND LOCATIONS

Sec.
2.1 Headquarters.
2.2 Regional offices.

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.

Headquarters program	Mail stop
Business Management and Operations	MS: BMO.
Budget, Planning and Human Capital, including:	
• Service's Information Collection Clearance Officer	MS: BPHC.
External Affairs	MS: EA.
Ecological Services, Including:	
• Division of Environmental Review	MS: ES.
Fish and Aquatic Conservation, including:	
• Division of Fish and Aquatic Conservation Programs	MS: FAC.
International Affairs, including:	
• Division of Management Authority	MS: IA.
• Division of Scientific Authority.	
Information Resource and Technology Management	MS: IRTM.
Migratory Birds, including:	
• Division of Migratory Bird Management	MS: MB.
• Division of Bird Habitat Conservation.	
National Wildlife Refuge System	MS: NWRS.
Office of Diversity and Inclusive Workforce Management	MS: ODIWM.
Office of Law Enforcement	MS: OLE.
Science Applications	MS: SA.
Wildlife and Sport Fish Restoration	MS: WSFR.

[79 FR 43963, July 29, 2014]

§ 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), 5600 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

Way, Room W–2606, Sacramento, California 95825.

[78 FR 35151, June 12, 2013, as amended at 79 FR 43963, July 29, 2014]

PART 3—NONDISCRIMINATION—CONTRACTS, PERMITS, AND USE OF FACILITIES

Sec.

3.1 Discrimination prohibited.
3.2 Federal financial assistance.
3.3 Discrimination by contractors and permittees prohibited.

AUTHORITY: 5 U.S.C. 301. Interpret or apply sec. 602, 78 Stat. 252; 42 U.S.C. 2000d–1; E.O. 10925, E.O. 11114.

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

§ 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, contained in 41 CFR part 60, and 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.

SUBCHAPTER B—TAKING, POSSESSION, TRANSPORTATION, SALE, PURCHASE, BARTER, EXPORTATION, AND IMPORTATION OF WILDLIFE AND PLANTS

PART 10—GENERAL PROVISIONS

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10.21 Director.
10.22 Law enforcement offices.

AUTHORITY: 16 U.S.C. 668a–d, 703–712, 742a–j–l, 1361–1384, 1401–1407, 1531–1543, 3371–3378; 18 U.S.C. 42; 19 U.S.C. 1202.

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.
Lacey Act Amendments of 1981, 16 U.S.C. 3371–3378.
Migratory Bird Treaty Act, 16 U.S.C. 703–712.
Bald and Golden Eagle Protection Act, 16 U.S.C. 668a–668d.
Endangered Species Act of 1973, 16 U.S.C. 1531–1543.
Tariff Classification Act of 1962, 19 U.S.C. 1202, [Schedule 1, Part 15D, Headnote 2(d), T.S.U.S.].
Fish and Wildlife Act of 1956, 16 U.S.C. 742a–742j–l.
Marine Mammal Protection Act of 1972, 16 U.S.C. 1361–1384, 1401–1407.

[38 FR 22015, Aug. 15, 1973, as amended at 53 FR 6649, Mar. 2, 1988]

§ 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.

[38 FR 22015, Aug. 15, 1973, as amended at 39 FR 1159, Jan. 4, 1974]

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,

District of Columbia, Commonwealth of Puerto Rico, American Samoa, U.S. Virgin Islands, Guam, Commonwealth of the Northern Mariana Islands, Baker Island, Howland Island, Jarvis Island, Johnston Atoll, Kingman Reef, Midway Atoll, Navassa Island, Palmyra Atoll, and Wake Atoll, and any other territory or possession under the jurisdiction of the United States.

Whoever means the same as person.

Wildlife means the same as fish or wildlife.

[38 FR 22015, Aug. 15, 1973, as amended at 42 FR 32377, June 24, 1977; 42 FR 59358, Nov. 16, 1977; 45 FR 56673, Aug. 25, 1980; 50 FR 52889, Dec. 26, 1985; 72 FR 48445, Aug. 23, 2007]

§ 10.13 List of Birds Protected by the Migratory Bird Treaty Act.

(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), the Fish and Wildlife Improvement Act of 1978 (16 U.S.C. 742l), 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:

(1) *Canada:* Convention between the United States and Great Britain [on behalf of Canada] for the Protection of Migratory Birds, August 16, 1916, 39 Stat. 1702 (T.S. No. 628), as amended;

(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 the Government of Japan for the Protection of Migratory Birds and Birds in Danger of Extinction, and Their Environment, March 4, 1972, 25 U.S.T. 3329 (T.I.A.S. No. 7990); and

(4) *Russia:* Convention between the United States of America and the Union of Soviet Socialist Republics Concerning the Conservation of Migratory Birds and Their Environment, November 19, 1976, 20 U.S.T. 4647 (T.I.A.S. No. 9073).

(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 by the Migratory Bird Treaty Act?* 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 (AOU, now recognized as American Ornithological Society (AOS)) *Checklist of North American birds* (1998, as amended through 2021). For species not treated by the AOS *Checklist*, we generally follow *Clements Checklist of Birds of the World* (Clements et al. 2007, as updated through 2021).

(1) *Alphabetical listing.* The table lists species alphabetically by common (English) group names, with the scientific name of each species following the common name.

TABLE 1 TO PARAGRAPH (c)(1)—ALPHABETICAL LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT

Common name group	Species common name	Species scientific name
Accentor	Siberian Accentor	*Prunella montanella.*
'Akeke'e	'Akeke'e	*Loxops caeruleirostris.*
'Akepa	Hawaii 'Akepa	*Loxops coccineus.*
	Maui 'Akepa	*Loxops ochraceus.*
	O'ahu 'Akepa	*Loxops wolstenholmei.*
'Akialoa	Kauai 'Akialoa	*Akialoa stejnegeri.*
	Maui Nui 'Akialoa	*Akialoa lanaiensis.*
	O'ahu 'Akialoa	*Akialoa ellisiana.*
'Akiapola'au	'Akiapola'au	*Hemignathus wilsoni.*
'Akikiki	'Akikiki	*Oreomystis bairdi.*
'Akohekohe	'Akohekohe	*Palmeria dolei.*
'Alauahio	Maui 'Alauahio	*Paroreomyza montana.*
	O'ahu 'Alauahio	*Paroreomyza maculata.*
Albatross	Black-browed Albatross	*Thalassarche melanophris.*

TABLE 1 TO PARAGRAPH (c)(1)—ALPHABETICAL LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—Continued

Common name group	Species common name	Species scientific name
	Black-footed Albatross	*Phoebastria nigripes.*
	Chatham Albatross	*Thalassarche eremita.*
	Laysan Albatross	*Phoebastria immutabilis.*
	Light-mantled Albatross	*Phoebetria palpebrata.*
	Salvin's Albatross	*Thalassarche salvini.*
	Short-tailed Albatross	*Phoebastria albatrus.*
	Wandering Albatross	*Diomedea exulans.*
	White-capped Albatross	*Thalassarche cauta.*
	Yellow-nosed Albatross	*Thalassarche chlororhynchos.*
'Amakihi	Hawaii 'Amakihi	*Chlorodrepanis virens.*
	Kaua'i 'Amakihi	*Chlorodrepanis stejnegeri.*
	O'ahu 'Amakihi	*Chlorodrepanis flava.*
Anhinga	Anhinga	*Anhinga anhinga.*
Ani	Groove-billed Ani	*Crotophaga sulcirostris.*
	Smooth-billed Ani	*Crotophaga ani.*
'Anianiau	'Anianiau	*Magumma parva.*
'Apapane	'Apapane	*Himatione sanguinea.*
Auklet	Cassin's Auklet	*Ptychoramphus aleuticus.*
	Crested Auklet	*Aethia cristatella.*
	Least Auklet	*Aethia pusilla.*
	Parakeet Auklet	*Aethia psittacula.*
	Rhinoceros Auklet	*Cerorhinca monocerata.*
	Whiskered Auklet	*Aethia pygmaea.*
Avocet	American Avocet	*Recurvirostra americana.*
Bananaquit	Bananaquit	*Coereba flaveola.*
Bean-Goose	Taiga Bean-Goose	*Anser fabalis.*
	Tundra Bean-Goose	*Anser serrirostris.*
Beardless-Tyrannulet	Northern Beardless-Tyrannulet	*Camptostoma imberbe.*
Becard	Gray-collared Becard	*Pachyramphus major.*
	Rose-throated Becard	*Pachyramphus aglaiae.*
Bittern	American Bittern	*Botaurus lentiginosus.*
	Black Bittern	*Ixobrychus flavicollis.*
	Least Bittern	*Ixobrychus exilis.*
	Schrenck's Bittern	*Ixobrychus eurhythmus.*
	Yellow Bittern	*Ixobrychus sinensis.*
Blackbird	Brewer's Blackbird	*Euphagus cyanocephalus.*
	Red-winged Blackbird	*Agelaius phoeniceus.*
	Rusty Blackbird	*Euphagus carolinus.*
	Tawny-shouldered Blackbird	*Agelaius humeralis.*
	Tricolored Blackbird	*Agelaius tricolor.*
	Yellow-headed Blackbird	*Xanthocephalus xanthocephalus.*
	Yellow-shouldered Blackbird	*Agelaius xanthomus.*
Bluebird	Eastern Bluebird	*Sialia sialis.*
	Mountain Bluebird	*Sialia currucoides.*
	Western Bluebird	*Sialia mexicana.*
Bluetail	Red-flanked Bluetail	*Tarsiger cyanurus.*
Bluethroat	Bluethroat	*Cyanecula svecica.*
Bobolink	Bobolink	*Dolichonyx oryzivorus.*
Boobook	Northern Boobook	*Ninox japonica.*
Booby	Abbott's Booby	*Papasula abbotti.*
	Blue-footed Booby	*Sula nebouxii.*
	Brown Booby	*Sula leucogaster.*
	Masked Booby	*Sula dactylatra.*
	Nazca Booby	*Sula granti.*
	Red-footed Booby	*Sula sula.*
Brambling	Brambling	*Fringilla montifringilla.*
Brant	Brant	*Branta bernicla.*
Bufflehead	Bufflehead	*Bucephala albeola.*
Bullfinch	Eurasian Bullfinch	*Pyrrhula pyrrhula.*
	Puerto Rican Bullfinch	*Melopyrrha portoricensis.*
Bunting	Blue Bunting	*Cyanocompsa parellina.*
	Gray Bunting	*Emberiza variabilis.*
	Indigo Bunting	*Passerina cyanea.*
	Lark Bunting	*Calamospiza melanocorys.*
	Lazuli Bunting	*Passerina amoena.*
	Little Bunting	*Emberiza pusilla.*
	McKay's Bunting	*Plectrophenax hyperboreus.*
	Painted Bunting	*Passerina ciris.*
	Pallas's Bunting	*Emberiza pallasi.*
	Pine Bunting	*Emberiza leucocephalos.*
	Reed Bunting	*Emberiza schoeniclus.*

TABLE 1 TO PARAGRAPH (c)(1)—ALPHABETICAL LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—Continued

Common name group	Species common name	Species scientific name
	Rustic Bunting	*Emberiza rustica.*
	Snow Bunting	*Plectrophenax nivalis.*
	Varied Bunting	*Passerina versicolor.*
	Yellow-breasted Bunting	*Emberiza aureola.*
	Yellow-browed Bunting	*Emberiza chrysophrys.*
	Yellow-throated Bunting	*Emberiza elegans.*
Bushtit	Bushtit	*Psaltriparus minimus.*
Buzzard	Gray-faced Buzzard	*Butastur indicus.*
	Long-legged Buzzard	*Buteo rufinus.*
Canvasback	Canvasback	*Aythya valisineria.*
Caracara	Crested Caracara	*Caracara plancus.*
Cardinal	Northern Cardinal	*Cardinalis cardinalis.*
Carib	Green-throated Carib	*Eulampis holosericeus.*
	Purple-throated Carib	*Eulampis jugularis.*
Catbird	Black Catbird	*Melanoptila glabrirostris.*
	Gray Catbird	*Dumetella carolinensis.*
Chaffinch	Common Chaffinch	*Fringilla coelebs.*
Chat	Yellow-breasted Chat	*Icteria virens.*
Chickadee	Black-capped Chickadee	*Poecile atricapillus.*
	Boreal Chickadee	*Poecile hudsonicus.*
	Carolina Chickadee	*Poecile carolinensis.*
	Chestnut-backed Chickadee	*Poecile rufescens.*
	Gray-headed Chickadee	*Poecile cinctus.*
	Mexican Chickadee	*Poecile sclateri.*
	Mountain Chickadee	*Poecile gambeli.*
Chiffchaff	Common Chiffchaff	*Phylloscopus collybita.*
Chuck-will's-widow	Chuck-will's-widow	*Antrostomus carolinensis.*
Condor	California Condor	*Gymnogyps californianus.*
Coot	American Coot	*Fulica americana.*
	Eurasian Coot	*Fulica atra.*
	Hawaiian Coot	*Fulica alai.*
Cormorant	Brandt's Cormorant	*Urile penicillatus.*
	Double-crested Cormorant	*Nannopterum auritum.*
	Great Cormorant	*Phalacrocorax carbo.*
	Little Pied Cormorant	*Microcarbo melanoleucos.*
	Neotropic Cormorant	*Nannopterum brasilianum.*
	Pelagic Cormorant	*Urile pelagicus.*
	Red-faced Cormorant	*Urile urile.*
Cowbird	Bronzed Cowbird	*Molothrus aeneus.*
	Brown-headed Cowbird	*Molothrus ater.*
	Shiny Cowbird	*Molothrus bonariensis.*
Crake	Corn Crake	*Crex crex.*
	Paint-billed Crake	*Neocrex erythrops.*
	Spotless Crake	*Porzana tabuensis.*
	Yellow-breasted Crake	*Hapalocrex flaviventer.*
Crane	Common Crane	*Grus grus.*
	Hooded Crane	*Grus monacha.*
	Sandhill Crane	*Antigone canadensis.*
	Whooping Crane	*Grus americana.*
Creeper	Brown Creeper	*Certhia americana.*
	Hawaii Creeper	*Loxops mana.*
Crossbill	Cassia Crossbill	*Loxia sinesciuris.*
	Red Crossbill	*Loxia curvirostra.*
	White-winged Crossbill	*Loxia leucoptera.*
Crow	American Crow	*Corvus brachyrhynchos.*
	Fish Crow	*Corvus ossifragus.*
	Hawaiian Crow	*Corvus hawaiiensis.*
	Mariana Crow	*Corvus kubaryi.*
	Tamaulipas Crow	*Corvus imparatus.*
	White-necked Crow	*Corvus leucognaphalus.*
Cuckoo	Black-billed Cuckoo	*Coccyzus erythropthalmus.*
	Chestnut-winged Cuckoo	*Clamator coromandus.*
	Common Cuckoo	*Cuculus canorus.*
	Dark-billed Cuckoo	*Coccyzus melacoryphus.*
	Mangrove Cuckoo	*Coccyzus minor.*
	Oriental Cuckoo	*Cuculus optatus.*
	Yellow-billed Cuckoo	*Coccyzus americanus.*
Curlew	Bristle-thighed Curlew	*Numenius tahitiensis.*
	Eskimo Curlew	*Numenius borealis.*
	Eurasian Curlew	*Numenius arquata.*
	Far Eastern Curlew	*Numenius madagascariensis.*

TABLE 1 TO PARAGRAPH (c)(1)—ALPHABETICAL LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—Continued

Common name group	Species common name	Species scientific name
	Little Curlew	*Numenius minutus.*
	Long-billed Curlew	*Numenius americanus.*
Dickcissel	Dickcissel	*Spiza americana.*
Dipper	American Dipper	*Cinclus mexicanus.*
Dotterel	Eurasian Dotterel	*Charadrius morinellus.*
Dove	Common Ground Dove	*Columbina passerina.*
	Inca Dove	*Columbina inca.*
	Mourning Dove	*Zenaida macroura.*
	Ruddy Ground Dove	*Columbina talpacoti.*
	Shy Ground Dove	*Alopecoenas stairi.*
	White-throated Ground Dove	*Alopecoenas xanthonurus.*
	White-tipped Dove	*Leptotila verreauxi.*
	White-winged Dove	*Zenaida asiatica.*
	Zenaida Dove	*Zenaida aurita.*
Dovekie	Dovekie	*Alle alle.*
Dowitcher	Long-billed Dowitcher	*Limnodromus scolopaceus.*
	Short-billed Dowitcher	*Limnodromus griseus.*
Duck	American Black Duck	*Anas rubripes.*
	Eastern Spot-billed Duck	*Anas zonorhyncha.*
	Falcated Duck	*Mareca falcata.*
	Harlequin Duck	*Histrionicus histrionicus.*
	Hawaiian Duck	*Anas wyvilliana.*
	Laysan Duck	*Anas laysanensis.*
	Long-tailed Duck	*Clangula hyemalis.*
	Masked Duck	*Nomonyx dominicus.*
	Mexican Duck	*Anas diazi.*
	Mottled Duck	*Anas fulvigula.*
	Muscovy Duck	*Cairina moschata.*
	Pacific Black Duck	*Anas superciliosa.*
	Ring-necked Duck	*Aythya collaris.*
	Ruddy Duck	*Oxyura jamaicensis.*
	Tufted Duck	*Aythya fuligula.*
	Wood Duck	*Aix sponsa.*
Dunlin	Dunlin	*Calidris alpina.*
Eagle	Bald Eagle	*Haliaeetus leucocephalus.*
	Golden Eagle	*Aquila chrysaetos.*
	White-tailed Eagle	*Haliaeetus albicilla.*
Egret	Cattle Egret	*Bubulcus ibis.*
	Chinese Egret	*Egretta eulophotes.*
	Great Egret	*Ardea alba.*
	Intermediate Egret	*Ardea intermedia.*
	Little Egret	*Egretta garzetta.*
	Reddish Egret	*Egretta rufescens.*
	Snowy Egret	*Egretta thula.*
Eider	Common Eider	*Somateria mollissima.*
	King Eider	*Somateria spectabilis.*
	Spectacled Eider	*Somateria fischeri.*
	Steller's Eider	*Polysticta stelleri.*
Elaenia	Caribbean Elaenia	*Elaenia martinica.*
	Greenish Elaenia	*Myiopagis viridicata.*
	Small-billed Elaenia	*Elaenia parvirostris.*
	White-crested Elaenia	*Elaenia albiceps.*
Emerald	Puerto Rican Emerald	*Riccordia maugaeus.*
Euphonia	Antillean Euphonia	*Chlorophonia musica.*
Falcon	Amur Falcon	*Falco amurensis.*
	Aplomado Falcon	*Falco femoralis.*
	Peregrine Falcon	*Falco peregrinus.*
	Prairie Falcon	*Falco mexicanus.*
	Red-footed Falcon	*Falco vespertinus.*
Fieldfare	Fieldfare	*Turdus pilaris.*
Finch	Cassin's Finch	*Haemorhous cassinii.*
	House Finch	*Haemorhous mexicanus.*
	Laysan Finch	*Telespiza cantans.*
	Nihoa Finch	*Telespiza ultima.*
	Purple Finch	*Haemorhous purpureus.*
Flamingo	American Flamingo	*Phoenicopterus ruber.*
Flicker	Gilded Flicker	*Colaptes chrysoides.*
	Northern Flicker	*Colaptes auratus.*
Flycatcher	Acadian Flycatcher	*Empidonax virescens.*
	Alder Flycatcher	*Empidonax alnorum.*
	Ash-throated Flycatcher	*Myiarchus cinerascens.*

TABLE 1 TO PARAGRAPH (c)(1)—ALPHABETICAL LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—Continued

Common name group	Species common name	Species scientific name
	Asian Brown Flycatcher	*Muscicapa dauurica.*
	Brown-crested Flycatcher	*Myiarchus tyrannulus.*
	Buff-breasted Flycatcher	*Empidonax fulvifrons.*
	Cordilleran Flycatcher	*Empidonax occidentalis.*
	Crowned Slaty Flycatcher	*Empidonomus aurantioatrocristatus.*
	Dark-sided Flycatcher	*Muscicapa sibirica.*
	Dusky Flycatcher	*Empidonax oberholseri.*
	Dusky-capped Flycatcher	*Myiarchus tuberculifer.*
	Fork-tailed Flycatcher	*Tyrannus savana.*
	Gray Flycatcher	*Empidonax wrightii.*
	Gray-streaked Flycatcher	*Muscicapa griseisticta.*
	Great Crested Flycatcher	*Myiarchus crinitus.*
	Hammond's Flycatcher	*Empidonax hammondii.*
	La Sagra's Flycatcher	*Myiarchus sagrae.*
	Least Flycatcher	*Empidonax minimus.*
	Mugimaki Flycatcher	*Ficedula mugimaki.*
	Narcissus Flycatcher	*Ficedula narcissina.*
	Nutting's Flycatcher	*Myiarchus nuttingi.*
	Olive-sided Flycatcher	*Contopus cooperi.*
	Pacific-slope Flycatcher	*Empidonax difficilis.*
	Pine Flycatcher	*Empidonax affinis.*
	Piratic Flycatcher	*Legatus leucophaius.*
	Puerto Rican Flycatcher	*Myiarchus antillarum.*
	Scissor-tailed Flycatcher	*Tyrannus forficatus.*
	Social Flycatcher	*Myiozetetes similis.*
	Spotted Flycatcher	*Muscicapa striata.*
	Sulphur-bellied Flycatcher	*Myiodynastes luteiventris.*
	Taiga Flycatcher	*Ficedula albicilla.*
	Tufted Flycatcher	*Mitrephanes phaeocercus.*
	Variegated Flycatcher	*Empidonomus varius.*
	Vermilion Flycatcher	*Pyrocephalus rubinus.*
	Willow Flycatcher	*Empidonax traillii.*
	Yellow-bellied Flycatcher	*Empidonax flaviventris.*
Forest-Falcon	Collared Forest-Falcon	*Micrastur semitorquatus.*
Frigatebird	Great Frigatebird	*Fregata minor.*
	Lesser Frigatebird	*Fregata ariel.*
	Magnificent Frigatebird	*Fregata magnificens.*
Fruit-Dove	Crimson-crowned Fruit-Dove	*Ptilinopus porphyraceus.*
	Many-colored Fruit-Dove	*Ptilinopus perousii.*
	Mariana Fruit-Dove	*Ptilinopus roseicapilla.*
Fulmar	Northern Fulmar	*Fulmarus glacialis.*
Gadwall	Gadwall	*Mareca strepera.*
Gallinule	Azure Gallinule	*Porphyrio flavirostris.*
	Common Gallinule	*Gallinula galeata.*
	Purple Gallinule	*Porphyrio martinicus.*
Gannet	Northern Gannet	*Morus bassanus.*
Garganey	Garganey	*Spatula querquedula.*
Giant-Petrel	Northern Giant-Petrel	*Macronectes halli.*
Gnatcatcher	Black-capped Gnatcatcher	*Polioptila nigriceps.*
	Black-tailed Gnatcatcher	*Polioptila melanura.*
	Blue-Gray Gnatcatcher	*Polioptila caerulea.*
	California Gnatcatcher	*Polioptila californica.*
Godwit	Bar-tailed Godwit	*Limosa lapponica.*
	Black-tailed Godwit	*Limosa limosa.*
	Hudsonian Godwit	*Limosa haemastica.*
	Marbled Godwit	*Limosa fedoa.*
Goldeneye	Barrow's Goldeneye	*Bucephala islandica.*
	Common Goldeneye	*Bucephala clangula.*
Golden-Plover	American Golden-Plover	*Pluvialis dominica.*
	European Golden-Plover	*Pluvialis apricaria.*
	Pacific Golden-Plover	*Pluvialis fulva.*
Goldfinch	American Goldfinch	*Spinus tristis.*
	Lawrence's Goldfinch	*Spinus lawrencei.*
	Lesser Goldfinch	*Spinus psaltria.*
Goose	Barnacle Goose	*Branta leucopsis.*
	Cackling Goose	*Branta hutchinsii.*
	Canada Goose	*Branta canadensis.*
	Emperor Goose	*Anser canagicus.*
	Greater White-fronted Goose	*Anser albifrons.*
	Hawaiian Goose	*Branta sandvicensis.*
	Lesser White-fronted Goose	*Anser erythropus.*

TABLE 1 TO PARAGRAPH (c)(1)—ALPHABETICAL LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—Continued

Common name group	Species common name	Species scientific name
	Pink-footed Goose	*Anser brachyrhynchus.*
	Ross's Goose	*Anser rossii.*
	Snow Goose	*Anser caerulescens.*
Goshawk	Northern Goshawk	*Accipiter gentilis.*
Grackle	Boat-tailed Grackle	*Quiscalus major.*
	Common Grackle	*Quiscalus quiscula.*
	Greater Antillean Grackle	*Quiscalus niger.*
	Great-tailed Grackle	*Quiscalus mexicanus.*
Grassquit	Black-faced Grassquit	*Melanospiza bicolor.*
	Yellow-faced Grassquit	*Tiaris olivaceus.*
Grebe	Clark's Grebe	*Aechmophorus clarkii.*
	Eared Grebe	*Podiceps nigricollis.*
	Horned Grebe	*Podiceps auritus.*
	Least Grebe	*Tachybaptus dominicus.*
	Pied-billed Grebe	*Podilymbus podiceps.*
	Red-necked Grebe	*Podiceps grisegena.*
	Western Grebe	*Aechmophorus occidentalis.*
Greenfinch	Oriental Greenfinch	*Chloris sinica.*
Greenshank	Common Greenshank	*Tringa nebularia.*
	Nordmann's Greenshank	*Tringa guttifer.*
Grosbeak	Black-headed Grosbeak	*Pheucticus melanocephalus.*
	Blue Grosbeak	*Passerina caerulea.*
	Crimson-collared Grosbeak	*Rhodothraupis celaeno.*
	Evening Grosbeak	*Coccothraustes vespertinus.*
	Pine Grosbeak	*Pinicola enucleator.*
	Rose-breasted Grosbeak	*Pheucticus ludovicianus.*
	Yellow Grosbeak	*Pheucticus chrysopeplus.*
Guillemot	Black Guillemot	*Cepphus grylle.*
	Pigeon Guillemot	*Cepphus columba.*
Gull	Belcher's Gull	*Larus belcheri.*
	Black-headed Gull	*Chroicocephalus ridibundus.*
	Black-tailed Gull	*Larus crassirostris.*
	Bonaparte's Gull	*Chroicocephalus philadelphia.*
	California Gull	*Larus californicus.*
	Common Gull	*Larus canus.*
	Franklin's Gull	*Leucophaeus pipixcan.*
	Glaucous Gull	*Larus hyperboreus.*
	Glaucous-winged Gull	*Larus glaucescens.*
	Gray-hooded Gull	*Chroicocephalus cirrocephalus.*
	Great Black-backed Gull	*Larus marinus.*
	Heermann's Gull	*Larus heermanni.*
	Herring Gull	*Larus argentatus.*
	Iceland Gull	*Larus glaucoides.*
	Ivory Gull	*Pagophila eburnea.*
	Kelp Gull	*Larus dominicanus.*
	Laughing Gull	*Leucophaeus atricilla.*
	Lesser Black-backed Gull	*Larus fuscus.*
	Little Gull	*Hydrocoloeus minutus.*
	Pallas's Gull	*Ichthyaetus ichthyaetus.*
	Ring-billed Gull	*Larus delawarensis.*
	Ross's Gull	*Rhodostethia rosea.*
	Sabine's Gull	*Xema sabini.*
	Short-billed Gull	*Larus brachyrhynchus.*
	Slaty-backed Gull	*Larus schistisagus.*
	Swallow-tailed Gull	*Creagrus furcatus.*
	Western Gull	*Larus occidentalis.*
	Yellow-footed Gull	*Larus livens.*
	Yellow-legged Gull	*Larus michahellis.*
Gyrfalcon	Gyrfalcon	*Falco rusticolus.*
Harrier	Northern Harrier	*Circus hudsonius.*
Hawfinch	Hawfinch	*Coccothraustes coccothraustes.*
Hawk	Broad-winged Hawk	*Buteo platypterus.*
	Common Black Hawk	*Buteogallus anthracinus.*
	Cooper's Hawk	*Accipiter cooperii.*
	Crane Hawk	*Geranospiza caerulescens.*
	Ferruginous Hawk	*Buteo regalis.*
	Gray Hawk	*Buteo plagiatus.*
	Great Black Hawk	*Buteogallus urubitinga.*
	Harris's Hawk	*Parabuteo unicinctus.*
	Hawaiian Hawk	*Buteo solitarius.*
	Red-shouldered Hawk	*Buteo lineatus.*

TABLE 1 TO PARAGRAPH (c)(1)—ALPHABETICAL LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—Continued

Common name group	Species common name	Species scientific name
	Red-tailed Hawk	*Buteo jamaicensis.*
	Roadside Hawk	*Rupornis magnirostris.*
	Rough-legged Hawk	*Buteo lagopus.*
	Sharp-shinned Hawk	*Accipiter striatus.*
	Short-tailed Hawk	*Buteo brachyurus.*
	Swainson's Hawk	*Buteo swainsoni.*
	White-tailed Hawk	*Geranoaetus albicaudatus.*
	Zone-tailed Hawk	*Buteo albonotatus.*
Hawk-Cuckoo	Hodgson's Hawk-Cuckoo	*Hierococcyx nisicolor.*
Heron	Gray Heron	*Ardea cinerea.*
	Great Blue Heron	*Ardea herodias.*
	Green Heron	*Butorides virescens.*
	Little Blue Heron	*Egretta caerulea.*
	Tricolored Heron	*Egretta tricolor.*
Hobby	Eurasian Hobby	*Falco subbuteo.*
Honeycreeper	Laysan Honeycreeper	*Himatione fraithii.*
	Red-legged Honeycreeper	*Cyanerpes cyaneus.*
Hoopoe	Eurasian Hoopoe	*Upupa epops.*
House-Martin	Common House-Martin	*Delichon urbicum.*
Hummingbird	Allen's Hummingbird	*Selasphorus sasin.*
	Anna's Hummingbird	*Calypte anna.*
	Antillean Crested Hummingbird	*Orthorhyncus cristatus.*
	Berylline Hummingbird	*Saucerottia beryllina.*
	Black-chinned Hummingbird	*Archilochus alexandri.*
	Broad-billed Hummingbird	*Cynanthus latirostris.*
	Broad-tailed Hummingbird	*Selasphorus platycercus.*
	Buff-bellied Hummingbird	*Amazilia yucatanensis.*
	Bumblebee Hummingbird	*Selasphorus heloisa.*
	Calliope Hummingbird	*Selasphorus calliope.*
	Cinnamon Hummingbird	*Amazilia rutila.*
	Costa's Hummingbird	*Calypte costae.*
	Lucifer Hummingbird	*Calothorax lucifer.*
	Rivoli's Hummingbird	*Eugenes fulgens.*
	Ruby-throated Hummingbird	*Archilochus colubris.*
	Rufous Hummingbird	*Selasphorus rufus.*
	Vervain Hummingbird	*Mellisuga minima.*
	Violet-crowned Hummingbird	*Ramosomyia violiceps.*
	White-eared Hummingbird	*Basilinna leucotis.*
	Xantus's Hummingbird	*Basilinna xantusii.*
Ibis	Glossy Ibis	*Plegadis falcinellus.*
	Scarlet Ibis	*Eudocimus ruber.*
	White Ibis	*Eudocimus albus.*
	White-faced Ibis	*Plegadis chihi.*
'I'iwi	'I'iwi	*Drepanis coccinea.*
Imperial-Pigeon	Pacific Imperial-Pigeon	*Ducula pacifica.*
Jabiru	Jabiru	*Jabiru mycteria.*
Jacana	Northern Jacana	*Jacana spinosa.*
Jackdaw	Eurasian Jackdaw	*Corvus monedula.*
Jaeger	Long-tailed Jaeger	*Stercorarius longicaudus.*
	Parasitic Jaeger	*Stercorarius parasiticus.*
	Pomarine Jaeger	*Stercorarius pomarinus.*
Jay	Blue Jay	*Cyanocitta cristata.*
	Brown Jay	*Psilorhinus morio.*
	Canada Jay	*Perisoreus canadensis.*
	Green Jay	*Cyanocorax yncas.*
	Mexican Jay	*Aphelocoma wollweberi.*
	Pinyon Jay	*Gymnorhinus cyanocephalus.*
	Steller's Jay	*Cyanocitta stelleri.*
Junco	Dark-eyed Junco	*Junco hyemalis.*
	Yellow-eyed Junco	*Junco phaeonotus.*
Kākāwahie	Kākāwahie	*Paroreomyza flammea.*
Kāma'o	Kāma'o	*Myadestes myadestinus.*
Kestrel	American Kestrel	*Falco sparverius.*
	Eurasian Kestrel	*Falco tinnunculus.*
Killdeer	Killdeer	*Charadrius vociferus.*
Kingbird	Cassin's Kingbird	*Tyrannus vociferans.*
	Couch's Kingbird	*Tyrannus couchii.*
	Eastern Kingbird	*Tyrannus tyrannus.*
	Gray Kingbird	*Tyrannus dominicensis.*
	Loggerhead Kingbird	*Tyrannus caudifasciatus.*
	Thick-billed Kingbird	*Tyrannus crassirostris.*

TABLE 1 TO PARAGRAPH (c)(1)—ALPHABETICAL LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—Continued

