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CODE OF FEDERAL REGULATIONS

Title 50
Wildlife and Fisheries

Part 17 (§§ 17.1 to 17.95(a))

Revised as of October 1, 2025

Containing a codification of documents
of general applicability and future effect

As of October 1, 2025

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Cite this Code: CFR

To cite the regulations in this volume use title, part and section number. Thus, 50 CFR 17.1 *refers to title 50, part 17, section 1.*

Explanation

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

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

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OLIVER A. POTTS,
Director,
Office of the Federal Register
October 1, 2025

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, 2025.

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, Ann Worley was Chief Editor, aided by Michael Chambers. 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 part 17, §§ 17.1 to 17.95(a))

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AUTHORITY: 16 U.S.C. 1361–1407; 1531–1544; and 4201–4245, unless otherwise noted.

SOURCE: 40 FR 44415, Sept. 26, 1975, unless otherwise noted.

Subpart A—Introduction and General Provisions

§ 17.1 Purpose of regulations.

(a) The regulations in this part implement the Endangered Species Act of 1973, 87 Stat. 884, 16 U.S.C. 1531–1543, except for those provisions in the Act concerning the Convention on International Trade in Endangered Species of Wild Fauna and Flora, for which regulations are provided in part 23 of this subchapter.

(b) The regulations identify those species of wildlife and plants determined by the Director to be endangered or threatened with extinction under section 4(a) of the Act and also carry over the species and subspecies of wildlife designated as endangered under the Endangered Species Conservation Act of 1969 (83 Stat. 275, 16 U.S.C. 668cc–1 to 6) which are deemed endangered species under section 4(c)(3) of the Act.

[40 FR 44415, Sept. 26, 1975, as amended at 42 FR 10465, Feb. 22, 1977]

§ 17.2 Scope of regulations.

(a) The regulations of this part apply only to endangered and threatened wildlife and plants, except for §§ 17.22(b) and (c) and 17.32(b) and (c), which may apply to wildlife and plant species that are not listed as endangered or threatened if they meet the definition of ''covered species.''

(b) Permits authorized under this part include:

(1) Scientific purposes or enhancement of propagation or survival permits for take associated with research, captive propagation programs, or conservation activities to enhance and recover populations of covered species; and

(2) Incidental take permits for take that is incidental to otherwise lawful activities.

(c) By agreement between the Service and the National Marine Fisheries Service, the jurisdiction of the Department of Commerce has been specifically defined to include certain species, while jurisdiction is shared in regard to certain other species. Such species are footnoted in subpart B of this part, and reference is given to special rules of the National Marine Fisheries Service for those species.

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

(e) The examples used in this part are provided solely for the convenience of the public, and to explain the intent and meaning of the regulation to which they refer. They have no legal significance.

(f) Certain of the wildlife and plants listed in §§ 17.11 and 17.12 as endangered or threatened are included in Appendix I, II or III to the Convention on International Trade in Endangered Species of Wild Fauna and Flora. The importation, exportation and reexportation of such species are subject to additional regulations provided in part 23 of this subchapter.

[40 FR 44415, Sept. 26, 1975, as amended at 42 FR 10465, Feb. 22, 1977; 89 FR 26094, Apr. 12, 2024]

§ 17.3 Definitions.

In addition to the definitions contained in part 10 of this subchapter, and unless the context otherwise requires, in this part 17:

Act means the Endangered Species Act of 1973 (16 U.S.C. 1531–1543; 87 Stat. 884);

Adequately covered means, with respect to species listed pursuant to section 4 of the Act, that a proposed conservation plan has satisfied the permit issuance criteria under section 10(a)(2)(B) of the Act for the species covered by the plan, and, with respect to non-listed species, that a proposed conservation plan has satisfied the permit issuance criteria under section 10(a)(2)(B) of the Act that would apply if the non-listed species covered by the plan were listed. For the Service to cover a species under a conservation plan, it must be identified as a covered species on the section 10(a)(1)(B) permit.

Alaskan Native means a person defined in the Alaska Native Claims Settlement Act (43 U.S.C. 1603(b) (85 Stat. 588)) as a citizen of the United States who is of one-fourth degree or more Alaska Indian (including Tsimshian Indians enrolled or not enrolled in the Metlaktla Indian Community), Eskimo, or Aleut blood, or combination thereof. The term includes any Native, as so defined, either or both of whose adoptive parents are not Natives. It also includes, in the absence of proof of a minimum blood quantum, any citizen of the United States who is regarded as an Alaska Native by the Native village or town of which he claims to be a member and whose father or mother is (or, if deceased, was) regarded as Native by any Native village or Native town. Any citizen enrolled by the Secretary pursuant to section 5 of the Alaska Native Claims Settlement Act shall be conclusively presumed to be an Alaskan Native for purposes of this part;

Applicant means the person(s), as defined in the Act, who is named and identified on the application and, by signing the application, assumes the responsibility for implementing the

terms of an issued permit. Other parties including, without limitations, affiliates, associates, subsidiaries, corporate families, and assigns of an applicant are not applicants or permittees unless, in accordance with applicable regulations, an application or permit has been amended to include them or unless a permit has been transferred consistent with § 13.25.

Authentic native articles of handicrafts and clothing means items made by an Indian, Aleut, or Eskimo that are composed wholly or in some significant respect of natural materials and are significantly altered from their natural form and are produced, decorated, or fashioned in the exercise of traditional native handicrafts without the use of pantographs, multiple carvers, or similar mass-copying devices. Improved methods of production utilizing modern implements such as sewing machines or modern techniques at a tannery registered pursuant to § 18.23(c) of this subchapter (in the case of marine mammals) may be used as long as no large-scale mass production industry results. Traditional native handicrafts include, but are not limited to, weaving, carving, stitching, sewing, lacing, beading, drawing, and painting. The formation of traditional native groups, such as cooperatives, is permitted as long as no large-scale mass production results;

Baseline condition means population estimates and distribution or habitat characteristics across the enrolled property that currently sustains seasonal or permanent use by the covered species at the time a conservation benefit agreement is executed by the Service and the property owner, or by a programmatic permit holder and the property owner, under §§ 17.22(c) and 17.32(c) of this part, as applicable.

Bred in captivity or *captive-bred* refers to wildlife, including eggs, born or otherwise produced in captivity from parents that mated or otherwise transferred gametes in captivity, if reproduction is sexual, or from parents that were in captivity when development of the progeny began, if development is asexual.

Captivity means that living wildlife is held in a controlled environment that is intensively manipulated by man for the purpose of producing wildlife of the selected species, and that has boundaries designed to prevent animal, eggs or gametes of the selected species from entering or leaving the controlled environment. General characteristics of captivity may include but are not limited to artificial housing, waste removal, health care, protection from predators, and artificially supplied food.

Changed circumstances are changes in circumstances affecting a species or geographic area covered by a conservation plan that can reasonably be anticipated by the plan's developers and the Service for which responses can be identified in a conservation plan (e.g., the listing of new species, effects of climate change, or a fire or other natural catastrophic event in areas prone to those events).

Conservation plan means the plan required by section 10(a)(2)(A) of the ESA that an applicant must submit when applying for an incidental take permit. Conservation plans also are known as ''habitat conservation plans'' or ''HCPs.''

Conserved habitat areas means areas explicitly designated for habitat restoration, acquisition, protection, or other conservation purposes under a conservation plan.

Convention means the Convention on International Trade in Endangered Species of Wild Fauna and Flora, TIAS 8249 (see part 23 of this chapter).

Convention means the Convention on International Trade in Endangered Species of Wild Fauna and Flora, TIAS 8249.

Covered activity means an action or series of actions that causes take of a covered species and for which take is authorized by a permit under § 17.22(b) and (c) or § 17.32(b) and (c), as applicable.

Covered species means any species that are included in a conservation plan or agreement and for which take is authorized through an incidental take or enhancement of survival permit.

(1) Covered species include species listed as endangered or threatened.

(2) Covered species may include species that are proposed or candidates for listing, at-risk species, or species that

have other Federal protective status. An at-risk species is a non-listed species the status of which is declining and that is at risk of becoming a candidate for listing under the Act; at-risk species may include, but are not limited to, State-listed species, species identified by States as species of greatest conservation need, or species with State heritage ranks of G1 or G2.

(3) An incidental take or enhancement of survival permit need not include a listed species.

Enhance the propagation or survival, when used in reference to wildlife in captivity, includes but is not limited to the following activities when it can be shown that such activities would not be detrimental to the survival of wild or captive populations of the affected species:

(a) Provision of health care, management of populations by culling, contraception, euthanasia, grouping or handling of wildlife to control survivorship and reproduction, and similar normal practices of animal husbandry needed to maintain captive populations that are self-sustaining and that possess as much genetic vitality as possible;

(b) Accumulation and holding of living wildlife that is not immediately needed or suitable for propagative or scientific purposes, and the transfer of such wildlife between persons in order to relieve crowding or other problems hindering the propagation or survival of the captive population at the location from which the wildlife would be removed; and

(c) Exhibition of living wildlife in a manner designed to educate the public about the ecological role and conservation needs of the affected species.

Endangered means a species of wildlife listed in §17.11 or a species of plant listed in §17.12 and designated as endangered.

Harass in the definition of ''take'' in the Act means an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering. This definition, when applied to captive wildlife, does not include generally accepted:

(1) Animal husbandry practices that meet or exceed the minimum standards for facilities and care under the Animal Welfare Act,

(2) Breeding procedures, or

(3) Provisions of veterinary care for confining, tranquilizing, or anesthetizing, when such practices, procedures, or provisions are not likely to result in injury to the wildlife.

Harm in the definition of ''take'' in the Act means an act which actually kills or injures wildlife. Such act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.

Incidental taking means any taking otherwise prohibited, if such taking is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity.

Industry or trade in the definition of ''commercial activity'' in the Act means the actual or intended transfer of wildlife or plants from one person to another person in the pursuit of gain or profit;

Native village or town means any community, association, tribe, clan or group;

Net conservation benefit means the cumulative benefit provided through implementation of a conservation benefit agreement that is designed to improve the existing baseline condition of a covered species by reducing or eliminating threats, or otherwise improving the status of covered species, minus the adverse impacts to covered species from ongoing land or water use activities and conservation measures, so that the condition of the covered species or the amount or quality of its habitat is reasonably expected to be greater with implementation of the agreement than without it. If the Service determines that the species and habitat are already adequately managed to the benefit of the species, a net conservation benefit will be achieved if the property owner commits to continuing the species' management for a specified period of time, including addressing any likely future threats that are under the

property owner's control, with the anticipation that the population will increase, habitat quality will improve, or both.

Operating conservation program means those conservation management activities which are expressly agreed upon and described in a conservation plan or its Implementing Agreement, if any, and which are to be undertaken for the affected species when implementing an approved conservation plan, including measures to respond to changed circumstances.

Permit area means the geographic area where the take permit applies. The permit area must be delineated in the permit and be included within a conservation plan or agreement.

Permittee means the named applicant who has been issued a permit and who assumes responsibility for implementing the permit. Other parties including, without limitation, affiliates, associates, subsidiaries, corporate families, and assigns of a permittee are not permittees unless the permit has been amended or transferred consistent with §13.25.

Plan area means the geographic area where covered activities, including mitigation, described in the conservation plan associated with an incidental take permit may occur. The plan area must be identified in the conservation plan.

Population means a group of fish or wildlife in the same taxon below the subspecific level, in common spatial arrangement that interbreed when mature;

Programmatic permit associated with a conservation benefit agreement means an enhancement of survival permit issued under §17.22(c) or §17.32(c), with an accompanying conservation benefit agreement that allows at least one named permittee to extend the incidental take authorization to enrolled property owners who are capable of carrying out and agree to properly implement the conservation benefit agreement.

Programmatic permit associated with a conservation plan means an incidental take permit issued under §17.22(b) or §17.32(b), with an accompanying conservation plan that allows at least one named permittee to extend the incidental take authorization to participants who are capable of carrying out and agree to properly implement the conservation plan.

Properly implemented conservation plan means any conservation plan, Implementing Agreement and permit whose commitments and provisions have been or are being fully implemented by the permittee.

Property owner, with respect to conservation benefit agreements and plans outlined under §§17.22(b) and (c) and 17.32(b) and (c), means a person or other entity with a property interest (including owners of rights to water or other natural resources) sufficient to carry out the proposed activities, subject to applicable State, Tribal, and Federal laws and regulations.

Specimen means any animal or plant, or any part, product, egg, seed or root of any animal or plant;

Subsistence means the use of endangered or threatened wildlife for food, clothing, shelter, heating, transportation and other uses necessary to maintain the life of the taker of the wildlife, or those who depend upon the taker to provide them with such subsistence, and includes selling any edible portions of such wildlife in native villages and towns in Alaska for native consumption within native villages and towns;

Threatened means a species of wildlife listed in §17.11 or plant listed in §17.12 and designated as threatened.

Unforeseen circumstances means changes in circumstances affecting a species or geographic area covered by a conservation plan or agreement that could not reasonably have been anticipated by plan or agreement developers and the Service at the time of the conservation plan's or agreement's negotiation and development, and that result in a substantial and adverse change in the status of the covered species.

Wasteful manner means any taking or method of taking which is likely to result in the killing or injury of endangered or threatened wildlife beyond those needed for subsistence purposes, or which results in the waste of a substantial portion of the wildlife, and includes without limitation the employment of a method of taking which is

not likely to assure the capture or killing of the wildlife, or which is not immediately followed by a reasonable effort to retrieve the wildlife.

[40 FR 44415, Sept. 26, 1975, as amended at 42 FR 28056, June 1, 1977; 44 FR 54006, Sept. 17, 1979; 46 FR 54750, Nov. 4, 1981; 47 FR 31387, July 20, 1982; 50 FR 39687, Sept. 30, 1985; 63 FR 8870, Feb. 23, 1998; 63 FR 48639, Sept. 11, 1998; 69 FR 24092, May 3, 2004; 71 FR 46870, Aug. 15, 2006; 89 FR 23938, Apr. 5, 2024; 89 FR 26094, Apr. 12, 2024]

§ 17.4 Pre-Act wildlife.

(a) The prohibitions defined in subparts C and D of this part 17 shall not apply to any activity involving endangered or threatened wildlife which was held in captivity or in a controlled environment on December 28, 1973: *Provided*,

(1) That the purposes of such holding were not contrary to the purposes of the Act; and

(2) That the wildlife was not held in the course of a commercial activity.

Example 1. On January 25, 1974, a tourist buys a stuffed hawksbill turtle (an endangered species listed since June, 1970), in a foreign country. On December 28, 1973, the stuffed turtle had been on display for sale. The tourist imports the stuffed turtle into the United States on January 26, 1974. This is a violation of the Act since the stuffed turtle was held for commercial purposes on December 28, 1973.

Example 2. On December 27, 1973 (or earlier), a tourist buys a leopard skin coat (the leopard has been listed as endangered since March 1972) for his wife in a foreign country. On January 5, he imports it into the United States. He has not committed a violation since on December 28, 1973, he was the owner of the coat, for personal purposes, and the chain of commerce had ended with the sale on the 27th. Even if he did not finish paying for the coat for another year, as long as he had possession of it, and he was not going to resell it, but was using it for personal purposes, the Act does not apply to that coat.

Example 3. On or before December 28, 1973, a hunter kills a leopard legally in Africa. He has the leopard mounted and imports it into the United States in March 1974. The importation is not subject to the Act. The hunter has not engaged in a commercial activity, even though he bought the services of a guide, outfitters, and a taxidermist to help him take, preserve, and import the leopard. This applies even if the trophy was in the possession of the taxidermist on December 28, 1973.

Example 4. On January 15, 1974, a hunter kills a leopard legally in Africa. He has the leopard mounted and imports it into the United States in June 1974. This importation is a violation of the Act since the leopard was not in captivity or a controlled environment on December 28, 1973.

(b) Service officers or Customs officers may refuse to clear endangered or threatened wildlife for importation into or exportation from the United States, pursuant to §14.53 of this subchapter, until the importer or exporter can demonstrate that the exemption referred to in this section applies. Exempt status may be established by any sufficient evidence, including an affidavit containing the following:

(1) The affiant's name and address;

(2) Identification of the affiant;

(3) Identification of the endangered or threatened wildlife which is the subject of the affidavit;

(4) A statement by the affiant that to the best of his knowledge and belief, the endangered or threatened wildlife which is the subject of the affidavit was in captivity or in a controlled environment on December 28, 1973, and was not being held for purposes contrary to the Act or in the course of a commercial activity;

(5) A statement by the affiant in the following language:

> The foregoing is principally based on the attached exhibits which, to the best of my knowledge and belief, are complete, true and correct. I understand that this affidavit is being submitted for the purpose of inducing the Federal Government to recognize an exempt status regarding (*insert description of wildlife*), under the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), and regulations promulgated thereunder, and that any false statements may subject me to the criminal penalties of 18 U.S.C. 1001.

(6) As an attachment, records or other available evidence to show:

(i) That the wildlife in question was being held in captivity or in a controlled environment on December 28, 1973;

(ii) The purpose for which the wildlife was being held; and

(iii) The nature of such holding (to establish that no commercial activity was involved).

(c) This section applies only to wildlife born on or prior to December 28, 1973. It does not apply to the progeny of

any such wildlife born after December 28, 1973.

§ 17.5 Alaska natives.

(a) The provisions of subpart C of this part relating to the importation or the taking of endangered wildlife, and any provision of subpart D of this part relating to the importation or the taking of threatened wildlife, shall not apply to:

(1) Any Indian, Aleut, or Eskimo who is an Alaskan native and who resides in Alaska; or

(2) Any non-native permanent resident of an Alaskan native village who is primarily dependent upon the taking of wildlife for consumption or for the creation and sale of authentic native articles of handicrafts and clothing:

If the taking is primarily for subsistence purposes, and is not accomplished in a wasteful manner.

(b) Edible portions of endangered or threatened wildlife taken or imported pursuant to paragraph (a) of this section may be sold in native villages or towns in Alaska for native consumption within native villages and towns in Alaska.

(c) Non-edible by-products of endangered or threatened wildlife taken or imported pursuant to paragraph (a) of this section may be sold in interstate commerce when made into authentic native articles of handicrafts and clothing.

§ 17.6 State cooperative agreements. [Reserved]

§ 17.7 Raptor exemption.

(a) The prohibitions found in §§ 17.21 and 17.31 do not apply to any raptor [a live migratory bird of the Order *Falconiformes* or the Order *Strigiformes,* other than a bald eagle (*Haliaeetus leucocephalus*) or a golden eagle (*Aquila chrysaetos*)] legally held in captivity or in a controlled environment on November 10, 1978, or to any of its progeny, which is:

(1) Possessed and banded in compliance with the terms of a valid permit issued under part 21 of this chapter; and

(2) Identified in the earliest applicable annual report required to be filed by a permittee under part 21 of this chapter as in a permittee's possession on November 10, 1978, or as the progeny of such a raptor.

(b) This section does not apply to any raptor intentionally returned to the wild.

[48 FR 31607, July 8, 1983]

§ 17.8 Import exemption for threatened, CITES Appendix-II wildlife.

(a) Except as provided in a species-specific rule in §§ 17.40 through 17.48 or in paragraph (b) of this section, all provisions of §§ 17.31 and 17.32 apply to any specimen of a threatened species of wildlife that is listed in Appendix II of the Convention.

(b) Except as provided in a species-specific rule in §§ 17.40 through 17.48, any live or dead specimen of a fish and wildlife species listed as threatened under this part may be imported without a threatened species permit under § 17.32 provided all of the following conditions are met:

(1) The specimen was not acquired in foreign commerce or imported in the course of a commercial activity;

(2) The species is listed in Appendix II of the Convention.

(3) The specimen is imported and subsequently used in accordance with the requirements of part 23 of this subchapter, except as provided in paragraph (b)(4) of this section.

(4) Personal and household effects (see § 23.5) must be accompanied by a CITES document.

(5) At the time of import, the importer must provide to the FWS documentation that shows the specimen was not acquired in foreign commerce in the course of a commercial activity.

(6) All applicable requirements of part 14 of this subchapter are satisfied.

[72 FR 48446, Aug. 23, 2007, as amended at 89 FR 23938, Apr. 5, 2024]

§ 17.9 Permit applications and information collection requirements.

(a) Address permit applications for activities affecting species listed under the Endangered Species Act, as amended, as follows:

(1) Address activities affecting endangered and threatened species that are native to the United States to the Regional Director for the Region in which the activity is to take place.

You can find addresses for the Regional Directors in 50 CFR 2.2. Send applications for interstate commerce in native endangered and threatened species to the Regional Director with lead responsibility for the species. To determine the appropriate region, call the nearest Regional Office:

Region 1 (Portland, OR): 503–231–6241
Region 2 (Albuquerque, NM): 505–248–6920
Region 3 (Twin Cities, MN): 612–713–5343
Region 4 (Atlanta, GA): 404–679–7313
Region 5 (Hadley, MA): 413–253–8628
Region 6 (Denver, CO): 303–236–8155, ext 263
Region 7 (Anchorage, AK): 907–786–3620
Headquarters (Washington, DC): 703–358–2106

(2) Submit permit applications for activities affecting native endangered and threatened species in international movement or commerce, and all activities affecting nonnative endangered and threatened species, 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).

(b) The Office of Management and Budget approved the information collection requirements contained in this part 17 under 44 U.S.C. 3507 and assigned OMB Control Numbers 1018–0093 and 1018–0094. 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 vary from 2 to 2½ 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 52635, Oct. 1, 1998. Redesignated at 72 FR 48446, Aug. 23, 2007, as amended at 79 FR 30417, May 27, 2014; 79 FR 43964, July 29, 2014]

Subpart B—Lists

§ 17.11 Endangered and threatened wildlife.

(a) The list in paragraph (h) of this section contains the wildlife species determined by the Service or the National Marine Fisheries Service (NMFS) of the Department of Commerce's National Oceanic and Atmospheric Administration (hereafter in this section referred to as ''the Services'') to be endangered species or threatened species. It also contains the wildlife species treated as endangered species or threatened species because they are similar in appearance to and may be confused with endangered or threatened species (see §§17.50 through 17.52). The ''Common name,'' ''Scientific name,'' ''Where listed,'' and ''Status'' columns provide regulatory information; together, they identify listed wildlife species within the meaning of the Act and describe where they are protected. When a taxon has more than one entry, the ''Where listed'' or ''Status'' column will identify its status in each relevant geographic area. The listing of a particular taxon includes all lower taxonomic units.

(b) *''Common name'' column.* Although common names are included, they cannot be relied upon for identification of any specimen, since they may vary greatly in local usage. In cases where confusion might arise, one or more synonyms are provided in parentheses within the ''Common name'' column. If a species has been listed as an Evolutionarily Significant Unit (ESU) or a Distinct Vertebrate Population Segment (DPS), the ESU or DPS names will be provided in brackets ''[ ]'' following the common name.

(c) *''Scientific name'' column.* The Services use the most recently accepted scientific name. In cases where confusion might arise, one or more synonyms are provided in parentheses within the ''Scientific name'' column. The Services rely, to the extent practicable, on the Integrated Taxonomic

Information System (ITIS) to determine a species' scientific name. ITIS incorporates the naming principles established by the *International Code of Zoological Nomenclature* (see paragraph (g) of this section). If the scientific name in ITIS differs from the scientific name adopted for use under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the CITES nomenclature is provided in brackets ''[ ]'' within the ''Scientific name'' column following the ITIS nomenclature.

(d) *''Where listed'' column.* The ''Where listed'' column sets forth the geographic area where the species is listed for purposes of the Act. Except when providing a geographic description of a DPS or ESU, or an experimental population designation, ''Wherever found'' will be used to indicate the Act's protections apply to all individuals of the species, wherever found.

(e) *''Status'' column.* Within the ''Status'' column, the following abbreviations are used:

Abbreviation	Regulatory status the abbreviation represents
E	Endangered species.
T	Threatened species.
E (S/A)	Endangered based on similarity of appearance to an existing listed species.
T (S/A)	Threatened based on similarity of appearance to an existing listed species.
XE	Essential experimental population (See subpart H of this part).
XN	Nonessential experimental population (See subpart H of this part).

(f) *''Listing Citations and Applicable Rules'' column.* The ''Listing Citations and Applicable Rules'' column is nonregulatory in nature and is provided for informational and navigational purposes only.

(1) Within the ''Listing Citations and Applicable Rules'' column, the following superscripts are used:

Superscript	Description of citation or rule
N	NMFS listing citation (NMFS Lead).
J	Both FWS and NMFS listing citation (Joint Jurisdiction).
CH	Critical habitat rule.
4d	Species-specific ''4(d)'' rule (a rule issued under the authority of section 4(d) of the Act).
10j	Species-specific ''10(j)'' rule (a rule issued under the authority of section 10(j) of the Act).

(2) Listing citations contain the volume, document starting page number, and publication date of the FEDERAL REGISTER publication(s) in which a species was given status, listed, or reclassified. At least since 1973, these documents have included a statement indicating the basis for the listing, as well as the effective date(s) of the listing or other rules that changed how the species was identified in the List in paragraph (h) of this section.

(3) ''Critical habitat'' and ''Species-specific'' rules superscripts provide cross-references to other sections in this part or part 222, 223, or 226 of chapter II of this title where critical habitat and species-specific rules are found. The species-specific superscripts also identify experimental populations. Experimental populations (superscript ''10j'') are a separate citation, with one of the following symbols in the ''Status'' column: ''XE'' for an essential experimental population and ''XN'' for a nonessential experimental population.

(4) This column is for reference and navigational purposes only. All other appropriate rules in this part, parts 217 through 226 of chapter II of this title, and part 402 of chapter IV of this title apply, if no species-specific rules are referenced. In addition, other rules in this title could relate to such species (for example, port-of-entry requirements). The references in the ''Listing Citations and Applicable Rules'' column do not comprise a comprehensive list of all regulations that the Services might apply to the species or to the regulations of other Federal agencies or State or local governments.

(g) The Services will rely to the extent practicable on ITIS (*http://www.itis.gov*) and standard references adopted for CITES (*http://cites.org*).

(h) The ''List of Endangered and Threatened Wildlife'' is provided in the table in this paragraph (h):

Common name	Scientific name	Where listed	Status	Listing citations and applicable rules
		MAMMALS		
Addax	*Addax nasomaculatus*	Wherever found	E	70 FR 52319, 9/2/2005.
Anoa, lowland	*Bubalus depressicornis*	Wherever found	E	35 FR 8491, 6/2/1970.
Anoa, mountain	*Bubalus quarlesi*	Wherever found	E	41 FR 24061, 6/14/1976.
Antelope, giant sable	*Hippotragus niger variani*	Wherever found	E	41 FR 24061, 6/14/1976.
Antelope, Tibetan	*Panthalops hodgsonii*	Wherever found	E	71 FR 15620, 3/29/2006.
Argali [All populations except Kyrgyzstan, Mongolia, and Tajikistan].	*Ovis ammon*	Wherever found except Kyrgyzstan, Mongolia, and Tajikistan.	E	41 FR 24061, 6/14/1976; 57 FR 28014, 6/23/1992.
Argali [Kyrgyzstan, Mongolia, and Tajikistan].	*Ovis ammon*	Kyrgyzstan, Mongolia, and Tajikistan.	T	41 FR 24061, 6/14/1976; 57 FR 28014, 6/23/1992; 50 CFR 17.40(j).[4d]
Armadillo, giant	*Priodontes maximus*	Wherever found	E	41 FR 24061, 6/14/1976.
Armadillo, pink fairy	*Chlamyphorus truncatus*	Wherever found	E	35 FR 8491, 6/2/1970.
Ass, African wild	*Equus africanus*	Wherever found	E	35 FR 8491, 6/2/1970; 42 FR 15971, 3/24/1977.
Ass, Asian wild	*Equus hemionus*	Wherever found	E	35 FR 8491, 6/2/1970.
Avahi	*Avahi laniger* (=entire genus).	Wherever found	E	35 FR 8491, 6/2/1970.
Aye-aye	*Daubentonia madagascariensis.*	Wherever found	E	35 FR 8491, 6/2/1970.
Babirusa	*Babyrousa babyrussa*	Wherever found	E	41 FR 24061, 6/14/1976.
Baboon, gelada	*Theropithecus gelada*	Wherever found	T	41 FR 45990, 10/19/1976; 50 CFR 17.40(c).[4d]
Bandicoot, barred	*Perameles bougainville*	Wherever found	E	35 FR 18319, 12/2/1970.
Bandicoot, desert	*Perameles eremiana*	Wherever found	E	38 FR 14678, 6/4/1973.
Bandicoot, lesser rabbit	*Macrotis leucura*	Wherever found	E	35 FR 18319, 12/2/1970.
Bandicoot, pig-footed	*Chaeropus ecaudatus*	Wherever found	E	35 FR 18319, 12/2/1970.
Bandicoot, rabbit	*Macrotis lagotis*	Wherever found	E	35 FR 18319, 12/2/1970.
Banteng	*Bos javanicus*	Wherever found	E	35 FR 8491, 6/2/1970.
Bat, Bulmer's fruit (flying fox)	*Aproteles bulmerae*	Wherever found	E	49 FR 2779, 1/23/1984.
Bat, bumblebee	*Craseonycteris thonglongyai.*	Wherever found	E	49 FR 2779, 1/23/1984.
Bat, Florida bonneted	*Eumops floridanus*	Wherever found	E	78 FR 61004, 10/2/2013; 50 CFR 17.95(a).[CH]
Bat, gray	*Myotis grisescens*	Wherever found	E	41 FR 17736, 4/28/1976.
Bat, Hawaiian hoary	*Lasiurus cinereus semotus.*	Wherever found	E	35 FR 16047, 10/13/1970.
Bat, Indiana	*Myotis sodalis*	Wherever found	E	32 FR 4001, 3/11/1967; 50 CFR 17.95(a).[CH]
Fruit Bat, Mariana (=fanihi, Mariana flying fox).	*Pteropus mariannus mariannus.*	Wherever found	T	49 FR 33881, 8/27/1984; 70 FR 1190, 1/6/2005; 50 CFR 17.95(a).[CH]
Bat, Mexican long-nosed	*Leptonycteris nivalis*	Wherever found	E	53 FR 38456, 9/30/1988.
Bat, northern long-eared	*Myotis septentrionalis*	Wherever found	E	80 FR 17974, 4/2/2015; 87 FR 73488, 11/30/2022.
Bat, Ozark big-eared	*Corynorhinus (=Plecotus) townsendii ingens.*	Wherever found	E	44 FR 69206, 11/30/1979.
Bat, Pacific sheath-tailed (Mariana subspecies) (Payeyi, Paischeey).	*Emballonura semicaudata rotensis.*	Wherever found	E	80 FR 59423, 10/1/2015.
Bat, Pacific sheath-tailed (South Pacific subspecies) (= peapea vai, American Samoa; = tagiti, Samoa; = beka beka, Fiji).	*Emballonura semicaudata semicaudata.*	Wherever found	E	81 FR 65466, 9/22/2016.
Bat, Rodrigues fruit (flying fox)	*Pteropus rodricensis*	Wherever found	E	49 FR 2779, 1/23/1984.
Bat, Singapore roundleaf horseshoe.	*Hipposideros ridleyi*	Wherever found	E	49 FR 2779, 1/23/1984.
Bat, Virginia big-eared	*Corynorhinus (=Plecotus) townsendii virginianus.*	Wherever found	E	44 FR 69206, 11/30/1979; 50 CFR 17.95(a).[CH]
Bear, Baluchistan	*Ursus thibetanus gedrosianus.*	Wherever found	E	51 FR 17977, 5/16/1986.
Bear, brown [Italy]	*Ursus arctos arctos*	Italy	E	41 FR 24062, 6/14/1976; 41 FR 26019, 6/24/1976.
Bear, brown	*Ursus arctos pruinosus*	Wherever found	E	41 FR 24062, 6/14/1976.

Common name	Scientific name	Where listed	Status	Listing citations and applicable rules
Bear, grizzly	*Ursus arctos horribilis*	U.S.A., conterminous (lower 48) States, except where listed as an experimental population.	T	32 FR 4001, 3/11/1967; 35 FR 16047, 10/13/1970; 40 FR 31734, 7/28/1975; 72 FR 14866, 3/29/2007; 75 FR 14496, 3/26/2010; 82 FR 30502, 6/30/2017; 84 FR 37144, 7/31/2019; 50 CFR 17.40(b) [4d].
Bear, grizzly [Bitterroot XN]	*Ursus arctos horribilis*	U.S.A. (portions of ID and MT; see § 17.84(l)).	XN	65 FR 69624, 11/17/2000; 50 CFR 17.84(l)[10j].
Bear, grizzly [North Cascades XN].	*Ursus arctos horribilis*	U.S.A. (WA, except the portion of northeastern Washington defined by the Kettle River from the international border with Canada, downstream to the Columbia River to its confluence with the Spokane River, then upstream on the Spokane River to the WA–ID border; see § 17.84(y)).	XN	89 FR 36982, 5/3/2024; 50 CFR 17.84(y)[10j].
Bear, Mexican grizzly	*Ursus arctos*	Mexico	E	35 FR 8491, 6/2/1970.
Bear, polar	*Ursus maritimus*	Wherever found	T	73 FR 28212, 5/15/2008; 50 CFR 17.40(q); [4d] 50 CFR 17.95(a).[CH]
Beaver (Mongolia)	*Castor fiber birulai*	Wherever found	E	41 FR 24062, 6/14/1976.
Bison, wood	*Bison bison athabascae*	Wherever found, except where listed as an experimental population.	T	35 FR 8491, 6/2/1970; 77 FR 26191, 5/3/2012.
Bison, wood	*Bison bison athabascae*	U.S.A. (Alaska)	XN	79 FR 26175, 5/7/2014; 50 CFR 17.84(x).[10j]
Bobcat, Mexican	*Lynx (=Felis) rufus escuinapae.*	Wherever found	E	41 FR 24062, 6/14/1976.
Bontebok (antelope)	*Damaliscus pygarus (=dorcas) dorcas.*	Wherever found	E	41 FR 24062, 6/14/1976.
Camel, Bactrian	*Camelus bactrianus*	Wherever found	E	41 FR 24062, 6/14/1976.
Caribou, barren-ground [Dolphin and Union caribou DPS].	*Rangifer tarandus groenlandicus.*	Canada (Victoria Island, Coronation Gulf, Dolphin and Union Strait, Dease Strait, and Canadian Mainland in Nunavut and Northwest Territories).	E	87 FR 76112, 12/13/2022.
Caribou, woodland [Southern Mountain DPS].	*Rangifer tarandus caribou.*	U.S.A. (wherever found), Canada (southeastern British Columbia).	E	48 FR 1722, 1/14/1983; 48 FR 49245, 10/25/1983; 49 FR 7390, 2/29/1984; 83 FR 52598, Oct. 2, 2019; 50 CFR 17.95(a).[CH]
Cat, Andean	*Felis jacobita*	Wherever found	E	41 FR 24062, 6/14/1976.
Cat, Asian golden (=Temminck's).	*Catopuma (=Felis) temminckii.*	Wherever found	E	41 FR 24062, 6/14/1976.
Cat, black-footed	*Felis nigripes*	Wherever found	E	41 FR 24062, 6/14/1976.
Cat, flat-headed	*Prionailurus (=Felis) planiceps.*	Wherever found	E	41 FR 24062, 6/14/1976.
Cat, Iriomote	*Prionailurus (=Felis) bengalensis iriomotensis.*	Wherever found	E	44 FR 37124, 6/25/1979.
Cat, leopard	*Prionailurus (=Felis) bengalensis bengalensis.*	Wherever found	E	41 FR 24062, 6/14/1976.
Cat, marbled	*Pardofelis (=Felis) marmorata.*	Wherever found	E	41 FR 24062, 6/14/1976.
Cat, Pakistan sand	*Felis margarita scheffeli*	Wherever found	E	49 FR 2779, 1/23/1984.
Cat, tiger	*Leopardus (=Felis) tigrinus.*	Wherever found	E	37 FR 6476, 3/30/1972.
Chamois, Apennine	*Rupicapra rupicapra ornata.*	Wherever found	E	41 FR 24062, 6/14/1976.

Common name	Scientific name	Where listed	Status	Listing citations and applicable rules
Cheetah	*Acinonyx jubatus*	Wherever found	E	35 FR 8491, 6/2/1970; 37 FR 6476, 3/30/1972.
Chimpanzee	*Pan troglodytes*	Wherever found	E	41 FR 45990, 10/19/1976; 55 FR 9129, 3/12/1990; 80 FR 34500, 6/16/2015.
Chimpanzee, pygmy	*Pan paniscus*	Wherever found	E	41 FR 45990, 10/19/1976; 55 FR 9129, 3/12/1990.
Chinchilla	*Chinchilla brevicaudata boliviana.*	Wherever found	E	41 FR 24062, 6/14/1976.
Chipmunk, Peñasco least	*Neotamias minimus atristriatus.*	Wherever found	E	89 FR 99656, 12/10/2024; 50 CFR 17.95(a).[CH]
Civet, Malabar large-spotted	*Viverra civettina (=megaspila c.).*	Wherever found	E	44 FR 37124, 6/25/1979.
Deer, Bactrian	*Cervus elaphus bactrianus.*	Wherever found	E	44 FR 37124, 6/25/1979.
Deer, Barbary	*Cervus elaphus barbarus*	Wherever found	E	44 FR 37124, 6/25/1979.
Deer, Calamianes (=Philippine)	*Axis porcinus calamianensis.*	Wherever found	E	41 FR 24062, 6/14/1976.
Deer, Cedros Island mule	*Odocoileus hemionus cedrosensis.*	Wherever found	E	40 FR 44149, 9/25/1975.
Deer, Columbian white-tailed [Columbia River DPS].	*Odocoileus virginianus leucurus.*	Columbia River (Clark, Cowlitz, Pacific, Skamania, and Wahkiakum Counties, WA, and Clatsop, Columbia, and Multnomah Counties, OR).	T	32 FR 4001, 3/11/1967; 68 FR 43647, 7/24/2003; 81 FR 71386, 10/17/2016; 50 CFR 17.40(i).[4d]
Deer, Corsican red	*Cervus elaphus corsicanus.*	Wherever found	E	44 FR 37124, 6/25/1979.
Deer, Eld's brow-antlered	*Cervus eldi*	Wherever found	E	35 FR 8491, 6/2/1970.
Deer, Formosan sika	*Cervus nippon taiouanus*	Wherever found	E	44 FR 37124, 6/25/1979.
Deer, Indochina hog	*Axis (=Cervus) porcinus annamiticus.*	Wherever found	E	41 FR 24062, 6/14/1976.
Deer, key	*Odocoileus virginianus clavium.*	Wherever found	E	32 FR 4001, 3/11/1967.
Deer, Kuhl's (=Bawean)	*Axis porcinus kuhli*	Wherever found	E	35 FR 8491, 6/2/1970.
Deer, marsh	*Blastocerus dichotomus*	Wherever found	E	35 FR 8491, 6/2/1970.
Deer, McNeill's	*Cervus elaphus macneilii*	Wherever found	E	35 FR 8491, 6/2/1970.
Deer, musk	*Moschus* spp. (all species).	Afghanistan, Bhutan, Burma, China (Tibet, Yunnan), India, Nepal, Pakistan, Sikkim.	E	41 FR 24062, 6/14/1976.
Deer, North China sika	*Cervus nippon mandarinus.*	Wherever found	E	44 FR 37124, 6/25/1979.
Deer, pampas	*Ozotoceros bezoarticus*	Wherever found	E	41 FR 24062, 6/14/1976.
Deer, Persian fallow	*Dama mesopotamica (=dama m.).*	Wherever found	E	35 FR 8491, 6/2/1970.
Deer, Ryukyu sika	*Cervus nippon keramae*	Wherever found	E	44 FR 37124, 6/25/1979.
Deer, Shansi sika	*Cervus nippon grassianus.*	Wherever found	E	44 FR 37124, 6/25/1979.
Deer, South China sika	*Cervus nippon kopschi*	Wherever found	E	44 FR 37124, 6/25/1979.
Deer, swamp	*Cervus duvauceli*	Wherever found	E	35 FR 8491, 6/2/1970.
Deer, Visayan	*Cervus alfredi*	Wherever found	E	53 FR 33990, 9/1/1988.
Deer, Yarkand	*Cervus elaphus yarkandensis.*	Wherever found	E	44 FR 37124, 6/25/1979.
Dhole	*Cuon alpinus*	Wherever found	E	35 FR 8491, 6/2/1970.
Dibbler	*Antechinus apicalis*	Wherever found	E	35 FR 18319, 12/2/1970.
Dog, African wild	*Lycaon pictus*	Wherever found	E	49 FR 2779, 1/23/1984.
Dolphin, Chinese river	*Lipotes vexillifer*	Wherever found	E	54 FR 22906, 5/30/1989; [N] 54 FR 22905, 5/30/1989.
Dolphin, Hector's	*Cephalorhynchus hectori hectori.*	Wherever found	T	82 FR 43701, 9/19/2017; [N] 84 FR 13809, 4/8/2019.
Dolphin, Maui	*Cephalorhynchus hectori maui.*	Wherever found	E	82 FR 43701, 9/19/2017; [N] 84 FR 13809, 4/8/2019.
Dolphin, South Asian River (Indus River subspecies).	*Platanista gangetica minor.*	Wherever found	E	55 FR 50835, 12/11/1990; [N] 56 FR 1463, 1/14/1991.
Dolphin, Taiwanese humpback	*Sousa chinensis taiwanensis.*	Wherever found	E	83 FR 21182, 5/9/2018; [N] 84 FR 13809, 4/8/2019.
Drill	*Mandrillus (=Papio) leucophaeus.*	Wherever found	E	41 FR 45990, 10/19/1976.
Dugong	*Dugong dugon*	Wherever found	E	35 FR 18319, 12/2/1970; 68 FR 70185, 12/17/2003.
Duiker, Jentink's	*Cephalophus jentinki*	Wherever found	E	44 FR 37124, 6/25/1979.

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Eland, western giant	*Taurotragus derbianus derbianus.*	Wherever found	E	44 FR 37124, 6/25/1979.
Elephant, African	*Loxodonta africana*	Wherever found	T	43 FR 20499, 5/12/1978; 50 CFR 17.40(e).[4d]
Elephant, Asian	*Elephas maximus*	Wherever found	E	41 FR 24062, 6/14/1976.
Ferret, black-footed	Mustela nigripes	Wherever found, except where listed as an experimental population.	E	32 FR 4001, 3/11/1967; 35 FR 16047, 10/13/1970.
Ferret, black-footed	*Mustela nigripes*	U.S.A. (parts of WY (Shirley Basin/Medicine Bow Management Area); see § 17.84(g)(9)(i)).	XN	56 FR 41473, 8/21/1991; 50 CFR 17.84(g).[10j]
Ferret, black-footed	*Mustela nigripes*	U.S.A. (parts of SD (Conata Basin/Badlands Reintroduction Area); see § 17.84(g)(9)(ii)).	XN	59 FR 42682, 8/18/1994; 50 CFR 17.84(g).[10j]
Ferret, black-footed	*Mustela nigripes*	U.S.A. (parts of MT (Northcentral Montana Reintroduction Area); see § 17.84(g)(9)(iii)).	XN	59 FR 42696, 8/18/1994; 50 CFR 17.84(g).[10j]
Ferret, black-footed	*Mustela nigripes*	U.S.A. (parts of AZ, NM, UT (Southwest Experimental Population Area), see § 17.84(g)(9)(iv)).	XN	61 FR 11320, 3/20/1996; 88 FR 69045, 10/5/2023; 50 CFR 17.84(g).[10j]
Ferret, black-footed	*Mustela nigripes*	U.S.A. (parts of CO, UT (Northwestern Colorado/Northeastern Utah Experimental Population Area), see § 17.84(g)(9)(v)).	XN	63 FR 52824, 10/1/1998; 50 CFR 17.84(g).[10j]
Ferret, black-footed	*Mustela nigripes*	U.S.A. (parts of SD (Cheyenne River Sioux Tribe Reintroduction Area), see § 17.84(g)(9)(vi)).	XN	65 FR 60879, 10/13/2000; 50 CFR 17.84(g).[10j]
Ferret, black-footed	*Mustela nigripes*	U.S.A. (parts of SD (Rosebud Sioux Reservation Experimental Population Area), see § 17.84(g)(9)(vii)).	XN	68 FR 26498, 5/16/2003; 50 CFR 17.84(g).[10j]
Ferret, black-footed	*Mustela nigripes*	U.S.A. (most of WY (Wyoming Experimental Population Area), see § 17.84(g)(9)(viii)).	XN	80 FR 66821, 10/30/2015; 50 CFR 17.84(g).[10j]
Fisher (Southern Sierra Nevada DPS).	*Pekania pennanti*	U.S.A. (Southern Sierra Nevada, CA).	E	85 FR 29532, 5/15/2020.
Fox, northern swift	*Vulpes velox hebes*	Canada	E	35 FR 8491, 6/2/1970.
Fox, San Joaquin kit	*Vulpes macrotis mutica*	Wherever found	E	32 FR 4001, 3/11/1967.
Fox, Santa Catalina Island	*Urocyon littoralis catalinae.*	Wherever found	T	69 FR 10335, 3/5/2004; 81 FR 53515, 8/12/2016; 50 CFR 17.95(a).[CH]
Fox, Sierra Nevada red [Sierra Nevada DPS].	*Vulpes vulpes necator*	U.S.A. (CA)—Sierra Nevada.	E	86 FR 41743, 8/3/2021.
Fox, Simien	*Canis simensis*	Wherever found	E	44 FR 37124, 6/25/1979.
Gazelle, Arabian	*Gazella gazella*	Wherever found	E	44 FR 37124, 6/25/1979.
Gazelle, Clark's	*Ammodorcas clarkei*	Wherever found	E	35 FR 8491, 6/2/1970.
Gazelle, dama	*Gazella dama*	Wherever found	E	70 FR 52319, 9/2/2005; 35 FR 8491, 6/2/1970.
Gazelle, Moroccan	*Gazella dorcas massaesyla.*	Wherever found	E	35 FR 8491, 6/2/1970.
Gazelle, mountain (=Cuvier's)	*Gazella cuvieri*	Wherever found	E	35 FR 8491, 6/2/1970.
Gazelle, Pelzeln's	*Gazella dorcas pelzelni*	Wherever found	E	44 FR 37124, 6/25/1979.
Gazelle, sand	*Gazella subgutturosa marica.*	Wherever found	E	44 FR 37124, 6/25/1979.
Gazelle, Saudi Arabian	*Gazella dorcas saudiya*	Wherever found	E	44 FR 37124, 6/25/1979.
Gazelle, slender-horned	*Gazella leptoceros*	Wherever found	E	35 FR 8491, 6/2/1970.
Gibbons	*Hylobates* spp. (including *Nomascus*).	Wherever found	E	35 FR 8491, 6/2/1970; 41 FR 24062, 6/14/1976.
Goral	*Nemorhaedus goral*	Wherever found	E	41 FR 24062, 6/14/1976.
Gorilla	*Gorilla gorilla*	Wherever found	E	35 FR 8491, 6/2/1970.

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Hare, hispid	*Caprolagus hispidus*	Wherever found	E	41 FR 24062, 6/14/1976.
Hartebeest, Swayne's	*Alcelaphus buselaphus swaynei.*	Wherever found	E	35 FR 8491, 6/2/1970; 41 FR 24062; 6/14/1976.
Hartebeest, Tora	*Alcelaphus buselaphus tora.*	Wherever found	E	41 FR 24062, 6/14/1976.
Hog, pygmy	*Sus salvanius*	Wherever found	E	35 FR 8491, 6/2/1970.
Horse, Przewalski's	*Equus przewalskii*	Wherever found	E	41 FR 24062, 6/14/1976.
Huemul, north Andean	*Hippocamelus antisensis*	Wherever found	E	41 FR 24062, 6/14/1976.
Huemul, south Andean	*Hippocamelus bisulcus*	Wherever found	E	41 FR 24062, 6/14/1976.
Hutia, Cabrera's	*Capromys angelcabrerai*	Wherever found	E	51 FR 17977, 5/16/1986.
Hutia, dwarf	*Capromys nana*	Wherever found	E	51 FR 17977, 5/16/1986.
Hutia, large-eared	*Capromys auritus*	Wherever found	E	51 FR 17977, 5/16/1986.
Hutia, little earth	*Capromys sanfelipensis*	Wherever found	E	51 FR 17977, 5/16/1986.
Hyena, Barbary	*Hyaena hyaena barbara*	Wherever found	E	35 FR 8491, 6/2/1970.
Hyena, brown	*Parahyaena (=Hyaena) brunnea.*	Wherever found	E	35 FR 8491, 6/2/1970.
Ibex, Pyrenean	*Capra pyrenaica pyrenaica.*	Wherever found	E	35 FR 8491, 6/2/1970.
Ibex, Walia	*Capra walie*	Wherever found	E	35 FR 8491, 6/2/1970.
Impala, black-faced	*Aepyceros melampus petersi.*	Wherever found	E	35 FR 8491, 6/2/1970.
Indri	*Indri indri* (=entire genus)	Wherever found	E	35 FR 8491, 6/2/1970.
Jaguar	*Panthera onca*	Wherever found	E	37 FR 6476, 3/30/1972; 62 FR 39147, 7/22/1997; 50 CFR 17.95(a).[CH]
Jaguarundi, Guatemalan	*Herpailurus (=Felis) yagouaroundi fossata.*	Wherever found	E	41 FR 24062, 6/14/1976.
Jaguarundi, Gulf Coast	*Puma yagouaroundi cacomitli.*	Wherever found	E	41 FR 24062, 6/14/1976.
Jaguarundi, Panamanian	*Herpailurus (=Felis) yagouaroundi panamensis.*	Wherever found	E	41 FR 24062, 6/14/1976.
Jaguarundi, Sinaloan	*Puma yagouaroundi tolteca.*	Wherever found	E	41 FR 24062, 6/14/1976.
Kangaroo rat, Fresno	*Dipodomys nitratoides exilis.*	Wherever found	E	50 FR 4222, 1/30/1985; 50 CFR 17.95(a).[CH]
Kangaroo rat, giant	*Dipodomys ingens*	Wherever found	E	52 FR 283, 1/5/1987.
Kangaroo rat, Morro Bay	*Dipodomys heermanni morroensis.*	Wherever found	E	35 FR 16047, 10/13/1970; 50 CFR 17.95(a).[CH]
Kangaroo rat, San Bernardino Merriam's.	*Dipodomys merriami paryus.*	Wherever found	E	63 FR 3835, 1/27/1998; 63 FR 51005, 9/24/1998; 50 CFR 17.95(a).[CH]
Kangaroo rat, Stephens'	*Dipodomys stephensi* (incl. *D. cascus*).	Wherever found	T	53 FR 38465, 9/30/1988; 87 FR 8967; 2/17/2022; 50 CFR 17.40(t).[4d]
Kangaroo rat, Tipton	*Dipodomys nitratoides nitratoides.*	Wherever found	E	53 FR 25608, 7/8/1988.
Kangaroo, Tasmanian forester	*Macropus giganteus tasmaniensis.*	Wherever found	E	38 FR 14678, 6/4/1973.
Koala	*Phascolarctos cinereus*	Australia	T	65 FR 26762, 5/9/2000.
Kouprey	*Bos sauveli*	Wherever found	E	35 FR 8491, 6/2/1970.
Langur, capped	*Trachypithecus (=Presbytis) pileatus.*	Wherever found	E	41 FR 24062, 6/14/1976.
Langur, Douc	*Pygathrix nemaeus*	Wherever found	E	35 FR 8491, 6/2/1970.
Langur, Francois'	*Trachypithecus (=Presbytis) francoisi.*	Wherever found	E	41 FR 45990, 10/19/1976.
Langur, golden	*Trachypithecus (=Presbytis) geei.*	Wherever found	E	41 FR 24062, 6/14/1976.
Langur, gray (=entellus)	*Semnopithecus (=Presbytis) entellus.*	Wherever found	E	41 FR 24062, 6/14/1976.
Langur, long-tailed	*Presbytis potenziani*	Wherever found	T	41 FR 45990, 10/19/1976; 50 CFR 17.40(c).[4d]
Langur, Pagi Island	*Nasalis concolor*	Wherever found	E	35 FR 8491, 6/2/1970.
Langur, purple-faced	*Presbytis senex*	Wherever found	T	41 FR 45990, 10/19/1976; 50 CFR 17.40(c).[4d]
Lechwe, red	*Kobus leche*	Wherever found	T	35 FR 8491, 6/2/1970; 41 FR 24062, 6/14/1976; 45 FR 65132, 10/1/1980.

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Lemurs	*Lemuridae* (incl. genera *Lemur, Phaner, Hapalemur, Lepilemur, Microcebus, Allocebus, Cheirogaleus, Varecia*).	Wherever found	E	35 FR 8491, 6/2/1970; 41 FR 24062, 6/14/1976; 41 FR 26019, 6/24/1976.
Leopard	*Panthera pardus*	Wherever found, except where it is listed as threatened.	E	35 FR 8491, 6/2/1970; 37 FR 6476, 3/30/1972; 47 FR 4204, 1/28/1982.
Leopard [Southern Africa populations].	*Panthera pardus*	In Africa, in the wild, south of, and including, the following countries: Gabon, Congo, Zaire, Uganda, Kenya.	T	35 FR 8491, 6/2/1970; 37 FR 6476, 3/30/1972; 47 FR 4204, 1/28/1982; 50 CFR 17.40(f).[4d]
Leopard, clouded	*Neofelis nebulosa*	Wherever found	E	35 FR 8491, 6/2/1970; 41 FR 24062, 6/14/1976.
Leopard, snow	*Uncia (=Panthera) uncia*	Wherever found	E	37 FR 6476, 3/30/1972.
Linsang, spotted	*Prionodon pardicolor*	Wherever found	E	41 FR 24062, 6/14/1976.
Lion	*Panthera leo leo*	Wherever found	E	80 FR 79999, 12/23/2015.
Lion	*Panthera leo melanochaita.*	Wherever found	T	80 FR 79999, 12/23/2015; 50 CFR 17.40(r).[4d]
Loris, lesser slow	*Nycticebus pygmaeus*	Wherever found	T	41 FR 45990, 10/19/1976; 50 CFR 17.40(c).[4d]
Lynx, Canada [Contiguous U.S. DPS].	*Lynx canadensis*	Where found within contiguous U.S.A..	T	65 FR 16053, 3/24/2000; 50 CFR 17.40(k);[4d] 50 CFR 17.95(a).[CH]
Lynx, Spanish	*Felis pardina*	Wherever found	E	35 FR 8491, 6/2/1970.
Macaque, Formosan rock	*Macaca cyclopis*	Wherever found	T	41 FR 45990, 10/19/1976; 50 CFR 17.40(c).[4d]
Macaque, Japanese	*Macaca fuscata*	Wherever found	T	41 FR 45990, 10/19/1976; 50 CFR 17.40(c).[4d]
Macaque, lion-tailed	*Macaca silenus*	Wherever found	E	35 FR 8491, 6/2/1970.
Macaque, stump-tailed	*Macaca arctoides*	Wherever found	T	41 FR 45990, 10/19/1976; 50 CFR 17.40(c).[4d]
Macaque, Toque	*Macaca sinica*	Wherever found	T	41 FR 45990, 10/19/1976; 50 CFR 17.40(c).[4d]
Manatee, Amazonian	*Trichechus inunguis*	Wherever found	E	35 FR 8491, 6/2/1970.
Manatee, West African	*Trichechus senegalensis*	Wherever found	T	44 FR 42910, 7/20/1979.
Manatee, West Indian	*Trichechus manatus*	Wherever found	T	32 FR 4001, 3/11/1967; 35 FR 8491, 6/2/1970; 82 FR 16668, 4/5/2017; 50 CFR 17.108(a); 50 CFR 17.95(a).[CH]
Mandrill	*Mandrillus (=Papio) sphinx.*	Wherever found	E	41 FR 45990, 10/19/1976.
Mangabey, Tana River	*Cercocebus galeritus galeritus.*	Wherever found	E	35 FR 8491, 6/2/1970.
Mangabey, white-collared	*Cercocebus torquatus*	Wherever found	E	41 FR 45990, 10/19/1976.
Margay	*Leopardus (=Felis) wiedii*	Wherever found	E	37 FR 6476, 3/30/1972.
Markhor, chiltan (=wild goat)	*Capra falconeri (=aegagrus) chiltanensis.*	Wherever found	E	41 FR 24062, 6/14/1976.
Markhor, straight-horned	*Capra falconeri megaceros.*	Wherever found	T	41 FR 24062, 6/14/1976; 79 FR 60365,10/7/2014; 50 CFR 17.40(d).[4d]
Marmoset, buff-headed	*Callithrix flaviceps*	Wherever found	E	49 FR 2779, 1/23/1984.
Marmoset, cotton-top	*Saguinus oedipus*	Wherever found	E	41 FR 45990, 10/19/1976.
Marmoset, Goeldi's	*Callimico goeldii*	Wherever found	E	35 FR 8491, 6/2/1970.
Marmoset, white-eared (=buffy tufted-ear).	*Callithrix aurita (=jacchus a.).*	Wherever found	E	51 FR 17977, 5/16/1986.
Marmot, Vancouver Island	*Marmota vancouverensis*	Wherever found	E	49 FR 2779, 1/23/1984.
Marsupial, eastern jerboa	*Antechinomys laniger*	Wherever found	E	35 FR 18319, 6/2/1970.
Marsupial-mouse, large desert	*Sminthopsis psammophila.*	Wherever found	E	35 FR 18319, 6/2/1970.
Marsupial-mouse, long-tailed	*Sminthopsis longicaudata.*	Wherever found	E	35 FR 18319, 6/2/1970.
Marten, Formosan yellow-throated.	*Martes flavigula chrysospila.*	Wherever found	E	35 FR 8491, 6/2/1970.
Marten, Pacific [Coastal DPS]	*Martes caurina*	U.S.A. (CA (northwestern), OR (southwestern)).	T	85 FR 63806, 10/8/2020; 50 CFR 17.40(s);[4d] 50 CFR 17.95(a).[CH]
Monkey, black colobus	*Colobus satanas*	Wherever found	E	41 FR 45990, 10/19/1976.

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Monkey, black howler	*Alouatta pigra*	Wherever found	T	41 FR 45990, 10/19/1976; 50 CFR 17.40(c).[4d]
Monkey, Diana	*Cercopithecus diana*	Wherever found	E	41 FR 45990, 10/19/1976.
Monkey, Guizhou snub-nosed	*Rhinopithecus brelichi*	Wherever found	E	55 FR 39414, 9/27/1990.
Monkey, L'hoest's	*Cercopithecus lhoesti*	Wherever found	E	41 FR 45990, 10/19/1976.
Monkey, mantled howler	*Alouatta palliata*	Wherever found	E	41 FR 24062, 6/14/1976.
Monkey, Preuss' red colobus	*Procolobus (=Colobus) preussi (=badius p.).*	Wherever found	E	49 FR 2779, 1/23/1984.
Monkey, proboscis	*Nasalis larvatus*	Wherever found	E	41 FR 24062, 6/14/1976.
Monkey, red-backed squirrel	*Saimiri oerstedii*	Wherever found	E	35 FR 8491, 6/2/1970.
Monkey, red-bellied	*Cercopithecus erythrogaster.*	Wherever found	E	41 FR 45990, 10/19/1976.
Monkey, red-eared nose-spotted.	*Cercopithecus erythrotis*	Wherever found	E	41 FR 45990, 10/19/1976.
Monkey, Sichuan snub-nosed	*Rhinopithecus roxellana*	Wherever found	E	55 FR 39414, 9/27/1990.
Monkey, spider	*Ateles geoffroyi frontatus*	Wherever found	E	35 FR 8491, 6/2/1970.
Monkey, spider	*Ateles geoffroyl panamensis.*	Wherever found	E	35 FR 8491, 6/2/1970.
Monkey, Tana River red colobus.	*Procolobus (=Colobus) rufomitratus (=badius r.).*	Wherever found	E	35 FR 8491, 6/2/1970.
Monkey, Tonkin snub-nosed	*Rhinopithecus avunculus*	Wherever found	E	41 FR 45990, 10/19/1976; 55 FR 39414, 9/27/1990.
Monkey, woolly spider	*Brachyteles arachnoides*	Wherever found	E	35 FR 8491, 6/2/1970.
Monkey, yellow-tailed woolly	*Lagothrix flavicauda*	Wherever found	E	41 FR 45990, 10/19/1976.
Monkey, Yunnan snub-nosed	*Rhinopithecus bieti*	Wherever found	E	55 FR 39414, 9/27/1990.
Monkey, Zanzibar red colobus	*Procolobus (=Colobus) pennantii (=kirki) kirki.*	Wherever found	E	35 FR 8491, 6/2/1970.
Mountain beaver, Point Arena	*Aplodontia rufa nigra*	Wherever found	E	56 FR 64716, 12/12/1991.
Mouse, Alabama beach	*Peromyscus polionotus ammobates.*	Wherever found	E	50 FR 23872, 6/6/1985; 50 CFR 17.95(a).[CH]
Mouse, Anastasia Island beach	*Peromyscus polionotus phasma.*	Wherever found	E	54 FR 20598, 5/12/1989.
Mouse, Australian native	*Notomys aquilo*	Wherever found	E	41 FR 24062, 6/14/1976.
Mouse, Australian native	*Zyzomys pedunculatus*	Wherever found	E	41 FR 24062, 6/14/1976.
Mouse, Choctawhatchee beach	*Peromyscus polionotus allophrys.*	Wherever found	E	50 FR 23872, 6/6/1985; 50 CFR 17.95(a).[CH]
Mouse, Field's	*Pseudomys fieldi*	Wherever found	E	35 FR 18319, 12/2/1970.
Mouse, Gould's	*Pseudomys gouldii*	Wherever found	E	38 FR 14678, 6/4/1973.
Mouse, Key Largo cotton	*Peromyscus gossypinus allapaticola.*	Wherever found	E	48 FR 43040, 9/21/1983; 49 FR 34504, 8/31/1984.
Mouse, New Holland	*Pseudomys novaehollandiae.*	Wherever found	E	35 FR 18319, 12/2/1970.
Mouse, New Mexico meadow jumping.	*Zapus hudsonius luteus*	Wherever found	E	79 FR 33119, 6/10/2014; 50 CFR 17.95(a).[CH]
Mouse, Pacific pocket	*Perognathus longimembris pacificus.*	Wherever found	E	59 FR 5306, 2/3/1994; 59 FR 49752, 9/29/1994.
Mouse, Perdido Key beach	*Peromyscus polionotus trissyllepsis.*	Wherever found	E	50 FR 23872, 6/6/1985; 50 CFR 17.95(a).[CH]
Mouse, Preble's meadow jumping.	*Zapus hudsonius preblei*	Wherever found	T	63 FR 26517, 5/13/1998; 78 FR 31679, 5/24/2013; 50 CFR 17.40(l);[4d] 50 CFR 17.95(a).[CH]
Mouse, salt marsh harvest	*Reithrodontomys raviventris.*	Wherever found	E	35 FR 16047, 10/13/1970.
Mouse, Shark Bay	*Pseudomys praeconis*	Wherever found	E	35 FR 18319, 12/2/1970.
Mouse, Shortridge's	*Pseudomys shortridgei*	Wherever found	E	35 FR 18319, 12/2/1970.
Mouse, smoky	*Pseudomys fumeus*	Wherever found	E	35 FR 18319, 12/2/1970.
Mouse, southeastern beach	*Peromyscus polionotus niveiventris.*	Wherever found	T	54 FR 20598, 5/12/1989.
Mouse, St. Andrew beach	*Peromyscus polionotus peninsularis.*	Wherever found	E	63 FR 70053, 12/18/1998; 50 CFR 17.95(a).[CH]
Mouse, western	*Pseudomys occidentalis*	Wherever found	E	35 FR 18319, 12/2/1970.
Muntjac, Fea's	*Muntiacus feae*	Wherever found	E	44 FR 37124, 6/25/1979.
Native-cat, eastern	*Dasyurus viverrinus*	Wherever found	E	38 FR 14678, 6/4/1973.
Numbat	*Myrmecobius fasciatus*	Wherever found	E	35 FR 18319, 12/2/1970; 38 FR 14678, 6/4/1973.
Ocelot	*Leopardus (=Felis) pardalis.*	Wherever found	E	37 FR 6476, 3/30/1972; 47 FR 31670, 7/21/1982.
Orangutan	*Pongo abelii*	Wherever found	E	35 FR 8491, 6/2/1970; 83 FR 2085, 1/16/2018.
Orangutan	*Pongo pygmaeus*	Wherever found	E	35 FR 8491, 6/2/1970; 83 FR 2085, 1/16/2018.