Common name group	Species common name	Species scientific name
	Tropical Kingbird	*Tyrannus melancholicus.*
	Western Kingbird	*Tyrannus verticalis.*
Kingfisher	Amazon Kingfisher	*Chloroceryle amazona.*
	Belted Kingfisher	*Megaceryle alcyon.*
	Common Kingfisher	*Alcedo atthis.*
	Green Kingfisher	*Chloroceryle americana.*
	Guam Kingfisher	*Todiramphus cinnamominus.*
	Mariana Kingfisher	*Todiramphus albicilla.*
	Pacific Kingfisher	*Todiramphus sacer.*
	Ringed Kingfisher	*Megaceryle torquata.*
Kinglet	Golden-crowned Kinglet	*Regulus satrapa.*
	Ruby-crowned Kinglet	*Corthylio calendula.*
Kiskadee	Great Kiskadee	*Pitangus sulphuratus.*
Kite	Black Kite	*Milvus migrans.*
	Double-toothed Kite	*Harpagus bidentatus.*
	Hook-billed Kite	*Chondrohierax uncinatus.*
	Mississippi Kite	*Ictinia mississippiensis.*
	Snail Kite	*Rostrhamus sociabilis.*
	Swallow-tailed Kite	*Elanoides forficatus.*
	White-tailed Kite	*Elanus leucurus.*
Kittiwake	Black-legged Kittiwake	*Rissa tridactyla.*
	Red-legged Kittiwake	*Rissa brevirostris.*
Knot	Great Knot	*Calidris tenuirostris.*
	Red Knot	*Calidris canutus.*
Koel	Long-tailed Koel	*Urodynamis taitensis.*
Lapwing	Northern Lapwing	*Vanellus vanellus.*
Lark	Horned Lark	*Eremophila alpestris.*
Limpkin	Limpkin	*Aramus guarauna.*
Lizard-Cuckoo	Puerto Rican Lizard-Cuckoo	*Coccyzus vieilloti.*
Longspur	Chestnut-collared Longspur	*Calcarius ornatus.*
	Lapland Longspur	*Calcarius lapponicus.*
	Smith's Longspur	*Calcarius pictus.*
	Thick-billed Longspur	*Rhynchophanes mccownii.*
Loon	Arctic Loon	*Gavia arctica.*
	Common Loon	*Gavia immer.*
	Pacific Loon	*Gavia pacifica.*
	Red-throated Loon	*Gavia stellata.*
	Yellow-billed Loon	*Gavia adamsii.*
Magpie	Black-billed Magpie	*Pica hudsonia.*
	Yellow-billed Magpie	*Pica nuttalli.*
Mallard	Mallard	*Anas platyrhynchos.*
Mango	Puerto Rican Mango	*Anthracothorax aurulentus.*
	Green Mango	*Anthracothorax viridis.*
	Green-breasted Mango	*Anthracothorax prevostii.*
Marsh-Harrier	Eastern Marsh-Harrier	*Circus spilonotus.*
Martin	Brown-chested Martin	*Progne tapera.*
	Caribbean Martin	*Progne dominicensis.*
	Cuban Martin	*Progne cryptoleuca.*
	Gray-breasted Martin	*Progne chalybea.*
	Purple Martin	*Progne subis.*
	Southern Martin	*Progne elegans.*
Meadowlark	Chihuahuan Meadowlark	*Sturnella lilianae.*
	Eastern Meadowlark	*Sturnella magna.*
	Western Meadowlark	*Sturnella neglecta.*
Merganser	Common Merganser	*Mergus merganser.*
	Hooded Merganser	*Lophodytes cucullatus.*
	Red-breasted Merganser	*Mergus serrator.*
Merlin	Merlin	*Falco columbarius.*
Millerbird	Millerbird	*Acrocephalus familiaris.*
Mockingbird	Bahama Mockingbird	*Mimus gundlachii.*
	Blue Mockingbird	*Melanotis caerulescens.*
	Northern Mockingbird	*Mimus polyglottos.*
Moorhen	Eurasian Moorhen	*Gallinula chloropus.*
Mountain-gem	Amethyst-throated Mountain-gem	*Lampornis amethystinus.*
	Blue-throated Mountain-gem	*Lampornis clemenciae.*
Murre	Common Murre	*Uria aalge.*
	Thick-billed Murre	*Uria lomvia.*
Murrelet	Ancient Murrelet	*Synthliboramphus antiquus.*
	Craveri's Murrelet	*Synthliboramphus craveri.*
	Guadalupe Murrelet	*Synthliboramphus hypoleucus.*
	Kittlitz's Murrelet	*Brachyramphus brevirostris.*

TABLE 1 TO PARAGRAPH (c)(1)—ALPHABETICAL LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—Continued

Common name group	Species common name	Species scientific name
	Long-billed Murrelet	*Brachyramphus perdix.*
	Marbled Murrelet	*Brachyramphus marmoratus.*
	Scripps's Murrelet	*Synthliboramphus scrippsi.*
Needletail	White-throated Needletail	*Hirundapus caudacutus.*
Nighthawk	Antillean Nighthawk	*Chordeiles gundlachii.*
	Common Nighthawk	*Chordeiles minor.*
	Lesser Nighthawk	*Chordeiles acutipennis.*
Night-Heron	Black-crowned Night-Heron	*Nycticorax nycticorax.*
	Japanese Night-Heron	*Gorsachius goisagi.*
	Malayan Night-Heron	*Gorsachius melanolophus.*
	Nankeen Night-Heron	*Nycticorax caledonicus.*
	Yellow-crowned Night-Heron	*Nyctanassa violacea.*
Nightingale-Thrush	Black-headed Nightingale-Thrush	*Catharus mexicanus.*
	Orange-billed Nightingale-Thrush	*Catharus aurantiirostris.*
Nightjar	Buff-collared Nightjar	*Antrostomus ridgwayi.*
	Gray Nightjar	*Caprimulgus jotaka.*
	Puerto Rican Nightjar	*Antrostomus noctitherus.*
	White-tailed Nightjar	*Hydropsalis cayennensis.*
Noddy	Black Noddy	*Anous minutus.*
	Blue-gray Noddy	*Anous ceruleus.*
	Brown Noddy	*Anous stolidus.*
Nukupu'u	Kauai Nukupu'u	*Hemignathus hanapepe.*
	Maui Nukupu'u	*Hemignathus affinis.*
	O'ahu Nukupu'u	*Hemignathus lucidus.*
Nutcracker	Clark's Nutcracker	*Nucifraga columbiana.*
Nuthatch	Brown-headed Nuthatch	*Sitta pusilla.*
	Pygmy Nuthatch	*Sitta pygmaea.*
	Red-breasted Nuthatch	*Sitta canadensis.*
	White-breasted Nuthatch	*Sitta carolinensis.*
Oloma'o	Oloma'o	*Myadestes lanaiensis.*
ʻŌma'o	ʻŌma'o	*Myadestes obscurus.*
Oriole	Altamira Oriole	*Icterus gularis.*
	Audubon's Oriole	*Icterus graduacauda.*
	Baltimore Oriole	*Icterus galbula.*
	Black-backed Oriole	*Icterus abeillei.*
	Black-vented Oriole	*Icterus wagleri.*
	Bullock's Oriole	*Icterus bullockii.*
	Hooded Oriole	*Icterus cucullatus.*
	Orchard Oriole	*Icterus spurius.*
	Puerto Rican Oriole	*Icterus portoricensis.*
	Scott's Oriole	*Icterus parisorum.*
	Streak-backed Oriole	*Icterus pustulatus.*
Osprey	Osprey	*Pandion haliaetus.*
ʻOʻū	ʻOʻū	*Psittirostra psittacea.*
Ovenbird	Ovenbird	*Seiurus aurocapilla.*
Owl	Barn Owl	*Tyto alba.*
	Barred Owl	*Strix varia.*
	Boreal Owl	*Aegolius funereus.*
	Burrowing Owl	*Athene cunicularia.*
	Elf Owl	*Micrathene whitneyi.*
	Flammulated Owl	*Psiloscops flammeolus.*
	Great Gray Owl	*Strix nebulosa.*
	Great Horned Owl	*Bubo virginianus.*
	Long-eared Owl	*Asio otus.*
	Mottled Owl	*Strix virgata.*
	Northern Hawk Owl	*Surnia ulula.*
	Northern Saw-whet Owl	*Aegolius acadicus.*
	Puerto Rican Owl	*Gymnasio nudipes.*
	Short-eared Owl	*Asio flammeus.*
	Snowy Owl	*Bubo scandiacus.*
	Spotted Owl	*Strix occidentalis.*
	Stygian Owl	*Asio stygius.*
Oystercatcher	American Oystercatcher	*Haematopus palliatus.*
	Black Oystercatcher	*Haematopus bachmani.*
	Eurasian Oystercatcher	*Haematopus ostralegus.*
Palila	Palila	*Loxioides bailleui.*
Palm-Swift	Antillean Palm-Swift	*Tachornis phoenicobia.*
Parrotbill	Maui Parrotbill	*Pseudonestor xanthophrys.*
Parula	Northern Parula	*Setophaga americana.*
	Tropical Parula	*Setophaga pitiayumi.*
Pauraque	Common Pauraque	*Nyctidromus albicollis.*

TABLE 1 TO PARAGRAPH (c)(1)—ALPHABETICAL LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—Continued

Common name group	Species common name	Species scientific name
Pelican	American White Pelican	*Pelecanus erythrorhynchos.*
	Brown Pelican	*Pelecanus occidentalis.*
Petrel	Bermuda Petrel	*Pterodroma cahow.*
	Black-capped Petrel	*Pterodroma hasitata.*
	Black-winged Petrel	*Pterodroma nigripennis.*
	Bonin Petrel	*Pterodroma hypoleuca.*
	Bulwer's Petrel	*Bulweria bulwerii.*
	Cook's Petrel	*Pterodroma cookii.*
	Fea's Petrel	*Pterodroma feae.*
	Gould's Petrel	*Pterodroma leucoptera.*
	Gray-faced Petrel	*Pterodroma gouldi.*
	Hawaiian Petrel	*Pterodroma sandwichensis.*
	Herald Petrel	*Pterodroma heraldica.*
	Jouanin's Petrel	*Bulweria fallax.*
	Juan Fernandez Petrel	*Pterodroma externa.*
	Kermadec Petrel	*Pterodroma neglecta.*
	Mottled Petrel	*Pterodroma inexpectata.*
	Murphy's Petrel	*Pterodroma ultima.*
	Parkinson's Petrel	*Procellaria parkinsoni.*
	Phoenix Petrel	*Pterodroma alba.*
	Providence Petrel	*Pterodroma solandri.*
	Stejneger's Petrel	*Pterodroma longirostris.*
	Tahiti Petrel	*Pseudobulweria rostrata.*
	Trindade Petrel	*Pterodroma arminjoniana.*
	White-chinned Petrel	*Procellaria aequinoctialis.*
	White-necked Petrel	*Pterodroma cervicalis.*
	Zino's Petrel	*Pterodroma madeira.*
Pewee	Cuban Pewee	*Contopus caribaeus.*
	Greater Pewee	*Contopus pertinax.*
	Hispaniolan Pewee	*Contopus hispaniolensis.*
	Lesser Antillean Pewee	*Contopus latirostris.*
Phainopepla	Phainopepla	*Phainopepla nitens.*
Phalarope	Red Phalarope	*Phalaropus fulicarius.*
	Red-necked Phalarope	*Phalaropus lobatus.*
	Wilson's Phalarope	*Phalaropus tricolor.*
Phoebe	Black Phoebe	*Sayornis nigricans.*
	Eastern Phoebe	*Sayornis phoebe.*
	Say's Phoebe	*Sayornis saya.*
Pigeon	Band-tailed Pigeon	*Patagioenas fasciata.*
	Plain Pigeon	*Patagioenas inornata.*
	Red-billed Pigeon	*Patagioenas flavirostris.*
	Scaly-naped Pigeon	*Patagioenas squamosa.*
	White-crowned Pigeon	*Patagioenas leucocephala.*
Pintail	Northern Pintail	*Anas acuta.*
	White-cheeked Pintail	*Anas bahamensis.*
Pipit	American Pipit	*Anthus rubescens.*
	Olive-backed Pipit	*Anthus hodgsoni.*
	Pechora Pipit	*Anthus gustavi.*
	Red-throated Pipit	*Anthus cervinus.*
	Sprague's Pipit	*Anthus spragueii.*
	Tree Pipit	*Anthus trivialis.*
Plover	Black-bellied Plover	*Pluvialis squatarola.*
	Collared Plover	*Charadrius collaris.*
	Common Ringed Plover	*Charadrius hiaticula.*
	Kentish Plover	*Charadrius alexandrinus.*
	Little Ringed Plover	*Charadrius dubius.*
	Mountain Plover	*Charadrius montanus.*
	Piping Plover	*Charadrius melodus.*
	Semipalmated Plover	*Charadrius semipalmatus.*
	Snowy Plover	*Charadrius nivosus.*
	Wilson's Plover	*Charadrius wilsonia.*
Pochard	Baer's Pochard	*Aythya baeri.*
	Common Pochard	*Aythya ferina.*
Pond-Heron	Chinese Pond-Heron	*Ardeola bacchus.*
Poorwill	Common Poorwill	*Phalaenoptilus nuttallii.*
Po'ouli	Po'ouli	*Melamprosops phaeosoma.*
Puaiohi	Puaiohi	*Myadestes palmeri.*
Puffin	Atlantic Puffin	*Fratercula arctica.*
	Horned Puffin	*Fratercula corniculata.*
	Tufted Puffin	*Fratercula cirrhata.*
Pygmy-Owl	Ferruginous Pygmy-Owl	*Glaucidium brasilianum.*

TABLE 1 TO PARAGRAPH (c)(1)—ALPHABETICAL LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—Continued

Common name group	Species common name	Species scientific name
	Northern Pygmy-Owl	*Glaucidium gnoma.*
Pyrrhuloxia	Pyrrhuloxia	*Cardinalis sinuatus.*
Quail-Dove	Bridled Quail-Dove	*Geotrygon mystacea.*
	Key West Quail-Dove	*Geotrygon chrysia.*
	Ruddy Quail-Dove	*Geotrygon montana.*
Quetzal	Eared Quetzal	*Euptilotis neoxenus.*
Rail	Black Rail	*Laterallus jamaicensis.*
	Buff-banded Rail	*Gallirallus philippensis.*
	Clapper Rail	*Rallus crepitans.*
	Guam Rail	*Gallirallus owstoni.*
	King Rail	*Rallus elegans.*
	Ridgway's Rail	*Rallus obsoletus.*
	Spotted Rail	*Pardirallus maculatus.*
	Virginia Rail	*Rallus limicola.*
	Yellow Rail	*Coturnicops noveboracensis.*
Raven	Chihuahuan Raven	*Corvus cryptoleucus.*
	Common Raven	*Corvus corax.*
Razorbill	Razorbill	*Alca torda.*
Redhead	Redhead	*Aythya americana.*
Redpoll	Common Redpoll	*Acanthis flammea.*
	Hoary Redpoll	*Acanthis hornemanni.*
Redshank	Common Redshank	*Tringa totanus.*
	Spotted Redshank	*Tringa erythropus.*
Redstart	American Redstart	*Setophaga ruticilla.*
	Common Redstart	*Phoenicurus phoenicurus.*
	Painted Redstart	*Myioborus pictus.*
	Slate-throated Redstart	*Myioborus miniatus.*
Redwing	Redwing	*Turdus iliacus.*
Reef-Heron	Pacific Reef-Heron	*Egretta sacra.*
	Western Reef-Heron	*Egretta gularis.*
Roadrunner	Greater Roadrunner	*Geococcyx californianus.*
Robin	American Robin	*Turdus migratorius.*
	European Robin	*Erithacus rubecula.*
	Rufous-backed Robin	*Turdus rufopalliatus.*
	Rufous-tailed Robin	*Larvivora sibilans.*
	Siberian Blue Robin	*Larvivora cyane.*
Rock-Thrush	Blue Rock-Thrush	*Monticola solitarius.*
Rosefinch	Common Rosefinch	*Carpodacus erythrinus.*
	Pallas's Rosefinch	*Carpodacus roseus.*
Rosy-Finch	Asian Rosy-Finch	*Leucosticte arctoa.*
	Black Rosy-Finch	*Leucosticte atrata.*
	Brown-capped Rosy-Finch	*Leucosticte australis.*
	Gray-crowned Rosy-Finch	*Leucosticte tephrocotis.*
Rubythroat	Siberian Rubythroat	*Calliope calliope.*
Ruff	Ruff	*Calidris pugnax.*
Sanderling	Sanderling	*Calidris alba.*
Sandpiper	Baird's Sandpiper	*Calidris bairdii.*
	Broad-billed Sandpiper	*Calidris falcinellus.*
	Buff-breasted Sandpiper	*Calidris subruficollis.*
	Common Sandpiper	*Actitis hypoleucos.*
	Curlew Sandpiper	*Calidris ferruginea.*
	Green Sandpiper	*Tringa ochropus.*
	Least Sandpiper	*Calidris minutilla.*
	Marsh Sandpiper	*Tringa stagnatilis.*
	Pectoral Sandpiper	*Calidris melanotos.*
	Purple Sandpiper	*Calidris maritima.*
	Rock Sandpiper	*Calidris ptilocnemis.*
	Semipalmated Sandpiper	*Calidris pusilla.*
	Sharp-tailed Sandpiper	*Calidris acuminata.*
	Solitary Sandpiper	*Tringa solitaria.*
	Spoon-billed Sandpiper	*Calidris pygmea.*
	Spotted Sandpiper	*Actitis macularius.*
	Stilt Sandpiper	*Calidris himantopus.*
	Terek Sandpiper	*Xenus cinereus.*
	Upland Sandpiper	*Bartramia longicauda.*
	Western Sandpiper	*Calidris mauri.*
	White-rumped Sandpiper	*Calidris fuscicollis.*
	Wood Sandpiper	*Tringa glareola.*
Sand-Plover	Greater Sand-Plover	*Charadrius leschenaultii.*
	Lesser Sand-Plover	*Charadrius mongolus.*
Sapsucker	Red-breasted Sapsucker	*Sphyrapicus ruber.*

TABLE 1 TO PARAGRAPH (c)(1)—ALPHABETICAL LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—Continued

Common name group	Species common name	Species scientific name
	Red-naped Sapsucker	*Sphyrapicus nuchalis.*
	Williamson's Sapsucker	*Sphyrapicus thyroideus.*
	Yellow-bellied Sapsucker	*Sphyrapicus varius.*
Scaup	Greater Scaup	*Aythya marila.*
	Lesser Scaup	*Aythya affinis.*
Scops-Owl	Oriental Scops-Owl	*Otus sunia.*
Scoter	Black Scoter	*Melanitta americana.*
	Common Scoter	*Melanitta nigra.*
	Stejneger's Scoter	*Melanitta stejneger.*
	Surf Scoter	*Melanitta perspicillata.*
	White-winged Scoter	*Melanitta deglandi.*
Screech-Owl	Eastern Screech-Owl	*Megascops asio.*
	Western Screech-Owl	*Megascops kennicottii.*
	Whiskered Screech-Owl	*Megascops trichopsis.*
Scrub-Jay	California Scrub-Jay	*Aphelocoma californica.*
	Florida Scrub-Jay	*Aphelocoma coerulescens.*
	Island Scrub-Jay	*Aphelocoma insularis.*
	Woodhouse's Scrub-Jay	*Aphelocoma woodhouseii.*
Sea-Eagle	Steller's Sea-Eagle	*Haliaeetus pelagicus.*
Seedeater	Morelet's Seedeater	*Sporophila morelleti.*
Shearwater	Audubon's Shearwater	*Puffinus lherminieri.*
	Barolo Shearwater	*Puffinus baroli.*
	Black-vented Shearwater	*Puffinus opisthomelas.*
	Bryan's Shearwater	*Puffinus bryani.*
	Buller's Shearwater	*Ardenna bulleri.*
	Cape Verde Shearwater	*Calonectris edwardsii.*
	Christmas Shearwater	*Puffinus nativitatis.*
	Cory's Shearwater	*Calonectris diomedea.*
	Flesh-footed Shearwater	*Ardenna carneipes.*
	Great Shearwater	*Ardenna gravis.*
	Manx Shearwater	*Puffinus puffinus.*
	Newell's Shearwater	*Puffinus newelli.*
	Pink-footed Shearwater	*Ardenna creatopus.*
	Short-tailed Shearwater	*Ardenna tenuirostris.*
	Sooty Shearwater	*Ardenna grisea.*
	Streaked Shearwater	*Calonectris leucomelas.*
	Wedge-tailed Shearwater	*Ardenna pacifica.*
Shoveler	Northern Shoveler	*Spatula clypeata.*
Shrike	Brown Shrike	*Lanius cristatus.*
	Loggerhead Shrike	*Lanius ludovicianus.*
	Northern Shrike	*Lanius borealis.*
Silky-Flycatcher	Gray Silky-Flycatcher	*Ptiliogonys cinereus.*
Siskin	Eurasian Siskin	*Spinus spinus.*
	Pine Siskin	*Spinus pinus.*
Skimmer	Black Skimmer	*Rynchops niger.*
Skua	Great Skua	*Stercorarius skua.*
	South Polar Skua	*Stercorarius maccormicki.*
Skylark	Eurasian Skylark	*Alauda arvensis.*
Smew	Smew	*Mergellus albellus.*
Snipe	Common Snipe	*Gallinago gallinago.*
	Jack Snipe	*Lymnocryptes minimus.*
	Pin-tailed Snipe	*Gallinago stenura.*
	Solitary Snipe	*Gallinago solitaria.*
	Swinhoe's Snipe	*Gallinago megala.*
	Wilson's Snipe	*Gallinago delicata.*
Solitaire	Brown-backed Solitaire	*Myadestes occidentalis.*
	Townsend's Solitaire	*Myadestes townsendi.*
Sora	Sora	*Porzana carolina.*
Sparrow	American Tree Sparrow	*Spizelloides arborea.*
	Bachman's Sparrow	*Peucaea aestivalis.*
	Baird's Sparrow	*Centronyx bairdii.*
	Bell's Sparrow	*Artemisiospiza belli.*
	Black-chinned Sparrow	*Spizella atrogularis.*
	Black-throated Sparrow	*Amphispiza bilineata.*
	Botteri's Sparrow	*Peucaea botterii.*
	Brewer's Sparrow	*Spizella breweri.*
	Cassin's Sparrow	*Peucaea cassinii.*
	Chipping Sparrow	*Spizella passerina.*
	Clay-colored Sparrow	*Spizella pallida.*
	Field Sparrow	*Spizella pusilla.*
	Five-striped Sparrow	*Amphispizopsis quinquestriata.*

TABLE 1 TO PARAGRAPH (c)(1)—ALPHABETICAL LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—Continued

Common name group	Species common name	Species scientific name
	Fox Sparrow	*Passerella iliaca.*
	Golden-crowned Sparrow	*Zonotrichia atricapilla.*
	Grasshopper Sparrow	*Ammodramus savannarum.*
	Harris's Sparrow	*Zonotrichia querula.*
	Henslow's Sparrow	*Centronyx henslowii.*
	Lark Sparrow	*Chondestes grammacus.*
	LeConte's Sparrow	*Ammospiza leconteii.*
	Lincoln's Sparrow	*Melospiza lincolnii.*
	Nelson's Sparrow	*Ammospiza nelsoni.*
	Olive Sparrow	*Arremonops rufivirgatus.*
	Rufous-crowned Sparrow	*Aimophila ruficeps.*
	Rufous-winged Sparrow	*Peucaea carpalis.*
	Sagebrush Sparrow	*Artemisiospiza nevadensis.*
	Saltmarsh Sparrow	*Ammospiza caudacuta.*
	Savannah Sparrow	*Passerculus sandwichensis.*
	Seaside Sparrow	*Ammospiza maritima.*
	Song Sparrow	*Melospiza melodia.*
	Swamp Sparrow	*Melospiza georgiana.*
	Vesper Sparrow	*Pooecetes gramineus.*
	White-crowned Sparrow	*Zonotrichia leucophrys.*
	White-throated Sparrow	*Zonotrichia albicollis.*
	Worthen's Sparrow	*Spizella wortheni.*
Sparrowhawk	Chinese Sparrowhawk	*Accipiter soloensis.*
	Japanese Sparrowhawk	*Accipiter gularis.*
Spindalis	Puerto Rican Spindalis	*Spindalis portoricensis.*
	Western Spindalis	*Spindalis zena.*
Spoonbill	Roseate Spoonbill	*Platalea ajaja.*
Starling	Chestnut-cheeked Starling	*Agropsar philippensis.*
	White-cheeked Starling	*Spodiopsar cineraceus.*
Starthroat	Plain-capped Starthroat	*Heliomaster constantii.*
Stilt	Black-necked Stilt	*Himantopus mexicanus.*
	Black-winged Stilt	*Himantopus himantopus.*
Stint	Little Stint	*Calidris minuta.*
	Long-toed Stint	*Calidris subminuta.*
	Red-necked Stint	*Calidris ruficollis.*
	Temminck's Stint	*Calidris temminckii.*
Stonechat	Asian Stonechat	*Saxicola maurus.*
Stork	Wood Stork	*Mycteria americana.*
Storm-Petrel	Ashy Storm-Petrel	*Hydrobates homochroa.*
	Band-rumped Storm-Petrel	*Hydrobates castro.*
	Black Storm-Petrel	*Hydrobates melania.*
	Black-bellied Storm-Petrel	*Fregetta tropica.*
	European Storm-Petrel	*Hydrobates pelagicus.*
	Fork-tailed Storm-Petrel	*Hydrobates furcatus.*
	Leach's Storm-Petrel	*Hydrobates leucorhous.*
	Least Storm-Petrel	*Hydrobates microsoma.*
	Matsudaira's Storm-Petrel	*Hydrobates matsudairae.*
	Polynesian Storm-Petrel	*Nesofregetta fuliginosa.*
	Ringed Storm-Petrel	*Hydrobates hornbyi.*
	Swinhoe's Storm-Petrel	*Hydrobates monorhis.*
	Townsend's Storm-Petrel	*Hydrobates socorroensis.*
	Tristram's Storm-Petrel	*Hydrobates tristrami.*
	Wedge-rumped Storm-Petrel	*Hydrobates tethys.*
	White-bellied Storm-Petrel	*Fregetta grallaria.*
	White-faced Storm-Petrel	*Pelagodroma marina.*
	Wilson's Storm-Petrel	*Oceanites oceanicus.*
Surfbird	Surfbird	*Calidris virgata.*
Swallow	Bahama Swallow	*Tachycineta cyaneoviridis.*
	Bank Swallow	*Riparia riparia.*
	Barn Swallow	*Hirundo rustica.*
	Blue-and-white Swallow	*Pygochelidon cyanoleuca.*
	Cave Swallow	*Petrochelidon fulva.*
	Cliff Swallow	*Petrochelidon pyrrhonota.*
	Mangrove Swallow	*Tachycineta albilinea.*
	Northern Rough-winged Swallow	*Stelgidopteryx serripennis.*
	Tree Swallow	*Tachycineta bicolor.*
	Violet-green Swallow	*Tachycineta thalassina.*
Swamphen	Purple Swamphen	*Porphyrio porphyrio.*
Swan	Trumpeter Swan	*Cygnus buccinator.*
	Tundra Swan	*Cygnus columbianus.*
	Whooper Swan	*Cygnus cygnus.*

TABLE 1 TO PARAGRAPH (c)(1)—ALPHABETICAL LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—Continued

Common name group	Species common name	Species scientific name
Swift	Alpine Swift	*Apus melba.*
	Black Swift	*Cypseloides niger.*
	Chimney Swift	*Chaetura pelagica.*
	Common Swift	*Apus apus.*
	Fork-tailed Swift	*Apus pacificus.*
	Short-tailed Swift	*Chaetura brachyura.*
	Vaux's Swift	*Chaetura vauxi.*
	White-collared Swift	*Streptoprocne zonaris.*
	White-throated Swift	*Aeronautes saxatalis.*
Swiftlet	Mariana Swiftlet	*Aerodramus bartschi.*
	White-rumped Swiftlet	*Aerodramus spodiopygius.*
Tanager	Flame-colored Tanager	*Piranga bidentata.*
	Hepatic Tanager	*Piranga flava.*
	Puerto Rican Tanager	*Nesospingus speculiferus.*
	Scarlet Tanager	*Piranga olivacea.*
	Summer Tanager	*Piranga rubra.*
	Western Tanager	*Piranga ludoviciana.*
Tattler	Gray-tailed Tattler	*Tringa brevipes.*
	Wandering Tattler	*Tringa incana.*
Teal	Baikal Teal	*Sibirionetta formosa.*
	Blue-winged Teal	*Spatula discors.*
	Cinnamon Teal	*Spatula cyanoptera.*
	Green-winged Teal	*Anas crecca.*
Tern	Aleutian Tern	*Onychoprion aleuticus.*
	Arctic Tern	*Sterna paradisaea.*
	Black Tern	*Chlidonias niger.*
	Black-naped Tern	*Sterna sumatrana.*
	Bridled Tern	*Onychoprion anaethetus.*
	Caspian Tern	*Hydroprogne caspia.*
	Common Tern	*Sterna hirundo.*
	Elegant Tern	*Thalasseus elegans.*
	Forster's Tern	*Sterna forsteri.*
	Gray-backed Tern	*Onychoprion lunatus.*
	Great Crested Tern	*Thalasseus bergii.*
	Gull-billed Tern	*Gelochelidon nilotica.*
	Inca Tern	*Larosterna inca.*
	Large-billed Tern	*Phaetusa simplex.*
	Least Tern	*Sternula antillarum.*
	Little Tern	*Sternula albifrons.*
	Roseate Tern	*Sterna dougallii.*
	Royal Tern	*Thalasseus maximus.*
	Sandwich Tern	*Thalasseus sandvicensis.*
	Sooty Tern	*Onychoprion fuscatus.*
	Whiskered Tern	*Chlidonias hybrida.*
	White Tern	*Gygis alba.*
	White-winged Tern	*Chlidonias leucopterus.*
Thrasher	Bendire's Thrasher	*Toxostoma bendirei.*
	Brown Thrasher	*Toxostoma rufum.*
	California Thrasher	*Toxostoma redivivum.*
	Crissal Thrasher	*Toxostoma crissale.*
	Curve-billed Thrasher	*Toxostoma curvirostre.*
	LeConte's Thrasher	*Toxostoma lecontei.*
	Long-billed Thrasher	*Toxostoma longirostre.*
	Pearly-eyed Thrasher	*Margarops fuscatus.*
	Sage Thrasher	*Oreoscoptes montanus.*
Thrush	Aztec Thrush	*Ridgwayia pinicola.*
	Bicknell's Thrush	*Catharus bicknelli.*
	Clay-colored Thrush	*Turdus grayi.*
	Dusky Thrush	*Turdus eunomus.*
	Eyebrowed Thrush	*Turdus obscurus.*
	Gray-cheeked Thrush	*Catharus minimus.*
	Hermit Thrush	*Catharus guttatus.*
	Naumann's Thrush	*Turdus naumanni.*
	Red-legged Thrush	*Turdus plumbeus.*
	Swainson's Thrush	*Catharus ustulatus.*
	Varied Thrush	*Ixoreus naevius.*
	White-throated Thrush	*Turdus assimilis.*
	Wood Thrush	*Hylocichla mustelina.*
Tiger-Heron	Bare-throated Tiger-Heron	*Tigrisoma mexicanum.*
Titmouse	Black-crested Titmouse	*Baeolophus atricristatus.*
	Bridled Titmouse	*Baeolophus wollweberi.*

TABLE 1 TO PARAGRAPH (c)(1)—ALPHABETICAL LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—Continued

Common name group	Species common name	Species scientific name
	Juniper Titmouse	*Baeolophus ridgwayi.*
	Oak Titmouse	*Baeolophus inornatus.*
	Tufted Titmouse	*Baeolophus bicolor.*
Tityra	Masked Tityra	*Tityra semifasciata.*
Towhee	Abert's Towhee	*Melozone aberti.*
	California Towhee	*Melozone crissalis.*
	Canyon Towhee	*Melozone fusca.*
	Eastern Towhee	*Pipilo erythrophthalmus.*
	Green-tailed Towhee	*Pipilo chlorurus.*
	Spotted Towhee	*Pipilo maculatus.*
Trogon	Elegant Trogon	*Trogon elegans.*
Tropicbird	Red-billed Tropicbird	*Phaethon aethereus.*
	Red-tailed Tropicbird	*Phaethon rubricauda.*
	White-tailed Tropicbird	*Phaethon lepturus.*
Turnstone	Black Turnstone	*Arenaria melanocephala.*
	Ruddy Turnstone	*Arenaria interpres.*
Turtle-Dove	Oriental Turtle-Dove	*Streptopelia orientalis.*
Veery	Veery	*Catharus fuscescens.*
Verdin	Verdin	*Auriparus flaviceps.*
Violetear	Mexican Violetear	*Colibri thalassinus.*
Vireo	Bell's Vireo	*Vireo bellii.*
	Black-capped Vireo	*Vireo atricapilla.*
	Black-whiskered Vireo	*Vireo altiloquus.*
	Blue-headed Vireo	*Vireo solitarius.*
	Cassin's Vireo	*Vireo cassinii.*
	Cuban Vireo	*Vireo gundlachii.*
	Gray Vireo	*Vireo vicinior.*
	Hutton's Vireo	*Vireo huttoni.*
	Philadelphia Vireo	*Vireo philadelphicus.*
	Plumbeous Vireo	*Vireo plumbeus.*
	Puerto Rican Vireo	*Vireo latimeri.*
	Red-eyed Vireo	*Vireo olivaceus.*
	Thick-billed Vireo	*Vireo crassirostris.*
	Warbling Vireo	*Vireo gilvus.*
	White-eyed Vireo	*Vireo griseus.*
	Yellow-green Vireo	*Vireo flavoviridis.*
	Yellow-throated Vireo	*Vireo flavifrons.*
	Yucatan Vireo	*Vireo magister.*
Vulture	Black Vulture	*Coragyps atratus.*
	Turkey Vulture	*Cathartes aura.*
Wagtail	Citrine Wagtail	*Motacilla citreola.*
	Eastern Yellow Wagtail	*Motacilla tschutschensis.*
	Gray Wagtail	*Motacilla cinerea.*
	White Wagtail	*Motacilla alba.*
Warbler	Adelaide's Warbler	*Setophaga adelaidae.*
	Aguiguan Reed Warbler	*Acrocephalus nijoi.*
	Arctic Warbler	*Phylloscopus borealis.*
	Bachman's Warbler	*Vermivora bachmanii.*
	Bay-breasted Warbler	*Setophaga castanea.*
	Black-and-white Warbler	*Mniotilta varia.*
	Blackburnian Warbler	*Setophaga fusca.*
	Blackpoll Warbler	*Setophaga striata.*
	Black-throated Blue Warbler	*Setophaga caerulescens.*
	Black-throated Gray Warbler	*Setophaga nigrescens.*
	Black-throated Green Warbler	*Setophaga virens.*
	Blue-winged Warbler	*Vermivora cyanoptera.*
	Blyth's Reed Warbler	*Acrocephalus dumetorum.*
	Canada Warbler	*Cardellina canadensis.*
	Cape May Warbler	*Setophaga tigrina.*
	Cerulean Warbler	*Setophaga cerulea.*
	Chestnut-sided Warbler	*Setophaga pensylvanica.*
	Colima Warbler	*Leiothlypis crissalis.*
	Connecticut Warbler	*Oporornis agilis.*
	Crescent-chested Warbler	*Oreothlypis superciliosa.*
	Dusky Warbler	*Phylloscopus fuscatus.*
	Elfin-woods Warbler	*Setophaga angelae.*
	Fan-tailed Warbler	*Basileuterus lachrymosus.*
	Golden-cheeked Warbler	*Setophaga chrysoparia.*
	Golden-crowned Warbler	*Basileuterus culicivorus.*
	Golden-winged Warbler	*Vermivora chrysoptera.*
	Grace's Warbler	*Setophaga graciae.*