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Oryx, Arabian	*Oryx leucoryx*	Wherever found	E	35 FR 8491, 6/2/1970.
Oryx, scimitar-horned	*Oryx dammah*	Wherever found	E	70 FR 52319, 9/2/2005.
Otter, Cameroon clawless	*Aonyx congicus (=congica) microdon.*	Wherever found	E	35 FR 8491, 6/2/1970.
Otter, giant	*Pteronura brasiliensis*	Wherever found	E	35 FR 8491, 6/2/1970.
Otter, long-tailed	*Lontra (=Lutra) longicaudis* (incl. *platensis*).	Wherever found	E	35 FR 8491, 6/2/1970; 41 FR 24062, 6/24/1976.
Otter, marine	*Lontra (=Lutra) felina*	Wherever found	E	41 FR 24062, 6/24/1976.
Otter, northern sea [Southwest Alaska DPS].	*Enhydra lutris kenyoni*	Southwest Alaska, from Attu Island to Western Cook Inlet, including Bristol Bay, the Kodiak Archipelago, and the Barren Islands.	T	70 FR 46366, 8/9/2005; 50 CFR 17.40(p);[4d] 50 CFR 17.95(a).[CH]
Otter, southern river	*Lontra (=Lutra) provocax*	Wherever found	E	41 FR 24062, 6/14/1976.
Otter, southern sea	*Enhydra lutris nereis*	Wherever found	T	42 FR 2965, 1/14/1977.
Panda, giant	*Ailuropoda melanoleuca*	Wherever found	E	49 FR 2779, 1/23/1984.
Pangolin, Temnick's ground	*Manis temmincki*	Wherever found	E	41 FR 24062, 6/14/1976.
Panther, Florida	*Puma (=Felis) concolor coryi.*	Wherever found	E	32 FR 4001, 3/11/1967.
Planigale, little	*Planigale ingrami subtilissima.*	Wherever found	E	35 FR 18319, 12/2/1970.
Planigale, southern	*Planigale tenuirostris*	Wherever found	E	35 FR 18319, 12/2/1970.
Pocket gopher, Olympia	*Thomomys mazama pugetensis.*	Wherever found	T	79 FR 19759, 4/9/2014; 50 CFR 17.40(a);[4d] 50 CFR 17.95(a).[CH]
Pocket gopher, Roy Prairie	*Thomomys mazama glacialis.*	Wherever found	T	79 FR 19759, 4/9/2014; 50 CFR 17.40(a).[4d]
Pocket gopher, Tenino	*Thomomys mazama tumuli.*	Wherever found	T	79 FR 19759, 4/9/2014; 50 CFR 17.40(a);[4d] 50 CFR 17.95(a).[CH]
Pocket gopher, Yelm	*Thomomys mazama yelmensis.*	Wherever found	T	79 FR 19759, 4/9/2014; 50 CFR 17.40(a);[4d] 50 CFR 17.95(a).[CH]
Porcupine, thin-spined	*Chaetomys subspinosus*	Wherever found	E	35 FR 8491, 6/2/1970.
Porpoise, Gulf of California harbor (cochito, vaquita).	*Phocoena sinus*	Wherever found	E	50 FR 1056, 1/9/1985;[N] 50 FR 1056, 1/9/1985.
Possum, Leadbeater's	*Gymnobelideus leadbeateri.*	Wherever found	E	51 FR 17977, 5/16/1986.
Possum, mountain pygmy	*Burramys parvus*	Wherever found	E	35 FR 18319, 12/2/1970.
Possum, scaly-tailed	*Wyulda squamicaudata*	Wherever found	E	35 FR 18319, 12/2/1970.
Prairie dog, Mexican	*Cynomys mexicanus*	Wherever found	E	35 FR 8491, 6/2/1970.
Prairie dog, Utah	*Cynomys parvidens*	Wherever found	T	38 FR 14678, 6/4/1973; 49 FR 22330, 5/29/1984; 50 CFR 17.40(g).[4d]
Pronghorn, peninsular	*Antilocapra americana peninsularis.*	Wherever found	E	40 FR 44149, 9/25/1975.
Pronghorn, Sonoran	*Antilocapra americana sonoriensis.*	Wherever found, except where listed as an experimental population.	E	32 FR 4001, 3/11/1967; 35 FR 8491, 6/2/1970.
Pronghorn, Sonoran	*Antilocapra americana sonoriensis.*	In Arizona, an area north of Interstate 8 and south of Interstate 10, bounded by the Colorado River on the west and Interstate 10 on the east; and an area south of Interstate 8, bounded by Highway 85 on the west, Interstates 10 and 19 on the east, and the U.S.-Mexico border on the south.	XN	76 FR 25593, 5/5/2011; 50 CFR 17.84(v).[10j]
Pudu	*Pudu pudu*	Wherever found	E	41 FR 24062, 6/14/1976.
Puma (=mountain lion)	*Puma (=Felis) concolor* (all subsp. except *coryi*).	U.S.A. (FL)	T(S/A)	56 FR 40265, 8/14/1991; 50 CFR 17.40(h).[4d]
Puma, Costa Rican	*Puma (=Felis) concolor costaricensis.*	Wherever found	E	41 FR 24062, 6/14/1976.
Quokka	*Setonix brachyurus*	Wherever found	E	38 FR 14678, 6/4/1973.

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Rabbit, Columbia Basin pygmy [Columbia Basin DPS].	*Brachylagus idahoensis*	U.S.A. (WA—Douglas, Grant, Lincoln, Adams, Benton Counties).	E	68 FR 10388, 3/5/2003.
Rabbit, Lower Keys	*Sylvilagus palustris hefneri.*	Wherever found	E	55 FR 25588, 6/21/1990.
Rabbit, riparian brush	*Sylvilagus bachmani riparius.*	Wherever found	E	65 FR 8881, 2/23/2000.
Rabbit, Ryukyu	*Pentalagus furnessi*	Wherever found	E	44 FR 37124, 6/25/1979.
Rabbit, volcano	*Romerolagus diazi*	Wherever found	E	35 FR 8491, 6/2/1970.
Rat, false water	*Xeromys myoides*	Wherever found	E	35 FR 18319, 12/2/1970.
Rat, stick-nest	*Leporillus conditor*	Wherever found	E	38 FR 14678, 6/4/1970.
Rat-kangaroo, brush-tailed	*Bettongia penicillata*	Wherever found	E	35 FR 18319, 12/2/1970.
Rat-kangaroo, desert (=plain)	*Caloprymnus campestris*	Wherever found	E	35 FR 18319, 12/2/1970.
Rat-kangaroo, Gaimard's	*Bettongia gaimardi*	Wherever found	E	38 FR 14678, 6/4/1970.
Rat-kangaroo, Lesuer's	*Bettongia lesueur*	Wherever found	E	35 FR 18319, 12/2/1970.
Rat-kangaroo, Queensland	*Bettongia tropica*	Wherever found	E	35 FR 18319, 12/2/1970.
Rhinoceros, black	*Diceros bicornis*	Wherever found	E	45 FR 47352, 7/14/1980.
Rhinoceros, great Indian	*Rhinoceros unicornis*	Wherever found	E	35 FR 18319, 12/2/1970.
Rhinoceros, Javan	*Rhinoceros sondaicus*	Wherever found	E	35 FR 8491, 6/2/1970.
Rhinoceros, northern white	*Ceratotherium simum cottoni.*	Wherever found	E	35 FR 8491, 6/2/1970.
Rhinoceros, southern white	*Ceratotherium simum simum.*	Wherever found	T(S/A)	79 FR 28847, 5/20/2014.
Rhinoceros, Sumatran	*Dicerorhinus sumatrensis*	Wherever found	E	35 FR 8491, 6/2/1970.
Rice rat [Lower FL Keys DPS]	*Oryzomys palustris natator.*	Lower FL Keys (west of Seven Mile Bridge).	E	56 FR 19809, 4/30/1990; 50 CFR 17.95(a).[CH]
Saiga, Mongolian (antelope)	*Saiga tatarica mongolica*	Wherever found	E	41 FR 24062, 6/14/1976.
Saki, southern bearded	*Chiropotes satanas satanas.*	Wherever found	E	51 FR 17977, 5/16/1986.
Saki, white-nosed	*Chiropotes albinasus*	Wherever found	E	35 FR 8491, 6/2/1970.
Sea lion, Steller [Western DPS]	*Eumetopias jubatus*	Western DPS—see 50 CFR 224.101.	E	55 FR 13488, 4/10/1990; 55 FR 50005, 12/4/1990; 62 FR 24345, 5/5/1997;[N] 62 FR 30772, 6/5/1997; 50 CFR 226.202;[CH] 50 CFR 224.103.
Seal, bearded [Beringia DPS]	*Erignathus barbatus nauticus.*	Beringia DPS—see 50 CFR 223.102.	T	77 FR 76740, 12/28/2012;[N] 79 FR 42687, 7/23/2014; 50 CFR 226.229.[CH]
Seal, bearded [Okhotsk DPS]	*Erignathus barbatus nauticus.*	Okhotsk DPS—see 50 CFR 223.102.	T	77 FR 76739, 12/28/2012;[N] 79 FR 42687, 7/23/2014.
Seal, Guadalupe fur	*Arctocephalus townsendi*	Wherever found	T	32 FR 4001, 3/11/1967; 35 FR 16047, 10/13/1970; 50 FR 51251, 12/16/1985; 55 FR 14051, 3/23/1999;[N] 50 CFR 223.201.[4d]
Seal, Hawaiian monk	*Neomonachus schauinslandi (=Monachus schauinslandi).*	Wherever found	E	41 FR 51611, 11/23/1976; 55 FR 14051, 3/23/1999;[N] 50 CFR 226.201.[CH]
Seal, Mediterranean monk	*Monachus monachus*	Wherever found	E	35 FR 8491, 6/2/1970; 55 FR 14051, 3/23/1999.[N]
Seal, ringed (Arctic subspecies).	*Phoca (=Pusa) hispida hispida.*	Wherever found	T	77 FR 76706, 12/28/2012;[N] 79 FR 42687, 7/23/2014; 50 CFR 226.228.[CH]
Seal, ringed (Baltic subspecies).	*Phoca (=Pusa) hispida botnica.*	Wherever found	T	77 FR 76705, 12/28/2012;[N] 79 FR 42687, 7/23/2014.
Seal, ringed (Ladoga subspecies).	*Phoca (=Pusa) hispida ladogensis.*	Wherever found	E	77 FR 76705, 12/28/2012;[N] 79 FR 42687, 7/23/2014.
Seal, ringed (Okhotsk subspecies).	*Phoca (=Pusa) hispida ochotensis.*	Wherever found	T	77 FR 76705, 12/28/2012;[N] 79 FR 42687, 7/23/2014.
Seal, ringed (Saimaa subspecies).	*Phoca (=Pusa) hispida saimensis.*	Wherever found	E	58 FR 26920, 5/6/1993;[N] 58 FR 40538, 7/28/1993.
Seal, spotted [Southern DPS]	*Phoca largha*	Southern DPS—see 50 CFR 223.102.	T	75 FR 65239, 10/22/2010;[N] 76 FR 20558, 4/13/2011; 79 FR 42687, 7/23/2014; 50 CFR 223.212.[4d]
Seledang	*Bos gaurus*	Wherever found	E	35 FR 8491, 6/2/1970.
Serow	*Naemorhedus (=Capricornis) sumatraensis.*	Wherever found	E	41 FR 26019, 6/24/1976.
Serval, Barbary	*Leptailurus (=Felis) serval constantina.*	Wherever found	E	35 FR 8491, 6/2/1970.

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Shapo	*Ovis vignei*	Wherever found	E	41 FR 24062, 6/14/1976; 41 FR 26019, 6/24/1976.
Sheep, Peninsular bighorn [Peninsular CA DPS].	*Ovis canadensis nelsoni*	U.S.A. (CA) Peninsular Ranges.	E	63 FR 13134, 3/18/1998; 50 CFR 17.95(a).[CH]
Sheep, Sierra Nevada bighorn	*Ovis canadensis sierrae*	U.S.A. (CA)—Sierra Nevada.	E	64 FR 19300, 4/20/1999; 65 FR 20, 1/3/2000; 73 FR 45534, 8/5/2008; 50 CFR 17.95(a).[CH]
Shou	*Cervus elaphus wallichi*	Wherever found	E	35 FR 8491, 6/2/1970.
Shrew, Buena Vista Lake	*Sorex ornatus relictus*	Wherever found	E	67 FR 10101, 3/6/2002; 50 CFR 17.95(a).[CH]
Siamang	*Symphalangus syndactylus.*	Wherever found	E	41 FR 24062, 6/14/1976.
Sifakas	*Propithecus spp.*	Wherever found	E	35 FR 18319, 12/2/1970.
Sloth, Brazilian three-toed	*Bradypus torquatus*	Wherever found	E	35 FR 8491, 6/2/1970.
Solenodon, Cuban	*Solenodon cubanus*	Wherever found	E	35 FR 8491, 6/2/1970.
Solenodon, Haitian	*Solenodon paradoxus*	Wherever found	E	35 FR 8491, 6/2/1970.
Squirrel, Carolina northern flying.	*Glaucomys sabrinus coloratus.*	Wherever found	E	50 FR 26999, 7/1/1985.
Squirrel, Mount Graham red	*Tamiasciurus fremonti grahamensis.*	Wherever found	E	52 FR 20994, 6/3/1987; 50 CFR 17.95(a).[CH]
Squirrel, northern Idaho ground	*Urocitellus brunneus*	Wherever found	T	65 FR 17779, 4/5/2000.
Stag, Barbary	*Cervus elaphus barbarus*	Wherever found	E	35 FR 8491, 6/2/1970.
Stag, Kashmir	*Cervus elaphus hanglu*	Wherever found	E	35 FR 8491, 6/2/1970.
Suni, Zanzibar	*Neotragus moschatus moschatus.*	Wherever found	E	44 FR 37124, 6/25/1979.
Tahr, Arabian	*Hemitragus jayakari*	Wherever found	E	44 FR 37124, 6/25/1979.
Tamaraw	*Bubalus mindorensis*	Wherever found	E	35 FR 18319, 12/2/1970.
Tamarin, golden-rumped	*Leontopithecus spp.*	Wherever found	E	35 FR 8491, 6/2/1970.
Tamarin, pied	*Saguinus bicolor*	Wherever found	E	41 FR 45990, 10/19/1976.
Tamarin, white-footed	*Saguinus leucopus*	Wherever found	T	41 FR 45990, 10/19/1976; 50 CFR 17.40(c).[4d]
Tapir, Asian	*Tapirus indicus*	Wherever found	E	41 FR 24062, 6/14/1976.
Tapir, Central American	*Tapirus bairdii*	Wherever found	E	35 FR 8491, 6/2/1970.
Tapir, mountain	*Tapirus pinchaque*	Wherever found	E	35 FR 8491, 6/2/1970.
Tapir, South American (=Brazilian).	*Tapirus terrestris*	Wherever found	E	35 FR 8491, 6/2/1970.
Tarsier, Philippine	*Tarsius syrichta*	Wherever found	T	41 FR 45990, 10/19/1976; 50 CFR 17.40(c).[4d]
Tiger	*Panthera tigris*	Wherever found	E	35 FR 8491, 6/2/1970; 37 FR 6476, 3/30/1972.
Tiger, Tasmanian	*Thylacinus cynocephalus*	Wherever found	E	35 FR 8491, 6/2/1970.
Uakari (all species)	*Cacajao* spp.	Wherever found	E	35 FR 8491, 6/2/1970.
Urial	*Ovis musimon ophion*	Wherever found	E	41 FR 24062, 6/14/1976.
Vicuna [Argentina, Bolivia, Chile and Peru].	*Vicugna vicugna*	Wherever found, except Ecudator.	T	35 FR 8491, 6/2/1970; 67 FR 37695, 5/30/2002; 50 CFR 17.40(m).[4d]
Vicuna [Ecuador DPS]	*Vicugna vicugna*	Ecuador	E	35 FR 8491, 6/2/1970; 67 FR 37695, 5/30/2002.
Vole, Amargosa	*Microtus californicus scirpensis.*	Wherever found	E	49 FR 45160, 11/15/1984; 50 CFR 17.95(a).[CH]
Vole, Florida salt marsh	*Microtus pennsylvanicus dukecampbelli.*	Wherever found	E	56 FR 1457, 1/14/1991.
Wallaby, banded hare	*Lagostrophus fasciatus*	Wherever found	E	35 FR 18319, 12/2/1970.
Wallaby, brindled nail-tailed	*Onychogalea fraenata*	Wherever found	E	35 FR 18319, 12/2/1970.
Wallaby, crescent nail-tailed	*Onychogalea lunata*	Wherever found	E	35 FR 18319, 12/2/1970.
Wallaby, Parma	*Macropus parma*	Wherever found	E	35 FR 18319, 12/2/1970.
Wallaby, western hare	*Lagorchestes hirsutus*	Wherever found	E	35 FR 18319, 12/2/1970.
Wallaby, yellow-footed rock	*Petrogale xanthopus*	Wherever found	E	38 FR 14678, 6/4/1973.
Whale, beluga [Cook Inlet DPS].	*Delphinapterus leucas*	Cook Inlet DPS—see 50 CFR 224.101.	E	73 FR 62919, 10/22/2008; [N] 76 FR 20558, 4/13/2011; 79 FR 42687, 7/23/2014; 50 CFR 226.220.[CH]
Whale, blue	*Balaenoptera musculus*	Wherever found	E	35 FR 8491, 6/2/1970.
Whale, bowhead	*Balaena mysticetus*	Wherever found	E	35 FR 8491, 6/2/1970.
Whale, false killer [Main Hawaiian Islands Insular DPS].	*Pseudorca crassidens*	Main Hawaiian Islands Insular DPS—see 50 CFR 224.101.	E	77 FR 70915, 11/28/2012; [N] 79 FR 42687, 7/23/2014; 50 CFR 226.226. [CH]
Whale, finback	*Balaenoptera physalus*	Wherever found	E	35 FR 8491, 6/2/1970.
Whale, gray [Western North Pacific DPS].	*Eschrichtius robustus*	Western North Pacific DPS—see 50 CFR 224.101.	E	35 FR 8491, 6/2/1970; 59 FR 31094, 6/16/1994; [N] 79 FR 42687, 7/23/2014.

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Whale, humpback [Arabian Sea DPS].	*Megaptera novaeangliae*	Arabian Sea DPS—see 50 CFR 224.101.	E	35 FR 8491, 6/2/1970; 35 FR 18319, 12/2/1970; 81 FR 62260, 9/8/2016[N]; 81 FR 93639, 12/21/2016.
Whale, humpback [Cape Verde Islands/Northwest Africa DPS].	*Megaptera novaeangliae*	Cape Verde Islands/Northwest Africa DPS—see 50 CFR 224.101.	E	35 FR 8491, 6/2/1970; 35 FR 18319, 12/2/1970; 81 FR 62260, 9/8/2016[N]; 81 FR 93639, 12/21/2016.
Whale, humpback [Central America DPS].	*Megaptera novaeangliae*	Central America DPS—see 50 CFR 224.101.	E	35 FR 8491, 6/2/1970; 35 FR 18319, 12/2/1970; 81 FR 62260, 9/8/2016;[N] 81 FR 93639, 12/21/2016; 87 FR 8981, 2/17/2022; 50 CFR 226.227.[CH]
Whale, humpback [Mexico DPS].	*Megaptera novaeangliae*	Mexico DPS—see 50 CFR 223.102.	T	35 FR 8491, 6/2/1970; 35 FR 18319, 12/2/1970; 81 FR 62260, 9/8/2016;[N] 81 FR 93639, 12/21/2016; 87 FR 8981, 2/17/2022; 50 CFR 223.213; 50 CFR 223.214; 50 CFR 226.227.[CH]
Whale, humpback [Western North Pacific DPS].	*Megaptera novaeangliae*	Western North Pacific DPS—see 50 CFR 224.101.	E	35 FR 8491, 6/2/1970; 35 FR 18319, 12/2/1970; 81 FR 62260, 9/8/2016;[N] 81 FR 93639, 12/21/2016; 87 FR 8981, 2/17/2022; 50 CFR 224.103; 50 CFR 226.227.[CH]
Whale, killer [Southern Resident DPS].	*Orcinus orca*	Southern Resident DPS—see 50 CFR 224.101.	E	70 FR 69903, 11/18/2005;[N] 72 FR 16284, 4/4/2007; 76 FR 20558, 4/13/2011; 79 FR 42687, 7/23/2014; 80 CFR 7380, 2/10/2015;[N] 50 CFR 224.103; 50 CFR 226.206.[CH]
Whale, North Atlantic right	*Eubalaena glacialis*	Wherever found	E	35 FR 8491, 6/2/1970; 73 FR 12024, 3/6/2008;[N] 76 FR 20558, 4/13/2011; 79 FR 42687, 7/23/2014; 50 CFR 224.103; 50 CFR 224.105; 50 CFR 226.203.[CH]
Whale, North Pacific right	*Eubalaena japonica*	Wherever found	E	35 FR 8491, 6/2/1970; 73 FR 12024, 3/6/2008;[N] 76 FR 20558, 4/13/2011; 79 FR 42687, 7/23/2014; 50 CFR 226.215.[CH]
Whale, Rice's	*Balaenoptera ricei*	Wherever found	E	84 FR 15446, 4/15/2019; 86 FR 47022, 8/23/2021;[N] 87 FR 8981, 2/17/2022.
Whale, sei	*Balaenoptera borealis*	Wherever found	E	35 FR 8491, 6/2/1970.
Whale, Southern right	*Eubalaena australis*	Wherever found	E	35 FR 8491, 6/2/1970; 73 FR 12024, 3/6/2008;[N] 76 FR 20558, 4/13/2011.
Whale, sperm	*Physeter catodon (=macrocephalus).*	Wherever found	E	35 FR 8491, 6/2/1970.

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Wolf, gray	*Canis lupus*	U.S.A.: All of AL, AR, CA, CT, DE, FL, GA, IA, IN, IL, KS, KY, LA, MA, MD, ME, MI, MO, MS, NC, ND, NE, NH, NJ, NV, NY, OH, OK, PA, RI, SC, SD, TN, TX, VA, VT, WI, and WV; and portions of AZ, NM, OR, UT, and WA as follows: (1) Northern AZ (that portion north of the centerline of Interstate Highway 40); (2) Northern NM (that portion north of the centerline of Interstate Highway 40); (3) Western OR (that portion of OR west of the centerline of Highway 395 and Highway 78 north of Burns Junction and that portion of OR west of the centerline of Highway 95 south of Burns Junction); (4) Most of UT (that portion of UT south and west of the centerline of Interstate Highway 84 and that portion of UT south of Interstate Highway 80 from Echo to the UT/WY Stateline); and (5) Western WA (that portion of WA west of the centerline of Highway 97 and Highway 17 north of Mesa and that portion of WA west of the centerline of Highway 395 south of Mesa); Mexico.	E	32 FR 4001, 3/11/1967; 41 FR 24062, 6/14/1976; 43 FR 9607, 3/9/1978; 73 FR 75356, 12/11/2008; 74 FR 47483, 9/16/2009; 80 FR 9218, 2/20/2015; 50 CFR 17.95(a).[CH]
Wolf, gray [Colorado XN]	*Canis lupus*	U.S.A. (CO)	XN	88 FR 77014, 11/8/2023; 50 CFR 17.84(n).[10j]
Wolf, gray	*Canis lupus*	U.S.A. (MN)	T	43 FR 9607, 3/9/1978; 50 CFR 17.40(d);[4(d)] 50 CFR 17.95(a).[CH]
Wolf, maned	*Chrysocyon brachyurus*	Wherever found	E	35 FR 18319, 12/2/1970.
Wolf, Mexican	*Canis lupus baileyi*	Wherever found, except where included in an experimental population as set forth in § 17.84(k).	E	40 FR 17590, 4/21/1975; 80 FR 2488, 1/16/2015.
Wolf, Mexican	*Canis lupus baileyi*	U.S.A. (portions of AZ and NM)—see § 17.84(k).	XN	63 FR 1752, 1/12/1998; 80 FR 2512, 1/16/2015; 50 CFR 17.84(k).[10j]
Wolf, red	*Canis rufus*	Wherever found, except where listed as an experimental population.	E	32 FR 4001, 3/11/1967; 51 FR 41790, 11/19/1986; 56 FR 56325, 11/4/1991; 60 FR 18941, 4/13/1995.
Wolf, red	*Canis rufus*	U.S.A. (portions of NC and TN—see § 17.84(c)(9)).	XN	51 FR 41790, 11/19/1986; 56 FR 56325, 11/4/1991; 60 FR 18941, 4/13/1995; 50 CFR 17.84(c).[10j]
Wolverine, North American [Contiguous U.S. DPS].	*Gulo gulo luscus*	Where found within the contiguous U.S.A.	T	88 FR 83726, 11/30/2023; 50 CFR 17.40(u).[4d]

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Wombat, Queensland hairy-nosed (incl. Barnard's).	*Lasiorhinus krefftii* (formerly *L. barnardi* and *L. gillespiei*).	Wherever found	E	35 FR 18319, 12/2/1970; 38 FR 14678, 6/4/1973.
Woodrat, Key Largo	*Neotoma floridana smalli*	Wherever found	E	48 FR 43040, 9/21/1983; 49 FR 34504, 8/31/1984.
Woodrat, riparian (San Joaquin Valley).	*Neotoma fuscipes riparia*	Wherever found	E	65 FR 8881, 2/23/2000.
Yak, wild	*Bos mutus (=grunniens m.).*	Wherever found	E	35 FR 8491, 6/2/1970.
Zebra, Grevy's	*Equus grevyi*	Wherever found	T	44 FR 49218, 8/21/1979.
Zebra, Hartmann's mountain	*Equus zebra hartmannae*	Wherever found	T	44 FR 49218, 8/21/1979; 46 FR 11665, 2/10/1981.
Zebra, mountain	*Equus zebra zebra*	Wherever found	E	41 FR 24062, 6/14/1976; 46 FR 11665, 2/10/1981.
		BIRDS		
Adjutant, greater	*Leptoptilos dubius*	Wherever found	E	76 FR 50052, 8/11/2011.
Akekee (honeycreeper)	*Loxops caeruleirostris*	Wherever found	E	75 FR 18960, 4/13/2010; 50 CFR 17.95(b).[CH]
Akepa, Hawaii	*Loxops coccineus*	Wherever found	E	35 FR 16047, 10/13/1970.
Akiapolaau	*Hemignathus wilsoni*	Wherever found	E	32 FR 4001, 3/11/1967.
Akikiki (honeycreeper)	*Oreomystis bairdi*	Wherever found	E	75 FR 18960, 4/13/2010; 50 CFR 17.95(b).[CH]
Akohekohe (crested honeycreeper).	*Palmeria dolei*	Wherever found	E	32 FR 4001, 3/11/1967; 50 CFR 17.95(b).[CH]
Alauahio, Oahu	*Paroreomyza maculata*	Wherever found	E	35 FR 16047, 10/13/1970.
Albatross, Amsterdam	*Diomedea amsterdamensis.*	Wherever found	E	60 FR 2899, 1/12/1995.
Albatross, short-tailed	*Phoebastria (=Diomedea) albatrus.*	Wherever found	E	35 FR 8491, 6/2/1970; 65 FR 46643, 7/31/2000.
Alethe, Thyolo	*Alethe choloensis*	Wherever found	E	60 FR 2899, 1/12/1995.
Antpitta, brown-banded	*Grallaria milleri*	Wherever found	E	78 FR 64637, 10/29/2013.
Antwren, black-hooded	*Formicivora erythronotos*	Wherever found	E	75 FR 81794, 12/28/2010.
Blackbird, yellow-shouldered	*Agelaius xanthomus*	Wherever found	E	41 FR 51019, 11/19/1976; 50 CFR 17.95(b).[CH]
Bobwhite, masked (quail)	*Colinus virginianus ridgwayi.*	Wherever found	E	32 FR 4001, 3/11/1967; 35 FR 8491, 6/2/1970.
Booby, Abbott's	*Papasula (=Sula) abbotti*	Wherever found	E	41 FR 24062, 6/14/1976.
Bristlebird, western	*Dasyornis longirostris (=brachypterus l.).*	Wherever found	E	35 FR 8491, 6/2/1970.
Bristlebird, western rufous	*Dasyornis broadbenti littoralis.*	Wherever found	E	41 FR 24062, 6/14/1976.
Bulbul, Mauritius olivaceous	*Hypsipetes borbonicus olivaceus.*	Wherever found	E	35 FR 8491, 6/2/1970.
Bullfinch, Sao Miguel (finch)	*Pyrrhula pyrrhula murina*	Wherever found	E	35 FR 8491, 6/2/1970.
Bush-shrike, Ulugura	*Malaconotus alius*	Wherever found	T	60 FR 2899, 1/12/1995.
Bushwren, New Zealand	*Xenicus longipes*	Wherever found	E	35 FR 8491, 6/2/1970.
Bustard, great Indian	*Ardeotis (=Choriotis) nigriceps.*	Wherever found	E	35 FR 8491, 6/2/1970.
Cahow	*Pterodroma cahow*	Wherever found	E	35 FR 8491, 6/2/1970.
Capercaillie, Cantabrian	*Tetrao urogallus cantabricus.*	Wherever found	E	76 FR 50052, 8/11/2011.
Caracara, crested, (Audubon's) [FL DPS].	*Caracara plancus audubonii.*	U.S.A. (FL)	T	52 FR 25229, 7/6/1987.
Cinclodes, royal	*Cinclodes aricomae*	Wherever found	E	77 FR 43434, 7/24/2012.
Cockatoo, Philippine	*Cacatua haematuropygia*	Wherever found	E	79 FR 35870, 6/24/2014.
Cockatoo, salmon-crested	*Cacatua moluccensis*	Wherever found	T	76 FR 30758, 5/26/2011; 50 CFR 17.41(c).[4d]
Cockatoo, white	*Cacatua alba*	Wherever found	T	79 FR 35870, 6/24/2014; 50 CFR 17.41(c).[4d]
Cockatoo, yellow-crested	*Cacatua sulphurea*	Wherever found	E	79 FR 35870, 6/24/2014.
Condor, Andean	*Vultur gryphus*	Wherever found	E	35 FR 18319, 12/2/1970.
Condor, California	*Gymnogyps californianus*	Wherever found, except where listed as an experimental population.	E	32 FR 4001, 3/11/1967; 50 CFR 17.95(b).[CH]
Condor, California	*Gymnogyps californianus*	U.S.A. (specific portions of Arizona, Nevada, and Utah)—see § 17.84(j).	XN	61 FR 54045, 10/16/1996; 50 CFR 17.84(j) [10j].

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Condor, California	*Gymnogyps californianus*	U.S.A. (Oregon, and specific portions of northern California and northwest Nevada)—see § 17.84(i).	XN	86 FR 15602, 3/24/2021; 50 CFR 17.84(i) [10j].
Conure, golden, (=golden parakeet).	*Guaruba guarouba*	Wherever found	T	41 FR 24062, 6/14/1976; 85 FR 22653, 4/23/2020; 50 CFR 17.41(c).[4d]
Coot, Hawaiian (alae keokeo)	*Fulica alai*	Wherever found	E	35 FR 16047, 10/13/1970.
Cotinga, banded	*Cotinga maculata*	Wherever found	E	41 FR 24062, 6/14/1976.
Cotinga, white-winged	*Xipholena atropurpurea*	Wherever found	E	41 FR 24062, 6/14/1976.
Courser, Jerdon's	*Rhinoptilus bitorquatus*	Wherever found	E	76 FR 50052, 8/11/2011.
Crane, black-necked	*Grus nigricollis*	Wherever found	E	41 FR 24062, 6/14/1976.
Crane, Cuba sandhill	*Grus canadensis nesiotes.*	Wherever found	E	41 FR 24062, 6/14/1976.
Crane, hooded	*Grus monacha*	Wherever found	E	35 FR 18319, 12/2/1970.
Crane, Japanese	*Grus japonensis*	Wherever found	E	35 FR 8491, 6/2/1970.
Crane, Mississippi sandhill	*Antigone canadensis pulla.*	Wherever found	E	38 FR 14678, 6/4/1973; 50 CFR 17.95(b).[CH]
Crane, Siberian white	*Grus leucogeranus*	Wherever found	E	35 FR 18319, 12/2/1970.
Crane, white-naped	*Grus vipio*	Wherever found	E	41 FR 24062, 6/14/1976.
Crane, whooping	*Grus americana*	Wherever found, except where listed as an experimental population.	E	32 FR 4001, 3/11/1967; 35 FR 8491, 3/9/1978; 50 CFR 17.95(b).[CH]
Crane, whooping	*Grus americana*	U.S.A. (AL, AR, CO, FL, GA, ID, IL, IN, IA, KY, LA, MI, MN, MS, MO, NC, NM, OH, SC, TN, UT, VA, WI, WV, western half of WY).	XN	58 FR 5561, 1/22/1993; 62 FR 38932, 7/21/1997; 66 FR 33903, 6/26/2001; 76 FR 6066, 2/3/2011; 50 CFR 17.84(h).[10j]
Creeper, Hawaii (alawi)	*Loxops mana*	Wherever found	E	40 FR 44149, 9/25/1975.
Crow, Hawaiian (alala)	*Corvus hawaiiensis*	Wherever found	E	32 FR 4001, 3/11/1967.
Crow, Mariana (aga)	*Corvus kubaryi*	Wherever found	E	49 FR 33881, 8/27/1984; 50 CFR 17.95(b).[CH]
Crow, white-necked	*Corvus leucognaphalus*	Wherever found	E	56 FR 13598, 4/3/1991.
Cuckoo, yellow-billed [Western DPS].	*Coccyzus americanus*	U.S.A., Canada, Mexico, Central and South America. Western DPS: U.S.A. (AZ, CA, CO (western), ID, MT (western), NM (western), NV, OR, TX (western), UT, WA, WY (western)); Canada (British Columbia (southwestern); Mexico (Baja California, Baja California Sur, Chihuahua, Durango (western), Sinaloa, Sonora).	T	79 FR 59991, 10/3/2014; 50 CFR 17.95(b).[CH]
Cuckoo-shrike, Mauritius	*Coquus typicus*	Wherever found	E	35 FR 8491, 6/2/1970.
Cuckoo-shrike, Reunion	*Coquus newtoni*	Wherever found	E	35 FR 8491, 6/2/1970.
Curassow, blue-billed	*Crax alberti*	Wherever found	E	78 FR 64637, 10/29/2013.
Curassow, razor-billed	*Mitu mitu mitu*	Wherever found	E	41 FR 24062, 6/14/1976.
Curassow, red-billed	*Crax blumenbachii*	Wherever found	E	35 FR 18319, 12/2/1970.
Curassow, Trinidad white-headed.	*Pipile pipile pipile*	Wherever found	E	35 FR 8491, 6/2/1970.
Curlew, Eskimo	*Numenius borealis*	Wherever found	E	32 FR 4001, 3/11/1967; 35 FR 8491, 6/2/1970.
Curassow, Sira	*Pauxi koepckeae*	Wherever found	E	89 FR 60319, 7/25/2024.
Curassow, southern helmeted (= horned curassow).	*Pauxi unicornis*	Wherever found	E	89 FR 60319, 7/25/2024.
Curlew, slender-billed	*Numenius tenuirostris*	Wherever found	E	76 FR 50052, 8/11/2011.
Dove, cloven-feathered	*Drepanoptila holosericea*	Wherever found	E	35 FR 8491, 6/2/1970.
Dove, Grenada gray-fronted	*Leptotila rufaxilla wellsi*	Wherever found	E	35 FR 8491, 6/2/1970.
Duck, Hawaiian (koloa maoli)	*Anas wyvilliana*	Wherever found	E	32 FR 4001, 3/11/1967.
Duck, Laysan	*Anas laysanensis*	Wherever found	E	32 FR 4001, 3/11/1967.
Duck, pink-headed	*Rhodonessa caryophyllacea.*	Wherever found	E	41 FR 24062, 6/14/1976.
Duck, white-winged wood	*Cairina scutulata*	Wherever found	E	35 FR 8491, 6/2/1970.
Eagle, Greenland white-tailed	*Haliaeetus albicilla groenlandicus.*	Wherever found	E	41 FR 24062, 6/14/1976.

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Eagle, harpy	*Harpia harpyja*	Wherever found	E	41 FR 24062, 6/14/1976.
Eagle, Madagascar sea	*Haliaeetus vociferoides*	Wherever found	E	60 FR 2899, 1/12/1995.
Eagle, Madagascar serpent	*Eutriorchis astur*	Wherever found	E	60 FR 2899, 1/12/1995.
Eagle, Philippine	*Pithecophaga jefferyi*	Wherever found	E	35 FR 8491, 6/2/1970.
Eagle, Spanish imperial	*Aquila heliaca adalberti*	Wherever found	E	35 FR 8491, 6/2/1970.
Egret, Chinese	*Egretta eulophotes*	Wherever found	E	35 FR 8491, 6/2/1970.
Eider, spectacled	*Somateria fischeri*	Wherever found	T	58 FR 27474, 5/10/1993; 50 CFR 17.95(b).[CH]
Eider, Steller's [AK Breeding DPS].	*Polysticta stelleri*	U.S.A. (AK breeding population only).	T	62 FR 31748, 6/11/1997; 50 CFR 17.95(b).[CH]
Elepaio, Oahu	*Chasiempis ibidis*	Wherever found	E	65 FR 20760, 4/18/2000; 50 CFR 17.95(b).[CH]
Falcon, Eurasian peregrine	*Falco peregrinus peregrinus.*	Wherever found	E	41 FR 24062, 6/14/1976.
Falcon, northern aplomado	*Falco femoralis septentrionalis.*	Wherever found, except where listed as an experimental population.	E	51 FR 6686, 2/25/1986.
Falcon, northern aplomado	*Falco femoralis septentrionalis.*	U.S.A. (AZ, NM)	XN	71 FR 42298, 7/26/2006; 50 CFR 17.84(p).[10j]
Finch, Laysan	*Telespiza cantans*	Wherever found	E	32 FR 4001, 3/11/1967.
Finch, Nihoa	*Telespiza ultima*	Wherever found	E	32 FR 4001, 3/11/1967.
Fire-eye, fringed-backed	*Pyriglena atra*	Wherever found	E	75 FR 81794, 12/28/2010.
Flamingo, Andean	*Phoenicoparrus andinus*	Wherever found	E	75 FR 50814, 8/17/2010.
Flycatcher, Euler's	*Empidonax euleri johnstonei.*	Wherever found	E	35 FR 8491, 6/2/1970.
Flycatcher, Seychelles paradise.	*Terpsiphone corvina*	Wherever found	E	35 FR 8491, 6/2/1970.
Flycatcher, southwestern willow.	*Empidonax traillii extimus*	Wherever found	E	60 FR 10695, 2/27/1995; 50 CFR 17.95(b).[CH]
Flycatcher, Tahiti	*Pomarea nigra*	Wherever found	E	35 FR 8491, 6/2/1970.
Fody, Mauritius	*Foudia rubra*	Wherever found	E	60 FR 2899, 1/12/1995.
Fody, Rodrigues	*Foudia flavicans*	Wherever found	E	60 FR 2899, 1/12/1995.
Fody, Seychelles (weaver-finch).	*Foudia sechellarum*	Wherever found	E	35 FR 8491, 6/2/1970.
Francolin, Djibouti	*Francolinus ochropectus*	Wherever found	E	60 FR 2899, 1/12/1995.
Frigatebird, Andrew's	*Fregata andrewsi*	Wherever found	E	41 FR 24062, 6/14/1976.
Gallinule, Hawaiian common (Alae ula).	*Gallinula galeata sandvicensis.*	Wherever found	E	32 FR 4001, 3/11/1967.
Gnatcatcher, coastal California	*Polioptila californica californica.*	Wherever found	T	58 FR 16742, 3/30/1993; 50 CFR 17.41(b);[4d] 50 CFR 17.95(b).[CH]
Goose, Hawaiian (Nene)	*Branta sandvicensis*	Wherever found	T	32 FR 4001, 3/11/1967; 84 FR 69918, 12/19/2019; 50 CFR 17.41(d)[4d].
Goshawk, Christmas Island	*Accipiter fasciatus natalis*	Wherever found	E	35 FR 8491, 6/2/1970.
Goshawk, Queen Charlotte [British Columbia DPS].	*Accipiter gentilis laingi*	British Columbia, Canada.	T	77 FR 45870, 8/1/2012.
Grackle, slender-billed	*Quisicalus palustris*	Wherever found	E	35 FR 8491, 6/2/1970.
Grasswren, Eyrean (flycatcher)	*Amytornis goyderi*	Wherever found	E	35 FR 8491, 6/2/1970.
Grebe, Alaotra	*Tachybaptus rufoflavatus*	Wherever found	E	60 FR 2899, 1/12/1995.
Grebe, Atitlan	*Podilymbus gigas*	Wherever found	E	35 FR 8491, 6/2/1970.
Grebe, Junín	*Podiceps taczanowskii*	Wherever found	E	77 FR 43434, 7/24/2012.
Greenshank, Nordmann's	*Tringa guttifer*	Wherever found	E	41 FR 24062, 6/14/1976.
Ground-cuckoo, southeastern rufous-vented.	*Neomorphus geoffroyi dulcis.*	Wherever found	E	75 FR 81794, 12/28/2010.
Ground-dove, friendly (= tuaimeo) (American Samoa DPS).	*Gallicolumba stairi*	U.S.A. (AS)	E	81 FR 65466, 9/22/2016.
Guan, cauca	*Penelope perspicax*	Wherever found	E	78 FR 64637, 10/29/2013.
Guan, horned	*Oreophasis derbianus*	Wherever found	E	35 FR 8491, 6/2/1970.
Guan, white-winged	*Penelope albipennis*	Wherever found	E	55 FR 39858, 9/28/1990.
Guineafowl, white-breasted	*Agelastes meleagrides*	Wherever found	T	60 FR 2899, 1/12/1995.
Gull, Audouin's	*Larus audouinii*	Wherever found	E	35 FR 8491, 6/2/1970.
Gull, relict	*Larus relictus*	Wherever found	E	41 FR 24062, 6/14/1976.
Hawk, Galapagos	*Buteo galapagoensis*	Wherever found	E	35 FR 8491, 6/2/1970.
Hawk, Puerto Rican broad-winged.	*Buteo platypterus brunnescens.*	Wherever found	E	59 FR 46710, 9/9/1994.
Hawk, Puerto Rican sharp-shinned.	*Accipiter striatus venator*	Wherever found	E	59 FR 46710, 9/9/1994.
Hermit, hook-billed (hummingbird).	*Ramphodon (=Glaucis) dohrnii.*	Wherever found	E	41 FR 24062, 6/14/1976.
Hermit, Margaretta's	*Phaethornis malaris margarettae.*	Wherever found	E	75 FR 81794, 12/28/2010.

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Honeyeater, helmeted	*Lichenostomus melanops cassidix (=Meliphaga c.).*	Wherever found	E	35 FR 18319, 12/2/1970.
Hornbill, helmeted	*Buceros (=Rhinoplax) vigil.*	Wherever found	E	41 FR 24062, 6/14/1976.
Hummingbird, Honduran emerald.	*Amazilia luciae*	Wherever found	E	80 FR 45086, 7/29/2015.
Ibis, giant	*Pseudibis gigantea*	Wherever found	E	73 FR 3146, 1/16/2008.
Ibis, Japanese crested	*Nipponia nippon*	Wherever found	E	35 FR 8491, 6/2/1970.
Ibis, northern bald	*Geronticus eremita*	Wherever found	E	55 FR 39858, 9/28/1990.
Iiwi (honeycreeper)	*Drepanis coccinea*	Wherever found	T	82 FR 43873, 9/20/2017.
Kagu	*Rhynochetos jubatus*	Wherever found	E	35 FR 8491, 6/2/1970.
Kakapo	*Strigops habroptilus*	Wherever found	E	35 FR 8491, 6/2/1970.
Kestrel, Mauritius	*Falco punctatus*	Wherever found	E	35 FR 8491, 6/2/1970.
Kestrel, Seychelles	*Falco araea*	Wherever found	E	35 FR 8491, 6/2/1970.
Kingfisher, Guam (=sihek)	*Todiramphus cinnamominus.*	Wherever found, except where listed as an experimental population.	E	49 FR 33881, 8/27/1984; 50 CFR 17.95(b) [CH].
Kingfisher, Guam (=sihek)	*Todiramphus cinnamominus.*	U.S.A. (Palmyra Atoll)	XN	88 FR 19880, 4/4/2023; 50 CFR 17.84(a) [10j].
Kite, Cuba hook-billed	*Chondrohierax uncinatus wilsonii.*	Wherever found	E	35 FR 8491, 6/2/1970.
Kite, Grenada hook-billed	*Chondrohierax uncinatus mirus.*	Wherever found	E	35 FR 8491, 6/2/1970.
Kite, Everglade snail	*Rostrhamus sociabilis plumbeus.*	Wherever found	E	32 FR 4001, 3/11/1967; 50 CFR 17.95(b).[CH]
Knot, rufa red	*Calidris canutus rufa*	Wherever found	T	79 FR 73705, 12/11/2014.
Kokako (wattlebird)	*Callaeas cinerea*	Wherever found	E	35 FR 8491, 6/2/1970.
Lark, Raso	*Alauda razae*	Wherever found	E	60 FR 2899, 1/12/1995.
Lark, streaked horned	*Eremophila alpestris strigata.*	Wherever found	T	78 FR 61451, 10/3/2013; 50 CFR 17.41(a); [4d] 50 CFR 17.95(b).[CH]
Macaw, blue-throated	*Ara glaucogularis*	Wherever found	E	78 FR 61208, 10/3/2013.
Macaw, glaucous	*Anodorhynchus glaucus*	Wherever found	E	41 FR 24062, 6/14/1976.
Macaw, great green	*Ara ambiguus*	Wherever found	E	80 FR 59975, 10/2/2015.
Macaw, hyacinth	*Anodorhynchus hyacinthinus.*	Wherever found	T	83 FR 39894, 8/13/2018; 50 CFR 17.41(c) [4d].
Macaw, indigo	*Anodorhynchus leari*	Wherever found	E	41 FR 24062, 6/14/1976.
Macaw, little blue	*Cyanopsitta spixii*	Wherever found	E	41 FR 24062, 6/14/1976.
Macaw, military	*Ara militaris*	Wherever found	E	80 FR 59975, 10/2/2015.
Macaw, scarlet	*Ara macao cyanoptera*	Wherever found	E	84 FR 6278, 2/26/2019.
Macaw, scarlet [Northern DPS]	*Ara macao macao*	Colombia (northwest of the Andes), Costa Rica (Pacific slope), Panama (mainland).	T	84 FR 6278, 2/26/2019; 50 CFR 17.41(c).[4d]
Macaw, scarlet [Southern DPS]	*Ara macao macao*	Bolivia, Brazil, Colombia (southeast of the Andes), Ecuador, French Guiana, Guyana, Peru, Suriname, Venezuela.	T(S/A)	84 FR 6278, 2/26/2019; 50 CFR 17.41(c).[4d]
Macaw, scarlet [Subspecies crosses].	*Ara macao macao* X *Ara macao cyanoptera.*	Costa Rica, Nicaragua (Atlantic slope border region).	T(S/A)	84 FR 6278, 2/26/2019; 50 CFR 17.41(c).[4d]
Magpie-robin, Seychelles (thrush).	*Copsychus sechellarum*	Wherever found	E	35 FR 8491, 6/2/1970.
Malimbe, Ibadan	*Malimbus ibadanensis*	Wherever found	E	60 FR 2899, 1/12/1995.
Malkoha, red-faced (cuckoo)	*Phaenicophaeus pyrrhocephalus.*	Wherever found	E	35 FR 8491, 6/2/1970.
Mao (= maomao) (honeyeater)	*Gymnomyza samoensis*	Wherever found	E	81 FR 65466, 9/22/2016.
Megapode, Maleo	*Macrocephalon maleo*	Wherever found	E	35 FR 8491, 6/2/1970.
Megapode, Micronesian (sasangat).	*Megapodius laperouse*	Wherever found	E	35 FR 8491, 6/2/1970.
Merganser, Brazilian	*Mergus octosetaceus*	Wherever found	E	75 FR 81794, 12/28/2010.
Millerbird, Nihoa (old world warbler).	*Acrocephalus familiaris kingi.*	Wherever found	E	32 FR 4001, 3/11/1967.
Mockingbird, Socorro	*Mimus Graysoni*	Wherever found	E	73 FR 3146, 1/16/2008.
Moorhen, Mariana common (pulattat).	*Gallinula chloropus guami.*	Wherever found	E	49 FR 33881, 8/27/1984.
Murrelet, marbled [CA, OR, WA DPS].	*Brachyramphus marmoratus.*	U.S.A. (CA, OR, WA)	T	57 FR 45337, 10/1/1992; 50 CFR 17.95(b).[CH]
Nightjar, Puerto Rican	*Antrostomus noctitherus*	Wherever found	E	38 FR 14678, 6/4/1973.
Nuthatch, Algerian	*Sitta ledanti*	Wherever found	E	60 FR 2899, 1/12/1995.

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Olomao, Molokai	*Myadestes lanaiensis rutha.*	Wherever found	E	35 FR 16047, 10/13/1970.
Ostrich, Arabian	*Struthio camelus syriacus.*	Wherever found	E	35 FR 8491, 6/2/1970.
Ostrich, West African	*Struthio camelus spatzi*	Wherever found	E	35 FR 8491, 6/2/1970.
‘O‘u (honeycreeper)	*Psittirostra psittacea*	Wherever found	E	32 FR 4001, 3/11/1967.
Owl, Anjouan scops	*Otus rutilus capnodes*	Wherever found	E	35 FR 8491, 6/2/1970.
Owl, giant scops	*Mimizuku (=Otus) gurneyi.*	Wherever found	E	41 FR 24062, 6/14/1976.
Owl, Madagascar red	*Tyto soumagnei*	Wherever found	E	55 FR 39858, 9/28/1990.
Owl, Mexican spotted	*Strix occidentalis lucida*	Wherever found	T	58 FR 14248, 3/16/1993; 50 CFR 17.95(b).[CH]
Owl, northern spotted	*Strix occidentalis caurina*	Wherever found	T	55 FR 26114, 6/26/1990; 50 CFR 17.95(b).[CH]
Owl, Seychelles scops	*Otus magicus (=insularis) insularis.*	Wherever found	E	35 FR 8491, 6/2/1970.
Owlet, Morden’s	*Otus ireneae*	Wherever found	E	35 FR 8491, 6/2/1970.
Oystercatcher, Canarian black	*Haematopus meadewaldoi.*	Wherever found	E	60 FR 2899, 1/12/1995.
Palila (honeycreeper)	*Loxioides bailleui*	Wherever found	E	32 FR 4001, 3/11/1967; 50 CFR 17.95(b).[CH]
Paradise-flycatcher, caerulean	*Eutrichomyias rowleyi*	Wherever found	E	73 FR 3146, 1/16/2008.
Parakeet, blue-throated (=ochre-marked).	*Pyrrhura cruentata*	Wherever found	E	35 FR 8491, 6/2/1970.
Parakeet, Forbes’	*Cyanoramphus auriceps forbesi.*	Wherever found	E	35 FR 8491, 6/2/1970.
Parakeet, golden-shouldered	*Psephotus chrysopterygius.*	Wherever found	E	35 FR 8491, 6/2/1970.
Parakeet, Mauritius	*Psittacula echo*	Wherever found	E	35 FR 8491, 6/2/1970.
Parakeet, Norfolk Island	*Cyanoramphus cookii (=novaezelandiae c.).*	Wherever found	E	55 FR 39858, 9/28/1990.
Parakeet, orange-bellied	*Neophema chrysogaster*	Wherever found	E	35 FR 18319, 12/2/1970.
Parakeet, paradise	*Psephotus pulcherrimus*	Wherever found	E	35 FR 18319, 12/2/1970.
Parrot, Bahaman or Cuban	*Amazona leucocephala*	Wherever found	E	35 FR 8491, 6/2/1970; 41 FR 24062, 6/14/1976.
Parrot, ground	*Pezoporus wallicus*	Wherever found	E	38 FR 14678, 6/4/1973.
Parrot, imperial	*Amazona imperialis*	Wherever found	E	35 FR 8491, 6/2/1970.
Parrot, night (=Australian)	*Geopsittacus occidentalis*	Wherever found	E	35 FR 8491, 6/2/1970.
Parrot, Puerto Rican	*Amazona vittata*	Wherever found	E	32 FR 4001, 3/11/1967.
Parrot, red-browed	*Amazona rhodocorytha*	Wherever found	E	35 FR 8491, 6/2/1970.
Parrot, red-capped	*Pionopsitta pileata*	Wherever found	E	41 FR 24062, 6/14/1976.
Parrot, red-necked	*Amazona arausiaca*	Wherever found	E	44 FR 37124, 6/25/1979.
Parrot, red-spectacled	*Amazona pretrei pretrei*	Wherever found	E	41 FR 24062, 6/14/1976.
Parrot, red-tailed	*Amazona brasiliensis*	Wherever found	E	55 FR 39858, 9/28/1990.
Parrot, Seychelles lesser vasa	*Coracopsis nigra barklyi*	Wherever found	E	60 FR 2899, 1/12/1995.
Parrot, St. Vincent	*Amazona guildingii*	Wherever found	E	35 FR 8491, 6/2/1970.
Parrot, St. Lucia	*Amazona versicolor*	Wherever found	E	35 FR 8491, 6/2/1970.
Parrot, thick-billed	*Rhynchopsitta pachyrhyncha.*	Wherever found	E	35 FR 8491, 6/2/1970.
Parrot, vinaceous-breasted	*Amazona vinacea*	Wherever found	E	41 FR 24062, 6/14/1976.
Parrot, yellow-billed	*Amazona collaria*	Wherever found	T	78 FR 15624, 3/12/2013; 50 CFR 17.41(c).[4d]
Parrotbill, Maui (Kiwikiu)	*Pseudonestor xanthophrys.*	Wherever found	E	32 FR 4001, 3/11/1967; 50 CFR 17.95(b).[CH]
Penguin, African	*Spheniscus demersus*	Wherever found	E	75 FR 59645, 9/28/2010.
Penguin, emperor	*Aptenodytes forsteri*	Wherever found	T	87 FR 64700, 10/26/2022; 50 CFR 17.41(m).[4d]
Penguin, erect-crested	*Eudyptes sclateri*	Wherever found	T	75 FR 45497, 8/3/2010.
Penguin, Fiordland crested	*Eudyptes pachyrhynchus*	Wherever found	T	75 FR 45497, 8/3/2010.
Penguin, Galapagos	*Spheniscus mendiculus*	Wherever found	E	35 FR 8491, 6/2/1970.
Penguin, Humboldt	*Spheniscus humboldti*	Wherever found	T	75 FR 45497, 8/3/2010.
Penguin, southern rockhopper [New Zealand-Australia DPS].	*Eudyptes chrysocome*	New Zealand-Australia DPS, associated with the Campbell Plateau and Macquarie Island.	T	76 FR 9681, 2/22/2011.
Penguin, white-flippered	*Eudyptula minor albosignata.*	Wherever found	T	75 FR 45497, 8/3/2010.
Penguin, yellow-eyed	*Megadyptes antipodes*	Wherever found	T	75 FR 45497, 8/3/2010.
Petrel, black-capped	*Pterodroma hasitata*	Wherever found	E	88 FR 89611, 12/28/2023.
Petrel, Chatham	*Pterodroma axillaris*	Wherever found	E	74 FR 46914, 9/14/2009.
Petrel, Fiji	*Pseudobulweria macgillivrayi.*	Wherever found	E	74 FR 46914, 9/14/2009.
Petrel, Galapagos	*Pterodroma phaeopygia*	Wherever found	T	75 FR 235, 1/5/2010.

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Petrel, Hawaiian (uau)	*Pterodroma sandwichensis.*	Wherever found	E	32 FR 4001, 3/11/1967.
Petrel, Madeira	*Pterodroma madeira*	Wherever found	E	60 FR 2899, 1/12/1995.
Petrel, magenta	*Pterodroma magentae*	Wherever found	E	74 FR 46914, 9/14/2009.
Petrel, Mascarene black	*Pterodroma aterrima*	Wherever found	E	60 FR 2899, 1/12/1995.
Pheasant, bar-tailed	*Syrmaticus humaie*	Wherever found	E	35 FR 8491, 6/2/1970.
Pheasant, Blyth's tragopan	*Tragopan blythii*	Wherever found	E	35 FR 8491, 6/2/1970.
Pheasant, brown eared	*Crossoptilon mantchuricum.*	Wherever found	E	35 FR 8491, 6/2/1970.
Pheasant, Cabot's tragopan	*Tragopan caboti*	Wherever found	E	35 FR 8491, 6/2/1970.
Pheasant, cheer	*Catreus wallichii*	Wherever found	E	55 FR 39858, 9/28/1990.
Pheasant, Chinese monal	*Lophophorus lhuysii*	Wherever found	E	35 FR 8491, 6/2/1970.
Pheasant, Edward's	*Lophura edwardsi*	Wherever found	E	35 FR 8491, 6/2/1970.
Pheasant, Elliot's	*Syrmaticus ellioti*	Wherever found	E	41 FR 24062, 6/14/1976.
Pheasant, imperial	*Lophura imperialis*	Wherever found	E	35 FR 8491, 6/2/1970.
Pheasant, Mikado	*Syrmaticus mikado*	Wherever found	E	35 FR 8491, 6/2/1970.
Pheasant, Palawan peacock	*Polyplectron emphanum*	Wherever found	E	35 FR 8491, 6/2/1970.
Pheasant, Sclater's monal	*Lophophorus sclateri*	Wherever found	E	35 FR 8491, 6/2/1970.
Pheasant, Swinhoe's	*Lophura swinhoii*	Wherever found	E	35 FR 8491, 6/2/1970.
Pheasant, western tragopan	*Tragopan melanocephalus.*	Wherever found	E	35 FR 8491, 6/2/1970.
Pheasant, white eared	*Crossoptilon crossoptilon*	Wherever found	E	35 FR 18319, 12/2/1970.
Pigeon, Azores wood	*Columba palumbus azorica.*	Wherever found	E	35 FR 8491, 6/2/1970.
Pigeon, Chatham Island	*Hemiphaga novaeseelandiae chathamensis.*	Wherever found	E	35 FR 8491, 6/2/1970.
Pigeon, Marquesan imperial	*Ducula galeata*	Wherever found	E	76 FR 50052, 8/11/2011.
Pigeon, Mindoro imperial (=zone-tailed).	*Ducula mindorensis*	Wherever found	E	41 FR 24062, 6/14/1976.
Pigeon, pink	*Columba mayeri*	Wherever found	E	60 FR 2899, 1/12/1995.
Pigeon, Puerto Rican plain	*Patagioenas inornata wetmorei.*	Wherever found	E	35 FR 16047, 10/13/1970.
Pigeon, white-tailed laurel	*Columba junoniae*	Wherever found	T	60 FR 2899, 1/12/1995.
Piping-guan, black-fronted	*Pipile jacutinga*	Wherever found	E	41 FR 24062, 6/14/1976.
Pitta, Gurney's	*Pitta gurneyi*	Wherever found	E	73 FR 3146, 1/16/2008.
Pitta, Koch's	*Pitta kochi*	Wherever found	E	41 FR 24062, 6/14/1976.
Plantcutter, Peruvian	*Phytotoma raimondii*	Wherever found	E	77 FR 43434, 7/24/2012.
Plover, New Zealand shore	*Thinornis novaeseelandiae.*	Wherever found	E	35 FR 8491, 6/2/1970.
Plover, piping [Great Lakes watershed DPS].	*Charadrius melodus*	Great Lakes, watershed in States of IL, IN, MI, MN, NY, OH, PA, and WI and Canada (Ont.).	E	50 FR 50726, 12/11/1985; 50 CFR 17.95(b).[CH]
Plover, piping [Atlantic Coast and Northern Great Plains populations].	*Charadrius melodus*	Wherever found, except those areas where listed as endangered.	T	50 FR 50726, 12/11/1985; 50 CFR 17.95(b).[CH]
Plover, western snowy [Pacific Coast population DPS].	*Charadrius nivosus nivosus.*	Pacific Coast population DPS—U.S.A. (CA, OR, WA), Mexico (within 50 miles of Pacific coast).	T	58 FR 12864, 3/5/1993; 50 CFR 17.95(b).[CH]
Pochard, Madagascar	*Aythya innotata*	Wherever found	E	60 FR 2899, 1/12/1995.
Prairie-chicken, Attwater's greater.	*Tympanuchus cupido attwateri.*	Wherever found	E	32 FR 4001, 3/11/1967.
Prairie-chicken, lesser [Northern DPS].	*Tympanuchus pallidicinctus.*	U.S.A. (All lesser prairie-chickens north of a line starting at 37.9868 N, 105.0133 W, and ending at 31.7351 N, 98.3773 W, NAD83; see map at § 17.41(k)).	T	87 FR 72674, 11/25/2022; 50 CFR 17.41(k).[4d]
Prairie-chicken, lesser [Southern DPS].	*Tympanuchus pallidicinctus.*	U.S.A. (All lesser prairie-chickens south of a line starting at 37.9868 N, 105.0133 W, and ending at 31.7351 N, 98.3773 W, NAD83; see map at § 17.41(k)).	E	87 FR 72674, 11/25/2022.
Ptarmigan, Mount Rainier white-tailed.	*Lagopus leucura rainierensis.*	Wherever found	T	89 FR 55112, 7/3/2024; 50 CFR 17.41(i).[4d]
Puaiohi	*Myadestes palmeri*	Wherever found	E	32 FR 4001, 3/11/1967.
Puffleg, black-breasted	*Eriocnemis nigrivestis*	Wherever found	E	75 FR 43844, 7/27/2010.

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Pygmy-owl, cactus ferruginous	*Glaucidium brasilianum cactorum.*	Wherever found	T	88 FR 46910, 7/20/2023; 50 CFR 17.41(l).[4d]
Quail, Merriam's Montezuma	*Cyrtonyx montezumae merriami.*	Wherever found	E	41 FR 24062, 6/14/1976.
Quetzel, resplendent	*Pharomachrus mocinno*	Wherever found	E	41 FR 24062, 6/14/1976.
Rail, Aukland Island	*Rallus pectoralis muelleri*	Wherever found	E	35 FR 8491, 6/2/1970.
Rail, California Ridgway's	*Rallus obsoletus obsoletus.*	Wherever found	E	35 FR 16047, 10/13/1970.
Rail, eastern black	*Laterallus jamaicensis jamaicensis.*	Wherever found	T	85 FR 63734, 10/8/2020; 50 CFR 17.41(f).[4d]
Rail, Guam (koko)	*Gallirallus owstoni*	Wherever found, except where listed as an experimental population.	E	49 FR 33881, 8/27/1984.
Rail, Guam (koko)	*Gallirallus owstoni*	Rota	XN	54 FR 43966, 10/30/1989; 50 CFR 17.84(f).[10j]
Rail, Junín	*Laterallus tuerosi*	Wherever found	E	77 FR 43434, 7/24/2012.
Rail, light-footed Ridgway's	*Rallus obsoletus levipes*	Wherever found	E	34 FR 5034, 3/8/1969; 35 FR 16047, 10/13/1970.
Rail, Lord Howe wood	*Gallirallus (=Tricholimnas) sylvestris.*	Wherever found	E	41 FR 24062, 6/14/1976.
Rail, Yuma Ridgway's	*Rallus obsoletus yumanensis.*	Wherever found	E	32 FR 4001, 3/11/1967.
Rhea, lesser (incl. Darwin's)	*Rhea (=Pterocnemia) pennata.*	Wherever found	E	35 FR 8491, 6/2/1970.
Robin, Chatham Island	*Petroica traversi*	Wherever found	E	35 FR 8491, 6/2/1970.
Robin, dappled mountain	*Arcanator orostruthus*	Wherever found	T	60 FR 2899, 1/12/1995.
Robin, scarlet-breasted (flycatcher).	*Petroica multicolor multicolor.*	Wherever found	E	35 FR 8491, 6/2/1970.
Rockfowl, grey-necked	*Picathartes oreas*	Wherever found	E	35 FR 8491, 6/2/1970.
Rockfowl, white-necked	*Picathartes gymnocephalus.*	Wherever found	E	35 FR 8491, 6/2/1970.
Roller, long-tailed ground	*Uratelornis chimaera*	Wherever found	E	35 FR 8491, 6/2/1970.
Sage-grouse, Gunnison	*Centrocercus minimus*	Wherever found	T	79 FR 69191, 11/20/2014; 50 CFR 17.95(b).[CH]
Scrub-bird, noisy	*Atrichornis clamosus*	Wherever found	E	35 FR 8491, 6/2/1970.
Scrub-jay, Florida	*Aphelocoma coerulescens.*	Wherever found	T	52 FR 20715, 6/3/1987.
Shama, Cebu black (thrush)	*Copsychus niger cebuensis.*	Wherever found	E	35 FR 8491, 6/2/1970.
Shearwater, Heinroth's	*Puffinus heinrothi*	Wherever found	T	75 FR 235, 1/5/2010.
Shearwater, Newell's (ao)	*Puffinus newelli*	Wherever found	T	40 FR 44149, 9/25/1975.
Shrike, San Clemente loggerhead.	*Lanius ludovicianus mearnsi.*	Wherever found	E	42 FR 40682, 8/11/1977.
Siskin, red	*Carduelis cucullata*	Wherever found	E	41 FR 24062, 6/14/1976.
Sparrow, Cape Sable seaside	*Ammospiza maritima mirabilis.*	Wherever found	E	32 FR 4001, 3/11/1967; 50 CFR 17.95(b).[CH]
Sparrow, Florida grasshopper	*Ammodramus savannarum floridanus.*	Wherever found	E	51 FR 27492, 7/31/1986.
Sparrowhawk, Anjouan Island	*Accipiter francesii pusillus.*	Wherever found	E	35 FR 8491, 6/2/1970.
Starling, Ponape mountain	*Aplonis pelzelni*	Wherever found	E	35 FR 8491, 6/2/1970.
Starling, Rothschild's (myna)	*Leucopsar rothschildi*	Wherever found	E	35 FR 8491, 6/2/1970.
Stilt, black	*Himantopus novaezelandiae.*	Wherever found	E	73 FR 3146, 1/16/2008.
Stilt, Hawaiian	*Himantopus mexicanus (=himantopus) knudseni.*	Wherever found	E	35 FR 16047, 10/13/1970.
Stork, oriental white	*Ciconia boyciana (=ciconia b.).*	Wherever found	E	35 FR 8491, 6/2/1970.
Stork, wood [Southeast U.S. DPS].	*Mycteria americana*	U.S.A. (AL, FL, GA, MS, NC, SC).	T	49 FR 7332, 2/28/1984; 79 FR 37077, 6/30/2014.
Storm-petrel, band-rumped (akeake) [Hawaii DPS].	*Hydrobates castro*	U.S.A. (HI)	E	81 FR 67786, 9/30/2016.
Sunbird, Marungu	*Nectarinia prigoginei*	Wherever found	E	60 FR 2899, 1/12/1995.
Swiftlet, Mariana (yayaguak)	*Aerodramus bartschi*	Wherever found	E	49 FR 33881, 8/27/1984.
Tanager, cherry-throated	*Nemosia rourei*	Wherever found	E	75 FR 81794, 12/28/2010.
Teal, Campbell Island flightless	*Anas aucklandica nesiotis.*	Wherever found	E	41 FR 24062, 6/14/1976.
Tern, California least	*Sternula antillarum browni.*	Wherever found	E	35 FR 16047, 10/13/1970; 35 FR 8491, 6/2/1970.

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Tern, roseate [Northeast U.S. nesting population DPS].	*Sterna dougallii dougallii*	U.S.A. (Atlantic Coast south to NC), Canada (Newf., N.S, Que.), Bermuda.	E	52 FR 42064, 11/2/1987.
Tern, roseate [Western Hemisphere DPS].	*Sterna dougallii dougallii*	Western Hemisphere and adjacent oceans, incl. U.S.A. (FL, PR, VI), where not listed as endangered.	T	52 FR 42064, 11/2/1987.
Thicketbird, long-legged	*Trichocichla rufa*	Wherever found	E	73 FR 3146, 1/16/2008.
Thrasher, white-breasted	*Ramphocinclus brachyurus.*	Wherever found	E	35 FR 8491, 6/2/1970.
Thrush, New Zealand (wattlebird).	*Turnagra capensis*	Wherever found	E	35 FR 8491, 6/2/1970.
Thrush, St. Lucia forest	*Cichlherminia lherminieri sanctaeluciae.*	Wherever found	E	75 FR 50814, 8/17/2010.
Thrush, Taita	*Turdus olivaceous helleri*	Wherever found	E	60 FR 2899, 1/12/1995.
Tinamou, solitary	*Tinamus solitarius*	Wherever found	E	41 FR 24062, 6/14/1976.
Tit-spinetail, white-browed	*Leptasthenura xenothorax.*	Wherever found	E	77 FR 43434, 7/24/2012.
Tit-tyrant, ash-breasted	*Anairetes alpinus*	Wherever found	E	77 FR 43434, 7/24/2012.
Tody-tyrant, Kaempfer's	*Hemitriccus kaempferi*	Wherever found	E	75 FR 81794, 12/28/2010.
Towhee, Inyo California	*Melozone crissalis eremophilus.*	Wherever found	T	52 FR 28780, 8/3/1987; 50 CFR 17.95(b).[CH]
Tree-finch, medium	*Camarhynchus pauper*	Wherever found	E	75 FR 43853, 7/27/2010.
Trembler, Martinique (thrasher)	*Cinclocerthia ruficauda gutturalis.*	Wherever found	E	35 FR 8491, 6/2/1970.
Turaco, Bannerman's	*Tauraco bannermani*	Wherever found	E	60 FR 2899, 1/12/1995.
Turtle-dove, Seychelles	*Streptopelia picturata rostrata.*	Wherever found	E	60 FR 2899, 1/12/1995.
Vanga, Pollen's	*Xenopirostris polleni*	Wherever found	T	60 FR 2899, 1/12/1995.
Vanga, Van Dam's	*Xenopirostris damii*	Wherever found	T	60 FR 2899, 1/12/1995.
Vireo, least Bell's	*Vireo bellii pusillus*	Wherever found	E	51 FR 16474, 5/2/1986; 50 CFR 17.95(b).[CH]
Wanderer, plain (collared-hemipode).	*Pedionomous torquatus*	Wherever found	E	38 FR 14678, 6/4/1973.
Warbler, Aldabra (old world warbler).	*Nesillas aldabranus*	Wherever found	E	60 FR 2899, 1/12/1995.
Warbler (wood), Barbados yellow.	*Dendroica petechia petechia.*	Wherever found	E	35 FR 8491, 6/2/1970.
Warbler, elfin-woods	*Setophaga angelae*	Wherever found	T	81 FR 40534, 6/22/2016; 50 CFR 17.41(e);[4d], 50 CFR 17.95(b).[CH]
Warbler (wood), golden-cheeked.	*Setophaga chrysoparia*	Wherever found	E	55 FR 18844, 5/4/1990; 55 FR 53153, 12/27/1990.
Warbler, Eiao Marquesas reed-	*Acrocephalus percernis aquilonis.*	Wherever found	E	76 FR 50052, 8/11/2011.
Warbler, nightingale reed, (old world warbler).	*Acrocephalus luscinia*	Wherever found	E	35 FR 8491, 6/2/1970; 35 FR 18319, 12/2/1970.
Warbler, Rodrigues (old world warbler).	*Bebrornis rodericanus*	Wherever found	E	35 FR 8491, 6/2/1970.
Warbler (wood), Semper's	*Leucopeza semperi*	Wherever found	E	35 FR 8491, 6/2/1970.
Warbler, Seychelles (old world warbler).	*Bebrornis sechellensis*	Wherever found	E	35 FR 8491, 6/2/1970.
Wattle-eye, banded	*Platysteira laticincta*	Wherever found	E	60 FR 2899, 1/12/1995.
Weaver, Clarke's	*Ploceus golandi*	Wherever found	E	60 FR 2899, 1/12/1995.
Whipbird, western	*Psophodes nigrogularis*	Wherever found	E	35 FR 8491, 6/2/1970.
White-eye, Norfolk Island	*Zosterops albogularis*	Wherever found	E	41 FR 24062, 6/14/1976.
White-eye, Ponape greater	*Rukia longirostra*	Wherever found	E	35 FR 8491, 6/2/1970.
White-eye, Rota (nosa Luta)	*Zosterops rotensis*	Wherever found	E	69 FR 3022, 1/22/2004; 50 CFR 17.95(b).[CH]
White-eye, Seychelles	*Zosterops modesta*	Wherever found	E	35 FR 8491, 6/2/1970.
Woodpecker, imperial	*Campephilus imperialis*	Wherever found	E	35 FR 8491, 6/2/1970.
Woodpecker, ivory-billed	*Campephilus principalis*	Wherever found	E	32 FR 4001, 3/11/1967; 35 FR 8491, 6/2/1970.
Woodpecker, red-cockaded	*Dryobates borealis*	Wherever found	T	35 FR 16047, 10/13/1970; 89 FR 85337, 10/25/2024; 50 CFR 17.41(h).[4d]
Woodpecker, Tristam's	*Dryocopus javensis richardsi.*	Wherever found	E	35 FR 8491, 6/2/1970.
Wood-quail, gorgeted	*Odontophorus strophium*	Wherever found	E	78 FR 64637, 10/29/2013.
Woodstar, Chilean	*Eulidia yarrellii*	Wherever found	E	75 FR 50814, 8/17/2010.
Woodstar, Esmeraldas	*Chaetocercus berlepschi*	Wherever found	E	78 FR 64637, 10/29/2013.

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Wren, Guadeloupe house	*Troglodytes aedon guadeloupensis.*	Wherever found	E	35 FR 8491, 6/2/1970.
Wren, St. Lucia house	*Troglodytes aedon mesoleucus.*	Wherever found	E	35 FR 8491, 6/2/1970.
		REPTILES		
Alligator, American	*Alligator mississippiensis*	Wherever found	T(S/A)	32 FR 4001, 3/11/1967; 40 FR 44412, 9/26/1975; 42 FR 2071, 1/10/1977; 44 FR 37130, 6/25/1979; 44 FR 59080, 10/12/1979; 46 FR 40664, 8/10/1981; 48 FR 46332, 10/12/1983; 50 FR 25672, 6/20/1985; 52 FR 21059, 6/4/1987; 50 CFR 17.42(a).[4d]
Alligator, Chinese	*Alligator sinensis*	Wherever found	E	41 FR 24062, 6/14/1976.
Anole, Culebra Island giant	*Anolis roosevelti*	Wherever found	E	42 FR 37371, 7/21/1977; 50 CFR 17.95(c).[CH]
Boa, Jamaican	*Epicrates subflavus*	Wherever found	E	35 FR 8491, 6/2/1970.
Boa, Mona	*Epicrates monensis monensis.*	Wherever found	T	43 FR 4618, 2/3/1978; 50 CFR 17.95(c).[CH]
Boa, Puerto Rican	*Epicrates inornatus*	Wherever found	E	35 FR 16047, 10/13/1970.
Boa, Round Island (unnamed)	*Bolyeria multocarinata*	Wherever found	E	45 FR 18009, 3/20/1980.
Boa, Round Island (unnamed)	*Casarea dussumieri*	Wherever found	E	45 FR 18009, 3/20/1980.
Boa, Virgin Islands tree	*Epicrates monensis granti.*	Wherever found	E	35 FR 16047, 10/13/1970; 44 FR 70677, 12/7/1979.
Caiman, Apaporis River	*Caiman crocodilus apaporiensis.*	Wherever found	E	41 FR 24062, 6/14/1976.
Caiman, black	*Melanosuchus niger*	Wherever found	E	41 FR 24062, 6/14/1976.
Caiman, broad-snouted [Bolivia, Brazil, Paraguay, Uruguay DPS].	*Caiman latirostris*	Bolivia, Brazil, Paraguay, Uruguay.	E	41 FR 24062, 6/14/1976.
Caiman, broad-snouted [Argentina DPS].	*Caiman latirostris*	Argentina	T	78 FR 38162, 6/25/2013; 50 CFR 17.42(c).[4d]
Caiman, brown	*Caiman crocodilus fuscus* (includes *Caiman crocodilus chiapasius*).	Wherever found	T(S/A)	65 FR 25867, 5/4/2000; 50 CFR 17.42(c).[4d]
Caiman, common	*Caiman crocodilus crocodilus.*	Wherever found	T(S/A)	65 FR 25867, 5/4/2000; 50 CFR 17.42(c).[4d]
Caiman, yacare	*Caiman yacare*	Wherever found	T	35 FR 8491, 6/2/1970; 65 FR 25867, 5/4/2000; 50 CFR 17.42(c).[4d]
Chuckwalla, San Esteban Island.	*Sauromalus varius*	Wherever found	E	45 FR 18009, 3/20/1980.
Crocodile, African dwarf	*Osteolaemus tetraspis tetraspis.*	Wherever found	E	41 FR 24062, 6/14/1976.
Crocodile, African slender-snouted.	*Crocodylus cataphractus*	Wherever found	E	37 FR 6476, 3/30/1972.
Crocodile, American [Non-U.S. populations].	*Crocodylus acutus*	Wherever found, except in U.S.A. (FL).	E	40 FR 44149, 9/25/1975; 44 FR 75074, 12/18/1979; 72 FR 13027, 3/20/2007.
Crocodile, American [FL DPS]	*Crocodylus acutus*	U.S.A. (FL)	T	40 FR 44149, 9/25/1975; 72 FR 13027, 3/20/2007; 50 CFR 17.95(c).[CH]
Crocodile, Ceylon mugger	*Crocodylus palustris kimbula.*	Wherever found	E	41 FR 24062, 6/14/1976.
Crocodile, Congo dwarf	*Osteolaemus tetraspis osborni.*	Wherever found	E	41 FR 24062, 6/14/1976.
Crocodile, Cuban	*Crocodylus rhombifer*	Wherever found	E	35 FR 8491, 6/2/1970.
Crocodile, mugger	*Crocodylus palustris palustris.*	Wherever found	E	41 FR 24062, 6/14/1976.
Crocodile, Nile	*Crocodylus niloticus*	Wherever found	T	35 FR 8491, 6/2/1970; 52 FR 23148, 6/17/1987; 53 FR 38451, 9/30/1988; 58 FR 49870, 9/23/1993; 61 FR 32356, 6/24/1996; 50 CFR 17.42(c).[4d]
Crocodile, Orinoco	*Crocodylus intermedius*	Wherever found	E	35 FR 8491, 6/2/1970.

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Crocodile, Philippine	*Crocodylus novaeguineae mindorensis.*	Wherever found	E	41 FR 24062, 6/14/1976.
Crocodile, saltwater [All populations except Papua New Guinea and Australia].	*Crocodylus porosus*	Wherever found, except Papua New Guinea and Australia.	E	44 FR 75074, 12/18/1979; 61 FR 32356, 6/24/1996.
Crocodile, saltwater [Australia DPS].	*Crocodylus porosus*	Australia	T	44 FR 75074, 12/18/1979; 61 FR 32356, 6/24/1996; 50 CFR 17.42(c).[4d]
Crocodile, Siamese	*Crocodylus siamensis*	Wherever found	E	41 FR 24062, 6/4/1976.
Gartersnake, narrow-headed	*Thamnophis rufipunctatus.*	Wherever found	T	79 FR 38677, 7/8/2014.
Gartersnake, northern Mexican	*Thamnophis eques megalops.*	Wherever found	T	79 FR 38678, 7/8/2014; 50 CFR 17.42(g); [4d] 50 CFR 17.95(c).[CH]
Gavial	*Gavialis gangeticus*	Wherever found	E	35 FR 8491, 6/2/1970.
Gecko, day	*Phelsuma edwardnewtoni.*	Wherever found	E	35 FR 8491, 6/2/1970.
Gecko, Round Island day	*Phelsuma guentheri*	Wherever found	E	35 FR 8491, 6/2/1970.
Gecko, Serpent Island	*Cyrtodactylus serpensinsula.*	Wherever found	T	48 FR 28460, 6/22/1983.
Iguana, Acklins ground	*Cyclura rileyi nuchalis*	Wherever found	T	48 FR 28460, 6/22/1983.
Iguana, Allen's Cay	*Cyclura cychlura inornata*	Wherever found	T	48 FR 28460, 6/22/1983.
Iguana, Andros Island ground	*Cyclura cychlura cychlura.*	Wherever found	T	48 FR 28460, 6/22/1983.
Iguana, Anegada ground	*Cyclura pinguis*	Wherever found	E	35 FR 8491, 6/2/1970.
Iguana, Barrington land	*Conolophus pallidus*	Wherever found	E	35 FR 8491, 6/2/1970.
Iguana, Cayman Brac ground	*Cyclura nubila caymanensis.*	Wherever found	T	48 FR 28460, 6/22/1983.
Iguana, Cuban ground	*Cyclura nubila nubila*	Wherever found (exluding population introduced in Puerto Rico).	T	48 FR 28460, 6/22/1983.
Iguana, Exuma Island	*Cyclura cychlura figginsi*	Wherever found	T	48 FR 28460, 6/22/1983.
Iguana, Fiji banded	*Brachylophus fasciatus*	Wherever found	E	45 FR 18009, 3/20/1980.
Iguana, Fiji crested	*Brachylophus vitiensis*	Wherever found	E	45 FR 18009, 3/20/1980.
Iguana, Grand Cayman blue	*Cyclura lewisi*	Wherever found	E	48 FR 28460, 6/22/1983.
Iguana, Jamaican	*Cyclura collei*	Wherever found	E	48 FR 28460, 6/22/1983.
Iguana, Mayaguana	*Cyclura carinata bartschi*	Wherever found	T	48 FR 28460, 6/22/1983.
Iguana, Mona ground	*Cyclura stejnegeri*	Wherever found	T	43 FR 4618, 2/3/1978; 50 CFR 17.95(c).[CH]
Iguana, Turks and Caicos	*Cyclura carinata carinata*	Wherever found	T	48 FR 28460, 6/22/1983.
Iguana, Watling Island ground	*Cyclura rileyi rileyi*	Wherever found	E	48 FR 28460, 6/22/1983.
Iguana, White Cay ground	*Cyclura rileyi cristata*	Wherever found	T	48 FR 28460, 6/22/1983.
Lizard, blunt-nosed leopard	*Gambelia silus*	Wherever found	E	32 FR 4001, 3/11/1967.
Lizard, Coachella Valley fringe-toed.	*Uma inornata*	Wherever found	T	45 FR 63812, 9/25/1980; 50 CFR 17.95(c).[CH]
Lizard, dunes sagebrush	*Sceloporus arenicolus*	Wherever found	E	89 FR 43748, 5/20/2024.
Lizard, Hierro giant	*Gallotia simonyi simonyi*	Wherever found	E	49 FR 7394, 2/29/1984.
Lizard, Ibiza wall	*Podarcis pityusensis*	Wherever found	T	49 FR 7394, 2/29/1984.
Lizard, Maria Island ground	*Cnemidophorus vanzoi*	Wherever found	E	56 FR 49469, 9/30/1991.
Lizard, St. Croix ground	*Ameiva polops*	Wherever found	E	42 FR 28543, 6/3/1977; 50 CFR 17.95(c).[CH]
Monitor, desert	*Varanus griseus*	Wherever found	E	41 FR 24062, 6/14/1976.
Monitor, Indian (=Bengal)	*Varanus bengalensis*	Wherever found	E	41 FR 24062, 6/14/1976.
Monitor, Komodo Island	*Varanus komodoensis*	Wherever found	E	41 FR 24062, 6/14/1976.
Monitor, yellow	*Varanus flavescens*	Wherever found	E	41 FR 24062, 6/14/1976.
Pinesnake, black	*Pituophis melanoleucus lodingi.*	Wherever found	T	80 FR 60468, 10/6/2015; 50 CFR 17.42(h) [4d]; 50 CFR 17.95(c).[CH]
Pinesnake, Louisiana	*Pituophis ruthveni*	Wherever found	T	83 FR 14958, April 6, 2018; 50 CFR 17.42(i).[4d]
Python, Indian	*Python molurus molurus*	Wherever found	E	41 FR 24062, 6/14/1976.
Rattlesnake, Aruba Island	*Crotalus unicolor*	Wherever found	T	48 FR 28460, 6/22/1983.
Rattlesnake, eastern massasauga.	*Sistrurus catenatus*	Wherever found	T	81 FR 67193, 9/30/2016.
Rattlesnake, New Mexican ridge-nosed.	*Crotalus willardi obscurus.*	Wherever found	T	43 FR 34476, 8/4/1978; 50 CFR 17.95(c).[CH]
Sea snake, dusky	*Aipysurus fuscus*	Wherever found	E	80 FR 60560, 10/7/2015; [N] 81 FR 76311, 11/2/2016.

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Sea turtle, green [Central North Pacific DPS].	*Chelonia mydas*	Green sea turtles originating from the Central North Pacific Ocean, bounded by the following coordinates: 41° N., 169° E. in the northwest; 41° N., 143° W. in the northeast; 9° N., 125° W. in the southeast; and 9° N., 175° W. in the southwest Pacific coast of Mexico.	T	81 FR 20057, 4/6/2016; [J] 50 CFR 223.205; 50 CFR 223.206; 50 CFR 223.207.
Sea turtle, green [Central South Pacific DPS].	*Chelonia mydas*	Green sea turtles originating from the Central South Pacific Ocean, bounded by the following coordinates: 9° N., 175° W. in the northwest; 9° N., 125° W. in the northeast; 40° S., 96° W. in the southeast; 40° S., 176° E. in the southwest; and 13° S., 171° E. in the west.	E	81 FR 20057, 4/6/2016; [J] 50 CFR 224.104.
Sea turtle, green [Central West Pacific DPS].	*Chelonia mydas*	Green sea turtles originating from the Central West Pacific Ocean, bounded by the following coordinates: 41° N., 146° E. in the northwest; 41° N., 169° E. in the northeast; 9° N., 175° W. in the east; 13° S., 171° E. in the southeast; along the northern coast of the island of New Guinea; and 4.5° N., 129° E. in the west.	E	81 FR 20057, 4/6/2016; [J] 50 CFR 224.104.
Sea turtle, green [East Indian—West Pacific DPS].	*Chelonia mydas*	Green sea turtles originating from the Eastern Indian and Western Pacific Oceans, bounded by the following lines and coordinates: 41° N. Lat. in the north, 41° N., 146° E. in the northeast; 4.5° N., 129° E. in the southeast; along the southern coast of the island of New Guinea; along the western coast of Australia (west of 142° E. Long.); 40° S. Lat. in the south; and 84° E. Long. in the east.	T	81 FR 20057, 4/6/2016; [J] 50 CFR 17.42(b); [4d] 50 CFR 223.205; 50 CFR 223.206; 50 CFR 223.207.

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Sea turtle, green [East Pacific DPS].	*Chelonia mydas*	Green sea turtles originating from the East Pacific Ocean, bounded by the following lines and coordinates: 41° N., 143° W. in the northwest; 41° N. Lat. in the north; along the western coasts of the Americas; 40° S. Lat. in the south; and 40° S., 96° W. in the southwest.	T	81 FR 20057, 4/6/2016; [J] 50 CFR 17.42(b); [4d] 50 CFR 223.205; 50 CFR 223.206; 50 CFR 223.207.
Sea turtle, green [Mediterranean DPS].	*Chelonia mydas*	Green sea turtles originating from the Mediterranean Sea, bounded by 5.5° W. Long. in the west.	E	81 FR 20057, 4/6/2016; [J] 50 CFR 224.104.
Sea turtle, green [North Atlantic DPS].	*Chelonia mydas*	Green sea turtles originating from the North Atlantic Ocean, bounded by the following lines and coordinates: 48° N. Lat. in the north, along the western coasts of Europe and Africa (west of 5.5° W. Long.); north of 19° N. Lat. in the east; bounded by 19° N., 65.1° W. to 14° N., 65.1° W. then 14° N., 77° W. in the south and west; and along the eastern coasts of the Americas (north of 7.5° N., 77° W.).	T	81 FR 20057, 4/6/2016; [J] 50 CFR 17.42(b); [4d] 50 CFR 223.205; 50 CFR 223.206; 50 CFR 223.207.
Sea turtle, green [North Indian DPS].	*Chelonia mydas*	Green sea turtles originating from the North Indian Ocean, bounded by: Africa and Asia in the west and north; 84° E. Long. in the east; and the equator in the south.	T	81 FR 20057, 4/6/2016; [J] 50 CFR 17.42(b); [4d] 50 CFR 223.205; 50 CFR 223.206; 50 CFR 223.207.
Sea turtle, green [South Atlantic DPS].	*Chelonia mydas*	Green sea turtles originating from the South Atlantic Ocean, bounded by the following lines and coordinates: along the northern and eastern coasts of South America (east of 7.5° N., 77° W.); 14° N., 77° W. to 14° N., 65.1° W. to 19° N., 65.1° W. in the north and west; 19° N. Lat. in the northeast; 40° S., 19° E. in the southeast; and 40° S. Lat. in the south.	T	81 FR 20057, 4/6/2016; [J] 50 CFR 17.42(b); [4d] 50 CFR 223.205; 50 CFR 223.206; 50 CFR 223.207.

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Sea turtle, green [Southwest Indian DPS].	*Chelonia mydas*	Green sea turtles originating from the Southwest Indian Ocean, bounded by the following lines: the equator to the north; 84° E. Long. to the east; 40° S. Lat. to the south; and 19° E. Long (and along the eastern coast of Africa) in the west.	T	81 FR 20057, 4/6/2016; [J] 50 CFR 17.42(b); [4d] 50 CFR 223.205; 50 CFR 223.206; 50 CFR 223.207.
Sea turtle, green [Southwest Pacific DPS].	*Chelonia mydas*	Green sea turtles originating from the Southwest Pacific Ocean, bounded by the following lines and coordinates: along the southern coast of the island of New Guinea and the Torres Strait (east of 142° E Long.); 13° S., 171° E. in the northeast; 40° S., 176° E. in the southeast; and 40° S., 142° E. in the southwest.	T	81 FR 20057, 4/6/2016; [J] 50 CFR 17.42(b); [4d] 50 CFR 223.205; 50 CFR 223.206; 50 CFR 223.207.
Sea turtle, hawksbill	*Eretmochelys imbricata* ..	Wherever found	E	35 FR 8491, 6/2/1970; [J] 50 CFR 224.104; [4d] 50 CFR 17.95(c); [CH] 50 CFR 226.209.[CH]
Sea turtle, Kemp's ridley	*Lepidochelys kempii*	Wherever found	E	35 FR 18319, 12/2/1970; [J] 50 CFR 224.104.[4d]
Sea turtle, leatherback	*Dermochelys coriacea*	Wherever found	E	35 FR 8491, 6/2/1970; [J] 50 CFR 224.104; [4d] 50 CFR 17.95(c); [CH] 50 CFR 226.207.[CH]
Sea turtle, loggerhead [Mediterranean Sea DPS].	*Caretta caretta*	Mediterranean Sea DPS—Loggerhead sea turtles originating from the Mediterranean Sea east of 5°36′ W. Long.	E	76 FR 58868, 9/22/2011; [J] 50 CFR 224.104.[4d]
Sea turtle, loggerhead [North Indian Ocean DPS].	*Caretta caretta*	North Indian Ocean DPS—Loggerhead sea turtles originating from the North Indian Ocean north of the equator and south of 30° N. Lat.	E	76 FR 58868, 9/22/2011; [J] 50 CFR 224.104.[4d]
Sea turtle, loggerhead [North Pacific Ocean DPS].	*Caretta caretta*	North Pacific Ocean DPS—Loggerhead sea turtles originating from the North Pacific north of the equator and south of 60° N. Lat.	E	76 FR 58868, 9/22/2011; [J] 50 CFR 224.104.[4d]
Sea turtle, loggerhead [Northeast Atlantic Ocean DPS].	*Caretta caretta*	Northeast Atlantic Ocean DPS—Loggerhead sea turtles originating from the Northeast Atlantic Ocean north of the equator, south of 60° N. Lat., and east of 40° W. Long., except in the vicinity of the Strait of Gibraltar where the eastern boundary is 5°36′ W. Long.	E	76 FR 58868, 9/22/2011; [J] 50 CFR 224.104.[4d]

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Sea turtle, loggerhead [Northwest Atlantic Ocean DPS].	*Caretta caretta*	Northwest Atlantic Ocean DPS—Loggerhead sea turtles originating from the Northwest Atlantic Ocean north of the equator, south of 60° N. Lat., and west of 40° W. Long..	T	76 FR 58868, 9/22/2011; [J] 50 CFR 223.205; 50 CFR 223.206; 50 CFR 223.207; 50 CFR 17.95(c); [CH] 50 CFR 226.223.[CH]
Sea turtle, loggerhead [South Atlantic Ocean DPS].	*Caretta caretta*	South Atlantic Ocean DPS—Loggerhead sea turtles originating from the South Atlantic Ocean south of the equator, north of 60° S. Lat., west of 20° E. Long., and east of 67° W. Long.	T	76 FR 58868, 9/22/2011; [J] 50 CFR 223.205; 50 CFR 223.206; 50 CFR 223.207.
Sea turtle, loggerhead [South Pacific Ocean DPS].	*Caretta caretta*	South Pacific Ocean DPS—Loggerhead sea turtles originating from the South Pacific south of the equator, north of 60° S. Lat., west of 67° W. Long., and east of 141° E. Long.	E	76 FR 58868, 9/22/2011; [J] 50 CFR 224.104.[4d]
Sea turtle, loggerhead [Southeast Indo-Pacific Ocean DPS].	*Caretta caretta*	Southeast Indo-Pacific Ocean DPS—Loggerhead sea turtles originating from the Southeast Indian Ocean south of the equator, north of 60° S. Lat., and east of 80° E. Long.; South Pacific Ocean south of the equator, north of 60° S. Lat., and west of 141° E. Long.	T	76 FR 58868, 9/22/2011; [J] 50 CFR 223.205; 50 CFR 223.206; 50 CFR 223.207.
Sea turtle, loggerhead [Southwest Indian Ocean DPS].	*Caretta caretta*	Southwest Indian Ocean DPS—Loggerhead sea turtles originating from the Southwest Indian Ocean north of the equator, south of 30° N. Lat., east of 20° E. Long., and west of 80° E. Long.	T	76 FR 58868, 9/22/2011; [J] 50 CFR 223.205; 50 CFR 223.206; 50 CFR 223.207.
Sea turtle, olive ridley [Pacific coast of Mexico breeding DPS].	*Lepidochelys olivacea*	Breeding colony populations on Pacific coast of Mexico.	E	43 FR 32800, 7/28/1978; [J] 50 CFR 224.104.[4d]
Sea turtle, olive ridley	*Lepidochelys olivacea*	Wherever found except when listed as endangered under 50 CFR 224.101.	T	43 FR 32800, 7/28/1978; [J] 50 CFR 17.42(b); [4d] 50 CFR 223.205; 50 CFR 223.206; 50 CFR 223.207.
Skink, blue-tail mole	*Eumeces egregius lividus.*	Wherever found	T	52 FR 42658, 11/6/1987; 50 CFR 17.42(b).[4d]
Skink, Round Island	*Leiolopisma telfairi*	Wherever found	T	48 FR 28460, 6/22/1983.
Skink, sand	*Neoseps reynoldsi*	Wherever found	T	52 FR 42658, 11/6/1987; 50 CFR 17.42(b).[4d]
Skink, Slevin's (Gualiik halumtanu, Gholuuf).	*Emoia slevini*	Wherever found	E	80 FR 59423, 10/1/2015.
Snake, Atlantic salt marsh	*Nerodia clarkii taeniata*	Wherever found	T	42 FR 60743, 11/29/1977.
Snake, copperbelly water [Northern DPS].	*Nerodia erythrogaster neglecta.*	U.S.A. (IN north of 40° N. Lat., MI, OH).	T	62 FR 4183, 1/29/1997.
Snake, eastern indigo	*Drymarchon couperi*	Wherever found	T	43 FR 4026, 1/31/1978.
Snake, giant garter	*Thamnophis gigas*	Wherever found	T	58 FR 54053, 10/20/1993.
Snake, Maria Island	*Liophus ornatus*	Wherever found	E	56 FR 49469, 9/30/1991.
Snake, San Francisco garter	*Thamnophis sirtalis tetrataenia.*	Wherever found	E	32 FR 4001, 3/11/1967.
Tartaruga	*Podocnemis expansa*	Wherever found	E	35 FR 8491, 6/2/1970.
Terrapin, river	*Batagur baska*	Wherever found	E	35 FR 8491, 6/2/1970.
Tomistoma	*Tomistoma schlegelii*	Wherever found	E	41 FR 24062, 6/14/1976.

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Tortoise, angulated	*Geochelone yniphora*	Wherever found	E	41 FR 24062, 6/14/1976.
Tortoise, Bolson	*Gopherus flavomarginatus.*	Wherever found	E	44 FR 23062, 4/17/1979.
Tortoise, desert [Mojave DPS]	*Gopherus agassizii*	Wherever found, except AZ south and east of Colorado R., and Mexico.	T	45 FR 55654, 8/20/1980; 54 FR 32326, 8/4/1989; 55 FR 12178, 4/2/1990; 50 CFR 17.95(c).[CH]
Tortoise, desert	*Gopherus agassizii*	AZ south and east of Colorado R., and Mexico, when found outside of Mexico or said range in AZ.	T(S/A)	55 FR 12178, 4/2/1990; 50 CFR 17.42(e).[4d]
Tortoise, Egyptian	*Testudo kleinmanni* (syn. *Testudo werneri*).	Wherever found	T	87 FR 19004, March 30, 2023; 50 CFR 17.42(l).[4d]
Tortoise, Galapagos	*Geochelone nigra (=elephantopus).*	Wherever found	E	35 FR 8491, 6/2/1970.
Tortoise, gopher [West of Mobile and Tombigbee Rivers DPS].	*Gopherus polyphemus*	Wherever found west of Mobile and Tombigbee Rivers in AL, MS, and LA.	T	52 FR 25376, 7/7/1987.
Tortoise, Madagascar radiated	*Geochelone radiata*	Wherever found	E	35 FR 8491, 6/2/1970.
Tracaja	*Podocnemis unifilis*	Wherever found	E	35 FR 8491, 6/2/1970.
Tuatara	*Sphenodon punctatus*	Wherever found	E	35 FR 8491, 6/2/1970; 65 FR 16053, 3/24/2000.
Tuatara, Brother's Island	*Sphenodon guntheri*	Wherever found	E	35 FR 8491, 6/2/1970; 65 FR 16053, 3/24/2000.
Turtle, Alabama map	*Graptemys pulchra*	Wherever found	T (S/A)	89 FR 57206, 7/12/2024; 50 CFR 17.42(n).[4d]
Turtle, Alabama redbellied	*Pseudemys alabamensis*	Wherever found	E	52 FR 22939, 6/16/1987.
Turtle, aquatic box	*Terrapene coahuila*	Wherever found	E	38 FR 14678, 6/4/1973.
Turtle, Barbour's map	*Graptemys barbouri*	Wherever found	T (S/A)	89 FR 57206, 7/12/2024; 50 CFR 17.42(n).[4d]
Turtle, black softshell	*Trionyx nigricans*	Wherever found	E	41 FR 24062, 6/14/1976.
Turtle, bog (=Muhlenberg) [Northern DPS].	*Glyptemys muhlenbergii*	Wherever found, except GA, NC, SC, TN, VA.	T	62 FR 59605, 11/4/1997.
Turtle, bog (=Muhlenberg)	*Glyptemys muhlenbergii*	U.S.A. (GA, NC, SC, TN, VA).	T (S/A)	62 FR 59605, 11/4/1997; 50 CFR 17.42(f).[4d]
Turtle, Brazilian sideneck	*Phrynops hogei*	Wherever found	E	56 FR 49469, 9/30/1991.
Turtle, Burmese peacock	*Morenia ocellata*	Wherever found	E	41 FR 24062, 6/14/1976.
Turtle, Cat Island	*Trachemys terrapen*	Cat Island in the Bahamas.	E	56 FR 49469, 9/30/1991.
Turtle, Central American river	*Dermatemys mawii*	Wherever found	E	48 FR 28460, 6/22/1983.
Turtle, Cuatro Cienegas softshell.	*Trionyx ater*	Wherever found	E	41 FR 24062, 6/14/1976.
Turtle, Escambia map	*Graptemys ernsti*	Wherever found	T (S/A)	89 FR 57206, 7/12/2024; 50 CFR 17.42(n).[4d]
Turtle, flattened musk [Black Warrior River DPS].	*Sternotherus depressus*	Black Warrior R. system upstream from Bankhead Dam.	T	52 FR 22418, 6/11/1987.
Turtle, geometric	*Psammobates geometricus.*	Wherever found	E	41 FR 24062, 6/14/1976.
Turtle, Inagua Island	*Trachemys stejnegeri malonei.*	Wherever found	E	56 FR 49469, 9/30/1991.
Turtle, Indian sawback	*Kachuga tecta tecta*	Wherever found	E	41 FR 24062, 6/14/1976.
Turtle, Indian softshell	*Trionyx gangeticus*	Wherever found	E	41 FR 24062, 6/14/1976.
Turtle, Pascagoula map	*Graptemys gibbonsi*	Wherever found	T (S/A)	89 FR 57206, 7/12/2024; 50 CFR 17.42(n).[4d]
Turtle, peacock softshell	*Trionyx hurum*	Wherever found	E	41 FR 24062, 6/14/1976.
Turtle, Pearl River map	*Graptemys pearlensis*	Wherever found	T	89 FR 57206, 7/12/2024; 50 CFR 17.42(m).[4d]
Turtle, Plymouth redbelly	*Pseudemys rubriventris bangsi.*	Wherever found	E	45 FR 21828, 4/2/1980; 50 CFR 17.95(c).[CH]
Turtle, ringed map	*Graptemys oculifera*	Wherever found	T	51 FR 45907, 12/23/1986.
Turtle, short-necked or western swamp.	*Pseudemydura umbrina*	Wherever found	E	35 FR 8491, 6/2/1970.
Turtle, Sonoyta mud	*Kinosternon sonoriense longifemorale.*	Wherever found	E	82 FR 43897, 9/20/2017; 50 CFR 17.95(c).[CH]
Turtle, South American red-lined.	*Trachemys scripta callirostris.*	Wherever found	E	56 FR 49469, 9/30/1991.
Turtle, spotted pond	*Geoclemys hamiltonii*	Wherever found	E	41 FR 24062, 6/14/1976.
Turtle, Suwannee alligator snapping.	*Macrochelys suwanniensis.*	Wherever found	T	89 FR 53507, 6/27/2024; 50 CFR 17.42(k).[4d]
Turtle, three-keeled Asian	*Melanochelys tricarinata*	Wherever found	E	41 FR 24062, 6/14/1976.

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Turtle, yellow-blotched map	*Graptemys flavimaculata*	Wherever found	T	56 FR 1459, 1/14/1991.
Viper, Lar Valley	*Vipera latifii*	Wherever found	E	48 FR 28460, 6/22/1983.
Whipsnake, Alameda (=striped racer).	*Masticophis lateralis euryxanthus.*	Wherever found	T	62 FR 64306, 12/5/1997; 50 CFR 17.95(c).[CH]
		AMPHIBIANS		
Coqui, golden	*Eleutherodactylus jasperi*	Wherever found	T	42 FR 58756, 11/11/1977; 50 CFR 17.95(d).[CH]
Coqui, llanero	*Eleutherodactylus juanariveroi.*	Wherever found	E	77 FR 60777, 10/4/2012; 50 CFR 17.95(d).[CH]
Frog, California red-legged	*Rana draytonii*	Wherever found	T	61 FR 25813, 5/23/1996; 50 CFR 17.43(b);[4d] 50 CFR 17.95(d).[CH]
Frog, Chiricahua leopard	*Rana chiricahuensis*	Wherever found	T	67 FR 40790, 6/13/2002; 50 CFR 17.43(b).[4d]
Frog, dusky gopher	*Rana sevosa (= Lithobates sevosus).*	Wherever found	E	66 FR 63002, 12/4/2001; 50 CFR 17.95(d).[CH]
Frog, foothill yellow-legged [Central Coast DPS].	*Rana boylii*	California (All foothill yellow-legged frogs in the Central Coast Range south of San Francisco Bay to San Benito and Fresno Counties).	T	88 FR 59698, 8/29/2023; 50 CFR 17.43(g).[4d]
Frog, foothill yellow-legged [North Feather DPS].	*Rana boylii*	California (All foothill yellow-legged frogs in the North Feather River watershed largely in Plumas and Butte Counties).	T	88 FR 59698, 8/29/2023; 50 CFR 17.43(g).[4d]
Frog, foothill yellow-legged [South Coast DPS].	*Rana boylii*	California (All foothill yellow-legged frogs in the Coast Range from Coastal Monterey County south to Los Angeles County).	E	88 FR 59698, 8/29/2023.
Frog, foothill yellow-legged [South Sierra DPS].	*Rana boylii*	California (All foothill yellow-legged frogs in the Sierra Nevada Mountains south of the American River subbasin south to the Transverse Range in Kern County).	E	88 FR 59698, 8/29/2023.
Frog, Goliath	*Conraua goliath*	Wherever found	T	59 FR 63261, 12/8/1994.
Frog, Israel painted	*Discoglossus nigriventer*	Wherever found	E	35 FR 8491, 6/2/1970.
Frog, mountain yellow-legged [Northern California DPS].	*Rana muscosa*	Northern California DPS—U.S.A., northern California.	E	79 FR 24255, 4/29/2014; 50 CFR 17.95(d).[CH]
Frog, mountain yellow-legged [Southern California DPS].	*Rana muscosa*	Southern California DPS—U.S.A., southern California.	E	67 FR 44382, 7/2/2002; 50 CFR 17.95(d).[CH]
Frog, Oregon spotted	*Rana pretiosa*	Wherever found	T	79 FR 51657, 8/29/2014; 50 CFR 17.95(d).[CH]
Frog, Panamanian golden	*Atelopus varius zeteki*	Wherever found	E	41 FR 24062, 6/14/1976.
Frog, Sierra Nevada yellow-legged.	*Rana sierrae*	Wherever found	E	79 FR 24255, 4/29/2014; 50 CFR 17.95(d).[CH]
Frog, Stephen Island	*Leiopelma hamiltoni*	Wherever found	E	35 FR 8491, 6/2/1970.
Guajón	*Eleutherodactylus cooki*	Wherever found	T	62 FR 31757, 6/11/1997; 50 CFR 17.95(d).[CH]
Hellbender, eastern [Missouri DPS].	*Cryptobranchus alleganiensis alleganiensis.*	Missouri	E	86 FR 13465; 3/9/2021
Hellbender, Ozark	*Cryptobranchus alleganiensis bishopi.*	Wherever found	E	76 FR 61956, 10/6/2011.
Salamander, Austin blind	*Eurycea waterlooensis*	Wherever found	E	78 FR 51277, 8/20/2013; 50 CFR 17.95(d).[CH]
Salamander, Barton Springs	*Eurycea sosorum*	Wherever found	E	62 FR 23377, 4/30/1997.
Salamander, California tiger [Santa Barbara County DPS].	*Ambystoma californiense*	Santa Barbara County DPS—U.S.A. (CA–Santa Barbara County).	E	65 FR 3109, 1/19/2000; 65 FR 57242, 9/21/2000; 50 CFR 17.95(d).[CH]

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Salamander, California tiger [Central California DPS].	*Ambystoma californiense*	Central California DPS—U.S.A. (CA–Central California).	T	69 FR 47248, 8/4/2004; 50 CFR 17.43(c); [4d] 50 CFR 17.95(d).[CH]
Salamander, California tiger [Sonoma County DPS].	*Ambystoma californiense*	Sonoma County DPS—U.S.A. (CA–Sonoma County).	E	67 FR 47739, 7/22/2002; 68 FR 13520, 3/19/2003; 50 CFR 17.95(d).[CH]
Salamander, Cheat Mountain	*Plethodon nettingi*	Wherever found	T	54 FR 34464, 8/18/1989.
Salamander, Chinese giant	*Andrias davidianus (=davidianus d.).*	Wherever found	E	41 FR 24062, 6/14/1976.
Salamander, desert slender	*Batrachoseps aridus*	Wherever found	E	38 FR 14678, 6/4/1973.
Salamander, frosted flatwoods	*Ambystoma cingulatum*	Wherever found	T	64 FR 15691, 4/1/1999; 50 CFR 17.95(d).[CH]
Salamander, Georgetown	*Eurycea naufragia*	Wherever found	T	79 FR 10236, 2/24/2014; 50 CFR 17.43(e); [4d] 50 CFR 17.95(d).[CH]
Salamander, Japanese giant	*Andrias japonicus (=davidianus j.).*	Wherever found	E	41 FR 24062, 6/14/1976.
Salamander, Jemez Mountains	*Plethodon neomexicanus*	Wherever found	E	78 FR 55599, 9/10/2013; 50 CFR 17.95(d).[CH]
Salamander, Jollyville Plateau	*Eurycea tonkawae*	Wherever found	T	78 FR 51277, 8/20/2013; 50 CFR 17.95(d).[CH]
Salamander, Red Hills	*Phaeognathus hubrichti*	Wherever found	T	41 FR 53032, 12/3/1976.
Salamander, reticulated flatwoods.	*Ambystoma bishopi*	Wherever found	E	74 FR 6700, 2/10/2009; 50 CFR 17.95(d).[CH]
Salamander, Salado	*Eurycea chisholmensis*	Wherever found	T	79 FR 10236, 2/24/2014; 50 CFR 17.95(d).[CH]
Salamander, San Marcos	*Eurycea nana*	Wherever found	T	45 FR 47355, 7/14/1980; 50 CFR 17.43(a); [4d] 50 CFR 17.95(d).[CH]
Salamander, Santa Cruz long-toed.	*Ambystoma macrodactylum croceum.*	Wherever found	E	32 FR 4001, 3/11/1967.
Salamander, Shenandoah	*Plethodon shenandoah*	Wherever found	E	54 FR 34464, 8/18/1989.
Salamander, Sonoran tiger	*Ambystoma mavortium stebbinsi.*	Wherever found	E	62 FR 665, 1/6/1977.
Salamander, Texas blind	*Eurycea rathbuni*	Wherever found	E	32 FR 4001, 3/11/1967.
Toad, arroyo (=arroyo southwestern).	*Anaxyrus californicus*	Wherever found	E	59 FR 64859, 12/16/1994; 50 CFR 17.95(d).[CH]
Toad, Cameroon	*Bufo superciliaris*	Wherever found	E	41 FR 24062, 6/14/1976.
Toad, Dixie Valley	*Anaxyrus williamsi*	Wherever found	E	87 FR 73971, 12/2/2022.
Toad, Houston	*Bufo houstonensis*	Wherever found	E	35 FR 16047, 10/13/1970; 50 CFR 17.95(d).[CH]
Toad, Monte Verde golden	*Bufo periglenes*	Wherever found	E	41 FR 24062, 6/14/1976.
Toad, Puerto Rican crested	*Peltophryne lemur*	Wherever found	T	52 FR 28828, 8/4/1987.
Toad, Wyoming	*Bufo hemiophrys baxteri*	Wherever found	E	49 FR 1992, 1/17/1984.
Toad, Yosemite	*Anaxyrus canorus*	Wherever found	T	79 FR 24255, 4/29/2014; 50 CFR 17.95(d).[CH]
Toads, African viviparous	*Nectophrynoides* spp.	Wherever found	E	41 FR 24062, 6/14/1976.
Waterdog, Black Warrior	*Necturus alabamensis*	Wherever found	E	83 FR 257, 1/3/2018.
Waterdog, Neuse River	*Necturus lewisi*	Wherever found	T	86 FR 30688, June 9, 2021; 50 CFR 17.43(f); [4d] 50 CFR 17.95(d).[CH]
FISHES				
Ala Balik (trout)	*Salmo platycephalus*	Wherever found	E	35 FR 8491, 6/2/1970.
Angelshark, Argentine	*Squatina argentina*	Wherever found	E	82 FR 21722, 5/10/2017; [N] 84 FR 13809, 4/8/2019.
Angelshark, common	*Squatina squatina*	Wherever found	E	81 FR 50394, 8/1/2016; [N] 81 FR 76311, 11/2/2016.
Angelshark, sawback	*Squatina aculeata*	Wherever found	E	81 FR 50394, 8/1/2016; [N] 81 FR 76311, 11/2/2016.
Angelshark, smoothback	*Squatina oculata*	Wherever found	E	81 FR 50394, 8/1/2016; [N] 81 FR 76311, 11/2/2016.
Angelshark, spiny	*Squatina guggenheim*	Wherever found	E	82 FR 21722, 5/10/2017; [N] 84 FR 13809, 4/8/2019.
Ayumodoki (loach)	*Hymenophysa curta*	Wherever found	E	35 FR 8491, 6/2/1970.
Blindcat, Mexican (catfish)	*Prietella phreatophila*	Wherever found	E	35 FR 8491, 6/2/1970.
Bocaccio [Puget Sound–Georgia Basin DPS].	*Sebastes paucispinis*	Puget Sound–Georgia Basin DPS—see 50 CFR 224.101.	E	75 FR 22276, 4/28/2010; [N] 76 FR 20558, 4/13/2011; 79 FR 42687, 7/23/2014; 50 CFR 226.224.[CH]
Bonytongue, Asian	*Scleropages formosus*	Wherever found	E	41 FR 24062, 6/14/1976.

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Cardinalfish, Banggai	*Pterapogon kauderni*	Wherever found	T	81 FR 3023, 1/20/2016; [N] 81 FR 76311, 11/2/2016.
Catfish (Thailand)	*Pangasius sanitwongsei*	Wherever found	E	35 FR 8491, 6/2/1970.
Catfish, Thailand giant	*Pangasianodon gigas*	Wherever found	E	35 FR 8491, 6/2/1970.
Catfish, Yaqui	*Ictalurus pricei*	Wherever found	T	49 FR 34490, 8/31/1984; 50 CFR 17.44(h); [4d] 50 CFR 17.95(e).[CH]
Cavefish, Alabama	*Speoplatyrhinus poulsoni*	Wherever found	E	42 FR 45526, 9/9/1977; 53 FR 37968, 9/28/1988; 50 CFR 17.95(e).[CH]
Cavefish, Ozark	*Amblyopsis rosae*	Wherever found	T	49 FR 43965, 11/1/1984.
Chub, bonytail	*Gila elegans*	Wherever found	E	45 FR 27710, 4/23/1980; 50 CFR 17.95(e).[CH]
Chub, Chihuahua	*Gila nigrescens*	Wherever found	T	48 FR 46053, 10/11/1983; 50 CFR 17.44(g).[4d]
Chub, Gila	*Gila intermedia*	Wherever found	E	70 FR 66664, 11/2/2005; 50 CFR 17.95(e).[CH]
Chub, humpback	*Gila cypha*	Wherever found	T	32 FR 4001, 3/11/1967; 86 FR 57588; 10/18/2021; 50 CFR 17.44(dd); [4d] 50 CFR 17.95(e).[CH]
Chub, Hutton tui	*Gila bicolor ssp.*	Wherever found	T	50 FR 12302, 3/28/1985; 50 CFR 17.44(j).[4d]
Chub, Mohave tui	*Gila bicolor mohavensis*	Wherever found	E	35 FR 16047, 10/13/1970.
Chub, Owens tui	*Gila bicolor snyderi*	Wherever found	E	50 FR 31592, 8/5/1985; 50 CFR 17.95(e).[CH]
Chub, Pahranagat roundtail	*Gila robusta jordani*	Wherever found	E	35 FR 16047, 10/13/1970.
Chub, peppered	*Macrhybopsis tetranema*	Wherever found	E	87 FR 11188; 2/28/2022; 50 CFR 17.95(e).[CH]
Chub, slender	*Erimystax cahni*	Wherever found, except where listed as an experimental population.	T	42 FR 45526, 9/9/1977; 50 CFR 17.44(c); [4d] 50 CFR 17.95(e).[CH]
Chub, slender	*Erimystax cahni*	U.S.A. (TN—specified portions of the French Broad and Holston Rivers; see § 17.84(s)(1)(i)).	XN	72 FR 52434, 9/13/2007; 50 CFR 17.84(sr).[10j]
Chub, Sonora	*Gila ditaenia*	Wherever found	T	51 FR 16042, 4/30/1986; 50 CFR 17.44(o); [4d] 50 CFR 17.95(e).[CH]
Chub, spotfin	*Erimonax monachus*	Wherever found, except where listed as an experimental population.	T	42 FR 45526, 9/9/1977; 50 CFR 17.44(c); [4d] 50 CFR 17.95(e).[CH]
Chub, spotfin	*Erimonax monachus*	U.S.A. (TN—specified portions of the Tellico River; see § 17.84(m)(1)(i)).	XN	67 FR 52420, 8/12/2002; 50 CFR 17.84(m).[10j]
Chub, spotfin	*Erimonax monachus*	U.S.A. (AL, TN—specified portions of Shoal Creek; see § 17.84(m)(1)(ii)).	XN	70 FR 1286, 1/6/2005; 50 CFR 17.84(m).[10j]
Chub, spotfin	*Erimonax monachus*	U.S.A. (TN—specified portions of the French Broad and Holston Rivers; see § 17.84(m)(1)(iii)).	XN	72 FR 52434, 9/13/2007; 50 CFR 17.84(m).[10j]
Chub, Virgin River	*Gila robusta semidnuda*	Wherever found	E	54 FR 35305, 8/24/1989; 50 CFR 17.95(e).[CH]
Chub, Yaqui	*Gila purpurea*	Wherever found	E	49 FR 34490, 8/31/1984; 50 CFR 17.95(e).[CH]
Cicek (minnow)	*Acanthorutilus handlirschi.*	Wherever found	E	35 FR 8491, 6/2/1970.
Coelacanth, African [Tanzanian DPS].	*Latimeria chalumnae*	Tanzanian DPS—see 50 CFR 223.102.	T	81 FR 17398, 3/29/2016; [N] 81 FR 76311, 11/2/2016.
Cui-ui	*Chasmistes cujus*	Wherever found	E	32 FR 4001, 3/11/1967.
Dace, Ash Meadows speckled	*Rhinichthys osculus nevadensis.*	Wherever found	E	47 FR 19995, 5/10/1982; 48 FR 608, 1/5/1983; 48 FR 40178, 9/2/1983; 50 CFR 17.95(e).[CH]
Dace, blackside	*Phoxinus (=Chrosomus), cumberlandensis.*	Wherever found	T	52 FR 22580, 6/12/1987.
Dace, Clover Valley speckled	*Rhinichthys osculus oligoporus.*	Wherever found	E	54 FR 41448, 10/10/1989.