TABLE 1 TO PARAGRAPH (c)(1)—ALPHABETICAL LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—Continued

Common name group	Species common name	Species scientific name
	Hermit Warbler	*Setophaga occidentalis.*
	Hooded Warbler	*Setophaga citrina.*
	Kamchatka Leaf Warbler	*Phylloscopus examinandus.*
	Kentucky Warbler	*Geothlypis formosa.*
	Kirtland's Warbler	*Setophaga kirtlandii.*
	Lanceolated Warbler	*Locustella lanceolata.*
	Lucy's Warbler	*Leiothlypis luciae.*
	MacGillivray's Warbler	*Geothlypis tolmiei.*
	Magnolia Warbler	*Setophaga magnolia.*
	Middendorff's Grasshopper Warbler	*Helopsaltes ochotensis.*
	Mourning Warbler	*Geothlypis philadelphia.*
	Nashville Warbler	*Leiothlypis ruficapilla.*
	Nightingale Reed Warbler	*Acrocephalus luscinius.*
	Olive Warbler	*Peucedramus taeniatus.*
	Orange-crowned Warbler	*Leiothlypis celata.*
	Pagan Reed Warbler	*Acrocephalus yamashinae.*
	Pallas's Grasshopper Warbler	*Helopsaltes certhiola.*
	Pallas's Leaf Warbler	*Phylloscopus proregulus.*
	Palm Warbler	*Setophaga palmarum.*
	Pine Warbler	*Setophaga pinus.*
	Prairie Warbler	*Setophaga discolor.*
	Prothonotary Warbler	*Protonotaria citrea.*
	Red-faced Warbler	*Cardellina rubrifrons.*
	River Warbler	*Locustella fluviatilis.*
	Rufous-capped Warbler	*Basileuterus rufifrons.*
	Saipan Reed Warbler	*Acrocephalus hiwae.*
	Sedge Warbler	*Acrocephalus schoenobaenus.*
	Swainson's Warbler	*Limnothlypis swainsonii.*
	Tennessee Warbler	*Leiothlypis peregrina.*
	Thick-billed Warbler	*Arundinax aedon.*
	Townsend's Warbler	*Setophaga townsendi.*
	Virginia's Warbler	*Leiothlypis virginiae.*
	Willow Warbler	*Phylloscopus trochilus.*
	Wilson's Warbler	*Cardellina pusilla.*
	Wood Warbler	*Phylloscopus sibilatrix.*
	Worm-eating Warbler	*Helmitheros vermivorum.*
	Yellow Warbler	*Setophaga petechia.*
	Yellow-browed Warbler	*Phylloscopus inornatus.*
	Yellow-rumped Warbler	*Setophaga coronata.*
	Yellow-throated Warbler	*Setophaga dominica.*
Waterthrush	Louisiana Waterthrush	*Parkesia motacilla.*
	Northern Waterthrush	*Parkesia noveboracensis.*
Waxwing	Bohemian Waxwing	*Bombycilla garrulus.*
	Cedar Waxwing	*Bombycilla cedrorum.*
Wheatear	Northern Wheatear	*Oenanthe oenanthe.*
	Pied Wheatear	*Oenanthe pleschanka.*
Whimbrel	Whimbrel	*Numenius phaeopus.*
Whip-poor-will	Eastern Whip-poor-will	*Antrostomus vociferus.*
	Mexican Whip-poor-will	*Antrostomus arizonae.*
Whistling-Duck	Black-bellied Whistling-Duck	*Dendrocygna autumnalis.*
	Fulvous Whistling-Duck	*Dendrocygna bicolor.*
	West Indian Whistling-Duck	*Dendrocygna arborea.*
Whitethroat	Lesser Whitethroat	*Sylvia curruca.*
Wigeon	American Wigeon	*Mareca americana.*
	Eurasian Wigeon	*Mareca penelope.*
Willet	Willet	*Tringa semipalmata.*
Woodcock	American Woodcock	*Scolopax minor.*
	Eurasian Woodcock	*Scolopax rusticola.*
Woodpecker	Acorn Woodpecker	*Melanerpes formicivorus.*
	American Three-toed Woodpecker	*Picoides dorsalis.*
	Arizona Woodpecker	*Dryobates arizonae.*
	Black-backed Woodpecker	*Picoides arcticus.*
	Downy Woodpecker	*Dryobates pubescens.*
	Gila Woodpecker	*Melanerpes uropygialis.*
	Golden-fronted Woodpecker	*Melanerpes aurifrons.*
	Great Spotted Woodpecker	*Dendrocopos major.*
	Hairy Woodpecker	*Dryobates villosus.*
	Ivory-billed Woodpecker	*Campephilus principalis.*
	Ladder-backed Woodpecker	*Dryobates scalaris.*
	Lewis's Woodpecker	*Melanerpes lewis.*
	Nuttall's Woodpecker	*Dryobates nuttallii.*

TABLE 1 TO PARAGRAPH (c)(1)—ALPHABETICAL LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—Continued

Common name group	Species common name	Species scientific name
	Pileated Woodpecker	*Dryocopus pileatus.*
	Puerto Rican Woodpecker	*Melanerpes portoricensis.*
	Red-bellied Woodpecker	*Melanerpes carolinus.*
	Red-cockaded Woodpecker	*Dryobates borealis.*
	Red-headed Woodpecker	*Melanerpes erythrocephalus.*
	White-headed Woodpecker	*Dryobates albolarvatus.*
Wood-Pewee	Eastern Wood-Pewee	*Contopus virens.*
	Western Wood-Pewee	*Contopus sordidulus.*
Wood-Rail	Rufous-necked Wood-Rail	*Aramides axillaris.*
Woodstar	Bahama Woodstar	*Nesophlox evelynae.*
Wren	Bewick's Wren	*Thryomanes bewickii.*
	Cactus Wren	*Campylorhynchus brunneicapillus.*
	Canyon Wren	*Catherpes mexicanus.*
	Carolina Wren	*Thryothorus ludovicianus.*
	House Wren	*Troglodytes aedon.*
	Marsh Wren	*Cistothorus palustris.*
	Pacific Wren	*Troglodytes pacificus.*
	Rock Wren	*Salpinctes obsoletus.*
	Sedge Wren	*Cistothorus stellaris.*
	Sinaloa Wren	*Thryophilus sinaloa.*
	Winter Wren	*Troglodytes hiemalis.*
Wrentit	Wrentit	*Chamaea fasciata.*
Wryneck	Eurasian Wryneck	*Jynx torquilla.*
Yellowlegs	Greater Yellowlegs	*Tringa melanoleuca.*
	Lesser Yellowlegs	*Tringa flavipes.*
Yellowthroat	Common Yellowthroat	*Geothlypis trichas.*
	Gray-crowned Yellowthroat	*Geothlypis poliocephala.*

(2) *Taxonomic listing.* The table lists species in phylogenetic sequence by scientific name, with the common (English) name following the scientific name. To help clarify species relationships, we also provide the higher-level taxonomic categories of Order, Family, and Subfamily.

TABLE 2 TO PARAGRAPH (c)(2)—TAXONOMIC LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT

Species scientific name	Species common name
(i) Order Anseriformes	
Family Anatidae	
(1) Subfamily Dendrocygninae	
Dendrocygna autumnalis	Black-bellied Whistling-Duck.
Dendrocygna arborea	West Indian Whistling-Duck.
Dendrocygna bicolor	Fulvous Whistling-Duck.
(2) Subfamily Anserinae	
Anser canagicus	Emperor Goose.
Anser caerulescens	Snow Goose.
Anser rossii	Ross's Goose.
Anser albifrons	Greater White-fronted Goose.
Anser erythropus	Lesser White-fronted Goose.
Anser fabalis	Taiga Bean-Goose.
Anser serrirostris	Tundra Bean-Goose.
Anser brachyrhynchus	Pink-footed Goose.
Branta bernicla	Brant.
Branta leucopsis	Barnacle Goose.
Branta hutchinsii	Cackling Goose.
Branta canadensis	Canada Goose.
Branta sandvicensis	Hawaiian Goose.
Cygnus buccinator	Trumpeter Swan.
Cygnus columbianus	Tundra Swan.
Cygnus cygnus	Whooper Swan.

TABLE 2 TO PARAGRAPH (c)(2)—TAXONOMIC LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—Continued

Species scientific name	Species common name
(3) Subfamily Anatinae	
Cairina moschata	Muscovy Duck.
Aix sponsa	Wood Duck.
Sibirionetta formosa	Baikal Teal.
Spatula querquedula	Garganey.
Spatula discors	Blue-winged Teal.
Spatula cyanoptera	Cinnamon Teal.
Spatula clypeata	Northern Shoveler.
Mareca strepera	Gadwall.
Mareca falcata	Falcated Duck.
Mareca penelope	Eurasian Wigeon.
Mareca americana	American Wigeon.
Anas laysanensis	Laysan Duck
Anas wyvilliana	Hawaiian Duck.
Anas zonorhyncha	Eastern Spot-billed Duck.
Anas platyrhynchos	Mallard.
Anas diazi	Mexican Duck.
Anas rubripes	American Black Duck.
Anas fulvigula	Mottled Duck.
Anas superciliosa	Pacific Black Duck.
Anas bahamensis	White-cheeked Pintail.
Anas acuta	Northern Pintail.
Anas crecca	Green-winged Teal.
Aythya valisineria	Canvasback.
Aythya americana	Redhead.
Aythya ferina	Common Pochard.
Aythya baeri	Baer's Pochard.
Aythya collaris	Ring-necked Duck.
Aythya fuligula	Tufted Duck.
Aythya marila	Greater Scaup.
Aythya affinis	Lesser Scaup.
Polysticta stelleri	Steller's Eider.
Somateria fischeri	Spectacled Eider.
Somateria spectabilis	King Eider.
Somateria mollissima	Common Eider.
Histrionicus histrionicus	Harlequin Duck.
Melanitta perspicillata	Surf Scoter.
Melanitta deglandi	White-winged Scoter.
Melanitta stejneger	Stejneger's Scoter.
Melanitta nigra	Common Scoter.
Melanitta americana	Black Scoter.
Clangula hyemalis	Long-tailed Duck.
Bucephala albeola	Bufflehead.
Bucephala clangula	Common Goldeneye.
Bucephala islandica	Barrow's Goldeneye.
Mergellus albellus	Smew.
Lophodytes cucullatus	Hooded Merganser.
Mergus merganser	Common Merganser.
Mergus serrator	Red-breasted Merganser.
Nomonyx dominicus	Masked Duck.
Oxyura jamaicensis	Ruddy Duck.
(ii) Order Phoenicopteriformes	
Family Phoenicopteridae	
Phoenicopterus ruber	American Flamingo.
(iii) Order Podicipediformes	
Family Podicipedidae	
Tachybaptus dominicus	Least Grebe.
Podilymbus podiceps	Pied-billed Grebe.
Podiceps auritus	Horned Grebe.
Podiceps grisegena	Red-necked Grebe.
Podiceps nigricollis	Eared Grebe.
Aechmophorus occidentalis	Western Grebe.
Aechmophorus clarkii	Clark's Grebe.

TABLE 2 TO PARAGRAPH (c)(2)—TAXONOMIC LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—Continued

Species scientific name	Species common name
(iv) Order Columbiformes	
Family Columbidae	
Patagioenas squamosa	Scaly-naped Pigeon.
Patagioenas leucocephala	White-crowned Pigeon.
Patagioenas flavirostris	Red-billed Pigeon.
Patagioenas inornata	Plain Pigeon.
Patagioenas fasciata	Band-tailed Pigeon.
Streptopelia orientalis	Oriental Turtle-Dove.
Alopecoenas stairi	Shy Ground Dove.
Alopecoenas xanthonurus	White-throated Ground Dove.
Columbina inca	Inca Dove.
Columbina passerina	Common Ground Dove.
Columbina talpacoti	Ruddy Ground Dove.
Geotrygon montana	Ruddy Quail-Dove.
Geotrygon chrysia	Key West Quail-Dove.
Geotrygon mystacea	Bridled Quail-Dove.
Leptotila verreauxi	White-tipped Dove.
Zenaida asiatica	White-winged Dove.
Zenaida aurita	Zenaida Dove.
Zenaida macroura	Mourning Dove.
Ptilinopus perousii	Many-colored Fruit-Dove.
Ptilinopus porphyraceus	Crimson-crowned Fruit-Dove.
Ptilinopus roseicapilla	Mariana Fruit-Dove.
Ducula pacifica	Pacific Imperial-Pigeon.
(v) Order Cuculiformes	
Family Cuculidae	
(1) Subfamily Crotophaginae	
Crotophaga ani	Smooth-billed Ani.
Crotophaga sulcirostris	Groove-billed Ani.
(2) Subfamily Neomorphinae	
Geococcyx californianus	Greater Roadrunner.
(3) Subfamily Cuculinae	
Urodynamis taitensis	Long-tailed Koel.
Hierococcyx nisicolor	Hodgson's Hawk-Cuckoo.
Cuculus canorus	Common Cuckoo.
Cuculus optatus	Oriental Cuckoo.
Clamator coromandus	Chestnut-winged Cuckoo.
Coccyzus melacoryphus	Dark-billed Cuckoo.
Coccyzus americanus	Yellow-billed Cuckoo.
Coccyzus minor	Mangrove Cuckoo.
Coccyzus erythropthalmus	Black-billed Cuckoo.
Coccyzus vieilloti	Puerto Rican Lizard-Cuckoo.
(vi) Order Caprimulgiformes	
Family Caprimulgidae	
(1) Subfamily Chordeilinae	
Chordeiles acutipennis	Lesser Nighthawk.
Chordeiles minor	Common Nighthawk.
Chordeiles gundlachii	Antillean Nighthawk.
(2) Subfamily Caprimulginae	
Nyctidromus albicollis	Common Pauraque.
Phalaenoptilus nuttallii	Common Poorwill.
Antrostomus carolinensis	Chuck-will's-widow.
Antrostomus ridgwayi	Buff-collared Nightjar.
Antrostomus vociferus	Eastern Whip-poor-will.
Antrostomus arizonae	Mexican Whip-poor-will.
Antrostomus noctitherus	Puerto Rican Nightjar.

TABLE 2 TO PARAGRAPH (c)(2)—TAXONOMIC LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—Continued

Species scientific name	Species common name
Hydropsalis cayennensis	White-tailed Nightjar.
Caprimulgus jotaka	Gray Nightjar.
(vii) Order Apodiformes	
(A) Family Apodidae	
(1) Subfamily Cypseloidinae	
Cypseloides niger	Black Swift.
Streptoprocne zonaris	White-collared Swift.
(2) 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 bartschi	Mariana Swiftlet.
(3) Subfamily Apodinae	
Apus apus	Common Swift.
Apus pacificus	Fork-tailed Swift.
Apus melba	Alpine Swift.
Aeronautes saxatalis	White-throated Swift.
Tachornis phoenicobia	Antillean Palm-Swift.
(B) Family Trochilidae	
Subfamily Trochilinae	
Colibri thalassinus	Mexican Violetear.
Anthracothorax prevostii	Green-breasted Mango.
Anthracothorax aurulentus	Puerto Rican Mango.
Anthracothorax viridis	Green Mango.
Eulampis jugularis	Purple-throated Carib.
Eulampis holosericeus	Green-throated Carib.
Eugenes fulgens	Rivoli's Hummingbird.
Heliomaster constantii	Plain-capped Starthroat.
Lampornis amethystinus	Amethyst-throated Mountain-gem.
Lampornis clemenciae	Blue-throated Mountain-gem.
Calothorax lucifer	Lucifer Hummingbird.
Archilochus colubris	Ruby-throated Hummingbird.
Archilochus alexandri	Black-chinned Hummingbird.
Mellisuga minima	Vervain Hummingbird.
Nesophlox evelynae	Bahama Woodstar.
Calypte anna	Anna's Hummingbird.
Calypte costae	Costa's Hummingbird.
Selasphorus calliope	Calliope Hummingbird.
Selasphorus rufus	Rufous Hummingbird.
Selasphorus sasin	Allen's Hummingbird.
Selasphorus platycercus	Broad-tailed Hummingbird.
Selasphorus heloisa	Bumblebee Hummingbird.
Riccordia maugaeus	Puerto Rican Emerald.
Cynanthus latirostris	Broad-billed Hummingbird.
Basilinna leucotis	White-eared Hummingbird.
Basilinna xantusii	Xantus's Hummingbird.
Orthorhyncus cristatus	Antillean Crested Hummingbird.
Ramosomyia violiceps	Violet-crowned Hummingbird.
Saucerottia beryllina	Berylline Hummingbird.
Amazilia rutila	Cinnamon Hummingbird.
Amazilia yucatanensis	Buff-bellied Hummingbird.
(viii) Order Gruiformes	
(A) Family Rallidae	
Gallirallus philippensis	Buff-banded Rail.
Gallirallus owstoni	Guam Rail.
Neocrex erythrops	Paint-billed Crake.

TABLE 2 TO PARAGRAPH (c)(2)—TAXONOMIC LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—Continued

Species scientific name	Species common name
Pardirallus maculatus	Spotted Rail.
Aramides axillaris	Rufous-necked Wood-Rail.
Rallus obsoletus	Ridgway's Rail.
Rallus elegans	King Rail.
Rallus crepitans	Clapper Rail.
Rallus limicola	Virginia Rail.
Crex crex	Corn Crake.
Porzana carolina	Sora.
Gallinula galeata	Common Gallinule.
Gallinula chloropus	Eurasian Moorhen.
Fulica atra	Eurasian Coot.
Fulica alai	Hawaiian Coot.
Fulica americana	American Coot.
Porphyrio martinicus	Purple Gallinule.
Porphyrio flavirostris	Azure Gallinule.
Porphyrio porphyrio	Purple Swamphen.
Porzana tabuensis	Spotless Crake.
Coturnicops noveboracensis	Yellow Rail.
Hapalocrex flaviventer	Yellow-breasted Crake.
Laterallus jamaicensis	Black Rail.
(B) Family Aramidae	
Aramus guarauna	Limpkin.
(C) Family Gruidae	
Subfamily Gruinae	
Antigone canadensis	Sandhill Crane.
Grus grus	Common Crane.
Grus monacha	Hooded Crane.
Grus americana	Whooping Crane.
(ix) Order Charadriiformes	
(A) Family Recurvirostridae	
Himantopus himantopus	Black-winged Stilt.
Himantopus mexicanus	Black-necked Stilt.
Recurvirostra americana	American Avocet.
(B) Family Haematopodidae	
Haematopus ostralegus	Eurasian Oystercatcher.
Haematopus palliatus	American Oystercatcher.
Haematopus bachmani	Black Oystercatcher.
(C) Family Charadriidae	
(1) Subfamily Vanellinae	
Vanellus vanellus	Northern Lapwing.
(2) Subfamily Charadriinae	
Pluvialis squatarola	Black-bellied Plover.
Pluvialis apricaria	European Golden-Plover.
Pluvialis dominica	American Golden-Plover.
Pluvialis fulva	Pacific Golden-Plover.
Charadrius morinellus	Eurasian Dotterel.
Charadrius vociferus	Killdeer.
Charadrius hiaticula	Common Ringed Plover.
Charadrius semipalmatus	Semipalmated Plover.
Charadrius melodus	Piping Plover.
Charadrius dubius	Little Ringed Plover.
Charadrius mongolus	Lesser Sand-Plover.
Charadrius leschenaultii	Greater Sand-Plover.
Charadrius wilsonia	Wilson's Plover.
Charadrius collaris	Collared Plover.
Charadrius alexandrinus	Kentish Plover.
Charadrius montanus	Mountain Plover.

TABLE 2 TO PARAGRAPH (c)(2)—TAXONOMIC LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—Continued

Species scientific name	Species common name
Charadrius nivosus	Snowy Plover.
(D) Family Jacanidae	
Jacana spinosa	Northern Jacana.
(E) Family Scolopacidae	
(1) Subfamily Numeniinae	
Bartramia longicauda	Upland Sandpiper.
Numenius tahitiensis	Bristle-thighed Curlew.
Numenius phaeopus	Whimbrel.
Numenius minutus	Little Curlew.
Numenius borealis	Eskimo Curlew.
Numenius americanus	Long-billed Curlew.
Numenius madagascariensis	Far Eastern Curlew.
Numenius arquata	Eurasian Curlew.
(2) Subfamily Limosinae	
Limosa lapponica	Bar-tailed Godwit.
Limosa limosa	Black-tailed Godwit.
Limosa haemastica	Hudsonian Godwit.
Limosa fedoa	Marbled Godwit.
(3) Subfamily Arenariinae	
Arenaria interpres	Ruddy Turnstone.
Arenaria melanocephala	Black Turnstone.
Calidris tenuirostris	Great Knot.
Calidris canutus	Red Knot.
Calidris virgata	Surfbird.
Calidris pugnax	Ruff.
Calidris falcinellus	Broad-billed Sandpiper.
Calidris acuminata	Sharp-tailed Sandpiper.
Calidris himantopus	Stilt Sandpiper.
Calidris ferruginea	Curlew Sandpiper.
Calidris temminckii	Temminck's Stint.
Calidris subminuta	Long-toed Stint.
Calidris pygmea	Spoon-billed Sandpiper.
Calidris ruficollis	Red-necked Stint.
Calidris alba	Sanderling.
Calidris alpina	Dunlin.
Calidris ptilocnemis	Rock Sandpiper.
Calidris maritima	Purple Sandpiper.
Calidris bairdii	Baird's Sandpiper.
Calidris minuta	Little Stint.
Calidris minutilla	Least Sandpiper.
Calidris fuscicollis	White-rumped Sandpiper.
Calidris subruficollis	Buff-breasted Sandpiper.
Calidris melanotos	Pectoral Sandpiper.
Calidris pusilla	Semipalmated Sandpiper.
Calidris mauri	Western Sandpiper.
(4) Subfamily Scolopacinae	
Limnodromus griseus	Short-billed Dowitcher.
Limnodromus scolopaceus	Long-billed Dowitcher.
Lymnocryptes minimus	Jack Snipe.
Scolopax rusticola	Eurasian Woodcock.
Scolopax minor	American Woodcock.
Gallinago solitaria	Solitary Snipe.
Gallinago stenura	Pin-tailed Snipe.
Gallinago megala	Swinhoe's Snipe.
Gallinago gallinago	Common Snipe.
Gallinago delicata	Wilson's Snipe.
(5) Subfamily Tringinae	
Xenus cinereus	Terek Sandpiper.
Actitis hypoleucos	Common Sandpiper.

TABLE 2 TO PARAGRAPH (c)(2)—TAXONOMIC LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—Continued

Species scientific name	Species common name
Actitis macularius	Spotted Sandpiper.
Tringa ochropus	Green Sandpiper.
Tringa solitaria	Solitary Sandpiper.
Tringa brevipes	Gray-tailed Tattler.
Tringa incana	Wandering Tattler.
Tringa flavipes	Lesser Yellowlegs.
Tringa semipalmata	Willet.
Tringa erythropus	Spotted Redshank.
Tringa nebularia	Common Greenshank.
Tringa guttifer	Nordmann's Greenshank.
Tringa melanoleuca	Greater Yellowlegs.
Tringa totanus	Common Redshank.
Tringa glareola	Wood Sandpiper.
Tringa stagnatilis	Marsh Sandpiper.
Phalaropus tricolor	Wilson's Phalarope.
Phalaropus lobatus	Red-necked Phalarope.
Phalaropus fulicarius	Red Phalarope.
(F) Family Stercorariidae	
Stercorarius skua	Great Skua.
Stercorarius maccormicki	South Polar Skua.
Stercorarius pomarinus	Pomarine Jaeger.
Stercorarius parasiticus	Parasitic Jaeger.
Stercorarius longicaudus	Long-tailed Jaeger.
(G) Family Alcidae	
Alle alle	Dovekie.
Uria aalge	Common Murre.
Uria lomvia	Thick-billed Murre.
Alca torda	Razorbill.
Cepphus grylle	Black Guillemot.
Cepphus columba	Pigeon Guillemot.
Brachyramphus perdix	Long-billed Murrelet.
Brachyramphus marmoratus	Marbled Murrelet
Brachyramphus brevirostris	Kittlitz's Murrelet.
Synthliboramphus scrippsi	Scripps's Murrelet.
Synthliboramphus hypoleucus	Guadalupe Murrelet.
Synthliboramphus craveri	Craveri's Murrelet.
Synthliboramphus antiquus	Ancient Murrelet.
Ptychoramphus aleuticus	Cassin's Auklet.
Aethia psittacula	Parakeet Auklet.
Aethia pusilla	Least Auklet.
Aethia pygmaea	Whiskered Auklet.
Aethia cristatella	Crested Auklet.
Cerorhinca monocerata	Rhinoceros Auklet.
Fratercula arctica	Atlantic Puffin.
Fratercula corniculata	Horned Puffin.
Fratercula cirrhata	Tufted Puffin.
(H) Family Laridae	
(1) Subfamily Larinae	
Creagrus furcatus	Swallow-tailed Gull.
Rissa tridactyla	Black-legged Kittiwake.
Rissa brevirostris	Red-legged Kittiwake.
Pagophila eburnea	Ivory Gull.
Xema sabini	Sabine's Gull.
Chroicocephalus philadelphia	Bonaparte's Gull.
Chroicocephalus cirrocephalus	Gray-hooded Gull.
Chroicocephalus ridibundus	Black-headed Gull.
Hydrocoloeus minutus	Little Gull.
Rhodostethia rosea	Ross's Gull.
Leucophaeus atricilla	Laughing Gull.
Leucophaeus pipixcan	Franklin's Gull.
Ichthyaetus ichthyaetus	Pallas's Gull.
Larus belcheri	Belcher's Gull.
Larus crassirostris	Black-tailed Gull.
Larus heermanni	Heermann's Gull.

TABLE 2 TO PARAGRAPH (c)(2)—TAXONOMIC LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—Continued

Species scientific name	Species common name
Larus canus	Common Gull.
Larus brachyrhynchus	Short-billed Gull.
Larus delawarensis	Ring-billed Gull.
Larus occidentalis	Western Gull.
Larus livens	Yellow-footed Gull.
Larus californicus	California Gull.
Larus argentatus	Herring Gull.
Larus michahellis	Yellow-legged Gull.
Larus glaucoides	Iceland Gull.
Larus fuscus	Lesser Black-backed Gull.
Larus schistisagus	Slaty-backed Gull.
Larus glaucescens	Glaucous-winged Gull.
Larus hyperboreus	Glaucous Gull.
Larus marinus	Great Black-backed Gull.
Larus dominicanus	Kelp Gull.
(2) Subfamily Sterninae	
Anous stolidus	Brown Noddy.
Anous minutus	Black Noddy.
Anous ceruleus	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.
Larosterna inca	Inca Tern.
Chlidonias niger	Black Tern.
Chlidonias leucopterus	White-winged Tern.
Chlidonias hybrida	Whiskered Tern.
Sterna dougallii	Roseate Tern.
Sterna sumatrana	Black-naped Tern.
Sterna hirundo	Common Tern.
Sterna paradisaea	Arctic Tern.
Sterna forsteri	Forster's Tern.
Thalasseus maximus	Royal Tern.
Thalasseus bergii	Great Crested Tern.
Thalasseus sandvicensis	Sandwich Tern.
Thalasseus elegans	Elegant Tern.
(3) Subfamily Rynchopinae	
Rynchops niger	Black Skimmer.
(x) Order Phaethontiformes	
Family Phaethontidae	
Phaethon lepturus	White-tailed Tropicbird.
Phaethon aethereus	Red-billed Tropicbird.
Phaethon rubricauda	Red-tailed Tropicbird.
(xi) Order Gaviiformes	
Family Gaviidae	
Gavia stellata	Red-throated Loon.
Gavia arctica	Arctic Loon.
Gavia pacifica	Pacific Loon.
Gavia immer	Common Loon.
Gavia adamsii	Yellow-billed Loon.
(xii) Order Procellariiformes	
(A) Family Diomedeidae	
Thalassarche chlororhynchos	Yellow-nosed Albatross.

TABLE 2 TO PARAGRAPH (c)(2)—TAXONOMIC LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—Continued

Species scientific name	Species common name
Thalassarche cauta	White-capped Albatross.
Thalassarche eremita	Chatham Albatross.
Thalassarche salvini	Salvin's Albatross.
Thalassarche melanophris	Black-browed Albatross.
Phoebetria palpebrata	Light-mantled Albatross.
Diomedea exulans	Wandering Albatross.
Phoebastria immutabilis	Laysan Albatross.
Phoebastria nigripes	Black-footed Albatross.
Phoebastria albatrus	Short-tailed Albatross.
(B) Family Oceanitidae	
Family Phaethontidae	
Oceanites oceanicus	Wilson's Storm-Petrel.
Pelagodroma marina	White-faced Storm-Petrel.
Fregetta grallaria	White-bellied Storm-Petrel.
Fregetta tropica	Black-bellied Storm-Petrel.
Nesofregetta fuliginosa	Polynesian Storm-Petrel.
(C) Family Hydrobatidae	
Hydrobates pelagicus	European Storm-Petrel.
Hydrobates furcatus	Fork-tailed Storm-Petrel.
Hydrobates hornbyi	Ringed Storm-Petrel.
Hydrobates monorhis	Swinhoe's Storm-Petrel.
Hydrobates leucorhous	Leach's Storm-Petrel.
Hydrobates socorroensis	Townsend's Storm-Petrel.
Hydrobates homochroa	Ashy Storm-Petrel.
Hydrobates castro	Band-rumped Storm-Petrel.
Hydrobates tethys	Wedge-rumped Storm-Petrel.
Hydrobates melania	Black Storm-Petrel.
Hydrobates matsudairae	Matsudaira's Storm-Petrel.
Hydrobates tristrami	Tristram's Storm-Petrel.
Hydrobates microsoma	Least Storm-Petrel.
(D) Family Procellariidae	
Macronectes halli	Northern Giant-Petrel.
Fulmarus glacialis	Northern Fulmar.
Pterodroma gouldi	Gray-faced Petrel.
Pterodroma solandri	Providence Petrel.
Pterodroma neglecta	Kermadec Petrel.
Pterodroma arminjoniana	Trindade Petrel.
Pterodroma heraldica	Herald Petrel.
Pterodroma ultima	Murphy's Petrel.
Pterodroma inexpectata	Mottled Petrel.
Pterodroma cahow	Bermuda Petrel.
Pterodroma hasitata	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 feae	Fea's Petrel.
Pterodroma madeira	Zino's Petrel.
Pterodroma cookii	Cook's Petrel.
Pterodroma leucoptera	Gould's Petrel.
Pterodroma longirostris	Stejneger's Petrel.
Pterodroma alba	Phoenix Petrel.
Pseudobulweria rostrata	Tahiti Petrel.
Bulweria bulwerii	Bulwer's Petrel.
Bulweria fallax	Jouanin's Petrel.
Procellaria aequinoctialis	White-chinned Petrel.
Procellaria parkinsoni	Parkinson's Petrel.
Calonectris leucomelas	Streaked Shearwater.
Calonectris diomedea	Cory's Shearwater.
Calonectris edwardsii	Cape Verde Shearwater.
Ardenna pacifica	Wedge-tailed Shearwater.
Ardenna bulleri	Buller's Shearwater.
Ardenna tenuirostris	Short-tailed Shearwater.