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Dace, desert	*Eremichthys acros*	Wherever found	T	32 FR 4001, 3/11/1967; 35 FR 16047, 10/13/1970; 50 FR 50304, 12/10/1985; 50 CFR 17.44(m); [4d] 50 CFR 17.95(e); [CH]
Dace, Independence Valley speckled.	*Rhinichthys osculus lethoporus.*	Wherever found	E	54 FR 41448, 10/10//1989; 54 FR 47861, 11/17/1989.
Dace, Kendall Warm Springs	*Rhinichthys osculus thermalis.*	Wherever found	E	35 FR 16047, 10/13/1970.
Dace, laurel	*Chrosomus saylori*	Wherever found	E	76 FR 48722, 8/9/2011; 50 CFR 17.95(e).[CH]
Dace, Moapa	*Moapa coriacea*	Wherever found	E	32 FR 4001, 3/11/1967.
Darter, amber	*Percina antesella*	Wherever found	E	50 FR 31597, 8/5/1985; 50 CFR 17.95(e).[CH]
Darter, bayou	*Etheostoma rubrum*	Wherever found	T	40 FR 44149, 9/25/1975; 50 CFR 17.44(b).[4d]
Darter, bluemask	*Etheostoma akatulo*	Wherever found	E	58 FR 68480, 12/27/1993.
Darter, boulder	*Etheostoma wapiti*	Wherever found, except where listed as an experimental population.	E	53 FR 33996, 9/1/1988.
Darter, boulder	*Etheostoma wapiti*	Shoal Creek (from Shoal Creek mile 41.7 (66.7 km)) at the mouth of Long Branch, Lawrence County, TN, downstream to the backwaters of Wilson Reservoir (Shoal Creek mile 14 (22 km)) at Goose Shoals, Lauderdale County, AL, including the lower 5 miles (8 km) of all tributaries that enter this reach.	XN	70 FR 1286, 1/6/2005; 50 CFR 17.84(o).[10j]
Darter, candy	*Etheostoma osburni*	Wherever found	E	83 FR 58747, 11/21/2018; 50 CFR 17.95(e).[CH]
Darter, Cherokee	*Etheostoma scotti*	Wherever found	T	59 FR 65505, 12/20/1994.
Darter, Cumberland	*Etheostoma susanae*	Wherever found	E	76 FR 48722, 8/9/2011; 50 CFR 17.95(e).[CH]
Darter, diamond	*Crystallaria cincotta*	Wherever found	E	78 FR 45074, 7/26/2013; 50 CFR 17.95(e).[CH]
Darter, duskytail	*Etheostoma percnurum*	Wherever found, except where listed as an experimental population.	E	58 FR 25758, 4/27/1993.
Darter, duskytail	*Etheostoma percnurum*	U.S.A. (TN—specified portions of the Tellico River; see § 17.84(p)(1)(i)).	XN	67 FR 52420, 8/12/2002; 50 CFR 17.84(q).[10j]
Darter, duskytail	*Etheostoma percnurum*	U.S.A. (TN—specified portions of the French Broad and Holston Rivers; see § 17.84(q)(1)(ii)).	XN	72 FR 52434, 9/13/2007; 50 CFR 17.84(q).[10j]
Darter, Etowah	*Etheostoma etowahae*	Wherever found	E	59 FR 65505, 12/20/1994.
Darter, fountain	*Etheostoma fonticola*	Wherever found	E	35 FR 16047, 10/13/1970; 50 CFR 17.95(e).[CH]
Darter, goldline	*Percina aurolineata*	Wherever found	T	57 FR 14786, 4/22/1992.
Darter, Kentucky arrow	*Etheostoma spilotum*	Wherever found	T	81 FR 68963, 10/5/2016; 50 CFR 17.44(p); [4d] 50 CFR 17.95(e).[CH]
Darter, leopard	*Percina pantherina*	Wherever found	T	43 FR 3711, 1/27/1978; 50 CFR 17.44(d); [4d] 50 CFR 17.95(e).[CH]
Darter, Maryland	*Etheostoma sellare*	Wherever found	E	32 FR 4001, 3/11/1967; 50 CFR 17.95(e).[CH]
Darter, Niangua	*Etheostoma nianguae*	Wherever found	T	50 FR 24649, 6/12/1985; 50 CFR 17.44(k); [4d] 50 CFR 17.95(e).[CH]
Darter, pearl	*Percina aurora*	Wherever found	T	82 FR 43885, 9/20/2017; 50 CFR 17.95(e).[CH]

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Darter, relict	*Etheostoma chienense*	Wherever found	T	58 FR 68480, 12/27/1993; 88 FR 66280, 9/27/2023; 50 CFR 17.44(hh).[4d]
Darter, rush	*Etheostoma phytophilum*	Wherever found	E	76 FR 48722, 8/9/2011; 50 CFR 17.95(e).[CH]
Darter, sickle	*Percina williamsi*	Wherever found	T	87 FR 67380, 11/8/2022; 50 CFR 17.44(ee).[4d]
Darter, slackwater	*Etheostoma boschungi*	Wherever found	T	42 FR 45526, 9/9/1977; 50 CFR 17.44(c);[4d] 50 CFR 17.95(e).[CH]
Darter, trispot	*Etheostoma trisella*	Wherever found	T	83 FR 67131, 12/28/2018; 50 CFR 17.44(q);[4d] 50 CFR 17.95(e).[CH]
Darter, vermilion	*Etheostoma chermocki*	Wherever found	E	66 FR 59367, 11/28/2001; 50 CFR 17.95(e).[CH]
Darter, watercress	*Etheostoma nuchale*	Wherever found	E	35 FR 16047, 10/13/1970.
Darter, yellowcheek	*Etheostoma moorei*	Wherever found	E	76 FR 48722, 8/9/2011; 50 CFR 17.95(e).[CH]
Eulachon [Southern DPS]	*Thaleichthys pacificus*	Southern DPS—see 50 CFR 223.102.	T	75 FR 13012, 3/18/2010;[N] 76 FR 20558, 4/13/2011; 79 FR 42687, 7/23/2014; 50 CFR 226.222.[CH]
Gambusia, Big Bend	*Gambusia gaigei*	Wherever found	E	32 FR 4001, 3/11/1967.
Gambusia, Clear Creek	*Gambusia heterochir*	Wherever found	E	32 FR 4001, 3/11/1967.
Gambusia, Pecos	*Gambusia nobilis*	Wherever found	E	35 FR 16047, 10/13/1970.
Goby, tidewater	*Eucyclogobius newberryi*	Wherever found	E	59 FR 5494, 2/4/1994; 50 CFR 17.95(e).[CH]
Grouper, gulf	*Mycteroperca jordani*	Wherever found	E	81 FR 72545, 10/20/2016;[N] 84 FR 13809, 4/8/2019.
Grouper, island	*Mycteroperca fusca*	Wherever found	T	81 FR 72545, 10/20/2016;[N] 84 FR 13809, 4/8/2019.
Grouper, Nassau	*Epinephelus striatus*	Wherever found	T	81 FR 42268, 6/29/2016;[N] 81 FR 76311, 11/2/2016.
Guitarfish, blackchin	*Rhinobatos cemciculus*	Wherever found	T	82 FR 6309, 1/19/2017;[N] 84 FR 13809, 4/8/2019.
Guitarfish, Brazilian	*Rhinobatos horkelii*	Wherever found	E	82 FR 21722, 5/10/2017;[N] 84 FR 13809, 4/8/2019.
Guitarfish, common	*Rhinobatos rhinobatos*	Wherever found	T	82 FR 6309, 1/19/2017;[N] 84 FR 13809, 4/8/2019.
Logperch, Conasauga	*Percina jenkinsi*	Wherever found	E	50 FR 31597, 8/5/1985; 50 CFR 17.95(e).[CH]
Madtom, Carolina	*Noturus furiosus*	Wherever found	E	86 FR 30688, 6/9/2021; 50 CFR 17.95(e).[CH]
Madtom, Chucky	*Noturus crypticus*	Wherever found	E	76 FR 48722, 8/9/2011; 50 CFR 17.95(e).[CH]
Madtom, frecklebelly [Upper Coosa River DPS].	*Noturus munitus*	Upper Coosa River Basin (GA, TN).	T	88 FR 13038; 3/2/2023; 50 CFR 17.44(ff);[4d] 50 CFR 17.95(e).[CH]
Madtom, Neosho	*Noturus placidus*	Wherever found	T	55 FR 21148, 5/22/1990.
Madtom, pygmy	*Noturus stanauli*	Wherever found, except where listed as an experimental population.	E	58 FR 25758, 4/27/1993.
Madtom, pygmy	*Noturus stanauli*	U.S.A. (TN—specified portions of the French Broad and Holston Rivers; see § 17.84(t)(1)(i)).	XN	72 FR 52434, 9/13/2007; 50 CFR 17.84(t).[10j]
Madtom, smoky	*Noturus baileyi*	Wherever found, except where listed as an experimental population.	E	49 FR 43065, 10/26/1984; 50 CFR 17.95(e).[CH]
Madtom, smoky	*Noturus baileyi*	U.S.A. (TN—specified portions of the Tellico River; see § 17.84(r)(1)(i)).	XN	67 FR 52420, 8/12/2002; 50 CFR 17.84(r).[10j]
Madtom, yellowfin	*Noturus flavipinnis*	Wherever found, except where listed as an experimental population.	T	42 FR 45526, 9/9/1977; 50 CFR 17.44(c);[4d] 50 CFR 17.95(e).[CH]
Madtom, yellowfin	*Noturus flavipinnis*	U.S.A. (TN, VA—specified portions of the Holston River and watershed; see § 17.84(e)(1)(i)).	XN	53 FR 29335, 8/4/1988; 50 CFR 17.84(e).[10j]

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Madtom, yellowfin	*Noturus flavipinnis*	U.S.A. (TN—specified portions of the Tellico River; see § 17.84(e)(1)(ii)).	XN	67 FR 52420, 8/12/2002; 50 CFR 17.84(e).[10j]
Madtom, yellowfin	*Noturus flavipinnis*	U.S.A. (TN—specified portions of the French Broad and Holston Rivers; see § 17.84(e)(1)(iii)).	XN	72 FR 52434, 9/13/2007; 50 CFR 17.84(e).[10j]
Minnow, Devils River	*Dionda diaboli*	Wherever found	T	64 FR 56596, 10/20/1999; 50 CFR 17.95(e).[CH]
Minnow, loach	*Tiaroga cobitis*	Wherever found	E	51 FR 39468, 10/28/1986; 77 FR 10810, 2/23/2012; 50 CFR 17.95(e).[CH]
Minnow, Rio Grande silvery	*Hybognathus amarus*	Wherever found, except where listed as an experimental population.	E	59 FR 36988, 7/20/1994; 50 CFR 17.95(e).[CH]
Minnow, Rio Grande silvery	*Hybognathus amarus*	Rio Grande, from Little Box Canyon (approximately 10.4 river miles downstream of Fort Quitman, TX) to Amistad Dam; and on the Pecos River, from its confluence with Independence Creek to its confluence with the Rio Grande.	XN	73 FR 74357, 12/8/2008; 50 CFR 17.84(u).[10j]
Nekogigi (catfish)	*Coreobagrus ichikawai*	Wherever found	E	35 FR 8491, 6/2/1970.
Pikeminnow, Colorado	*Ptychocheilus lucius*	Wherever found, except where listed as an experimental population.	E	32 FR 4001, 3/11/1967; 50 FR 30188, 7/24/1985; 50 CFR 17.95(e).[CH]
Pikeminnow, Colorado	*Ptychocheilus lucius*	Salt and Verde R. drainages, AZ.	XN	50 FR 30188, 7/24/1985; 50 CFR 17.84(b).[10j]
Poolfish, Pahrump	*Empetrichthys latos*	Wherever found	E	32 FR 4001, 3/11/1967.
Pupfish, Ash Meadows Amargosa.	*Cyprinodon nevadensis mionectes.*	Wherever found	E	47 FR 19995, 5/10/1982; 48 FR 608, 1/5/1983; 48 FR 40178, 9/2/1983; 50 CFR 17.95(e).[CH]
Pupfish, Comanche Springs	*Cyprinodon elegans*	Wherever found	E	32 FR 4001, 3/11/1967.
Pupfish, desert	*Cyprinodon macularius*	Wherever found	E	51 FR 10842, 3/31/1986; 50 CFR 17.95(e).[CH]
Pupfish, Devils Hole	*Cyprinodon diabolis*	Wherever found	E	32 FR 4001, 3/11/1967.
Pupfish, Leon Springs	*Cyprinodon bovinus*	Wherever found	E	45 FR 54678, 8/15/1980; 50 CFR 17.95(e).[CH]
Pupfish, Owens	*Cyprinodon radiosus*	Wherever found	E	32 FR 4001, 3/11/1967.
Pupfish, Warm Springs	*Cyprinodon nevadensis pectoralis.*	Wherever found	E	35 FR 16047, 10/13/1970.
Ray, giant manta	*Manta birostris*	Wherever found	T	83 FR 2916, 1/22/2018;[N] 84 FR 13809, 4/8/2019.
Rockfish, yelloweye [Puget Sound-Georgia Basin DPS].	*Sebastes ruberrimus*	Puget Sound-Georgia Basin DPS—see 50 CFR 223.102.	T	75 FR 22276, 4/28/2010;[N] 76 FR 20558, 4/13/2011; 79 FR 42687, 7/23/2014; 50 CFR 226.224.[CH]
Salmon, Atlantic [Gulf of Maine DPS].	*Salmo salar*	Gulf of Maine DPS—see 50 CFR 224.101.	E	65 FR 69459, 11/17/2000;[J] 74 FR 29344, 6/19/2009;[J] 76 FR 20558, 4/13/2011; 79 FR 42687, 7/23/2014; 50 CFR 226.217.[CH]
Salmon, Chinook [California Coastal ESU].	*Oncorhynchus tshawytscha.*	California Coastal ESU—see 50 CFR 223.102.	T	64 FR 50394, 9/16/1999;[N] 64 FR 72960, 12/29/1999; 70 FR 37160, 6/28/2005;[N] 76 FR 20558, 4/13/2011; 79 FR 42687, 7/23/2014; 50 CFR 223.203;[4d] 50 CFR 226.211.[CH]
Salmon, Chinook [Central Valley spring-run ESU].	*Oncorhynchus tshawytscha.*	Central Valley spring-run ESU—see 50 CFR 223.102.	T	64 FR 50394, 9/16/1999;[N] 64 FR 72960, 12/29/1999; 70 FR 37160, 6/28/2005;[N] 76 FR 20558, 4/13/2011; 79 FR 42687, 7/23/2014; 50 CFR 223.203;[4d] 50 CFR 226.211.[CH]

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Salmon, Chinook [Central Valley spring-run ESU—XN].	*Oncorhynchus tshawytscha.*	Central Valley spring-run ESU–XN—see 50 CFR 223.102.	XN	78 FR 79622, 12/31/2013; [N] 79 FR 42687, 7/23/2014; 50 CFR 223.301.[10j]
Salmon, Chinook [Central Valley spring-run ESU–XN Shasta].	*Oncorhynchus tshawytscha.*	Central Valley spring-run ESU–XN Shasta—see 50 CFR 223.102.	XN	88 FR 58511, 8/28/2023; [N] 89 FR 65552, 8/12/2024; 50 CFR 223.301.[10j]
Salmon, Chinook [Central Valley spring-run ESU–XN Yuba].	*Oncorhynchus tshawytscha.*	Central Valley spring-run ESU–XN Yuba—see 50 CFR 223.102.	XN	87 FR 79808, 12/28/2022; [N] 89 FR 65552, 8/12/2024; 50 CFR 223.301.[10j]
Salmon, Chinook [Lower Columbia River ESU].	*Oncorhynchus tshawytscha.*	Lower Columbia River ESU—see 50 CFR 223.102.	T	64 FR 14308, 3/24/1999; [N] 64 FR 41835, 8/2/1999; 70 FR 37160, 6/28/2005; [N] 76 FR 20558, 4/13/2011; 79 FR 42687, 7/23/2014; 50 CFR 223.203; [4d] 50 CFR 226.212.[CH]
Salmon, Chinook [Puget Sound ESU].	*Oncorhynchus tshawytscha.*	Puget Sound ESU—see 50 CFR 223.102.	T	64 FR 14308, 3/24/1999; [N] 64 FR 41835, 8/2/1999; 70 FR 37160, 6/28/2005; [N] 76 FR 20558, 4/13/2011; 79 FR 42687, 7/23/2014; 50 CFR 223.203; [4d] 50 CFR 226.212.[CH]
Salmon, Chinook [Sacramento River winter-run ESU].	*Oncorhynchus tshawytscha.*	Sacramento River winter-run ESU—see 50 CFR 224.101.	E	55 FR 12191, 4/2/1990; [N] 55 FR 12831, 4/6/1990; 55 FR 46515, 11/4/1990; [N] 55 FR 49623, 11/30/1990; 59 FR 440, 1/4/1994; [N] 59 FR 13836, 3/23/1994; 70 FR 37160, 6/28/2005; [N] 76 FR 20558, 4/13/2011; 79 FR 42687, 7/23/2014; 50 CFR 226.204.[CH]
Salmon, Chinook [Sacramento River winter-run ESU–XN Shasta].	*Oncorhynchus tshawytscha.*	Sacramento winter-run ESU–XN Shasta—see 50 CFR 223.102.	XN	88 FR 58511, 8/28/2023; [N] 89 FR 79808, 8/12/2024; 50 CFR 223.301.[10j]
Salmon, Chinook [Snake River fall-run ESU].	*Oncorhynchus tshawytscha.*	Snake River fall-run ESU—see 50 CFR 223.102.	T	57 FR 14653, 4/22/1992; [N] 58 FR 49880, 9/23/1993; 59 FR 42529, 8/18/1994; [N] 59 FR 54840, 11/2/1994; 70 FR 37160, 6/28/2005; [N] 76 FR 20558, 4/13/2011; 79 FR 42687, 7/23/2014; 50 CFR 223.203; [4d] 50 CFR 226.205.[CH]
Salmon, Chinook [Snake River spring/summer-run ESU].	*Oncorhynchus tshawytscha.*	Snake River spring/summer-run ESU—see 50 CFR 223.102.	T	57 FR 14653, 4/22/1992; [N] 58 FR 49880, 9/23/1993; 59 FR 42529, 8/18/1994; [N] 59 FR 54840, 11/2/1994; 70 FR 37160, 6/28/2005; [N] 76 FR 20558, 4/13/2011; 79 FR 42687, 7/23/2014; 50 CFR 223.203; [4d] 50 CFR 226.205.[CH]
Salmon, Chinook [Upper Columbia River spring-run ESU].	*Oncorhynchus tshawytscha.*	Upper Columbia River spring-run ESU—see 50 CFR 224.101.	E	64 FR 14308, 3/24/1999; [N] 64 FR 41835, 8/2/1999; 70 FR 37160, 6/28/2005; [N] 76 FR 20558, 4/13/2011; 79 FR 42687, 7/23/2014; 50 CFR 226.212.[CH]
Salmon, Chinook [Upper Columbia River spring-run ESU–XN].	*Oncorhynchus tshawytscha.*	Upper Columbia River spring-run ESU–XN—see 50 CFR 223.102.	XN	79 FR 40004, 7/11/2014; [N] 79 FR 52576, 9/4/2014; 50 CFR 223.301.[10j]
Salmon, Chinook [Upper Willamette River ESU].	*Oncorhynchus tshawytscha.*	Upper Willamette River ESU—see 50 CFR 223.102.	T	64 FR 14308, 3/24/1999; [N] 64 FR 41835, 8/2/1999; 76 FR 20558, 4/13/2011; 79 FR 42687, 7/23/2014; 50 CFR 223.203; [4d] 50 CFR 226.212.[CH]

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Salmon, chum [Columbia River ESU].	*Oncorhynchus keta*	Columbia River ESU—see 50 CFR 223.102.	T	64 FR 14508, 3/25/1999; [N] 64 FR 41835, 8/2/1999; 70 FR 37160, 6/28/2005; [N] 76 FR 20558, 4/13/2011; 79 FR 42687, 7/23/2014; 50 CFR 223.203; [4d] 50 CFR 226.212.[CH]
Salmon, chum [Hood Canal summer-run ESU].	*Oncorhynchus keta*	Hood Canal summer-run ESU—see 50 CFR 223.102.	T	64 FR 14508, 3/25/1999; [N] 64 FR 41835, 8/2/1999; 70 FR 37160, 6/28/2005; [N] 76 FR 20558, 4/13/2011; 79 FR 42687, 7/23/2014; 50 CFR 223.203; [4d] 50 CFR 226.212.[CH]
Salmon, coho [Central California Coast ESU].	*Oncorhynchus kisutch*	Central California Coast ESU—see 50 CFR 224.101.	E	61 FR 56138, 10/31/1996; [N] 61 FR 59028, 11/20/1996; 70 FR 37160, 6/28/2005; [N] 77 FR 19552, 4/2/2012; [N] 76 FR 20558, 4/13/2011; 79 FR 42687, 7/23/2014; 50 CFR 226.210.[CH]
Salmon, coho [Lower Columbia River ESU].	*Oncorhynchus kisutch*	Lower Columbia River ESU—see 50 CFR 223.102.	T	70 FR 37160, 6/28/2005; [N] 76 FR 20558, 4/13/2011; 79 FR 42687, 7/23/2014; 50 CFR 223.203; [4d] 50 CFR 226.212.[CH]
Salmon, coho [Oregon Coast ESU].	*Oncorhynchus kisutch*	Oregon Coast ESU—see 50 CFR 223.102.	T	75 FR 29489, 5/26/2010; [N] 76 FR 20558, 4/13/2011; 76 FR 35755, 6/20/2011; [N] 79 FR 42687, 7/23/2014; 50 CFR 223.203; [4d] 50 CFR 226.212.[CH]
Salmon, coho [Southern Oregon–Northern California Coast ESU].	*Oncorhynchus kisutch*	Southern Oregon—Northern California Coast ESU—see 50 CFR 223.102.	T	62 FR 24588, 5/6/1997; [N] 62 FR 33038, 6/18/1997; 70 FR 37160, 6/28/2005; [N] 76 FR 20558, 4/13/2011; 79 FR 42687, 7/23/2014; 50 CFR 223.203; [4d] 50 CFR 226.210.[CH]
Salmon, sockeye [Ozette Lake ESU].	*Oncorhynchus nerka*	Ozette Lake ESU—see 50 CFR 223.102.	T	64 FR 14528, 3/25/1999; [N] 64 FR 41835, 8/2/1999; 70 FR 37160, 6/28/2005; [N] 76 FR 20558, 4/13/2011; 79 FR 42687, 7/23/2014; 50 CFR 223.203; [4d] 50 CFR 226.212.[CH]
Salmon, sockeye [Snake River ESU].	*Oncorhynchus nerka*	Snake River ESU—see 50 CFR 224.101.	E	56 FR 58619, 11/20/1991; [N] 57 FR 212, 1/3/1992; 70 FR 37160, 6/28/2005; [N] 76 FR 20558, 4/13/2011; 79 FR 42687, 7/23/2014; 50 CFR 226.205.[CH]
Sawfish, dwarf	*Pristis clavata*	Wherever found	E	79 FR 73978, 12/12/2014; [N] 79 FR 3914, 1/26/2015.
Sawfish, green	*Pristis zijsron*	Wherever found	E	79 FR 73978, 12/12/2014; [N] 79 FR 3914, 1/26/2015.
Sawfish, largetooth	*Pristis pristis* (formerly *Pristis perotteti, Pristis pristis,* and *Pristis microdon).*	Wherever found	E	76 FR 40822, 9/12/2011; [N] 79 FR 42687, 7/23/2014; 79 FR 73978, 12/12/2014; [N] 79 FR 3914, 1/26/2015.
Sawfish, narrow	*Anoxypristis cuspidata* ...	Wherever found	E	79 FR 73978, 12/12/2014; [N] 79 FR 3914, 1/26/2015.
Sawfish, smalltooth [Non-U.S. DPS].	*Pristis pectinata*	Non-U.S. DPS—Smalltooth sawfish originating from non-U.S. waters.	E	79 FR 73978, 12/12/2014; [N] 79 FR 3914, 1/26/2015.
Sawfish, smalltooth [U.S. DPS]	*Pristis pectinata*	U.S. DPS—Smalltooth sawfish originating from U.S. waters.	E	68 FR 15674, 4/1/2003; [N] 70 FR 69464, 11/16/2005; 76 FR 20558, 4/13/2011; 79 FR 42687, 7/23/2014; 50 CFR 226.218.[CH]
Sculpin, grotto	*Cottus specus*	Wherever found	E	78 FR 58938, 9/25/2013; 50 CFR 17.95(e).[CH]

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Sculpin, pygmy	*Cottus pygmaeus*	Wherever found	T	54 FR 39846, 9/28/1989; 50 CFR 17.44(u).[4d]
Shark, daggernose	*Isogomphodon oxyrhynchus.*	Wherever found	E	82 FR 21722, 5/10/2017; [N] 84 FR 13809, 4/8/2019.
Shark, narrownose smoothhound.	*Mustelus schmitti*	Wherever found	T	82 FR 21722, 5/10/2017; [N] 84 FR 13809, 4/8/2019.
Shark, oceanic whitetip	*Carcharhinus longimanus*	Wherever found	T	83 FR 4153, 1/30/2018; [N] 84 FR 13809, 4/8/2019.
Shark, scalloped hammerhead [Central & SW Atlantic DPS].	*Sphyrna lewini*	Central & SW Atlantic DPS—see 50 CFR 223.102.	T	79 FR 38214, 7/3/2014; [N] 79 FR 52576, 9/4/2014.
Shark, scalloped hammerhead [Eastern Atlantic DPS].	*Sphyrna lewini*	Eastern Atlantic DPS—see 50 CFR 224.101.	E	79 FR 38214, 7/3/2014; [N] 79 FR 52576, 9/4/2014.
Shark, scalloped hammerhead [Eastern Pacific DPS].	*Sphyrna lewini*	Eastern Pacific DPS—see 50 CFR 224.101.	E	79 FR 38214, 7/3/2014; [N] 79 FR 52576, 9/4/2014.
Shark, scalloped hammerhead [Indo-West Pacific DPS].	*Sphyrna lewini*	Indo-West Pacific DPS—see 50 CFR 223.102.	T	79 FR 38214, 7/3/2014; [N] 79 FR 52576, 9/4/2014.
Shark, striped smoothhound	*Mustelus fasciatus*	Wherever found	E	82 FR 21722, 5/10/2017; [N] 84 FR 13809, 4/8/2019.
Shiner, Arkansas River [Arkansas River Basin DPS].	*Notropis girardi*	Arkansas River Basin (AR, KS, NM, OK, TX).	T	63 FR 64772, 11/23/1998; 50 CFR 17.95(e).[CH]
Shiner, beautiful	*Cyprinella formosa*	Wherever found	T	49 FR 34490, 8/31/1984; 50 CFR 17.44(h); [4d] 50 CFR 17.95(e).[CH]
Shiner, blue	*Cyprinella caerulea*	Wherever found	T	57 FR 14786, 4/22/1992.
Shiner, Cahaba	*Notropis cahabae*	Wherever found	E	55 FR 42961, 10/25/1990.
Shiner, Cape Fear	*Notropis mekistocholas*	Wherever found	E	52 FR 36034, 9/25/1987; 50 CFR 17.95(e).[CH]
Shiner, palezone	*Notropis albizonatus.*	Wherever found	E	58 FR 25758, 4/27/1993.
Shiner, Pecos bluntnose	*Notropis simus pecosensis.*	Wherever found	T	52 FR 5295, 2/20/1987; 50 CFR 17.44(r); [4d] 50 CFR 17.95(e).[CH]
Shiner, sharpnose	*Notropis oxyrhynchus*	Wherever found	E	79 FR 45273, 8/4/2014; 50 CFR 17.95(e).[CH]
Shiner, smalleye	*Notropis buccula*	Wherever found	E	79 FR 45273, 8/4/2014; 50 CFR 17.95(e).[CH]
Shiner, Topeka	*Notropis topeka*	Wherever found, except where listed as an experimental population.	E	63 FR 69008, 12/15/1998; 50 CFR 17.95(e).[CH]
Shiner, Topeka	*Notropis topeka*	U.S.A. (MO—specified portions of Little Creek, Big Muddy Creek, and Spring Creek watersheds in Adair, Gentry, Harrison, Putnam, Sullivan, and Worth Counties; see § 17.84(d)(1)(i)).	XN	78 FR 42702, 7/17/2013; 50 CFR 17.84(d).[10j]
Silverside, Waccamaw	*Menidia extensa*	Wherever found	T	52 FR 11277, 4/8/1987; 50 CFR 17.44(s); [4d] 50 CFR 17.95(e).[CH]
Smelt, delta	*Hypomesus transpacificus.*	Wherever found	T	58 FR 12854, 3/5/1993; 50 CFR 17.95(e).[CH]
Smelt, longfin [San Francisco Bay-Delta DPS].	*Spirinchus thaleichthys*	U.S.A. (CA)	E	89 FR 61029, 7/30/2024.
Spikedace	*Meda fulgida*	Wherever found	E	51 FR 23769, 7/1/1986; 77 FR 10810, 2/23/2012; 50 CFR 17.95(e).[CH]
Spinedace, Big Spring	*Lepidomeda mollispinis pratensis.*	Wherever found	T	50 FR 12298, 3/28/1985; 50 CFR 17.44(i); [4d] 50 CFR 17.95(e).[CH]
Spinedace, Little Colorado	*Lepidomeda vittata*	Wherever found	T	32 FR 4001, 3/11/1967; 35 FR 16047, 10/13/1970; 52 FR 35034, 9/16/1987; 50 CFR 17.44(t); [4d] 50 CFR 17.95(e).[CH]
Spinedace, White River	*Lepidomeda albivallis*	Wherever found	E	50 FR 37194, 9/12/1985; 50 CFR 17.95(e).[CH]
Springfish, Hiko White River	*Crenichthys baileyi grandis.*	Wherever found	E	50 FR 39123, 9/27/1985; 50 CFR 17.95(e).[CH]

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Springfish, Railroad Valley	*Crenichthys nevadae*	Wherever found	T	51 FR 10857, 3/31/1986; 50 CFR 17.44(n); [4d] 50 CFR 17.95(e).[CH]
Springfish, White River	*Crenichthys baileyi baileyi.*	Wherever found	E	50 FR 39123, 9/27/1985; 50 CFR 17.95(e).[CH]
Steelhead [California Central Valley DPS].	*Oncorhynchus mykiss*	California Central Valley DPS—see 50 CFR 223.102.	T	63 FR 13347, 3/19/1998; [N] 63 FR 32996, 6/17/1998; 71 FR 834, 1/5/2006; [N] 76 FR 20558, 4/13/2011; 79 FR 42687, 7/23/2014; 50 CFR 223.203; [4d] 50 CFR 226.211.[CH]
Steelhead [Central California Coast DPS].	*Oncorhynchus mykiss*	Central California Coast DPS—see 50 CFR 223.102.	T	62 FR 43937, 8/18/1997; [N] 63 FR 32996, 6/17/1998; 71 FR 834, 1/5/2006; [N] 76 FR 20558, 4/13/2011; 79 FR 42687, 7/23/2014; 50 CFR 223.203; [4d] 50 CFR 226.211.[CH]
Steelhead [Lower Columbia River DPS].	*Oncorhynchus mykiss*	Lower Columbia River DPS—see 50 CFR 223.102.	T	63 FR 13347, 3/19/1998; [N] 63 FR 32996, 6/17/1998; 76 FR 20558, 4/13/2011; 79 FR 42687, 7/23/2014; 50 CFR 223.203; [4d] 50 CFR 226.212.[CH]
Steelhead [Middle Columbia River DPS].	*Oncorhynchus mykiss*	Middle Columbia River DPS—see 50 CFR 223.102.	T	64 FR 14517, 3/25/1999; [N] 64 FR 41835, 8/2/1999; 71 FR 834, 1/5/2006; [N] 76 FR 20558, 4/13/2011; 79 FR 42687, 7/23/2014; 50 CFR 223.203; [4d] 50 CFR 226.212.[CH]
Steelhead [Middle Columbia River DPS—XN].	*Oncorhynchus mykiss*	Middle Columbia River DPS—XN—see 50 CFR 223.102.	XN	78 FR 2893, 1/15/2013; [N] 79 FR 42687, 7/23/2014; 50 CFR 223.301.[10j]
Steelhead [Northern California DPS].	*Oncorhynchus mykiss*	Northern California DPS—see 50 CFR 223.102.	T	65 FR 36075, 6/7/2000; [N] 65 FR 54177, 9/7/2000; 71 FR 834, 1/5/2006; [N] 76 FR 20558, 4/13/2011; 79 FR 42687, 7/23/2014; 50 CFR 223.203; [4d] 50 CFR 226.211.[CH]
Steelhead [Puget Sound DPS]	*Oncorhynchus mykiss*	Puget Sound DPS—see 50 CFR 223.102.	T	72 FR 26722, 5/11/2007; [N] 76 FR 20558, 4/13/2011; 79 FR 42687, 7/23/2014; 50 CFR 223.203; [4d] 50 CFR 226.212.[CH]
Steelhead [Snake River Basin DPS].	*Oncorhynchus mykiss*	Snake River Basin DPS—see 50 CFR 223.102.	T	62 FR 43937, 8/18/1997; [N] 63 FR 32996, 6/17/1998; 71 FR 834, 1/5/2006; [N] 76 FR 20558, 4/13/2011; 79 FR 42687, 7/23/2014; 50 CFR 223.203; [4d] 50 CFR 226.212.[CH]
Steelhead [South Central California Coast DPS].	*Oncorhynchus mykiss*	South-Central California Coast DPS—see 50 CFR 223.102.	T	62 FR 43937, 8/18/1997; [N] 63 FR 32996, 6/17/1998; 71 FR 834, 1/5/2006; [N] 76 FR 20558, 4/13/2011; 79 FR 42687, 7/23/2014; 50 CFR 223.203; [4d] 50 CFR 226.211.[CH]
Steelhead [Southern California DPS].	*Oncorhynchus mykiss*	Southern California DPS—see 50 CFR 224.101.	E	62 FR 43937, 8/18/1997; [N] 63 FR 32996, 6/17/1998; 71 FR 834, 1/5/2006; [N] 76 FR 20558, 4/13/2011; 79 FR 42687, 7/23/2014; 50 CFR 226.211.[CH]

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Steelhead [Upper Columbia River DPS].	*Oncorhynchus mykiss*	Upper Columbia River DPS—see 50 CFR 223.102.	T	62 FR 43937, 8/18/1997; [N] 63 FR 32996, 6/17/1998; 71 FR 834, 1/5/2006; [N] 76 FR 20558, 4/13/2011; 79 FR 42687, 7/23/2014; 50 CFR 223.203; [4d] 50 CFR 226.212.[CH]
Steelhead [Upper Willamette River DPS].	*Oncorhynchus mykiss*	Upper Willamette River DPS—see 50 CFR 223.102.	T	64 FR 14517, 3/25/1999; [N] 64 FR 41835, 8/2/1999; 71 FR 834, 1/5/2006; [N] 76 FR 20558, 4/13/2011; 79 FR 42687, 7/23/2014; 50 CFR 223.203; [4d] 50 CFR 226.212.[CH]
Stickleback, unarmored threespine.	*Gasterosteus aculeatus williamsoni.*	Wherever found	E	35 FR 16047, 10/13/1970.
Sturgeon, Adriatic	*Acipenser naccarii*	Wherever found	E	79 FR 31222, 6/2/2014; [N] 79 FR 52576, 9/4/2014.
Sturgeon, Alabama	*Scaphirhynchus suttkusi*	Wherever found	E	65 FR 26438, 5/5/2000; 50 CFR 17.95(e).[CH]
Sturgeon, Atlantic (Atlantic subspecies) [Carolina DPS].	*Acipenser oxyrinchus oxyrinchus.*	Carolina DPS—see 50 CFR 224.101.	E	77 FR 5914, 2/6/2012; [N] 79 FR 42687, 7/23/2014; 50 CFR 226.225. [CH]
Sturgeon, Atlantic (Atlantic subspecies)[Chesapeake Bay DPS].	*Acipenser oxyrinchus oxyrinchus.*	Chesapeake Bay DPS—see 50 CFR 224.101.	E	77 FR 5880, 2/6/2012; [N] 79 FR 42687, 7/23/2014; 50 CFR 226.225. [CH]
Sturgeon, Atlantic (Atlantic subspecies)[Gulf of Maine DPS].	*Acipenser oxyrinchus oxyrinchus.*	Gulf of Maine DPS—see 50 CFR 223.102.	T	77 FR 5880, 2/6/2012; [N] 79 FR 42687, 7/23/2014; 50 CFR 223.211; [4d] 50 CFR 226.225. [CH]
Sturgeon, Atlantic (Atlantic subspecies)[New York Bight DPS].	*Acipenser oxyrinchus oxyrinchus.*	New York Bight DPS—see 50 CFR 224.101.	E	77 FR 5880, 2/6/2012; [N] 79 FR 42687, 7/23/2014; 50 CFR 226.225. [CH]
Sturgeon, Atlantic (Atlantic subspecies)[South Atlantic DPS].	*Acipenser oxyrinchus oxyrinchus.*	South Atlantic DPS—see 50 CFR 224.101.	E	77 FR 5914, 2/6/2012; [N] 79 FR 42687, 7/23/2014; 50 CFR 226.225. [CH]
Sturgeon, Atlantic (Gulf subspecies).	*Acipenser oxyrinchus desotoi.*	Wherever found	T	56 FR 49653, 9/30/1991; [N] 56 FR 49658, 9/30/1991; 50 CFR 17.44; [4d] 50 CFR 17.95(e); [CH] 50 CFR 226.214.[CH]
Sturgeon, beluga	*Huso huso*	Wherever found	T	69 FR 18499, 4/8/2004; 50 CFR 17.44(y).[4d]
Sturgeon, Chinese	*Acipenser sinensis*	Wherever found	E	79 FR 31222, 6/2/2014; [N] 79 FR 52576, 9/4/2014.
Sturgeon, European	*Acipenser sturio*	Wherever found	E	79 FR 31222, 6/2/2014; [N] 79 FR 52576, 9/4/2014.
Sturgeon, green [Southern DPS].	*Acipenser medirostris*	Southern DPS—see 50 CFR 223.102.	T	71 FR 26835, 5/9/2006; 76 FR 20558, 4/13/2011; 79 FR 42687, 7/23/2014; 50 CFR 223.210; [4d] 50 CFR 226.219.[CH]
Sturgeon, Kaluga	*Huso dauricus*	Wherever found	E	79 FR 31222, 6/2/2014; [N] 79 FR 52576, 9/4/2014.
Sturgeon, pallid	*Scaphirhynchus albus*	Wherever found	E	55 FR 36641, 9/6/1990.
Sturgeon, Sakhalin	*Acipenser mikadoi*	Wherever found	E	79 FR 31222, 6/2/2014; [N] 79 FR 52576, 9/4/2014.
Sturgeon, shortnose	*Acipenser brevirostrum* ..	Wherever found	E	32 FR 4001, 3/11/1967.
Sturgeon, shovelnose	*Scaphirhynchus platorynchus.*	Wherever found	T (S/A)	75 FR 53598, 9/1/2010; 50 CFR 17.44(aa).[4d]
Sturgeon, white [Kootenai River DPS].	*Acipenser transmontanus*	Kootenai River DPS—U.S.A. (ID, MT), Canada (BC), (Kootenai R. system).	E	59 FR 45989, 9/6/1994; 50 CFR 17.95(e).[CH]
Sturgeon, Yangtze	*Acipenser dabryanus*	Wherever found	E	86 FR 21950, 4/26/2021.
Sucker, June	*Chasmistes liorus*	Wherever found	T	51 FR 10851, 3/31/1986; 86 FR 192, 1/4/2021; 50 CFR 17.44(cc) [4d]; 50 CFR 17.95(e).[CH]
Sucker, Lost River	*Deltistes luxatus*	Wherever found	E	53 FR 27130, 7/18/1988; 50 CFR 17.95(e).[CH]
Sucker, razorback	*Xyrauchen texanus*	Wherever found	E	56 FR 54957, 10/23/1991; 50 CFR 17.95(e).[CH]

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Sucker, Santa Ana [Three CA river basins DPS].	*Catostomus santaanae* ..	Los Angeles River basin, San Gabriel River basin, Santa Ana River basin.	T	65 FR 19686, 4/12/2000; 50 CFR 17.95(e).[CH]
Sucker, shortnose	*Chasmistes brevirostris* ..	Wherever found	E	53 FR 27130, 7/18/1988; 50 CFR 17.95(e).[CH]
Sucker, Warner	*Catostomus warnerensis*	Wherever found	T	50 FR 39117, 9/27/1985; 50 CFR 17.44(l);[4d] 50 CFR 17.95(e).[CH]
Sucker, Zuni bluehead	*Catostomus discobolus yarrowi.*	Wherever found	E	79 FR 43131, 7/24/2014; 50 CFR 17.95(e).[CH]
Sunfish, spring pygmy	*Elassoma alabamae*	Wherever found	T	78 FR 60766, 10/2/2013; 50 CFR 17.95(e).[CH]
Tango, Miyako (Tokyo bitterling).	*Tanakia tanago*	Wherever found	E	35 FR 8491, 6/2/1970.
Temoleh, Ikan (minnow)	*Probarbus jullieni*	Wherever found	E	41 FR 24062, 6/14/1976.
Topminnow, Barrens	*Fundulus julisia*	Wherever found	E	83 FR 56131, 10/21/2019.
Topminnow, Gila (incl. Yaqui)	*Poeciliopsis occidentalis*	Wherever found	E	32 FR 4001, 3/11/1967.
Totoaba (seatrout or weakfish)	*Cynoscion macdonaldi*	Wherever found	E	44 FR 29478, 5/21/1979.
Trout, bull [Lower 48 States DPS].	*Salvelinus confluentus*	U.S.A., coterminous (lower 48 states), except where listed as an experimental population.	T	63 FR 31647, 6/10/1998; 63 FR 42757, 8/11/1998; 64 FR 17110, 4/8/1999; 64 FR 58910, 11/1/1999; 50 CFR 17.44(w);[4d] 50 CFR 17.44(x);[4d] 50 CFR 17.95(e).[CH]
Trout, bull	*Salvelinus confluentus*	Clackamas River subbasin and the mainstem Willamette River, from Willamette Falls to its points of confluence with the Columbia River, including Multnomah Channel.	XN	76 FR 35979, 6/21/2011; 50 CFR 17.84(v).[10j]
Trout, Gila	*Oncorhynchus gilae*	Wherever found	T	32 FR 4001, 3/11/1967; 71 FR 40657, 7/18/2006; 50 CFR 17.44(z).[4d]
Trout, greenback cutthroat	*Oncorhynchus clarkii stomias.*	Wherever found	T	32 FR 4001, 3/11/1967; 43 FR 16343, 4/18/1978; 50 CFR 17.44(f).[4d]
Trout, Lahontan cutthroat	*Oncorhynchus clarkii henshawi.*	Wherever found	T	35 FR 16047, 10/13/1970; 40 FR 29863, 7/16/1975; 50 CFR 17.44(a).[4d]
Trout, Little Kern golden	*Oncorhynchus aguabonita whitei.*	Wherever found	T	43 FR 15427, 4/13/1978; 50 CFR 17.44(e);[4d] 50 CFR 17.95(e).[CH]
Trout, Paiute cutthroat	*Oncorhynchus clarkii seleniris.*	Wherever found	T	32 FR 4001, 3/11/1967; 40 FR 29863, 7/16/1975; 50 CFR 17.44(a).[4d]
Woundfin	*Plagopterus argentissimus.*	Wherever found, except where listed as an experimental population.	E	35 FR 16047, 10/13/1970; 50 FR 30188, 7/24/1985; 50 CFR 17.95(e).[CH]
Woundfin	*Plagopterus argentissimus.*	Gila R. drainage, AZ, NM	XN	50 FR 30188, 7/24/1985; 50 CFR 17.84(b).[10j]
		CLAMS		
Bankclimber, purple	*Elliptoideus sloatianus*	Wherever found	T	63 FR 12664, 3/16/1998; 50 CFR 17.95(f).[CH]
Bean, Choctaw	*Obovaria choctawensis* ..	Wherever found	E	77 FR 61663, 10/10/2012; 50 CFR 17.95(f).[CH]
Bean, Cumberland	*Villosa trabalis*	Wherever found, except where listed as an experimental population.	E	41 FR 24062, 6/14/1976.
Bean, Cumberland	*Villosa trabalis*	U.S.A. (AL—specified portions of the Tennessee River; see § 17.85(a)(1)).	XN	66 FR 32250, 6/14/2001; 50 CFR 17.85(a).[10j]

Common name	Scientific name	Where listed	Status	Listing citations and applicable rules
Bean, Cumberland	*Villosa trabalis*	U.S.A. (TN—specified portions of the French Broad and Holston Rivers; see § 17.85(b)(1)).	XN	72 FR 52434, 9/13/2007; 50 CFR 17.85(b).[10j]
Bean, Purple	*Villosa perpurpurea*	Wherever found	E	62 FR 1647, 1/10/1997; 50 CFR 17.95(f).[CH]
Clubshell	*Pleurobema clava*	Wherever found, except where listed as an experimental population.	E	58 FR 5638, 1/22/1993.
Clubshell	Pleurobema clava	U.S.A. (AL—specified portions of the Tennessee River; see § 17.85(a)(1)).	XN	66 FR 32250, 6/14/2001; 50 CFR 17.85(a).[10j]
Clubshell, black	*Pleurobema curtum*	Wherever found	E	52 FR 11162, 4/7/1987.
Clubshell, Canoe Creek	*Pleurobema athearni*	Wherever found	E	87 FR 40115, July 6, 2022; 50 CFR 17.95(f).[CH]
Clubshell, ovate	*Pleurobema perovatum*	Wherever found	E	58 FR 14330, 3/17/1993; 50 CFR 17.95(f).[CH]
Clubshell, southern	*Pleurobema decisum*	Wherever found	E	58 FR 14330, 3/17/1993; 50 CFR 17.95(f).[CH]
Combshell, Cumberlandian	*Epioblasma brevidens*	Wherever found, except where listed as an experimental population.	E	62 FR 1647, 1/10/1997; 50 CFR 17.95(f).[CH]
Combshell, Cumberlandian	*Epioblasma brevidens*	U.S.A. (AL—specified portions of the Tennessee River; see § 17.85(a)(1)).	XN	66 FR 32250, 6/14/2001; 50 CFR 17.85(a).[10j]
Combshell, Cumberlandian	*Epioblasma brevidens*	U.S.A. (TN—specified portions of the French Broad and Holston Rivers; see § 17.85(b)(1).	XN	72 FR 52434, 9/13/2007; 50 CFR 17.85(b).[10j]
Combshell, southern	*Epioblasma (=Dysnomia) penita.*	Wherever found	E	52 FR 11162, 4/7/1987.
Ebonyshell, round	*Reginaia rotulata*	Wherever found	E	58 FR 14330, 3/17/1993; 50 CFR 17.95(f).[CH]
Elktoe, Appalachian	*Alasmidonta raveneliana*	Wherever found	E	59 FR 60324, 11/23/1994; 50 CFR 17.95(f).[CH]
Elktoe, Cumberland	*Alasmidonta atropurpurea.*	Wherever found	E	62 FR 1647, 1/10/1997; 50 CFR 17.95(f).[CH]
Fanshell	*Cyprogenia stegaria*	Wherever found, except where listed as an experimental population.	E	55 FR 25591, 6/21/1990.
Fanshell	*Cyprogenia stegaria*	U.S.A. (TN—specified portions of the French Broad and Holston Rivers; see § 17.85(b)(1)).	XN	72 FR 52434, 9/13/2007; 50 CFR 17.85(b).[10j]
Fanshell, "Ouachita"	*Cyprogenia* cf. *aberti*	Wherever found	T	88 FR 41724, 6/27/2023; 50 CFR 17.45(f);[4d] 50 CFR 17.95(f).[CH]
Fanshell, western	*Cyprogenia aberti*	Wherever found	T	88 FR 41724, 6/27/2023; 50 CFR 17.45(f);[4d] 50 CFR 17.95(f).[CH]
Fatmucket, Arkansas	*Lampsilis powelli*	Wherever found	T	55 FR 12797, 4/5/1990.
Fatmucket, Guadalupe	*Lampsilis bergmanni*	Wherever found	E	89 FR 48034, 6/4/2024; 50 CFR 17.95(f).[CH]
Fatmucket, Texas	*Lampsilis bracteata*	Wherever found	E	89 FR 48034, 6/4/2024; 50 CFR 17.95(f).[CH]
Fawnsfoot, Texas	*Truncilla macrodon*	Wherever found	T	89 FR 48034, 6/4/2024; 50 CFR 17.45(c);[4d] 50 CFR 17.95(f).[CH]
Heelsplitter, inflated	*Potamilus inflatus*	Wherever found	T	55 FR 39868, 9/28/1990.
Heelsplitter, Carolina	*Lasmigona decorata*	Wherever found	E	58 FR 34926, 6/30/1993; 50 CFR 17.95(f).[CH]
Higgins eye (pearlymussel)	*Lampsilis higginsii*	Wherever found	E	41 FR 24062, 6/14/1976.
Hickorynut, round	*Obovaria subrotunda*	Wherever found	T	88 FR 14794, 3/9/2023; 50 CFR 17.45(d);[4d] 50 CFR 17.95(f).[CH]
Hornshell, Texas	*Popenaias popeii*	Wherever found	E	83 FR 5720, 2/9/2018.
Kidneyshell, fluted	*Ptychobranchus subtentus.*	Wherever found	E	78 FR 59269, 9/26/2013; 50 CFR 17.95(f).[CH]

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Kidneyshell, southern	*Ptychobranchus jonesi*	Wherever found	E	77 FR 61663, 10/10/2012; 50 CFR 17.95(f).[CH]
Kidneyshell, triangular	*Ptychobranchus greenii*	Wherever found	E	58 FR 14330, 3/17/1993; 50 CFR 17.95(f).[CH]
Lampmussel, Alabama	*Lampsilis virescens*	Wherever found, except where listed as an experimental population.	E	41 FR 24062, 6/14/1976.
Lampmussel, Alabama	*Lampsilis virescens*	U.S.A. (AL—specified portions of the Tennessee River; see § 17.85(a)(1)).	XN	66 FR 32250, 6/14/2001; 50 CFR 17.85(a).[10j]
Lance, yellow	*Elliptio lanceolata*	Wherever found	T	83 FR 14189, 4/3/2018; 50 CFR 17.95(f).[CH]
Lilliput, pale	*Toxolasma cylindrellus*	Wherever found	E	41 FR 24062, 6/14/1976.
Longsolid	*Fusconaia subrotunda*	Wherever found	T	88 FR 14794, 3/9/2023; 50 CFR 17.45(d);[4d] 50 CFR 17.95(f).[CH]
Mapleleaf, winged (mussel)	*Quadrula fragosa*	Wherever found, except where listed as an experimental population.	E	56 FR 28345, 6/20/1991.
Mapleleaf, winged (mussel)	*Quadrula fragosa*	U.S.A. (AL—specified portions of the Tennessee River; see § 17.85(a)(1)).	XN	66 FR 32250, 6/14/2001; 50 CFR 17.85(a).[10j]
Moccasinshell, Alabama	*Medionidus acutissimus*	Wherever found	T	58 FR 14330, 3/17/1993; 50 CFR 17.95(f).[CH]
Moccasinshell, Coosa	*Medionidus parvulus*	Wherever found	E	58 FR 14330, 3/17/1993; 50 CFR 17.95(f).[CH]
Moccasinshell, Gulf	*Medionidus penicillatus*	Wherever found	E	63 FR 12664, 3/16/1998; 50 CFR 17.95(f).[CH]
Moccasinshell, Ochlockonee	*Medionidus simpsonianus.*	Wherever found	E	63 FR 12664, 3/16/1998; 50 CFR 17.95(f).[CH]
Moccasinshell, Suwannee	*Medionidus walkeri*	Wherever found	T	81 FR 69417, 10/6/2016; 50 CFR 17.95(f).[CH]
Monkeyface, Appalachian (pearlymussel).	*Theliderma sparsa*	Wherever found, except where listed as an experimental population.	E	41 FR 24062, 6/14/1976.
Monkeyface, Appalachian (pearlymussel).	*Theliderma sparsa*	U.S.A. (TN—specified portions of the French Broad and Holston Rivers; see § 17.85(b)(1)).	XN	72 FR 52434, 9/13/2007; 50 CFR 17.85(b).[10j]
Monkeyface, Cumberland	*Theliderma intermedia*	Wherever found, except where listed as an experimental population.	E	41 FR 24062, 6/14/1976.
Monkeyface, Cumberland	*Theliderma intermedia*	U.S.A. (AL—specified portions of the Tennessee River; see § 17.85(a)(1)).	XN	66 FR 32250, 6/14/2001; 50 CFR 17.85(a).[10j]
Monkeyface, Cumberland	*Theliderma intermedia*	U.S.A. (TN—specified portions of the French Broad and Holston Rivers; see § 17.85(b)(1)).	XN	72 FR 52434, 9/13/2007; 50 CFR 17.85(b).[10j]
Mucket, Neosho	*Lampsilis rafinesqueana*	Wherever found	E	78 FR 57076, 9/17/2013; 50 CFR 17.95(f).[CH]
Mucket, orangenacre	*Hamiota perovalis*	Wherever found	T	58 FR 14330, 3/17/1993; 50 CFR 17.95(f).[CH]
Mucket, pink (pearlymussel)	*Lampsilis abrupta*	Wherever found	E	41 FR 24062, 6/14/1976.
Mussel, oyster	*Epioblasma capsaeformis.*	Wherever found, except where listed as an experimental population.	E	62 FR 1647, 1/10/1997; 50 CFR 17.95(f).[CH]
Mussel, oyster	*Epioblasma capsaeformis.*	U.S.A. (AL—specified portions of the Tennessee River; see § 17.85(a)(1)).	XN	66 FR 32250, 6/14/2001; 50 CFR 17.85(a).[10j]
Mussel, oyster	*Epioblasma capsaeformis.*	U.S.A. (TN—specified portions of the French Broad and Holston Rivers; see § 17.85(b)(1)).	XN	72 FR 52434, 9/13/2007; 50 CFR 17.85(b).[10j]
Mussel, rayed bean	*Villosa fabalis*	Wherever found	E	77 FR 8632, 2/14/2012.
Mussel, scaleshell	*Leptodea leptodon*	Wherever found	E	66 FR 51322, 10/9/2001.

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Orb, Guadalupe	*Cyclonaias necki*	Wherever found	E	89 FR 48034, 6/4/2024; 50 CFR 17.95(f).[CH]
Pearlshell, Alabama	*Margaritifera marrianae*	Wherever found	E	77 FR 61663, 10/10/2012; 50 CFR 17.95(f).[CH]
Pearlshell, Louisiana	*Margaritifera hembeli*	Wherever found	T	53 FR 3567, 2/5/1988; 58 FR 49935, 9/24/1993.
Pearlymussel, birdwing	*Lemiox rimosus*	Wherever found, except where listed as an experimental population.	E	41 FR 24062, 6/14/1976.
Pearlymussel, birdwing	*Lemiox rimosus*	U.S.A. (AL—specified portions of the Tennessee River; see § 17.85(a)(1)).	XN	66 FR 32250, 6/14/2001; 50 CFR 17.85(a).[10j]
Pearlymussel, birdwing	*Lemiox rimosus*	U.S.A. (TN—specified portions of the French Broad and Holston Rivers; see § 17.85(b)(1)).	XN	72 FR 52434, 9/13/2007; 50 CFR 17.85(b).[10j]
Pearlymussel, cracking	*Hemistena lata*	Wherever found, except where listed as an experimental population.	E	54 FR 39850, 9/28/1989.
Pearlymussel, cracking	*Hemistena lata*	U.S.A. (AL—specified portions of the Tennessee River; see § 17.85(a)(1)).	XN	66 FR 32250, 6/14/2001; 50 CFR 17.85(a).[10j]
Pearlymussel, cracking	*Hemistena lata*	U.S.A. (TN—specified portions of the French Broad and Holston Rivers; see § 17.85(b)(1)).	XN	72 FR 52434, 9/13/2007; 50 CFR 17.85(b).[10j]
Pearlymussel, Curtis	*Epioblasma curtisii*	Wherever found	E	41 FR 24062, 6/14/1976.
Pearlymussel, dromedary	*Dromus dromas*	Wherever found, except where listed as an experimental population.	E	41 FR 24062, 6/14/1976.
Pearlymussel, dromedary	*Dromus dromas*	U.S.A. (AL—specified portions of the Tennessee River; see § 17.85(a)(1)).	XN	66 FR 32250, 6/14/2001; 50 CFR 17.85(a).[10j]
Pearlymussel, dromedary	*Dromus dromas*	U.S.A. (TN—specified portions of the French Broad and Holston Rivers; see § 17.85(b)(1)).	XN	72 FR 52434, 9/13/2007; 50 CFR 17.85(b).[10j]
Pearlymussel, littlewing	*Pegias fabula*	Wherever found	E	53 FR 45861, 11/14/1988.
Pearlymussel, Nicklin's	*Megalonaias nicklineana*	Wherever found	E	41 FR 24062, 6/14/1976.
Pearlymussel, purple cat's paw	*Epioblasma obliquata*	Wherever found, except where listed as an experimental population.	E	55 FR 28209, 7/10/1990.
Pearlymussel, purple cat's paw	*Epioblasma obliquata*	U.S.A. (AL—specified portions of the Tennessee River; see § 17.85(a)(1)).	XN	66 FR 32250, 6/14/2001; 50 CFR 17.85(a).[10j]
Pearlymussel, slabside	*Pleuronaia dolabelloides*	Wherever found	E	78 FR 59269, 9/26/2013; 50 CFR 17.95(f).[CH]
Pearlymussel, Tampico	*Cyrtonaias tampicoensis tecomatensis.*	Wherever found	E	41 FR 24062, 6/14/1976.
Pearlymussel, white cat's paw	*Epioblasma perobliqua*	Wherever found	E	41 FR 24062, 6/14/1976.
Pigtoe, Atlantic	*Fusconaia masoni*	Wherever found	T	86 FR 64000, 11/162021; 50 CFR 17.45(a);[4d] 50 CFR 17.95(f).[CH]
Pigtoe, Cumberland	*Pleuronaia gibber*	Wherever found	E	56 FR 21084, 5/7/1991.
Pigtoe, dark	*Pleurobema furvum*	Wherever found	E	58 FR 14330, 3/17/1993; 50 CFR 17.95(f).[CH]
Pigtoe, finerayed	*Fusconaia cuneolus*	Wherever found, except where listed as an experimental population.	E	41 FR 24062, 6/14/1976.
Pigtoe, finerayed	*Fusconaia cuneolus*	U.S.A. (AL—specified portions of the Tennessee River; see § 17.85(a)(1)).	XN	66 FR 32250, 6/14/2001; 50 CFR 17.85(a).[10j]

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Pigtoe, finerayed	*Fusconaia cuneolus*	U.S.A. (TN—specified portions of the French Broad and Holston Rivers; see § 17.85(b)(1)).	XN	72 FR 52434, 9/13/2007; 50 CFR 17.85(b).[10j]
Pigtoe, fuzzy	*Pleurobema strodeanum*	Wherever found	T	77 FR 61663, 10/10/2012; 50 CFR 17.95(f).[CH]
Pigtoe, Georgia	*Pleurobema hanleyianum*	Wherever found	E	75 FR 67512, 11/2/2010; 50 CFR 17.95(f).[CH]
Pigtoe, heavy	*Pleurobema taitianum*	Wherever found	E	52 FR 11162, 4/7/1987.
Pigtoe, narrow	*Fusconaia escambia*	Wherever found	T	77 FR 61663, 10/10/2012; 50 CFR 17.95(f).[CH]
Pigtoe, oval	*Pleurobema pyriforme*	Wherever found	E	63 FR 12664, 3/16/1998; 50 CFR 17.95(f).[CH]
Pigtoe, rough	*Pleurobema plenum*	Wherever found, except where listed as an experimental population.	E	41 FR 24062, 6/14/1976.
Pigtoe, rough	*Pleurobema plenum*	U.S.A. (TN—specified portions of the French Broad and Holston Rivers; see § 17.85(b)(1)).	XN	72 FR 52434, 9/13/2007; 50 CFR 17.85(b).[10j]
Pigtoe, shiny	*Fusconaia cor*	Wherever found, except where listed as an experimental population.	E	41 FR 24062, 6/14/1976.
Pigtoe, shiny	*Fusconaia cor*	U.S.A. (AL—specified portions of the Tennessee River; see § 17.85(a)(1)).	XN	66 FR 32250, 6/14/2001; 50 CFR 17.85(a).[10j]
Pigtoe, shiny	*Fusconaia cor*	U.S.A. (TN—specified portions of the French Broad and Holston Rivers; see § 17.85(b)(1)).	XN	72 FR 52434, 9/13/2007; 50 CFR 17.85(b).[10j]
Pigtoe, southern	*Pleurobema georgianum*	Wherever found	E	58 FR 14330, 3/17/1993; 50 CFR 17.95(f).[CH]
Pigtoe, tapered	*Fusconaia burkei*	Wherever found	T	77 FR 61663, 10/10/2012; 50 CFR 17.95(f).[CH]
Pimpleback, orangefoot	*Plethobasus cooperianus*	Wherever found, except where listed as an experimental population.	E	41 FR 24062, 6/14/1976.
Pimpleback, orangefoot	*Plethobasus cooperianus*	U.S.A. (TN—specified portions of the French Broad and Holston Rivers; see § 17.85(b)(1)).	XN	72 FR 52434, 9/13/2007; 50 CFR 17.85(b).[10j]
Pimpleback, Texas	*Cyclonaias petrina*	Wherever found	E	89 FR 48034, 6/4/2024; 50 CFR 17.95(f).[CH]
Pink, ring	*Obovaria retusa*	Wherever found, except where listed as an experimental population.	E	54 FR 40109, 9/29/1989.
Pink, ring	*Obovaria retusa*	U.S.A. (TN—specified portions of the French Broad and Holston Rivers; see § 17.85(b)(1)).	XN	72 FR 52434, 9/13/2007; 50 CFR 17.85(b).[10j]
Pocketbook, fat	*Potamilus capax*	Wherever found	E	41 FR 24062, 6/14/1976.
Pocketbook, finelined	*Hamiota altilis*	Wherever found	T	58 FR 14330, 3/17/1993; 50 CFR 17.95(f).[CH]
Rock pocketbook, Ouachita	*Arcidens wheeleri*	Wherever found	E	56 FR 54950, 10/23/1991.
Pocketbook, shinyrayed	*Hamiota subangulata*	Wherever found	E	63 FR 12664, 3/16/1998; 50 CFR 17.95(f).[CH]
Pocketbook, speckled	*Lampsilis streckeri*	Wherever found	E	54 FR 8339, 2/28/1989.
Rabbitsfoot	*Quadrula cylindrica cylindrica.*	Wherever found	T	78 FR 57076, 9/17/2013; 50 CFR 17.95(f).[CH]
Rabbitsfoot, rough	*Quadrula cylindrica strigillata.*	Wherever found	E	62 FR 1647, 1/10/1997; 50 CFR 17.95(f).[CH]
Riffleshell, northern	*Epioblasma rangiana*	Wherever found	E	58 FR 5638, 1/22/1993.
Riffleshell, tan	*Epioblasma florentina walkeri (=E. walkeri).*	Wherever found	E	42 FR 42351, 8/23/1977.
Sandshell, southern	*Hamiota australis*	Wherever found	T	77 FR 61663, 10/10/2012; 50 CFR 17.95(f).[CH]
Sheepnose	*Plethobasus cyphyus*	Wherever found	E	77 FR 14914, 3/13/2012.

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Slabshell, Chipola	*Elliptio chipolaensis*	Wherever found	T	63 FR 12664, 3/16/1998; 50 CFR 17.95(f).CH
Snuffbox (mussel)	*Epioblasma triquetra*	Wherever found	E	77 FR 8632, 2/14/2012.
Spectaclecase	*Cumberlandia monodonta.*	Wherever found	E	77 FR 14914, 3/13/2012.
Spike, Balcones	*Fusconaia iheringi*	Wherever found	E	89 FR 48034, 6/4/2024; 50 CFR 17.95(f).CH
Spike, false	Fusconaia mitchelli	Wherever found	E	89 FR 48034, 6/4/2024; 50 CFR 17.95(f).CH
Spinymussel, Altamaha	*Elliptio spinosa*	Wherever found	E	76 FR 62928, 10/11/2011; 50 CFR 17.95(f).CH
Spinymussel, James	*Parvaspina collina*	Wherever found	E	53 FR 27689, 7/22/1988.
Spinymussel, Tar River	*Parvaspina steinstansana.*	Wherever found	E	50 FR 26572, 6/27/1985.
Threeridge, fat	*Amblema neislerii*	Wherever found	E	63 FR 12664, 3/16/1998; 50 CFR 17.95(f).CH
Wartyback, white	*Plethobasus cicatricosus*	Wherever found, except where listed as an experimental population.	E	41 FR 24062, 6/14/1976.
Wartyback, white	*Plethobasus cicatricosus*	U.S.A. (TN—specified portions of the French Broad and Holston Rivers; see § 17.85(b)(1)).	XN	72 FR 52434, 9/13/2007; 50 CFR 17.85(b).10j
Wedgemussel, dwarf	*Alasmidonta heterodon*	Wherever found	E	55 FR 9447, 3/14/1990.
		SNAILS		
Abalone, Black	*Haliotis cracherodii*	Wherever found	E	74 FR 1937, 1/14/2009;N 76 FR 20558, 4/13/2011; 79 FR 42687, 7/23/2014; 50 CFR 226.221.CH
Abalone, white	*Haliotis sorenseni*	Wherever found	E	66 FR 29054, 5/29/2001;N 70 FR 69464, 11/16/2005.
Campeloma, slender	*Campeloma decampi*	Wherever found	E	65 FR 10033, 2/25/2000.
Cavesnail, Tumbling Creek	*Antrobia culveri*	Wherever found	E	67 FR 52879, 8/14/2002; 50 CFR 17.95(f).CH
Elimia, lacy	*Elimia crenatella*	Wherever found	T	63 FR 57610, 10/28/1998.
Hornsnail, rough	*Pleurocera foremani*	Wherever found	E	75 FR 67512, 11/2/2010; 50 CFR 17.95(f).CH
Limpet, Banbury Springs	*Idaholanx fresti*	Wherever found	E	57 FR 59244, 12/14/1992.
Lioplax, cylindrical	*Lioplax cyclostomaformis*	Wherever found	E	63 FR 57610, 10/28/1998.
Marstonia, armored (snail)	*Marstonia pachyta*	Wherever found	E	65 FR 10033, 2/25/2000.
Marstonia, royal	*Marstonia ogmorhaphe*	Wherever found	E	59 FR 17994, 4/15/1994.
Pebblesnail, flat	*Lepyrium showalteri*	Wherever found	E	63 FR 57610, 10/28/1998.
Pecos assiminea	*Assiminea pecos*	Wherever found	E	76 FR 33036, 6/7/2011; 50 CFR 17.95(f).CH
Ramshorn, magnificent	*Planorbella magnifica*	Wherever found	E	88 FR 56471, 8/18/2023; 50 CFR 17.95(f).CH
Riversnail, Anthony's	*Athearnia anthonyi*	Wherever found, except where listed as an experimental population.	E	59 FR 17994, 4/15/1994.
Riversnail, Anthony's	*Athearnia anthonyi*	U.S.A. (AL—specified portions of the Tennessee River; see § 17.85(a)(1)).	XN	66 FR 32250, 6/14/2001; 50 CFR 17.85(a).10j
Riversnail, Anthony's	*Athearnia anthonyi*	U.S.A. (TN—specified portions of the French Broad and Holston Rivers; see § 17.85(b)(1)).	XN	72 FR 52434, 9/13/2007; 50 CFR 17.85(b).10j
Rocksnail, interrupted	*Leptoxis foremani*	Wherever found	E	75 FR 67512, 11/2/2010; 50 CFR 17.95(f).CH
Rocksnail, painted	*Leptoxis taeniata*	Wherever found	T	63 FR 57610, 10/28/1998.
Rocksnail, plicate	*Leptoxis plicata*	Wherever found	E	63 FR 57610, 10/28/1998.
Rocksnail, round	*Leptoxis ampla*	Wherever found	T	63 FR 57610, 10/28/1998.
Snail, Bliss Rapids	*Taylorconcha serpenticola.*	Wherever found	T	57 FR 59244, 12/14/1992.
Snail, Chittenango ovate amber.	*Novisuccinea chittenangoensis.*	Wherever found	T	43 FR 28932, 7/3/1978.
Snail, flat-spired three-toothed	*Triodopsis platysayoides*	Wherever found	T	43 FR 28932, 7/3/1978.
Snail, fragile tree (Akaleha dogas, Denden).	*Samoana fragilis*	Wherever found	E	80 FR 59423, 10/1/2015.

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Snail, Guam tree (Akaleha, Denden).	*Partula radiolata*	Wherever found	E	80 FR 59423, 10/1/2015.
Snail, humped tree (Akaleha, Denden).	*Partula gibba*	Wherever found	E	80 FR 59423, 10/1/2015.
Snail, Iowa Pleistocene	*Discus macclintocki*	Wherever found	E	43 FR 28932, 7/3/1978.
Snail, Lanai tree	*Partulina semicarinata*	Wherever found	E	78 FR 32013, 5/28/2013.
Snail, Lanai tree	*Partulina variabilis*	Wherever found	E	78 FR 32013, 5/28/2013.
Snail, Langford's tree (Akaleha, Denden).	*Partula langfordi*	Wherever found	E	80 FR 59423, 10/1/2015.
Snail, Manus Island tree	*Papustyla pulcherrima*	Wherever found	E	35 FR 8491, 6/2/1970.
Snail, Morro shoulderband	*Helmin thoglypta walkeriana.*	Wherever found	T	59 FR 64613, 12/15/1994; 87 FR 6063, 2/3/2022; 50 CFR 17.45(b);[4d] 50 CFR 17.95(f).[CH]
Snail, Newcomb's	*Erinna newcombi*	Wherever found	T	65 FR 4162, 1/26/2000; 50 CFR 17.95(f).[CH]
Snail, Newcomb's tree	*Newcombia cumingi*	Wherever found	E	78 FR 32013, 5/28/2013; 50 CFR 17.95(f).[CH]
Snail [no common name]	*Eua zebrina*	Wherever found	E	81 FR 65466, 9/22/2016.
Snail [no common name]	*Ostodes strigatus*	Wherever found	E	81 FR 65466, 9/22/2016.
Snail, noonday	*Mesodon clarki nantahala.*	Wherever found	T	43 FR 28932, 7/3/1978.
Snail, painted snake coiled forest.	*Anguispira picta*	Wherever found	T	43 FR 28932, 7/3/1978.
Snail, Snake River physa	*Physella natricina*	Wherever found	E	57 FR 59244, 12/14/1992.
Snail, Stock Island tree	*Orthalicus reses* (not incl. *nesodryas*).	Wherever found	T	43 FR 28932, 7/3/1978.
Snail, tulotoma	*Tulotoma magnifica*	Wherever found	T	56 FR 797, 1/9/1991; 76 FR 31866, 6/2/2011.
Snail, Virginia fringed mountain	*Polygyriscus virginianus*	Wherever found	E	43 FR 28932, 7/3/1978.
Snails, Oahu tree	*Achatinella* spp.	Wherever found	E	46 FR 3178, 1/13/1981; 46 FR 40025, 8/6/1981.
Springsnail, Alamosa	*Tryonia alamosae*	Wherever found	E	56 FR 49646, 9/30/1991.
Springsnail, Bruneau Hot	*Pyrgulopsis bruneauensis.*	Wherever found	E	58 FR 5938, 1/25/1993.
Springsnail, Chupadera	*Pyrgulopsis chupaderae*	Wherever found	E	77 FR 41088, 7/12/2012; 50 CFR 17.95(f).[CH]
Springsnail, Koster's	*Juturnia kosteri*	Wherever found	E	76 FR 33036, 6/7/2011; 50 CFR 17.95(f).[CH]
Springsnail, Phantom	*Pyrgulopsis texana*	Wherever found	E	78 FR 41227, 7/9/2013; 50 CFR 17.95(f).[CH]
Springsnail, Roswell	*Pyrgulopsis roswellensis*	Wherever found	E	76 FR 33036, 6/7/2011; 50 CFR 17.95(f).[CH]
Springsnail, San Bernardino	*Pyrgulopsis bernardina*	Wherever found	T	77 FR 23060, 4/17/2012; 50 CFR 17.95(f).[CH]
Springsnail, Socorro	*Pyrgulopsis neomexicana.*	Wherever found	E	56 FR 49646, 9/30/1991.
Springsnail, Three Forks	*Pyrgulopsis trivialis*	Wherever found	E	77 FR 23060, 4/17/2012; 50 CFR 17.95(f).[CH]
Tryonia, Diamond	*Pseudotryonia adamantina.*	Wherever found	E	78 FR 41227, 7/9/2013; 50 CFR 17.95(f).[CH]
Tryonia, Gonzales	*Tryonia circumstriata*	Wherever found	E	78 FR 41227, 7/9/2013; 50 CFR 17.95(f).[CH]
Tryonia, Phantom	*Tryonia cheatumi*	Wherever found	E	78 FR 41227, 7/9/2013; 50 CFR 17.95(f).[CH]
		INSECTS		
Bee, bumble, Franklin's	*Bombus franklini*	Wherever found	E	85 FR 47221, 8/24/2021.
Bee, bumble, rusty patched	*Bombus affinis*	Wherever found	E	82 FR 3186, 1/11/2017.
Bee, yellow-faced	*Hylaeus anthracinus*	Wherever found	E	81 FR 67786, 9/30/2016.
Bee, yellow-faced	*Hylaeus assimulans*	Wherever found	E	81 FR 67786, 9/30/2016.
Bee, yellow-faced	*Hylaeus facilis*	Wherever found	E	81 FR 67786, 9/30/2016.
Bee, yellow-faced	*Hylaeus hilaris*	Wherever found	E	81 FR 67786, 9/30/2016.
Bee, yellow-faced	*Hylaeus kuakea*	Wherever found	E	81 FR 67786, 9/30/2016.
Bee, yellow-faced	*Hylaeus longiceps*	Wherever found	E	81 FR 67786, 9/30/2016.
Bee, yellow-faced	*Hylaeus mana*	Wherever found	E	81 FR 67786, 9/30/2016.
Beetle, American burying	*Nicrophorus americanus*	Wherever found, except where listed as an experimental population.	T	54 FR 29652, 7/13/1989; 85 FR 65241, 10/15/2020; 50 CFR 17.47(d).[4d]
Beetle, American burying	*Nicrophorus americanus*	In southwestern Missouri, the counties of Cedar, St. Clair, Bates, and Vernon.	XN	77 FR 16712, 3/22/2012; 50 CFR 17.85(c).[10j]

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Beetle, Casey's June	*Dinacoma caseyi*	Wherever found	E	76 FR 58954, 9/22/2011; 50 CFR 17.95(i).[CH]
Beetle, Coffin Cave mold	*Batrisodes texanus*	Wherever found	E	53 FR 36029, 9/16/1988; 58 FR 43818, 8/18/1993.
Beetle, Comal Springs dryopid	*Stygoparnus comalensis*	Wherever found	E	62 FR 66295, 12/18/1997; 50 CFR 17.95(i).[CH]
Beetle, Comal Springs riffle	*Heterelmis comalensis*	Wherever found	E	62 FR 66295, 12/18/1997; 50 CFR 17.95(i).[CH]
Beetle, delta green ground	*Elaphrus viridis*	Wherever found	T	45 FR 52807, 8/8/1980; 50 CFR 17.95(i).[CH]
Beetle, Helotes mold	*Batrisodes venyivi*	Wherever found	E	65 FR 81419, 12/26/2000; 50 CFR 17.95(i).[CH]
Beetle, Hungerford's crawling water.	*Brychius hungerfordi*	Wherever found	E	59 FR 10580, 3/7/1994.
Beetle, Kretschmarr Cave mold	*Texamaurops reddelli*	Wherever found	E	53 FR 36029, 9/16/1988; 58 FR 43818, 8/18/1993.
Beetle, Miami tiger	*Cicindelidia floridana*	Wherever found	E	81 FR 68985, 10/5/2016; 50 CFR 17.95(i).[CH]
Beetle, Mount Hermon June	*Polyphylla barbata*	Wherever found	E	62 FR 3616, 1/24/1997.
Beetle, (no common name)	*Rhadine exilis*	Wherever found	E	65 FR 81419, 12/26/2000; 50 CFR 17.95(i).[CH]
Beetle, (no common name)	*Rhadine infernalis*	Wherever found	E	65 FR 81419, 12/26/2000; 50 CFR 17.95(i).[CH]
Beetle, Northeastern beach tiger.	*Habroscelimorpha dorsalis dorsalis.*	Wherever found	T	55 FR 32088, 8/7/1990.
Beetle, Ohlone tiger	*Cicindela ohlone*	Wherever found	E	66 FR 50340, 10/3/2001.
Beetle, Puritan tiger	*Ellipsoptera puritana*	Wherever found	T	55 FR 32088, 8/7/1990.
Beetle, Salt Creek tiger	*Cicindela nevadica lincolniana.*	Wherever found	E	70 FR 58335, 10/6/2005; 50 CFR 17.95(i).[CH]
Beetle, Tooth Cave ground	*Rhadine persephone*	Wherever found	E	53 FR 36029, 9/16/1988.
Beetle, valley elderberry longhorn.	*Desmocerus californicus dimorphus.*	Wherever found	T	45 FR 52803, 8/8/1980; 50 CFR 17.95(i).[CH]
Butterfly, Bartram's scrub-hairstreak.	*Strymon acis bartrami*	Wherever found	E	79 FR 47221, 8/12/2014; 50 CFR 17.95(i).[CH]
Butterfly, bay checkerspot	*Euphydryas editha bayensis.*	Wherever found	T	52 FR 35366, 9/18/1987; 50 CFR 17.95(i).[CH]
Butterfly, Behren's silverspot	*Speyeria zerene behrensii.*	Wherever found	E	62 FR 64306, 12/5/1997.
Butterfly, callippe silverspot	*Speyeria callippe callippe*	Wherever found	E	62 FR 64306, 12/5/1997.
Butterfly, cassius blue	*Leptotes cassius theonus*	Coastal south and central FL.	T (S/A)	77 FR 20948, 4/6/2012.
Butterfly, ceraunus blue	*Hemiargus ceraunus antibubastus.*	Coastal south and central FL.	T (S/A)	77 FR 20948, 4/6/2012.
Butterfly, Corsican swallowtail	*Papilio hospiton*	Wherever found	E	58 FR 4356, 1/14/1993.
Butterfly, El Segundo blue	*Euphilotes battoides allyni.*	Wherever found	E	41 FR 22041, 6/14/1976.
Butterfly, Fender's blue	*Icaricia icarioides fenderi*	Wherever found	T	65 FR 3875, 1/25/2000; 88 FR 2006, 1/12/2023; 50 CFR 17.47(f);[4d] 50 CFR 17.95(i).[CH]
Butterfly, Florida leafwing	*Anaea troglodyta floridalis.*	Wherever found	E	79 FR 47221, 8/12/2014; 50 CFR 17.95(i).[CH]
Butterfly, Fluminense swallowtail.	*Parides ascanius*	Wherever found	E	89 FR 99129, 12/10/2024.
Butterfly, Hahnel's Amazonian swallowtail.	*Parides hahneli*	Wherever found	E	89 FR 99129, 12/10/2024.
Butterfly Harris' mimic swallowtail.	*Eurytides* (=*Mimoides*) *lysithous harrisianus.*	Wherever found	E	89 FR 99129, 12/10/2024.
Butterfly, Hermes copper	*Lycaena hermes*	Wherever found	T	86 FR 72394; 12/21/2021; 50 CFR 17.47(e);[4d] 50 CFR 17.95(i).[CH]
Butterfly, Homerus swallowtail	*Papilio homerus*	Wherever found	E	58 FR 4356, 1/14/1993.
Butterfly, island marble	*Euchloe ausonides insulanus.*	Wherever found	E	85 FR 26786, 5/5/2020; 50 CFR 17.95(i).[CH]
Butterfly, Karner blue	*Lycaeides melissa samuelis.*	Wherever found	E	57 FR 59236, 12/14/1992.
Butterfly, Lange's metalmark	*Apodemia mormo langei*	Wherever found	E	41 FR 22041, 6/14/1976.
Butterfly, lotis blue	*Lycaeides argyrognomon lotis.*	Wherever found	E	41 FR 22041, 6/14/1976.
Butterfly, Luzon peacock swallowtail.	*Papilio chikae*	Wherever found	E	58 FR 4356, 1/14/1993.
Butterfly, Mariana eight-spot (Ababbang, Libweibwogh).	*Hypolimnas octocula marianensis.*	Wherever found	E	80 FR 59423, 10/1/2015.

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Butterfly, Mariana wandering (Ababbang, Libweibwogh).	*Vagrans egistina*	Wherever found	E	80 FR 59423, 10/1/2015.
Butterfly, Miami blue	*Cyclargus thomasi bethunebakeri.*	Wherever found	E	77 FR 20948, 4/6/2012.
Butterfly, mission blue	*Icaricia icarioides missionensis.*	Wherever found	E	41 FR 22041, 6/14/1976.
Butterfly, Mitchell's satyr	*Neonympha mitchellii mitchellii.*	Wherever found	E	56 FR 28825, 6/25/1991; 57 FR 21564, 5/20/1992.
Butterfly, Mount Charleston blue.	*Icaricia (Plebejus) shasta charlestonensis.*	Wherever found	E	78 FR 57749, 9/19/2013; 50 CFR 17.95(i).[CH]
Butterfly, Myrtle's silverspot	*Speyeria zerene myrtleae.*	Wherever found	E	57 FR 27848, 6/22/1992.
Butterfly, nickerbean blue	*Cyclargus ammon*	Coastal south and central FL.	T (S/A)	77 FR 20948, 4/6/2012; 50 CFR 17.47(a).[4d]
Butterfly, Oregon silverspot	*Speyeria zerene hippolyta.*	Wherever found, except where listed as an experimental population.	T	45 FR 44935, 7/2/1980; 50 CFR 17.95(i).[CH]
Butterfly, Oregon silverspot	*Speyeria zerene hippolyta.*	U.S.A. (OR—specified portions of Clatsop and Tillamook Counties; see § 17.85(d)).	XN	82 FR 28567; 06/23/2017.
Butterfly, Palos Verdes blue	*Glaucopsyche lygdamus palosverdesensis.*	Wherever found	E	45 FR 44935, 7/2/1980; 50 CFR 17.95(i).[CH]
Butterfly, Puerto Rican harlequin.	*Atlantea tulita*	Wherever found	T	87 FR 73655, 12/1/2022; 50 CFR 17.47(g);[4d] 50 CFR 17.95(i).[CH]
Butterfly, Queen Alexandra's birdwing.	*Troides alexandrae*	Wherever found	E	54 FR 38950, 9/21/1989.
Butterfly, Quino checkerspot	*Euphydryas editha quino*	Wherever found	E	62 FR 2313, 1/16/1997; 50 CFR 17.95(i).[CH]
Butterfly, Sacramento Mountains checkerspot.	*Euphydryas anicia cloudcrofti.*	Wherever found	E	88 FR 6177, 1/31/2023.
Butterfly, Saint Francis' satyr	*Neonympha mitchellii francisci.*	Wherever found	E	59 FR 18324, 4/18/1994; 60 FR 5264, 1/26/1995.
Butterfly, San Bruno elfin	*Callophrys mossii bayensis.*	Wherever found	E	41 FR 22041, 6/14/1976.
Butterfly, Schaus swallowtail	*Heraclides aristodemus ponceanus.*	Wherever found	E	41 FR 17736, 4/28/1976; 49 FR 34501, 8/31/1984.
Butterfly, silverspot	*Speyeria nokomis nokomis.*	Wherever found	T	89 FR 11750, 2/15/2024; 50 CFR 17.47(h).[4d]
Butterfly, Smith's blue	*Euphilotes enoptes smithi.*	Wherever found	E	41 FR 22041, 6/14/1976.
Butterfly, Taylor's checkerspot	*Euphydryas editha taylori*	Wherever found	E	78 FR 61451, 10/3/2013; 50 CFR 17.95(i).[CH]
Butterfly, Uncompahgre fritillary	*Boloria acrocnema*	Wherever found	E	56 FR 28712, 6/24/1991.
Damselfly, blackline Hawaiian	*Megalagrion nigrohamatum nigrolineatum.*	Wherever found	E	77 FR 57647, 9/18/2012; 50 CFR 17.95(i).[CH]
Damselfly, crimson Hawaiian	*Megalagrion leptodemas*	Wherever found	E	77 FR 57647, 9/18/2012; 50 CFR 17.95(i).[CH]
Damselfly, flying earwig Hawaiian.	*Megalagrion nesiotes*	Wherever found	E	75 FR 35990, 6/24/2010; 50 CFR 17.95(i).[CH]
Damselfly, oceanic Hawaiian	*Megalagrion oceanicum*	Wherever found	E	77 FR 57647, 9/18/2012; 50 CFR 17.95(i).[CH]
Damselfly, orangeblack Hawaiian.	*Megalagrion xanthomelas.*	Wherever found	E	81 FR 67786, 9/30/2016.
Damselfly, Pacific Hawaiian	*Megalagrion pacificum*	Wherever found	E	75 FR 35990, 6/24/2010; 50 CFR 17.95(i).[CH]
Damselfly, Rota blue (Dulalas Luta, Dulalas Luuta).	*Ischnura luta*	Wherever found	E	80 FR 59423, 10/1/2015.
Dragonfly, Hine's emerald	*Somatochlora hineana*	Wherever found	E	60 FR 5267, 1/26/1995; 50 CFR 17.95(i).[CH]
Fly, Delhi Sands flower-loving	*Rhaphiomidas terminatus abdominalis.*	Wherever found	E	58 FR 49881, 9/23/1993.
Fly, Hawaiian picture-wing	*Drosophila aglaia*	Wherever found	E	71 FR 26835, 5/9/2006; 50 CFR 17.95(i).[CH]
Fly, Hawaiian picture-wing	*Drosophila differens*	Wherever found	E	71 FR 26835, 5/9/2006; 50 CFR 17.95(i).[CH]
Fly, Hawaiian picture-wing	*Drosophila digressa*	Wherever found	E	78 FR 64638, 10/29/2013; 50 CFR 17.95(i).[CH]
Fly, Hawaiian picture-wing	*Drosophila hemipeza*	Wherever found	E	71 FR 26835, 5/9/2006; 50 CFR 17.95(i).[CH]

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Fly, Hawaiian picture-wing	*Drosophila heteroneura*	Wherever found	E	71 FR 26835, 5/9/2006; 50 CFR 17.95(i).[CH]
Fly, Hawaiian picture-wing	*Drosophila montgomeryi*	Wherever found	E	71 FR 26835, 5/9/2006; 50 CFR 17.95(i).[CH]
Fly, Hawaiian picture-wing	*Drosophila mulli*	Wherever found	T	71 FR 26835, 5/9/2006; 50 CFR 17.95(i).[CH]
Fly, Hawaiian picture-wing	*Drosophila musaphilia*	Wherever found	E	71 FR 26835, 5/9/2006; 50 CFR 17.95(i).[CH]
Fly, Hawaiian picture-wing	*Drosophila neoclavisetae*	Wherever found	E	71 FR 26835, 5/9/2006; 50 CFR 17.95(i).[CH]
Fly, Hawaiian picture-wing	*Drosophila obatai*	Wherever found	E	71 FR 26835, 5/9/2006; 50 CFR 17.95(i).[CH]
Fly, Hawaiian picture-wing	*Drosophila ochrobasis*	Wherever found	E	71 FR 26835, 5/9/2006; 50 CFR 17.95(i).[CH]
Fly, Hawaiian picture-wing	*Drosophila sharpi*	Wherever found	E	71 FR 26835, 5/9/2006; 50 CFR 17.95(i).[CH]
Fly, Hawaiian picture-wing	*Drosophila substenoptera.*	Wherever found	E	71 FR 26835, 5/9/2006; 50 CFR 17.95(i).[CH]
Fly, Hawaiian picture-wing	*Drosophila tarphytrichia*	Wherever found	E	71 FR 26835, 5/9/2006; 50 CFR 17.95(i).[CH]
Grasshopper, Zayante band-winged.	*Trimerotropis infantilis*	Wherever found	E	62 FR 3616, 1/24/1997; 50 CFR 17.95(i).[CH]
Moth, Blackburn's sphinx	*Manduca blackburni*	Wherever found	E	65 FR 4770, 2/1/2000; 50 CFR 17.95(i).[CH]
Moth, bog buck	*Hemileuca maia menyanthevora* (=*H. iroquois*).	Wherever found	E	88 FR 15921, 3/15/2023.
Moth, Kern primrose sphinx	*Euproserpinus euterpe*	Wherever found	T	45 FR 24088, 4/8/1980.
Naucorid, Ash Meadows	*Ambrysus amargosus*	Wherever found	T	50 FR 20777, 5/20/1985; 50 CFR 17.95(i).[CH]
Skipper, Carson wandering	*Pseudo copaeodes eunus obscurus.*	Wherever found	E	67 FR 51116, 8/7/2002.
Skipper, Dakota	*Hesperia dacotae*	Wherever found	T	79 FR 63671, 10/24/2014; 50 CFR 17.95(i);[CH] 50 CFR 17.47(b).[4d]
Skipper, Laguna Mountains	*Pyrgus ruralis lagunae*	Wherever found	E	62 FR 2313, 1/16/1997; 50 CFR 17.95(i).[CH]
Skipper, Pawnee montane	*Hesperia leonardus montana.*	Wherever found	T	52 FR 36176, 9/25/1987.
Skipperling, Poweshiek	*Oarisma poweshiek*	Wherever found	E	79 FR 63671, 10/24/2014; 50 CFR 17.95(i).[CH]
Stonefly, meltwater lednian	*Lednia tumana*	Wherever found	T	84 FR 64210, 11/21/2019; 50 CFR 17.47(c).[4d]
Stonefly, western glacier	*Zapada glacier*	Wherever found	T	84 FR 64210, 11/21/2019; 50 CFR 17.47(c).[4d]
ARACHNIDS				
Harvestman, Bee Creek Cave	*Texella reddelli*	Wherever found	E	53 FR 36029, 9/16/1988; 58 FR 43818, 8/18/1993.
Harvestman, Bone Cave	*Texella reyesi*	Wherever found	E	53 FR 36029, 9/16/1988; 58 FR 43818, 8/18/1993.
Harvestman, Cokendolpher cave.	*Texella cokendolpheri*	Wherever found	E	65 FR 81419, 12/26/2000; 50 CFR 17.95(g).[CH]
Meshweaver, Government Canyon Bat Cave.	*Cicurina vespera*	Wherever found	E	65 FR 81419, 12/26/2000; 50 CFR 17.95(g).[CH]
Meshweaver, Madla Cave	*Cicurina madla*	Wherever found	E	65 FR 81419, 12/26/2000; 50 CFR 17.95(g).[CH]
Meshweaver, Robber Baron Cave.	*Cicurina baronia*	Wherever found	E	65 FR 81419, 12/26/2000; 50 CFR 17.95(g).[CH]
Pseudoscorpion, Tooth Cave	*Tartarocreagris texana*	Wherever found	E	53 FR 36029, 9/16/1988.
Spider, Government Canyon Bat Cave.	*Tayshaneta microps*	Wherever found	E	65 FR 81419, 12/26/2000; 50 CFR 17.95(g).[CH]
Spider, ivory ornamental tiger	*Poecilotheria subfusca*	Wherever found	E	83 FR 36755, 7/31/2018.
Spider, Kauai cave wolf	*Adelocosa anops*	Wherever found	E	65 FR 2348, 1/14/2000; 50 CFR 17.95(g).[CH]
Spider, ornate tiger	*Poecilotheria ornata*	Wherever found	E	83 FR 36755, 7/31/2018.
Spider, Pedersen's tiger	*Poecilotheria vittata*	Wherever found	E	83 FR 36755, 7/31/2018.
Spider, Smith's tiger	*Poecilotheria smithi*	Wherever found	E	83 FR 36755, 7/31/2018.
Spider, spruce-fir moss	*Microhexura montivaga*	Wherever found	E	60 FR 6968, 2/6/1995; 50 CFR 17.95(g).[CH]
Spider, Sri Lanka ornamental tiger.	*Poecilotheria fasciata*	Wherever found	E	83 FR 36755, 7/31/2018.

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Spider, Tooth Cave	*Tayshaneta myopica*	Wherever found	E	53 FR 36029, 9/16/1988.
CRUSTACEANS				
Amphipod, diminutive	*Gammarus hyalleloides*	Wherever found	E	78 FR 41227, 7/9/2013; 50 CFR 17.95(h).[CH]
Amphipod, Hay's Spring	*Stygobromus hayi*	Wherever found	E	47 FR 5425, 2/5/1982.
Amphipod, Illinois Cave	*Gammarus acherondytes*	Wherever found	E	63 FR 46900, 9/3/1998.
Amphipod, Kauai cave	*Spelaeorchestia koloana*	Wherever found	E	65 FR 2348, 1/14/2000; 50 CFR 17.95(h).[CH]
Amphipod, Noel's	*Gammarus desperatus*	Wherever found	E	76 FR 33036, 6/7/2011; 50 CFR 17.95(h).[CH]
Amphipod, Peck's cave	*Stygobromus (=Stygonectes) Pecki.*	Wherever found	E	62 FR 66295, 12/18/1997; 50 CFR 17.95(h).[CH]
Amphipod, Pecos	*Gammarus pecos*	Wherever found	E	78 FR 41227, 7/9/2013; 50 CFR 17.95(h).[CH]
Crayfish, Big Creek	*Faxonius peruncus*	Wherever found	T	88 FR 25512, 4/27/2023; 50 CFR 17.46(c);[4d] 50 CFR 17.95(h).[CH]
Crayfish, Big Sandy	*Cambarus callainus*	Wherever found	T	81 FR 20450, 4/7/2016; 50 CFR 17.95(h).[CH]
Crayfish, cave	*Cambarus aculabrum*	Wherever found	E	58 FR 25742, 4/27/1993.
Crayfish, cave	*Cambarus zophonastes*	Wherever found	E	52 FR 11170, 4/7/1987.
Crayfish, Guyandotte River	*Cambarus veteranus*	Wherever found	E	81 FR 20450, 4/7/2016; 50 CFR 17.95(h).[CH]
Crayfish, Nashville	*Orconectes shoupi*	Wherever found	E	51 FR 34410, 9/3/1986.
Crayfish, Panama City	*Procambarus econfinae*	Wherever found	T	86 FR 546, 1/5/2022; 50 CFR 17.46(b);[4d] 50 CFR 17.95(h).[CH]
Crayfish, St. Francis River	*Faxonius quadruncus*	Wherever found	T	88 FR 25512, 4/27/2023; 50 CFR 17.46(c);[4d] 50 CFR 17.95(h).[CH]
Crayfish, Shasta	*Pacifastacus fortis*	Wherever found	E	53 FR 38460, 9/30/1988.
Crayfish, slenderclaw	*Cambarus cracens*	Wherever found	E	86 FR 50264, 9/8/21; 50 CFR 17.95(h)[CH].
Fairy shrimp, Conservancy	*Branchinecta conservatio*	Wherever found	E	59 FR 48136, 9/19/1994; 50 CFR 17.95(h).[CH]
Fairy shrimp, longhorn	*Branchinecta longiantenna.*	Wherever found	E	59 FR 48136, 9/19/1994; 50 CFR 17.95(h).[CH]
Fairy shrimp, Riverside	*Streptocephalus woottoni*	Wherever found	E	58 FR 41384, 8/3/1993; 50 CFR 17.95(h).[CH]
Fairy shrimp, San Diego	*Branchinecta sandiegonensis.*	Wherever found	E	62 FR 4925, 2/3/1997; 50 CFR 17.95(h).[CH]
Fairy shrimp, vernal pool	*Branchinecta lynchi*	Wherever found	T	59 FR 48136, 9/19/1994; 50 CFR 17.95(h).[CH]
Isopod, Lee County cave	*Lirceus usdagalun*	Wherever found	E	57 FR 54722, 11/20/1992.
Isopod, Madison Cave	*Antrolana lira*	Wherever found	T	47 FR 43699, 10/4/1982; 50 CFR 17.46(a).[4d]
Isopod, Socorro	*Thermosphaeroma thermophilus.*	Wherever found	E	43 FR 12690, 3/27/1978.
Shrimp, Alabama cave	*Palaemonias alabamae*	Wherever found	E	53 FR 34696, 9/7/1988.
Shrimp, anchialine pool	*Procaris hawaiana*	Wherever found	E	81 FR 67786, 9/30/2016.
Shrimp, anchialine pool	*Vetericaris chaceorum*	Wherever found	E	78 FR 64637, 10/29/2013.
Shrimp, California freshwater	*Syncaris pacifica*	Wherever found	E	53 FR 43884, 10/31/1988.
Shrimp, Kentucky cave	*Palaemonias ganteri*	Wherever found	E	48 FR 46337, 10/12/1983; 50 CFR 17.95(h).[CH]
Shrimp, Squirrel Chimney cave	*Palaemonetes cummingi*	Wherever found	T	55 FR 25588, 6/21/1990.
Tadpole shrimp, vernal pool	*Lepidurus packardi*	Wherever found	E	59 FR 48136, 9/19/1994; 50 CFR 17.95(h).[CH]
CORALS				
Coral, (no common name)	*Acropora globiceps*	Wherever found	T	79 FR 53852, 9/10/2014;[N] 79 FR 67356, 11/13/2014.
Coral, (no common name)	*Acropora jacquelineae*	Wherever found	T	79 FR 53852, 9/10/2014;[N] 79 FR 67356, 11/13/2014.
Coral, (no common name)	*Acropora lokani*	Wherever found	T	79 FR 53852, 9/10/2014;[N] 79 FR 67356, 11/13/2014.
Coral, (no common name)	*Acropora pharaonis*	Wherever found	T	79 FR 53852, 9/10/2014;[N] 79 FR 67356, 11/13/2014.
Coral, (no common name)	*Acropora retusa*	Wherever found	T	79 FR 53852, 9/10/2014;[N] 79 FR 67356, 11/13/2014.
Coral, (no common name)	*Acropora rudis*	Wherever found	T	79 FR 53852, 9/10/2014;[N] 79 FR 67356, 11/13/2014.

Common name	Scientific name	Where listed	Status	Listing citations and applicable rules
Coral, (no common name)	*Acropora speciosa*	Wherever found	T	79 FR 53852, 9/10/2014; [N] 79 FR 67356, 11/13/2014.
Coral, (no common name)	*Acropora tenella*	Wherever found	T	79 FR 53852, 9/10/2014; [N] 79 FR 67356, 11/13/2014.
Coral, (no common name)	*Anacropora spinosa*	Wherever found	T	79 FR 53852, 9/10/2014; [N] 79 FR 67356, 11/13/2014.
Coral, (no common name)	*Cantharellus noumeae*	Wherever found	E	80 FR 60560, 10/7/2015; [N] 81 FR 76311, 11/2/2016.
Coral, (no common name)	*Euphyllia paradivisa*	Wherever found	T	79 FR 53852, 9/10/2014; [N] 79 FR 67356, 11/13/2014.
Coral, (no common name)	*Isopora crateriformis*	Wherever found	T	79 FR 53852, 9/10/2014; [N] 79 FR 67356, 11/13/2014.
Coral, (no common name)	*Montipora australiensis*	Wherever found	T	79 FR 53852, 9/10/2014; [N] 79 FR 67356, 11/13/2014.
Coral, (no common name)	*Pavona diffluens*	Wherever found	T	79 FR 53852, 9/10/2014; [N] 79 FR 67356, 11/13/2014.
Coral, (no common name)	*Porites napopora*	Wherever found	T	79 FR 53852, 9/10/2014; [N] 79 FR 67356, 11/13/2014.
Coral, (no common name)	*Seriatopora aculeata*	Wherever found	T	79 FR 53852, 9/10/2014; [N] 79 FR 67356, 11/13/2014.
Coral, (no common name)	*Tubastraea floreana*	Wherever found	E	80 FR 60560, 10/7/2015; [N] 81 FR 76311, 11/2/2016.
Coral, boulder star	*Orbicella franksi*	Wherever found	T	79 FR 53852, 9/10/2014; [N] 79 FR 67356, 11/13/2014; 50 CFR 226.230.[CH]
Coral, elkhorn	*Acropora palmata*	Wherever found	T	76 FR 20558, 4/13/2011; 79 FR 42687, 7/23/2014; 79 FR 53852, 9/10/2014; [N] 79 FR 67356, 11/13/2014; 50 CFR 223.208; [4d] 50 CFR 226.216.[CH]
Coral, lobed star	*Orbicella annularis*	Wherever found	T	79 FR 53852, 9/10/2014; [N] 79 FR 67356, 11/13/2014; 50 CFR 226.230.[CH]
Coral, mountainous star	*Orbicella faveolata*	Wherever found	T	79 FR 53852, 9/10/2014; [N] 79 FR 67356, 11/13/2014; 50 CFR 226.230.[CH]
Coral, pillar	*Dendrogyra cylindrus*	Wherever found	T	79 FR 53852, 9/10/2014; [N] 79 FR 67356, 11/13/2014; 50 CFR 226.230.[CH]
Coral, rough cactus	*Mycetophyllia ferox*	Wherever found	T	79 FR 53852, 9/10/2014; [N] 79 FR 67356, 11/13/2014; 50 CFR 226.230.[CH]
Coral, staghorn	*Acropora cervicornis*	Wherever found	T	76 FR 20558, 4/13/2011; 79 FR 42687, 7/23/2014; 79 FR 53852, 9/10/2014; [N] 79 FR 67356, 11/13/2014; 50 CFR 223.208; [4d] 50 CFR 226.216.[CH]
CEPHALOPODS				
Nautilus, chambered	*Nautilus pompilius*	Wherever found	T	83 FR 48976, 9/28/2018; [N] 84 FR 13809, 4/8/2019.

[81 FR 51556, Aug. 4, 2016]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §17.11, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at *www.govinfo.gov*.

§ 17.12 Endangered and threatened plants.

(a) The list in paragraph (h) of this section contains the plant species determined by the Service or the National Marine Fisheries Service

(NMFS) of the Department of Commerce's National Oceanic and Atmospheric Administration (hereafter in this section referred to as ''the Services'') to be endangered species or threatened species. It also contains the plant species treated as endangered or threatened because they are similar in appearance to and may be confused with endangered or threatened species (see §§17.50 through 17.52). The ''Common name,'' ''Scientific name,'' ''Where listed,'' and ''Status'' columns provide regulatory information; together, they identify listed plant species within the meaning of the Act and describe where they are protected. When a taxon has more than one entry, the ''Where listed'' or ''Status'' column will identify its status in each relevant geographic area. The listing of a particular taxon includes all lower taxonomic units.

(b) *''Scientific name'' column.* The Services use the most recently accepted scientific name. In cases where confusion might arise, one or more synonyms are provided in parentheses within the ''Scientific name'' column. The Services will rely to the extent practicable on the Integrated Taxonomic Information System (ITIS) to determine a species' scientific name. ITIS incorporates the naming principles established by the *International Code of Nomenclature for algae, fungi, and plants* (see paragraph (g) of this section). If the scientific name in ITIS differs from the scientific name adopted for use under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the CITES nomenclature will be provided in brackets ''[ ]'' within the ''Scientific name'' column following the ITIS nomenclature.

(c) *''Common name'' column.* Although common names are included, they cannot be relied upon for identification of any specimen, since they may vary greatly in local usage. In cases where confusion might arise, one or more synonyms are provided in parentheses within the ''Common name'' column.

(d) *''Where listed'' column.* The ''Where listed'' column sets forth the geographic area where the species is listed for purposes of the Act. Except when providing a geographic description of an experimental population designation, ''Wherever found'' will be used to indicate the Act's protections apply to all individuals of the species, wherever found.

(e) *''Status'' column.* Within the ''Status'' column, the following abbreviations are used:

Abbreviation	Regulatory status the abbreviation represents
E	Endangered species.
T	Threatened species.
E (S/A)	Endangered based on similarity of appearance to an existing listed species.
T (S/A)	Threatened based on similarity of appearance to an existing listed species.
XE	Essential experimental population (See subpart H of this part).
XN	Nonessential experimental population (See subpart H of this part).

(f) *''Listing Citations and Applicable Rules'' column.* The ''Listing Citations and Applicable Rules'' column is nonregulatory in nature and is provided for informational and navigational purposes only. Please note that the sections of part 17 that include designations of critical habitat for plants are organized by family name. A link to the Integrated Taxonomic Information System (ITIS), which displays the taxonomic hierarchy of a species, including its family name, is provided on each species' profile page accessible through the Service's Web site (*http://www.fws.gov/endangered/*) or information is available directly through the ITIS (*http://www.itis.gov/*).

(1) Within the ''Listing Citations and Applicable Rules'' column, the following superscripts are used:

UPERSCRIPT

Superscript	Description of citation or rule
N	NMFS listing citation (NMFS Lead).

UPERSCRIPT—Continued

Superscript	Description of citation or rule
J	Both FWS and NMFS listing citation (Joint Jurisdiction).
CH	Critical habitat rule.
4d	Species-specific ''4(d)'' rule (a rule issued under the authority of section 4(d) of the Act).
10j	Species-specific ''10(j)'' rule (a rule issued under the authority of section 10(j) of the Act).

(2) Listing citations contain the volume, document starting page number, and publication date of the FEDERAL REGISTER publication(s) in which a species' status was assessed. At least since 1973, these documents have included a statement indicating the basis for the listing or reclassification, as well as the effective date(s) of the listing or other rules that changed how the species was identified in the list in paragraph (h) of this section.

(3) ''Critical habitat'' and ''Species-specific'' rules superscripts provide cross-references to other sections in part 17 or part 222, 223, or 226 of chapter II of this title where critical habitat and species-specific rules are found. The species-specific superscripts also identify experimental populations. Experimental populations (superscript ''10j'') are a separate citation, with one of the following symbols in the ''Status'' column: ''XE'' for an essential experimental population and ''XN'' for a nonessential experimental population.

(4) This column is for reference and navigational purposes only. All other appropriate rules in part 17, parts 217 through 226 of chapter II of this title, and part 402 of chapter IV of this title apply, if no species-specific rules are referenced. In addition, other rules in this title could relate to such species (for example, port-of-entry requirements). The references in the ''Listing Citations and Applicable Rules'' column do not comprise a comprehensive list of all regulations that the Services might apply to the species or to the regulations of other Federal agencies or State or local governments.

(g) The Services will rely to the extent practicable on ITIS (*http://www.itis.gov*) and standard references adopted for CITES (*http://cites.org*).

(h) The ''List of Endangered and Threatened Plants'' is provided in the table in this paragraph (h):

Scientific name	Common name	Where listed	Status	Listing citations and applicable rules
FLOWERING PLANTS				
Abronia macrocarpa	Large-fruited sand-verbena.	Wherever found	E	53 FR 37975, 9/28/1988.
Abutilon eremitopetalum	No common name	Wherever found	E	56 FR 47686, 9/20/1991.
Abutilon menziesii	Kooloaula	Wherever found	E	51 FR 34412, 9/26/1986.
Abutilon sandwicense	No common name	Wherever found	E	56 FR 55770, 10/29/1991; 50 CFR 17.99(i).[CH]
Acaena exigua	Liliwai	Wherever found	E	57 FR 20772, 5/15/1992; 50 CFR 17.99(e)(1).[CH]
Acanthomintha ilicifolia	San Diego thornmint	Wherever found	T	63 FR 54938, 10/13/1998; 50 CFR 17.96(a).[CH]
Acanthomintha obovata ssp. *duttonii.*	San Mateo thornmint	Wherever found	E	50 FR 37858, 9/18/1985.
Achyranthes mutica	No common name	Wherever found	E	61 FR 53108, 10/10/1996; 50 CFR 17.99(k).[CH]
Achyranthes splendens var. *rotundata.*	Round-leaved chaff-flower	Wherever found	E	51 FR 10518, 3/26/1986; 50 CFR 17.99(i).[CH]
Aconitum noveboracense	Northern wild monkshood	Wherever found	T	43 FR 17910, 4/26/1978.
Aeschynomene virginica	Sensitive joint-vetch	Wherever found	T	57 FR 21569, 5/20/1992.
Agalinis acuta	Sandplain gerardia	Wherever found	E	53 FR 34701, 9/7/1988.
Agave eggersiana	No common name	Wherever found	E	79 FR 53303, 9/9/2014; 50 CFR 17.96(a).[CH]
Alectryon macrococcus	Mahoe	Wherever found	E	57 FR 20772, 5/15/1992; 50 CFR 17.99(a)(1); [CH] 50 CFR 17.99(c) ; [CH] 50 CFR 17.99(e)); [CH] 50 CFR 17.99(i).[CH]

Scientific name	Common name	Where listed	Status	Listing citations and applicable rules
Allium munzii	Munz's onion	Wherever found	E	63 FR 54975, 10/13/1998; 50 CFR 17.96(a).[CH]
Alopecurus aequalis var. *sonomensis.*	Sonoma alopecurus	Wherever found	E	62 FR 54791, 10/22/1997.
Amaranthus brownii	No common name	Wherever found	E	61 FR 43178, 8/21/1996; 50 CFR 17.99(g).[CH]
Amaranthus pumilus	Seabeach amaranth	Wherever found	T	58 FR 18035, 4/7/1993.
Ambrosia cheiranthifolia	South Texas ambrosia	Wherever found	E	59 FR 43648, 8/24/1994.
Ambrosia pumila	San Diego ambrosia	Wherever found	E	67 FR 44372, 7/2/2002; 50 CFR 17.96.[CH]
Amorpha crenulata	Crenulate lead-plant	Wherever found	E	50 FR 29345, 7/18/1985.
Amphianthus pusillus	Little amphianthus	Wherever found	T	53 FR 3560, 2/5/1988.
Amsinckia grandiflora	Large-flowered fiddleneck	Wherever found	E	50 FR 19374, 5/8/1985; 50 CFR 17.96(a).[CH]
Amsonia kearneyana	Kearney's blue-star	Wherever found	E	54 FR 2131, 1/19/1989.
Apios priceana	Price's potato-bean	Wherever found	T	55 FR 429, 1/5/1990.
Arabis georgiana	Georgia rockcress	Wherever found	T	79 FR 54627, 9/12/2014; 50 CFR 17.96(a).[CH]
Arabis hoffmannii	Hoffmann's rock-cress	Wherever found	E	62 FR 40954, 7/31/1997.
Arabis mcdonaldiana	McDonald's rock-cress	Wherever found	E	43 FR 44810, 9/28/1978.
Arabis (=Boechera) perstellata.	Braun's Rock-cress	Wherever found	E	60 FR 56, 1/3/1995; 50 CFR 17.96(a).[CH]
Arctomecon humilis	Dwarf bear-poppy	Wherever found	E	44 FR 64250, 11/6/1979.
Arctostaphylos confertiflora	Santa Rosa Island manzanita.	Wherever found	E	62 FR 40954, 7/31/1997.
Arctostaphylos franciscana	Franciscan manzanita	Wherever found	E	77 FR 54434, 9/5/2012; 50 CFR 17.96(a).[CH]
Arctostaphylos glandulosa ssp. *crassifolia.*	Del Mar manzanita	Wherever found	E	61 FR 52370, 10/7/1996.
Arctostaphylos hookeri var. *ravenii.*	Presidio manzanita	Wherever found	E	44 FR 61910, 10/26/1979.
Arctostaphylos morroensis	Morro manzanita	Wherever found	T	59 FR 64613, 12/15/1994.
Arctostaphylos myrtifolia	Ione manzanita	Wherever found	T	64 FR 28403, 5/26/1999.
Arctostaphylos pallida	Pallid manzanita	Wherever found	T	63 FR 19842, 4/22/1998.
Arenaria paludicola	Marsh sandwort	Wherever found	E	58 FR 41378, 8/3/1993.
Arenaria ursina	Bear Valley sandwort	Wherever found	T	63 FR 49006, 9/14/1998; 50 CFR 17.96(a).[CH]
Argemone pleiacantha ssp. *pinnatisecta.*	Sacramento prickly-poppy	Wherever found	E	54 FR 35302, 8/24/1989.
Argyroxiphium kauense	Mauna Loa silversword	Wherever found	E	58 FR 18029, 4/7/1993; 50 CFR 17.99(k).[CH]
Argyroxiphium sandwicense ssp. *macrocephalum.*	Ahinahina	Wherever found	T	57 FR 20772, 5/15/1992; 50 CFR 17.99(e)(1).[CH]
Argyroxiphium sandwicense ssp. *sandwicense.*	Ahinahina	Wherever found	E	51 FR 9814, 3/21/1986.
Argythamnia blodgettii	Blodgett's silverbush	Wherever found	T	81 FR 66842, 9/29/2016.
Aristida chaseae	No common name	Wherever found	E	58 FR 25755, 4/27/1993.
Aristida portoricensis	Pelos del diablo	Wherever found	E	55 FR 32255, 8/8/1990.
Asclepias meadii	Mead's milkweed	Wherever found	T	53 FR 33992, 9/1/1988.
Asclepias prostrata	Prostrate milkweed	Wherever found	E	88 FR 12572, February 28, 2023; 50 CFR 17.96(a).[CH]
Asclepias welshii	Welsh's milkweed	Wherever found	T	52 FR 41435, 10/28/1987; 50 CFR 17.96(a).[CH]
Asimina tetramera	Four-petal pawpaw	Wherever found	E	51 FR 34415, 9/26/1986.
Astelia waialealae	Painiu	Wherever found	E	75 FR 18960, 4/13/2010; 50 CFR 17.99(a).[CH]
Astragalus albens	Cushenbury milk-vetch	Wherever found	E	59 FR 43652, 8/24/1994; 50 CFR 17.96(a).[CH]
Astragalus ampullarioides	Shivwits milkvetch	Wherever found	E	66 FR 49560, 9/28/2001; 50 CFR 17.96(a).[CH]
Astragalus applegatei	Applegate's milk-vetch	Wherever found	E	58 FR 40547, 7/28/1993.
Astragalus bibullatus	Guthrie's (=Pyne's) ground-plum.	Wherever found	E	56 FR 48748, 9/26/1991.
Astragalus brauntonii	Braunton's milk-vetch	Wherever found	E	62 FR 4172, 1/29/1997; 50 CFR 17.96(a).[CH]
Astragalus clarianus	Clara Hunt's milk-vetch	Wherever found	E	62 FR 54791, 10/22/1997.
Astragalus cremnophylax var. *cremnophylax.*	Sentry milk-vetch	Wherever found	E	55 FR 50184, 12/5/1990.
Astragalus holmgreniorum	Holmgren milkvetch	Wherever found	E	66 FR 49560, 9/28/2001; 50 CFR 17.96(a).[CH]

Scientific name	Common name	Where listed	Status	Listing citations and applicable rules
Astragalus humillimus	Mancos milk-vetch	Wherever found	E	50 FR 26568, 6/27/1985.
Astragalus jaegerianus	Lane Mountain milk-vetch	Wherever found	E	63 FR 53596, 10/6/1998; 50 CFR 17.96(a).[CH]
Astragalus lentiginosus var. *coachellae.*	Coachella Valley milk-vetch.	Wherever found	E	63 FR 53596, 10/6/1998; 50 CFR 17.96(a).[CH]
Astragalus lentiginosus var. *piscinensis.*	Fish Slough milk-vetch	Wherever found	T	63 FR 53596, 10/6/1998; 50 CFR 17.96(a).[CH]
Astragalus magdalenae var. *peirsonii.*	Peirson's milk-vetch	Wherever found	T	63 FR 53596, 10/6/1998; 50 CFR 17.96(a).[CH]
Astragalus montii	Heliotrope milkvetch	Wherever found	T	52 FR 42652, 11/6/1987; 50 CFR 17.96(a).[CH]
Astragalus osterhoutii	Kremmling Osterhout milkvetch.	Wherever found	E	54 FR 29658, 7/13/1989.
Astragalus phoenix	Ash Meadows milk-vetch	Wherever found	T	50 FR 20777, 5/20/1985; 50 CFR 17.96(a).[CH]
Astragalus pycnostachyus var. *lanosissimus.*	Ventura Marsh milk-vetch	Wherever found	E	66 FR 27901, 5/21/2001; 50 CFR 17.96(a).[CH]
Astragalus robbinsii var. *jesupii*	Jesup's milk-vetch	Wherever found	E	52 FR 21481, 6/5/1987.
Astragalus tener var. *titi*	Coastal dunes milk-vetch	Wherever found	E	63 FR 43100, 8/12/1998.
Astragalus tricarinatus	Triple-ribbed milk-vetch	Wherever found	E	63 FR 53596, 10/6/1998.
Astrophytum asterias	Star cactus	Wherever found	E	58 FR 53804, 10/18/1993.
Atriplex coronata var. *notatior.*	San Jacinto Valley crownscale.	Wherever found	E	63 FR 54975, 10/13/1998; 50 CFR 17.96(a).[CH]
Auerodendron pauciflorum	No common name	Wherever found	E	59 FR 9935, 3/2/1994.
Ayenia limitaris	Tamaulipan Kidneypetal	Wherever found	E	59 FR 43648, 8/24/1994.
Baccharis vanessae	Encinitas baccharis	Wherever found	T	61 FR 52370, 10/7/1996.
Banara vanderbiltii	Palo de Ramón	Wherever found	E	52 FR 1459, 1/14/1987.
Baptisia arachnifera	Hairy rattleweed	Wherever found	E	43 FR 17910, 4/26/1978.
Berberis nevinii	Nevin's barberry	Wherever found	E	63 FR 54956, 10/13/1998; 50 CFR 17.96(a).[CH]
Berberis pinnata ssp. *insularis.*	Island barberry	Wherever found	E	62 FR 40954, 7/31/1997.
Betula uber	Virginia round-leaf birch	Wherever found	T	43 FR 17910, 4/26/1978; 59 FR 59173, 11/16/1994.
Bidens amplectens	Kookoolau	Wherever found	E	77 FR 57647, 9/18/2012; 50 CFR 17.99(i).[CH]
Bidens campylotheca ssp. *pentamera.*	Kookoolau	Wherever found	E	78 FR 32013, 5/28/2013; 50 CFR 17.99(e)(1).[CH]
Bidens campylotheca ssp. *waihoiensis.*	Kookoolau	Wherever found	E	78 FR 32013, 5/28/2013; 50 CFR 17.99(e)(1).[CH]
Bidens conjuncta	Kookoolau	Wherever found	E	78 FR 32013, 5/28/2013; 50 CFR 17.99(e)(1).[CH]
Bidens hillebrandiana ssp. *hillebrandiana.*	Kookoolau	Wherever found	E	78 FR 64638, 10/29/2013; 50 CFR 17.99(k).[CH]
Bidens micrantha ssp. *ctenophylla.*	Kookoolau	Wherever found	E	78 FR 64637, 10/29/2013.
Bidens micrantha ssp. *kalealaha.*	Kookoolau	Wherever found	E	57 FR 20772, 5/15/1992; 50 CFR 17.99(e)(1).[CH]
Bidens wiebkei	Kookoolau	Wherever found	E	57 FR 46325, 10/8/1992; 50 CFR 17.99(c).[CH]
Blennosperma bakeri	Sonoma sunshine	Wherever found	E	56 FR 61173, 12/2/1991.
Boechera serotina	Shale barren rock cress	Wherever found	E	54 FR 29655, 7/13/1989.
Boltonia decurrens	Decurrent false aster	Wherever found	T	53 FR 45858, 11/14/1988.
Bonamia grandiflora	Florida bonamia	Wherever found	T	52 FR 42068, 11/2/1987.
Bonamia menziesii	No common name	Wherever found	E	59 FR 56333, 11/10/1994; 50 CFR 17.99(a)(1);[CH] 50 CFR 17.99(k);[CH] 50 CFR 17.99(e)(1);[CH] 50 CFR 17.99(i);[CH] 50 CFR 17.99(c).[CH]
Brickellia mosieri	Florida Brickell-bush	Wherever found	E	79 FR 52567, 9/4/2014; 50 CFR 17.96(a).[CH]
Brighamia insignis	Olulu	Wherever found	E	59 FR 9304, 2/25/1994; 50 CFR 17.99(a)(1);[CH] 50 CFR 17.99(a)(2).[CH]
Brighamia rockii	Pua ala	Wherever found	E	57 FR 46325, 10/8/1992; 50 CFR 17.99(c);[CH] 50 CFR 17.99(e)(1).[CH]
Brodiaea filifolia	Thread-leaved brodiaea	Wherever found	T	63 FR 54975, 10/13/1998; 50 CFR 17.96(a).[CH]
Brodiaea pallida	Chinese Camp brodiaea	Wherever found	T	63 FR 49022, 9/14/1998.

Scientific name	Common name	Where listed	Status	Listing citations and applicable rules
Bulbophyllum guamense	Siboyas halumtanu, Siboyan halom tano.	Wherever found	T	80 FR 59423, 10/1/2015.
Buxus vahlii	Vahl's boxwood	Wherever found	E	50 FR 32572, 8/13/1985.
Calamagrostis hillebrandii	No common name	Wherever found	E	78 FR 32013, 5/28/2013; 50 CFR 17.99(e)(1).[CH]
Callicarpa ampla	Capá rosa	Wherever found	E	57 FR 14782, 4/22/1992.
Callirhoe scabriuscula	Texas poppy-mallow	Wherever found	E	46 FR 3184, 1/13/1981; 46 FR 40025, 8/6/1981.
Calochortus tiburonensis	Tiburon mariposa lily	Wherever found	T	60 FR 6671, 2/3/1995.
Calyptranthes thomasiana	No common name	Wherever found	E	59 FR 8138, 2/18/1994.
Calyptridium pulchellum	Mariposa pussypaws	Wherever found	T	63 FR 49022, 9/14/1998.
Calyptronoma rivalis	Palma de manaca	Wherever found	T	55 FR 4157, 2/6/1990.
Calystegia stebbinsii	Stebbins' morning-glory	Wherever found	E	61 FR 54346, 10/18/1996.
Campanula robinsiae	Brooksville bellflower	Wherever found	E	54 FR 31190, 7/27/1989.
Canavalia molokaiensis	Awikiwiki	Wherever found	E	57 FR 46325, 10/8/1992; 50 CFR 17.99(c).[CH]
Canavalia napaliensis	Awikiwiki	Wherever found	E	76 FR 15609, 5/5/2011; 50 CFR 17.99(a).[CH]
Canavalia pubescens	Awikiwiki	Wherever found	E	78 FR 32013, 5/28/2013; 50 CFR 17.99(e)(1).[CH]
Calamagrostis expansa	Maui reedgrass	Wherever found	E	81 FR 67786, 9/30/2016.
Cardamine micranthera	Small-anthered bittercress	Wherever found	E	54 FR 38947, 9/21/1989.
Carex albida	White sedge	Wherever found	E	62 FR 54791, 10/22/1997.
Carex lutea	Golden sedge	Wherever found	E	67 FR 3120, 1/23/2002; 50 CFR 17.96(a).[CH]
Carex specuicola	Navajo sedge	Wherever found	T	50 FR 19370, 5/8/1985; 50 CFR 17.96(a).[CH]
Castilleja affinis ssp. *neglecta.*	Tiburon paintbrush	Wherever found	E	60 FR 6671, 2/3/1995.
Castilleja campestris ssp. *succulenta.*	Fleshy owl's-clover	Wherever found	T	62 FR 14338, 3/26/1997; 50 CFR 17.96(a).[CH]
Castilleja cinerea	Ash-gray Indian paintbrush	Wherever found	T	63 FR 49006, 9/14/1998; 50 CFR 17.96(a).[CH]
Castilleja mollis	Soft-leaved paintbrush	Wherever found	E	62 FR 40954, 7/31/1997.
Castilleja ornata	Swale paintbrush	Wherever found	E	89 FR 96602, 12/05/2024.
Catesbaea melanocarpa	No common name	Wherever found	E	64 FR 13116, 3/17/1999; 50 CFR 17.96(a).[CH]
Caulanthus californicus	California jewelflower	Wherever found	E	55 FR 29361, 7/19/1990.
Ceanothus ferrisae	Coyote ceanothus	Wherever found	E	60 FR 6671, 2/3/1995.
Ceanothus ophiochilus	Vail Lake ceanothus	Wherever found	T	63 FR 54956, 10/13/1998; 50 CFR 17.96(a).[CH]
Ceanothus roderickii	Pine Hill ceanothus	Wherever found	E	61 FR 54346, 10/18/1996.
Cenchrus agrimonioides	Kamanomano	Wherever found	E	61 FR 53108, 10/10/1996; 50 CFR 17.99(e)(1); [CH] 50 CFR 17.99(i).[CH]
Centaurium namophilum	Spring-loving centaury	Wherever found	T	50 FR 20777, 5/20/1985; 50 CFR 17.96(a).[CH]
Cercocarpus traskiae	Catalina Island mountain-mahogany.	Wherever found	E	62 FR 42692, 8/8/1997.
Cereus eriophorus var. *fragrans.*	Fragrant prickly-apple	Wherever found	E	50 FR 45618, 11/1/1985.
Chamaecrista glandulosa var. *mirabilis.*	No common name	Wherever found	E	55 FR 12788, 4/5/1990.
Chamaecrista lineata var. *keyensis.*	Big Pine partridge pea	Wherever found	E	81 FR 66842, 9/29/2016.
Chamaesyce deltoidea ssp. *deltoidea.*	Deltoid spurge	Wherever found	E	50 FR 29345, 7/18/1985.
Chamaesyce deltoidea ssp. *pinetorum.*	Pineland sandmat	Wherever found	T	82 FR 46691, 10/06/2017.
Chamaesyce deltoidea ssp. *serpyllum.*	Wedge spurge	Wherever found	E	81 FR 66842, 9/29/2016.
Chamaesyce garberi	Garber's spurge	Wherever found	T	50 FR 29345, 7/18/1985.
Chamaesyce hooveri	Hoover's spurge	Wherever found	T	62 FR 14338, 3/26/1997; 50 CFR 17.96(a).[CH]
Charpentiera densiflora	Papala	Wherever found	E	76 FR 15609, 5/5/2011; 50 CFR 17.99(a).[CH]
Chionanthus pygmaeus	Pygmy fringe-tree	Wherever found	E	52 FR 2227, 1/21/1987.
Chlorogalum purpureum	Purple amole (Camatta Canyon amole).	Wherever found	T	65 FR 14878, 3/20/2000; 50 CFR 17.96(a).[CH]
Chorizanthe howellii	Howell's spineflower	Wherever found	E	57 FR 27848, 6/22/1992.
Chorizanthe orcuttiana	Orcutt's spineflower	Wherever found	E	61 FR 52370, 10/7/1996.
Chorizanthe pungens var. *hartwegiana.*	Ben Lomond spineflower	Wherever found	E	59 FR 5499, 2/4/1994.

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Chorizanthe pungens var. *pungens.*	Monterey spineflower	Wherever found	T	59 FR 5499, 2/4/1994; 50 CFR 17.96(a).[CH]
Chorizanthe robusta var. *hartwegii.*	Scotts Valley spineflower	Wherever found	E	59 FR 5499, 2/4/1994; 50 CFR 17.96(a).[CH]
Chorizanthe robusta var. *robusta.*	Robust spineflower	Wherever found	E	59 FR 5499, 2/4/1994; 50 CFR 17.96(b).[CH]
Chorizanthe valida	Sonoma spineflower	Wherever found	E	57 FR 27848, 6/22/1992.
Chromolaena frustrata	Cape Sable thoroughwort	Wherever found	E	78 FR 63795, 10/24/2013; 50 CFR 17.96(a); [CH] 50 CFR 17.96(h).[CH]
Cirsium fontinale var. *fontinale.*	Fountain thistle	Wherever found	E	60 FR 6671, 2/3/1995.
Cirsium fontinale var. *obispoense.*	Chorro Creek bog thistle	Wherever found	E	59 FR 64613, 12/15/1994.
Cirsium hydrophilum var. *hydrophilum.*	Suisun thistle	Wherever found	E	62 FR 61916, 11/20/1997; 50 CFR 17.96(a).[CH]
Cirsium loncholepis	La Graciosa thistle	Wherever found	E	65 FR 14888, 3/20/2000; 50 CFR 17.96(a).[CH]
Cirsium pitcheri	Pitcher's thistle	Wherever found	T	53 FR 27137, 7/18/1988.
Cirsium vinaceum	Sacramento Mountains thistle.	Wherever found	T	52 FR 22933, 6/16/1987.
Cirsium wrightii	Wright's marsh thistle	Wherever found	T	88 FR 25208, 4/25/2023; 50 CFR 17.73(c); [4d] 50 CFR 17.96(a).[CH]
Clarkia franciscana	Presidio clarkia	Wherever found	E	60 FR 6671, 2/3/1995.
Clarkia imbricata	Vine Hill clarkia	Wherever found	E	62 FR 54791, 10/22/1997.
Clarkia speciosa ssp. *immaculata.*	Pismo clarkia	Wherever found	E	59 FR 64613, 12/15/1994.
Clarkia springvillensis	Springville clarkia	Wherever found	T	63 FR 49022, 9/14/1998.
Clematis morefieldii	Morefield's leather-flower	Wherever found	E	57 FR 21562, 5/20/1992.
Clematis socialis	Alabama leather-flower	Wherever found	E	51 FR 34420, 9/26/1986.
Clermontia drepanomorpha	Oha wai	Wherever found	E	61 FR 53137, 10/10/1996; 50 CFR 17.99(k).[CH]
Clermontia lindseyana	Oha wai	Wherever found	E	59 FR 10305, 3/4/1994; 50 CFR 17.99(e)(1); [CH] 50 CFR 17.99(k).[CH]
Clermontia oblongifolia ssp. *brevipes.*	Oha wai	Wherever found	E	57 FR 46325, 10/8/1992; 50 CFR 17.99(c).[CH]
Clermontia oblongifolia ssp. *mauiensis.*	Oha wai	Wherever found	E	57 FR 20772, 5/15/1992; 50 CFR 17.99(e)(1).[CH]
Clermontia peleana	Oha wai	Wherever found	E	59 FR 10305, 3/4/1994; 50 CFR 17.99(e)(1); [CH] 50 CFR 17.99(k).[CH]
Clermontia pyrularia	Oha wai	Wherever found	E	59 FR 10305, 3/4/1994; 50 CFR 17.99(k).[CH]
Clermontia samuelii	Oha wai	Wherever found	E	64 FR 48307, 9/3/1999; 50 CFR 17.99(e)(1).[CH]
Clitoria fragrans	Pigeon wings	Wherever found	T	58 FR 25746, 4/27/1993.
Colubrina oppositifolia	Kauila	Wherever found	E	59 FR 10305, 3/4/1994; 50 CFR 17.99(e)(1); [CH] 50 CFR 17.99(i); [CH] 50 CFR 17.99(k).[CH]
Conradina brevifolia	Short-leaved rosemary	Wherever found	E	58 FR 37432, 7/12/1993.
Conradina etonia	Etonia rosemary	Wherever found	E	58 FR 37432, 7/12/1993.
Conradina glabra	Apalachicola rosemary	Wherever found	E	58 FR 37432, 7/12/1993.
Conradina verticillata	Cumberland rosemary	Wherever found	T	56 FR 60937, 11/29/1991.
Consolea corallicola	Cactus, Florida semaphore.	Wherever found	E	78 FR 63795, 10/24/2013; 50 CFR 17.96(a).[CH]
Cordia bellonis	No common name	Wherever found	E	62 FR 1645, 1/10/1997.
Cordylanthus maritimus ssp. *maritimus.*	Salt marsh bird's-beak	Wherever found	E	43 FR 44810, 9/28/1978.
Cordylanthus mollis ssp. *mollis.*	Soft bird's-beak	Wherever found	E	62 FR 61916, 11/20/1997; 50 CFR 17.96(a).[CH]
Cordylanthus palmatus	Palmate-bracted bird's-beak.	Wherever found	E	51 FR 23765, 7/1/1986.
Cordylanthus tenuis ssp. *capillaris.*	Pennell's bird's-beak	Wherever found	E	60 FR 6671, 2/3/1995.
Cornutia obovata	Palo de nigua	Wherever found	E	53 FR 11610, 4/7/1988.
Coryphantha ramillosa	Bunched cory cactus	Wherever found	T	44 FR 64247, 11/6/1979.
Coryphantha robbinsorum	Cochise pincushion cactus	Wherever found	T	51 FR 952, 1/9/1986.
Coryphantha scheeri var. *robustispina.*	Pima pineapple cactus	Wherever found	E	58 FR 49875, 9/23/1993.

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Coryphantha sneedii var. *leei.*	Lee pincushion cactus	Wherever found	T	44 FR 61554, 10/25/1979.
Coryphantha sneedii var. *sneedii.*	Sneed pincushion cactus	Wherever found	E	44 FR 64741, 11/7/1979.
Cranichis ricartii	None	Wherever found	E	56 FR 60933, 11/29/1991.
Crescentia portoricensis	Higuero de Sierra	Wherever found	E	52 FR 46085, 12/4/1987.
Crotalaria avonensis	Avon Park harebells	Wherever found	E	58 FR 25746, 4/27/1993.
Cryptantha crassipes	Terlingua Creek cats-eye	Wherever found	E	56 FR 49634, 9/30/1991.
Cucurbita okeechobeensis ssp. *okeechobeensis.*	Okeechobee gourd	Wherever found	E	58 FR 37432, 7/12/1993.
Cyanea acuminata	Haha	Wherever found	E	61 FR 53089, 10/10/1996; 50 CFR 17.99(i).[CH]
Cyanea asarifolia	Haha	Wherever found	E	59 FR 9304, 2/25/1994; 50 CFR 17.99(a)(1).[CH]
Cyanea asplenifolia	Haha	Wherever found	E	78 FR 32013, 5/28/2013; 50 CFR 17.99(e)(1).[CH]
Cyanea calycina	Haha	Wherever found	E	77 FR 57647, 9/18/2012; 50 CFR 17.99(i).[CH]
Cyanea copelandii ssp. *copelandii.*	Haha	Wherever found	E	59 FR 10305, 3/4/1994.
Cyanea copelandii ssp. *haleakalaensis.*	Haha	Wherever found	E	64 FR 48307, 9/3/1999; 50 CFR 17.99(e)(1).[CH]
Cyanea crispa	Haha	Wherever found	E	59 FR 14482, 3/28/1994; 50 CFR 17.99(i).[CH]
Cyanea dolichopoda	Haha	Wherever found	E	76 FR 15609, 5/5/2011; 50 CFR 17.99(a).[CH]
Cyanea dunbariae	Haha	Wherever found	E	61 FR 53130, 10/10/1996; 50 CFR 17.99(c).[CH]
Cyanea duvalliorum	Haha	Wherever found	E	78 FR 32013, 5/28/2013; 50 CFR 17.99(e)(1).[CH]
Cyanea eleeleensis	Haha	Wherever found	E	76 FR 15609, 5/5/2011; 50 CFR 17.99(a).[CH]
Cyanea gibsonii	Haha	Wherever found	E	56 FR 47686, 9/20/1991.
Cyanea glabra	Haha	Wherever found	E	64 FR 48307, 9/3/1999; 50 CFR 17.99(e)(1).[CH]
Cyanea grimesiana ssp. *grimesiana.*	Haha	Wherever found	E	61 FR 53108, 10/10/1996; 50 CFR 17.99(c);[CH] 50 CFR 17.99(i).[CH]
Cyanea grimesiana ssp. *obatae.*	Haha	Wherever found	E	59 FR 32932, 6/27/1994; 78 FR 32013, 5/28/2013; 50 CFR 17.99(i).[CH]
Cyanea hamatiflora ssp. *carlsonii.*	Haha	Wherever found	E	59 FR 10305, 3/4/1994; 50 CFR 17.99(k).[CH]
Cyanea hamatiflora ssp. *hamatiflora.*	Haha	Wherever found	E	64 FR 48307, 9/3/1999; 50 CFR 17.99(e)(1).[CH]
Cyanea horrida	Haha nui	Wherever found	E	78 FR 32013, 5/28/2013; 50 CFR 17.99(e)(1).[CH]
Cyanea humboldtiana	Haha	Wherever found	E	61 FR 53089, 10/10/1996; 50 CFR 17.99(i).[CH]
Cyanea kauaulaensis	No common name	Wherever found	E	81 FR 67786, 9/30/2016.
Cyanea kolekoleensis	Haha	Wherever found	E	76 FR 15609, 5/5/2011; 50 CFR 17.99(a).[CH]
Cyanea koolauensis	Haha	Wherever found	E	61 FR 53089, 10/10/1996; 50 CFR 17.99(i).[CH]
Cyanea kuhihewa	Haha	Wherever found	E	76 FR 15609, 5/5/2011; 50 CFR 17.99(a).[CH]
Cyanea kunthiana	Haha	Wherever found	E	78 FR 32013, 5/28/2013; 50 CFR 17.99(e)(1).[CH]
Cyanea lanceolata	Haha	Wherever found	E	77 FR 57647, 9/18/2012; 50 CFR 17.99(i).[CH]
Cyanea lobata	Haha	Wherever found	E	57 FR 20772, 5/15/1992; 50 CFR 17.99(e)(1).[CH]
Cyanea longiflora	Haha	Wherever found	E	61 FR 53089, 10/10/1996; 50 CFR 17.99(i).[CH]
Cyanea magnicalyx	Haha	Wherever found	E	78 FR 32013, 5/28/2013; 50 CFR 17.99(e)(1).[CH]
Cyanea mannii	Haha	Wherever found	E	57 FR 46325, 10/8/1992; 50 CFR 17.99(c).[CH]
Cyanea maritae	Haha	Wherever found	E	78 FR 32013, 5/28/2013; 50 CFR 17.99(e)(1).[CH]
Cyanea marksii	Haha	Wherever found	E	78 FR 64638, 10/29/2013; 50 CFR 17.99(k).[CH]
Cyanea mauiensis	Haha	Wherever found	E	78 FR 32013, 5/28/2013.