TABLE 2 TO PARAGRAPH (c)(2)—TAXONOMIC LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—Continued

Species scientific name	Species common name
Ardenna grisea	Sooty Shearwater.
Ardenna gravis	Great Shearwater.
Ardenna creatopus	Pink-footed Shearwater.
Ardenna carneipes	Flesh-footed Shearwater.
Puffinus nativitatis	Christmas Shearwater.
Puffinus puffinus	Manx Shearwater.
Puffinus newelli	Newell's Shearwater.
Puffinus bryani	Bryan's Shearwater.
Puffinus opisthomelas	Black-vented Shearwater.
Puffinus lherminieri	Audubon's Shearwater.
Puffinus baroli	Barolo Shearwater.
(xiii) Order Ciconiiformes	
Family Ciconiidae	
Jabiru mycteria	Jabiru.
Mycteria americana	Wood Stork.
(xiv) Order Suliformes	
(A) Family Fregatidae	
Fregata ariel	Lesser Frigatebird.
Fregata magnificens	Magnificent Frigatebird.
Fregata minor	Great Frigatebird.
(B) Family Sulidae	
Sula dactylatra	Masked Booby.
Sula granti	Nazca Booby.
Sula nebouxii	Blue-footed Booby.
Sula leucogaster	Brown Booby.
Sula sula	Red-footed Booby.
Papasula abbotti	Abbott's Booby.
Morus bassanus	Northern Gannet.
(C) Family Anhingidae	
Anhinga anhinga	Anhinga.
(D) Family Phalacrocoracidae	
Microcarbo melanoleucos	Little Pied Cormorant.
Urile penicillatus	Brandt's Cormorant.
Urile urile	Red-faced Cormorant.
Urile pelagicus	Pelagic Cormorant.
Phalacrocorax carbo	Great Cormorant.
Nannopterum auritum	Double-crested Cormorant.
Nannopterum brasilianum	Neotropic Cormorant.
(xv) Order Pelecaniformes	
(A) Family Pelecanidae	
Pelecanus erythrorhynchos	American White Pelican.
Pelecanus occidentalis	Brown Pelican.
(B) Family Ardeidae	
Botaurus lentiginosus	American Bittern.
Ixobrychus sinensis	Yellow Bittern.
Ixobrychus exilis	Least Bittern.
Ixobrychus eurhythmus	Schrenck's Bittern.
Ixobrychus flavicollis	Black Bittern.
Tigrisoma mexicanum	Bare-throated Tiger-Heron.
Ardea herodias	Great Blue Heron.
Ardea cinerea	Gray Heron.
Ardea alba	Great Egret.
Ardea intermedia	Intermediate Egret.
Egretta eulophotes	Chinese Egret.
Egretta garzetta	Little Egret.

TABLE 2 TO PARAGRAPH (c)(2)—TAXONOMIC LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—Continued

Species scientific name	Species common name
Egretta sacra	Pacific Reef-Heron.
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.
Ardeola bacchus	Chinese Pond-Heron.
Butorides virescens	Green Heron.
Nycticorax nycticorax	Black-crowned Night-Heron.
Nycticorax caledonicus	Nankeen Night-Heron.
Nyctanassa violacea	Yellow-crowned Night-Heron.
Gorsachius goisagi	Japanese Night-Heron.
Gorsachius melanolophus	Malayan Night-Heron.
(C) Family Threskiornithidae	
(1) Subfamily Threskiornithinae	
Eudocimus albus	White Ibis.
Eudocimus ruber	Scarlet Ibis.
Plegadis falcinellus	Glossy Ibis.
Plegadis chihi	White-faced Ibis.
(2) Subfamily Plataleinae	
Platalea ajaja	Roseate Spoonbill.
(xvi) Order Carthartiformes	
Family Cathartidae	
Gymnogyps californianus	California Condor.
Coragyps atratus	Black Vulture.
Cathartes aura	Turkey Vulture.
(xvii) Order Accipitriformes	
(A) Family Pandionidae	
Pandion haliaetus	Osprey.
(B) Family Accipitridae	
(1) Subfamily Elaninae	
Elanus leucurus	White-tailed Kite.
(2) Subfamily Gypaetinae	
Chondrohierax uncinatus	Hook-billed Kite.
Elanoides forficatus	Swallow-tailed Kite.
(3) Subfamily Accipitrinae	
Aquila chrysaetos	Golden Eagle.
Harpagus bidentatus	Double-toothed Kite.
Circus hudsonius	Northern Harrier.
Circus spilonotus	Eastern Marsh-Harrier.
Accipiter soloensis	Chinese Sparrowhawk.
Accipiter gularis	Japanese Sparrowhawk.
Accipiter striatus	Sharp-shinned Hawk.
Accipiter cooperii	Cooper's Hawk.
Accipiter gentilis	Northern Goshawk.
Milvus migrans	Black Kite.
Haliaeetus leucocephalus	Bald Eagle.
Haliaeetus albicilla	White-tailed Eagle.
Haliaeetus pelagicus	Steller's Sea-Eagle.
Ictinia mississippiensis	Mississippi Kite.
Butastur indicus	Gray-faced Buzzard.
Geranospiza caerulescens	Crane Hawk.
Rostrhamus sociabilis	Snail Kite.

TABLE 2 TO PARAGRAPH (c)(2)—TAXONOMIC LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—Continued

Species scientific name	Species common name
Buteogallus anthracinus	Common Black Hawk.
Buteogallus urubitinga	Great Black Hawk.
Rupornis magnirostris	Roadside Hawk.
Parabuteo unicinctus	Harris's Hawk.
Geranoaetus albicaudatus	White-tailed Hawk.
Buteo plagiatus	Gray Hawk.
Buteo lineatus	Red-shouldered Hawk.
Buteo platypterus	Broad-winged Hawk.
Buteo solitarius	Hawaiian Hawk.
Buteo brachyurus	Short-tailed Hawk.
Buteo swainsoni	Swainson's Hawk.
Buteo albonotatus	Zone-tailed Hawk.
Buteo jamaicensis	Red-tailed Hawk.
Buteo lagopus	Rough-legged Hawk.
Buteo regalis	Ferruginous Hawk.
Buteo rufinus	Long-legged Buzzard.
(xviii) Order Strigiformes	
(A) Family Tytonidae	
Tyto alba	Barn Owl.
(B) Family Strigidae	
Otus sunia	Oriental Scops-Owl.
Psiloscops flammeolus	Flammulated Owl.
Gymnasio nudipes	Puerto Rican Owl.
Megascops trichopsis	Whiskered Screech-Owl.
Megascops kennicottii	Western Screech-Owl.
Megascops asio	Eastern Screech-Owl.
Bubo virginianus	Great Horned Owl.
Bubo scandiacus	Snowy Owl.
Surnia ulula	Northern Hawk Owl.
Glaucidium gnoma	Northern Pygmy-Owl.
Glaucidium brasilianum	Ferruginous Pygmy-Owl.
Micrathene whitneyi	Elf Owl.
Athene cunicularia	Burrowing Owl.
Strix occidentalis	Spotted Owl.
Strix varia	Barred Owl.
Strix virgata	Mottled Owl.
Strix nebulosa	Great Gray Owl.
Asio otus	Long-eared Owl.
Asio stygius	Stygian Owl.
Asio flammeus	Short-eared Owl.
Aegolius funereus	Boreal Owl.
Aegolius acadicus	Northern Saw-whet Owl.
Ninox japonica	Northern Boobook.
(xix) Order Trogoniformes	
Family Trogonidae	
Subfamily Trogoninae	
Trogon elegans	Elegant Trogon.
Euptilotis neoxenus	Eared Quetzal.
(xx) Order Upupiformes	
Family Upupidae	
Upupa epops	Eurasian Hoopoe.
(xxi) Order Coraciiformes	
Family Alcedinidae	
(1) Subfamily Alcedininae	
Alcedo atthis	Common Kingfisher.

TABLE 2 TO PARAGRAPH (c)(2)—TAXONOMIC LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—Continued

Species scientific name	Species common name
(2) Subfamily Halcyoninae	
Todiramphus sacer	Pacific Kingfisher.
Todiramphus cinnamominus	Guam Kingfisher.
Todiramphus albicilla	Mariana Kingfisher.
(3) Subfamily Cerylinae	
Megaceryle torquata	Ringed Kingfisher.
Megaceryle alcyon	Belted Kingfisher.
Chloroceryle amazona	Amazon Kingfisher.
Chloroceryle americana	Green Kingfisher.
(xxii) Order Piciformes	
Family Picidae	
(1) Subfamily Jynginae	
Jynx torquilla	Eurasian Wryneck.
(2) 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.
Picoides dorsalis	American Three-toed Woodpecker.
Picoides arcticus	Black-backed Woodpecker.
Dendrocopos major	Great Spotted Woodpecker.
Dryobates pubescens	Downy Woodpecker.
Dryobates nuttallii	Nuttall's Woodpecker.
Dryobates scalaris	Ladder-backed Woodpecker.
Dryobates borealis	Red-cockaded Woodpecker.
Dryobates villosus	Hairy Woodpecker.
Dryobates albolarvatus	White-headed Woodpecker.
Dryobates arizonae	Arizona Woodpecker.
Colaptes auratus	Northern Flicker.
Colaptes chrysoides	Gilded Flicker.
Dryocopus pileatus	Pileated Woodpecker.
Campephilus principalis	Ivory-billed Woodpecker.
(xxiii) Order Falconiformes	
Family Falconidae	
(1) Subfamily Herpetotherinae	
Micrastur semitorquatus	Collared Forest-Falcon.
(2) Subfamily Falconinae	
Caracara plancus	Crested Caracara.
Falco tinnunculus	Eurasian Kestrel.
Falco sparverius	American Kestrel.
Falco vespertinus	Red-footed Falcon.
Falco amurensis	Amur Falcon.
Falco columbarius	Merlin.
Falco subbuteo	Eurasian Hobby.
Falco femoralis	Aplomado Falcon.
Falco rusticolus	Gyrfalcon.
Falco peregrinus	Peregrine Falcon.
Falco mexicanus	Prairie Falcon.

TABLE 2 TO PARAGRAPH (c)(2)—TAXONOMIC LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—Continued

Species scientific name	Species common name
(xxiv) Order Passeriformes	
(A) Family Tityridae	
Tityra semifasciata	Masked Tityra.
Pachyramphus major	Gray-collared Becard.
Pachyramphus aglaiae	Rose-throated Becard.
(B) Family Tyrannidae	
(1) Subfamily Elaeniinae	
Camptostoma imberbe	Northern Beardless-Tyrannulet.
Myiopagis viridicata	Greenish Elaenia.
Elaenia martinica	Caribbean Elaenia.
Elaenia albiceps	White-crested Elaenia.
Elaenia parvirostris	Small-billed Elaenia.
(2) Subfamily Tyranninae	
Myiarchus tuberculifer	Dusky-capped Flycatcher.
Myiarchus cinerascens	Ash-throated Flycatcher.
Myiarchus nuttingi	Nutting's Flycatcher.
Myiarchus crinitus	Great Crested Flycatcher.
Myiarchus tyrannulus	Brown-crested Flycatcher.
Myiarchus sagrae	La Sagra's Flycatcher.
Myiarchus antillarum	Puerto Rican Flycatcher.
Pitangus sulphuratus	Great Kiskadee.
Myiozetetes similis	Social Flycatcher.
Myiodynastes luteiventris	Sulphur-bellied Flycatcher.
Legatus leucophaius	Piratic Flycatcher.
Empidonomus varius	Variegated Flycatcher.
Empidonomus aurantioatrocristatus	Crowned Slaty Flycatcher.
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 savana	Fork-tailed Flycatcher.
(3) Subfamily Fluvicolinae	
Mitrephanes phaeocercus	Tufted Flycatcher.
Contopus cooperi	Olive-sided Flycatcher.
Contopus pertinax	Greater Pewee.
Contopus sordidulus	Western Wood-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 traillii	Willow Flycatcher.
Empidonax minimus	Least Flycatcher.
Empidonax hammondii	Hammond's Flycatcher.
Empidonax wrightii	Gray Flycatcher.
Empidonax oberholseri	Dusky Flycatcher.
Empidonax affinis	Pine 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.

TABLE 2 TO PARAGRAPH (c)(2)—TAXONOMIC LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—Continued

Species scientific name	Species common name
(C) Family Vireonidae	
Vireo atricapilla	Black-capped Vireo.
Vireo griseus	White-eyed Vireo.
Vireo crassirostris	Thick-billed Vireo.
Vireo gundlachii	Cuban Vireo.
Vireo latimeri	Puerto Rican Vireo.
Vireo bellii	Bell's Vireo.
Vireo vicinior	Gray Vireo.
Vireo huttoni	Hutton's Vireo.
Vireo flavifrons	Yellow-throated Vireo.
Vireo cassinii	Cassin's Vireo.
Vireo solitarius	Blue-headed Vireo.
Vireo plumbeus	Plumbeous Vireo.
Vireo philadelphicus	Philadelphia Vireo.
Vireo gilvus	Warbling Vireo.
Vireo olivaceus	Red-eyed Vireo.
Vireo flavoviridis	Yellow-green Vireo.
Vireo altiloquus	Black-whiskered Vireo.
Vireo magister	Yucatan Vireo.
(D) Family Laniidae	
Lanius cristatus	Brown Shrike.
Lanius ludovicianus	Loggerhead Shrike.
Lanius borealis	Northern Shrike.
(E) Family Corvidae	
Perisoreus canadensis	Canada Jay.
Psilorhinus 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	California Scrub-Jay.
Aphelocoma woodhouseii	Woodhouse's Scrub-Jay.
Aphelocoma wollweberi	Mexican Jay.
Nucifraga columbiana	Clark's Nutcracker.
Pica hudsonia	Black-billed Magpie.
Pica nuttalli	Yellow-billed Magpie.
Corvus monedula	Eurasian Jackdaw.
Corvus kubaryi	Mariana Crow.
Corvus brachyrhynchos	American Crow.
Corvus leucognaphalus	White-necked Crow.
Corvus imparatus	Tamaulipas Crow.
Corvus ossifragus	Fish Crow.
Corvus hawaiiensis	Hawaiian Crow.
Corvus cryptoleucus	Chihuahuan Raven.
Corvus corax	Common Raven.
(F) Family Remizidae	
Auriparus flaviceps	Verdin.
(G) Family Paridae	
Poecile carolinensis	Carolina Chickadee.
Poecile atricapillus	Black-capped Chickadee.
Poecile gambeli	Mountain Chickadee.
Poecile sclateri	Mexican Chickadee.
Poecile rufescens	Chestnut-backed Chickadee.
Poecile hudsonicus	Boreal Chickadee.
Poecile cinctus	Gray-headed Chickadee.
Baeolophus wollweberi	Bridled Titmouse.
Baeolophus inornatus	Oak Titmouse.
Baeolophus ridgwayi	Juniper Titmouse.
Baeolophus bicolor	Tufted Titmouse.
Baeolophus atricristatus	Black-crested Titmouse.

TABLE 2 TO PARAGRAPH (c)(2)—TAXONOMIC LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—Continued

Species scientific name	Species common name
(H) Family Alaudidae	
Alauda arvensis	Eurasian Skylark.
Eremophila alpestris	Horned Lark.
(I) Family Acrocephalidae	
Arundinax aedon	Thick-billed Warbler.
Acrocephalus luscinius	Nightingale Reed Warbler.
Acrocephalus hiwae	Saipan Reed Warbler.
Acrocephalus nijoi	Aguiguan Reed Warbler.
Acrocephalus yamashinae	Pagan Reed Warbler.
Acrocephalus familiaris	Millerbird.
Acrocephalus schoenobaenus	Sedge Warbler.
Acrocephalus dumetorum	Blyth's Reed Warbler.
(J) Family Locustellidae	
Helopsaltes certhiola	Pallas's Grasshopper Warbler.
Helopsaltes ochotensis	Middendorff's Grasshopper Warbler.
Locustella lanceolata	Lanceolated Warbler.
Locustella fluviatilis	River Warbler.
(K) Family Hirundinidae	
Subfamily Hirundininae	
Riparia riparia	Bank Swallow.
Tachycineta bicolor	Tree Swallow.
Tachycineta cyaneoviridis	Bahama Swallow.
Tachycineta thalassina	Violet-green Swallow.
Tachycineta albilinea	Mangrove Swallow.
Pygochelidon cyanoleuca	Blue-and-white Swallow.
Stelgidopteryx serripennis	Northern Rough-winged Swallow.
Progne tapera	Brown-chested Martin.
Progne subis	Purple Martin.
Progne elegans	Southern Martin.
Progne chalybea	Gray-breasted Martin.
Progne cryptoleuca	Cuban Martin.
Progne dominicensis	Caribbean Martin.
Hirundo rustica	Barn Swallow.
Delichon urbicum	Common House-Martin.
Petrochelidon pyrrhonota	Cliff Swallow.
Petrochelidon fulva	Cave Swallow.
(L) Family Aegithalidae	
Psaltriparus minimus	Bushtit.
(M) Family Phylloscopidae	
Phylloscopus trochilus	Willow Warbler.
Phylloscopus collybita	Common Chiffchaff.
Phylloscopus sibilatrix	Wood Warbler.
Phylloscopus fuscatus	Dusky Warbler.
Phylloscopus proregulus	Pallas's Leaf Warbler.
Phylloscopus inornatus	Yellow-browed Warbler.
Phylloscopus borealis	Arctic Warbler.
Phylloscopus examinandus	Kamchatka Leaf Warbler.
(N) Family Sylviidae	
Sylvia curruca	Lesser Whitethroat.
Chamaea fasciata	Wrentit.
(O) Family Regulidae	
Corthylio calendula	Ruby-crowned Kinglet.
Regulus satrapa	Golden-crowned Kinglet.

TABLE 2 TO PARAGRAPH (c)(2)—TAXONOMIC LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—Continued

Species scientific name	Species common name
(P) Family Bombycillidae	
Bombycilla garrulus	Bohemian Waxwing.
Bombycilla cedrorum	Cedar Waxwing.
(Q) Family Ptiliogonatidae	
Ptiliogonys cinereus	Gray Silky-flycatcher.
Phainopepla nitens	Phainopepla.
(R) Family Sittidae	
Subfamily Sittinae	
Sitta canadensis	Red-breasted Nuthatch.
Sitta carolinensis	White-breasted Nuthatch.
Sitta pygmaea	Pygmy Nuthatch.
Sitta pusilla	Brown-headed Nuthatch.
(S) Family Certhiidae	
Subfamily Certhiinae	
Certhia americana	Brown Creeper.
(T) Family Polioptilidae	
Polioptila caerulea	Blue-Gray Gnatcatcher.
Polioptila melanura	Black-tailed Gnatcatcher.
Polioptila californica	California Gnatcatcher.
Polioptila nigriceps	Black-capped Gnatcatcher.
(U) Family Troglodytidae	
Salpinctes obsoletus	Rock Wren.
Catherpes mexicanus	Canyon Wren.
Thryophilus sinaloa	Sinaloa Wren.
Campylorhynchus brunneicapillus	Cactus Wren.
Thryomanes bewickii	Bewick's Wren.
Thryothorus ludovicianus	Carolina Wren.
Troglodytes aedon	House Wren.
Troglodytes pacificus	Pacific Wren.
Troglodytes hiemalis	Winter Wren.
Cistothorus stellaris	Sedge Wren.
Cistothorus palustris	Marsh Wren.
(V) Family Mimidae	
Melanotis caerulescens	Blue Mockingbird.
Melanoptila glabrirostris	Black Catbird.
Dumetella carolinensis	Gray Catbird.
Margarops fuscatus	Pearly-eyed Thrasher.
Toxostoma curvirostre	Curve-billed Thrasher.
Toxostoma rufum	Brown Thrasher.
Toxostoma longirostre	Long-billed Thrasher.
Toxostoma bendirei	Bendire's Thrasher.
Toxostoma redivivum	California Thrasher.
Toxostoma lecontei	LeConte's Thrasher.
Toxostoma crissale	Crissal Thrasher.
Oreoscoptes montanus	Sage Thrasher.
Mimus gundlachii	Bahama Mockingbird.
Mimus polyglottos	Northern Mockingbird.
(W) Family Sturnidae	
Agropsar philippensis	Chestnut-cheeked Starling.
Spodiopsar cineraceus	White-cheeked Starling.
(X) Family Cinclidae	
Cinclus mexicanus	American Dipper.

TABLE 2 TO PARAGRAPH (c)(2)—TAXONOMIC LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—Continued

Species scientific name	Species common name
(Y) Family Turdidae	
Sialia sialis	Eastern Bluebird.
Sialia mexicana	Western Bluebird.
Sialia currucoides	Mountain Bluebird.
Myadestes townsendi	Townsend's Solitaire.
Myadestes occidentalis	Brown-backed Solitaire.
Myadestes myadestinus	Kāma'o.
Myadestes lanaiensis	Oloma'o.
Myadestes obscurus	'Oma'o.
Myadestes palmeri	Puaiohi.
Catharus aurantiirostris	Orange-billed Nightingale-Thrush.
Catharus mexicanus	Black-headed Nightingale-Thrush.
Catharus fuscescens	Veery.
Catharus minimus	Gray-cheeked Thrush.
Catharus bicknelli	Bicknell's Thrush.
Catharus ustulatus	Swainson's Thrush.
Catharus guttatus	Hermit Thrush.
Hylocichla mustelina	Wood Thrush.
Turdus obscurus	Eyebrowed Thrush.
Turdus eunomus	Dusky Thrush.
Turdus naumanni	Naumann's Thrush.
Turdus pilaris	Fieldfare.
Turdus iliacus	Redwing.
Turdus grayi	Clay-colored Thrush.
Turdus assimilis	White-throated Thrush.
Turdus rufopalliatus	Rufous-backed Robin.
Turdus migratorius	American Robin.
Turdus plumbeus	Red-legged Thrush.
Ixoreus naevius	Varied Thrush.
Ridgwayia pinicola	Aztec Thrush.
(Z) Family Muscicapidae	
Muscicapa griseisticta	Gray-streaked Flycatcher.
Muscicapa dauurica	Asian Brown Flycatcher.
Muscicapa striata	Spotted Flycatcher.
Muscicapa sibirica	Dark-sided Flycatcher.
Erithacus rubecula	European Robin.
Larvivora cyane	Siberian Blue Robin.
Larvivora sibilans	Rufous-tailed Robin.
Cyanecula svecica	Bluethroat.
Calliope calliope	Siberian Rubythroat.
Tarsiger cyanurus	Red-flanked Bluetail.
Ficedula narcissina	Narcissus Flycatcher.
Ficedula mugimaki	Mugimaki Flycatcher.
Ficedula albicilla	Taiga Flycatcher.
Phoenicurus phoenicurus	Common Redstart.
Saxicola maurus	Asian Stonechat.
Oenanthe oenanthe	Northern Wheatear.
Oenanthe pleschanka	Pied Wheatear.
Monticola solitarius	Blue Rock-Thrush.
(AA) Family Peucedramidae	
Peucedramus taeniatus	Olive Warbler.
(BB) Family Prunellidae	
Prunella montanella	Siberian Accentor.
(CC) Family Motacillidae	
Motacilla tschutschensis	Eastern Yellow Wagtail.
Motacilla citreola	Citrine Wagtail.
Motacilla cinerea	Gray Wagtail.
Motacilla alba	White Wagtail.
Anthus trivialis	Tree Pipit.
Anthus hodgsoni	Olive-backed Pipit.
Anthus gustavi	Pechora Pipit.
Anthus cervinus	Red-throated Pipit.

TABLE 2 TO PARAGRAPH (c)(2)—TAXONOMIC LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—Continued

Species scientific name	Species common name
Anthus rubescens	American Pipit.
Anthus spragueii	Sprague's Pipit.
(DD) Family Fringillidae	
(1) Subfamily Fringillinae	
Fringilla coelebs	Common Chaffinch.
Fringilla montifringilla	Brambling.
(2) Subfamily Euphoniinae	
Chlorophonia musica	Antillean Euphonia.
(3) Subfamily Carduelinae	
Coccothraustes vespertinus	Evening Grosbeak.
Coccothraustes coccothraustes	Hawfinch.
Carpodacus erythrinus	Common Rosefinch.
Carpodacus roseus	Pallas's Rosefinch.
Melamprosops phaeosoma	Poʻouli.
Oreomystis bairdi	ʻAkikiki.
Paroreomyza maculata	Oʻahu ʻAlauahio.
Paroreomyza flammea	Kākāwahie.
Paroreomyza montana	Maui ʼAlauahio.
Loxioides bailleui	Palila.
Telespiza cantans	Laysan Finch.
Telespiza ultima	Nihoa Finch.
Palmeria dolei	ʻAkohekohe.
Himatione fraithii	Laysan Honeycreeper.
Himatione sanguinea	ʻApapane.
Drepanis coccinea	ʻIʻiwi.
Psittirostra psittacea	ʻŌʻū.
Pseudonestor xanthophrys	Maui Parrotbill.
Hemignathus hanapepe	Kauai Nukupuʻu.
Hemignathus lucidus	Oʻahu Nukupuʻu.
Hemignathus affinis	Maui Nukupuʻu.
Hemignathus wilsoni	ʻAkiapolaʻau.
Akialoa stejnegeri	Kauai ʻAkialoa.
Akialoa ellisiana	Oʻahu ʻAkialoa.
Akialoa lanaiensis	Maui Nui ʼAkialoa.
Magumma parva	ʻAnianiau.
Chlorodrepanis virens	Hawaii ʻAmakihi.
Chlorodrepanis flava	Oʻahu ʻAmakihi.
Chlorodrepanis stejnegeri	Kauaʻi ʻAmakihi.
Loxops mana	Hawaii Creeper.
Loxops caeruleirostris	ʻAkekeʻe.
Loxops wolstenholmei	Oʻahu ʻAkepa.
Loxops ochraceus	Maui ʼAkepa.
Loxops coccineus	Hawaii ʻAkepa.
Pinicola enucleator	Pine Grosbeak.
Pyrrhula pyrrhula	Eurasian Bullfinch.
Leucosticte arctoa	Asian Rosy-Finch.
Leucosticte tephrocotis	Gray-crowned Rosy-Finch.
Leucosticte atrata	Black Rosy-Finch.
Leucosticte australis	Brown-capped Rosy-Finch.
Haemorhous mexicanus	House Finch.
Haemorhous purpureus	Purple Finch.
Haemorhous cassinii	Cassin's Finch.
Chloris sinica	Oriental Greenfinch.
Acanthis flammea	Common Redpoll.
Acanthis hornemanni	Hoary Redpoll.
Loxia curvirostra	Red Crossbill.
Loxia sinesciuris	Cassia Crossbill.
Loxia leucoptera	White-winged Crossbill.
Spinus spinus	Eurasian Siskin.
Spinus pinus	Pine Siskin.
Spinus psaltria	Lesser Goldfinch.
Spinus lawrencei	Lawrence's Goldfinch.
Spinus tristis	American Goldfinch.

TABLE 2 TO PARAGRAPH (c)(2)—TAXONOMIC LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—Continued

Species scientific name	Species common name
(EE) Family Calcariidae	
Calcarius lapponicus	Lapland Longspur.
Calcarius ornatus	Chestnut-collared Longspur.
Calcarius pictus	Smith's Longspur.
Rhynchophanes mccownii	Thick-billed Longspur.
Plectrophenax nivalis	Snow Bunting.
Plectrophenax hyperboreus	McKay's Bunting.
(FF) Family Emberizidae	
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-breasted Bunting.
Emberiza variabilis	Gray Bunting.
Emberiza pallasi	Pallas's Bunting.
Emberiza schoeniclus	Reed Bunting.
(GG) Family Passerellidae	
Peucaea carpalis	Rufous-winged Sparrow.
Peucaea botterii	Botteri's Sparrow.
Peucaea cassinii	Cassin's Sparrow.
Peucaea aestivalis	Bachman's Sparrow.
Ammodramus savannarum	Grasshopper Sparrow.
Arremonops rufivirgatus	Olive Sparrow.
Amphispizopsis quinquestriata	Five-striped Sparrow.
Amphispiza bilineata	Black-throated Sparrow.
Chondestes grammacus	Lark Sparrow.
Calamospiza melanocorys	Lark Bunting.
Spizella passerina	Chipping Sparrow.
Spizella pallida	Clay-colored Sparrow.
Spizella atrogularis	Black-chinned Sparrow.
Spizella pusilla	Field Sparrow.
Spizella breweri	Brewer's Sparrow.
Spizella wortheni	Worthen's Sparrow.
Passerella iliaca	Fox Sparrow.
Spizelloides arborea	American Tree Sparrow.
Junco hyemalis	Dark-eyed Junco.
Junco phaeonotus	Yellow-eyed Junco.
Zonotrichia leucophrys	White-crowned Sparrow.
Zonotrichia atricapilla	Golden-crowned Sparrow.
Zonotrichia querula	Harris's Sparrow.
Zonotrichia albicollis	White-throated Sparrow.
Artemisiospiza nevadensis	Sagebrush Sparrow.
Artemisiospiza belli	Bell's Sparrow.
Pooecetes gramineus	Vesper Sparrow.
Ammospiza leconteii	LeConte's Sparrow.
Ammospiza maritima	Seaside Sparrow.
Ammospiza nelsoni	Nelson's Sparrow.
Ammospiza caudacuta	Saltmarsh Sparrow.
Centronyx bairdii	Baird's Sparrow.
Centronyx henslowii	Henslow's Sparrow.
Passerculus sandwichensis	Savannah Sparrow.
Melospiza melodia	Song Sparrow.
Melospiza lincolnii	Lincoln's Sparrow.
Melospiza georgiana	Swamp Sparrow.
Melozone fusca	Canyon Towhee.
Melozone aberti	Abert's Towhee.
Melozone crissalis	California Towhee.
Aimophila ruficeps	Rufous-crowned Sparrow.
Pipilo chlorurus	Green-tailed Towhee.
Pipilo maculatus	Spotted Towhee.
Pipilo erythrophthalmus	Eastern Towhee.
(HH) Family Nesospingidae	
Nesospingus speculiferus	Puerto Rican Tanager.

TABLE 2 TO PARAGRAPH (c)(2)—TAXONOMIC LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—Continued

Species scientific name	Species common name
(II) Family Spindalidae	
Spindalis zena	Western Spindalis.
Spindalis portoricensis	Puerto Rican Spindalis.
(JJ) Family Icteridae	
Icteria virens	Yellow-breasted Chat.
(1) Subfamily Xanthocephalinae	
Xanthocephalus xanthocephalus	Yellow-headed Blackbird.
(2) Subfamily Dolichonychinae	
Dolichonyx oryzivorus	Bobolink.
(3) Subfamily Sturnellinae	
Sturnella lilianae	Chihuahuan Meadowlark.
Sturnella magna	Eastern Meadowlark.
Sturnella neglecta	Western Meadowlark.
(4) Subfamily Icterinae	
Icterus portoricensis	Puerto Rican Oriole.
Icterus wagleri	Black-vented Oriole.
Icterus spurius	Orchard Oriole.
Icterus cucullatus	Hooded Oriole.
Icterus pustulatus	Streak-backed Oriole.
Icterus bullockii	Bullock's Oriole.
Icterus gularis	Altamira Oriole.
Icterus graduacauda	Audubon's Oriole.
Icterus galbula	Baltimore Oriole.
Icterus abeillei	Black-backed Oriole.
Icterus parisorum	Scott's Oriole.
(5) Subfamily Agelaiinae	
Agelaius phoeniceus	Red-winged Blackbird.
Agelaius tricolor	Tricolored Blackbird.
Agelaius humeralis	Tawny-shouldered Blackbird.
Agelaius xanthomus	Yellow-shouldered Blackbird.
Molothrus bonariensis	Shiny Cowbird.
Molothrus aeneus	Bronzed Cowbird.
Molothrus ater	Brown-headed Cowbird.
Euphagus carolinus	Rusty Blackbird.
Euphagus cyanocephalus	Brewer's Blackbird.
Quiscalus quiscula	Common Grackle.
Quiscalus major	Boat-tailed Grackle.
Quiscalus mexicanus	Great-tailed Grackle.
Quiscalus niger	Greater Antillean Grackle.
(KK) Family Parulidae	
Seiurus aurocapilla	Ovenbird.
Helmitheros vermivorum	Worm-eating Warbler.
Parkesia motacilla	Louisiana Waterthrush.
Parkesia noveboracensis	Northern Waterthrush.
Vermivora bachmanii	Bachman's Warbler.
Vermivora chrysoptera	Golden-winged Warbler.
Vermivora cyanoptera	Blue-winged Warbler.
Mniotilta varia	Black-and-white Warbler.
Protonotaria citrea	Prothonotary Warbler.
Limnothlypis swainsonii	Swainson's Warbler.
Oreothlypis superciliosa	Crescent-chested Warbler.
Leiothlypis peregrina	Tennessee Warbler.
Leiothlypis celata	Orange-crowned Warbler.
Leiothlypis crissalis	Colima Warbler.
Leiothlypis luciae	Lucy's Warbler.
Leiothlypis ruficapilla	Nashville Warbler.
Leiothlypis virginiae	Virginia's Warbler.