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Cyanea mceldowneyi	Haha	Wherever found	E	57 FR 20772, 5/15/1992; 50 CFR 17.99(e)(1).[CH]
Cyanea munroi	Haha	Wherever found	E	78 FR 32013, 5/28/2013; 50 CFR 17.99(c).[CH]
Cyanea obtusa	Haha	Wherever found	E	78 FR 32013, 5/28/2013; 50 CFR 17.99(e)(1).[CH]
Cyanea pinnatifida	Haha	Wherever found	E	56 FR 55770, 10/29/1991; 50 CFR 17.99(i).[CH]
Cyanea platyphylla	Haha, akuaku	Wherever found	E	61 FR 53137, 10/10/1996; 50 CFR 17.99(k).[CH]
Cyanea procera	Haha	Wherever found	E	57 FR 46325, 10/8/1992; 50 CFR 17.99(c).[CH]
Cyanea profuga	Haha	Wherever found	E	78 FR 32013, 5/28/2013; 50 CFR 17.99(c).[CH]
Cyanea purpurellifolia	Haha	Wherever found	E	77 FR 57647, 9/18/2012.
Cyanea recta	Haha	Wherever found	T	61 FR 53070, 10/10/1996; 50 CFR 17.99(a)(1).[CH]
Cyanea remyi	Haha	Wherever found	E	61 FR 53070, 10/10/1996; 50 CFR 17.99(a)(1).[CH]
Cyanea rivularis	Haha	Wherever found	E	61 FR 53070, 10/10/1996; 50 CFR 17.99(a)(1).[CH]
Cyanea shipmanii	Haha	Wherever found	E	59 FR 10305, 3/4/1994; 50 CFR 17.99(k).[CH]
Cyanea solanacea	Popolo	Wherever found	E	78 FR 32013, 5/28/2013; 50 CFR 17.99(c).[CH]
Cyanea st.-johnii	Haha	Wherever found	E	61 FR 53089, 10/10/1996; 50 CFR 17.99(i).[CH]
Cyanea stictophylla	Haha	Wherever found	E	59 FR 10305, 3/4/1994; 50 CFR 17.99(k).[CH]
Cyanea superba	No common name	Wherever found	E	56 FR 46235, 9/11/1991; 50 CFR 17.99(i).[CH]
Cyanea tritomantha	Aku	Wherever found	E	78 FR 64638, 10/29/2013; 50 CFR 17.99(k).[CH]
Cyanea truncata	Haha	Wherever found	E	59 FR 14482, 3/28/1994; 50 CFR 17.99(i).[CH]
Cyanea undulata	No common name	Wherever found	E	56 FR 47695, 9/20/1991; 50 CFR 17.99(a)(1).[CH]
Cycladenia humilis var. *jonesii.*	Jones cycladenia	Wherever found	T	51 FR 16526, 5/5/1986.
Cyperus fauriei	No common name	Wherever found	E	59 FR 10305, 3/4/1994; 50 CFR 17.99(c);[CH] 50 CFR 17.99(k).[CH]
Cyperus neokunthianus	No common name	Wherever found	E	81 FR 67786, 9/30/2016.
Cyperus pennatiformis	No common name	Wherever found	E	59 FR 56333, 11/10/1994; 50 CFR 17.99(a)(1);[CH] 50 CFR 17.99(e)(1);[CH] 50 CFR 17.99(g);[CH] 50 CFR 17.99(i).[CH]
Cyperus trachysanthos	Puukaa	Wherever found	E	61 FR 53108, 10/10/1996; 50 CFR 17.99(a)(1);[CH] 50 CFR 17.99(i);[CH] 50 CFR 17.99(c).[CH]
Cyrtandra crenata	Haiwale	Wherever found	E	59 FR 14482, 3/28/1994.
Cyrtandra cyaneoides	Mapele	Wherever found	E	61 FR 53070, 10/10/1996; 50 CFR 17.99(a)(1).[CH]
Cyrtandra dentata	Haiwale	Wherever found	E	61 FR 53089, 10/10/1996; 50 CFR 17.99(i).[CH]
Cyrtandra ferripilosa	Haiwale	Wherever found	E	78 FR 32013, 5/28/2013; 50 CFR 17.99(e)(1).[CH]
Cyrtandra filipes	Haiwale	Wherever found	E	78 FR 32013, 5/28/2013; 50 CFR 17.99(c);[CH] 50 CFR 17.99(e)(1).[CH]
Cyrtandra giffardii	Haiwale	Wherever found	E	59 FR 10305, 3/4/1994; 50 CFR 17.99(k).[CH]
Cyrtandra gracilis	Haiwale	Wherever found	E	77 FR 57647, 9/18/2012; 50 CFR 17.99(i).[CH]
Cyrtandra hematos	Haiwale	Wherever found	E	81 FR 67786, 9/30/2016.
Cyrtandra kaulantha	Haiwale	Wherever found	E	77 FR 57647, 9/18/2012; 50 CFR 17.99(i).[CH]
Cyrtandra kealiae ssp. *kealiae.*	Haiwale	Wherever found	T	59 FR 9304, 2/25/1994; 50 CFR 17.99(a)(1).[CH]
Cyrtandra munroi	Haiwale	Wherever found	E	57 FR 20772, 5/15/1992; 50 CFR 17.99(e)(1).[CH]

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Cyrtandra nanawaleensis ..	Haiwale	Wherever found	E	78 FR 64638, 10/29/2013; 50 CFR 17.99(k).CH
Cyrtandra oenobarba	Haiwale	Wherever found	E	75 FR 18960, 4/13/2010; 50 CFR 17.99(a).CH
Cyrtandra oxybapha	Haiwale	Wherever found	E	78 FR 32013, 5/28/2013; 50 CFR 17.99(e)(1).CH
Cyrtandra paliku	Haiwale	Wherever found	E	75 FR 18960, 4/13/2010; 50 CFR 17.99(a).CH
Cyrtandra polyantha	Haiwale	Wherever found	E	59 FR 14482, 3/28/1994; 50 CFR 17.99(i).CH
Cyrtandra sessilis	Haiwale	Wherever found	E	77 FR 57647, 9/18/2012; 50 CFR 17.99(i).CH
Cyrtandra subumbellata	Haiwale	Wherever found	E	61 FR 53089, 10/10/1996; 50 CFR 17.99(i).CH
Cyrtandra tintinnabula	Haiwale	Wherever found	E	59 FR 10305, 3/4/1994; 50 CFR 17.99(k).CH
Cyrtandra viridiflora	Haiwale	Wherever found	E	61 FR 53089, 10/10/1996; 50 CFR 17.99(i).CH
Cyrtandra wagneri	Haiwale	Wherever found	E	78 FR 64638, 10/29/2013; 50 CFR 17.99(k).CH
Cyrtandra waiolani	Haiwale	Wherever found	E	77 FR 57647, 9/18/2012; 50 CFR 17.99(i).CH
Dalea carthagenensis var. *floridana.*	Florida prairie-clover	Wherever found	E	82 FR 46691, 10/06/2017.
Dalea foliosa	Leafy prairie-clover	Wherever found	E	56 FR 19953, 5/1/1991.
Daphnopsis hellerana	No common name	Wherever found	E	53 FR 23740, 6/23/1988.
Deeringothamnus pulchellus.	Beautiful pawpaw	Wherever found	E	51 FR 34415, 9/26/1986.
Deeringothamnus rugelii	Rugel's pawpaw	Wherever found	E	51 FR 34415, 9/26/1986.
Deinandra (= *Hemizonia*) *conjugens.*	Otay tarplant	Wherever found	T	63 FR 54938, 10/13/1998; 50 CFR 17.96(a).CH
Deinandra increscens ssp. villosa.	Gaviota tarplant	Wherever found	E	65 FR 14888, 3/20/2000; 50 CFR 17.96(a).CH
Delissea rhytidosperma	No common name	Wherever found	E	59 FR 9304, 2/25/1994; 50 CFR 17.99(a)(1).CH
Delissea subcordata	Oha	Wherever found	E	61 FR 53089, 10/10/1996; 50 CFR 17.99(i).CH
Delissea undulata	No common name	Wherever found	E	61 FR 53124, 10/10/1996; 50 CFR 17.99(a)(1); CH 50 CFR 17.99(k).CH
Delphinium bakeri	Baker's larkspur	Wherever found	E	65 FR 4156, 1/26/2000; 50 CFR 17.96(a).CH
Delphinium luteum	Yellow larkspur	Wherever found	E	65 FR 4156, 1/26/2000; 50 CFR 17.96(a).CH
Dendrobium guamense	No common name	Wherever found	T	80 FR 59423, 10/1/2015.
Dicerandra christmanii	Garrett's mint	Wherever found	E	50 FR 45621, 11/1/1985; 54 FR 38946, 9/21/1989.
Dicerandra cornutissima	Longspurred mint	Wherever found	E	50 FR 45621, 11/1/1985.
Dicerandra frutescens	Scrub mint	Wherever found	E	50 FR 45621, 11/1/1985; 54 FR 38946, 9/21/1989.
Dicerandra immaculata	Lakela's mint	Wherever found	E	50 FR 20212, 5/15/1985.
Digitaria pauciflora	Florida crabgrass	Wherever found	T	82 FR 46691, 10/06/2017.
Diplacus vandenbergensis	Vandenberg monkeyflower	Wherever found	E	79 FR 50844, 8/26/2014; 50 CFR 17.96(a).CH
Dodecahema leptoceras	Slender-horned spineflower.	Wherever found	E	52 FR 36265, 9/28/1987.
Dracaena fernaldii	Hala pepe	Wherever found	E	78 FR 32014, 5/28/2013.
Dracaena forbesii	Hala pepe	Wherever found	E	77 FR 57648, 9/18/2012; 50 CFR 17.99(i).CH
Dracaena konaensis	Hala pepe	Wherever found	E	61 FR 53137, 10/10/1996; 50 CFR 17.99(k).CH
Dubautia herbstobatae	Naenae	Wherever found	E	56 FR 55770, 10/29/1991; 50 CFR 17.99(i).CH
Dubautia imbricata ssp. *imbricata.*	Naenae	Wherever found	E	75 FR 18960, 4/13/2010; 50 CFR 17.99(a).CH
Dubautia kalalauensis	Naenae	Wherever found	E	75 FR 18960, 4/13/2010; 50 CFR 17.99(a).CH
Dubautia kenwoodii	Naenae	Wherever found	E	75 FR 18960, 4/13/2010; 50 CFR 17.99(a).CH
Dubautia latifolia	Koholapehu	Wherever found	E	57 FR 20580, 5/13/1992; 50 CFR 17.99(a)(1).CH
Dubautia pauciflorula	Naenae	Wherever found	E	56 FR 47695, 9/20/1991; 50 CFR 17.99(a)(1).CH

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Dubautia plantaginea ssp. *humilis.*	Naenae	Wherever found	E	64 FR 48307, 9/3/1999; 50 CFR 17.99(e)(1).[CH]
Dubautia plantaginea ssp. *magnifolia.*	Naenae	Wherever found	E	75 FR 18960, 4/13/2010; 50 CFR 17.99(a).[CH]
Dubautia waialealae	Naenae	Wherever found	E	75 FR 18960, 4/13/2010; 50 CFR 17.99(a).[CH]
Dudleya abramsii ssp. *parva.*	Conejo dudleya	Wherever found	T	62 FR 4172, 1/29/1997.
Dudleya cymosa ssp. *marcescens.*	Marcescent dudleya	Wherever found	T	62 FR 4172, 1/29/1997.
Dudleya cymosa ssp. *ovatifolia.*	Santa Monica Mountains dudleya.	Wherever found	T	62 FR 4172, 1/29/1997.
Dudleya setchellii	Santa Clara Valley dudleya.	Wherever found	E	60 FR 6671, 2/3/1995.
Dudleya stolonifera	Laguna Beach liveforever	Wherever found	T	63 FR 54938, 10/13/1998.
Dudleya traskiae	Santa Barbara Island liveforever.	Wherever found	E	43 FR 17910, 4/26/1978.
Dudleya verityi	Verity's dudleya	Wherever found	T	62 FR 4172, 1/29/1997.
Echinacea laevigata	Smooth coneflower	Wherever found	T	57 FR 46340, 10/8/1992; 87 FR 40100, 7/6/2022; 50 CFR 17.73(f).[4d]
Echinacea laevigata	Smooth coneflower	Wherever found	E	57 FR 46340, 10/8/1992.
Echinocactus horizonthalonius var. *nicholii.*	Nichol's Turk's head cactus.	Wherever found	E	44 FR 61927, 10/26/1979.
Echinocereus arizonicus ssp. *arizonicus.*	Arizona hedgehog cactus	Wherever found	E	44 FR 61556, 10/25/1979.
Echinocereus chisoensis var. *chisoensis.*	Chisos hedgehog cactus	Wherever found	T	53 FR 38453, 9/30/1988.
Echinocereus fendleri var. *kuenzleri.*	Kuenzler hedgehog cactus	Wherever found	T	44 FR 61924, 10/26/1979; 83 FR 21928, 5/11/2018.
Echinocereus reichenbachii var. *albertii.*	Black lace cactus	Wherever found	E	44 FR 61918, 10/26/1979.
Echinocereus viridiflorus var. *davisii.*	Davis's green pitaya	Wherever found	E	44 FR 64738, 11/7/1979.
Echinomastus erectocentrus var. *acunensis.*	Acuña cactus	Wherever found	E	78 FR 60607, 10/1/2013; 50 CFR 17.96(a).[CH]
Enceliopsis nudicaulis var. *corrugata.*	Ash Meadows sunray	Wherever found	T	50 FR 20777, 5/20/1985; 50 CFR 17.96(a).[CH]
Eragrostis fosbergii	Fosberg's love grass	Wherever found	E	61 FR 53089, 10/10/1996; 50 CFR 17.99(i).[CH]
Eremalche kernensis	Kern mallow	Wherever found	E	55 FR 29361, 7/19/1990.
Eriastrum densifolium ssp. *sanctorum.*	Santa Ana River woollystar.	Wherever found	E	52 FR 36265, 9/28/1987.
Erigeron decumbens	Willamette daisy	Wherever found	E	65 FR 3875, 1/25/2000; 50 CFR 17.96.[CH]
Erigeron parishii	Parish's daisy	Wherever found	T	59 FR 43652, 8/24/1994; 50 CFR 17.96(a).[CH]
Erigeron rhizomatus	Zuni fleabane	Wherever found	T	50 FR 16680, 4/26/1985.
Eriodictyon altissimum	Indian Knob mountain balm.	Wherever found	E	59 FR 64613, 12/15/1994.
Eriodictyon capitatum	Lompoc yerba santa	Wherever found	E	65 FR 14888, 3/20/2000; 50 CFR 17.96(a).[CH]
Eriogonum apricum (incl. var. *prostratum).*	Ione (incl. Irish Hill) buckwheat.	Wherever found	E	64 FR 28403, 5/26/1999.
Eriogonum codium	Umtanum desert buckwheat.	Wherever found	T	78 FR 23983, 4/23/2013; 50 CFR 17.96(a).[CH]
Eriogonum gypsophilum	Gypsum wild-buckwheat	Wherever found	T	46 FR 5730, 1/19/1981; 46 FR 40025, 8/6/1981; 50 CFR 17.96(a).[CH]
Eriogonum kennedyi var. *austromontanum.*	Southern mountain wild-buckwheat.	Wherever found	T	63 FR 49006, 9/14/1998; 50 CFR 17.96(a).[CH]
Eriogonum longifolium var. *gnaphalifolium.*	Scrub buckwheat	Wherever found	T	58 FR 25746, 4/27/1993.
Eriogonum ovalifolium var. *vineum.*	Cushenbury buckwheat	Wherever found	E	59 FR 43652, 8/24/1994; 50 CFR 17.96(a).[CH]
Eriogonum ovalifolium var. *williamsiae.*	Steamboat buckwheat	Wherever found	E	51 FR 24669, 7/8/1986.
Eriogonum pelinophilum	Clay-loving wild buckwheat.	Wherever found	E	49 FR 28562, 7/13/1984; 50 CFR 17.96(a).[CH]

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Eriogonum tiehmii	Tiehm's buckwheat	Wherever found	E	87 FR 77368, 12/16/2022; 50 CFR 17.96(a).[CH]
Eriophyllum latilobum	San Mateo woolly sunflower.	Wherever found	E	60 FR 6671, 2/3/1995.
Eryngium aristulatum var. *parishii.*	San Diego button-celery	Wherever found	E	58 FR 41384, 8/3/1993.
Eryngium constancei	Loch Lomond coyote-thistle.	Wherever found	E	50 FR 31187, 8/1/1985; 51 FR 45904, 12/23/1986.
Eryngium cuneifolium	Snakeroot	Wherever found	E	52 FR 2227, 1/21/1987.
Eryngium sparganophyllum	Arizona eryngo	Wherever found	E	87 FR 35431, June 10, 2022; 50 CFR 17.96(a).[CH]
Erysimum capitatum var. *angustatum.*	Contra Costa wallflower	Wherever found	E	43 FR 17910, 4/26/1978; 50 CFR 17.96(a).[CH]
Erysimum menziesii	Menzies' wallflower	Wherever found	E	57 FR 27848, 6/22/1992.
Erysimum teretifolium	Ben Lomond wallflower	Wherever found	E	59 FR 5499, 2/4/1994.
Erythronium propullans	Minnesota dwarf trout lily	Wherever found	E	51 FR 10521, 3/26/1986.
Escobaria minima	Nellie's cory cactus	Wherever found	E	44 FR 64738, 11/7/1979.
Eugenia bryanii	No common name	Wherever found	E	80 FR 59423, 10/1/2015.
Eugenia haematocarpa	Uvillo	Wherever found	E	59 FR 60565, 11/25/1994.
Eugenia koolauensis	Nioi	Wherever found	E	59 FR 14482, 3/28/1994; 50 CFR 17.99(c); [CH] 50 CFR 17.99(i).[CH]
Eugenia woodburyana	No common name	Wherever found	T	59 FR 46715, 9/9/1994; 87 FR 73994, 12/2/2022; 50 CFR 17.73(e).[4d]
Euphorbia (=Chamaesyce) celastroides var. *kaenana.*	Akoko	Wherever found	E	56 FR 55770, 10/29/1991; 77 FR 57647, 9/18/2012; 50 CFR 17.99(i).[CH]
Euphorbia (=Chamaesyce) deppeana.	Akoko	Wherever found	E	59 FR 14482, 3/28/1994; 77 FR 57647, 9/18/2012; 50 CFR 17.99(i).[CH]
Euphorbia (=Chamaesyce) eleanoriae.	Akoko	Wherever found	E	75 FR 18960, 4/13/2010; 50 CFR 17.99(a).[CH]
Euphorbia haeleeleana	Akoko	Wherever found	E	61 FR 53108, 10/10/1996; 50 CFR 17.99(a)(1); [CH] 50 CFR 17.99(i).[CH]
Euphorbia (=Chamaesyce) halemanui.	Akoko	Wherever found	E	57 FR 20580, 5/13/1992; 50 CFR 17.99(a)(1).[CH]
Euphorbia (=Chamaesyce) herbstii.	Akoko	Wherever found	E	61 FR 53089, 10/10/1996; 77 FR 57647, 9/18/2012; 50 CFR 17.99(i).[CH]
Euphorbia (=Chamaesyce) kuwaleana.	Akoko	Wherever found	E	56 FR 55770, 10/29/1991; 77 FR 57647, 9/18/2012; 50 CFR 17.99(i).[CH]
Euphorbia (=Chamaesyce) remyi var . *kauaiensis.*	Akoko	Wherever found	E	76 FR 15609, 5/5/2011; 50 CFR 17.99(a).[CH]
Euphorbia (=Chamaesyce) remyi var . *remyi.*	Akoko	Wherever found	E	76 FR 15609, 5/5/2011; 50 CFR 17.99(a).[CH]
Euphorbia (=Chamaesyce) rockii.	Akoko	Wherever found	E	61 FR 53089, 10/10/1996; 77 FR 57647, 9/18/2012; 50 CFR 17.99(i).[CH]
Euphorbia skottsbergii var. *skottsbergi.*	Akoko	Wherever found	E	47 FR 36846, 8/24/1982; 50 CFR 17.99(i).[CH]
Euphorbia telephioides	Telephus spurge	Wherever found	T	57 FR 19813, 5/8/1992.
Eutrema penlandii	Mosquito Range mustard	Wherever found	T	58 FR 40539, 7/28/1993.
Exocarpos luteolus	Heau	Wherever found	E	59 FR 9304, 2/25/1994; 50 CFR 17.99(a)(1).[CH]
Exocarpos menziesii	Heau	Wherever found	E	81 FR 67786, 9/30/2016.
Festuca hawaiiensis	No common name	Wherever found	E	81 FR 67786, 9/30/2016.
Festuca ligulata	Guadalupe fescue	Wherever found	E	82 FR 42245, 9/7/2017.
Festuca molokaiensis	No common name	Wherever found	E	78 FR 32013, 5/28/2013; 50 CFR 17.99(c).[CH]
Flueggea neowawraea	Mehamehame	Wherever found	E	59 FR 56333, 11/10/1994; 50 CFR 17.99(a)(1); [CH] 50 CFR 17.99(c); [CH] 50 CFR 17.99(e)(1); [CH] 50 CFR 17.99(i); [CH] 50 CFR 17.99(k).[CH]
Fremontodendron californicum ssp. *decumbens.*	Pine Hill flannelbush	Wherever found	E	61 FR 54346, 10/18/1996.

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Fremontodendron mexicanum.	Mexican flannelbush	Wherever found	E	63 FR 54956, 10/13/1998; 50 CFR 17.96(a).[CH]
Fritillaria gentneri	Gentner's fritillary	Wherever found	E	64 FR 69195, 12/10/1999.
Galactia smallii	Small's milkpea	Wherever found	E	50 FR 29345, 7/18/1985.
Galium californicum ssp. *sierrae.*	El Dorado bedstraw	Wherever found	E	61 FR 54346, 10/18/1996.
Gardenia brighamii	Nanu	Wherever found	E	50 FR 33728, 8/21/1985.
Gardenia mannii	Nanu	Wherever found	E	61 FR 53089, 10/10/1996; 50 CFR 17.99(i).[CH]
Gardenia remyi	Nanu	Wherever found	E	81 FR 67786, 9/30/2016.
Geocarpon minimum	No common name	Wherever found	T	52 FR 22930, 6/16/1987.
Geranium arboreum	Nohoanu	Wherever found	E	57 FR 20589, 5/13/1992; 50 CFR 17.99(e)(1).[CH]
Geranium hanaense	Nohoanu	Wherever found	E	78 FR 32013, 5/28/2013; 50 CFR 17.99(e)(1).[CH]
Geranium hillebrandii	Nohoanu	Wherever found	E	78 FR 32013, 5/28/2013; 50 CFR 17.99(e)(1).[CH]
Geranium kauaiense	Nohoanu	Wherever found	E	75 FR 18960, 4/13/2010; 50 CFR 17.99(a).[CH]
Geranium multiflorum	Nohoanu	Wherever found	E	57 FR 20772, 5/15/1992; 50 CFR 17.99(e)(1).[CH]
Gesneria pauciflora	No common name	Wherever found	T	60 FR 12483, 3/7/1995.
Geum radiatum	Spreading avens	Wherever found	E	55 FR 12793, 4/5/1990.
Gilia tenuiflora ssp. *arenaria.*	Monterey gilia	Wherever found	E	57 FR 27848, 6/22/1992.
Gilia tenuiflora ssp. *hoffmannii.*	Hoffmann's slender-flowered gilia.	Wherever found	E	62 FR 40954, 7/31/1997.
Goetzea elegans	Beautiful goetzea or matabuey.	Wherever found	E	50 FR 15564, 4/19/1985.
Gonocalyx concolor	No common name	Wherever found	E	79 FR 53303, 9/9/2014; 50 CFR 17.96(a).[CH]
Gouania hillebrandii	No common name	Wherever found	E	49 FR 44753, 11/19/1984; 50 CFR 17.99(e)(1); [CH] 50 CFR 17.99(e)(2); [CH] 50 CFR 17.96(a).[CH]
Gouania meyenii	No common name	Wherever found	E	56 FR 55770, 10/29/1991; 50 CFR 17.99(a)(1); [CH] 50 CFR 17.99(i).[CH]
Gouania vitifolia	No common name	Wherever found	E	59 FR 32932, 6/27/1994; 50 CFR 17.99(e)(1); [CH] 50 CFR 17.99(k).[CH]
Graptopetalum bartramii	Bartram's stonecrop	Wherever found	T	86 FR 48545, 8/31/2021; 50 CFR 17.73(a).[4d]
Grindelia fraxino-pratensis	Ash Meadows gumplant	Wherever found	T	50 FR 20777, 5/20/1985; 50 CFR 17.96(a).[CH]
Hackelia venusta	Showy stickseed	Wherever found	E	67 FR 5515, 2/6/2002.
Haplostachys haplostachya	No common name	Wherever found	E	44 FR 62468, 10/30/1979.
Harperocallis flava	Harper's beauty	Wherever found	E	44 FR 56862, 10/2/1979.
Harrisia aboriginum	Prickly-apple, aboriginal	Wherever found	E	78 FR 63795, 10/24/2013; 50 CFR 17.96(a).[CH]
Harrisia portoricensis	Higo chumbo	Wherever found	T	55 FR 32252, 8/8/1990.
Hedeoma todsenii	Todsen's pennyroyal	Wherever found	E	46 FR 5730, 1/19/1981; 46 FR 40025, 8/6/1981; 50 CFR 17.96(a).[CH]
Hedyotis megalantha	Pau dedu, Pao doodu	Wherever found	E	80 FR 59423, 10/1/2015.
Hedyotis purpurea var. *montana.*	Roan Mountain bluet	Wherever found	E	55 FR 12793, 4/5/1990.
Helenium virginicum	Virginia sneezeweed	Wherever found	T	63 FR 59239, 11/3/1998.
Helianthemum greenei	Island rush-rose	Wherever found	T	62 FR 40954, 7/31/1997.
Helianthus paradoxus	Pecos (=puzzle, =paradox) sunflower.	Wherever found	T	64 FR 56583, 10/20/1999; 50 CFR 17.96(a).[CH]
Helianthus schweinitzii	Schweinitz's sunflower	Wherever found	E	56 FR 21087, 5/7/1991.
Helianthus verticillatus	Whorled sunflower	Wherever found	E	79 FR 44712, 8/1/2014.
Helonias bullata	Swamp pink	Wherever found	T	53 FR 35076, 9/9/1988.
Heritiera longipetiolata	Ufa halumtanu, Ufa halom tano.	Wherever found	E	80 FR 59423, 10/1/2015.
Hesperolinon congestum	Marin dwarf-flax	Wherever found	T	60 FR 6671, 2/3/1995.
Hesperomannia arborescens.	No common name	Wherever found	E	59 FR 14482, 3/28/1994; 50 CFR 17.99(e)(1); [CH] 50 CFR 17.99(c); [CH] 50 CFR 17.99(i).[CH]

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Hesperomannia arbuscula	No common name	Wherever found	E	56 FR 55770, 10/29/1991; 50 CFR 17.99(e)(1); CH 50 CFR 17.99(i).CH
Hesperomannia lydgatei	No common name	Wherever found	E	56 FR 47695, 9/20/1991; 50 CFR 17.99(a)(1).CH
Hibiscadelphus distans	Kauai hau kuahiwi	Wherever found	E	51 FR 15903; 4/29/1986.
Hibiscadelphus giffardianus	Hau kuahiwi	Wherever found	E	61 FR 53137, 10/10/1996; 50 CFR 17.99(k).CH
Hibiscadelphus hualalaiensis.	Hau kuahiwi	Wherever found	E	61 FR 53137, 10/10/1996; 50 CFR 17.99(k).CH
Hibiscadelphus woodii	Hau kuahiwi	Wherever found	E	61 FR 53070, 10/10/1996; 50 CFR 17.99(a)(1).CH
Hibiscus arnottianus ssp. *immaculatus.*	Kokio keokeo	Wherever found	E	57 FR 46325, 10/8/1992; 50 CFR 17.99(c).CH
Hibiscus brackenridgei	Mao hau hele	Wherever found	E	59 FR 5633, 11/11/1994; 50 CFR 17.99(c); CH 50 CFR 17.99(e)(1); CH 50 CFR 17.99(e)(2); CH 50 CFR 17.99(i); CH 50 CFR 17.99(k).CH
Hibiscus clayi	Clay's hibiscus	Wherever found	E	59 FR 9304, 2/25/1994; 50 CFR 17.99(a)(1).CH
Hibiscus dasycalyx	Neches River rose-mallow	Wherever found	T	78 FR 56025, 9/11/2013; 50 CFR 17.96(a).CH
Hibiscus waimeae ssp. *hannerae.*	Kokio keokeo	Wherever found	E	61 FR 53070, 10/10/1996; 50 CFR 17.99(a)(1).CH
Hoffmannseggia tenella	Slender rush-pea	Wherever found	E	50 FR 45621, 11/1/1985.
Holocarpha macradenia	Santa Cruz tarplant	Wherever found	T	65 FR 14898, 3/20/2000; 50 CFR 17.96(a).CH
Hudsonia montana	Mountain golden heather	Wherever found	T	45 FR 69360, 10/20/1980; 50 CFR 17.96(a).CH
Hymenoxys herbacea	Lakeside daisy	Wherever found	T	53 FR 23742, 6/23/1988.
Hymenoxys texana	Texas prairie dawn-flower	Wherever found	E	51 FR 8681, 3/13/1986.
Hypericum cumulicola	Highlands scrub hypericum.	Wherever found	E	52 FR 2227, 1/21/1987.
Ilex cookii	Cook's holly	Wherever found	E	52 FR 22936, 6/16/1986.
Ilex sintenisii	None	Wherever found	E	57 FR 14782, 4/22/1992.
Iliamna corei	Peter's Mountain mallow	Wherever found	E	51 FR 17343, 5/12/1986.
Ipomopsis polyantha	Pagosa skyrocket	Wherever found	E	76 FR 45053, 7/27/2011; 50 CFR 17.96(a).CH
Ipomopsis sancti-spiritus	Holy Ghost ipomopsis	Wherever found	E	59 FR 13836, 3/23/1994.
Iris lacustris	Dwarf lake iris	Wherever found	T	53 FR 37972, 9/28/1988.
Ischaemum byrone	Hilo ischaemum	Wherever found	E	59 FR 10305, 3/4/1994; 50 CFR 17.99(a)(1); CH 50 CFR 17.99(c); CH 50 CFR 17.99(e)(1); CH 50 CFR 17.99(k).CH
Isodendrion hosakae	Aupaka	Wherever found	T	56 FR 1454, 1/14/1991; 50 CFR 17.99(k).CH
Isodendrion laurifolium	Aupaka	Wherever found	E	61 FR 53108, 10/10/1996; 50 CFR 17.99(a)(1); CH 50 CFR 17.99(i).CH
Isodendrion longifolium	Aupaka	Wherever found	T	61 FR 53108, 10/10/1996; 50 CFR 17.99(a)(1); CH 50 CFR 17.99(i).CH
Isodendrion pyrifolium	Wahine noho kula	Wherever found	E	59 FR 10305, 3/4/1994; 50 CFR 17.99(c); CH 50 CFR 17.99(e)(1); CH 50 CFR 17.99(i).CH
Isotria medeoloides	Small whorled pogonia	Wherever found	T	47 FR 39827, 9/9/1982; 59 FR 50852, 10/6/1994.
Ivesia kingii var. *eremica*	Ash Meadows ivesia	Wherever found	T	50 FR 20777, 5/20/1985; 50 CFR 17.96(a).CH
Ivesia webberi	Webber's ivesia	Wherever found	T	79 FR 31878, 6/3/2014; 50 CFR 17.96(a).CH
Jacquemontia reclinata	Beach jacquemontia	Wherever found	E	58 FR 62046, 11/24/1993.
Jatropha costaricensis	Costa Rican jatropha	Wherever found	E	49 FR 30199, 7/27/1984.
Joinvillea ascendens ssp. *ascendens.*	Ohe	Wherever found	E	81 FR 67786, 9/30/2016.
Juglans jamaicensis	Nogal or West Indian walnut.	Wherever found	E	62 FR 1691, 1/13/1997.
Justicia cooleyi	Cooley's water-willow	Wherever found	E	54 FR 31190, 7/27/1989.

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Kadua cookiana	Awiwi	Wherever found	E	59 FR 9304, 2/25/1994; 50 CFR 17.99(a)(1).[CH]
Kadua cordata ssp. remyi	Kopa	Wherever found	E	64 FR 48307, 9/3/1999.
Kadua coriacea	Kioele	Wherever found	E	57 FR 20772, 5/15/1992; 50 CFR 17.99(e)(1);[CH] 50 CFR 17.99(i).[CH]
Kadua degeneri	No common name	Wherever found	E	56 FR 55770, 10/29/1991; 50 CFR 17.99(i).[CH]
Kadua fluviatilis	Kamapuaa	Wherever found	E	81 FR 67786, 9/30/2016.
Kadua haupuensis	No common name	Wherever found	E	81 FR 67786, 9/30/2016.
Kadua laxiflora	Pilo	Wherever found	E	57 FR 46325, 10/8/1992; 50 CFR 17.99(c);[CH] 50 CFR 17.99(e)(1).[CH]
Kadua parvula	No common name	Wherever found	E	56 FR 55770, 10/29/1991; 50 CFR 17.99(i).[CH]
Kadua (=Hedyotis) st.-johnii	No common name	Wherever found	E	56 FR 49639, 9/30/1991; 50 CFR 17.99(a)(1).[CH]
Kanaloa kahoolawensis	Ka palupalu o Kanaloa, Kohe malama malama o Kanaloa.	Wherever found	E	64 FR 48307, 9/3/1999; 50 CFR 17.99(e)(2).[CH]
Keysseria erici	No common name	Wherever found	E	75 FR 18960, 4/13/2010; 50 CFR 17.99(a).[CH]
Keysseria helenae	No common name	Wherever found	E	75 FR 18960, 4/13/2010; 50 CFR 17.99(a).[CH]
Kokia cookei	Kokio	Wherever found	E	44 FR 62470, 10/30/1979; 50 CFR 17.99(c).[CH]
Kokia drynarioides	Kokio	Wherever found	E	49 FR 47397, 12/4/1984; 50 CFR 17.96(a).[CH]
Kokia kauaiensis	Kokio	Wherever found	E	61 FR 53070, 10/10/1996; 50 CFR 17.99(a)(1).[CH]
Korthalsella degeneri	Hulumoa	Wherever found	E	77 FR 57647, 9/18/2012; 50 CFR 17.99(i).[CH]
Labordia cyrtandrae	Kamakahala	Wherever found	E	61 FR 53089, 10/10/1996; 50 CFR 17.99(i).[CH]
Labordia helleri	Kamakahala	Wherever found	E	75 FR 18960, 4/13/2010; 50 CFR 17.99(a).[CH]
Labordia lydgatei	Kamakahala	Wherever found	E	56 FR 47695, 9/20/1991; 50 CFR 17.99(a)(1).[CH]
Labordia pumila	Kamakahala	Wherever found	E	75 FR 18960, 4/13/2010; 50 CFR 17.99(a).[CH]
Labordia tinifolia var. *lanaiensis.*	Kamakahala	Wherever found	E	64 FR 48307, 9/3/1999.
Labordia lorenciana	No common name	Wherever found	E	81 FR 67786, 9/30/2016.
Labordia tinifolia var. *wahiawaensis.*	Kamakahala	Wherever found	E	61 FR 53070, 10/10/1996; 50 CFR 17.99(a)(1).[CH]
Labordia triflora	Kamakahala	Wherever found	E	64 FR 48307, 9/3/1999; 50 CFR 17.99(c).[CH]
Lasthenia burkei	Burke's goldfields	Wherever found	E	56 FR 61173, 12/2/1991.
Lasthenia conjugens	Contra Costa goldfields	Wherever found	E	62 FR 33029, 6/18/1997; 50 CFR 17.96(a).[CH]
Layia carnosa	Beach layia	Wherever found	T	57 FR 27848, 6/22/1992; 87 FR 18722, 3/31/2022; 50 CFR 17.73(b).[4d]
Leavenworthia crassa	fleshy-fruit gladecress	Wherever found	E	79 FR 44712, 8/1/2014.
Leavenworthia exigua var.*laciniata.*	Kentucky glade cress	Wherever found	T	79 FR 25683, 5/6/2014; 50 CFR 17.96(a).[CH]
Leavenworthia texana	Texas golden gladecress	Wherever found	E	78 FR 56025, 9/11/2013; 50 CFR 17.96(a).[CH]
Lembertia congdonii	San Joaquin wooly-threads.	Wherever found	E	55 FR 29361, 7/19/1990.
Lepidium arbuscula	Anaunau	Wherever found	E	61 FR 53089, 10/10/1996; 50 CFR 17.99(i).[CH]
Lepidium barnebyanum	Barneby ridge-cress	Wherever found	E	55 FR 39860, 9/28/1990.
Lepidium papilliferum	Slickspot peppergrass	Wherever found	T	74 FR 52014, 10/8/2009; 81 FR 55058, 8/17/2016; 50 CFR 17.96(a).[CH]
Lepidium orbiculare	Anaunau	Wherever found	E	81 FR 67786, 9/30/2016.
Leptocereus grantianus	No common name	Wherever found	E	58 FR 11550, 2/26/1993.
Lespedeza leptostachya	Prairie bush-clover	Wherever found	T	52 FR 781, 1/9/1987.
Lesquerella congesta	Dudley Bluffs bladderpod	Wherever found	T	55 FR 4152, 2/6/1990.

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Lesquerella kingii ssp. *bernardina*.	San Bernardino Mountains bladderpod.	Wherever found	E	59 FR 43652, 8/24/1994; 50 CFR 17.96(a).[CH]
Lesquerella lyrata	Lyrate bladderpod	Wherever found	T	55 FR 39864, 9/28/1990.
Lesquerella perforata	Spring Creek bladderpod	Wherever found	E	61 FR 67493, 12/23/1996.
Lesquerella tumulosa	Kodachrome bladderpod	Wherever found	E	58 FR 52027, 10/6/1993.
Lessingia germanorum (=L. g. var. *germanorum).*	San Francisco lessingia	Wherever found	E	62 FR 33368, 6/19/1997.
Liatris helleri	Heller's blazingstar	Wherever found	T	52 FR 44397, 11/19/1987.
Liatris ohlingerae	Scrub blazingstar	Wherever found	E	54 FR 31190, 7/27/1989.
Lilaeopsis schaffneriana var. *recurva*.	Huachuca water-umbel	Wherever found	E	62 FR 665, 1/6/1997; 50 CFR 17.96(a).[CH]
Lilium occidentale	Western lily	Wherever found	E	59 FR 42171, 8/17/1994.
Lilium pardalinum ssp. *pitkinense*.	Pitkin Marsh lily	Wherever found	E	62 FR 54791, 10/22/1997.
Limnanthes floccosa ssp. *californica*.	Butte County meadowfoam.	Wherever found	E	57 FR 24192, 6/8/1992; 50 CFR 17.96(a).[CH]
Limnanthes pumila ssp. *grandiflora*.	Large-flowered woolly meadowfoam.	Wherever found	E	67 FR 68004, 11/7/2002; 50 CFR 17.96(a).[CH]
Limnanthes vinculans	Sebastopol meadowfoam	Wherever found	E	56 FR 61173, 12/2/1991.
Lindera melissifolia	Pondberry	Wherever found	E	51 FR 27495, 7/31/1986.
Linum arenicola	Sand flax	Wherever found	E	81 FR 66842, 9/29/2016.
Linum carteri var. *carteri*	Carter's small-flowered flax.	Wherever found	E	79 FR 52567, 9/4/2014; 50 CFR 17.96(a).[CH]
Lipochaeta fauriei	Nehe	Wherever found	E	59 FR 9304, 2/25/1994; 50 CFR 17.99(a)(1).[CH]
Lipochaeta lobata var. *leptophylla*.	Nehe	Wherever found	E	56 FR 55770, 10/29/1991; 50 CFR 17.99(i).[CH]
Lipochaeta micrantha	Nehe	Wherever found	E	59 FR 9304, 2/25/1994; 50 CFR 17.99(a)(1).[CH]
Lipochaeta venosa	No common name	Wherever found	E	44 FR 62468, 10/30/1979.
Lipochaeta waimeaensis	Nehe	Wherever found	E	59 FR 9304, 2/25/1994; 50 CFR 17.99(a)(1).[CH]
Lithophragma maximum	San Clemente Island woodland-star.	Wherever found	E	62 FR 42692, 8/8/1997.
Lobelia (gaudichaudii ssp.) *koolauensis*.	No common name	Wherever found	E	61 FR 53089, 10/10/1996; 77 FR 57647, 9/18/2012; 50 CFR 17.99(i).[CH]
Lobelia monostachya	No common name	Wherever found	E	61 FR 53089, 10/10/1996; 50 CFR 17.99(i).[CH]
Lobelia niihauensis	No common name	Wherever found	E	56 FR 55770, 10/29/1991; 50 CFR 17.99(i).[CH]
Lobelia oahuensis	No common name	Wherever found	E	59 FR 14482, 3/28/1994; 50 CFR 17.99(i).[CH]
Lomatium cookii	Cook's lomatium (Cook's desert parsley).	Wherever found	E	67 FR 68004, 11/7/2002; 50 CFR 17.96(a).[CH]
Lupinus aridorum	Scrub lupine	Wherever found	E	52 FR 11172, 4/7/1987.
Lupinus constancei	Lassics lupine	Wherever found	E	88 FR 69074, 10/5/2023; 50 CFR 17.96(a).[CH]
Lupinus nipomensis	Nipomo Mesa lupine	Wherever found	E	65 FR 14888, 3/20/2000.
Lupinus sulphureus ssp. *kincaidii*.	Kincaid's lupine	Wherever found	T	65 FR 3875, 1/25/2000; 50 CFR 17.96.[CH]
Lupinus tidestromii	Clover lupine	Wherever found	E	57 FR 27848, 6/22/1992.
Lyonia truncata var. *proctorii*.	No common name	Wherever found	E	58 FR 25755, 4/27/1993.
Lysimachia asperulaefolia	Rough-leaved loosestrife	Wherever found	E	52 FR 22585, 6/12/1987.
Lysimachia daphnoides	Lehua makanoe	Wherever found	E	75 FR 18960, 4/13/2010; 50 CFR 17.99(a).[CH]
Lysimachia filifolia	No common name	Wherever found	E	59 FR 9304, 2/25/1994; 50 CFR 17.99(a)(1); [CH] 50 CFR 17.99(i).[CH]
Lysimachia iniki	No common name	Wherever found	E	75 FR 18960, 4/13/2010; 50 CFR 17.99(a).[CH]
Lysimachia lydgatei	No common name	Wherever found	E	57 FR 20772, 5/15/1992; 50 CFR 17.99(e)(1).[CH]
Lysimachia maxima	No common name	Wherever found	E	61 FR 53130, 10/10/1996; 50 CFR 17.99(c).[CH]
Lysimachia pendens	No common name	Wherever found	E	75 FR 18960, 4/13/2010; 50 CFR 17.99(a).[CH]
Lysimachia scopulensis	No common name	Wherever found	E	75 FR 18960, 4/13/2010; 50 CFR 17.99(a).[CH]
Lysimachia venosa	No common name	Wherever found	E	75 FR 18960, 4/13/2010; 50 CFR 17.99(a).[CH]
Macbridea alba	White birds-in-a-nest	Wherever found	T	57 FR 19813, 5/8/1992.

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Maesa walkeri	No common name	Wherever found	T	80 FR 59423, 10/1/2015.
Malacothamnus fasciculatus var. *nesioticus*.	Santa Cruz Island bushmallow.	Wherever found	E	62 FR 40954, 7/31/1997.
Malacothrix indecora	Santa Cruz Island malacothrix.	Wherever found	E	62 FR 40954, 7/31/1997.
Malacothrix squalida	Island malacothrix	Wherever found	E	62 FR 40954, 7/31/1997.
Manihot walkerae	Walker's manioc	Wherever found	E	56 FR 49850, 10/2/1991.
Marshallia mohrii	Mohr's Barbara's buttons	Wherever found	T	53 FR 34698, 9/7/1988.
Melanthera kamolensis	Nehe	Wherever found	E	57 FR 20772, 5/15/1992; 50 CFR 17.99(e)(1).[CH]
Melanthera tenuifolia	Nehe	Wherever found	E	56 FR 55770, 10/29/1991; 50 CFR 17.99(i).[CH]
Melicope adscendens	Alani	Wherever found	E	59 FR 62346, 12/5/1994; 50 CFR 17.99(e)(1).[CH]
Melicope balloui	Alani	Wherever found	E	59 FR 62346, 12/5/1994; 50 CFR 17.99(e)(1).[CH]
Melicope christophersenii	Alani	Wherever found	E	77 FR 57647, 9/18/2012; 50 CFR 17.99(i).[CH]
Melicope cornuta var. *cornuta*.	No common name	Wherever found	E	77 FR 57648, 9/18/2012; 50 CFR 17.99(i).[CH]
Melicope cornuta var. *decurrens*.	No common name	Wherever found	E	77 FR 57648, 9/18/2012; 50 CFR 17.99(i).[CH]
Melicope degeneri	Alani	Wherever found	E	75 FR 18960, 4/13/2010; 50 CFR 17.99(a).[CH]
Melicope haupuensis	Alani	Wherever found	E	59 FR 9304, 2/25/1994; 50 CFR 17.99(a)(1).[CH]
Melicope hiiakae	Alani	Wherever found	E	77 FR 57647, 9/18/2012; 50 CFR 17.99(i).[CH]
Melicope knudsenii	Alani	Wherever found	E	59 FR 9304, 2/25/1994; 50 CFR 17.99(a)(1); [CH] 50 CFR 17.99(e)(1).[CH]
Melicope lydgatei	Alani	Wherever found	E	59 FR 14482, 3/28/1994; 50 CFR 17.99(i).[CH]
Melicope makahae	Alani	Wherever found	E	77 FR 57647, 9/18/2012; 50 CFR 17.99(i).[CH]
Melicope mucronulata	Alani	Wherever found	E	57 FR 20772, 5/15/1992; 50 CFR 17.99(c); [CH] 50 CFR 17.99(e)(1).[CH]
Melicope munroi	Alani	Wherever found	E	64 FR 48307, 9/3/1999; 50 CFR 17.99(c).[CH]
Melicope ovalis	Alani	Wherever found	E	59 FR 62346, 12/5/1994; 50 CFR 17.99(e)(1).[CH]
Melicope pallida	Alani	Wherever found	E	59 FR 9304, 2/25/1994; 50 CFR 17.99(a)(1); [CH] 50 CFR 17.99(i).[CH]
Melicope paniculata	Alani	Wherever found	E	75 FR 18960, 4/13/2010; 50 CFR 17.99(a).[CH]
Melicope puberula	Alani	Wherever found	E	75 FR 18960, 4/13/2010; 50 CFR 17.99(a).[CH]
Melicope quadrangularis	Alani	Wherever found	E	59 FR 9304, 2/25/1994.
Melicope reflexa	Alani	Wherever found	E	57 FR 46325, 10/8/1992; 50 CFR 17.99(c).[CH]
Melicope remyi	No common name	Wherever found	E	78 FR 64638, 10/29/2013; 50 CFR 17.99(k).[CH]
Melicope rostrata	Pilo kea lau lii	Wherever found	E	75 FR 18960, 4/13/2010; 50 CFR 17.99(a)(1).[CH]
Melicope saint-johnii	Alani	Wherever found	E	61 FR 53089, 10/10/1996; 50 CFR 17.99(i).[CH]
Melicope zahlbruckneri	Alani	Wherever found	E	61 FR 53137, 10/10/1996; 50 CFR 17.99(k).[CH]
Mentzelia leucophylla	Ash Meadows blazing-star	Wherever found	T	50 FR 20777, 5/20/1985; 50 CFR 17.96(a).[CH]
Mezoneuron kavaiense	Uhiuhi	Wherever found	E	51 FR 24672, 7/8/1986.
Mimulus michiganensis (=*Mimulus glabratus* var. *michiganensis*).	Michigan monkey-flower	Wherever found	E	55 FR 25596, 6/21/1990; 75 FR 55686, 9/14/2010.
Mirabilis macfarlanei	MacFarlane's four-o'clock	Wherever found	T	44 FR 61912, 10/26/1979; 61 FR 10693, 3/15/1996.
Mitracarpus maxwelliae	No common name	Wherever found	E	59 FR 46715, 9/9/1994.

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Mitracarpus polycladus	No common name	Wherever found	T	59 FR 46715, 9/9/1994; 88 FR 74890, 11/1/2023; 50 CFR 17.73(i).[4d]
Monardella viminea	Willowy monardella	Wherever found	E	63 FR 54938, 10/13/1998; 50 CFR 17.96(a).[CH]
Mucuna persericea	Sea bean	Wherever found	E	78 FR 32014, 5/28/2013; 50 CFR 17.99(e)(1).[CH]
Myrcia paganii	No common name	Wherever found	E	59 FR 8138, 2/18/1994.
Myrsine fosbergii	Kolea	Wherever found	E	81 FR 67786, 9/30/2016.
Myrsine juddii	Kolea	Wherever found	E	61 FR 53089, 10/10/1996; 50 CFR 17.99(i).[CH]
Myrsine knudsenii	Kolea	Wherever found	E	75 FR 18960, 4/13/2010; 50 CFR 17.99(a).[CH]
Myrsine linearifolia	Kolea	Wherever found	T	61 FR 53070, 10/10/1996; 50 CFR 17.99(a)(1).[CH]
Myrsine mezii	Kolea	Wherever found	E	75 FR 18960, 4/13/2010; 50 CFR 17.99(a).[CH]
Myrsine vaccinioides	Kolea	Wherever found	E	78 FR 32013, 5/28/2013; 50 CFR 17.99(e)(1).[CH]
Navarretia fossalis	Spreading navarretia	Wherever found	T	63 FR 54975, 10/13/1998; 50 CFR 17.96(a).[CH]
Navarretia leucocephala ssp. *pauciflora (=N. pauciflora).*	Few-flowered navarretia	Wherever found	E	62 FR 33029, 6/18/1997.
Navarretia leucocephala ssp. *plieantha.*	Many-flowered navarretia	Wherever found	E	62 FR 33029, 6/18/1997.
Neostapfia colusana	Colusa grass	Wherever found	T	62 FR 14338, 3/26/1997; 50 CFR 17.96(a).[CH]
Neraudia angulata	No common name	Wherever found	E	56 FR 55770, 10/29/1991; 50 CFR 17.99(i).[CH]
Neraudia ovata	No common name	Wherever found	E	61 FR 53137, 10/10/1996; 50 CFR 17.99(k).[CH]
Neraudia sericea	No common name	Wherever found	E	59 FR 56333, 11/10/1994; 50 CFR 17.99(c); [CH] 50 CFR 17.99(e)(1); [CH] 50 CFR 17.99(e)(2).[CH]
Nervilia jacksoniae	No common name	Wherever found	T	80 FR 59423, 10/1/2015.
Nesogenes rotensis	No common name	Wherever found	E	69 FR 10335, 3/5/2004.
Nitrophila mohavensis	Amargosa niterwort	Wherever found	E	50 FR 20777, 5/20/1985; 50 CFR 17.96(a).[CH]
Nolina brittoniana	Britton's beargrass	Wherever found	E	58 FR 25746, 4/27/1993.
Nothocestrum breviflorum	Aiea	Wherever found	E	59 FR 10305, 3/4/1994; 50 CFR 17.99(k).[CH]
Nothocestrum latifolium	Aiea	Wherever found	E	81 FR 67786, 9/30/2016.
Nothocestrum peltatum	Aiea	Wherever found	E	59 FR 9304, 2/25/1994; 50 CFR 17.99(a)(1).[CH]
Nototrichium humile	Kului	Wherever found	E	56 FR 55770, 10/29/1991; 50 CFR 17.99(e)(1); [CH] 50 CFR 17.99(i).[CH]
Ochrosia haleakalae	Holei	Wherever found	E	81 FR 67786, 9/30/2016.
Ochrosia kilaueaensis	Holei	Wherever found	E	59 FR 10305, 3/4/1994.
Oenothera deltoides ssp. *howellii.*	Antioch Dunes evening-primrose.	Wherever found	E	43 FR 17910, 4/26/1978; 50 CFR 17.96(a).[CH]
Opuntia treleasei	Bakersfield cactus	Wherever found	E	55 FR 29361, 7/19/1990.
Orcuttia californica	California Orcutt grass	Wherever found	E	58 FR 41384, 8/3/1993.
Orcuttia inaequalis	San Joaquin Valley Orcutt grass.	Wherever found	T	62 FR 14338, 3/26/1997; 50 CFR 17.96(a).[CH]
Orcuttia pilosa	Hairy Orcutt grass	Wherever found	E	62 FR 14338, 3/26/1997; 50 CFR 17.96(a).[CH]
Orcuttia tenuis	Slender Orcutt grass	Wherever found	T	62 FR 14338, 3/26/1997; 50 CFR 17.96(a).[CH]
Orcuttia viscida	Sacramento Orcutt grass	Wherever found	E	62 FR 14338, 3/26/1997; 50 CFR 17.96(a).[CH]
Osmoxylon mariannense	No common name	Wherever found	E	69 FR 10335, 3/5/2004.
Ottoschulzia rhodoxylon	Palo de rosa	Wherever found	T	55 FR 13488, 4/10/1990; 87 FR 66591, 11/4/2022; 50 CFR 17.73(g).[4d]
Oxypolis canbyi	Canby's dropwort	Wherever found	E	51 FR 6690, 2/25/1986.
Oxytheca parishii var. *goodmaniana.*	Cushenbury oxytheca	Wherever found	E	59 FR 43652, 8/24/1994; 50 CFR 17.96(a).[CH]

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Oxytropis campestris var. *chartacea.*	Fassett's locoweed	Wherever found	T	53 FR 37970, 9/28/1988.
Packera franciscana	San Francisco Peaks ragwort.	Wherever found	T	48 FR 52743, 11/22/1983; 50 CFR 17.96(a).[CH]
Panicum fauriei var. *carteri*	Carter's panicgrass	Wherever found	E	48 FR 46328, 10/12/1983; 50 CFR 17.96(a).[CH]
Panicum niihauense	Lau ehu	Wherever found	E	61 FR 53108, 10/10/1996; 50 CFR 17.99(a)(1).[CH]
Paronychia chartacea	Papery whitlow-wort	Wherever found	T	52 FR 2227, 1/21/1987.
Parvisedum leiocarpum	Lake County stonecrop	Wherever found	E	62 FR 33029, 6/18/1997.
Pectis imberbis	Beardless chinchweed	Wherever found	E	86 FR 31830, 6/15/2021; 50 CFR 17.96(a).[CH]
Pedicularis furbishiae	Furbish's lousewort	Wherever found	T	43 FR 17910, 4/26/1978; 88 FR 30047; 5/10/2023; 50 CFR 17.73(d).[4d]
Pediocactus bradyi	Brady pincushion cactus	Wherever found	E	44 FR 61784, 10/26/1979.
Pediocactus despainii	San Rafael cactus	Wherever found	E	52 FR 34914, 9/16/1987.
Pediocactus knowltonii	Knowlton cactus	Wherever found	E	44 FR 62244, 10/29/1979.
Pediocactus peeblesianus ssp. *fickeiseniae.*	Fickeisen plains cactus	Wherever found	E	78 FR 60607, 10/1/2013; 50 CFR 17.96(a).[CH]
Pediocactus peeblesianus ssp. *peeblesianus.*	Peebles Navajo cactus	Wherever found	E	44 FR 61922, 10/26/1979.
Pediocactus sileri	Siler pincushion cactus	Wherever found	T	44 FR 61786, 10/26/1979; 58 FR 68476, 12/27/1993.
Pediocactus winkleri	Winkler cactus	Wherever found	T	63 FR 44587, 8/20/1998.
Penstemon debilis	Parachute beardtongue	Wherever found	T	76 FR 45053, 7/27/2011; 50 CFR 17.96(a).[CH]
Penstemon haydenii	Blowout penstemon	Wherever found	E	52 FR 32926, 9/1/1987.
Penstemon penlandii	Kremmling beardtongue	Wherever found	E	54 FR 29658, 7/13/1989.
Pentachaeta bellidiflora	White-rayed pentachaeta	Wherever found	E	60 FR 6671, 2/3/1995.
Pentachaeta lyonii	Lyon's pentachaeta	Wherever found	E	62 FR 4172, 1/29/1997; 50 CFR 17.96(a).[CH]
Peperomia subpetiolata	Alaala wai nui	Wherever found	E	78 FR 32013, 5/28/2013; 50 CFR 17.99(e)(1).[CH]
Peperomia wheeleri	Wheeler's peperomia	Wherever found	E	52 FR 1459, 1/14/1987.
Peucedanum sandwicense	Makou	Wherever found	T	59 FR 9304, 2/25/1994; 50 CFR 17.99(a)(1);[CH] 50 CFR 17.99(c);[CH] 50 CFR 17.99(e)(1);[CH] 50 CFR 17.99(i).[CH]
Phacelia argentea	Sand dune phacelia	Wherever found	T	88 FR 57180, 8/22/2023; 50 CFR 17.73(j);[4d] 50 CFR 17.96(a).[CH]
Phacelia argillacea	Clay phacelia	Wherever found	E	43 FR 44810, 9/28/1978.
Phacelia formosula	North Park phacelia	Wherever found	E	47 FR 38540, 9/1/1982.
Phacelia insularis ssp. *insularis.*	Island phacelia	Wherever found	E	62 FR 40954, 7/31/1997.
Phacelia submutica	DeBeque phacelia	Wherever found	T	76 FR 45053, 7/27/2011; 50 CFR 17.96(a).[CH]
Phlox hirsuta	Yreka phlox	Wherever found	E	65 FR 5268, 2/3/2000.
Phlox nivalis ssp. *texensis*	Texas trailing phlox	Wherever found	E	56 FR 49636, 9/30/1991.
Phyllanthus saffordii	No common name	Wherever found	E	80 FR 59423, 10/1/2015.
Phyllostegia bracteata	No common name	Wherever found	E	78 FR 32013, 5/28/2013; 50 CFR 17.99(e)(1).[CH]
Phyllostegia brevidens	No common name	Wherever found	E	81 FR 67786, 9/30/2016.
Phyllostegia floribunda	No common name	Wherever found	E	78 FR 64638, 10/29/2013; 50 CFR 17.99(k).[CH]
Phyllostegia glabra var. *lanaiensis.*	No common name	Wherever found	E	56 FR 47686, 9/20/1991.
Phyllostegia haliakalae	No common name	Wherever found	E	78 FR 32013, 5/28/2013; 50 CFR 17.99(c);[CH] 50 CFR 17.99(e)(1).[CH]
Phyllostegia helleri	No common name	Wherever found	E	81 FR 67786, 9/30/2016.
Phyllostegia hirsuta	No common name	Wherever found	E	61 FR 53089, 10/10/1996; 50 CFR 17.99(i).[CH]
Phyllostegia hispida	No common name	Wherever found	E	74 FR 11319, 3/17/2009; 50 CFR 17.99(c).[CH]
Phyllostegia kaalaensis	No common name	Wherever found	E	61 FR 53089, 10/10/1996; 50 CFR 17.99(i).[CH]
Phyllostegia knudsenii	No common name	Wherever found	E	61 FR 53070, 10/10/1996; 50 CFR 17.99(a)(1).[CH]