TABLE 2 TO PARAGRAPH (c)(2)—TAXONOMIC LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—Continued

Species scientific name	Species common name
Oporornis agilis	Connecticut Warbler.
Geothlypis poliocephala	Gray-crowned Yellowthroat.
Geothlypis tolmiei	MacGillivray's Warbler.
Geothlypis philadelphia	Mourning Warbler.
Geothlypis formosa	Kentucky Warbler.
Geothlypis trichas	Common Yellowthroat.
Setophaga angelae	Elfin-woods Warbler.
Setophaga citrina	Hooded Warbler.
Setophaga ruticilla	American Redstart.
Setophaga kirtlandii	Kirtland's Warbler.
Setophaga tigrina	Cape May Warbler.
Setophaga cerulea	Cerulean Warbler.
Setophaga americana	Northern Parula.
Setophaga pitiayumi	Tropical Parula.
Setophaga magnolia	Magnolia Warbler.
Setophaga castanea	Bay-breasted Warbler.
Setophaga fusca	Blackburnian Warbler.
Setophaga petechia	Yellow Warbler.
Setophaga pensylvanica	Chestnut-sided Warbler.
Setophaga striata	Blackpoll Warbler.
Setophaga caerulescens	Black-throated Blue Warbler.
Setophaga palmarum	Palm Warbler.
Setophaga pinus	Pine Warbler.
Setophaga coronata	Yellow-rumped Warbler.
Setophaga dominica	Yellow-throated Warbler.
Setophaga discolor	Prairie Warbler.
Setophaga adelaidae	Adelaide's Warbler.
Setophaga graciae	Grace's Warbler.
Setophaga nigrescens	Black-throated Gray Warbler.
Setophaga townsendi	Townsend's Warbler.
Setophaga occidentalis	Hermit Warbler.
Setophaga chrysoparia	Golden-cheeked Warbler.
Setophaga virens	Black-throated Green Warbler.
Basileuterus lachrymosus	Fan-tailed Warbler.
Basileuterus rufifrons	Rufous-capped Warbler.
Basileuterus culicivorus	Golden-crowned Warbler.
Cardellina canadensis	Canada Warbler.
Cardellina pusilla	Wilson's Warbler.
Cardellina rubrifrons	Red-faced Warbler.
Myioborus pictus	Painted Redstart.
Myioborus miniatus	Slate-throated Redstart.
(LL) Family Cardinalidae	
Piranga flava	Hepatic Tanager.
Piranga rubra	Summer Tanager.
Piranga olivacea	Scarlet Tanager.
Piranga ludoviciana	Western Tanager.
Piranga bidentata	Flame-colored Tanager.
Rhodothraupis celaeno	Crimson-collared Grosbeak.
Cardinalis cardinalis	Northern Cardinal.
Cardinalis sinuatus	Pyrrhuloxia.
Pheucticus chrysopeplus	Yellow Grosbeak.
Pheucticus ludovicianus	Rose-breasted Grosbeak.
Pheucticus 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.
(MM) Family Thraupidae	
(1) Subfamily Dacninae	
Cyanerpes cyaneus	Red-legged Honeycreeper.
(2) Subfamily Coerebinae	
Coereba flaveola	Bananaquit.

TABLE 2 TO PARAGRAPH (c)(2)—TAXONOMIC LISTING OF BIRDS PROTECTED BY THE MIGRATORY BIRD TREATY ACT—Continued

Species scientific name	Species common name
Tiaris olivaceus	Yellow-faced Grassquit.
Melopyrrha portoricensis	Puerto Rican Bullfinch.
Melanospiza bicolor	Black-faced Grassquit.
(3) Subfamily Sporophilinae	
Sporophila morelleti	Morelet's Seedeater.

[78 FR 65850, Nov. 1, 2013, as amended at 85 FR 21290, Apr. 16, 2020; 88 FR 49317, July 31, 2023]

Subpart C—Addresses

§ 10.21 Director.

(a) Mail forwarded to the Director for law enforcement purposes should be addressed to Chief, Office of Law Enforcement, at the address provided at 50 CFR 2.1(b).

(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: Division of Management Authority), at the address provided for the Division of Management Authority at 50 CFR 2.1(b). 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.

[55 FR 48851, Nov. 23, 1990, as amended at 63 FR 52633, Oct. 1, 1998; 80 FR 26467, May 8, 2015]

§ 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:

Region	Law enforcement office telephone number
1	503–231–6125
2	505–248–7889
3	612–713–5320
4	404–679–7057
5	413–253–8274
6	303–236–7540
7	907–786–3311
8	916–414–6660

(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.

[78 FR 35151, June 12, 2013, as amended at 79 FR 43964, July 29, 2014]

PART 11—CIVIL PROCEDURES

Subpart A—Introduction

Sec.

11.1 Purpose of regulations.
11.2 Scope of regulations.
11.3 Filing of documents.

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11.11 Notice of violation.
11.12 Petition for relief.
11.13 Decision by the Director.
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11.15 Request for a hearing.
11.16 Final administrative decision.
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Subpart C—Hearing and Appeal Procedures

11.21 Commencement of hearing procedures.

11.22 Appearance and practice.
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11.26 Reporting service.

Subpart D—Civil Monetary Penalty Inflation Adjustments

11.31 Definitions.
11.32 Purpose and scope.
11.33 Adjustments to penalties.
11.34 Subsequent adjustments.

AUTHORITY: 16 U.S.C. 470aa–470mm, 470aaa–470aaa–11, 668–668d, 1361–1384, 1401–1407, 1531–1544, 3371–3378, 4201–4245, 4901–4916, 5201–5207, 5301–5306; 18 U.S.C. 42–43; 25 U.S.C. 3001–3013; and Sec. 107, Pub. L. 114–74, 129 Stat. 599, unless otherwise noted.

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

EDITORIAL NOTE: Nomenclature changes to part 11 appear at 67 FR 38208, June 3, 2002.

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:

(a) Lacey Act, 18 U.S.C. 42–43;

(b) Lacey Act Amendments of 1981, 16 U.S.C. 3371 *et seq.;*

(c) Bald and Golden Eagle Protection Act, 16 U.S.C. 668–668d;

(d) Endangered Species Act of 1973, 16 U.S.C. 1531 *et seq.;*

(e) Marine Mammal Protection Act of 1972, 16 U.S.C. 1361 *et seq.;*

(f) African Elephant Conservation Act, 16 U.S.C. 4201 *et seq.;*

(g) Rhinoceros and Tiger Conservation Act, 16 U.S.C. 5301 *et seq.;*

(h) Archaeological Resources Protection Act, 16 U.S.C. 470aa *et seq.;*

(i) Paleontological Resources Protection Act, 16 U.S.C. 470aaa *et seq.;*

(j) The Native American Graves Protection and Repatriation Act, 25 U.S.C. 3001 *et seq.;*

(k) Recreational Hunting Safety Act of 1994, 16 U.S.C. 5201 *et seq.;* and

(l) Wild Bird Conservation Act, 16 U.S.C. 4901 *et seq.*

[81 FR 41865, June 28, 2016]

§ 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 day following 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 ef 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 Departmental Cases Hearings Division, Office of Hearings and Appeals, U.S. Department of the Interior, 351 South West Temple, Suite 6.300, Salt Lake City, Utah 84101.

[81 FR 41865, June 28, 2016]

§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, 351 South West Temple, Suite 6.300, Salt Lake City, Utah 84101, 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.

[39 FR 1159, Jan. 4, 1974, as amended at 81 FR 41865, June 28, 2016]

§ 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, 351 South West Temple, Suite 6.300, Salt Lake City, Utah 84101. Fees for this service shall

be as established by the Director of that Office.

[81 FR 41865, June 28, 2016]

Subpart D—Civil Monetary Penalty Inflation Adjustments

SOURCE: 81 FR 41865, June 28, 2016, unless otherwise noted.

§ 11.31 Definitions.

(a) *Civil monetary penalty* means any penalty, fine, or other sanction that:

(1)(i) Is for a specific monetary amount as provided by Federal law; or

(ii) Has a maximum amount provided for by Federal law;

(2) Is assessed or enforced by an agency pursuant to Federal law; and

(3) Is assessed or enforced pursuant to an administrative proceeding or a civil action in the Federal courts.

(b) *Inflation Adjustment Act* means the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Pub. L. 114–74, November 2, 2015, 129 Stat. 584, 28 U.S.C. 2461 note).

§ 11.32 Purpose and scope.

The purpose of this part is to make the inflation adjustment, described in and required by the Inflation Adjustment Act, of each civil monetary penalty provided by law within the jurisdiction of the U.S. Fish and Wildlife Service.

§ 11.33 Adjustments to penalties.

The civil monetary penalties provided by law within the jurisdiction of the U.S. Fish and Wildlife Service are adjusted as follows:

Law	Citation	Type of violation	Maximum civil monetary penalty
(a) African Elephant Conservation Act.	16 U.S.C. 4224(b)	Any violation	$12,799
(b) Bald and Golden Eagle Protection Act.	16 U.S.C. 668(b)	Any violation	16,170
(c) Endangered Species Act of 1973.	16 U.S.C. 1540(a)(1)	(1) Knowing violation of section 1538	63,991
		(2) Other knowing violation	30,715
		(3) Any other violation	1,617
(d) Lacey Act Amendments of 1981.	16 U.S.C. 3373(a)	(1) Violations referred to in 16 U.S.C. 3373(a)(1).	32,341
		(2) Violations referred to in 16 U.S.C. 3373(a)(2).	808
(e) Marine Mammal Protection Act of 1972.	16 U.S.C. 1375	Any violation	32,341
(f) Recreational Hunting Safety Act of 1994.	16 U.S.C. 5202(b)	(1) Violation involving use of force or violence or threatened use of force or violence.	20,579
		(2) Any other violation	10,289
(g) Rhinoceros and Tiger Conservation Act of 1998.	16 U.S.C. 5305a(b)(2)	Any violation	22,512
(h) Wild Bird Conservation Act.	16 U.S.C. 4912(a)(1)	(1) Violation of section 4910(a)(1), section 4910(a)(2), or any permit issued under section 4911.	54,243
		(2) Violation of section 4910(a)(3)	26,035
		(3) Any other violation	1,086

[81 FR 41865, June 28, 2016, as amended at 82 FR 6308, Jan. 19, 2017; 83 FR 5951, Feb. 12, 2018; 84 FR 15526, Apr. 16, 2019; 85 FR 10311, Feb. 24, 2020; 86 FR 15428, Mar. 23, 2021; 87 FR 13949, Mar. 11, 2022; 88 FR 5797, Jan. 30, 2023; 89 FR 7296, Feb. 2, 2024]

§ 11.34 Subsequent adjustments.

The Secretary of the Interior or his or her designee will, every year after August 1, 2016, make the inflation adjustment described in and required by the Inflation Adjustment Act of each civil monetary penalty provided by law and within the jurisdiction of the U.S. Fish and Wildlife Service. Each annual adjustment will be reflected in the table in §11.33.

PART 12—SEIZURE AND FORFEITURE PROCEDURES

Subpart A—General Provisions

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12.1 What is the purpose of the regulations in this part?
12.2 What is the scope of the regulations in this part?
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12.4 When and how must documents be filed or issued?
12.5 How does the Service handle seizures made by other agencies?
12.6 How does the Service release seized property under a bond?

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12.32 When may the Service or the Solicitor obtain administrative forfeiture of my property?
12.33 How do I file a petition for remission of forfeiture requesting the release of my property?
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12.36 How do I file a claim to get back my seized property?
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Subpart D—Abandonment Procedures

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12.63 When may the Service return live fish, wildlife, or plants to the wild?
12.64 How does forfeiture or abandonment affect the status of the property?
12.65 How does the Service dispose of forfeited or abandoned property?
12.66 How does the Service dispose of seized injurious fish or wildlife?
12.67 When may the Service donate forfeited or abandoned property?
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Subpart F—Recovery of Storage Costs and Return of Property

12.81 When can the Service assess fees for costs incurred by the transfer, boarding, handling, or storage of property seized or forfeited?
12.82 How will my property be returned if my petition or claim is successful?

AUTHORITY: 16 U.S.C. 470aa *et seq.*, 470aaa *et seq.*, 668 *et seq.*, 668dd *et seq.*, 703 *et seq.*, 718a *et seq.*, 742j–l, 1361 *et seq.*, 1531 *et seq.*, 2401 *et seq.*, 3371 *et seq.*, 4201 *et seq.*, and 5301 *et seq.;* 18 U.S.C. 42 and 981 *et seq.;* 19 U.S.C. 1602–1624; 28 U.S.C. 2465; 42 U.S.C. 1996; and E.O. 13751, 81 FR 88609, amending E.O. 13112, 64 FR 6183.

SOURCE: 88 FR 47818, July 25, 2023, unless otherwise noted.

Subpart A—General Provisions

§ 12.1 What is the purpose of the regulations in this part?

These regulations provide procedures that govern the seizure and administrative forfeiture or abandonment of property, as well as the disposal of such property, and the recovery of costs associated with handling and

storage of seized property under various laws enforced by the Service.

§ 12.2 What is the scope of the regulations in this part?

(a) The regulations in this part apply to all property seized or subject to administrative forfeiture under any of the following laws:

(1) The Bald and Golden Eagle Protection Act, 16 U.S.C. 668 *et seq.;*

(2) The Airborne Hunting Act, 16 U.S.C. 742j–1;

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

(4) The Lacey Act, 18 U.S.C. 42;

(5) The Lacey Act Amendments of 1981, 16 U.S.C. 3371 *et seq.;*

(6) The Rhinoceros and Tiger Conservation Act, 16 U.S.C. 5301 *et seq.;*

(7) The Antarctic Conservation Act, 16 U.S.C. 2401 *et seq.;*

(8) The Paleontological Resources Protection Act, 16 U.S.C. 470aaa *et seq.;* and

(9) The African Elephant Conservation Act, 16 U.S.C. 4201 *et seq.*

(b) These regulations apply to the disposal of any property forfeited or abandoned to the United States under any of the following laws:

(1) Any of the laws identified in paragraph (a) of this section;

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

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

(4) The Migratory Bird Hunting and Conservation Stamp Act, 16 U.S.C. 718 *et seq.;*

(5) The Marine Mammal Protection Act of 1972, 16 U.S.C. 1361 *et seq.;*

(6) The Archeological Resources Protection Act, 16 U.S.C. 470aa *et seq.;* and

(7) The Native American Graves Protection and Repatriation Act, 25 U.S.C. 3001 *et seq.*

(c) This part applies to all forfeitures administered by the Service with the exception of seizures and forfeitures under the statutes listed under 18 U.S.C. 983(i). The authority under this part to conduct administrative forfeitures derives from the procedural provisions of the Customs and Border Protection laws (19 U.S.C. 1602–1618) where those provisions are incorporated by reference in the substantive forfeiture statutes enforced by the Service.

§ 12.3 What definitions do I need to know?

In addition to the definitions contained in parts 10, 14, 17, and 23 of this chapter, as well as other applicable Federal laws and regulations, in this part:

Abandon means to relinquish to the United States all legal right you have to own, claim, or possess property and to forever give up any right, title, and interest in the property and waive any further rights or proceedings relative to the property other than whatever rights to seek relief expressly were reserved in the abandonment document you signed.

Administrative forfeiture means the process by which property may be forfeited by a seizing agency rather than through a judicial proceeding. Administrative forfeiture has the same meaning as nonjudicial forfeiture, as that term is used in 18 U.S.C. 983.

Authorized officer means a person or entity who is acting as an agent, trustee, partner, corporate officer, director, supervisory employee, or any other representative designated to act on behalf of an individual, corporation, partnership, or any other entity asserting that they are an interested party.

Claim means a written declaration regarding property for which the Service has proposed forfeiture and that meets the statutory requirements of 18 U.S.C. 983(a)(2), including:

(1) Timely submission;

(2) Containing required information regarding identification of the specific property being claimed;

(3) Stating the claimant's interest in the property;

(4) Requesting the initiation of judicial forfeiture proceedings; and

(5) Made under oath subject to penalty of perjury.

Contraband means any fish, wildlife, or plant that either:

(1) Is inherently illegal to import, export, or possess; or

(2) Has been taken, possessed, bred, imported, exported, acquired, transported, purchased, sold, or offered for sale or purchase contrary to law.

Declaration of forfeiture means a written declaration by the Service or the Solicitor describing the property forfeited and stating the date, time, place, and reason for forfeiture. The declaration will also describe the date and manner in which notice of seizure and proposed forfeiture was sent to the property owner. If notice was never successfully delivered, the declaration will describe efforts made to deliver any notice of seizure and proposed forfeiture.

Detention means the holding for further investigation of fish, wildlife, or plants and any associated property that is neither immediately released nor seized but is temporarily held by Service officers under 50 CFR part 14.

Directed reexport means the prompt export at the expense of the importer or consignee of imported shipments that have been refused entry by the Service into the United States.

Director means the Director of the U.S. Fish and Wildlife Service, Department of the Interior, or an authorized representative (as defined in 50 CFR 10.12).

Interested party or parties means any person(s) who appears to be a person having an interest in property based on the facts known to the seizing agency before a declaration of forfeiture is entered.

Other property that is illegal to possess means any fish, wildlife, or plant that may not be legally possessed or held due to extrinsic circumstances.

Petition for remission is a request in an administrative forfeiture proceeding for the Solicitor to exercise equitable discretion on behalf of the Department and to release the property seized. Remission of forfeiture is discretionary.

Property subject to administrative forfeiture means any property of the kinds described in 19 U.S.C. 1607(a) to the extent not inconsistent with the provisions of the incorporating wildlife laws (identified in §12.2) pursuant to which forfeiture is sought.

Property subject to forfeiture means all property that Federal law authorizes to be forfeited to the United States in any administrative forfeiture proceeding, or in any civil judicial forfeiture, or in any criminal forfeiture proceeding.

Solicitor means the Solicitor of the U.S. Department of the Interior or an authorized representative or designee.

Value means the value of property as determined by the Service. For property having a legal market in the United States, the Service will use the reasonable declared value or the estimated market value at the time and place of seizure, if such or similar property was freely offered for sale between a willing seller and a willing buyer. For property that may not be sold in the United States, the Service will use other reasonable means, including, but not limited to, the Service's knowledge of sale prices in illegal markets or the replacement cost.

We means the U.S. Fish and Wildlife Service.

§ 12.4 When and how must documents be filed or issued?

(a) Whenever this part requires or allows you to file a document on or before a certain date, you are responsible for submitting that document so as to reach the Government office designated for receipt by the time specified. You may use the U.S. Postal Service (USPS), a commercial carrier, or electronic or facsimile transmission. We will consider the document filed on the date on which the document is received by the Government office designated for receipt. Acceptable evidence to establish the time of receipt by the Government office includes any official USPS receipt, commercial carrier signature log, time/date stamp placed by the Government on the document, other documentary evidence of receipt maintained by that Government office, or oral testimony or statements of Government personnel.

(b) Whenever this part requires or allows the Government to issue or file a document on or before a certain date, the document will be considered to be issued or filed on the date on which the document was placed in the USPS system, delivered to a commercial carrier, or sent by electronic or facsimile transmission. Acceptable evidence to establish the time of filing or issuance by the Government includes any official USPS sender's receipt, commercial carrier receipt log, and time/date stamp placed by the government office

on the document, other documentary evidence of receipt maintained by that office, or oral testimony or statements of Government personnel.

§ 12.5 How does the Service handle seizures made by other agencies?

(a) If an authorized employee or officer of another Federal or State or local law enforcement agency seized your fish, wildlife, or plant or other property under any of the laws listed in § 12.2, the Service may request the delivery of the seized property to the appropriate Special Agent in Charge (SAC), Office of Law Enforcement, or to an authorized designee. The addresses for SACs are listed in § 2.2 of this subchapter, and telephone numbers are listed in § 10.22 of this subchapter. The SAC or authorized designee will hold the seized fish, wildlife, or plants or other property subject to forfeiture and arrange for its proper handling and care. Forfeiture proceedings must be initiated by notice to the interested parties within 90 days of the date of seizure by the Federal, State, or local law enforcement agency.

(b) If you use any U.S. Customs and Border Protection (CBP) form (forms may be amended or superseded) to voluntarily abandon any fish, wildlife, or plants or other property subject to forfeiture in lieu of Service Form 3–2096, Fish and Wildlife Abandonment Form, the Service may request that CBP transfer the property to the Service for final disposition.

§ 12.6 How does the Service release seized property under a bond?

(a) When an administrative forfeiture is pending, the Service may at its discretion accept an appearance bond or other security from you in place of any property authorized for seizure by civil forfeiture under any Act listed in § 12.2. If you file a judicial claim, then early release of property must be handled under the provisions of 18 U.S.C. 983(f).

(b) You may post an appearance bond or other security in place of seized property only if the Service, at its discretion, authorizes the acceptance of the bond or security and the following conditions are met:

(1) You must complete Service Form 3–2095, Cash Bond for Release of Seized Property;

(2) The Service may release your seized property only to you (the owner) or your designated representative; and

(3) Your possession of the property may not violate or undermine the purpose or policy of any applicable law or regulation.

Subpart B—Notification Requirements

§ 12.11 How is personal notification of seizure and proposed forfeiture provided?

An administrative forfeiture proceeding begins when notice is first published in accordance with § 12.12, or the first personal written notice is sent in accordance with the regulations in this section, whichever occurs first.

(a) *Manner of providing notice.* After seizing property subject to administrative forfeiture, the Service or the Solicitor, in addition to publishing notice of the seizure, will send personal written notice of the seizure to each interested party in a manner reasonably calculated to reach such parties. The notice of seizure and proposed forfeiture will not be sent to any person who signed an abandonment form. The notice of seizure and proposed forfeiture will be sent by U.S. registered or certified mail, express mail, or commercial carrier, all with proof of delivery and return receipt requested. The notice will be sent to an address that has been provided on shipping or other documents accompanying the property or on your permit or license application, unless the Service or the Solicitor has actual notice of a different address.

(b) *Content of personal written notice.* The personal written notice sent by the Service or the Solicitor will contain the following information:

(1) A description of the seized property;

(2) The name, title, and business address to whom any petition for remission or claim for judicial proceedings must be filed, as well as a seizure tag number;

(3) The date and place of seizure, and the estimated value of the property as determined under § 12.3;

(4) A reference to provisions of law or regulations under which the property is subject to forfeiture;

(5) A statement that the Service or the Solicitor intends to proceed with administrative forfeiture proceedings;

(6) The date when the personal written notice is sent;

(7) The deadline for filing claims for judicial forfeiture proceedings, which is 35 days after the personal written notice is sent, as well as the deadline for filing petitions for remission; and

(8) A statement that any interested party may file a claim or petition for remission by the deadline.

(c) *Date of personal notice.* Personal written notice is sent on the date when the Service or the Solicitor places the notice in the mail, delivers it to a commercial carrier, or otherwise sends it by means reasonably calculated to reach the interested party.

(d) *Timing of notification.* The Service or the Solicitor will notify you in writing of any seizure of your property as soon as practicable and not more than 60 days after the date of seizure. If property is detained at an international border or port of entry for the purpose of examination, testing, inspection, obtaining documentation, or other investigation relating to the importation or the exportation of the property, the 60-day period will begin to run when the period of detention ends, if the Service seizes the property for the purpose of forfeiture to the United States.

(e) *Exceptions to the 60-day notification requirement.* The exceptions in 18 U.S.C. 983(a)(1), including but not limited to the exceptions listed in this paragraph (e), apply to the notice requirement under paragraph (d) of this section.

(1) If the identity or interest of an interested party is determined after the seizure of the property but before entering a declaration of forfeiture, the Service or the Solicitor will send written notice to such interested party under paragraph (a) of this section not more than 60 days after the date that the identity of the interested party or the interested party's interest is determined.

(2) For the purposes of this section, we do not consider property that has been refused entry, held for identification, held for an investigation as evidence, or detained for less than 30 days under part 14 of this chapter, to be seized.

(3) If, before the time period for sending notice expires, the Government files a civil judicial forfeiture action against the seized property and provides notice of such action as required by law, personal notice of administrative forfeiture is not required under paragraph (a) of this section.

(4) If, before the time period for sending notice expires, the Government does not file a civil judicial forfeiture action, but does obtain a criminal indictment containing an allegation that the property is subject to forfeiture, the Government will either:

(i) Send notice within the 60 days specified under paragraph (a) of this section and continue the administrative civil forfeiture proceeding; or

(ii) Terminate the administrative civil forfeiture proceeding and take the steps necessary to preserve its right to maintain custody of the property as provided in the applicable criminal forfeiture statute.

(f) *Extensions to the 60-day notification requirement.* The Director may extend the 60-day deadline for sending personal written notice under these regulations in a particular case one time, for a period not to exceed 30 days, unless further extended by a court, only if the Director determines that the notice may have an adverse result including endangering the life or physical safety of an individual, flight from prosecution, destruction of or tampering with evidence, intimidation of potential witnesses, or otherwise seriously jeopardizing an investigation or unduly delaying a trial.

§ 12.12 How is public notification of seizure and proposed forfeiture provided?

(a) After seizing property subject to administrative forfeiture, the Service will select from the following options a means of publication reasonably calculated to notify potential claimants of the seizure and the Service's intent to forfeit and sell or otherwise dispose of the property:

(1) Publication once each week for at least 3 successive weeks in a newspaper

generally circulated in the judicial district where the property was seized; or

(2) Posting a notice on the official government internet site at *http://www.fws.gov/fwsforfeiture/* for at least 30 consecutive days.

(b) The published notice will:

(1) Describe the seized property;

(2) State the date, statutory basis, and place of seizure;

(3) State the deadline for filing a claim when personal written notice has not been received, which must be at least 30 days after the date of final publication of the notice of seizure; and

(4) State the name, title, and business address to whom any petition for remission or claim for judicial proceedings must be filed.

§ 12.13 How is a declaration of forfeiture issued?

(a) If the seizing agency commences a timely proceeding against property subject to administrative forfeiture, and either no valid and timely claim is filed or the seized property is not released in response to a petition or supplemental petition for remission, the Service or the Solicitor will declare the property forfeited to the United States for disposition according to law. The declaration of forfeiture will have the same force and effect as a final decree and order of forfeiture in a Federal judicial forfeiture proceeding.

(b) The declaration of forfeiture will describe the property and state the date, time, place, and reason for the seizure of the property. The declaration of forfeiture will refer to the notice of seizure and proposed forfeiture and describe the dates and manner in which the notice of seizure and proposed forfeiture was sent to you. If we have no proof of delivery to you of the notice of seizure and proposed forfeiture, the declaration of forfeiture will describe the efforts made to deliver the notice of seizure and proposed forfeiture to you.

§ 12.14 What happens if the required notification of seizure and proposed forfeiture is not provided?

Under 18 U.S.C. 983(a)(1)(F), if the Service or the Solicitor does not send notice of a seizure of property in accordance with that section to the person from whom the property was seized, and no extension of time was granted, the Government is required to return the property to that person, unless the property is contraband or other property that is illegal to possess. Any return of property under this section does not prejudice the right of the Government to commence a forfeiture proceeding at a later time.

Subpart C—Forfeiture Proceedings

§ 12.31 What are the basic types of forfeiture proceedings?

(a) Property seized for violations of the laws identified in §12.2 and subject to forfeiture may be forfeited, depending upon the nature of the property and the law involved, through criminal forfeiture proceedings, civil judicial procedures, or civil administrative procedures.

(b) The process used also may be determined in certain circumstances by the actions of an interested party. For example, a person claiming property seized in an administrative civil forfeiture proceeding under a civil forfeiture statute may choose to file a claim after the seizure rather than to pursue administrative relief through a petition for remission of forfeiture.

(c) A claim that is timely and contains the information required by §12.36 will terminate the administrative proceeding and will cause the Service, through the Solicitor, to refer the claim to the U.S. Department of Justice with the request that a judicial forfeiture action be instituted in Federal court.

§ 12.32 When may the Service or the Solicitor obtain administrative forfeiture of my property?

If your fish, wildlife, plant or other property is subject to forfeiture under any Act listed in §12.2, and it is also property subject to administrative forfeiture, the Service or the Solicitor may initiate an administrative forfeiture proceeding of the property under the forfeiture procedures described in this subpart.

§ 12.33 How do I file a petition for remission of forfeiture requesting the release of my property?

(a) If you are an interested party, you may file a petition for remission of forfeiture with the Service to return seized property that is subject to administrative forfeiture. Upon receiving the petition, the Service will refer the petition to the Solicitor to decide whether to grant relief.

(b) You must file your petition for remission within 35 days from the date of the delivery of the notice of seizure and proposed forfeiture, if you or any interested party receives the notice of seizure and proposed forfeiture. If you do not receive the notice of seizure and proposed forfeiture, we must receive the petition for remission that you file not later than 30 days from the date of last posting of the public notice of the seizure of the property.

(c) Petitions for remission of forfeiture must be concise and logically presented to facilitate review by the Solicitor. The Solicitor may dismiss a petition for remission that fails to substantially comply with any of the information required by this paragraph (c). The petition for remission of forfeiture must contain the following:

(1) The name and address of the person claiming the interest in the seized property who is seeking remission.

(2) The name of the seizing agency, the asset identifier number, and the date and place of seizure.

(3) A complete description of the property.

(4) A description of the petitioner's interest in the property as owner, lienholder, or otherwise, supported by original or certified bills of sale, contracts, deeds, mortgages, or other documentary evidence.

(5) A statement containing all of the facts and circumstances you use to justify the remission of the forfeiture. If you rely on an exemption or an exception to a prohibition under any Act listed in §12.2, you must demonstrate how that exemption or exception applies to your particular situation.

(6) A statement containing all of the facts and circumstances you contend support any innocent owner's defense allowed by 18 U.S.C 983(d) that you are asserting. No person may assert an innocent owner's interest in property that is contraband or other property that is illegal to possess. A petitioner has the burden of proving by a preponderance of the evidence that the petitioner is an ''innocent owner'' as defined in 18 U.S.C 983(d).

(7) A statement that the information furnished is, to the best of your knowledge and belief, complete, true, and correct and that you recognize false statements may subject you to criminal penalties under 18 U.S.C 1001.

(d) In addition to the contents of the petition for remission described in paragraph (c) of this section, upon request, the petitioner must also furnish the agency with instruments executed by each known party with an interest in the property releasing that interest.

(e) A petition for remission of property subject to administrative forfeiture must be addressed to the appropriate office identified in the notice of forfeiture.

(f) Your petition for remission must be signed by you or your lawyer. If a lawyer files on behalf of the petitioner, the petition must include a signed and sworn statement by the client-petitioner stating that:

(1) The lawyer has the authority to represent you in the proceeding;

(2) You have fully reviewed the petition; and

(3) The petition is truthful and accurate in every respect to the best of your knowledge and belief.

(g) If the petitioner is a corporation, the petition must be signed by an authorized officer, supervisory employee of the corporation, or a lawyer representing the corporation, and the corporate seal must be properly affixed to the signature.

(h) If you file a claim to the property, as described in §12.36, the administrative proceeding will be terminated and the Solicitor will no longer have the opportunity or authority to review or rule on the petition for remission of the property.

§ 12.34 What are the standards for remission of forfeiture?

(a) A petition for remission must include evidence that either:

(1) The petitioner is an interested party or owner as defined in this part; or

(2) The knowledge and responsibilities of the petitioner's representative, agent, or employee are ascribed to the petitioner where the representative, agent, or employee was acting in the course of his or her employment and in furtherance of the petitioner's business.

(b) The petitioner has the burden of establishing the basis for granting a petition for remission of property and for granting a reconsideration of a denial of such a petition. Failure to provide information or documents or to submit to interviews, when requested by the Solicitor, may result in a denial of the petition.

(c) The Solicitor will consider relevant information that you submit, as well as other information available to the Solicitor relating to the matter. The Solicitor will review the basis for the seizure, and in the absence of evidence to the contrary, will presume a valid seizure.

(d) Willful, materially false statements or information, made or furnished by the petitioner in support of a petition for remission or the reconsideration of a denial of any such petition, will be grounds for denial of the petition and possible prosecution for filing of false statements.

(e) The Solicitor will consider the following principles, if applicable, when making a decision on a petition for remission:

(1) Remission is an equitable remedy and is discretionary with the Solicitor.

(2) The Solicitor may grant remission of property if the Solicitor determines that mitigating circumstances justify the remission and then only under such terms and conditions as are reasonable and just.

(i) Mitigating factors that may be considered for the sole and limited purpose of remission of forfeiture include, but are not limited to, whether:

(A) The facts demonstrate your honest and good-faith intent and effort to comply with the law;

(B) You did not have the ability to prevent the violation;

(C) No evidence exists that you have engaged in past conduct similar to the violation;

(D) You have taken meaningful steps, including enforcement mechanisms (*e.g.*, contractual or monetary), to prevent any violations; and

(E) The return of the property combined with imposition of monetary and/or other conditions of mitigation in lieu of a complete forfeiture will promote the interest of justice.

(ii) These factors are not intended to be all inclusive and do not constitute authority in and of themselves.

(3) The Solicitor will make all remission decisions with due consideration for the cumulative conservation impacts of the remission including, but not limited to, whether:

(i) The species is listed in Appendix I, II, or III under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) (See §23.91 of this chapter);

(ii) The species is listed in part 17 of this chapter as ''threatened'' or ''endangered'' under the Endangered Species Act (16 U.S.C. 1531 *et seq.*);

(iii) The violation increased the regulatory burden on government agencies; or

(iv) Remission may have an adverse effect on the integrity of any applicable permitting system or may provide an incentive to third parties to avoid meeting CITES requirements.

(4) The Solicitor has the discretion to condition a grant of remission of the seized property, in whole or in part, on terms and conditions that are reasonable and just. The Solicitor further has the discretion to grant remission for the limited purpose of directed reexport to the exporter of record provided that the reexport benefits enforcement and administration of applicable wildlife laws. Any terms and conditions of remission will be in writing and may include but are not limited to payment of those costs and expenses that the United States may, as a matter of applicable law, recover for the property.

(i) Shipment of any released property will be at your sole cost, and the risk of loss from such shipment will be your risk.

(ii) Property for which remission is granted will be released only after successful completion of all terms and conditions of remission, proper identification of the recipient of the property, and your execution of a property receipt provided by the Solicitor or the Service acknowledging receipt of the remitted property.