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Phyllostegia mannii	No common name	Wherever found	E	57 FR 46325, 10/8/1992; 50 CFR 17.99(c); CH 50 CFR 17.99(e)(1).CH
Phyllostegia mollis	No common name	Wherever found	E	56 FR 55770, 10/29/1991; 50 CFR 17.99(e)(1)CH; 50 CFR 17.99(i).CH
Phyllostegia parviflora	No common name	Wherever found	E	61 FR 53108, 10/10/1996; 50 CFR 17.99(i).CH
Phyllostegia pilosa	No common name	Wherever found	E	78 FR 32013, 5/28/2013; 50 CFR 17.99(c); CH 50 CFR 17.99(e)(1).CH
Phyllostegia racemosa	Kiponapona	Wherever found	E	61 FR 53137, 10/10/1996; 50 CFR 17.99(k).CH
Phyllostegia renovans	No common name	Wherever found	E	75 FR 18960, 4/13/2010; 50 CFR 17.99(a).CH
Phyllostegia stachyoides	No common name	Wherever found	E	81 FR 67786, 9/30/2016.
Phyllostegia velutina	No common name	Wherever found	E	61 FR 53137, 10/10/1996; 50 CFR 17.99(k).CH
Phyllostegia waimeae	No common name	Wherever found	E	59 FR 9304, 2/25/1994; 50 CFR 17.99(a)(1).CH
Phyllostegia warshaueri	No common name	Wherever found	E	61 FR 53137, 10/10/1996; 50 CFR 17.99(k).CH
Phyllostegia wawrana	No common name	Wherever found	E	61 FR 53070, 10/10/1996; 50 CFR 17.99(a)(1).CH
Physaria douglasii subsp. *tuplashensis.*	White Bluffs bladderpod	Wherever found	T	78 FR 23983, 4/23/2013; 50 CFR 17.96(a).CH
Physaria filiformis (= *Lesquerella f.).*	Missouri bladderpod	Wherever found	T	52 FR 679, 1/8/1987; 68 FR 59337, 10/15/2003; 75 FR 55686, 9/14/2010.
Physaria globosa	Short's bladderpod	Wherever found	E	79 FR 44712, 8/1/2014.
Physaria obcordata	Dudley Bluffs twinpod	Wherever found	T	55 FR 4152, 2/6/1990.
Physaria pallida	White bladderpod	Wherever found	E	52 FR 7424, 3/11/1987.
Physaria thamnophila	Zapata bladderpod	Wherever found	E	64 FR 63745, 11/22/1999; 50 CFR 17.96(a).CH
Pilosocereus robinii	Key tree-cactus	Wherever found	E	49 FR 29234, 7/19/1984.
Pinguicula ionantha	Godfrey's butterwort	Wherever found	T	58 FR 37432, 7/12/1993.
Piperia yadonii	Yadon's piperia	Wherever found	E	63 FR 43100, 8/12/1998; 50 CFR 17.96(a).CH
Pittosporum halophilum	Hoawa	Wherever found	E	78 FR 32013, 5/28/2013; 50 CFR 17.99(c).CH
Pittosporum hawaiiense	Hoawa, haawa	Wherever found	E	78 FR 64638, 10/29/2013; 50 CFR 17.99(k).CH
Pittosporum napaliense	Hoawa	Wherever found	E	75 FR 18960, 4/13/2010; 50 CFR 17.99(a).CH
Pityopsis ruthii	Ruth's golden aster	Wherever found	E	50 FR 29341, 7/18/1985.
Plagiobothrys hirtus	Rough popcornflower	Wherever found	E	65 FR 3866, 1/25/2000.
Plagiobothrys strictus	Calistoga allocarya	Wherever found	E	62 FR 54791, 10/22/1997.
Plantago hawaiensis	Laukahi kuahiwi	Wherever found	E	59 FR 10305, 3/4/1994; 50 CFR 17.99(k).CH
Plantago princeps	Laukahi kuahiwi	Wherever found	E	59 FR 56333, 11/10/1994; 50 CFR 17.99(a)(1); CH 50 CFR 17.99(c); CH 50 CFR 17.99(e)(1); CH 50 CFR 17.99(i).CH
Platanthera holochila	No common name	Wherever found	E	61 FR 53108, 10/10/1996; 50 CFR 17.99(c); CH 50 CFR 17.99(a)(1); CH 50 CFR 17.99(e)(1); CH 50 CFR 17.99(i).CH
Platanthera integrilabia	White fringeless orchid	Wherever found	T	81 FR 62826, 9/13/2016.
Platanthera leucophaea	Eastern prairie fringed orchid.	Wherever found	T	54 FR 39857, 9/28/1989.
Platanthera praeclara	Western prairie fringed orchid.	Wherever found	T	54 FR 39857, 9/28/1989.
Pleodendron macranthum	Chupacallos	Wherever found	E	59 FR 60565, 11/25/1994.
Poa atropurpurea	San Bernardino bluegrass	Wherever found	E	63 FR 49006, 9/14/1998; 50 CFR 17.96(a).CH
Poa mannii	Mann's bluegrass	Wherever found	E	59 FR 56330, 11/10/1994; 50 CFR 17.99(a)(1).CH
Poa napensis	Napa bluegrass	Wherever found	E	62 FR 54791, 10/22/1997.
Poa sandvicensis	Hawaiian bluegrass	Wherever found	E	57 FR 20580, 5/13/1992; 50 CFR 17.99(a)(1).CH

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Poa siphonoglossa	No common name	Wherever found	E	57 FR 20580, 5/13/1992; 50 CFR 17.99(a)(1).CH
Pogogyne abramsii	San Diego mesa mint	Wherever found	E	43 FR 44810, 9/28/1978.
Pogogyne nudiuscula	Otay mesa mint	Wherever found	E	58 FR 41384, 8/3/1993.
Polygala lewtonii	Lewton's polygala	Wherever found	E	58 FR 25746, 4/27/1993.
Polygala smallii	Tiny polygala	Wherever found	E	50 FR 29345, 7/18/1985.
Polygonella basiramia	Wireweed	Wherever found	E	52 FR 2227, 1/21/1987.
Polygonella myriophylla	Sandlace	Wherever found	E	58 FR 25746, 4/27/1993.
Polygonum hickmanii	Scotts Valley polygonum	Wherever found	E	68 FR 16979, 4/8/2003; 50 CFR 17.96(a).CH
Polyscias (=Tetraplasandra) bisattenuata.	No common name	Wherever found	E	75 FR 18960, 4/13/2010; 50 CFR 17.99(a).CH
Polyscias (=Tetraplasandra) flynnii.	No common name	Wherever found	E	75 FR 18960, 4/13/2010; 50 CFR 17.99(a).CH
Polyscias (=Tetraplasandra) gymnocarpa.	Oheohe	Wherever found	E	59 FR 14482, 3/28/1994; 50 CFR 17.99(i).CH
Polyscias (=Tetraplasandra) lydgatei.	No common name	Wherever found	E	77 FR 57647, 9/18/2012; 50 CFR 17.99(i).CH
Polyscias (=Munroidendron) racemosa (=racemosum).	No common name	Wherever found	E	59 FR 9304, 2/25/1994; 50 CFR 17.99(a)(1).CH
Portulaca sclerocarpa	Poe	Wherever found	E	59 FR 10305, 3/4/1994; 50 CFR 17.99(k).CH
Portulaca villosa	Ihi	Wherever found	E	81 FR 67786, 9/30/2016.
Potamogeton clystocarpus	Little Aguja pondweed	Wherever found	E	56 FR 57844, 11/14/1991.
Potentilla hickmanii	Hickman's potentilla	Wherever found	E	63 FR 43100, 8/12/1998.
Primula maguirei	Maguire primrose	Wherever found	T	50 FR 33731, 8/21/1985.
Pritchardia affinis	Loulu	Wherever found	E	59 FR 10305, 3/4/1994.
Pritchardia aylmer-robinsonii.	Wahane	Wherever found	E	61 FR 41020, 8/7/1996.
Pritchardia bakeri	Baker's loulu	Wherever found	E	81 FR 67786, 9/30/2016.
Pritchardia hardyi	Loulu	Wherever found	E	75 FR 18960, 4/13/2010.
Pritchardia kaalae	Loulu	Wherever found	E	61 FR 53089, 10/10/1996.
Pritchardia lanigera	Loulu	Wherever found	E	78 FR 64637, 10/29/2013.
Pritchardia maideniana	Loulu	Wherever found	E	59 FR 10305, 3/4/1994.
Pritchardia munroi	Loulu	Wherever found	E	57 FR 46325, 10/8/1992.
Pritchardia napaliensis	Loulu	Wherever found	E	61 FR 53070, 10/10/1996.
Pritchardia remota	Loulu	Wherever found	E	61 FR 43178, 8/21/1996; 50 CFR 17.99(g).CH
Pritchardia schattaueri	Loulu	Wherever found	E	61 FR 53137, 10/10/1996.
Pritchardia viscosa	Loulu	Wherever found	E	61 FR 53070, 10/10/1996.
Prunus geniculata	Scrub plum	Wherever found	E	52 FR 2227, 1/21/1987.
Pseudobahia bahiifolia	Hartweg's golden sunburst	Wherever found	E	62 FR 5542, 2/6/1997.
Pseudobahia	San Joaquin adobe sunburst.	Wherever found	T	62 FR 5542, 2/6/1997.
Pseudognaphalium sandwicensium var. *molokaiense.*	Enaena	Wherever found	E	81 FR 67786, 9/30/2016.
Psychotria grandiflora	Kopiko	Wherever found	E	75 FR 18960, 4/13/2010; 50 CFR 17.99(a).CH
Psychotria hexandra var. *oahuensis.*	Kopiko	Wherever found	E	77 FR 57648, 9/18/2012; 50 CFR 17.99(i).CH
Psychotria hobdyi	Kopiko	Wherever found	E	75 FR 18960, 4/13/2010; 50 CFR 17.99(a).CH
Psychotria malaspinae	Aplokating palaoan	Wherever found	E	80 FR 59423, 10/1/2015.
Pteralyxia kauaiensis	Kaulu	Wherever found	E	59 FR 9304, 2/25/1994; 50 CFR 17.99(a)(1).CH
Pteralyxia macrocarpa	Kaulu	Wherever found	E	77 FR 57647, 9/18/2012; 50 CFR 17.99(i).CH
Ptilimnium nodosum	Harperella	Wherever found	E	53 FR 37978, 9/28/1988.
Purshia subintegra	Arizona cliffrose	Wherever found	E	49 FR 22326, 5/29/1984.
Quercus hinckleyi	Hinckley's oak	Wherever found	T	53 FR 32824, 8/26/1988.
Ranunculus acriformis var. *aestivalis.*	Autumn buttercup	Wherever found	E	54 FR 30550, 7/21/1989.
Ranunculus hawaiensis	Makou	Wherever found	E	81 FR 67786, 9/30/2016.
Ranunculus mauiensis	Makou	Wherever found	E	81 FR 67786, 9/30/2016.
Remya kauaiensis	No common name	Wherever found	E	56 FR 1450, 1/14/1991; 50 CFR 17.99(a)(1).CH
Remya mauiensis	Maui remya	Wherever found	E	56 FR 1450, 1/14/1991; 50 CFR 17.99(e)(1).CH

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Remya montgomeryi	No common name	Wherever found	E	56 FR 1450, 1/14/1991; 50 CFR 17.99(a)(1).[CH]
Rhodiola integrifolia ssp. *leedyi (= Sedum integrifolium* ssp. *l.*).	Leedy's roseroot	Wherever found	T	57 FR 14649, 4/22/1992; 75 FR 55686, 9/14/2010.
Rhododendron chapmanii	Chapman rhododendron	Wherever found	E	44 FR 24248, 4/24/1979.
Rhus michauxii	Michaux's sumac	Wherever found	E	54 FR 39850, 9/28/1989.
Rhynchospora knieskernii	Knieskern's beaked-rush	Wherever found	T	56 FR 32978, 7/18/1991.
Ribes echinellum	Miccosukee gooseberry	Wherever found	T	50 FR 29338, 7/18/1985.
Rorippa gambellii	Gambel's watercress	Wherever found	E	58 FR 41378, 8/3/1993.
Sagittaria fasciculata	Bunched arrowhead	Wherever found	E	44 FR 43700, 7/25/1979.
Sagittaria secundifolia	Kral's water-plantain	Wherever found	T	55 FR 13907, 4/13/1990.
Sanicula mariversa	No common name	Wherever found	E	56 FR 55770, 10/29/1991; 50 CFR 17.99(i).[CH]
Sanicula purpurea	No common name	Wherever found	E	61 FR 53108, 10/10/1996; 50 CFR 17.99(e)(1); [CH] 50 CFR 17.99(i).[CH]
Sanicula sandwicensis	No common name	Wherever found	E	81 FR 67786, 9/30/2016.
Santalum haleakalae var.*lanaiense.*	Lanai sandalwood or iliahi	Wherever found	E	51 FR 3182, 1/24/1986; 78 FR 32013, 5/28/2013; 50 CFR 17.99(e)(1); [CH] 50 CFR 17.99(c).[CH]
Santalum involutum	Iliahi	Wherever found	E	81 FR 67786, 9/30/2016.
Sarracenia oreophila	Green pitcher-plant	Wherever found	E	44 FR 54922, 9/21/1979; 45 FR 18929, 3/24/1980.
Sarracenia rubra ssp. *alabamensis.*	Alabama canebrake pitcher-plant.	Wherever found	E	54 FR 10150, 3/10/1989.
Sarracenia rubra ssp. *jonesii.*	Mountain sweet pitcher-plant.	Wherever found	E	53 FR 38470, 9/30/1988.
Scaevola coriacea	Dwarf naupaka	Wherever found	E	51 FR 17971, 5/16/1986.
Schenkia sebaeoides	Awiwi	Wherever found	E	56 FR 55770, 10/29/1991; 50 CFR 17.99(a)(1); [CH] 50 CFR 17.99(c); [CH] 50 CFR 17.99(e)(1); [CH] 50 CFR 17.99(i).[CH]
Schiedea adamantis	Diamond Head schiedea	Wherever found	E	49 FR 6099, 2/17/1984.
Schiedea apokremnos	Maolioli	Wherever found	E	56 FR 49639, 9/30/1991; 50 CFR 17.99(a)(1).[CH]
Schiedea attenuata	No common name	Wherever found	E	75 FR 18960, 4/13/2010; 50 CFR 17.99(a).[CH]
Schiedea diffusa ssp. *diffusa.*	No common name	Wherever found	E	81 FR 67786, 9/30/2016.
Schiedea diffusa ssp. *macraei.*	No common name	Wherever found	E	78 FR 64638, 10/29/2013; 50 CFR 17.99(k).[CH]
Schiedea haleakalensis	No common name	Wherever found	E	57 FR 20772, 5/15/1992; 50 CFR 17.99(e)(1).[CH]
Schiedea hawaiiensis	Maolioli	Wherever found	E	78 FR 64638, 10/29/2013; 50 CFR 17.99(k).[CH]
Schiedea helleri	No common name	Wherever found	E	61 FR 53070, 10/10/1996; 50 CFR 17.99(a)(1).[CH]
Schiedea hookeri	No common name	Wherever found	E	61 FR 53108, 10/10/1996; 50 CFR 17.99(i).[CH]
Schiedea jacobii	No common name	Wherever found	E	78 FR 32013, 5/28/2013; 50 CFR 17.99(e)(1).[CH]
Schiedea kaalae	No common name	Wherever found	E	56 FR 55770, 10/29/1991; 50 CFR 17.99(i).[CH]
Schiedea kauaiensis	No common name	Wherever found	E	61 FR 53108, 10/10/1996; 50 CFR 17.99(a)(1).[CH]
Schiedea kealiae	Maolioli	Wherever found	E	61 FR 53089, 10/10/1996; 50 CFR 17.99(i).[CH]
Schiedea laui	No common name	Wherever found	E	78 FR 32013, 5/28/2013; 50 CFR 17.99(c).[CH]
Schiedea (=Alsinidendron) lychnoides.	Kuawawaenohu	Wherever found	E	61 FR 53070, 10/10/1996; 50 CFR 17.99(a)(1).[CH]
Schiedea lydgatei	No common name	Wherever found	E	57 FR 46325, 10/8/1992; 50 CFR 17.99(c).[CH]
Schiedea membranacea	No common name	Wherever found	E	61 FR 53070, 10/10/1996; 50 CFR 17.99(a)(1).[CH]
Schiedea nuttallii	No common name	Wherever found	E	61 FR 53108, 10/10/1996; 50 CFR 17.99(a)(1); [CH] 50 CFR 17.99(c); [CH] 50 CFR 17.99(i).[CH]

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Schiedea obovata	No common name	Wherever found	E	56 FR 55770, 10/29/1991; 77 FR 57647, 9/18/2012; 50 CFR 17.99(i).[CH]
Schiedea pubescens	Maolioli	Wherever found	E	81 FR 67786, 9/30/2016.
Schiedea salicaria	No common name	Wherever found	E	78 FR 32013, 5/28/2013; 50 CFR 17.99(e)(1).[CH]
Schiedea sarmentosa	No common name	Wherever found	E	61 FR 53130, 10/10/1996; 50 CFR 17.99(c).[CH]
Schiedea spergulina var. *leiopoda.*	No common name	Wherever found	E	59 FR 9304, 2/25/1994; 50 CFR 17.99(a)(1).[CH]
Schiedea spergulina var. *spergulina.*	No common name	Wherever found	T	59 FR 9304, 2/25/1994; 50 CFR 17.99(a)(1).[CH]
Schiedea stellarioides	Laulihilihi (=Maolioli)	Wherever found	E	61 FR 53070, 10/10/1996; 50 CFR 17.99(a)(1).[CH]
Schiedea trinervis	No common name	Wherever found	E	56 FR 55770, 10/29/1991; 50 CFR 17.99(i).[CH]
Schiedea verticillata	No common name	Wherever found	E	61 FR 43178, 8/21/1996; 50 CFR 17.99(g).[CH]
Schiedea (=Alsinidendron) viscosa (=viscosum).	No common name	Wherever found	E	61 FR 53070, 10/10/1996; 50 CFR 17.99(a)(1).[CH]
Schoenocrambe argillacea	Clay reed-mustard	Wherever found	T	57 FR 1398, 1/14/1992.
Schoenocrambe barnebyi	Barneby reed-mustard	Wherever found	E	57 FR 1398, 1/14/1992.
Schoenocrambe suffrutescens.	Shrubby reed-mustard	Wherever found	E	52 FR 37416, 10/6/1987.
Schoepfia arenaria	None	Wherever found	T	56 FR 16021, 4/19/1991.
Schwalbea americana	American chaffseed	Wherever found	E	57 FR 44703, 9/29/1992.
Scirpus ancistrochaetus	Northeastern bulrush	Wherever found	E	56 FR 21091, 5/7/1991.
Sclerocactus brevihamatus ssp. *tobuschii.*	Tobusch fishhook cactus	Wherever found	T	44 FR 64736, 11/7/1979; 83 FR 22392, 5/15/2018.
Sclerocactus brevispinus	Pariette cactus	Wherever found	T	44 FR 58868, 10/11/1979; 74 FR 47112, 9/15/2009.
Sclerocactus mariposensis	Lloyd's mariposa cactus	Wherever found	T	44 FR 64247, 11/6/1979.
Sclerocactus mesae-verdae.	Mesa Verde cactus	Wherever found	T	44 FR 62471, 10/30/1979.
Scutellaria ocmulgee	Ocmulgee skullcap	Wherever found	E	89 FR 86670, 10/30/2024; 50 CFR 17.96(a).[CH]
Sclerocactus wetlandicus	Uinta Basin hookless cactus.	Wherever found	T	44 FR 58868, 10/11/1979; 74 FR 47112, 9/15/2009.
Sclerocactus wrightiae	Wright fishhook cactus	Wherever found	E	44 FR 58866, 10/11/1979.
Scutellaria floridana	Florida skullcap	Wherever found	T	57 FR 19813, 5/8/1992.
Scutellaria montana	Large-flowered skullcap	Wherever found	T	51 FR 22521, 6/20/1986; 67 FR 1662, 1/14/2002.
Scutellaria ocmulgee	Ocmulgee skullcap	Wherever found	E	89 FR 86670, 10/30/2024; 50 CFR 17.96(a).[CH]
Senecio layneae	Layne's butterweed	Wherever found	T	61 FR 54346, 10/18/1996.
Serianthes nelsonii	Hayun lagu (Guam), Tronkon guafi (Rota).	Wherever found	E	52 FR 4907, 2/18/1987; 52 FR 6651, 5/4/1987.
Sesbania tomentosa	Ohai	Wherever found	E	59 FR 56333, 11/10/1994; 50 CFR 17.99(a)(1);[CH] 50 CFR 17.99(c);[CH] 50 CFR 17.99(e)(1);[CH] 50 CFR 17.99(g);[CH] 50 CFR 17.99(i);[CH] 50 CFR 17.99(k).[CH]
Sibara filifolia	Santa Cruz Island rockcress.	Wherever found	E	62 FR 42692, 8/8/1997.
Sicyos albus (=alba)	Anunu	Wherever found	E	61 FR 53137, 10/10/1996, 50 CFR 17.99(k).[CH]
Sicyos lanceoloideus	Anunu	Wherever found	E	81 FR 67786, 9/30/2016.
Sicyos macrophyllus	Anunu	Wherever found	E	81 FR 67786, 9/30/2016.
Sidalcea keckii	Keck's checkermallow	Wherever found	E	65 FR 7757, 2/16/2000; 50 CFR 17.96(a).[CH]
Sidalcea oregana var. *calva.*	Wenatchee Mountains checker-mallow.	Wherever found	E	64 FR 71680, 12/22/1999; 50 CFR 17.96(a).[CH]
Sidalcea oregana ssp. *valida.*	Kenwood Marsh checker-mallow.	Wherever found	E	62 FR 54791, 10/22/1997.
Sidalcea pedata	Pedate checker-mallow	Wherever found	E	49 FR 34497, 8/31/1984.
Sideroxylon reclinatum ssp. *austrofloridense.*	Everglades bully	Wherever found	T	82 FR 46691, 10/06/2017.
Silene alexandri	No common name	Wherever found	E	57 FR 46325, 10/8/1992; 50 CFR 17.99(c).[CH]

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Silene hawaiiensis	No common name	Wherever found	T	59 FR 10305, 3/4/1994; 50 CFR 17.99(k).[CH]
Silene lanceolata	No common name	Wherever found	E	57 FR 46325, 10/8/1992; 50 CFR 17.99(c);[CH] 50 CFR 17.99(i).[CH]
Silene perlmanii	No common name	Wherever found	E	56 FR 55770, 10/29/1991; 50 CFR 17.99(i).[CH]
Silene polypetala	Fringed campion	Wherever found	E	56 FR 1932, 1/18/1991.
Silene spaldingii	Spalding's catchfly	Wherever found	T	66 FR 51597, 10/10/2001.
Sisyrinchium dichotomum	White irisette	Wherever found	E	56 FR 48752, 9/26/1991.
Solanum conocarpum	Marron bacora	Wherever found	E	87 FR 36225, 6/16/2022; 50 CFR 17.96(a).[CH]
Solanum drymophilum	Erubia	Wherever found	E	53 FR 32827, 8/26/1988.
Solanum guamense	Biringenas halumtanu, Birengenas halom tano.	Wherever found	E	80 FR 59423, 10/1/2015.
Solanum incompletum	Popolo ku mai	Wherever found	E	59 FR 56333, 10/10/1994; 50 CFR 17.99(e)(1);[CH] 50 CFR 17.99(k).[CH]
Solanum nelsonii	Popolo	Wherever found	E	81 FR 67786, 9/30/2016.
Solanum sandwicense	Aiakeakua, popolo	Wherever found	E	59 FR 9304, 2/25/1994; 50 CFR 17.99(a)(1);[CH] 50 CFR 17.99(i).[CH]
Solidago houghtonii	Houghton's goldenrod	Wherever found	T	53 FR 27134, 7/18/1988.
Solidago shortii	Short's goldenrod	Wherever found	E	50 FR 36085, 9/5/1985.
Solidago spithamaea	Blue Ridge goldenrod	Wherever found	T	50 FR 12306, 3/28/1985.
Spermolepis hawaiiensis	No common name	Wherever found	E	59 FR 56333, 11/10/1994; 50 CFR 17.99(a)(1);[CH] 50 CFR 17.99(c)[CH]; 50 CFR 17.99(e)(1);[CH] 50 CFR 17.99(i).[CH]
Sphaeralcea gierischii	Gierisch mallow	Wherever found	E	78 FR 49149, 8/13/2013.
Spigelia gentianoides	Gentian pinkroot	Wherever found	E	55 FR 49046, 11/26/1990.
Spiraea virginiana	Virginia spiraea	Wherever found	T	55 FR 24241, 6/15/1990.
Spiranthes delitescens	Canelo Hills ladies'-tresses.	Wherever found	E	62 FR 665, 1/6/1997.
Spiranthes diluvialis	Ute ladies'-tresses	Wherever found	T	57 FR 2048, 1/17/1992.
Spiranthes parksii	Navasota ladies'-tresses	Wherever found	E	47 FR 19539, 5/6/1982.
Stahlia monosperma	Cóbana negra	Wherever found	T	55 FR 12790, 4/5/1990.
Stenogyne angustifolia var. *angustifolia.*	No common name	Wherever found	E	44 FR 62468, 10/30/1979.
Stenogyne bifida	No common name	Wherever found	E	57 FR 46325, 10/8/1992; 50 CFR 17.99(c).[CH]
Stenogyne campanulata	No common name	Wherever found	E	57 FR 20580, 5/13/1992; 50 CFR 17.99(a)(1).[CH]
Stenogyne cranwelliae	No common name	Wherever found	E	78 FR 64638, 10/29/2013; 50 CFR 17.99(k).[CH]
Stenogyne kaalae ssp. *sherffii.*	No common name	Wherever found	E	81 FR 67786, 9/30/2016.
Stenogyne kanehoana	No common name	Wherever found	E	57 FR 20592, 5/13/1992; 50 CFR 17.99(i).[CH]
Stenogyne kauaulaensis	No common name	Wherever found	E	78 FR 32013, 5/28/2013; 50 CFR 17.99(e)(1).[CH]
Stenogyne kealiae	No common name	Wherever found	E	75 FR 18960, 4/13/2010; 50 CFR 17.99(a).[CH]
Stephanomeria malheurensis.	Malheur wire-lettuce	Wherever found	E	47 FR 50881, 11/10/1982; 50 CFR 17.96(a).[CH]
Streptanthus albidus ssp. *albidus.*	Metcalf Canyon jewelflower.	Wherever found	E	60 FR 6671, 2/3/1995.
Streptanthus bracteatus	Bracted twistflower	Wherever found	T	88 FR 21844, April 11, 2023; 50 CFR 17.73(h);[4d] 50 CFR 17.96(a).[CH]
Streptanthus niger	Tiburon jewelflower	Wherever found	E	60 FR 6671, 2/3/1995.
Styrax platanifolius ssp. *texanus.*	Texas snowbells	Wherever found	E	49 FR 40035, 10/12/1984.
Styrax portoricensis	Palo de jazmfn	Wherever found	E	57 FR 14782, 4/22/1992.
Suaeda californica	Sea-blite, California	Wherever found	E	59 FR 64613, 12/15/1994.
Swallenia alexandrae	Eureka dune grass, Eureka Valley dune grass, or Eureka dunegrass.	Wherever found	T	83 FR 8576, 2/27/2018.
Tabernaemontana rotensis	No common name	Wherever found	T	80 FR 59423, 10/1/2015.
Taraxacum californicum	California taraxacum	Wherever found	E	63 FR 49006, 9/14/1988; 50 CFR 17.96(a).[CH]

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Ternstroemia luquillensis	Palo colorado	Wherever found	E	57 FR 14782, 4/22/1992.
Ternstroemia subsessilis	No common name	Wherever found	E	57 FR 14782, 4/22/1992.
Tetramolopium arenarium	No common name	Wherever found	E	59 FR 10305, 3/4/1994.
Tetramolopium capillare	Pamakani	Wherever found	E	59 FR 49860, 9/30/1994; 50 CFR 17.99(e)(1).[CH]
Tetramolopium filiforme	No common name	Wherever found	E	56 FR 55770, 10/29/1991; 50 CFR 17.99(i).[CH]
Tetramolopium lepidotum ssp. *lepidotum.*	No common name	Wherever found	E	56 FR 55770, 10/29/1991; 50 CFR 17.99(i).[CH]
Tetramolopium remyi	No common name	Wherever found	E	56 FR 47686, 9/20/1991; 50 CFR 17.99(e)(1).[CH]
Tetramolopium rockii	No common name	Wherever found	T	57 FR 46325, 10/8/1992; 50 CFR 17.99(c).[CH]
Thalictrum cooleyi	Cooley's meadowrue	Wherever found	E	54 FR 5935, 2/7/1989.
Thelypodium howellii ssp. *spectabilis.*	Howell's spectacular thelypody.	Wherever found	T	64 FR 28393, 5/26/1999.
Thelypodium stenopetalum	Slender-petaled mustard	Wherever found	E	49 FR 34497, 8/31/1984.
Thlaspi californicum	Kneeland Prairie penny-cress.	Wherever found	E	65 FR 6332, 2/9/2000; 50 CFR 17.96(a).[CH]
Thymophylla tephroleuca	Ashy dogweed	Wherever found	E	49 FR 29232, 7/19/1984.
Thysanocarpus conchuliferus.	Santa Cruz Island fringepod.	Wherever found	E	62 FR 40954, 7/31/1997.
Tinospora homosepala	No common name	Wherever found	E	80 FR 59423, 10/1/2015.
Townsendia aprica	Last Chance townsendia	Wherever found	T	50 FR 33734, 8/21/1985.
Trematolobelia singularis	No common name	Wherever found	E	61 FR 53089, 10/10/1996; 50 CFR 17.99(i).[CH]
Trichilia triacantha	Bariaco	Wherever found	E	53 FR 3565, 2/5/1988.
Trifolium amoenum	Showy Indian clover	Wherever found	E	62 FR 54791, 10/22/1997.
Trifolium trichocalyx	Monterey clover	Wherever found	E	63 FR 43100, 8/12/1998.
Trillium persistens	Persistent trillium	Wherever found	E	43 FR 17910, 4/26/1978.
Trillium reliquum	Relict trillium	Wherever found	E	53 FR 10879, 4/4/1988.
Tuberolabium guamense	No common name	Wherever found	T	80 FR 59423, 10/1/2015.
Tuctoria greenei	Greene's tuctoria	Wherever found	E	62 FR 14338, 3/26/1997; 50 CFR 17.96(a).[CH]
Tuctoria mucronata	Solano grass	Wherever found	E	43 FR 44810, 9/28/1978; 50 CFR 17.96(a).[CH]
Urera kaalae	Opuhe	Wherever found	E	56 FR 55770, 10/29/1991; 50 CFR 17.99(i).[CH]
Varronia rupicola	No common name	Wherever found	T	79 FR 53303, 9/9/2014; 50 CFR 17.96(a).[CH]
Verbena californica	Red Hills vervain	Wherever found	T	63 FR 49006, 9/14/1998.
Verbesina dissita	Big-leaved crownbeard	Wherever found	T	61 FR 52370, 10/7/1996.
Vernonia proctorii	No common name	Wherever found	E	58 FR 25755, 4/27/1993.
Vicia menziesii	Hawaiian vetch	Wherever found	E	43 FR 17910, 4/26/1978.
Vigna o-wahuensis	No common name	Wherever found	E	59 FR 56333, 11/10/1994; 50 CFR 17.99(e)(1); [CH] 50 CFR 17.99(e)(2); [CH] 50 CFR 17.99(i); [CH] 50 CFR 17.99(c); [CH] 50 CFR 17.99(k).[CH]
Viola chamissoniana ssp. *chamissoniana.*	Pamakani	Wherever found	E	56 FR 55770, 10/29/1991; 50 CFR 17.99(i).[CH]
Viola helenae	No common name	Wherever found	E	56 FR 47695, 9/20/1991; 50 CFR 17.99(a)(1).[CH]
Viola kauaiensis var. *wahiawaensis.*	Nani waialeale	Wherever found	E	61 FR 53070, 10/10/1996; 50 CFR 17.99(a)(1).[CH]
Viola lanaiensis	No common name	Wherever found	E	56 FR 47686, 9/20/1991.
Viola oahuensis	No common name	Wherever found	E	61 FR 53089, 10/10/1996; 50 CFR 17.99(i).[CH]
Warea amplexifolia	Wide-leaf warea	Wherever found	E	52 FR 15501, 4/29/1987.
Warea carteri	Carter's mustard	Wherever found	E	52 FR 2227, 1/21/1987.
Wikstroemia skottsbergiana	Akia	Wherever found	E	81 FR 67786, 9/30/2016.
Wikstroemia villosa	Akia	Wherever found	E	78 FR 32013, 5/28/2013; 50 CFR 17.99(e)(1).[CH]
Wilkesia hobdyi	Dwarfiliau	Wherever found	E	57 FR 27859, 6/22/1992; 50 CFR 17.99(a)(1).[CH]
Xylosma crenatum	No common name	Wherever found	E	57 FR 20580, 5/13/1992; 50 CFR 17.99(a)(1).[CH]
Xyris tennesseensis	Tennessee yellow-eyed grass.	Wherever found	E	56 FR 34151, 7/26/1991.
Yermo xanthocephalus	Desert yellowhead	Wherever found	T	67 FR 11442, 3/14/2002; 50 CFR 17.96(a).[CH]
Zanthoxylum dipetalum var. tomentosum.	Ae	Wherever found	E	61 FR 53137, 10/10/1996; 50 CFR 17.99(k).[CH]

Scientific name	Common name	Where listed	Status	Listing citations and applicable rules
Zanthoxylum hawaiiense	Ae	Wherever found	E	59 FR 10305, 3/4/1994; 50 CFR 17.99(a)(1); [CH] 50 CFR 17.99(c); [CH] 50 CFR 17.99(e)(1).[CH]
Zanthoxylum oahuense	Ae	Wherever found	E	77 FR 57647, 9/18/2012; 50 CFR 17.99(i).[CH]
Zanthoxylum thomasianum	St. Thomas prickly-ash	Wherever found	E	50 FR 51867, 12/20/1985.
Zizania texana	Texas wild-rice	Wherever found	E	43 FR 17910, 4/26/1978; 50 CFR 17.96(a).[CH]
Ziziphus celata	Florida ziziphus	Wherever found	E	54 FR 31190, 7/27/1989.
Conifers and Allies				
Abies guatemalensis	Guatemalan fir (=pinabete)	Wherever found	T	44 FR 65002, 11/8/1979.
Cupressus goveniana ssp. *goveniana.*	Gowen cypress	Wherever found	T	63 FR 43100, 8/12/1998.
Cycas micronesica	Fadang, faadang	Wherever found	T	80 FR 59424, 10/1/2015.
Fitzroya cupressoides	Alerce or Chilean false larch.	Wherever found	T	44 FR 64730, 11/7/1979.
Hesperocyparis abramsiana.	Santa Cruz cypress	Wherever found	T	52 FR 675, 1/8/1987; 81 FR 8408, 2/19/2016.
Pinus albicaulis	Whitebark pine	Wherever found	T	87 FR 76882, 12/15/2022; 50 CFR 17.74(a).[4d]
Torreya taxifolia	Florida torreya	Wherever found	E	49 FR 2783, 1/23/1984.
Ferns and Allies				
Adenophorus periens	Palai laau	Wherever found	E	59 FR 56333, 11/10/1994; 50 CFR 17.99(a)(1); [CH] 50 CFR 17.99(e)(1); [CH] 50 CFR 17.99(i); [CH] 50 CFR 17.99(k).[CH]
Asplenium dielerectum	No common name	Wherever found	E	59 FR 56333, 11/10/1994; 50 CFR 17.99(a)(1); [CH] 50 CFR 17.99(c); [CH] 50 CFR 17.99(e)(1);[CH] 50 CFR 17.99(i); [CH] 50 CFR 17.99(k).[CH]
Asplenium diellaciniatum	No common name	Wherever found	E	81 FR 67786, 9/30/2016.
Asplenium (=*Diellia*) *dielfalcatum* (=*falcata*).	No common name	Wherever found	E	56 FR 55770, 10/29/1991; 50 CFR 17.99(i).[CH]
Asplenium (=Diellia) dielmannii (=mannii).	No common name	Wherever found	E	75 FR 18960, 4/13/2010; 50 CFR 17.99(a).[CH]
Asplenium (=*Diellia*) *dielpallidum* (=*pallida*).	No common name	Wherever found	E	59 FR 9304, 2/25/1994; 50 CFR 17.99(a)(1).[CH]
Asplenium peruvianum var. *insulare.*	No common name	Wherever found	E	59 FR 49025, 9/26/1994; 50 CFR 17.99(e)(1); [CH] 50 CFR 17.99(k).[CH]
Asplenium scolopendrium var. *americanum.*	American hart's-tongue fern.	Wherever found	T	54 FR 29726, 7/14/1989.
Asplenium (=Diellia) unisorum (=unisora).	No common name	Wherever found	E	59 FR 32932, 6/27/1994; 50 CFR 17.99(i).[CH]
Ctenitis squamigera	Pauoa	Wherever found	E	59 FR 49025, 9/26/1994; 50 CFR 17.99(a)(1); [CH] 50 CFR 17.99(c); [CH] 50 CFR 17.99(e)(1); [CH] 50 CFR 17.99(i).[CH]
Cyathea dryopteroides	Elfin tree fern	Wherever found	E	52 FR 22936, 6/16/1987.
Deparia kaalaana	No common name	Wherever found	E	81 FR 67786, 9/30/2016.
Diplazium molokaiense	No common name	Wherever found	E	59 FR 49025, 9/26/1994; 50 CFR 17.99(a)(1); [CH] 50 CFR 17.99(c); [CH] 50 CFR 17.99(e)(1); [CH] 50 CFR 17.99(i).[CH]
Doryopteris angelica	No common name	Wherever found	E	75 FR 18960, 4/13/2010; 50 CFR 17.99(a).[CH]
Doryopteris takeuchii	No common name	Wherever found	E	77 FR 57647, 9/18/2012; 50 CFR 17.99(i).[CH]
Dryopteris glabra var. *pusilla.*	Hohiu	Wherever found	E	81 FR 67786, 9/30/2016.
Dryopteris crinalis var. *podosorus.*	Palapalai aumakua	Wherever found	E	75 FR 18960, 4/13/2010; 50 CFR 17.99(a).[CH]
Elaphoglossum serpens	None	Wherever found	E	58 FR 32308, 6/9/1993.

Scientific name	Common name	Where listed	Status	Listing citations and applicable rules
Hypolepis hawaiiensis var. *mauiensis.*	Olua	Wherever found	E	81 FR 67786, 9/30/2016.
Isoetes louisianensis	Louisiana quillwort	Wherever found	E	57 FR 48741, 10/28/1992.
Isoetes melanospora	Black-spored quillwort	Wherever found	E	53 FR 3560, 2/5/1988.
Isoetes tegetiformans	Mat-forming quillwort	Wherever found	E	53 FR 3560, 2/5/1988.
Marsilea villosa	Ihiihi	Wherever found	E	57 FR 27863, 6/22/1992; 50 CFR 17.99(c); CH 50 CFR 17.99(i).CH
Menisciopsis boydiae	Kupukupu makalii	Wherever found	E	81 FR 67786, 9/30/2016.
Microlepia strigosa var. *mauiensis.*	No common name	Wherever found	E	81 FR 67786, 9/30/2016.
Phlegmariurus mannii	Wawaeiole	Wherever found	E	57 FR 20772, 5/15/1992; 50 CFR 17.99(e)(1).CH
Phlegmariurus nutans	Wawaeiole	Wherever found	E	59 FR 14482, 3/28/1994; 50 CFR 17.99(a)(1); CH 50 CFR 17.99(i).CH
Phlegmariurus stemmermanniae.	No common name	Wherever found	E	81 FR 67786, 9/30/2016.
Polystichum aleuticum	Aleutian shield-fern	Wherever found	E	53 FR 4626, 2/17/1988.
Polystichum calderonense	No common name	Wherever found	E	58 FR 32308, 6/9/1993.
Pteris lidgatei	No common name	Wherever found	E	59 FR 49025, 9/26/1994; 50 CFR 17.99(e)(1); CH 50 CFR 17.99(i); CH 50 CFR 17.99(c).CH
Tectaria estremerana	No common name	Wherever found	E	58 FR 32308, 6/9/1993.
Thelypteris inabonensis	No common name	Wherever found	E	58 FR 35887, 7/2/1993.
Thelypteris pilosa var. *alabamensis.*	Alabama streak-sorus fern	Wherever found	T	57 FR 30164, 7/8/1992.
Thelypteris verecunda	No common name	Wherever found	E	58 FR 35887, 7/2/1993.
Thelypteris yaucoensis	No common name	Wherever found	E	58 FR 35887, 7/2/1993.
Trichomanes punctatum ssp. *floridanum.*	Florida bristle fern	Wherever found	E	80 FR 60440, 10/6/2015; 50 CFR 17.96(b)(1).CH
LICHENS				
Cladonia perforata	Florida perforate cladonia	Wherever found	E	58 FR 25746, 4/27/1993.
Gymnoderma lineare	Rock gnome lichen	Wherever found	E	60 FR 3557, 1/18/1995.
MOSSES				
Donrichardsia macroneuron	South Llano springs moss	Wherever found	E	88 FR 25543, 4/27/2023.

[81 FR 51583, Aug. 4, 2016]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §17.12, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at *www.govinfo.gov*.

Subpart C—Endangered Wildlife

§ 17.21 Prohibitions.

(a) Except as provided in subpart A of this part, or under permits issued pursuant to §17.22 or §17.23, it is unlawful for any person subject to the jurisdiction of the United States to commit, to 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 endangered wildlife.

(b) *Import or export.* It is unlawful to import or to export any endangered wildlife. Any shipment in transit through the United States is an importation and an exportation, whether or not it has entered the country for customs purposes.

(c) *Take.* (1) It is unlawful to take endangered wildlife within the United States, within the territorial sea of the United States, or upon the high seas. The high seas include all waters seaward of the territorial sea of the United States, except waters officially recognized by the United States as the territorial sea of another country, under international law.

(2) Notwithstanding paragraph (c)(1) of this section, any person may take

endangered wildlife in defense of their own life or the lives of others.

(3) Notwithstanding paragraph (c)(1) of this section, any employee or agent of the Service, any other Federal land management agency, the National Marine Fisheries Service, or a State conservation agency, who is designated by their agency for such purposes, may, when acting in the course of their official duties, take endangered wildlife without a permit if such action is necessary to:

(i) Aid a sick, injured, or orphaned specimen; or

(ii) Dispose of a dead specimen; or

(iii) Salvage a dead specimen that may be useful for scientific study; or

(iv) Remove specimens that constitute a demonstrable but nonimmediate threat to human safety, provided that the taking is done in a humane manner; the taking may involve killing or injuring only if it has not been reasonably possible to eliminate such threat by live-capturing and releasing the specimen unharmed in an appropriate area.

(4) Any taking under paragraphs (c)(2) and (3) of this section must be reported in writing to the Office of Law Enforcement via contact methods listed at *https://www.fws.gov*, within 5 calendar days. The specimen may only be retained, disposed of, or salvaged under directions from the Office of Law Enforcement.

(5) Notwithstanding paragraph (c)(1) of this section, any qualified employee or agent of a State conservation agency that is a party to a cooperative agreement with the Service in accordance with section 6(c) of the Act, who is designated by their agency for such purposes, may, when acting in the course of their official duties, take those endangered species that are covered by an approved cooperative agreement for conservation programs in accordance with the cooperative agreement, provided that such taking is not reasonably anticipated to result in:

(i) The death or permanent disabling of the specimen;

(ii) The removal of the specimen from the State where the taking occurred;

(iii) The introduction of the specimen so taken, or of any progeny derived from such a specimen, into an area beyond the historical range of the species; or

(iv) The holding of the specimen in captivity for a period of more than 45 consecutive days.

(6) Notwithstanding paragraph (c)(1) of this section, any person acting under a valid migratory bird rehabilitation permit issued pursuant to §21.76 of this subchapter may take endangered migratory birds without an endangered species permit if such action is necessary to aid a sick, injured, or orphaned endangered migratory bird, provided the permittee is adhering to the conditions of the migratory bird rehabilitation permit.

(7) Notwithstanding paragraph (c)(1) of this section and consistent with §21.76(a) of this subchapter:

(i) Any person who finds a sick, injured, or orphaned endangered migratory bird may, without a permit, take and possess the bird in order to immediately transport it to a permitted rehabilitator; and

(ii) Persons exempt from the permit requirements of §21.12(b)(2) and (c) of this subchapter may take sick and injured endangered migratory birds without an endangered species permit in performing the activities authorized under §21.12(b)(2) and (c) of this subchapter.

(d) *Possession and other acts with unlawfully taken wildlife.* (1) It is unlawful to possess, sell, deliver, carry, transport, or ship, by any means whatsoever, any endangered wildlife that was taken in violation of paragraph (c) of this section.

Example 1 to paragraph (d)(1). A person captures a whooping crane, an endangered species, in Texas and gives it to a second person, who puts it in a closed van and drives 30 miles to another location in Texas. The second person then gives the whooping crane to a third person, who is apprehended with the bird in his possession. All three people have violated the law: the first by illegally taking the whooping crane; the second by transporting an illegally taken whooping crane; and the third by possessing an illegally taken whooping crane.

(2) Notwithstanding paragraph (d)(1) of this section, Federal and State law enforcement officers may possess, deliver, carry, transport, or ship any endangered wildlife taken in violation of

the Act as necessary in performing their official duties.

(3) Notwithstanding paragraph (d)(1) of this section, any person acting under a valid migratory bird rehabilitation permit issued pursuant to §21.76 of this subchapter may possess and transport endangered migratory birds without an endangered species permit when such action is necessary to aid a sick, injured, or orphaned endangered migratory bird, provided the permittee is adhering to the conditions of those permits.

(4) Notwithstanding paragraph (d)(1) of this section, and consistent with §21.76(a) of this subchapter, persons exempt from the permit requirements of §21.12(b)(2) and (c) of this subchapter may possess and transport sick and injured endangered migratory bird species without an endangered species permit in performing the activities authorized under §21.12(b)(2) and (c) of this subchapter.

(e) *Interstate or foreign commerce.* It is unlawful to deliver, receive, carry transport, or ship in interstate or foreign commerce, by any means whatsoever, and in the course of a commercial activity, any endangered wildlife.

(f) *Sale or offer for sale.* (1) It is unlawful to sell or to offer for sale in interstate or foreign commerce any endangered wildlife.

(2) An advertisement for the sale of endangered wildlife which carries a warning to the effect that no sale may be consummated until a permit has been obtained from the U.S. Fish and Wildlife Service shall not be considered an offer for sale within the meaning of this section.

(g) *Captive-bred wildlife.* (1) Notwithstanding paragraphs (b), (c), (e) and (f) of this section, any person may take; export or re-import; deliver, receive, carry, transport or ship in interstate or foreign commerce, in the course of a commercial activity; or sell or offer for sale in interstate or foreign commerce any endangered wildlife that is bred in captivity in the United States provided either that the wildlife is of a taxon listed in paragraph (g)(6) of this section, or that the following conditions are met:

(i) The wildlife is of a species having a natural geographic distribution not including any part of the United States, or the wildlife is of a species that the Director has determined to be eligible in accordance with paragraph (g)(5) of this section;

(ii) The purpose of such activity is to enhance the propagation or survival of the affected species;

(iii) Such activity does not involve interstate or foreign commerce, in the course of a commercial activity, with respect to non-living wildlife;

(iv) Each specimen of wildlife to be re-imported is uniquely identified by a band, tattoo or other means that was reported in writing to an official of the Service at a port of export prior to export from the United States; and

(v) Any person subject to the jurisdiction of the United States who engages in any of the activities authorized by this paragraph does so in accordance with paragraphs (g) (2), (3) and (4) of this section, and with all other applicable regulations in this Subchapter B.

(2) Any person subject to the jurisdiction of the United States seeking to engage in any of the activities authorized by this paragraph must first register with the Service's Division of Management Authority at the address provided at 50 CFR 2.1(b). Requests for registration must be submitted on an official application form (Form 3–200-41) provided by the Service, and must include the following information:

(i) The types of wildlife sought to be covered by the registration, identified by common and scientific name to the taxonomic level of family, genus or species;

(ii) A description of the applicant's experience in maintaining and propagating the types of wildlife sought to be covered by the registration, and when appropriate, in conducting research directly related to maintaining and propagating such wildlife;

(iii) Photograph(s) or other evidence clearly depicting the facilities where such wildlife will be maintained; and

(iv) a copy of the applicant's license or registration, if any, under the animal welfare regulations of the U.S. Department of Agriculture (9 CFR part 2).

(3) Upon receipt of a complete application for registration, or the renewal

or amendment of an existing registration, under this section, the Service will publish notice of the application in the FEDERAL REGISTER. Each notice will invite the submission from interested parties, within 30 days after the date of the notice, of written data, views, or arguments with respect to the application. All information received as part of each application will be made available to the public, upon request, as a matter of public record at every stage of the proceeding, including, but not limited to, information needed to assess the eligibility of the applicant, such as the original application, materials, any intervening renewal applications documenting a change in location or personnel, and the most recent annual report.

(i) At the completion of this comment period, the Director will decide whether to approve the registration. In making this decision, the Director will consider, in addition to the general criteria in §13.21(b) of this subchapter, whether the expertise, facilities, or other resources available to the applicant appear adequate to enhance the propagation or survival of the affected wildlife. Public education activities may not be the sole basis to justify issuance of a registration or to otherwise establish eligibility for the exception granted in paragraph (g)(1) of this section.

(ii) If the Director approves the registration, the Service will publish notice of the decision in the FEDERAL REGISTER that the registration was applied for in good faith, that issuing the registration will not operate to the disadvantage of the species for which registration was sought, and that issuing the registration will be consistent with the purposes and policy set forth in section 2 of the Act.

(iii) Each person so registered must maintain accurate written records of activities conducted under the registration and allow reasonable access to Service agents for inspection purposes as set forth in §§13.46 and 13.47 of this chapter. Each person so registered must also submit to the Director an individual written annual report of activities, including all births, deaths, and transfers of any type.

(4) Any person subject to the jurisdiction of the United States seeking to export or conduct foreign commerce in captive-bred endangered wildlife that will not remain under the care of that person must first obtain approval by providing written evidence to satisfy the Director that the proposed recipient of the wildlife has expertise, facilities or other resources adequate to enhance the propagation or survival of such wildlife and that the proposed recipient will use such wildlife for purposes of enhancing the propagation or survival of the affected species.

(5)(i) The Director will use the following criteria to determine if wildlife of any species having a natural geographic distribution that includes any part of the United States is eligible for the provisions of this paragraph:

(A) Whether there is a low demand for taking of the species from wild populations, either because of the success of captive breeding or because of other reasons, and

(B) Whether the wild populations of the species are effectively protected from unauthorized taking as a result of the inaccessibility of their habitat to humans or as a result of the effectiveness of law enforcement.

(ii) The Director will follow the procedures set forth in the Act and in the regulations thereunder with respect to petitions and notification of the public and governors of affected States when determining the eligibility of species for purposes of this paragraph.

(iii) In accordance with the criteria in paragraph (g)(5)(i) of this section, the Director has determined the following species to be eligible for the provisions of this paragraph:

Laysan duck (*Anas laysanensis*).

(6) *Exemption from registration requirement.* (i) If the conditions in paragraph (g)(6)(ii) of this section are met, then any person subject to the jurisdiction of the United States seeking to engage in any of the activities authorized by paragraph (g)(1) of this section may do so without first registering with the Service with respect to the following species:

(A) The bar-tailed pheasant *(Syrmaticus humiae),* Elliot's pheasant *(S. ellioti),* Mikado pheasant *(S. mikado),*

brown eared pheasant *(Crossoptilon mantchuricum)*, white eared pheasant *(C. crossoptilon)*, cheer pheasant *(Catreus wallichii)*, Edward's pheasant *(Lophura edwardsi)*, Swinhoe's pheasant *(L. swinhoii)*, Chinese monal *(Lophophorus lhuysii)*, and Palawan peacock pheasant *(Polyplectron emphanum);*

(B) Parakeets of the species *Neophema pulchella* and *N. splendida;*

(C) The Laysan duck *(Anas laysanensis);* and

(D) The white-winged wood duck *(Cairina scutulata)*.

(ii) *Conditions for exemption to register*. The following conditions must exist for persons dealing with the species listed in paragraph (g)(6)(i) of this section to be eligible for exemption from the requirement to register with the Service:

(A) The purpose of the activity is to enhance the propagation or survival of the affected exempted species.

(B) Such activity does not involve interstate or foreign commerce, in the course of a commercial activity, with respect to nonliving wildlife.

(C) Each specimen to be reimported is uniquely identified by a band, tattoo, or other means that was reported in writing to an official of the Service at a port of export prior to export of the specimen from the United States.

(D) No specimens of the taxa in paragraph (g)(6)(i) of this section that were taken from the wild may be imported for breeding purposes absent a definitive showing that the need for new bloodlines can be met only by wild specimens, that suitable foreign-bred, captive individuals are unavailable, and that wild populations can sustain limited taking. In addition, an import permit must be issued under §17.22.

(E) Any permanent exports of such specimens meet the requirements of paragraph (g)(4) of this section.

(F) Each person claiming the benefit of the exception in paragraph (g)(1) of this section must maintain accurate written records of activities, including births, deaths, and transfers of specimens, and make those records accessible to Service agents for inspection at reasonable hours as set forth in §§13.46 and 13.47 of this chapter.

(h) *U.S. captive-bred scimitar-horned oryx, addax, and dama gazelle*. Notwithstanding paragraphs (b), (c), (e), and (f) of this section, any person subject to the jurisdiction of the United States may take; export or re-import; deliver, receive, carry, transport or ship in interstate or foreign commerce, in the course of a commercial activity; or sell or offer for sale in interstate or foreign commerce live wildlife, including embryos and gametes, and sport-hunted trophies of scimitar-horned oryx (*Oryx dammah*), addax (*Addax nasomaculatus*), and dama gazelle (*Gazella dama*) provided:

(1) The purpose of such activity is associated with the management or transfer of live wildlife, including embryos and gametes, or sport hunting in a manner that contributes to increasing or sustaining captive numbers or to potential reintroduction to range countries;

(2) The specimen was captive-bred, in accordance with §17.3, within the United States;

(3) All live specimens of that species held by the captive-breeding operation are managed in a manner that prevents hybridization of the species or subspecies;

(4) All live specimens of that species held by the captive-breeding operation are managed in a manner that maintains genetic diversity;

(5) Any export of or foreign commerce in a specimen meets the requirements of paragraph (g)(4) of this section, as well as parts 13, 14, and 23 of this chapter;

(6) Each specimen to be re-imported is uniquely identified by a tattoo or other means that is reported on the documentation required under paragraph (h)(5) of this section; and

(7) Each person claiming the benefit of the exception of this paragraph (h) must maintain accurate written records of activities, including births, deaths, and transfers of specimens, and make those records accessible to Service officials for inspection at reasonable hours set forth in §§13.46 and 13.47 of this chapter.

(8) The sport-hunted trophy consists of raw or tanned parts, such as bones, hair, head, hide, hooves, horns, meat, skull, rug, taxidermied head, shoulder, or full body mount, of a specimen that was taken by the hunter during a sport

hunt for personal use. It does not include articles made from a trophy, such as worked, manufactured, or handicraft items for use as clothing, curios, ornamentation, jewelry, or other utilitarian items for commercial purposes.

[40 FR 44415, Sept. 26, 1975, as amended at 40 FR 53400, Nov. 18, 1975; 41 FR 19226, May 11, 1976; 44 FR 31580, May 31, 1979; 44 FR 54007, Sept. 17, 1979; 58 FR 68325, Dec. 27, 1993; 63 FR 48640, Sept. 11, 1998; 68 FR 2919, Jan. 22, 2003; 68 FR 61136, Oct. 27, 2003; 70 FR 52318, Sept. 2, 2005; 77 FR 438, Jan. 5, 2012; 77 FR 43175, July 24, 2012; 79 FR 15252, Mar. 19, 2014; 79 FR 30418, May 27, 2014; 79 FR 43965, July 29, 2014; 81 FR 19930, Apr. 6, 2016; 87 FR 880, Jan. 7, 2022; 89 FR 23938, Apr. 5, 2024]

§ 17.22 Permits for endangered species.

Upon receipt of a complete application, the Director may issue a permit authorizing any activity otherwise prohibited by §17.21, in accordance with the issuance criteria of this section, for scientific purposes, for enhancing the propagation or survival, or for the incidental taking of endangered wildlife. Such permits may authorize a single transaction, a series of transactions, or a number of activities over a specific period of time. (See §17.32 for permits for threatened species.) The Director shall publish notice in the FEDERAL REGISTER of each application for a permit that is made under this section. Each notice shall invite the submission from interested parties, within 30 days after the date of the notice, of written data, views, or arguments with respect to the application. The 30-day period may be waived by the Director in an emergency situation where the life or health of an endangered animal is threatened and no reasonable alternative is available to the applicant. Notice of any such waiver shall be published in the FEDERAL REGISTER within 10 days following issuance of the permit.

(a)(1) *Application requirements for permits for scientific purposes or for the enhancement of propagation or survival.* A person wishing to get a permit for an activity prohibited by §17.21 submits an application for activities under this paragraph. The Service provides Form 3–200 for the application to which all of the following must be attained:

(i) The common and scientific names of the species sought to the covered by the permit, as well as the number, age, and sex of such species, and the activity sought to be authorized (such as taking, exporting, selling in interstate commerce);

(ii) A statement as to whether, at the time of application, the wildlife sought to be covered by the permit (A) is still in the wild, (B) has already been removed from the wild, or (C) was born in captivity;

(iii) A resume of the applicant's attempts to obtain the wildlife sought to be covered by the permit in a manner which would not cause the death or removal from the wild of such wildlife;

(iv) If the wildlife sought to be covered by the permit has already been removed from the wild, the country and place where such removal occurred; if the wildlife sought to be covered by the permit was born in captivity, the country and place where such wildlife was born;

(v) A complete description and address of the institution or other facility where the wildlife sought to be covered by the permit will be used, displayed, or maintained;

(vi) If the applicant seeks to have live wildlife covered by the permit, a complete description, including photographs or diagrams, of the facilities to house and/or care for the wildlife and a resume of the experience of those person who will be caring for the wildlife;

(vii) A full statement of the reasons why the applicant is justified in obtaining a permit including the details of the activities sought to be authorized by the permit;

(viii) If the application is for the purpose of enhancement of propagation, a statement of the applicant's willingness to participate in a cooperative breeding program and to maintain or contribute data to a studbook;

(2) *Issuance criteria.* Upon receiving an application completed in accordance with paragraph (a)(1) 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 §13.21(b) of this subchapter, the following factors:

(i) Whether the purpose for which the permit is required is adequate to justify removing from the wild or otherwise changing the status of the wildlife sought to be covered by the permit;

(ii) The probable direct and indirect effect which issuing the permit would have on the wild populations of the wildlife sought to be covered by the permit;

(iii) Whether the permit, if issued, would in any way, directly or indirectly, conflict with any known program intended to enhance the survival probabilities of the population from which the wildlife sought to be covered by the permit was or would be removed;

(iv) Whether the purpose for which the permit is required would be likely to reduce the threat of extinction facing the species of wildlife sought to be covered by the permit;

(v) The opinions or views of scientists or other persons or organizations having expertise concerning the wildlife or other matters germane to the application; and

(vi) Whether the expertise, facilities, or other resources available to the applicant appear adequate to successfully accomplish the objectives stated in the application.

(3) *Permit conditions.* In addition to the general conditions set forth in part 13 of this subchapter, every permit issued under this paragraph shall be subject to the special condition that the escape of living wildlife covered by the permit shall be immediately reported to the Service office designated in the permit.

(4) *Duration of permits.* The duration of permits issued under this paragraph shall be designated on the face of the permit.

(b)(1) *Application requirements for an incidental take permit.* A person seeking authorization for incidental take that would otherwise be prohibited by §17.31 or §§17.40 through 17.48 submits Form 3–200–56, a processing fee (if applicable), and a conservation plan. The Service will process the application when the Director determines the application is complete. A conservation plan must include the following:

(i) *Project description.* A complete description of the project, including purpose, location, timing, and proposed covered activities.

(ii) *Covered species.* As defined in §17.3, common and scientific names of species sought to be covered by the permit, as well as the number, age, and sex, if known.

(iii) *Goals and objectives.* The measurable biological goals and objectives of the conservation plan.

(iv) *Anticipated take.* Expected timing, geographic distribution, type and amount of take, and the likely impact of take on the species.

(v) *Conservation program:* That explains the:

(A) Conservation measures that will be taken to minimize and mitigate the impacts of the incidental take for all covered species commensurate with the taking;

(B) Roles and responsibilities of all entities involved in implementation of the conservation plan;

(C) Changed circumstances and the planned responses in an adaptive management plan; and

(D) Procedures for dealing with unforeseen circumstances.

(vi) *Conservation timing.* The timing of mitigation relative to the incidental take of covered species.

(vii) *Permit duration.* The rationale for the requested permit duration.

(viii) *Monitoring.* Monitoring of the effectiveness of the mitigation and minimization measures, progress towards achieving the biological goals and objectives, and permit compliance. The scope of the monitoring program should be commensurate with the scope and duration of the conservation program and the project impacts.

(ix) *Funding needs and sources.* An accounting of the costs for properly implementing the conservation plan and the sources and methods of funding.

(x) *Alternative actions.* The alternative actions to the taking the applicant considered and the reasons why such alternatives are not being used.

(xi) *Additional actions.* Other measures that the Director requires as necessary or appropriate, including those necessary or appropriate to meet the issuance criteria or other statutory responsibilities of the Service.

(2) *Issuance criteria.* Upon receiving an application completed in accordance

with paragraph (b)(1) of this section, the Director will decide whether a permit should be issued. The Director will consider the general issuance criteria in §13.21(b) of this subchapter, except for §13.21(b)(4). In making a decision, the Director will consider the anticipated duration and geographic scope of the applicant's planned activities, including the amount of covered species' habitat that is involved and the degree to which covered species and their habitats are affected. The Director will issue the permit if the Director finds:

(i) The taking will be incidental to, and not the purpose of, carrying out an otherwise lawful activity.

(ii) The applicant will, to the maximum extent practicable, minimize and mitigate the impacts of the taking.

(iii) The applicant will ensure that adequate funding for the conservation plan implementation will be provided.

(iv) The applicant has provided procedures to deal with unforeseen circumstances.

(v) The taking will not appreciably reduce the likelihood of the survival and recovery of the species in the wild.

(vi) The measures and conditions, if any, required under paragraph (b)(1)(xi) of this section will be met.

(vii) The applicant has provided any other assurances the Director requires to ensure that the conservation plan will be implemented.

(3) *Permit conditions.* In addition to the general conditions set forth in part 13 of this subchapter, every permit issued under the regulations in this section will contain terms and conditions that the Director deems necessary or appropriate to carry out the purposes of the permit and the conservation plan, including, but not limited to, additional conservation measures, if any, that may be required pursuant to paragraph (b)(1)(xi) of this section, specified deadlines, and monitoring and reporting requirements deemed necessary for determining whether the permittee is complying with those terms and conditions. The Director will rely upon existing reporting requirements to the maximum extent practicable.

(4) *Permit duration and effective date.* In determining the duration of a permit, the Director will consider the duration of the activities for which coverage is requested; the time necessary to fully minimize and mitigate the impacts of the taking; and uncertainties related to the impacts of the taking, success of the mitigation, and external factors that could affect the success of the conservation plan.

(i) Permits issued under this paragraph (b) become effective for listed covered species upon the date the permittee signs the incidental take permit, which must occur within 90 calendar days of issuance. For non-listed covered species, the permit's take authorization becomes effective upon the effective date of the species' listing provided the permittee signed the permit within 90 calendar days of issuance and has properly implemented the conservation plan.

(ii) The permit expires on the date indicated on the face of the permit.

(5) *Assurances provided to permittee in case of changed or unforeseen circumstances.* The assurances in this paragraph (b)(5) apply only to incidental take permits issued in accordance with paragraph (b)(2) of this section where the conservation plan is being properly implemented and the permittee is properly complying with the incidental take permit. The assurances apply only with respect to species covered by the conservation plan. These assurances do not apply to Federal agencies or to incidental take permits issued prior to March 25, 1998. The assurances provided in incidental take permits issued prior to March 25, 1998, remain in effect, and those permits will not be revised.

(i) *Changed circumstances provided for in the plan.* If additional conservation and mitigation measures are deemed necessary to respond to changed circumstances and were provided for in the plan's operating conservation program, the permittee will implement the measures specified in the plan.

(ii) *Changed circumstances not provided for in the plan.* If additional conservation and mitigation measures are deemed necessary to respond to changed circumstances and were not provided for in the plan's operating conservation program, the Director will not require any conservation and mitigation measures in addition to

those provided for in the plan without the consent of the permittee, provided the Director determines that the plan is being properly implemented.

(iii) *Unforeseen circumstances.* (A) In negotiating a response to unforeseen circumstances, the Director will not require the commitment of additional land, water, or financial compensation or additional restrictions on the use of land, water, or other natural resources beyond the level otherwise agreed upon for the species covered by the conservation plan without the consent of the permittee.

(B) If additional conservation and mitigation measures are deemed necessary to respond to unforeseen circumstances, the Director may require additional measures of the permittee where the conservation plan is being properly implemented, but only if such measures:

(*1*) Are limited to modifications within conserved habitat areas, if any, or to the conservation plan's operating conservation program for the affected species; and

(*2*) Maintain the original terms of the conservation plan to the maximum extent possible.

(*3*) Additional conservation and mitigation measures will not involve the commitment of additional land, water, or financial compensation or additional restrictions on the use of land, water, or other natural resources otherwise available for development or use under the original terms of the conservation plan, without the consent of the permittee.

(C) The Director will have the burden of demonstrating that unforeseen circumstances exist, using the best scientific and commercial data available. These findings must be clearly documented and based upon reliable technical information regarding the status and habitat requirements of the affected species. The factors to be considered by the Director include, but are not limited to, the following:

(*1*) Size of the current range of the affected species;

(*2*) Percentage of range adversely affected by the conservation plan;

(*3*) Percentage of range conserved by the conservation plan;

(*4*) Ecological significance of that portion of the range affected by the conservation plan;

(*5*) Level of knowledge about the affected species and the degree of specificity of the species' conservation program under the conservation plan; and

(*6*) Whether failure to adopt additional conservation measures would appreciably reduce the likelihood of survival and recovery of the affected species in the wild.