(5) Any decision to grant remission is separate from and does not preclude or otherwise provide relief from civil enforcement against the person or persons who committed the violations associated with the seizure and proposed forfeiture of the property. To expedite the resolution of any civil penalties that may be brought against you under the ESA (16 U.S.C. 1531 *et seq.*), the Lacey Act Amendments of 1981 (16 U.S.C. 3371 *et seq.*), or the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*) in connection with violations involving any wildlife for which remission is to be granted, the Solicitor has the sole discretion to give you the opportunity to completely or partially settle the civil penalty claim at the same time that remission is granted by executing a written agreement setting forth the terms and conditions of the civil penalty settlement. Such an agreement may be included in the written documentation of the terms and conditions of the parallel remission of forfeiture provided that:

(i) The terms and conditions of the civil penalty settlement are clearly delineated as relating separately and solely to any civil penalty claims; and

(ii) The wildlife owner agrees in writing to waive any notice of violation and notice of assessment required by part 11 of this subchapter and the opportunity for a hearing as conditions of civil penalty settlement.

§ 12.35 How will the Solicitor notify me of the decision on my petition for remission?

(a) The Solicitor will notify you in writing of any decision to grant or deny a petition for remission or to dismiss the petition for failure to provide the information required in this part or to timely file that petition. The notification will advise you of the reasons for the decision made and the options, if any, available to you for addressing the decision.

(b) In the event that the Solicitor denies your petition for remission of forfeiture, you may file a supplemental petition for reconsideration if you have information or evidence not previously considered that is material to the basis for the denial or new documentation clearly demonstrating that the denial was erroneous. A supplemental petition must be received within 60 days from the date of the Solicitor's notification denying the original petition. You may file only one supplemental petition. The Solicitor's decision on your petition for remission will be the decision for the Service.

§ 12.36 How do I file a claim to get back my seized property?

(a) If you receive a notice of seizure and proposed forfeiture, you may file a claim to the property by the deadline stated in the notice of seizure and proposed forfeiture. This deadline will be 35 days after the notice is mailed.

(b) If you did not receive a notice of seizure and proposed forfeiture, your claim must be received by the appropriate office not later than 30 days from the last date of final publication of the notice of the seizure of the property.

(c) A claim does not have to be in any particular form, but your claim must: be in writing, identify the specific property being claimed, state your interest in the specific property being claimed, and be made under oath subject to penalty of perjury. We will make a claim form available to you upon request.

(d) Your claim, by itself, will not entitle you or any other person to possession of the property. No bond is required to make a claim for judicial forfeiture proceedings. Rather, your claim will result in the Service referring the case, through the Solicitor, to the Department of Justice for civil judicial forfeiture. However, if you request possession of the property pending an administrative forfeiture decision under §12.6, you will be required to post a bond under §12.6 if your request is granted. This bond is only required to obtain interim possession of the property.

(e) Your claim must be made under oath by you as the claimant and not by an attorney or agent.

(f) If you are an individual claimant, you must sign the claim.

(1) If the claimant is a corporation or a form of limited liability business entity organized under a State law, an authorized officer or supervisory employee of the entity must sign the claim.

(2) If the claimant is a partnership or limited partnership, any general partner may sign the claim.

(3) If the claimant is a trust, estate, or fiduciary entity, such as a person to whom property is entrusted, the chief officer authorized by the trust, estate, or fiduciary entity must sign the claim.

§ 12.37 Can I get my property back while the claim is pending?

If you have filed a claim and you think that continued possession of the property by the United States during the forfeiture proceeding will cause you substantial hardship, you may request under 18 U.S.C. 983(f) that the Service return the property to you pending the resolution of the judicial forfeiture proceeding. In determining whether to grant or deny your request, the Service will consider the factors set out in 18 U.S.C. 983(f). You must furnish evidence substantiating the hardship, and that none of the conditions set forth in 18 U.S.C. 983(f)(8) apply; for example, the property may not be contraband.

§ 12.38 What happens if my property is subject to civil judicial actions to obtain forfeiture?

If a claim is filed in the forfeiture proceeding under §12.36, the Solicitor will refer the case to the Department of Justice to include in a civil forfeiture complaint or in a criminal indictment.

Subpart D—Abandonment Procedures

§ 12.51 May I simply abandon my interest in the property?

You may voluntarily abandon your interest in property to the United States by signing Service Form 3–2096, Fish and Wildlife Abandonment Form, or equivalent Federal, State, Tribal, or local form, or by signed letter to the Service or the Solicitor containing substantially the same information as Form 3–2096.

§ 12.52 Can I file a petition for remission for my abandoned property?

You may file a petition for remission of abandoned property with the Service and seek the return of property you had voluntarily abandoned, within the time period described in §12.33. If you have agreed to abandon property, your right to seek relief is limited to whatever process expressly was reserved in the abandonment document you signed.

Subpart E—Disposal of Forfeited or Abandoned Property

§ 12.61 What is the purpose of this subpart?

This subpart contains the provisions under which the Service will dispose of any property forfeited or abandoned to the United States.

§ 12.62 How does the Service keep track of forfeited or abandoned property?

The Service must account in official records for all property forfeited or abandoned under this subpart. These records must include the following information:

(a) A description of the property;

(b) The date and place of the seizure of the property, and, if appropriate, the seizure tag number, and the date of forfeiture or abandonment of the property;

(c) The investigative case file number associated with the property;

(d) The name of any person known to have or to have had an interest in the property;

(e) The date, place, and manner of the disposal of the property;

(f) The name of the official responsible for the disposal of the property; and

(g) The value of the property.

§ 12.63 When may the Service return live fish, wildlife, or plants to the wild?

(a) The Service may release any live member of a native species of fish, wildlife, or plant that is capable of surviving in the wild into suitable habitat within the historical range of the species in the United States, with the permission of the landowner and the State, unless that release poses an imminent danger to public health or safety, or presents a known threat of disease transmission to other fish, wildlife, or plants.

(b) The Service may transplant any live member of a native species of plant that is capable of surviving into suitable habitat on Federal or other protected lands within the historical range of the species in the United States, with the permission of the appropriate land-management agency.

(c)(1) The Service may not return to the wild any live member of an exotic, nonnative species of fish, wildlife (including injurious wildlife), or plant, within the United States. The Service may return such live member that is capable of surviving in the wild to one of the following countries for return to suitable habitat:

(i) The country of export, if known, after consultation with that country; or

(ii) A country that is within the historical range of the species and that is a party to CITES (Treaties and Other International Acts Series, TIAS 8249) after consultation with that country.

(2) Any return of fish, wildlife, or plants under paragraph (c)(1) of this section must comply with applicable laws, including CITES and the domestic laws of that country.

(3) We may require that the return of fish, wildlife, or plants under paragraph (c)(1) of this section be at the expense of that country, the transporter, the violator, or others as provided by law.

§ 12.64 How does forfeiture or abandonment affect the status of the property?

(a) After property has been forfeited or abandoned, the prior illegal status of the property, due to violations of any Act listed in §12.2 that led to the forfeiture or abandonment of the property, is terminated. However, any subsequent holder or owner of the property must comply with all prohibitions, restrictions, conditions, or requirements that apply to a particular species of fish, wildlife, or plant under any Act listed in §12.2, or any other applicable Federal, State, Tribal, or foreign law or regulation.

(b) When releasing property under the provisions of this subpart, the Service will prescribe the conditions under which the property may be possessed and used and will reserve the right to resume possession of the property if it is possessed or used in violation of those conditions.

§ 12.65 How does the Service dispose of forfeited or abandoned property?

(a) The Service will dispose of any fish, wildlife, or plant forfeited or abandoned by one of the following means, unless the item is the subject of a petition for remission of forfeiture under §12.33 or disposed of by court order (items will be disposed of in order of priority listed below):

(1) Return to the wild, as described in §12.63(a);

(2) Transfer for use by the Service; transfer to the National Eagle and Wildlife Property Repository; transfer to a Tribe, where the item is credibly identified as an object of cultural patrimony; or transfer to another government agency for official use;

(3) Donation or loan;

(4) Sale; or

(5) Destruction.

(b) The Service may use forfeited or abandoned fish, wildlife, or plants or transfer them to another government agency, including foreign government 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 fish, wildlife, or plants, including forensic identification or research;

(3) Educating the public concerning the conservation of fish, 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 fish, wildlife, or plants; or

(7) Returning the live fish, wildlife, or plants to the wild under §12.63.

(c) The Service must document each transfer and the terms of each transfer.

(d) A government agency, including a foreign government agency, receiving the fish, wildlife, or plants may be required to pay all of the costs of care, storage, and transportation in connection with the transfer of the fish, wildlife, or plants, from the date of seizure, refused entry, or detention to the date of delivery.

(e) The Service must dispose of forfeited or abandoned property, other than fish, wildlife, or plants, including vehicles, vessels, aircraft, cargo, guns, nets, traps, and other equipment, as allowed under current Federal property management regulations.

(f) When disposing of property, the Service must follow these guidelines:

(1) The Service may dispose of any live fish, wildlife, or plant immediately upon order of forfeiture or abandonment of the property, if the Service determines that the property is likely to perish, deteriorate, decay, waste, or greatly decrease in value if maintained by the Service, or if the expense of maintaining that property is disproportionate to its value; or

(2) The Service may dispose of all other property no sooner than 30 days after an order of forfeiture or abandonment of the property.

(g) If the property is the subject of a pending petition for remission of forfeiture under §12.35, the Service may not dispose of the property until the Solicitor or the Attorney General, pursuant to 28 CFR part 9, makes a final decision regarding whether relief will be granted.

§12.66 How does the Service dispose of seized injurious fish or wildlife?

(a) The Service will order immediate reexport or destruction of any seized injurious fish or wildlife imported or transported in violation of our injurious species regulations in part 16 of this subchapter.

(b) The importer, exporter, or transporter will be responsible for all costs associated with the reexport or destruction of any seized injurious fish or wildlife imported, exported, or transported in violation of our injurious species regulations in part 16 of this subchapter.

(c) Any live or dead specimen, part, or product of any fish or wildlife species listed as injurious under part 16 of this subchapter will be disposed of in a manner that minimizes, to the greatest extent practicable, the possibility that additional specimens will be imported or transported in violation of our injurious species regulations in part 16 of this subchapter.

§12.67 When may the Service donate forfeited or abandoned property?

(a) The Service may donate forfeited or abandoned fish, wildlife, or plants, for scientific, educational, or public display purposes, when consistent with applicable law. The donation may be made to any person, government agency (including foreign government agencies) or public organization, as defined in §10.12 of this subchapter. The donee must have the demonstrated ability to provide adequate care and security for the fish, wildlife, or plants.

(b) A transfer document between the Service and the person, government agency (foreign or domestic), or public organization receiving the fish, wildlife, or plants, must be completed before any donation of fish, wildlife, or plants takes place. Form SF–123, Transfer Order Surplus Personal Property, should be used for transfers with agencies or persons outside of the Department of the Interior, and Form DI–104, Transfer of Property, should be used for transfers with agencies within the Department of the Interior. The donation is subject to the following conditions:

(1) The transfer document must state the purpose for which the fish, wildlife, or plants will be used.

(2) Any attempt by the recipient to use the donation for any purpose other than that specifically stated on the transfer document entitles the Service to immediately repossess the fish, wildlife, or plants or their offspring.

(3) The recipient may be required to pay all of the costs associated with the transfer of the fish, wildlife, or plants, or their offspring, including the costs of care, storage, transportation, and return to the Service, if applicable.

(4) The recipient may not sell the fish, wildlife, or plants, or their offspring.

(5) The recipient may be required to show the Form SF–123, DI–104, or any other transfer document that was received.

(6) The recipient is subject to the prohibitions, restrictions, conditions, or requirements that may apply to a particular species of fish, wildlife, or plant imposed by Federal, State, Tribal, or foreign law or regulation.

(7) Any attempt to retransfer a donation without the prior authorization of the Service entitles the Service to immediately repossess the fish, wildlife, or plants, or their offspring.

(8) At all reasonable times, upon prior notice, the recipient must provide authorized Service officers access to the location where the donation is kept for the purposes of inspecting the donation and all associated records pertaining to the donation.

(9) Any donation is subject to the conditions specified in the transfer document, including, without limitation, any time periods, and any violation of these specific conditions entitles the Service to immediately repossess the fish, wildlife, or plants, or their offspring.

(c) The Service will not donate live fish, wildlife, or plants for human consumption.

§ 12.68 When may the Service loan forfeited or abandoned property?

(a) The Service may loan forfeited or abandoned property, fish, wildlife, or plants, for scientific, educational, or public display purposes, when consistent with applicable law. The loan may be made to any person, government agency (including foreign government agencies) or public organization, as defined in § 10.12 of this subchapter. The recipient must have the demonstrated ability to provide adequate care and security for the fish, wildlife, or plants.

(b) A transfer document between the Service and the person, government agency (foreign or domestic), or public organization receiving the fish, wildlife, or plants must be completed before any loan of fish, wildlife, or plant takes place. Form SF–123, Transfer Order Surplus Personal Property, should be used for transfers with agencies or persons outside of the Department of the Interior, and Form DI–104, Transfer of Property, should be used for transfers with agencies within the Department of the Interior. The loan is subject to the following conditions:

(1) The transfer document must state the purpose for which the fish, wildlife, or plants will be used.

(2) Any attempt by the recipient to use the loan for any purpose other than that specifically stated on the transfer document entitles the Service to immediately repossess the fish, wildlife, or plants or their offspring.

(3) The recipient may be required to pay all of the costs associated with the transfer of the fish, wildlife, or plants, or their offspring, including the costs of care, storage, transportation, and return to the Service, if applicable.

(4) The recipient may not sell the fish, wildlife, or plants, or their offspring.

(5) The recipient may be subject to a periodic accounting of the care and use of the loaned fish, wildlife, or plants, or their offspring.

(6) The recipient is subject to the prohibitions, restrictions, conditions, or requirements that may apply to a particular species of fish, wildlife, or plant imposed by Federal, State, Tribal, or foreign law or regulation.

(7) Any attempt to retransfer a loan without the prior authorization of the Service entitles the Service to immediately repossess the fish, wildlife, or plants, or their offspring.

(8) At all reasonable times, upon prior notice, the recipient must provide authorized Service officers access to the location where the loan is kept for the purposes of inspecting the loan and all associated records pertaining to the loan.

(9) Any loan is subject to the conditions specified in the transfer document, including, without limitation, any time periods, and any violation of

these specific conditions entitles the Service to immediately repossess the fish, wildlife, or plants, or their offspring.

(10) Any loan is in effect for an indefinite period of time unless the transfer document specifies a date for returning the loan to the Service.

(11) Any loan remains the property of the United States, and the Service may demand the return of the loan at any time, and the recipient cannot prevent that return.

§ 12.69 When may the Service sell forfeited or abandoned property?

(a) The Service may sell, or offer for sale, forfeited or abandoned fish, wildlife, or plants, except any species, which at the time of sale or offer for sale, is:

(1) Listed in part 10 of this subchapter as a migratory bird protected by the Migratory Bird Treaty Act (16 U.S.C. 703 *et seq.*);

(2) Protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*);

(3) Listed in Appendix I, or in Appendix II with an annotation (limiting commercial use of specimens of the species or where specimens of the species are treated as if listed in Appendix I), under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) (See § 23.91 of this chapter);

(4) Listed in part 17 of this chapter as ''endangered'' or ''threatened'' under the Endangered Species Act (16 U.S.C. 1531 *et seq.*);

(5) Protected under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 *et seq.*);

(6) Regulated as an injurious species under our injurious species regulations in part 16 of this chapter;

(7) The African elephant (*Loxodonta* species);

(8) Protected under the Wild Bird Conservation Act, (16 U.S.C. 4901 *et seq.*); or

(9) Protected under the Rhinoceros and Tiger Conservation Act (16 U.S.C. 5301 *et seq.*);

(10) Protected under the Big Cat Public Safety Act (16 U.S.C. 3371(h), 3372(e), 117 Public Law 243, 136 Stat. 2336); or

(11) Any fish, wildlife, or plant that is prohibited for export by the country of origin of the species.

(b) If the Service chooses to dispose of fish, wildlife, or plants by sale, we must do so under current Federal property management regulations or Customs laws and regulations, except that the Service may sell any fish, wildlife, or plants immediately to the highest bidder above the set minimum bid, if the Service determines that the fish, wildlife, or plants are likely to perish, deteriorate, decay, waste, or greatly decrease in value by keeping, or that the expense of keeping the fish, wildlife, or plants is disproportionate to their value.

(c) The Service may transport fish, wildlife, or plants that may not be possessed lawfully by purchasers under the laws of the State where the fish, wildlife, or plants are held to a State where possession of the fish, wildlife, or plants is lawful and the fish, wildlife, or plants may be sold.

(d) Fish, wildlife, or plants purchased at sale are subject to the prohibitions, restrictions, conditions, or requirements that apply to a particular species of fish, wildlife or plant imposed by Federal, State, or Tribal or foreign law or regulation.

§ 12.70 When may the Service destroy forfeited or abandoned property?

(a) The Service may destroy fish, wildlife, or plants under the provisions set forth in §§ 12.65 and 12.66.

(b) The Service official who performs the destruction of fish, wildlife, or plants and a witness must certify the completion of the destruction, the method of the destruction, the date of the destruction, and the type and quantity of fish, wildlife, or plants destroyed.

(c) The Service will comply with all applicable laws regarding the destruction of the fish, wildlife, or plants and regarding the disposal of any residue or wastes resulting from the method of the destruction of the fish, wildlife, or plants.

Subpart F—Recovery of Storage Costs and Return of Property

§ 12.81 When can the Service assess fees for costs incurred by the transfer, boarding, handling, or storage of property seized or forfeited?

(a) If any fish, wildlife, plant, or item of evidence is seized or forfeited under the ESA (16 U.S.C. 1531 *et seq.*), you or any person whose act or omission was the basis for the seizure will be charged a reasonable fee for expenses to the United States connected with the transfer, boarding, handling, or storage of the seized or forfeited 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.*), you or any person convicted or assessed a civil penalty for this violation will be assessed a reasonable fee for expenses of the United States connected with the storage, care, and maintenance of the property.

(1) Within a reasonable time after seizure or forfeiture, the Service may send by registered mail, certified mail, or private courier, return receipt requested, a bill for this fee. The bill will contain an itemized statement of the applicable costs, together with instructions on the time and manner of payment.

(2) You must make payment under terms of the bill. If you fail to pay, you may be subject to collection proceedings under the Federal Claim Collection Act, 31 U.S.C. 3711 *et seq.*, as well as the Federal Debt Collection Act, 31 U.S.C. 3701 *et seq.*, and the possible refusal of clearance of future shipments, and disqualification from receiving or exercising the privileges of any Service permit.

(b) If you object to the costs described in the bill, you may, within 30 days of the date on which you received the bill, file written objections with the SAC for the U.S. Fish and Wildlife Service Office of Law Enforcement in the region in which the seizure occurred. Upon receipt of the written objections, the SAC will promptly review them and, within 30 days, deliver in writing a final decision. In all cases, the SAC's decision will constitute final administrative action on the matter.

§ 12.82 How will my property be returned if my petition or claim is successful?

If, at the conclusion of the appropriate proceedings, seized property is to be returned to the owner or consignee, the Solicitor or Service will issue a letter or other document authorizing its return. This letter or other document will be delivered personally or sent by registered or certified mail, return receipt requested, and will identify the owner or consignee, the seized property, and, if appropriate, the custodian of the seized property. It will also provide that, upon presentation of the letter or other document and proper identification, and the signing of a receipt provided by the Solicitor or the Service, the seized property is authorized to be released, provided it is properly marked in accordance with applicable State or Federal requirements.

PART 13—GENERAL PERMIT PROCEDURES

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AUTHORITY: 16 U.S.C. 668a, 704, 712, 742j–l, 1374(g), 1382, 1538(d), 1539, 1540(f), 3374, 4901–4916; 18 U.S.C. 42; 19 U.S.C. 1202; 31 U.S.C. 9701.

SOURCE: 39 FR 1161, Jan. 4, 1974, unless otherwise noted.

Subpart A—Introduction

§ 13.1 General.

(a) A person must obtain a valid permit before commencing an activity for which a permit is required by this subchapter, except as provided in §23.53 of this subchapter for retrospective permits for certain CITES shipments under very specific situations.

(b) A person must apply for such a permit under the general permit procedures of this part and any other regulations in this subchapter that apply to the proposed activity.

(1) The requirements of all applicable parts of this subchapter must be met.

(2) A person may submit one application that includes the information required in each part of this subchapter, and a single permit will be issued if appropriate.

[72 FR 48445, Aug. 23, 2007]

§ 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 of all permits issued pursuant to this subchapter B.

[54 FR 38147, Sept. 14, 1989]

§ 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.

The Office of Management and Budget (OMB) has approved the information collection requirements contained in part 13 and assigned OMB Control Numbers 1018–0022, 1018–0070, 1018–0092, 1018–0093, or 1018–0167 (unless otherwise indicated). Federal agencies may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Direct comments regarding the burden estimates or any other aspect of the information collection to the Service's Information Collection Clearance Officer at the address provided at 50 CFR 2.1(b).

[89 FR 9956, Feb. 12, 2024]

Subpart B—Application for Permits

§ 13.11 Application procedures.

The Service may not issue a permit for any activity authorized by this subchapter B unless you have filed an application under the following procedures:

(a) *Forms.* Applications must be submitted in writing on a Federal Fish

and Wildlife License/Permit Application (Form 3–200) or as otherwise specifically directed by the Service.

(b) *Forwarding instructions.* Applications for permits in the following categories should be forwarded to the issuing office indicated below.

(1) You may obtain applications for migratory bird banding permits (50 CFR 21.70) by writing to: Bird Banding Laboratory, USGS Patuxent Wildlife Research Center, 12100 Beech Forest Road, Laurel, Maryland 20708–4037. Submit completed permit applications to the same address.

(2) You may obtain applications for designated port exception permits and import/export licenses (50 CFR 14) by writing to the Special Agent in Charge (SAC) of the Region in which you reside (see 50 CFR 2.2 or the Service Web site, *http://www.fws.gov*, for addresses and boundaries of the Regions). Submit completed permit applications to the same address.

(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 take caused by the activity in accordance with §13.1. You may submit a single application in these cases, provided that the single application contains all the information required by the separate applications for each activity. Where more than one activity is consolidated into one permit, the issuing office will charge the highest single fee for the activity for which take is permitted. Administration fees are not waived.

(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 that agency, except administration fees for permits issued under subpart E of part 22 of this subchapter will not be waived. If you fail to submit evidence of agency status with your application, we will require the submission of all processing fees prior to the acceptance of the application for processing, unless otherwise authorized or waived.

(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).

Type of permit	CFR Citation	Permit application fee	Administration fee[1]	Amendment fee
Migratory Bird Treaty Act				
Migratory Bird Import/Export	50 CFR part 21	75.		
Migratory Bird Banding or Marking	50 CFR part 21	No fee.		
Migratory Bird Scientific Collecting	50 CFR part 21	100		50
Migratory Bird Taxidermy	50 CFR part 21	100.		
Waterfowl Sale and Disposal	50 CFR part 21	75.		
Special Canada Goose	50 CFR part 21	No fee.		
Migratory Bird Special Purpose/Education	50 CFR part 21	75.		
Migratory Bird Special Purpose/Salvage	50 CFR part 21	75.		
Migratory Bird Special Purpose/Game Bird Propagation.	50 CFR part 21	75.		
Migratory Bird Special Purpose/Miscellaneous.	50 CFR part 21	100.		

Type of permit	CFR Citation	Permit application fee	Administration fee[1]	Amendment fee
Raptor Propagation	50 CFR part 21	100.		
Migratory Bird Rehabilitation	50 CFR part 21	50.		
Migratory Bird Depredation	50 CFR part 21	100		50
Migratory Bird Depredation/Homeowner	50 CFR part 21	50.		
Bald and Golden Eagle Protection Act				
Eagle Scientific Collecting	50 CFR part 22	100.		
Eagle Exhibition	50 CFR part 22	75.		
Eagle—Native American Religious Purposes.	50 CFR part 22	No fee.		
Eagle Depredation Permit	50 CFR part 22	100.		
Golden Eagle Nest Take	50 CFR part 22	100		50
Eagle Transport—Scientific or Exhibition	50 CFR part 22	75.		
Eagle Transport—Native American Religious Purposes.	50 CFR part 22	No fee.		
General Eagle Permit—Disturbance Take	50 CFR part 22	100.		
Specific Eagle Permit—Disturbance Take	50 CFR part 22	Commercial—2,500;. Noncommercial—500.		Commercial—500; Noncommercial—150
General Eagle Permit—Nest Take	50 CFR part 22	100.		
Specific Eagle Permit—Nest Take (Single nest).	50 CFR part 22	Commercial—2,500; Noncommercial—500.		Commercial—500; Noncommercial—150
Specific Eagle Permit Eagle—Nest Take (Multiple nests).	50 CFR part 22	5,000		500
General Eagle Permit—Incidental Take (Power lines).	50 CFR part 22	1,000	Non-Investor Owned—2,500; Investor Owned—10,000	
General Eagle Permit—Incidental Take (Wind energy).	50 CFR part 22	1,000	Distributed and Community Scale—2,500; Utility Scale—10,000	
Specific Eagle Permit—Incidental Take	50 CFR part 22	Tier 1—18,000; Tier 2—26,000.	10,000	500
Eagle Take—Exempted under ESA	50 CFR part 22		No fee	
Transfer of a Subpart E Eagle Permit	50 CFR part 22	1,000.		
Endangered Species Act/CITES/Lacey Act				
ESA Recovery	50 CFR part 17	100		50
ESA Interstate Commerce	50 CFR part 17	100		50
ESA Enhancement of Survival (Safe Harbor Agreement).	50 CFR part 17	50		25
ESA Enhancement of Survival (Candidate Conservation Agreement with Assurances).	50 CFR part 17	50		25
ESA Incidental Take (Habitat Conservation Plan).	50 CFR part 17	100		50
ESA and CITES Import/Export and Foreign Commerce.	50 CFR part 17	100		50
ESA and CITES Museum Exchange	50 CFR part 17	100		50
ESA Captive-bred Wildlife Registration	50 CFR part 17	200		100
—Renewal of Captive-bred Wildlife Registration.	50 CFR part 17	100.		
CITES Import (including trophies under ESA and MMPA).	50 CFR parts 17, 18, 23.	100		50
CITES Export	50 CFR part 23	100		50
CITES Pre-Convention	50 CFR part 23	75		40
CITES Certificate of Origin	50 CFR part 23	75		40

Type of permit	CFR Citation	Permit application fee	Administration fee[1]	Amendment fee
CITES Re-export	50 CFR part 23	75		40
CITES Personal Effects and Pet Export/Re-export.	50 CFR part 23	50.		
CITES Appendix II Export (native furbearers and alligators—excluding live animals).	50 CFR part 23	100		50
CITES Master File (includes files for artificial propagation, biomedical, etc., and covers import, export, and re-export documents).	50 CFR part 23	200		100
—Renewal of CITES Master File	50 CFR part 23	100.		
—Single-use permits issued on Master File.	50 CFR part 23	5[2].		
CITES Annual Program File	50 CFR part 23	50.		
—Single-use permits issued under Annual Program.	50 CFR part 23	5[2].		
CITES replacement documents (lost, stolen, or damaged documents).	50 CFR part 23	50		50
CITES Passport for Traveling Exhibitions and Pets.	50 CFR part 23	75[3].		
CITES/ESA Passport for Traveling Exhibitions.	50 CFR part 23	100[3].		
CITES Introduction from the Sea	50 CFR part 23	100		50
CITES Participation in the Plant Rescue Center Program.	50 CFR part 23	No fee.		
CITES Registration of Commercial Breeding Operations for Appendix–I Wildlife.	50 CFR part 23	100.		
CITES Request for Approval of an Export Program for a State or Tribe (American Ginseng, Certain Furbearers, and American Alligator).	50 CFR part 23	No fee.		
Import/Export License	50 CFR part 14	100		50
Designated Port Exception	50 CFR part 14	100		50
Injurious Wildlife Permit	50 CFR part 16	100		50
—Transport Authorization for Injurious Wildlife.	50 CFR part 16	25.		
Wild Bird Conservation Act (WBCA)				
Personal Pet Import	50 CFR part 15	50.		
WBCA Scientific Research, Zoological Breeding or Display, Cooperative Breeding.	50 CFR part 15	100		50
WBCA Approval of Cooperative Breeding Program.	50 CFR part 15	200		100
—Renewal of a WBCA Cooperative Breeding Program.	50 CFR part 15	50.		
WBCA Approval of a Foreign Breeding Facility.	50 CFR part 15	250[4].		
Marine Mammal Protection Act				
Marine Mammal Public Display	50 CFR part 18	300		150
Marine Mammal Scientific Research/Enhancement/Registered Agent or Tannery.	50 CFR part 18	150		75
—Renewal of Marine Mammal Scientific Research/Enhancement/Registered Agent or Tannery.	50 CFR part 18	75		

[1] A reimbursable agreement may be required for specific eagle permits to cover the costs above estimated staff-hours.
[2] An administration fee will be assessed at the time of application, in addition to the application fee.
[3] Per animal.
[4] Per species.

(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.

[70 FR 18317, Apr. 11, 2005, as amended at 72 FR 48445, Aug. 23, 2007; 73 FR 29083, May 20, 2008; 73 FR 42281, July 21, 2008; 74 FR 46875, Sept. 11, 2009; 78 FR 35152, June 12, 2013; 78 FR 73723, Dec. 9, 2013; 79 FR 30417, May 27, 2014; 79 FR 43964, July 29, 2014; 81 FR 8002, Feb. 17, 2016; 82 FR 41177, Aug. 30, 2017; 87 FR 880, Jan. 7, 2022; 89 FR 9956, Feb. 12, 2024]

§ 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:

(i) 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, 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 §14.52(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:

TABLE 1 TO PARAGRAPH (b)

Type of permit	Section
Importation at nondesignated ports:	
Scientific	14.31
Deterioration prevention	14.32
Economic hardship	14.33
Marking of package or container:	
Symbol marking	14.83
Import/export license	14.93
Feather import quota: Importation or entry	15.21
Injurious wildlife: Importation or shipment	16.22
Endangered wildlife and plant permits:	
Similarity of appearance	17.52
Scientific, enhancement of propagation or survival, incidental taking for wildlife	17.22
Scientific, propagation, or survival for plants	17.62
Economic hardship for wildlife	17.23
Economic hardship for plants	17.63
Threatened wildlife and plant permits:	
Similarity of appearance	17.52
General for wildlife	17.32
General for plants	17.72
Marine mammals permits:	
Scientific research	18.31
Public display	18.31
Migratory bird permits:	
Taxidermist	21.63
Import and export	21.67
Banding or marking	21.70
Scientific collecting	21.73
Rehabilitation	21.76
Falconry	21.82
Raptor propagation permit	21.85
Waterfowl sale and disposal	21.88
Special purpose	21.95
Depredation	21.100
Special Canada goose	21.120
Special double-crested cormorant	21.123
Eagle permits:	
Scientific or exhibition	22.50.
Indian religious use	22.60.
Falconry purposes	22.70.
Depredation and protection of health and safety	22.100.
Permits for incidental take of eagles	22.200 or 22.210.
Permits for incidental take of eagles by power lines	22.200 or 22.210.
Permits for disturbance take of eagles	22.200 or 22.210.
Permits for nest take of eagle	22.200 or 22.210.
Permits for golden eagle nest take for resource recovery operations	22.325.
Permits for bald eagle take exempted under the Endangered Species Act	22.400.

[39 FR 1161, Jan. 4, 1974, as amended at 42 FR 10465, Feb. 22, 1977; 42 FR 32377, June 24, 1977; 44 FR 54006, Sept. 17, 1979; 44 FR 59083, Oct. 12, 1979; 45 FR 56673, Aug. 25, 1980; 45 FR 78154, Nov. 25, 1980; 46 FR 42680, Aug. 24, 1981; 48 FR 31607, July 8, 1983; 48 FR 57300, Dec. 29, 1983; 50 FR 39687, Sept. 30, 1985; 50 FR 45408, Oct. 31, 1985; 54 FR 38147, Sept. 14, 1989; 70 FR 18319, Apr. 11, 2005; 72 FR 48446, Aug. 23, 2007; 73 FR 29083, May 20, 2008; 74 FR 46876, Sept. 11, 2009; 79 FR 30417, May 27, 2014; 87 FR 880, Jan. 7, 2022; 89 FR 9957, Feb. 12, 2024]

Subpart C—Permit Administration

§ 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 judgement 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 this part and of any part(s) or section(s) specifically authorizing or governing the activity for which the permit is issued, as well as any other conditions deemed appropriate and included on the face of the permit at the discretion of the Director.

(2) Any person accepting and holding a permit under this subchapter B acknowledges the necessity for close regulation and monitoring of the permitted activity by the Government. By accepting such permit, the permittee consents to and shall allow entry by agents or employees of the Service upon premises where the permitted activity is conducted at any reasonable hour. Service agents or employees may enter such premises to inspect the location; any books, records, or permits required to be kept by this subchapter B; and any wildlife or plants kept under authority of the permit.

(f) *Term of permit.* Unless otherwise modified, a permit is valid during the period specified on the face of the permit. Such period shall include the effective date and the date of expiration.

(g) *Denial.* The issuing officer may deny a permit to any applicant who fails to meet the issuance criteria set forth in this section or in the part(s) or section(s) specifically governing the activity for which the permit is requested.

[39 FR 1161, Jan. 4, 1974, as amended at 42 FR 32377, June 24, 1977; 47 FR 30785, July 15, 1982; 54 FR 38148, Sept. 14, 1989; 70 FR 18319, Apr. 11, 2005]

§13.22 Renewal of permits.

(a) *Application for renewal.* Applicants for renewal of a permit must submit a written application at least 30 days prior to the expiration date of the permit. Applicants must certify in the form required by §13.12(a)(5) that all statements and information in the original application remain current and correct, unless previously changed or corrected. If such information is no longer current or correct, the applicant must provide corrected information.

(b) *Renewal criteria.* The Service shall issue a renewal of a permit if the applicant meets the criteria for issuance in §13.21(b) and is not disqualified under §13.21(c).

(c) *Continuation of permitted activity.* Any person holding a valid, renewable

permit may continue the activities authorized by the expired permit until the Service acts on the application for renewal if all of the following conditions are met:

(1) The permit is currently in force and not suspended or revoked;

(2) The person has complied with this section; and

(3) The permit is not a CITES document that was issued under part 23 of this subchapter (because the CITES document is void upon expiration).

(d) *Denial.* The issuing officer may deny renewal of a permit to any applicant who fails to meet the issuance criteria set forth in §13.21 of this part, or in the part(s) or section(s) specifically governing the activity for which the renewal is requested.

[54 FR 38148, Sept. 14, 1989, as amended at 72 FR 48446, Aug. 23, 2007]

§13.23 Amendments 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) *Service amendment.* 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 the amendment of a permit issued under §17.22(b) or (c) of this subchapter will be consistent with the requirements of §17.22(b)(5) or (c)(5) of this subchapter and amendment of a permit issued under §17.32(b) or (c) of this subchapter will be consistent with the requirements of §17.32(b)(5) or (c)(5) of this subchapter.

(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 approval of the location is a qualifying condition of the permit.

[54 FR 38148, Sept. 14, 1989, as amended at 64 FR 32711, June 17, 1999; 89 FR 26093, Apr. 12, 2024]

§13.24 Rights 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 the regulations in this subchapter in §17.22(b) and (c), §17.32(b) and (c), or 50 CFR part 22, 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 successor has provided adequate written assurances that it will provide sufficient funding for any applicable 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 successor has provided such other information as we determine is relevant to the processing of the request.

[64 FR 32711, June 17, 1999, as amended at 78 FR 73725, Dec. 9, 2013; 87 FR 880, Jan. 5, 2022; 89 FR 9957, Feb. 12, 2024; 89 FR 26093, Apr. 12, 2024]

§ 13.25 Transfer of permits and scope of permit authorization.

(a) Except as otherwise provided for in this section, permits issued under this part are not transferable or assignable.

(b) Permits issued under the regulations in this subchapter in § 17.22(b) and (c), § 17.32(b) and (c), or 50 CFR part 22 may be transferred to a successor subject to our determination that the proposed transferee:

(1) Meets all of the qualifications under this part for holding a permit;

(2) Has provided adequate written assurances of sufficient funding for the conservation measures, conservation plan, or conservation benefit agreement, and will implement the relevant terms and conditions of the permit, including any outstanding minimization and mitigation requirements; and

(3) Has provided other information that we determine is relevant to the processing of the submission.

(c) In the case of the transfer of property subject to an agreement and permit issued under § 17.22(c) or § 17.32(c) of this subchapter, the Service will transfer the permit to the new owner if the new owner agrees in writing to become a party to the original agreement and permit.

(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) and (c) or § 17.32(b) and (c) of this subchapter to a State, Tribal, or local government 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.

(f) In the case of permits issued under part 22, subpart E, of this subchapter to a Federal, State, tribal, or local governmental entity, a person is under the direct control of the permittee if the person is under the jurisdiction of the permittee, provided the permittee has the regulatory authority to require the person to comply with the terms and conditions of the permit and the permit provides that such person(s) may carry out the authorized activity.

[64 FR 32711, June 17, 1999, as amended at 64 FR 52676, Sept. 30, 1999; 69 FR 24092, May 3, 2004; 78 FR 73725, Dec. 9, 2013; 87 FR 880, Jan. 7, 2022; 89 FR 9957, Feb. 12, 2024; 89 FR 26093, Apr. 12, 2024]

§ 13.26 Discontinuance of permit activity.

When a permittee, or any successor to a permittee as provided for by § 13.24, discontinues activities authorized by a permit, the permittee shall within 30 calendar days of the discontinuance return the permit to the issuing office together with a written statement surrendering the permit for cancellation. The permit shall be deemed void and cancelled upon its receipt by the issuing office. No refund of any fees paid for issuance of the permit or for any other fees or costs associated with a permitted activity shall be made when a permit is surrendered for cancellation for any reason prior to the expiration date stated on the face of the permit.

[54 FR 38149, Sept. 14, 1989]

§ 13.27 Permit suspension.

(a) *Criteria for suspension.* The privileges of exercising some or all of the permit authority may be suspended at any time if the permittee is not in compliance with the conditions of the permit, or with any applicable laws or regulations governing the conduct of the permitted activity. The issuing officer may also suspend all or part of the privileges authorized by a permit if the permittee fails to pay any fees, penalties or costs owed to the Government. Such suspension shall remain in effect until the issuing officer determines that the permittee has corrected the deficiencies.

(b) *Procedure for suspension.* (1) When the issuing officer believes there are valid grounds for suspending a permit

the permittee shall be notified in writing of the proposed suspension by certified or registered mail. This notice shall identify the permit to be suspended, the reason(s) for such suspension, the actions necessary to correct the deficiencies, and inform the permittee of the right to object to the proposed suspension. The issuing officer may amend any notice of suspension at any time.

(2) Upon receipt of a notice of proposed suspension the permittee may file a written objection to the proposed action. Such objection must be in writing, must be filed within 45 calendar days of the date of the notice of proposal, must state the reasons why the permittee objects to the proposed suspension, and may include supporting documentation.

(3) A decision on the suspension shall be made within 45 days after the end of the objection period. The issuing officer shall notify the permittee in writing of the Service's decision and the reasons therefore. The issuing officer shall also provide the applicant with the information concerning the right to request reconsideration of the decision under §13.29 of this part and the procedures for requesting reconsideration.

[54 FR 38149, Sept. 14, 1989]

§ 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) and (c) or §17.32(b) and (c) of this subchapter, the population(s) of the wildlife or plant that is the subject of the permit declines to the extent that continuation of the permitted activity would be detrimental to maintenance or recovery of the affected population.

(b) *Procedure for revocation.* (1) When the issuing officer believes there are valid grounds for revoking a permit, the permittee shall be notified in writing of the proposed revocation by certified or registered mail. This notice shall identify the permit to be revoked, the reason(s) for such revocation, the proposed disposition of the wildlife, if any, and inform the permittee of the right to object to the proposed revocation. The issuing officer may amend any notice of revocation at any time.

(2) Upon receipt of a notice of proposed revocation the permittee may file a written objection to the proposed action. Such objection must be in writing, must be filed within 45 calendar days of the date of the notice of proposal, must state the reasons why the permittee objects to the proposed revocation, and may include supporting documentation.

(3) A decision on the revocation shall be made within 45 days after the end of the objection period. The issuing officer shall notify the permittee in writing of the Service's decision and the reasons therefore, together with the information concerning the right to request and the procedures for requesting reconsideration.

(4) Unless a permittee files a timely request for reconsideration, any wildlife held under authority of a permit that is revoked must be disposed of in accordance with instructions of the issuing officer. If a permittee files a timely request for reconsideration of a proposed revocation, such permittee may retain possession of any wildlife held under authority of the permit until final disposition of the appeal process.

[54 FR 38149, Sept. 14, 1989, as amended at 64 FR 32711, June 17, 1999; 89 FR 26094, Apr. 12, 2024]

§ 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 §13.12(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.

(c) *Inquiry by the Service.* The Service may institute a separate inquiry into the matter under consideration.

(d) *Determination of grant or denial of a request for reconsideration.* The issuing officer shall notify the permittee of the Service's decision within 45 days of the receipt of the request for reconsideration. This notification shall be in writing, shall state the reasons for the decision, and shall contain a description of the evidence which was relied upon by the issuing officer. The notification shall also provide information concerning the right to appeal, the official to whom an appeal may be addressed, and the procedures for making an appeal.

(e) *Appeal.* A person who has received an adverse decision following submission of a request for reconsideration may submit a written appeal to the Regional Director for the region in which the issuing office is located, or to the Director for offices which report directly to the Director. An appeal must be submitted within 45 days of the date of the notification of the decision on the request for reconsideration. The appeal shall state the reason(s) and issue(s) upon which the appeal is based and may contain any additional evidence or arguments to support the appeal.

(f) *Decision on appeal.* (1) Before a decision is made concerning the appeal the appellant may present oral arguments before the Regional Director or the Director, as appropriate, if such official judges oral arguments are necessary to clarify issues raised in the written record.

(2) The Service shall notify the appellant in writing of its decision within 45 calendar days of receipt of the appeal, unless extended for good cause and the appellant notified of the extension.

(3) The decision of the Regional Director or the Director shall constitute the final administrative decision of the Department of the Interior.

[54 FR 38149, Sept. 14, 1989]

Subpart D—Conditions

§ 13.41 Humane conditions.

Any live wildlife possessed under a permit must be maintained under humane and healthful conditions.

[54 FR 38150, Sept. 14, 1989]

§ 13.42 Permits are specific.

The authorizations on the face of a permit that set forth specific times, dates, places, methods of taking or carrying out the permitted activities, numbers and kinds of wildlife or plants, location of activity, and associated activities that must be carried out; describe certain circumscribed transactions; or otherwise allow a specifically limited matter, are to be strictly interpreted and will not be interpreted to permit similar or related matters outside the scope of strict construction.

[70 FR 18320, Apr. 11, 2005]

§ 13.43 Alteration of permits.

Permits shall not be altered, erased, or mutilated, and any permit which has been altered, erased, or mutilated shall immediately become invalid. Unless specifically permitted on the face thereof, no permit shall be copied, nor shall any copy of a permit issued pursuant to this subchapter B be displayed, offered for inspection, or otherwise used for any official purpose for which the permit was issued.

§ 13.44 Display of permit.

Any permit issued under this part shall be displayed for inspection upon request to the Director or his agent, or to any other person relying upon its existence.

§ 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.

[39 FR 1161, Jan. 4, 1974, as amended at 42 FR 32377, June 24, 1977; 54 FR 38150, Sept. 14, 1989; 72 FR 48446, Aug. 23, 2007]

§ 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 appllicable 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]

PART 14—IMPORTATION, EXPORTATION, AND TRANSPORTATION OF WILDLIFE

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AUTHORITY: 16 U.S.C. 668, 704, 712, 1382, 1538(d)–(f), 1540(f), 3371–3378, 4223–4244, and 4901–4916; 18 U.S.C. 42; 31 U.S.C. 9701; Pub. L. 115–334, 132 Stat. 4490.

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 under 44 U.S.C. 3507 and assigned OMB Control Numbers 1018–0012, 1018–0092, and 1018–0192. 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 may 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).

[88 FR 38372, June 12, 2023]

§ 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—*Ortyctolagus cuniculus;* Ferret (domestic)—*Mustela putorius;* Goat—*Capra hircus;* Horse—*Equus caballus;* Llama—*Lama glama;* Pig—*Sus scrofa;* Sheep—*Ovis aries;* Water buffalo—*Bubalus bubalus;* White lab mice—*Mus musculus;* White lab rate—*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; Merchtem; 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 United States. When a passenger leaving the jurisdiction of the United States enters the designated international area of embarkation of an airport, all accompanying personal handcarried items and checked baggage will be regarded as exports.

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.

We means Fish and Wildlife Service or Service.

You means licensee, or importer/exporter of record.

[61 FR 31868, June 21, 1996, as amended at 64 FR 23025, Apr. 29, 1999]

Subpart B—Importation and Exportation at Designated Ports

§ 14.11 General restrictions.

Except as otherwise provided in this part, no person may import or export any wildlife at any place other than a Customs port of entry designated in § 14.12.

[45 FR 56673, Aug. 25, 1980; 45 FR 64953, Oct. 1, 1980]

§ 14.12 Designated ports.

The following ports of entry are designated for the importation and exportation of wildlife and wildlife products and are referred to hereafter as ''designated ports'':

(a) Anchorage, Alaska.
(b) Atlanta, Georgia.
(c) Baltimore, Maryland.
(d) Boston, Massachusetts.
(e) Chicago, Illinois.
(f) Dallas/Fort Worth, Texas.
(g) Honolulu, Hawaii.
(h) Houston, Texas.
(i) Los Angeles, California.
(j) Louisville, Kentucky.
(k) Memphis, Tennessee.
(l) Miami, Florida.
(m) New Orleans, Louisiana.
(n) New York, New York.

(o) Portland, Oregon.
(p) San Francisco, California.
(q) Seattle, Washington.

[69 FR 70382, Dec. 6, 2004]

§ 14.13 Emergency diversion.

Wildlife which has been imported into the United States at any port or place other than a designated port solely as a result of a diversion due to an aircraft or vessel emergency must proceed as an in-transit shipment under Customs bond to a designated port, or to any port where a permit or other provision of this part provides for lawful importation.

§ 14.14 In-transit shipments.

(a) Wildlife destined for a point within the United States may be imported into the United States at any port if such wildlife proceeds as an in-transit shipment under Customs bond to a designated port, or to any port where a permit or other provision of this part provides for lawful importation.

(b) Wildlife moving in-transit through the United States from one foreign country to another foreign country is exempt from the designated port requirements of this part, if such wildlife is not unloaded within the United States.

§ 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; or to wildlife requiring a permit pursuant to part 16, 17, 18, 21, or 23 of this subchapter B.

[45 FR 56673, Aug. 25, 1980, as amended at 61 FR 31868, June 21, 1996]

§ 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;
(6) Minnesota—Grand Portage, International Falls, Minneapolis-St. Paul;
(7) Montana—Raymond, Sweetgrass;
(8) New York—Buffalo-Niagara Falls, Champlain;
(9) North Dakota—Dunseith, Pembina, Portal;
(10) Ohio—Cleveland;
(11) Vermont—Derby Line, Highgate Springs; and
(12) Washington—Blaine, Sumas.

(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
(3) Texas—Brownsville, El Paso, Laredo.

(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]

§ 14.22 Certain antique articles.

Any person may import at any Customs Service port designated for such purpose, any article (other than scrimshaw, defined in 16 U.S.C 1539(f)(1)(B) and 50 CFR 217.12 as any art form that involves the etching or engraving of designs upon, or the carving of figures, patterns, or designs from, any bone or tooth of any marine mammal of the order Cetacea) that is at least 100 years old, is composed in whole or in part of any endangered or threatened species listed under § 17.11 or § 17.12 of this subchapter, and has not been repaired or modified with any part of any endangered or threatened species on or after December 28, 1973.

[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]

Subpart C—Designated Port Exception Permits

§ 14.31 Permits to import or export wildlife at nondesignated port for scientific purposes.

(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 for scientific purposes 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 for scientific purposes must be submitted to the Director. Each application must contain the general information and certification required by § 13.12(a) of this subchapter, plus the following additional information:

(1) The scientific purpose or uses of the wildlife to be imported or exported;

(2) 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;

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

(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; 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 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) Benefit to a *bona fide* scientific research project, other scientific purpose, or facilitation of the exchange of preserved museum specimens;

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

(3) The reasons why the exception is requested; 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.

§ 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 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 that an importation or exportation at a designated port would result in a substantial deterioration or loss of the wildlife); 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 to be subject to the following conditions:

(1) Permittee shall file such reports as may be 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) 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 more than 2 years from the date of issuance.

[45 FR 56673, Aug. 25, 1980; 45 FR 64953, Oct. 1, 1980, as amended at 61 FR 31869, June 21, 1996]

§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.

[45 FR 56673, Aug. 25, 1980; 45 FR 64953, Oct. 1, 1980, as amended at 61 FR 31869, June 21, 1996]

Subpart D [Reserved]

Subpart E—Inspection and Clearance of Wildlife

§ 14.51 Inspection of wildlife.

Subject to applicable limitations of law, Service officers and Customs officers may detain for inspection and inspect any package, crate, or other container, including its contents, and all 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.

[45 FR 56673, Aug. 25, 1980; 45 FR 64953, Oct. 1, 1980, as amended at 50 FR 52889, Dec. 26, 1985]

§ 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 reexport for the wildlife.

[45 FR 56673, Aug. 25, 1980; 45 FR 64953, Oct. 1, 1980, as amended at 50 FR 52889, Dec. 26, 1985; 61 FR 31869, June 21, 1996]

§ 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 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.

[45 FR 56673, Aug. 25, 1980, as amended at 61 FR 31869, June 21, 1996]

§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.

[45 FR 56673, Aug. 25, 1980, as amended at 61 FR 31869, June 21, 1996]

Subpart F—Wildlife Declarations

§14.61 Import declaration requirements.

Except as otherwise provided by the regulations of this subpart, importers 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, 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.

[45 FR 56673, Aug. 25, 1980; 45 FR 64953, Oct. 1, 1980, as amended at 61 FR 31870, June 21, 1996]

§ 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 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, claims, 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.

[45 FR 56673, Aug. 25, 1980, as amended at 59 FR 41714, Aug. 15, 1994; 61 FR 31870, June 21, 1996]

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 or otherwise physically accompany the shipment in a manner which makes it readily accessible for inspection; or

(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.

(3) 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 business means to import or export wildlife for commercial purposes.

(b) Except as provided in §14.92, if you engage in the business of importing or exporting wildlife for commercial purposes (see §14.4), you must obtain an import/export license prior to importing or exporting your wildlife shipment.

(c) The following table includes some examples of when an import/export license is required:

If I import into the United States or export from the United States	. . . do I need an import/export license?
(1) Wildlife in the form of products such as garments, bags, shoes, boots, jewelry, rugs, trophies, or curios for commercial purposes.	Yes.
(2) Wildlife in the form of hides, furs, or skins for commercial purposes.	Yes.
(3) Wildlife in the form of food for commercial purposes.	Yes.
(4) As an animal dealer, animal broker, pet dealer, or pet or laboratory supplier.	Yes.
(5) As an individual owner of a personally owned live wildlife pet for personal use.	No.
(6) As a collector or hobbyist for personal use.	No.
(7) As a collector or hobbyist for commercial purposes, including sale, trade or barter.	Yes.
(8) As a laboratory researcher or biomedical supplier for commercial purposes.	Yes.
(9) As a customs broker or freight forwarder engaged in business as a dispatcher, handler, consolidator, or transporter of wildlife or if I file documents with the Service on behalf of others.	No.
(10) As a common carrier engaged in business as a transporter of wildlife.	No.
(11) As a taxidermist, outfitter, or guide importing or exporting my own hunting trophies for commercial purposes.	Yes.
(12) As a taxidermist, outfitter, or guide transporting or shipping hunting trophies for clients or customers.	No.
(13) As a U.S. taxidermist receiving a U.S. client's personal hunting trophies after import clearance for processing.	No.
(14) As a U.S. taxidermist importing wildlife from or exporting wildlife to foreign owners who are requesting my services.	Yes.
(15) As a foreign owner of wildlife exporting my personal hunting trophies from the United States to my home.	No.
(16) As a circus for exhibition or resale purposes.	Yes.
(17) As a Federal, State, municipal, or tribal agency.	No.

If I import into the United States or export from the United States	. . . do I need an import/export license?
(18) As a public museum, or public scientific or educational institution for noncommercial research or educational purposes.	No.

§ 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.

(5)(i) Except as provided in paragraphs (a)(5)(ii) and (iii) of this section, green sea urchins, *Strongylocentrotus droebachiensis*, including any products of that species, that:

(A) Do not require a permit under part 16, 17, or 23 of this subchapter;

(B) Are taken in waters under the jurisdiction of the United States or are imported into the United States for processing pursuant to the licensing requirements of § 14.91; and

(C) Are exported for purposes of human or animal consumption.

(ii) The exemption in paragraph (a)(5)(i) of this section does not apply to any person who has been convicted of one or more violations of a Federal law relating to the importation, transportation, or exportation of wildlife during the previous 5 years.

(iii) The exemption in paragraph (a)(5)(i) of this section does not apply in any State that does not annually provide ''conservation and management'' data, as defined in section 3 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802), to the applicable Marine Fisheries Commission, or, if the State does provide the ''conservation and management'' data, and the applicable Marine Fisheries Commission determines, in consultation with the primary research agency of such Commission, after notice and an opportunity to comment, that the data fails to prove that the State agency or official is engaged in conservation and management of the green sea urchin.

(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) of this section, and an opportunity to copy those records.

[73 FR 74628, Dec. 9, 2008, as amended at 84 FR 29808, June 25, 2019]

§ 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 and, if applicable, any subsequent disposition that you made of the wildlife, 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; and

(ix) Copies of all permits required by the laws of any country of export, reexport, 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, an import/export license holder must pay a base inspection fee, as defined in § 14.94(h)(1), 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.

(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 staffed 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.

(e) *Nonstaffed, nondesignated port base inspection fees.* You must pay a 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. You must also pay all travel, transportation, and per diem costs associated with inspection of the shipment. These fees are in place of, not in addition to, the designated port base fee. The Service will prorate charges for travel, transportation, and per diem costs if multiple importers or exporters require inspection at the same time at the same location. All applicable base and premium fees apply to each shipment.

(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;

(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;

(3) Any shipment containing live or protected species, as defined in § 14.94(h)(4), imported or exported at a nondesignated port using a designated port exception permit issued under subpart C of this part.

(4) You must pay two premium inspection fees in addition to any base inspection fees required in paragraphs (c), (d), and (e) of this section, as defined in § 14.94(h)(4), if your wildlife shipment contains 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 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.*

Inspection fee schedule	Fee cost per shipment per year				
	2008	2009	2010	2011	2012 and beyond
(1) Designated port base inspection fee (see § 14.94 (c)).	$85	$87	$89	$91	$93.
(2) Staffed nondesignated port base inspection fee (see § 14.94(d)).	$133	$136	$139	$142	$145.
(3) Nonstaffed nondesignated port base inspection fee (see § 14.94(e)).	$133	$136	$139	$142	$145.
(4) Premium inspection fee at any port (see § 14.94 (f)):					
(i) *Protected species.* Any species that requires a permit under parts 15, 16, 17, 18, 21, 22, or 23 of this chapter;.	$19	$37	$56	$74	$93.
(ii) *Live species.* Any live wildlife, including live viable eggs and live pupae.	$19	$37	$56	$74	$93.
(5) Overtime inspection fee (see § 14.94(g)):					
(i) Inspections beginning less than 1 hour before normal work hours.	$48	$49	$51	$52	$53.
(ii) Inspections after normal work hours, including Saturday and Sunday. (2 hour minimum charge plus fee for additional time).	$96 min. + $48/hr.	$98 min. + $49/hr.	$101 min. + $51/hr.	$103 min. + $52/hr.	$105 min. + $53/hr.
(iii) Inspections on Federal holidays. (2 hour minimum charge plus fee for additional time).	$128 min. + $64/hr.	$131 min.+ $65/hr.	$133 min. + $67/hr.	$136 min. + $68/hr.	$139 min. + $70/hr.

(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.

[73 FR 74628, Dec. 9, 2008, as amended at 77 FR 65326, Oct. 26, 2012]

Subpart J—Standards for the Humane 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, to 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 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 by a veterinary attendant qualified to care for and treat it, with continuous access to the animal. This individual shall be in possession of or have ready

access to all medications to be administered during the transport.

(d) No carrier shall accept any wild mammal or bird for transport to the United States presented by the shipper less than 2 hours or more than 6 hours prior to the scheduled departure of the conveyance on which it is to be transported. The carrier shall notify the crew of the presence of live animal shipments.

§ 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 spacers 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 spacers 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 designed 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.

[57 FR 27108, June 17, 1992, as amended at 59 FR 36719, July 19, 1994; 69 FR 18803, Apr. 9, 2004; 79 FR 43964, July 29, 2014]

§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 have not reached puberty, or other pairs of animals that have been habitually housed together may be shipped in the same primary enclosure. Primates of different species shall not be shipped together in the same enclosure.

(b) A primary enclosure used to transport a primate shall be large enough to ensure that the animal has sufficient space to turn around freely in a normal manner, lie down, stand up (as appropriate for the species), and sit in a normal upright position without its head touching the top of the enclosure. However, a primate may be restricted in its movements according to professionally accepted standards of care when greater freedom of movement would constitute a danger to the primate or to its handler or other persons.

(c) 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 30 percent of the total surface area of the ventilated wall and be situated above the midline of the enclosure. If ventilation openings are located on all four walls of the enclosure, the openings on each wall shall comprise at least 20 percent of the total surface area of the wall and be situated above the midline of the primary enclosure.

§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;

(2) A pinniped has sufficient space to lie in a natural position;

(3) If a sling, harness, or other supporting device is used, there are at least 3 inches (7.5 centimeters) of clearance between any body part and the primary enclosure;

(d) A marine mammal may be restricted in its movements according to

professionally accepted standards of care when freedom of movement would constitute a danger to the animal or to handlers or other persons.

(e) All marine mammals contained in a given primary enclosure shall be of the same species and be maintained in compatible groups. A marine mammal that has not reached puberty shall not be transported in the same primary enclosure with an adult marine mammal other than its mother. Socially dependent animals (e.g., siblings, mother, and offspring) transported in the same conveyance shall be allowed visual and, when appropriate for the species, olfactory contact. A female marine mammal shall not be transported in the same primary enclosure with any mature male marine mammal.

§ 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 of the primary enclosure and at least one-third of the total minimum area required for ventilation 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 (CYNOCEPHALIDAE)

§14.151 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 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 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 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 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 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 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 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 if the shipment complies with the provisions of §14.105(b).

(c) More than one rodent may be transported in the same primary enclosure if they are members of the same species and are maintained in compatible groups. Rodents that are incompatible shall be transported in individual primary enclosures that are stored and transported so they are visually separated. A female with young being transported for medical reasons shall not be placed in a primary enclosure with other animals. The following chart specifies maximum densities

minimum space for transporting rodents that fall within the specified weight limitations. Max. No. refers to maximum number per primary enclosure; Space/animal refers to minimum area of floor space per animals. Rodents weighing more than 5,000 grams shall be transported in individual enclosures.

DENSITY GUIDELINES FOR RODENTS

	Max. No.	Space/Animal		Ht. of Box	
		cm^2	in^2	cm	in
wt. in grams of rodent:					
220 or less	20	194	30	15	6
220–450	12	388	60	20	8
450–1000	6	770	120	25	10
1,000–5,000	2	2,310	360	30	12

(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.

SPECIFICATIONS FOR BIRDS

§ 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.

§ 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 and these enclosures shall not be stored or transported in visual proximity to one another.

Subpart K—Captive Wildlife Safety Act as Amended by the Big Cat Public Safety Act

SOURCE: 88 FR 38372, June 12, 2023, unless otherwise noted.

§ 14.250 What is the purpose of the regulations in this subpart?

The regulations in this subpart implement the Big Cat Public Safety Act (BCPSA), 136 Stat. 2336, which amended the Captive Wildlife Safety Act (CWSA), 117 Stat. 2871, which amended the Lacey Act Amendments of 1981, 16 U.S.C. 3371–3378.

§ 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, or other Federal, State, Tribal, or territorial laws or regulations, that may require a permit or describe additional restrictions or conditions for the importation, exportation, transportation, sale, receipt, acquisition, or purchase of any prohibited wildlife species in interstate or foreign commerce, or in a manner substantially affecting interstate or foreign commerce, or breeding of any prohibited wildlife species, or possessing of any prohibited wildlife species.

§ 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:

Breed means to facilitate propagation or reproduction (whether intentionally or negligently) or to fail to prevent propagation or reproduction.

Date of enactment of the BCPSA means December 20, 2022.

Direct contact or *direct physical contact* means any situation in which any individual may potentially touch or otherwise come into physical contact with any live specimen of the prohibited wildlife species.

Licensed entity means any individual, facility, agency, or other entity that holds a valid Class ''C'' 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 ''*Class ''C'' licensee* (exhibitor)'' in 9 CFR 1.1.), holds such license in good standing, and meets the requirements in § 14.254.

Prohibited wildlife species (also referred to as ''big cats'') 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 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.

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

Public contact means the same as direct contact.

Registered pre-BCPSA owner (also referred to as ''registrant'') means an entity or individual that at the date of enactment of the BCPSA was in possession of any prohibited wildlife species that was born before the date of enactment of the BCPSA and that meets the requirements in § 14.255.

Registered Federal facility means any Federal facility that exhibits animals and is registered with and inspected by APHIS under the AWA (See definition of ''registrant'' in 9 CFR 1.1.), holds such registration in good standing, and meets the requirements in § 14.254.

Wildlife sanctuary means a facility that cares for live specimens of one or more of the prohibited wildlife species, is a corporation that is exempt from taxation under section 501(a) of the Internal Revenue Code of 1986 and described in sections 501(c)(3) and 170(b)(1)(A)(vi) of such Code, and meets the requirements of § 14.256.

§ 14.253 What are the restrictions contained in the regulations in this subpart?

Except as provided in § 14.257, it is unlawful for any person to:

(a) Import, export, transport, sell, receive, acquire, or purchase, in interstate or foreign commerce, or in a manner substantially affecting interstate or foreign commerce, any live prohibited wildlife species;

(b) Breed any live prohibited wildlife species;

(c) Possess any live prohibited wildlife species; or

(d) Attempt to commit any act described in paragraphs (a) through (c) of this section.

§ 14.254 What are the requirements for a licensed entity or registered Federal facility?

To qualify for an exception in § 14.257, a licensed entity or a registered Federal facility must meet all of the requirements of this section.

(a) A licensed entity or a registered Federal facility must not allow any individual to come into direct physical contact with a prohibited wildlife species, unless that individual is a:

(1) Trained professional employee or contractor of the licensed entity or registered Federal facility (or an accompanying employee receiving professional training);

(2) Licensed veterinarian (or a veterinary student accompanying such a veterinarian); or

(3) Person who is directly supporting conservation programs of the licensed entity or registered Federal facility, the direct contact is not in the course of commercial activity (which may be evidenced by advertisement or promotion of such activity or other relevant evidence), and the direct contact is incidental to humane husbandry conducted pursuant to a species-specific, publicly available, peer-edited population management and care plan that has been provided to the Service with justifications that the plan—

(i) Reflects established conservation science principles;

(ii) Incorporates genetic and demographic analysis of a multi-institution population of animals covered by the plan; and

(iii) Promotes animal welfare by ensuring that the frequency of breeding is appropriate for the species.

(b) A licensed entity or a registered Federal facility must ensure that during public exhibition of any lion (*Panthera leo*), tiger (*Panthera tigris*), leopard (*Panthera pardus*), snow leopard (*Uncia uncia*), jaguar (*Panthera onca*), cougar (*Puma concolor*), or any hybrid resulting from the breeding of any of these species, whether naturally or artificially produced, the animal is at least 15 feet from members of the public unless there is a permanent barrier sufficient to prevent public contact.

(c) A licensed entity or a registered Federal facility must maintain complete and accurate records of any possession, breeding, transportation, acquisition, receipt, purchase, sale, disposition, importation, or exportation of prohibited wildlife species.

(1) The records required by this paragraph (c) must be up to date and include the names and addresses of persons to or from whom any prohibited wildlife species has been acquired, received, imported, exported, purchased, sold, or otherwise transferred (including loans for exhibition, breeding, or otherwise), and the dates of these transactions.

(2) The licensed entity or registered Federal facility must maintain the records required by this paragraph (c) for the lifespan of each prohibited wildlife species and for 5 years after its death or disposition and must copy these records for Service officials, if requested.

(3) The licensed entity or registered Federal facility must make the records required by this paragraph (c) available and allow access to its facilities and its prohibited wildlife specimens for inspection by Service officials at reasonable hours.

§ 14.255 What are the requirements for a registered pre-BCPSA owner?

To be a registered pre-BCPSA owner (also referred to as a ''registrant'') and qualify for an exception in § 14.257, an entity or individual must meet all of the requirements of this section.

(a) A registered pre-BCPSA owner must register each individual prohibited wildlife species in their possession with the Service's BCPSA registration form (Form Number 3–200–11) by no later than 180 days after the date of enactment of the BCPSA (*i.e.*, no later than June 18, 2023). Each individual

prohibited wildlife species in the registrant's possession must:

(1) Have been born:

(i) Before the date of enactment of the BCPSA; or

(ii) On or after the date of enactment of the BCPSA from breeding that occurred before the date of enactment of the BCPSA, only if the registrant provides documentation to the Service on the BCPSA registration form (Form Number 3–200–11) to prove the individual prohibited wildlife species was born on or after the date of enactment of the BCPSA from breeding that occurred before the date of enactment of the BCPSA;

(2) Not have been acquired by the registrant after the date of enactment of the BCPSA (*i.e.*, legally in the registrant's possession on or before the date of enactment of the BCPSA and have remained continually in the registrant's possession); and

(3) Be marked with a unique identifier that is either a tattoo or a microchip.

(b) A registered pre-BCPSA owner must not:

(1) Breed, acquire, or sell any prohibited wildlife species after the date of the enactment of the BCPSA (This requirement applies regardless of whether the activity is intrastate, interstate, or international); or

(2) Allow direct contact between the public and any prohibited wildlife species after the date of the enactment of the BCPSA.

(c) A registered pre-BCPSA owner must provide the Service with detailed information for each individual prohibited wildlife species as required by the Service in the BCPSA registration form (Form Number 3–200–11), including:

(1) Common name of prohibited wildlife species;

(2) Name given to individual prohibited wildlife species, if applicable;

(3) Genus, species, and subspecies;

(4) Birthdate and date of acquisition, including supporting documentation;

(5) Unique identifier information (*i.e.*, microchip or tattoo);

(6) Sex;

(7) Description (*e.g.*, eye color, scars, ear tags);

(8) Photographs of individual prohibited wildlife species;

(9) Physical location of individual prohibited wildlife species (if different from registrant's contact information);

(10) Protocols taken to prevent breeding;

(11) Protocols taken to prevent direct contact between the public and the prohibited wildlife species; and

(12) Copies of all local, State, or Federal licenses held in relation to the prohibited wildlife species, if applicable.

(d) Within 10 calendar days as required by the Service in the BCPSA registration form (Form Number 3–200–11), a registered pre-BCPSA owner must update the registration with the Service when a prohibited wildlife species dies or any of the following information changes: The location where the prohibited wildlife species is housed; the protocols taken to prevent breeding; the protocols taken to prevent direct contact between the public and big cat; ownership; or a unique identifier.

(e) A registered pre-BCPSA owner must maintain complete and accurate records of information for each individual prohibited wildlife species in their possession as required by the Service in the BCPSA registration form (Form Number 3–200–11) for the lifespan of each individual prohibited wildlife species and for 5 years after its death or disposition and must copy these records for Service officials, if requested.

(1) While the pre-BCPSA owner may not sell or otherwise engage in commerce with prohibited wildlife species, if the pre-BCPSA owner is no longer able to continue to possess their prohibited wildlife species, the pre-BCPSA owner may make arrangements to donate the prohibited wildlife species to a licensed entity, registered Federal facility, State college, State university, State agency, State-licensed veterinarian, or a wildlife sanctuary, or may make arrangements to abandon the prohibited wildlife species to the Federal Government. The disposition must not be reasonably likely to result in the registered pre-BCPSA owner's economic use, gain, or benefit, including,

but not limited to, profit (whether in cash or in kind).

(2) The records required by this paragraph (e) must be up to date, and the registered pre-BCPSA owner must make these records available and allow access to their facilities and prohibited wildlife specimens for inspection by Service officials at reasonable hours.

§ 14.256 What are the requirements for a wildlife sanctuary?

To qualify for an exception in § 14.257, a wildlife sanctuary must meet all of the requirements of this section.

(a) A wildlife sanctuary must not:

(1) Commercially trade in any prohibited wildlife species, including offspring, parts, and byproducts of such animals;

(2) Breed any prohibited wildlife species;

(3) Allow direct contact between the public and any prohibited wildlife species; or

(4) Allow the transportation and display of any prohibited wildlife species offsite.

(b) A wildlife sanctuary must maintain complete and accurate records of any possession, transportation, acquisition, receipt, disposition, importation, or exportation of prohibited wildlife species.

(1) The records required by this paragraph (b) 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, received, imported, exported, or otherwise transferred, and the dates of these transactions.

(2) The wildlife sanctuary must maintain the records required by this paragraph (b) for the lifespan of each prohibited wildlife species and for 5 years after its death or disposition and must copy these records for Service officials, if requested.

(3) The wildlife sanctuary must make the records required by this paragraph (b) available and allow access to its facilities and its prohibited wildlife specimens for inspection by Service officials at reasonable hours.

§ 14.257 Are there any exceptions to the restrictions contained in the regulations in this subpart?

(a) The prohibitions of § 14.253 do not apply to:

(1) A licensed entity or registered Federal facility that meets all of the requirements of § 14.254;

(2) A State college, State university, or State agency;

(3) A State-licensed veterinarian;

(4) A wildlife sanctuary that meets all of the requirements of § 14.256; or

(5) A person who:

(i) Can produce documentation showing that they are transporting live prohibited wildlife species solely for the purpose of expeditiously transporting the prohibited wildlife species between individuals or entities that are excepted from the prohibitions in § 14.253; and

(ii) Has no financial interest (whether in cash or in kind) in the prohibited wildlife species other than payment received for transporting them.

(b) The prohibition on possession in § 14.253 does not apply to a registered pre-BCPSA owner who is in possession of any prohibited wildlife species that was:

(1) Born and possessed by the registered pre-BCPSA owner before the date of enactment of the BCPSA and meets all of the requirements of § 14.255 for each of the prohibited wildlife species in their possession; or

(2) Bred before and born on or after the date of enactment of the BCPSA, to a prohibited wildlife species possessed by the registered pre-BCPSA owner before the date of enactment of the BCPSA, if the registered pre-BCPSA owner provides documentation demonstrating that the breeding occurred before the date of enactment of the BCPSA and meets all of the requirements of § 14.255 for each of the prohibited wildlife species in their possession.

PART 15—WILD BIRD CONSERVATION ACT

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AUTHORITY: 16 U.S.C. 4901–4916.

SOURCE: 58 FR 60536, Nov. 16, 1993, unless otherwise noted.

Subpart A—Introduction and General Provisions

§ 15.1 Purpose of regulations.

The regulations in this part implement the Wild Bird Conservation Act of 1992, Pub. L. 102–440, 16 U.S.C. 4901–4916.

§ 15.2 Scope of regulations.

(a) The regulations in this part apply to all species of exotic birds, as defined in section 15.3.

(b) The provisions in this part are in addition to, and are not in lieu of, other regulations of this subchapter B that may require a permit or prescribe additional restrictions or conditions for the import, export, reexport, and transportation of wildlife.

§ 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, Megapodiidae, Anatidae, Struthionidae Rheidae, Dromaiinae, 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.

[58 FR 60536, Nov. 16, 1993, as amended at 61 FR 2091, Jan. 24, 1996]

§ 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.

(b) We estimate the public reporting burden for these reporting requirements to vary from 1 to 4 hours per response, with an average of 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).

[63 FR 52634, Oct. 1, 1998, as amended at 79 FR 43964, July 29, 2014]

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 listed in the prohibited species list, pursuant to subpart F 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.

[58 FR 60536, Nov. 16, 1993, as amended at 59 FR 62255, Dec. 2, 1994]

§ 15.12 Requirements.

(a) No person shall import into the United States any exotic bird except as may be permitted under the terms of a valid permit issued pursuant to the provisions of subpart C of this part and 50 CFR part 13, or in accordance with the provisions of subparts D–F of this part 15, or in accordance with the provisions of paragraph (b) of this section.

(b) Any exotic bird can be imported to the United States if it was legally exported from the United States with a permit issued by the Service's Office of Management Authority, provided that the import is by the same person who exported the bird, the import is accompanied by a copy of the cleared CITES export permit or certificate issued by the Service that was used to export the exotic bird, and the Service is satisfied that the same bird is being imported as is indicted on the aforementioned permit or certificate.

Subpart C—Permits and Approval of Cooperative Breeding Programs

§ 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.

(c) A person wishing to obtain a permit under this subpart or approval of cooperative breeding programs under this subpart submits an application 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). Each application must contain the general information and certification required in § 13.12(a) of this subchapter, and all of the information specified in the applicable section §§ 15.22 through 15.26.

[58 FR 60536, Nov. 16, 1993, as amended at 63 FR 52634, Oct. 1, 1998; 79 FR 43964, July 29, 2014]

§ 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 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 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 and maintenance of the exotic bird and to successfully accomplish the research objectives stated in the application.

(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.

§ 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.

(5) A description of the care and maintenance of the exotic bird, and how the facility meets professionally recognized standards of the public display community, 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;

(iii) Husbandry practices;

(6) A history of the zoological facility's breeding programs with the same or similar species, including:

(i) Participation in any cooperative breeding programs;

(ii) Breeding and inventory records for the last two years, including hatching, survival, and mortality records; and

(iii) Causes of any mortalities and efforts made to correct any problems.

(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 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 breeding or display program for which the permit is required has conservation merit; and

(5) Whether the expertise, facilities or other resources available to the applicant appear adequate for proper care and maintenance of the exotic bird and to successfully accomplish the zoological breeding or display objectives stated in the application.

(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.

§ 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;

(8) A history of the applicant's past participation in cooperative breeding programs with the same or similar species, including;

(i) Breeding and inventory records for at least the last two years;

(ii) Hatching, survival, and mortality records;

(iii) Causes of any mortalities and efforts made to correct any problems.

(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 cooperative breeding 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 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 cooperative breeding program for which the permit is required 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

(4) Whether the expertise, facilities, or other resources available to the applicant appear adequate for proper care and maintenance of the exotic birds and to successfully accomplish the cooperative breeding objectives stated in the application.

(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.

§ 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, 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 recordkeeping 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.

Subpart D—Approved List of Species Listed in the Appendices to the Convention

SOURCE: 59 FR 62262, Dec. 2, 1994, unless otherwise noted.

§ 15.31 Criteria for including species in the approved list for captive-bred species.

The Director will periodically review the list of captive-bred exotic bird species in paragraph 15.33(a), for which importation into the United States is approved. Any exotic bird species listed in paragraph 15.33(a) pursuant to this section must meet all of the following criteria:

(a) All specimens of the species known to be in trade (legal or illegal) are captive-bred;

(b) No specimens of the species are known to be removed from the wild for commercial purposes;

(c) Any importation of specimens of the species would not be detrimental to the survival of the species in the wild; and

(d) Adequate enforcement controls are in place to ensure compliance with paragraphs (a) through (c) of this section.

§ 15.32 Criteria for including species in the approved list for non-captive-bred species.

Upon receipt of a completed sustainable use management plan for a country of export, the Director may approve a species listed in Appendices II or III of the Convention for importation from that country. Such approval shall be granted in accordance with the issuance criteria of this section. All approved species and countries of export will be listed in section 15.33.

(a) *Requirements for scientifically-based sustainable use management plans.* Sustainable use management plans developed by the country of export should be submitted for species which breed in the country of export. If the species does not breed in the country of export, the Service will consider sustainable use management plans only when the plan is scientifically valid and nesting (breeding) information can be provided from countries in which the species breeds. Sustainable use management 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-detriment 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, locations, time of year, capture methods, means of transport, and pre-export conditioning;

(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

(iv) Article VIII of the Convention, including but not limited to establishment of legislation and infrastructure necessary to enforce the Convention, and submission of annual reports to the Convention's Secretariat;

(2) Whether the country of export has developed a scientifically-based management plan for the species that:

(i) Provides for the conservation of the species and its habitat(s);

(ii) Includes incentives for conservation unless the species is a documented pest species;

(iii) Is adequately implemented and enforced;

(iv) Ensures that the use of the species is:

(A) Sustainable;

(B) Maintained throughout its range at a level that is consistent with the species' role in its ecosystem; and

(C) Is well above the level at which the species might become threatened;

(v) Addresses illegal trade, domestic trade, subsistence use, disease, and habitat loss; and

(vi) Ensures that the methods of capture, transport, and maintenance of the species minimize the risk of injury, damage to health, and inhumane treatment; and

(3) If the species has a multi-national distribution:

(i) Whether populations of the species in other countries in which it occurs will not be detrimentally affected by exports of the species from the country requesting approval;

(ii) Whether factors affecting conservation of the species, including export from other countries, illegal trade, domestic use, or subsistence use are regulated throughout the range of the species so that recruitment and/or breeding stocks of the species will not be detrimentally affected by the proposed export;

(iii) Whether the projected take and export will not detrimentally affect breeding populations; and

(iv) Whether the projected take and export will not detrimentally affect existing enhancement activities, conservation programs, or enforcement efforts throughout the species' range.

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

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

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

[61 FR 2091, Jan. 24, 1996]

§ 15.33 Species included in the approved list.

(a) *Captive-bred species.* The list in this paragraph includes species of captive-bred exotic birds for which importation into the United States is not prohibited by section 15.11. The species are grouped taxonomically by order.

Species	Common name
Order Falconiiformes:	
Buteo buteo	Common European buzzard.
Order Columbiformes:	
Columba livia	Rock dove.
Order Psittaciformes:	
Agapornis personata	Masked lovebird.
Agapornis roseicollis	Peach-faced lovebird.
Aratinga jandaya	Jendaya conure.
Barnardius barnardi	Mallee ringneck parrot.
Bolborhynchus lineola (blue form)	Lineolated parakeet (blue form).
Bolborhynchus lineola (yellow form)	Lineolated parakeet (yellow form).
Bolborhynchus lineola (white form)	Lineolated parakeet (white form).
Cyanoramphus auriceps	Yellow-fronted Parakeet.
Cyanoramphus novaezelandiae	Red-fronted parakeet.
Forpus coelestis (lutino form)	Pacific parrotlet (lutino form).
Forpus coelestis (yellow form)	Pacific parrotlet (yellow form).
Forpus coelestis (blue form)	Pacific parrotlet (blue form).
Forpus coelestis (cinnamon form)	Pacific parrotlet (cinnamon form).
Melopsittacus undulatus	Budgerigar.
Neophema bourkii	Bourke's parrot.
Neophema chrysostoma	Blue-winged Parrot.
Neophema elegans	Elegant Parrot.
Neophema pulchella	Turquoise parrot.
Neophema splendida	Scarlet-chested parrot.
Nymphicus hollandicus	Cockatiel.
Platycercus adelaide	Adelaide rosella.
Platycercus adscitus	Pale-headed rosella.
Platycercus elegans	Crimson rosella.
Platycercus eximius	Eastern rosella
Platycercus icterotis	Western (stanley) rosella.
Platycercus venustus	Northern rosella.
Polytelis alexandrae	Princess parrot.
Polytelis anthopeplus	Regent parrot.
Polytelis swainsonii	Superb parrot.
Psephotus chrysopterygius[1]	Golden-shouldered parakeet.
Psephotus haematonotus	Red-rumped parakeet.
Psephotus varius	Mulga parakeet.
Psittacula eupatria (blue form)	Alexandrine parakeet (blue form).
Psittacula eupatria (lutino form)	Alexandrine parakeet (lutino form).
Psittacula krameri manillensis	Indian ringneck parakeet.
Purpureicephalus spurius	Red-capped parrot.
Trichoglossus chlorolepidotus	Scaly-breasted lorikeet.
Order Passeriformes:	
Aegintha temporalis	Red-browed Finch.

Species	Common name
Aidemosyne modesta	Cherry Finch.
Chloebia gouldiae	Gouldian finch.
Emblema guttata	Diamond Sparrow.
Emblema picta	Painted finch.
Lonchura castaneothorax	Chestnut-breasted finch.
Lonchura domestica	Society (=Bengalese) finch.
Lonchura pectoralis	Pictorella finch.
Neochmia ruficauda	Star finch.
Poephila acuticauda	Long-tailed grassfinch.
Poephila bichenovii	Double-barred finch.
Poephila cincta	Parson finch.
Poephila guttata	Zebra finch.
Poephila personata	Masked finch.
Serinus canaria	Common Canary.

[1] **Note:** Permits are still required for this species under part 17 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.

[59 FR 62262, Dec. 2, 1994, as amended at 61 FR 2093, Jan. 24, 1996; 82 FR 16540, Apr. 5, 2017]

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

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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.
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Subpart C—Permits

16.22 Injurious wildlife permits.

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AUTHORITY: 18 U.S.C. 42.

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

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 brushtail 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, but no such live wild mammals 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: *Provided*, That the provisions of this paragraph shall not apply to live game mammals from Mexico, the importation of which is governed by regulations under part 14 of this chapter.

[39 FR 1169, Jan. 4, 1974, as amended at 47 FR 56362, Dec. 16, 1982; 67 FR 39868, June 11, 2002]

§ 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.

(d) The importation of the eggs of wild nongame birds is prohibited except as permitted under §16.33.

§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, crustacean, or any progency 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 Clariidae.

(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 *Bostrychoides*, *Ophicephalus*, *Ophiocephalus*, and *Parophiocephalus*) of the Family Channidae, including but not limited to:

(A) *Channa amphibeus* (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 micropeltes* (giant, red, or redline snakehead).
(S) *Channa nox*.
(T) *Channa orientalis* (Ceylon or Ceylonese Green snakehead).
(U) *Channa panaw*.
(V) *Channa pleurophthalmus* (ocellated, spotted, or eyespot snakehead).
(W) *Channa punctata* (dotted or spotted snakehead).
(X) *Channa stewartii* (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 species in family Cyprinidae:
(A) *Carassius carassius* (crucian carp).
(B) *Carassius gibelio* (Prussian carp).
(C) *Hypophthalmichthys harmandi* (largescale silver carp).
(D) *Hypophthalmichthys molitrix* (silver carp).
(E) *Hypophthalmichthys nobilis* (bighead carp).
(F) *Mylopharyngodon piceus* (black carp).
(G) *Phoxinus phoxinus* (Eurasian minnow).
(H) *Pseudorasbora parva* (stone moroko).
(I) *Rutilus rutilus* (roach).
(vi) Any live fish, gametes, viable eggs, or hybrids of *Lates niloticus* (Nile perch), family Centropomidae.
(vii) Any live fish, gametes, viable eggs, or hybrids of *Perccottus glenii* (Amur sleeper), family Odontobutidae.
(viii) Any live fish, gametes, viable eggs, or hybrids of the following species in family Percidae:
(A) *Perca fluviatilis* (European perch).
(B) *Sander lucioperca* (zander).
(ix) Any live fish, gametes, viable eggs, or hybrids of *Silurus glanis* (wels catfish), family Siluridae.
(x) Any live crustacean, gametes, viable eggs, or hybrids of *Cherax destructor* (common yabby), family Parastacidae.
(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 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), as required by Title 50, CFR 16.13, do hereby certify that the fish lot(s) of origin for this shipment of ____ (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 under ____ (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
Telephone number
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 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.

(ii) Whole fry (less yolk sacs), viscera, and kidney and spleen tissues from no more than five fish may be similarly pooled.

(iii) 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).

(iv) 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.

(v) Homogenized tissue samples may be diluted 1:10 with buffered cell culture medium (pH 7.4–7.8) containing antibiotics and antifungal agents not exceeding the concentrations described in paragraph (e)(2)(iii) of this section. Centrifuge tissue suspensions and ovarian fluid samples 4 °C. at 2,500 × gravity (g) (relative centrifugal force) for 15

minutes. Resulting supernatant solutions can be stored overnight at 4 °C.

(vi) 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).

(3) *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.

(f) Information concerning the importation requirements of this section and application requirements for designation as a certifying official for purposes of this section may be obtained by contacting the Division of Fish and Aquatic Conservation Programs at the address provided at 50 CFR 2.1(b) or by telephone at 703–358–1878.

(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 used to protect the health of the fishery resource. Response is required to obtain a benefit.

[58 FR 58979, Nov. 5, 1993, as amended at 65 FR 37063, June 13, 2000; 67 FR 62203, Oct. 4, 2002; 72 FR 37469, July 10, 2007; 72 FR 59035, Oct. 18, 2007; 76 FR 15858, Mar. 22, 2011; 79 FR 43964, July 29, 2014; 81 FR 67899, Sept. 30, 2016]

§ 16.14 Importation of live or dead amphibians or their eggs.

(a) The importation, transportation, or acquisition of any live or dead specimen, including parts, but not eggs or gametes, of the genera *Chioglossa*, *Cynops*, *Euproctus*, *Hydromantes*, *Hynobius*, *Ichthyosaura*, *Lissotriton*, *Neurergus*, *Notophthalmus*, *Onychodactylus*, *Paramesotriton*, *Plethodon*, *Pleurodeles*, *Salamandra*, *Salamandrella*, *Salamandrina*, *Siren*, *Taricha*, *Triturus*, and *Tylototriton*, including but not limited to, the species listed in this paragraph, is prohibited except as provided under the terms and conditions set forth at § 16.22 of this part:

(1) *Chioglossa lusitanica* (golden striped salamander).

(2) *Cynops chenggongensis* (Chenggong fire-bellied newt).

(3) *Cynops cyanurus* (blue-tailed fire-bellied newt).

(4) *Cynops ensicauda* (sword-tailed newt).

(5) *Cynops fudingensis* (Fuding fire-bellied newt).

(6) *Cynops glaucus* (bluish grey newt, Huilan Rongyuan).

(7) *Cynops orientalis* (Oriental fire belly newt, Oriental fire-bellied newt).
(8) *Cynops orphicus* (no common name).
(9) *Cynops pyrrhogaster* (Japanese newt, Japanese fire-bellied newt).
(10) *Cynops wolterstorffi* (Kunming Lake newt).
(11) *Euproctus montanus* (Corsican brook salamander).
(12) *Euproctus platycephalus* (Sardinian brook salamander).
(13) *Hydromantes ambrosii* (Ambrosi salamander).
(14) *Hydromantes brunus* (limestone salamander).
(15) *Hydromantes flavus* (Mount Albo cave salamander).
(16) *Hydromantes genei* (Sardinian cave salamander).
(17) *Hydromantes imperialis* (imperial cave salamander).
(18) *Hydromantes italicus* (Italian cave salamander).
(19) *Hydromantes platycephalus* (Mount Lyell salamander).
(20) *Hydromantes sarrabusensis* (no common name).
(21) *Hydromantes shastae* (Shasta salamander).
(22) *Hydromantes strinatii* or *Speleomantes strinatii* (French cave salamander, Strinati's cave salamander).
(23) *Hydromantes supramontis* (Supramonte cave salamander).
(24) *Hynobius abei* (Abe's salamander).
(25) *Hynobius amakusaensis* (Amakusa-sanshouo).
(26) *Hynobius amjiensis* (Anji salamander).
(27) *Hynobius arisanensis* (Arisan hynobid).
(28) *Hynobius boulengeri* (Odaigahara salamander).
(29) *Hynobius chinensis* (Chinese salamander).
(30) *Hynobius dunni* (Oita salamander).
(31) *Hynobius formosanus* (Taiwan salamander).
(32) *Hynobius fucus* or *Hynobius fuca* (Taiwan lesser salamander).
(33) *Hynobius glacialis* (Nanhu salamander).
(34) *Hynobius guabangshanensis* (no common name).
(35) *Hynobius hidamontanus* (Hakuba salamander).
(36) *Hynobius hirosei* (no common name).
(37) *Hynobius katoi* (Akaishi sanshouo).
(38) *Hynobius kimurae* (Hida salamander).
(39) *Hynobius leechii* (northeastern China hynobiid salamander).
(40) *Hynobius lichenatus* (northeast salamander).
(41) *Hynobius maoershanensis* (no common name).
(42) *Hynobius naevius* (blotched salamander).
(43) *Hynobius nebulosus* (misty salamander).
(44) *Hynobius nigrescens* (black salamander).
(45) *Hynobius okiensis* (Oki salamander).
(46) *Hynobius osumiensis* (Osumi-sanshouo).
(47) *Hynobius quelpaertensis* (no common name).
(48) *Hynobius retardatus* (Hokkaido salamander).
(49) *Hynobius shinichisatoi* (Sobo-sanshouo).
(50) *Hynobius sonani* (Sonan's hynobiid).
(51) *Hynobius stejnegeri* (Bekko Sansho-uo).
(52) *Hynobius takedai* (Hokuriku Sansho-uo).
(53) *Hynobius tokyoensis* (Tokyo salamander).
(54) *Hynobius tsuensis* (Tsushima Sansho-uo).
(55) *Hynobius turkestanicus* (Turkestanian salamander).
(56) *Hynobius yangi* (no common name).
(57) *Hynobius yatsui* (no common name).
(58) *Hynobius yiwuensis* (Yiwu hynobiid).
(59) *Ichthyosaura alpestris* (alpine newt).
(60) *Lissotriton boscai* (Bosca's newt).
(61) *Lissotriton helveticus* (palmate newt).
(62) *Lissotriton italicus* (Italian newt).
(63) *Lissotriton kosswigi* (Triton pontue de Kosswig).
(64) *Lissotriton lantzi* (no common name).
(65) *Lissotriton montandoni* (Carpathian newt).
(66) *Lissotriton vulgaris* (smooth newt).

(67) *Neurergus crocatus* (no common name).
(68) *Neurergus derjugini* or *Neurergus microspilotus* (Kurdistan newt).
(69) *Neurergus kaiseri* (Lorestan newt, Luristan newt, emperor spotted newt, Zagros newt, Iranian harlequin newt, kaiser newt).
(70) *Neurergus strauchii* (no common name).
(71) *Notophthalmus meridionalis* (black-spotted newt).
(72) *Notophthalmus perstriatus* (striped newt).
(73) *Notophthalmus viridescens* (eastern newt).
(74) *Onychodactylus fischeri* (long-tailed clawed salamander).
(75) *Onychodactylus fuscus* (Tadami clawed salamander).
(76) *Onychodactylus intermedius* (Bandai clawed salamander).
(77) *Onychodactylus japonicus* (Japanese clawed salamander).
(78) *Onychodactylus kinneburi* (Shikoku clawed salamander).
(79) *Onychodactylus koreanus* (Korai-Sansyouo).
(80) *Onychodactylus nipponoborealis* (Riben Bei Zhaoni).
(81) *Onychodactylus tsukubaensis* (Tsukuba clawed salamander).
(82) *Onychodactylus zhangyapingi* (Jilin Zhaoni).
(83) *Onychodactylus zhaoermii* (Liaoning).
(84) *Paramesotriton caudopunctatus* (spot-tailed warty newt).
(85) *Paramesotriton chinensis* (Chinese warty newt).
(86) *Paramesotriton deloustali* (no common name).
(87) *Paramesotriton fuzhongensis* (no common name).
(88) *Paramesotriton guanxiensis* (Guangxi warty newt).
(89) *Paramesotriton hongkongensis* (no common name).
(90) *Paramesotriton labiatus* (spotless stout newt).
(91) *Paramesotriton longliensis* (no common name).
(92) *Paramesotriton maolanensis* (no common name).
(93) *Paramesotriton qixilingensis* (no common name).
(94) *Paramesotriton wulingensis* (no common name).
(95) *Paramesotriton yunwuensis* (no common name).
(96) *Paramesotriton zhijinensis* (no common name).
(97) *Plethodon ainsworthi* (Catahoula salamander, bay springs salamander).
(98) *Plethodon albagula* (western slimy salamander).
(99) *Plethodon amplus* (Blue Ridge gray-cheeked salamander).
(100) *Plethodon angusticlavius* (Ozark salamander, Ozark zigzag salamander).
(101) *Plethodon asupak* (Scott Bar salamander).
(102) *Plethodon aureolus* (Tellico salamander).
(103) *Plethodon caddoensis* (Caddo Mountain salamander).
(104) *Plethodon chattahoochee* (Chattahoochee slimy salamander).
(105) *Plethodon cheoah* (Cheoah bald salamander).
(106) *Plethodon chlorobryonis* (Atlantic Coast slimy salamander).
(107) *Plethodon cinereus* (eastern red-backed salamander, redback salamander, salamandre rayée, red-backed salamander).
(108) *Plethodon cylindraceus* (white-spotted slimy salamander).
(109) *Plethodon dorsalis* (zigzag salamander, northern zigzag salamander).
(110) *Plethodon dunni* (Dunn's salamander).
(111) *Plethodon electromorphus* (northern ravine salamander).
(112) *Plethodon elongatus* (Del Norte salamander).
(113) *Plethodon fourchensis* (Fourche Mountain salamander).
(114) *Plethodon glutinosus* (slimy salamander, northern slimy salamander).
(115) *Plethodon grobmani* (southeastern slimy salamander).
(116) *Plethodon hoffmani* (valley and ridge salamander).
(117) *Plethodon hubrichti* (Peaks of Otter salamander).
(118) *Plethodon idahoensis* (Coeur d'Alene salamander).
(119) *Plethodon jordani* (Appalachian salamander, red-cheeked salamander, Jordan's salamander).
(120) *Plethodon kentucki* (Kentucky salamander, Cumberland Plateau salamander).
(121) *Plethodon kiamichi* (Kiamichi slimy salamander).

(122) *Plethodon kisatchie* (Louisiana slimy salamander).
(123) *Plethodon larselli* (Larch Mountain salamander).
(124) *Plethodon meridianus* (South Mountain gray-cheeked salamander, southern gray-cheeked salamander).
(125) *Plethodon metcalfi* (southern gray-cheeked salamander).
(126) *Plethodon mississippi* (Mississippi slimy salamander).
(127) *Plethodon montanus* (northern gray-cheeked salamander).
(128) *Plethodon neomexicanus* (Jemez Mountains salamander).
(129) *Plethodon nettingi* (Cheat Mountain salamander).
(130) *Plethodon ocmulgee* (Ocmulgee slimy salamander).
(131) *Plethodon ouachitae* (Rich Mountain salamander).
(132) *Plethodon petraeus* (Pigeon Mountain salamander).
(133) *Plethodon punctatus* (white-spotted salamander, cow knob salamander).
(134) *Plethodon richmondi* (southern ravine salamander, ravine salamander).
(135) *Plethodon savannah* (Savannah slimy salamander).
(136) *Plethodon sequoyah* (Sequoyah slimy salamander).
(137) *Plethodon serratus* (southern red-backed salamander).
(138) *Plethodon shenandoah* (Shenandoah salamander).
(139) *Plethodon sherando* (Big Levels salamander).
(140) *Plethodon shermani* (red-legged salamander).
(141) *Plethodon stormi* (Siskiyou Mountains salamander).
(142) *Plethodon teyahalee* (Southern Appalachian salamander).
(143) *Plethodon vandykei* (Van Dyke's salamander).
(144) *Plethodon variolatus* (South Carolina slimy salamander).
(145) *Plethodon vehiculum* (western red-backed salamander).
(146) *Plethodon ventralis* (southern zigzag salamander).
(147) *Plethodon virginia* (Shenandoah Mountain salamander).
(148) *Plethodon websteri* (Webster's salamander).
(149) *Plethodon wehrlei* (Wehrle's salamander).
(150) *Plethodon welleri* (Weller's salamander).
(151) *Plethodon yonahlossee* (Yonahlossee salamander).
(152) *Pleurodeles nebulosus* (no common name).
(153) *Pleurodeles poireti* (Algerian newt).
(154) *Pleurodeles waltl* (Spanish newt).
(155) *Salamandra algira* (Algerian salamander).
(156) *Salamandra atra* (alpine salamander).
(157) *Salamandra corsica* (Corsican fire salamander).
(158) *Salamandra infraimmaculata* (no common name).
(159) *Salamandra lanzai* (Lanza's alpine salamander, Salamandra di Lanza).
(160) *Salamandra salamandra* (fire salamander).
(161) *Salamandrella keyserlingii* (Siberian newt).
(162) *Salamandrella tridactyla* (no common name).
(163) *Salamandrina perspicillata* (northern spectacled salamander).
(164) *Salamandrina terdigitata* (southern spectacled salamander).
(165) *Siren intermedia* (lesser siren).
(166) *Siren lacertina* (greater siren).
(167) *Taricha granulosa* (rough-skinned newt).
(168) *Taricha rivularis* (red-bellied newt).
(169) *Taricha sierrae* (Sierra newt).
(170) *Taricha torosa* (California newt).
(171) *Triturus carnifex* (Italian crested newt).
(172) *Triturus cristatus* (great crested newt).
(173) *Triturus dobrogicus* (Danube crested newt).
(174) *Triturus hongkongensis* (no common name)
(175) *Triturus ivanbureschi* (Balkan-Anatolian crested newt, Buresch's crested newt).
(176) *Triturus karelinii* (Southern crested newt).
(177) *Triturus macedonicus* (no common name).
(178) *Triturus marmoratus* (marbled newt).
(179) *Triturus pygmaeus* (pygmy marbled newt).
(180) *Triturus vittatus* (no common name).
(181) *Tylototriton anguliceps* (angular-headed newt).

(182) *Tylototriton asperrimus* (black knobby newt).
(183) *Tylototriton broadoridgus* (no common name).
(184) *Tylototriton dabienicus* (no common name).
(185) *Tylototriton daweishanensis* (no common name).
(186) *Tylototriton hainanensis* (Hainan knobby newt).
(187) *Tylototriton kweichowensis* (red-tailed knobby newt).
(188) *Tylototriton liuyangensis* (no common name).
(189) *Tylototriton lizhenchangi* (Mangshan crocodile newt).
(190) *Tylototriton notialis* (no common name).
(191) *Tylototriton panhai* (no common name).
(192) *Tylototriton pseudoverrucosus* (southern Sichuan crocodile newt).
(193) *Tylototriton shanjing* (Yunnan newt).
(194) *Tylototriton shanorum* (no common name).
(195) *Tylototriton taliangensis* (Thailand newt).
(196) *Tylototriton uyenoi* (no common name).
(197) *Tylototriton verrucosus* (Himalayan newt).
(198) *Tylototriton vietnamensis* (no common name).
(199) *Tylototriton wenxianensis* (Wenxian knobby newt).
(200) *Tylototriton yangi* (Tiannan crocodile newt).
(201) *Tylototriton ziegleri* (Ziegler's crocodile newt).

(b) Upon the filing of a written declaration with the District Director of Customs at the port of entry as required under §14.61 of this chapter, all other species of amphibians may be imported, transported, and possessed in captivity, without a permit, for scientific, medical, education, exhibition, or propagating purposes, but no such 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.

[81 FR 1554, Jan. 13, 2016]

§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 at §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 reticulatus*, *Broghammerus reticulatus*, or *Malayopython reticulatus* (reticulated python).
(4) *Python sebae* (Northern African python or African rock python).
(5) *Python natalensis* (Southern African python or African rock python).
(6) *Eunectes notaeus* (yellow anaconda).
(7) *Eunectes deschauenseei* (DeSchauensee's anaconda).
(8) *Eunectes murinus* (green anaconda).
(9) *Eunectes beniensis* (Beni 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, educational, exhibitional or propagating purposes, but no such live reptiles or any progency 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.

[55 FR 17441, Apr. 25, 1990, as amended at 77 FR 3366, Jan. 23, 2012; 80 FR 12745, Mar. 10, 2015]

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).

[39 FR 1169, Jan. 4, 1974, as amended at 47 FR 30786, July 15, 1982; 63 FR 52634, Oct. 1, 1998; 79 FR 43964, July 29, 2014]

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.

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