(6) *Additional actions.* Nothing in this section will be construed to limit or constrain the Director, any Federal, State, local, or Tribal government agency, or a private entity from taking additional actions, at their own expense, to protect or conserve a species included in a conservation plan.

(7) *Permit amendment or renewal.* Any amendment or renewal of an existing permit issued under this part is a new agency decision and is therefore subject to all current relevant laws and regulations. The application will be evaluated based on the current policies and guidance in effect at the time of the amendment or renewal decision. Evaluation of an amendment extends only to the portion(s) of the conservation plan or permit for which the amendment is requested. Amendment or renewal applications must meet issuance criteria based upon the best available commercial and scientific data at the time of the permit decision.

(8) *Discontinuance of permit activity.* Notwithstanding the provisions of §13.26 of this subchapter, a permittee under this paragraph (b) remains responsible for any outstanding minimization and mitigation measures required under the terms of the permit for take that occurs prior to surrender of the permit and such minimization and mitigation measures as may be required pursuant to the termination provisions of an implementing agreement, conservation plan, or permit even after surrendering the permit to the Service pursuant to §13.26 of this subchapter.

(i) The Service will deem the permit canceled only upon a determination that such minimization and mitigation measures have been implemented.

(ii) Upon surrender of the permit, no further take by the permittee will be

authorized under the terms of the surrendered permit.

(9) *Criteria for revocation.* A permit issued under this paragraph (b) may not be revoked for any reason except:

(i) The reasons set forth in §13.28(a)(1) through (4) of this subchapter; or

(ii) If continuation of the permitted activity would be inconsistent with the criterion set forth in 16 U.S.C. 1539(a)(2)(B)(iv) and the inconsistency has not been remedied.

(c)(1) *Application requirements for an enhancement of survival permit associated with conservation benefit agreements.* The applicant must submit Form 3–200–54, the processing fee (if applicable), and a conservation benefit agreement. The Service will process the application when the Director determines the application has met all statutory and regulatory requirements for a complete application. A conservation benefit agreement must include the following:

(i) *Conservation measures.* A complete description of the conservation measure or measures, including the location of the activity or activities to be covered by the permit, and their intended outcome for the covered species.

(ii) *Covered species.* The common and scientific names of the covered species for which the applicant will conduct conservation measures and may need authorization for take.

(iii) *Goals and objectives.* The measurable biological goals and objectives of the conservation measures in the agreement.

(iv) *Enrollment baseline.* The baseline condition of the property or area to be enrolled as defined in §17.3.

(v) *Net conservation benefit.* A description of how the measures are reasonably expected to improve each covered species' existing baseline condition on the enrolled property and result in a net conservation benefit as defined at §17.3.

(vi) *Monitoring.* The steps the applicant will take to monitor and adaptively manage to ensure the goals and objectives of the conservation benefit agreement are met, the responsibilities of all parties are carried out, and the conservation benefit agreement will be properly implemented.

(vii) *Neighboring property owners.* A description of the enrollment process to provide neighboring property owners take coverage under paragraph (c)(5)(ii) of this section, if applicable, or any other measures developed to protect the interests of neighboring property owners.

(viii) *Return to baseline condition.* The applicant's choice between including authorization to return the enrolled property to baseline condition or forgoing that authorization. For applicants seeking authority to return to baseline condition, a description of steps that may be taken to return the property to baseline condition and measures to reduce the effects of the take to the covered species.

(ix) *Additional actions.* Any other measures that the Director may require as necessary or appropriate to meet the issuance criteria in paragraph (c)(2) of this section or to avoid conflicts with other Service conservation efforts.

(2) *Issuance criteria.* Upon receiving an application completed in accordance with paragraph (c)(1) of this section, the Director will decide whether to issue a permit. The Director will consider the general issuance criteria in §13.21(b) of this subchapter, except for §13.21(b)(4), and may issue the permit if the Director finds:

(i) The take will be incidental to an otherwise lawful activity or purposeful if it is necessary for the implementation of the conservation benefit agreement and will be in accordance with the terms of the agreement.

(ii) The implementation of the terms of the conservation benefit agreement is reasonably expected to provide a net conservation benefit to the affected covered species on the enrolled property that is included in the permit and for each individual property within a programmatic conservation benefit agreement, based upon: condition of the species or habitat, effects of conservation measures, and anticipated impacts of any permitted take.

(iii) The direct and indirect effects of any authorized take are unlikely to appreciably reduce the likelihood of survival and recovery in the wild of any listed species.

(iv) Implementation of the terms of the conservation benefit agreement will not conflict with any ongoing conservation or recovery programs for listed species and the covered species included in the permit.

(v) The applicant has shown a capability for and commitment to implementing all terms of the conservation benefit agreement.

(3) *Permit conditions.* In addition to any applicable general permit conditions set forth in part 13 of this subchapter, every permit issued under this paragraph (c) is subject to the following special conditions:

(i) The participating property owner must notify the Service of any transfer of property subject to a conservation benefit agreement, at least 30 calendar days prior to the transfer.

(ii) The permittee must give the Service reasonable advance notice (generally at least 30 calendar days) of when take of any covered species is expected to occur, to provide the Service an opportunity to relocate affected individuals of the species, if possible and appropriate.

(iii) Any additional requirements or conditions the Director deems necessary or appropriate to carry out the purposes of the permit and the conservation benefit agreement.

(4) *Permit duration and effective date.* The duration of permits issued under paragraph (c) of this section must be sufficient to provide a net conservation benefit to species covered in the enhancement of survival permit on the enrolled property.

(i) In determining the duration of a permit, the Director will consider the duration of the planned activities, the uncertainties related to the impacts of the taking, and the positive and negative effects of the planned activities covered by the permit on species covered by the conservation benefit agreement.

(ii) Permits issued under this paragraph (c) become effective for listed covered species upon the date the permittee signs the enhancement of survival permit, which must be within 90 calendar days of issuance. For non-listed covered species, the take authorized through the permit becomes effective upon the effective date of the species' listing provided the permittee signed the permit within 90 calendar days of issuance and has properly implemented the conservation benefit agreement since signing the permit.

(5) *Assurances.* The assurances in paragraph (c)(5)(i) of this section apply only to enhancement of survival permits issued in accordance with paragraph (c)(2) of this section where the conservation benefit agreement is being properly implemented, apply only with respect to species covered by the permit, and are effective until the permit expires. The assurances provided in this section apply only to enhancement of survival permits issued after July 19, 1999.

(i) *Permittee and participating property owners.* The Director and the permittee may agree to revise or modify the conservation measures set forth in a conservation benefit agreement if the Director determines that those revisions or modifications do not change the Director's prior determination that the conservation benefit agreement is reasonably expected to provide a net conservation benefit to the covered species. However, the Director may not require additional or different conservation measures to be undertaken by a permittee without the consent of the permittee.

(ii) *Neighboring property owners.* The Director may provide take coverage in the enhancement of survival permit for owners of properties adjacent to properties covered by the conservation benefit agreement through enrollment procedures contained in the agreement. The take covered and the method of providing take coverage will be tailored to the specific conservation benefit agreement and needs of adjacent property owners. One method is to have the neighboring property owner sign a certificate that applies the authorization and assurances in the permit to the neighboring property owner. The certificate must:

(A) Establish a baseline condition for the covered species on their property; and

(B) Give permission to the Service, the permittee, or a representative of either to enter the property, with reasonable notice, to capture and relocate,

salvage, or implement measures to reduce anticipated take of the covered species.

(6) *Additional actions.* Nothing in this section will be construed to limit or constrain the Director, any Federal, State, local, or Tribal government agency, or a private entity from taking additional actions, at their own expense, to protect or conserve a species included in a conservation benefit agreement.

(7) *Permit amendment or renewal.* Any amendment or renewal of an existing permit issued under this part is a new agency decision and is therefore subject to all current relevant laws and regulations. The application will be evaluated based on the current policies and guidance in effect at the time of the amendment or renewal decision. Evaluation of an amendment extends only to the portion(s) of the conservation benefit agreement or permit for the which the amendment is requested. Amendment or renewal applications must meet issuance criteria based upon the best available commercial and scientific data at the time of the permit decision.

(8) *Discontinuance of permit activity.* Notwithstanding the provisions of §13.26 of this subchapter, a permittee under this paragraph (c) remains responsible for any outstanding conservation measures required under the terms of the permit for take that occurs prior to surrender of the permit and any conservation measures required pursuant to the termination provisions of the conservation benefit agreement or permit even after surrendering the permit to the Service pursuant to §13.26 of this subchapter.

(i) The permittee of a programmatic conservation benefit agreement that conveys take authorization and assurances to participants or enrollees must follow the provisions of §13.26 of this subchapter.

(ii) The permit will be deemed canceled only upon a determination by the Service that those conservation measure(s) have been implemented and the permittee has had ample time to return the permittee's property to baseline condition, if the permit authorized take associated with return to baseline and if the permittee chooses to exercise that authorization.

(iii) Upon surrender of the permit, no further take will be authorized under the terms of the surrendered permit, and the assurances in paragraph (c)(5)(i) of this section will no longer apply.

(9) *Criteria for revocation.* The Director may not revoke a permit issued under this paragraph (c) except as provided in this paragraph (c)(9).

(i) The Director may revoke a permit for any reason set forth in §13.28(a)(1) through (4) of this subchapter. The Director may revoke a permit if continuation of the covered activity would either:

(A) Appreciably reduce the likelihood of survival and recovery in the wild of any covered species; or

(B) Directly or indirectly alter designated critical habitat such that the value of that critical habitat is appreciably diminished for both the survival and recovery of a covered species.

(ii) Before revoking a permit for either of the reasons in paragraphs (c)(9)(i)(A) or (B) of this section, the Director, with the consent of the permittee, will pursue all appropriate options to avoid permit revocation. These options may include, but are not limited to, extending or modifying the existing permit, capturing and relocating the species, compensating the property owner to forgo the activity, purchasing an easement or fee simple interest in the property, or arranging for a third-party acquisition of an interest in the property.

(d) *Objection to permit issuance.* (1) In regard to any notice of a permit application published in the FEDERAL REGISTER, any interested party that objects to the issuance of a permit, in whole or in part, may, during the comment period specified in the notice, request notification of the final action to be taken on the application. A separate written request must be made for each permit application. Such a request must specify the Service's permit application number and state the reasons why the interested party believes the applicant does not meet the issuance criteria contained in this section and

§13.21 of this subchapter, or other reasons why the permit should not be issued.

(2) If the Service decides to issue a permit despite objections received pursuant to paragraph (d)(1) of this section, the Service will, at least 10 days prior to issuance of the permit, make reasonable efforts to contact by telephone, or other expedient means, any party who has made a request pursuant to paragraph (d)(1) of this section and inform that party of the issuance of the permit. However, the Service may reduce the time period or dispense with such notice if the Service determines that time is of the essence and that delay in issuance of the permit would:

(i) Harm the specimen or population involved; or

(ii) Unduly hinder the actions authorized under the permit.

(3) The Service will notify any party filing an objection and request for notice under paragraph (d)(1) of this section of the final action taken on the application, in writing. If the Service has reduced or dispensed with the notice period referred to in paragraph (d)(2) of this section, the Service will include its reasons in such written notice.

[50 FR 39687, Sept. 30, 1985, as amended at 63 FR 8871, Feb. 23, 1998; 63 FR 52635, Oct. 1, 1998; 64 FR 32711, June 17, 1999; 64 FR 52676, Sept. 30, 1999; 69 FR 24092, May 3, 2004; 69 FR 29670, May 25, 2004; 69 FR 71731, Dec. 10, 2004; 81 FR 95055, Dec. 27, 2016; 89 FR 26095, Apr. 12, 2024]

§ 17.23 Economic hardship permits.

Upon receipt of a complete application, the Director may issue a permit authorizing any activity otherwise prohibited by §17.21, in accordance with the issuance criteria of this section in order to prevent undue economic hardship. The Director shall publish notice in the FEDERAL REGISTER of each application for a permit that is made under this section. Each notice shall invite the submission from interested parties, within 30 days after the date of the notice, of written data, views, or arguments with respect to the application. The 30-day period may be waived by the Director in an emergency situation where the life or health of an endangered animal is threatened and no reasonable alternative is available to the applicant. Notice of any such waiver shall be published in the FEDERAL REGISTER within 10 days following issuance of the permit.

(a) *Application requirements.* Applications for permits under this section must be submitted to the Director by the person allegedly suffering undue economic hardship because his desired activity is prohibited by §17.21. Each application must be submitted on an official application form (Form 3–200) provided by the Service, and must include, as an attachment, all of the information required in §17.22 plus the following additional information:

(1) The possible legal, economic or subsistence alternatives to the activity sought to be authorized by the permit;

(2) A full statement, accompanied by copies of all relevant contracts and correspondence, showing the applicant's involvement with the wildlife sought to be covered by the permit (as well as his involvement with similar wildlife), including, where applicable, that portion of applicant's income derived from the taking of such wildlife, or the subsistence use of such wildlife, during the calendar year immediately preceding either the notice in the FEDERAL REGISTER of review of the status of the species or of the proposal to list such wildlife as endangered, whichever is earliest;

(3) Where applicable, proof of a contract or other binding legal obligation which:

(i) Deals specifically with the wildlife sought to be covered by the permit;

(ii) Became binding prior to the date when the notice of a review of the status of the species or the notice of proposed rulemaking proposing to list such wildlife as endangered was published in the FEDERAL REGISTER, whichever is earlier; and

(iii) Will cause monetary loss of a given dollar amount if the permit sought under this section is not granted.

(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 under any of the three categories of economic hardship, as defined in section 10(b)(2) of the Act. In making his decisions, the

Director shall consider, in addition to the general criteria in §13.21(b) of this subchapter, the following factors:

(1) Whether the purpose for which the permit is being requested is adequate to justify removing from the wild or otherwise changing the status of the wildlife sought to be covered by the permit;

(2) The probable direct and indirect effect which issuing the permit would have on the wild populations of the wildlife sought to be covered by the permit;

(3) The economic, legal, subsistence, or other alternatives or relief available to the applicant;

(4) The amount of evidence that the applicant was in fact party to a contract or other binding legal obligation which;

(i) Deals specifically with the wildlife sought to be covered by the permit; and

(ii) Became binding prior to the date when the notice of a review of the status of the species or the notice of proposed rulemaking proposing to list such wildlife as endangered was published in the FEDERAL REGISTER, whichever is earlier.

(5) The severity of economic hardship which the contract or other binding legal obligation referred to in paragraph (b)(4) of this section would cause if the permit were denied;

(6) Where applicable, the portion of the applicant's income which would be lost if the permit were denied, and the relationship of that portion to the balance of his income;

(7) Where applicable, the nature and extent of subsistence taking generally by the applicant; and

(8) The likelihood that applicant can reasonably carry out his desired activity within one year from the date a notice is published in the FEDERAL REGISTER to review status of such wildlife, or to list such wildlife as endangered, whichever is earlier.

(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 the following special conditions:

(1) In addition to any reporting requirements contained in the permit itself, the permittee shall also submit to the Director a written report of his activities pursuant to the permit. Such report must be postmarked or actually delivered no later than 10 days after completion of the activity.

(2) The death or escape of all living wildlife covered by the permit shall be immediately reported to the Service's office designated in the permit.

(d) Duration of permits issued under this section shall be designated on the face of the permit. No permit issued under this section, however, shall be valid for more than one year from the date a notice is published in the FEDERAL REGISTER to review status of such wildlife, or to list such wildlife as endangered, whichever is earlier.

[40 FR 44415, Sept. 26, 1975, as amended at 40 FR 53400, Nov. 18, 1975; 40 FR 58307, Dec. 16, 1975; 50 FR 39688, Sept. 30, 1985]

Subpart D—Threatened Wildlife

§ 17.31 Prohibitions.

(a) Except as provided in §§17.4 through 17.8, or in a permit issued pursuant to §17.32, the provisions of paragraph (b) of this section and all of the provisions of §17.21 (for endangered species of wildlife), except §17.21(c)(3) and (5), apply to threatened species of wildlife, unless the Secretary has promulgated species-specific provisions (see paragraph (c) of this section).

(b)(1) Notwithstanding §17.21(c)(1), and unless otherwise specified, any employee or agent of the Service, any other Federal land management agency, the National Marine Fisheries Service, a State conservation agency, or a federally recognized Tribe, who is designated by their agency or Tribe for such purposes, may, when acting in the course of their official duties, take threatened wildlife without a permit if such action is necessary to:

(i) Aid a sick, injured, or orphaned specimen; or

(ii) Dispose of a dead specimen; or

(iii) Salvage a dead specimen that may be useful for scientific study; or

(iv) Remove specimens that constitute a demonstrable but nonimmediate threat to human safety, provided that the taking is done in a humane manner; the taking may involve killing or injuring only if it has not been reasonably possible to eliminate such

threat by live-capturing and releasing the specimen unharmed, in an appropriate area.

(2) Any taking under paragraph (b)(1) of this section must be reported in writing to the Office of Law Enforcement, via contact methods listed at *https://www.fws.gov*, within 5 calendar days. The specimen may only be retained, disposed of, or salvaged under directions from the Office of Law Enforcement.

(3) Notwithstanding §17.21(c)(1), and unless otherwise specified, any employee or agent of the Service, of the National Marine Fisheries Service, or of a State conservation agency that is operating a conservation program pursuant to the terms of an approved cooperative agreement with the Service that covers the threatened species of wildlife in accordance with section 6(c) of the Act, who is designated by their agency for such purposes, may, when acting in the course of their official duties, take those species.

(c) For threatened species of wildlife that have a species-specific rule in §§17.40 through 17.48, the provisions of paragraph (b) of this section and §17.32 apply unless otherwise specified, and the species-specific rule will contain all of the prohibitions and any additional exceptions that apply to that species.

[89 FR 23939, Apr. 5, 2024]

§17.32 Permits for threatened species.

Upon receipt of a complete application, the Director may issue a permit for any activity otherwise prohibited with regard to threatened wildlife. The permit shall be governed by the provisions of this section unless a species-specific rule applicable to the wildlife and set forth in §§17.40 through 17.48 provides otherwise. A permit issued under this section must be for one of the following purposes: scientific purposes, or the enhancement of propagation or survival, or economic hardship, or zoological exhibition, or educational purposes, or incidental taking, or special purposes consistent with the purposes of the Act. Such a permit may authorize a single transaction, a series of transactions, or a number of activities over a specific period of time.

(a)(1) *Application requirements for permits for scientific purposes, or the enhancement of propagation or survival, or economic hardship, or zoological exhibition, or educational purposes, or special purposes consistent with the purposes of the Act.* A person wishing to get a permit for an activity prohibited by §17.31 submits an application for activities under this paragraph. The Service provides Form 3–200 for the application to which as much of the following information relating to the purpose of the permit must be attached:

(i) The Common and scientific names of the species sought to be covered by the permit, as well as the number, age, and sex of such species, and the activity sought to be authorized (such as taking, exporting, selling in interstate commerce);

(ii) A statement as to whether, at the time of application, the wildlife sought to be covered by the permit (A) is still in the wild, (B) has already been removed from the wild, or (C) was born in captivity;

(iii) A resume of the applicant's attempts to obtain the wildlife sought to be covered by the permit in a manner which would not cause the death or removal from the wild of such wildlife;

(iv) If the wildlife sought to be covered by the permit has already been removed from the wild, the country and place where such removal occurred; if the wildlife sought to be covered by permit was born in captivity, the country and place where such wildlife was born;

(v) A complete description and address of the institution or other facility where the wildlife sought to be covered by the permit will be used, displayed, or maintained;

(vi) If the applicant seeks to have live wildlife covered by the permit, a complete description, including photographs or diagrams, of the facilities to house and/or care for the wildlife and a resume of the experience of those persons who will be caring for the wildlife;

(vii) A full statement of the reasons why the applicant is justified in obtaining a permit including the details of the activities sought to be authorized by the permit;

(viii) If the application is for the purpose of enhancement of propagation, a

statement of the applicant's willingness to participate in a cooperative breeding program and to maintain or contribute data to a studbook;

(2) *Issuance criteria.* Upon receiving an application completed in accordance with paragraph (a)(1) 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 §13.21(b) of this subchapter, the following factors:

(i) Whether the purpose for which the permit is required is adequate to justify removing from the wild or otherwise changing the status of the wildlife sought to be covered by the permit;

(ii) The probable direct and indirect effect which issuing the permit would have on the wild populations of the wildlife sought to be covered by the permit;

(iii) Whether the permit, if issued, would in any way, directly or indirectly, conflict with any known program intended to enhance the survival probabilities of the population from which the wildlife sought to be covered by the permit was or would be removed;

(iv) Whether the purpose for which the permit is required would be likely to reduce the threat of extinction facing the species of wildlife sought to be covered by the permit;

(v) The opinions or views of scientists or other persons or organizations having expertise concerning the wildlife or other matters germane to the application; and

(vi) Whether the expertise, facilities, or other resources available to the applicant appear adequate to successfully accomplish the objectives stated in the application.

(3) *Permit conditions.* In addition to the general conditions set forth in part 13 of this subchapter, every permit issued under this paragraph shall be subject to the special condition that the escape of living wildlife covered by the permit shall be immediately reported to the Service office designated in the permit.

(4) *Duration of permits.* The duration of permits issued under this paragraph shall be designated on the face of the permit.

(b)(1) *Application requirements for an incidental take permit.* A person seeking authorization for incidental take that would otherwise be prohibited by §17.31 or §§17.40 through 17.48 submits Form 3–200–56, a processing fee (if applicable), and a conservation plan. The Service will process the application when the Director determines the application is complete. A conservation plan must include the following:

(i) *Project description.* A complete description of the project, including purpose, location, timing, and proposed covered activities.

(ii) *Covered species.* As defined in §17.3, common and scientific names of species sought to be covered by the permit, as well as the number, age, and sex, if known.

(iii) *Goals and objectives.* The measurable biological goals and objectives of the conservation plan.

(iv) *Anticipated take.* Expected timing, geographic distribution, type and amount of take, and the likely impact of take on the species.

(v) *Conservation program:* That explains the:

(A) Conservation measures that will be taken to minimize and mitigate the impacts of the incidental take for all covered species commensurate with the taking;

(B) Roles and responsibilities of all entities involved in implementation of the conservation plan;

(C) Changed circumstances and the planned responses in an adaptive management plan; and

(D) Procedures for dealing with unforeseen circumstances.

(vi) *Conservation timing.* The timing of mitigation relative to the incidental take of covered species.

(vii) *Permit duration.* The rationale for the requested permit duration.

(viii) *Monitoring.* Monitoring of the effectiveness of the mitigation and minimization measures, progress towards achieving the biological goals and objectives, and permit compliance. The scope of the monitoring program should be commensurate with the scope and duration of the conservation program and the project impacts.

(ix) *Funding needs and sources.* An accounting of the costs for properly implementing the conservation plan and the sources and methods of funding.

(x) *Alternative actions.* The alternative actions to the taking the applicant considered and the reasons why such alternatives are not being used.

(xi) *Additional actions.* Other measures that the Director requires as necessary or appropriate, including those necessary or appropriate to meet the issuance criteria or other statutory responsibilities of the Service.

(2) *Issuance criteria.* Upon receiving an application completed in accordance with paragraph (b)(1) of this section, the Director will decide whether a permit should be issued. The Director will consider the general issuance criteria in §13.21(b) of this subchapter, except for §13.21(b)(4). In making a decision, the Director will consider the anticipated duration and geographic scope of the applicant's planned activities, including the amount of covered species' habitat that is involved and the degree to which covered species and their habitats are affected. The Director will issue the permit if the Director finds:

(i) The taking will be incidental to, and not the purpose of, carrying out an otherwise lawful activity.

(ii) The applicant will, to the maximum extent practicable, minimize and mitigate the impacts of the taking.

(iii) The applicant will ensure that adequate funding for the conservation plan implementation will be provided.

(iv) The applicant has provided procedures to deal with unforeseen circumstances.

(v) The taking will not appreciably reduce the likelihood of the survival and recovery of the species in the wild.

(vi) The measures and conditions, if any, required under paragraph (b)(1)(xi) of this section will be met.

(vii) The applicant has provided any other assurances the Director requires to ensure that the conservation plan will be implemented.

(3) *Permit conditions.* In addition to the general conditions set forth in part 13 of this subchapter, every permit issued under the regulations in this section will contain terms and conditions that the Director deems necessary or appropriate to carry out the purposes of the permit and the conservation plan, including, but not limited to, additional conservation measures, if any, that may be required pursuant to paragraph (b)(1)(xi) of this section, specified deadlines, and monitoring and reporting requirements deemed necessary for determining whether the permittee is complying with those terms and conditions. The Director will rely upon existing reporting requirements to the maximum extent practicable.

(4) *Permit duration and effective date.* In determining the duration of a permit, the Director will consider the duration of the activities for which coverage is requested; the time necessary to fully minimize and mitigate the impacts of the taking; and uncertainties related to the impacts of the taking, success of the mitigation, and external factors that could affect the success of the conservation plan.

(i) Permits issued under this paragraph (b) become effective for listed covered species upon the date the permittee signs the incidental take permit, which must occur within 90 calendar days of issuance. For non-listed covered species, the permit's take authorization becomes effective upon the effective date of the species' listing provided the permittee signed the permit within 90 calendar days of issuance and has properly implemented the conservation plan.

(ii) The permit expires on the date indicated on the face of the permit.

(5) *Assurances provided to permittee in case of changed or unforeseen circumstances.* The assurances in this paragraph (b)(5) apply only to incidental take permits issued in accordance with paragraph (b)(2) of this section where the conservation plan is being properly implemented and the permittee is properly complying with the incidental take permit. The assurances apply only with respect to species covered by the conservation plan. These assurances do not apply to Federal agencies or to incidental take permits issued prior to March 25, 1998. The assurances provided in incidental take permits issued prior to March 25, 1998, remain in effect, and those permits will not be revised.

(i) *Changed circumstances provided for in the plan.* If additional conservation and mitigation measures are deemed necessary to respond to changed circumstances and were provided for in the plan's operating conservation program, the permittee will implement the measures specified in the plan.

(ii) *Changed circumstances not provided for in the plan.* If additional conservation and mitigation measures are deemed necessary to respond to changed circumstances and were not provided for in the plan's operating conservation program, the Director will not require any conservation and mitigation measures in addition to those provided for in the plan without the consent of the permittee, provided the Director determines that the plan is being properly implemented.

(iii) *Unforeseen circumstances.* (A) In negotiating a response to unforeseen circumstances, the Director will not require the commitment of additional land, water, or financial compensation or additional restrictions on the use of land, water, or other natural resources beyond the level otherwise agreed upon for the species covered by the conservation plan without the consent of the permittee.

(B) If additional conservation and mitigation measures are deemed necessary to respond to unforeseen circumstances, the Director may require additional measures of the permittee where the conservation plan is being properly implemented, but only if such measures:

(*1*) Are limited to modifications within conserved habitat areas, if any, or to the conservation plan's operating conservation program for the affected species; and

(*2*) Maintain the original terms of the conservation plan to the maximum extent possible.

(*3*) Additional conservation and mitigation measures will not involve the commitment of additional land, water, or financial compensation or additional restrictions on the use of land, water, or other natural resources otherwise available for development or use under the original terms of the conservation plan, without the consent of the permittee.

(C) The Director will have the burden of demonstrating that unforeseen circumstances exist, using the best scientific and commercial data available. These findings must be clearly documented and based upon reliable technical information regarding the status and habitat requirements of the affected species. The factors to be considered by the Director include, but are not limited to, the following:

(*1*) Size of the current range of the affected species;

(*2*) Percentage of range adversely affected by the conservation plan;

(*3*) Percentage of range conserved by the conservation plan;

(*4*) Ecological significance of that portion of the range affected by the conservation plan;

(*5*) Level of knowledge about the affected species and the degree of specificity of the species' conservation program under the conservation plan; and

(*6*) Whether failure to adopt additional conservation measures would appreciably reduce the likelihood of survival and recovery of the affected species in the wild.

(6) *Additional actions.* Nothing in this section will be construed to limit or constrain the Director, any Federal, State, local, or Tribal government agency, or a private entity from taking additional actions, at their own expense, to protect or conserve a species included in a conservation plan.

(7) *Permit amendment or renewal.* Any amendment or renewal of an existing permit issued under this part is a new agency decision and is therefore subject to all current relevant laws and regulations. The application will be evaluated based on the current policies and guidance in effect at the time of the amendment or renewal decision. Evaluation of an amendment extends only to the portion(s) of the conservation plan or permit for which the amendment is requested. Amendment or renewal applications must meet issuance criteria based upon the best available commercial and scientific data at the time of the permit decision.

(8) *Discontinuance of permit activity.* Notwithstanding the provisions of §13.26 of this subchapter, a permittee

under this paragraph (b) remains responsible for any outstanding minimization and mitigation measures required under the terms of the permit for take that occurs prior to surrender of the permit and such minimization and mitigation measures as may be required pursuant to the termination provisions of an implementing agreement, conservation plan, or permit even after surrendering the permit to the Service pursuant to §13.26 of this subchapter.

(i) The Service will deem the permit canceled only upon a determination that such minimization and mitigation measures have been implemented.

(ii) Upon surrender of the permit, no further take by the permittee will be authorized under the terms of the surrendered permit.

(9) *Criteria for revocation.* A permit issued under this paragraph (b) may not be revoked for any reason except:

(i) The reasons set forth in §13.28(a)(1) through (4) of this subchapter; or

(ii) If continuation of the permitted activity would be inconsistent with the criterion set forth in 16 U.S.C. 1539(a)(2)(B)(iv) and the inconsistency has not been remedied.

(c)(1) *Application requirements for an enhancement of survival permit associated with conservation benefit agreements.* The applicant must submit Form 3–200–54, the processing fee (if applicable), and a conservation benefit agreement. The Service will process the application when the Director determines the application has met all statutory and regulatory requirements for a complete application. A conservation benefit agreement must include the following:

(i) *Conservation measures.* A complete description of the conservation measure or measures, including the location of the activity or activities to be covered by the permit, and their intended outcome for the covered species.

(ii) *Covered species.* The common and scientific names of the covered species for which the applicant will conduct conservation measures and may need authorization for take.

(iii) *Goals and objectives.* The measurable biological goals and objectives of the conservation measures in the agreement.

(iv) *Enrollment baseline.* The baseline condition of the property or area to be enrolled as defined in §17.3.

(v) *Net conservation benefit.* A description of how the measures are reasonably expected to improve each covered species' existing baseline condition on the enrolled property and result in a net conservation benefit as defined at §17.3.

(vi) *Monitoring.* The steps the applicant will take to monitor and adaptively manage to ensure the goals and objectives of the conservation benefit agreement are met, the responsibilities of all parties are carried out, and the conservation benefit agreement will be properly implemented.

(vii) *Neighboring property owners.* A description of the enrollment process to provide neighboring property owners take coverage under paragraph (c)(5)(ii) of this section, if applicable, or any other measures developed to protect the interests of neighboring property owners.

(viii) *Return to baseline condition.* The applicant's choice between including authorization to return the enrolled property to baseline condition or forgoing that authorization. For applicants seeking authority to return to baseline condition, a description of steps that may be taken to return the property to baseline condition and measures to reduce the effects of the take to the covered species.

(ix) *Additional actions.* Any other measures that the Director may require as necessary or appropriate to meet the issuance criteria in paragraph (c)(2) of this section or to avoid conflicts with other Service conservation efforts.

(2) *Issuance criteria.* Upon receiving an application completed in accordance with paragraph (c)(1) of this section, the Director will decide whether to issue a permit. The Director will consider the general issuance criteria in §13.21(b) of this subchapter, except for §13.21(b)(4), and may issue the permit if the Director finds:

(i) The take will be incidental to an otherwise lawful activity or purposeful if it is necessary for the implementation of the conservation benefit agreement and will be in accordance with the terms of the agreement.

(ii) The implementation of the terms of the conservation benefit agreement is reasonably expected to provide a net conservation benefit to the affected covered species on the enrolled property that is included in the permit and for each individual property within a programmatic conservation benefit agreement, based upon: condition of the species or habitat, effects of conservation measures, and anticipated impacts of any permitted take.

(iii) The direct and indirect effects of any authorized take are unlikely to appreciably reduce the likelihood of survival and recovery in the wild of any listed species.

(iv) Implementation of the terms of the conservation benefit agreement will not conflict with any ongoing conservation or recovery programs for listed species and the covered species included in the permit.

(v) The applicant has shown a capability for and commitment to implementing all terms of the conservation benefit agreement.

(3) *Permit conditions.* In addition to any applicable general permit conditions set forth in part 13 of this subchapter, every permit issued under this paragraph (c) is subject to the following special conditions:

(i) The participating property owner must notify the Service of any transfer of property subject to a conservation benefit agreement, at least 30 calendar days prior to the transfer.

(ii) The permittee must give the Service reasonable advance notice (generally at least 30 calendar days) of when take of any covered species is expected to occur, to provide the Service an opportunity to relocate affected individuals of the species, if possible and appropriate.

(iii) Any additional requirements or conditions the Director deems necessary or appropriate to carry out the purposes of the permit and the conservation benefit agreement.

(4) *Permit duration and effective date.* The duration of permits issued under paragraph (c) of this section must be sufficient to provide a net conservation benefit to species covered in the enhancement of survival permit on the enrolled property.

(i) In determining the duration of a permit, the Director will consider the duration of the planned activities, the uncertainties related to the impacts of the taking, and the positive and negative effects of the planned activities covered by the permit on species covered by the conservation benefit agreement.

(ii) Permits issued under this paragraph (c) become effective for listed covered species upon the date the permittee signs the enhancement of survival permit, which must be within 90 calendar days of issuance. For non-listed covered species, the take authorized through the permit becomes effective upon the effective date of the species' listing provided the permittee signed the permit within 90 calendar days of issuance and has properly implemented the conservation benefit agreement since signing the permit.

(5) *Assurances.* The assurances in paragraph (c)(5)(i) of this section apply only to enhancement of survival permits issued in accordance with paragraph (c)(2) of this section where the conservation benefit agreement is being properly implemented, apply only with respect to species covered by the permit, and are effective until the permit expires. The assurances provided in this section apply only to enhancement of survival permits issued after July 19, 1999.

(i) *Permittee and participating property owners.* The Director and the permittee may agree to revise or modify the conservation measures set forth in a conservation benefit agreement if the Director determines that those revisions or modifications do not change the Director's prior determination that the conservation benefit agreement is reasonably expected to provide a net conservation benefit to the covered species. However, the Director may not require additional or different conservation measures to be undertaken by a permittee without the consent of the permittee.

(ii) *Neighboring property owners.* The Director may provide take coverage in the enhancement of survival permit for owners of properties adjacent to properties covered by the conservation benefit agreement through enrollment procedures contained in the agreement.

The take covered and the method of providing take coverage will be tailored to the specific conservation benefit agreement and needs of adjacent property owners. One method is to have the neighboring property owner sign a certificate that applies the authorization and assurances in the permit to the neighboring property owner. The certificate must:

(A) Establish a baseline condition for the covered species on their property; and

(B) Give permission to the Service, the permittee, or a representative of either to enter the property, with reasonable notice, to capture and relocate, salvage, or implement measures to reduce anticipated take of the covered species.

(6) *Additional actions.* Nothing in this section will be construed to limit or constrain the Director, any Federal, State, local, or Tribal government agency, or a private entity from taking additional actions, at their own expense, to protect or conserve a species included in a conservation benefit agreement.

(7) *Permit amendment or renewal.* Any amendment or renewal of an existing permit issued under this part is a new agency decision and is therefore subject to all current relevant laws and regulations. The application will be evaluated based on the current policies and guidance in effect at the time of the amendment or renewal decision. Evaluation of an amendment extends only to the portion(s) of the conservation benefit agreement or permit for the which the amendment is requested. Amendment or renewal applications must meet issuance criteria based upon the best available commercial and scientific data at the time of the permit decision.

(8) *Discontinuance of permit activity.* Notwithstanding the provisions of §13.26 of this subchapter, a permittee under this paragraph (c) remains responsible for any outstanding conservation measures required under the terms of the permit for take that occurs prior to surrender of the permit and any conservation measures required pursuant to the termination provisions of the conservation benefit agreement or permit even after surrendering the permit to the Service pursuant to §13.26 of this subchapter.

(i) The permittee of a programmatic conservation benefit agreement that conveys take authorization and assurances to participants or enrollees must follow the provisions of §13.26 of this subchapter.

(ii) The permit will be deemed canceled only upon a determination by the Service that those conservation measure(s) have been implemented and the permittee has had ample time to return the permittee's property to baseline condition, if the permit authorized take associated with return to baseline and if the permittee chooses to exercise that authorization.

(iii) Upon surrender of the permit, no further take will be authorized under the terms of the surrendered permit, and the assurances in paragraph (c)(5)(i) of this section will no longer apply.

(9) *Criteria for revocation.* The Director may not revoke a permit issued under this paragraph (c) except as provided in this paragraph (c)(9).

(i) The Director may revoke a permit for any reason set forth in §13.28(a)(1) through (4) of this subchapter. The Director may revoke a permit if continuation of the covered activity would either:

(A) Appreciably reduce the likelihood of survival and recovery in the wild of any covered species; or

(B) Directly or indirectly alter designated critical habitat such that the value of that critical habitat is appreciably diminished for both the survival and recovery of a covered species.

(ii) Before revoking a permit for either of the reasons in paragraphs (c)(9)(i)(A) or (B) of this section, the Director, with the consent of the permittee, will pursue all appropriate options to avoid permit revocation. These options may include, but are not limited to, extending or modifying the existing permit, capturing and relocating the species, compensating the property owner to forgo the activity, purchasing an easement or fee simple interest in the property, or arranging for a third-

party acquisition of an interest in the property.

[50 FR 39689, Sept. 30, 1985, as amended at 63 FR 8871, Feb. 23, 1998; 63 FR 52635, Oct. 1, 1998; 64 FR 32714, June 17, 1999; 64 FR 52676, Sept. 30, 1999; 69 FR 24093, May 3, 2004; 69 FR 29670, May 25, 2004; 69 FR 71731, Dec. 10, 2004; 81 FR 95055, Dec. 27, 2016; 89 FR 23939, Apr. 5, 2024; 89 FR 26098, Apr. 12, 2024]

§ 17.40 Species-specific rules—mammals.

(a) Mazama pocket gophers (Olympia, Roy Prairie, Tenino, and Yelm) (*Thomomys mazama pugetensis, glacialis, tumuli,* and *yelmensis*)—(1) *Which populations of the Mazama pocket gopher are covered by this special rule?* This special rule covers the four Thurston/Pierce subspecies of the Mazama pocket gopher (Olympia, Roy Prairie, Tenino, and Yelm) (*Thomomys mazama pugetensis, glacialis, tumuli,* and *yelmensis*) wherever they occur.

(2) *What activities are prohibited?* Except as noted in paragraphs (a)(3) through (7) of this section, all prohibitions of §17.31 apply to the Olympia, Roy Prairie, Tenino, and Yelm pocket gophers.

(3) *What activities are allowed on civilian airports?* Incidental take of the Olympia, Roy Prairie, Tenino, and Yelm pocket gophers will not be a violation of section 9 of the Act, if the incidental take results from non-Federal routine maintenance activities in or adjacent to Mazama pocket gopher habitat and associated with airport operations on civilian airports. Routine maintenance activities include the following:

(i) Routine management, repair, and maintenance of runways, roads, and taxiways (does not include upgrades, or construction of new runways, roads, or taxiways, or new development at airports);

(ii) Hazing of hazardous wildlife;

(iii) Management of forage, water, and shelter to reduce the attractiveness of the area around airports for hazardous wildlife; and

(iv) Control or other management of noxious weeds and invasive plants through mowing, discing, herbicide and fungicide application, fumigation, or burning. Use of herbicides, fungicides, fumigation, and burning must occur in such a way that nontarget plants are avoided to the maximum extent practicable.

(4) *What agricultural activities are allowed on non-Federal lands?* Incidental take of the Olympia, Roy Prairie, Tenino, and Yelm pocket gophers will not be a violation of section 9 of the Act, if the incidental take results from agricultural or horticultural (farming) practices implemented on such lands consistent with State laws on non-Federal lands. For the purposes of this special rule, farm means any facility, including land, buildings, watercourses, and appurtenances, used in the commercial production of crops, nursery or orchard stock, the propagation and raising of nursery or orchard stock, livestock or poultry, or livestock or poultry products.

(i) For the purposes of this special rule, an agricultural (farming) practice means a mode of operation on a farm that:

(A) Is or may be used on a farm of a similar nature;

(B) Is a generally accepted, reasonable, and prudent method for the operation of the farm to obtain a profit in money;

(C) Is or may become a generally accepted, reasonable, and prudent method in conjunction with farm use;

(D) Complies with applicable State laws;

(E) Is done in a reasonable and prudent manner.

(ii) Accepted agricultural or horticultural (farming) practices include:

(A) Grazing;

(B) Routine installation, management, and maintenance of stock water facilities such as stock ponds, berms, troughs, and tanks, pipelines and watering systems to maintain water supplies;

(C) Routine maintenance or construction of fencing;

(D) Planting, harvest, fertilization, harrowing, tilling, or rotation of crops (Disturbance to the soils shall not exceed a 12-inch (30.5-cm) depth. All activities that do not disturb the soil surface are also allowed, such as haying, baling, some orchard and berry plant management activities, etc.);

(E) Maintenance of livestock management facilities such as corrals, sheds, and other ranch outbuildings;

(F) Repair and maintenance of unimproved agricultural roads (This exemption does not include improvement, upgrade, or construction of new roads.);

(G) Placement of mineral supplements, plant nutrients, or soil amendments;

(H) Harvest, control, or other management of noxious weeds and invasive plants through mowing, discing, herbicide and fungicide application, fumigation, or burning (Use of herbicides, fungicides, fumigation, and burning must occur in such a way that nontarget plants are avoided to the maximum extent practicable.); and

(I) Deep tillage (usually at depths of 18–36 inches (45.7–91.4 cm), for compaction reduction purposes) occurring between September 1 and February 28, no more often than once in 10 years.

(5) *What noncommercial activities are allowed on single-family residential private land?* Incidental take of the Olympia, Roy Prairie, Tenino, and Yelm pocket gophers will not be a violation of section 9 of the Act, if the incidental take results from noncommercial activities that occur in or adjacent to Mazama pocket gopher habitat on existing single-family residential properties. These activities include the following:

(i) Harvest, control, or other management of noxious weeds and invasive plants through mowing, herbicide and fungicide application, fumigation, or burning. Use of herbicides, fungicides, fumigation, and burning must occur in such a way that nontarget plants are avoided to the maximum extent practicable;

(ii) Construction and placement of fencing, garden plots, or play equipment; and

(iii) Construction and placement of dog kennels, carports, or storage sheds less than 120 ft^2 (11.15 m^2) in size.

(6) *What noxious weed and invasive plant control activities are allowed on non-Federal lands?* Incidental take of the Olympia, Roy Prairie, Tenino, and Yelm pocket gophers will not be a violation of section 9 of the Act, if the incidental take results from routine removal or other management of noxious weeds and invasive plants. Routine removal or other management of noxious weeds and invasive plants are limited to the following, and must be conducted in a way that impacts to nontarget plants are avoided to the maximum extent practicable:

(i) Mowing;

(ii) Discing;

(iii) Herbicide and fungicide application;

(iv) Fumigation; and

(v) Burning.

(7) *What roadside right-of-way maintenance activities are allowed on Federal and non-Federal lands?* Incidental take of the Olympia, Roy Prairie, Tenino, and Yelm pocket gophers will not be a violation of section 9 of the Act, if the incidental take results from routine maintenance of roadside rights-of-way on Federal and non-Federal lands. Routine maintenance activities of roadside rights-of-way of highways and roads are limited to the following, and must be conducted in a way that impacts to nontarget plants are avoided to the maximum extent practicable:

(i) Mowing;

(ii) Mechanical removal of noxious weeds or invasive plants;

(iii) Selective application of herbicides for removal of noxious weeds or invasive plants; and

(iv) Repair or maintenance of fences.

(b) Grizzly bear (*Ursus arctos horribilis*)—(1) *Prohibitions.* The following prohibitions apply to the grizzly bear:

(i) *Taking.* (A) Except as provided in paragraphs (b)(1)(i)(B) through (F) of this section, no person shall take any grizzly bear in the 48 conterminous states of the United States.

(B) Grizzly bears may be taken in self-defense or in defense of others, but such taking shall be reported by the individual who has taken the bear or his designee within 5 days of occurrence to the Resident Agent in Charge, Office of Law Enforcement, U.S. Fish and Wildlife Service, 2900 4th Avenue North, Suite 301, Billings, MT 59101 (406–247–7355), if occurring in Montana or Wyoming, or the Special Agent in Charge, Office of Law Enforcement, U.S. Fish

and Wildlife Service, P.O. Box 9, Sherwood, OR 97140 (503–521–5300), if occurring in Idaho or Washington, and to appropriate State and Tribal authorities. Grizzly bears taken in self-defense or in defense of others, including the parts of such bears, shall not be possessed, delivered, carried, transported, shipped, exported, received, or sold, except by Federal, State, or Tribal authorities.

(C) *Removal of nuisance bears.* A grizzly bear consituting a demonstrable but non immediate threat to human safety or committing significant depredations to lawfully present livestock, crops, or beehives may be taken, but only if:

(*1*) It has not been reasonably possible to eliminate such threat or depredation by live-capturing and releasing unharmed in a remote area the grizzly bear involved; and

(*2*) The taking is done in a humane manner by authorized Federal, State, or Tribal authorities, and in accordance with current interagency guidelines covering the taking of such nuisance bears; and

(*3*) The taking is reported within 5 days of occurrence to the appropriate U.S. Fish and Wildlife Service law enforcement office, as indicated in paragraph (b)(1)(i)(B) of this section, and to appropriate State and Tribal authorities.

(D) *Federal, State, or Tribal scientific or research activities.* Federal, State, or Tribal authorities may take grizzly bears for scientific or research purposes, but only if such taking does not result in death or permanent injury to the bears involved. Such taking must be reported within 5 days of occurrence to the appropriate U.S. Fish and Wildlife Service law enforcement office, as indicated in paragraph (b)(1)(i)(B) of this section, and to appropriate State and Tribal authorities.

(E) [Reserved]

(F) *National Parks.* The regulations of the National Park Service shall govern all taking of grizzly bears in National Parks.

(ii) *Unlawfully taken grizzly bears.* (A) Except as provided in paragraphs (b)(1)(ii)(B) and (iv) of this section, no person shall possess, deliver, carry, transport, ship, export, receive, or sell any unlawfully taken grizzly bear. Any unlawful taking of a grizzly bear shall be reported within 5 days of occurrence to the appropriate U.S. Fish and Wildlife Service law enforcement office, as indicated in paragraph (b)(1)(i)(B) of this section, and to appropriate State and Tribal authorities.

(B) Authorized Federal, State, or Tribal employees, when acting in the course of their official duties, may, for scientific or research purposes, possess, deliver, carry, transport, ship, export, or receive unlawfully taken grizzly bears.

(iii) *Import or export.* Except as provided in paragraphs (b)(1)(iii) (A) and (B) and (iv) of this section, no person shall import any grizzly bear into the United States.

(A) *Federal, State, or Tribal scientific or research activities.* Federal, State, or Tribal authorities may import grizzly bears into the United States for scientific or research purposes.

(B) *Public zoological institution.* Public zoological institutions (see 50 CFR 10.12) may import grizzly bears into the United States.

(iv) *Commercial transactions.* (A) Except as provided in paragraph (b)(1)(iv)(B) of this section, no person shall, in the course of commercial activity, deliver, receive, carry, transport, or ship in interstate or foreign commerce any grizzly bear.

(B) A public zoological institution (see 50 CFR 10.12) dealing with other public zoological institutions may sell grizzly bears or offer them for sale in interstate or foreign commerce, and may, in the course of commercial activity, deliver, receive, carry, transport, or ship grizzly bears in interstate or foreign commerce.

(v) *Other violations.* No person shall attempt to commit, cause to be committed, or solicit another to commit any act prohibited by paragraph (b)(1) of this section.

(2) *Definitions.* As used in paragraph (b) of this section:

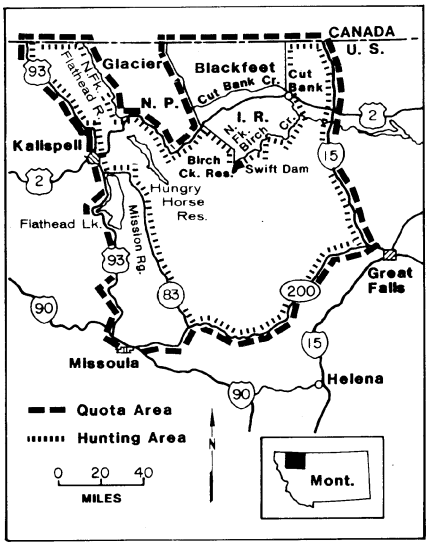
Grizzly bear means any member of the species *Ursus arctos horribilis* of the 48 conterminous States of the United States, including any part, offspring, dead body, part of a dead body, or product of such species.

Grizzly bear accompanied by young means any grizzly bear having offspring, including one or more cubs, yearlings, or 2-year-olds, in its immediate vicinity.

Identified means permanently marked or documented so as to be identifiable by law enforcement officials at a subsequent date.

State, Federal or Tribal authority means an employee of State, Federal, or Indian Tribal government who, as part of his/her official duties, normally handles grizzly bears.

Young grizzly bear means a cub, yearling, or 2-year-old grizzly bear.



(c) *Primates.* (1) Except as noted in paragraph (c)(2) of this section, all provisions of §17.31 apply to the lesser slow loris *(Nycticebus pygmaeus);* Philippine tarsier *(Tarsius syrichta);* white-footed tamarin *(Saguinus leucopus*); black howler monkey *(Alouatta pigra);* stump-tailed macaque *(Macaca arctoides);* gelada baboon *(Theropithecus gelada);* Formosan rock macaque *(Macaca cyclopis);* Japanese macaque (*Macaca fuscata);* Toque macaque (*Macaca sinica);* long-tailed langur *(Presbytis potenziani);* and purple-faced langur *(Presbytis senex).*

(2) The prohibitions referred to above do not apply to any live member of such species held in captivity in the United States on the effective date of the final rulemaking, or to the progeny of such animals, or to the progeny of animals legally imported into the United States after the effective date of the final rulemaking, *Provided,* That the person wishing to engage in any activity which would otherwise be prohibited must be able to show satisfactory documentary or other evidence as to the captive status of the particular member of the species on the effective date of this rulemaking or that the particular member of the species was born in captivity in the United States after the effective date of this rulemaking. Identification of the particular member to a record in the International Species Inventory System (ISIS), or to a Federal, State or local government permit, shall be deemed to be satisfactory evidence. Records in the form of studbooks or inventories, kept in the normal course of business, shall be acceptable as evidence, provided that a notarized statement is inserted in such record to the effect that:

(i) The records were kept in the normal course of business prior to November 18, 1976, and accurately identify (by use of markers, tags, or other acceptable marking devices) individual animals; or

(ii) That the individual animal identified by the records was born in captivity on ____(Date).

The notarized statement in paragraph (c)(2)(i) of this section, shall be acceptable only if the notarization is dated on or before January 3, 1977. The notarized statement in paragraph (c)(2)(ii), of this section, shall be acceptable only if the notarization is dated within 15 days of the date of birth of the animal.

(d) Gray wolf (*Canis lupus*) in Minnesota.

(1) *Zones.* For purposes of these regulations, the State of Minnesota is divided into the following five zones:

(i) Zone 1—4,488 square miles. Beginning at the point of intersection of United States and Canadian boundaries in Section 22, Township 71 North, Range 22 West, in Rainy Lake, then proceeding along the west side of Sections 22, 27, and 34 in said Township and Sections 3, 10, 15, 22, 27, and 34 in Township 70 North, Range 22 West and Sections 3 and 10 in Township 69 North,

Range 22 West; then east along the south boundaries of Sections 10, 11, and 12 in said Township; then south along the Koochiching and St. Louis Counties line to Highway 53; thence southeasterly along State Highway 53 to the junction with County Route 765; thence easterly along County Route 765 to the junction with Kabetogama Lake in Ash River Bay; thence along the south boundary of Section 33 in Township 69 North, Range 19 West, to the junction with the Moose River; thence southeasterly along the Moose River to Moose Lake; thence along the western shore of Moose Lake to the river between Moose Lake and Long Lake; thence along the said river to Long Lake; thence along the east shore of Long Lake to the drainage on the southeast side of Long Lake in NE\1/4\, Section 18, Township 67 North, Range 18 West; thence along the said drainage southeasterly and subsequently northeasterly to Marion Lake, the drainage being in Sections 17 and 18, Township 67 North, Range 18 West; thence along the west shoreline of Marion Lake proceeding southeasterly to the Moose Creek; thence along Moose Creek to Flap Creek; thence southeasterly along Flap Creek to the Vermilion River; thence southerly along the Vermilion River to Vermilion Lake; thence along the Superior National Forest boundary in a southeasterly direction through Vermilion Lake passing these points: Oak Narrows, Muskrat Channel, South of Pine Island, to Hoodoo Point and the junction with County Route 697; thence southeasterly on County Route 697 to the junction with State Highway 169; thence easterly along State Highway 169 to the junction with State Highway 1; thence easterly along State Highway 1 to the junction with the Erie Railroad tracks at Murphy City; thence easterly along the Erie Railroad tracks to the junction with Lake Superior at Taconite Harbor; thence northeasterly along the North Shore of Lake Superior to the Canadian Border; thence westerly along the Canadian Border to the point of beginning in Rainy Lake.

(ii) Zone 2—1,856 square miles. Beginning at the intersection of the Erie Mining Co. Railroad and State Highway 1 (Murphy City); thence southeasterly on State Highway 1 to the junction with County Road 4; thence southwesterly on County Road 4 to the State Snowmobile Trail (formerly the Alger-Smith Railroad); thence southwesterly to the intersection of the Old Railroad Grade and Reserve Mining Co. Railroad in Section 33 of Township 56 North, Range 9 West; thence northwesterly along the Railroad to Forest Road 107; thence westerly along Forest Road 107 to Forest Road 203; thence westerly along Forest Road 203 to the junction with County Route 2; thence in a northerly direction on County Route 2 to the junction with Forest Road 122; thence in a westerly direction along Forest Road 122 to the junction with the Duluth, Missabe and Iron Range Railroad; thence in a southwesterly direction along the said railroad tracks to the junction with County Route 14; thence in a northwesterly direction along County Route 14 to the junction with County Route 55; thence in a westerly direction along County Route 55 to the junction with County Route 44; thence in a southerly direction along County Route 44 to the junction with County Route 266; thence in a southeasterly direction along County Route 266 and subsequently in a westerly direction to the junction with County Road 44; thence in a northerly direction on County Road 44 to the junction with Township Road 2815; thence westerly along Township Road 2815 to Alden Lake; thence northwesterly across Alden Lake to the inlet of the Cloquet River; thence northerly along the Cloquet River to the junction with Carrol Trail-State Forestry Road; thence west along the Carrol Trail to the junction with County Route 4 and County Route 49; thence west along County Route 49 to the junction with the Duluth, Winnipeg and Pacific Railroad; thence in a northerly direction along said Railroad to the junction with the Whiteface River; thence in a northeasterly direction along the Whiteface River to the Whiteface Reservoir; thence along the western shore of the Whiteface Reservoir to the junction with County Route 340; thence north along County Route 340 to the junction with County Route 16; thence east along County Route 16 to the junction with County Route 346; thence in a northerly direction along County

Route 346 to the junction with County Route 569; thence along County Route 569 to the junction with County Route 565; thence in a westerly direction along County Route 565 to the junction with County Route 110; thence in a westerly direction along County Route 110 to the junction with County Route 100; thence in a north and subsequent west direction along County Route 100 to the junction with State Highway 135; thence in a northerly direction along State Highway 135 to the junction with State Highway 169 at Tower; thence in an easterly direction along the southern boundary of Zone 1 to the point of beginning of Zone 2 at the junction of the Erie Railroad Tracks and State Highway 1.

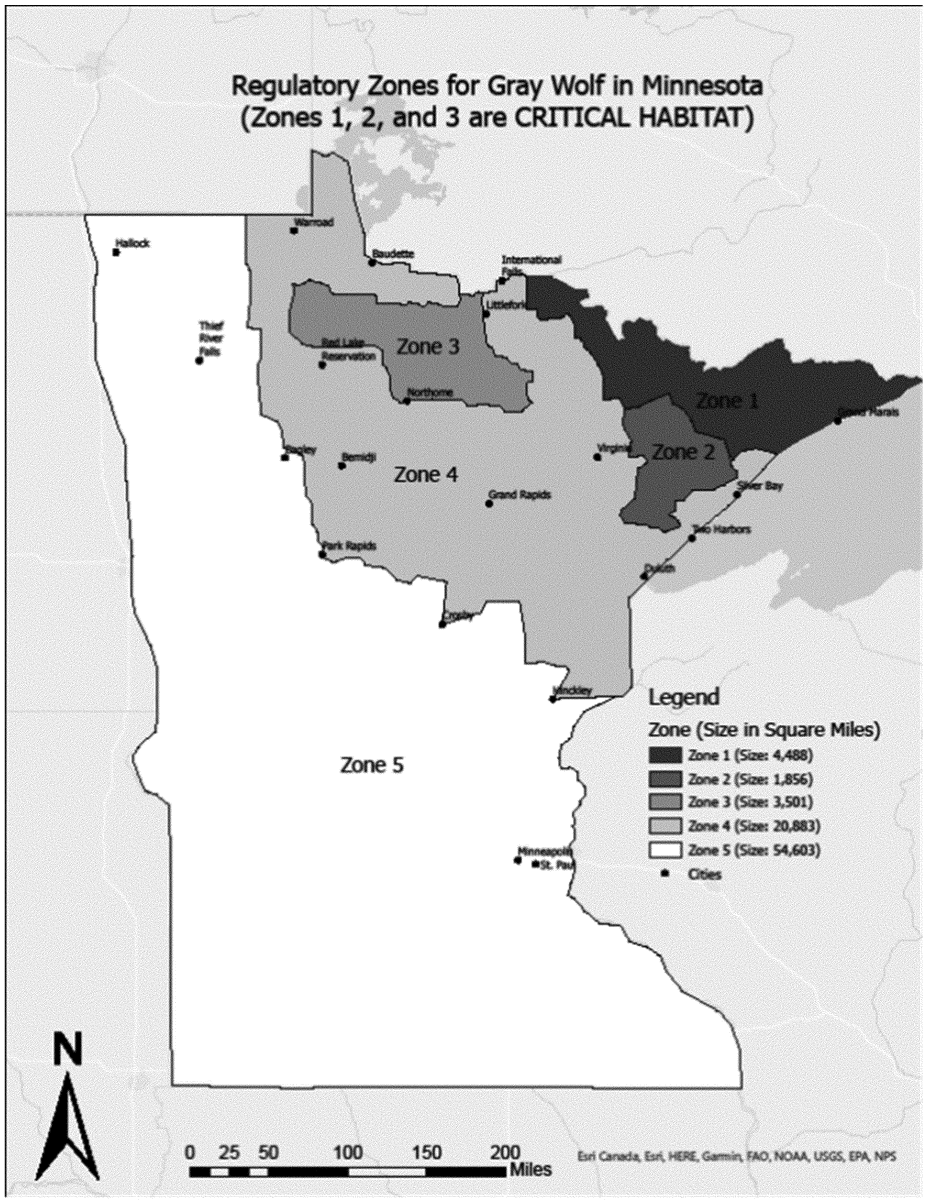
(iii) Zone 3—3,501 square miles. Beginning at the junction of State Highway 11 and State Highway 65; thence southeasterly along State Highway 65 to the junction with State Highway 1; thence westerly along State Highway 1 to the junction with State Highway 72; thence north along State Highway 72 to the junction with an un-numbered township road beginning in the northeast corner of Section 25, Township 155 North, Range 31 West; thence westerly along the said road for approximately seven (7) miles to the junction with SFR 95: thence westerly along SFR 95 and continuing west through the southern boundary of Sections 36 through 31, Township 155 North, Range 33 West, through Sections 36 through 31, Township 155 North, Range 34 West, through Sections 36 through 31, Township 155 North, Range 35 West, through Sections 36 and 35, Township 155 North, Range 36 West to the junction with State Highway 89, thence northwesterly along State Highway 89 to the junction with County Route 44; thence northerly along County Route 44 to the junction with County Route 704; thence northerly along County 704 to the junction with SFR 49; thence northerly along SFR 49 to the junction with SFR 57; thence easterly along SFR 57 to the junction with SFR 63: thence south along SFR 63 to the junction with SFR 70; thence easterly along SFR 70 to the junction with County Route 87; thence easterly along County Route 87 to the junction with County Route 1; thence south along County Route 1 to the junction with County Route 16; thence easterly along County Route 16 to the junction with State Highway 72; thence south on State Highway 72 to the junction with a gravel road (un-numbered County District Road) on the north side of Section 31, Township 158 North, Range 30 West; thence east on said District Road to the junction with SFR 62; thence easterly on SFR 62 to the junction with SFR 175; thence south on SFR 175 to the junction with County Route 101; thence easterly on County Route 101 to the junction with County Route 11; thence easterly on County Route 11 to the junction with State Highway 11; thence easterly on State Highway 11 to the junction with State Highway 65, the point of beginning.

(iv) Zone 4—20,883 square miles. Excluding Zones 1, 2 and 3, all that part of Minnesota north and east of a line beginning on State Trunk Highway 48 at the eastern boundary of the State; thence westerly along Highway 48 to Interstate Highway 35; thence northerly on I–35 to State Highway 23, thence west one-half mile on Highway 23 to State Trunk Highway 18; thence westerly along Highway 18 to State Trunk Highway 65, thence northerly on Highway 65 to State Trunk Highway 210; thence westerly along Highway 210 to State Trunk Highway 6; thence northerly on State Trunk Highway 6 to Emily; thence westerly along County State Aid Highway (CSAH) 1, Crow Wing County, to CSAH 2, Cass County; thence westerly along CSAH 2 to Pine River; thence northwesterly along State Trunk Highway 371 to Backus; thence westerly along State Trunk Highway 87 to U.S. Highway 71; thence northerly along U.S. 71 to State Trunk Highway 200; thence northwesterly along Highway 200, to County State Aid Highway (CSAH) 2, Clearwater County; thence northerly along CSAH 2 to Shevlin; thence along U.S. Highway 2 to Bagley; thence northerly along State Trunk Highway 92 to Gully; thence northerly along CSAH 2, Polk County, to CSAH 27, Pennington County; thence along CSAH 27 to State Trunk Highway 1; thence easterly on Highway 1 to CSAH 28, Pennington County; thence northerly along CSAH 28 to CSAH 54, Marshall County, thence northerly along CSAH 54 to Grygla;

thence west and northerly along Highway 89 to Roseau; thence northerly along State Truck Highway 310 to the Canadian border.

(v) Zone 5—54,603 square miles. All that part of Minnesota south and west of the line described as the south and west border of Zone 4.

(vi) Map of regulatory zones follows:



(2) *Prohibitions.* The following prohibitions apply to the gray wolf in Minnesota.

(i) *Taking.* Except as provided in this paragraph (d)(2)(i) of this section, no person may take a gray wolf in Minnesota.

(A) Any person may take a gray wolf in Minnesota in defense of his own life or the lives of others.

(B) Any employee or agent of the Service, any other Federal land management agency, or the Minnesota Department of Natural Resources, who is designated by his/her agency for such purposes, may, when acting in the course of his or her official duties, take a gray wolf in Minnesota without a permit if such action is necessary to:

(*1*) Aid a sick, injured, or orphaned specimen; or

(*2*) Dispose of a dead specimen; or

(*3*) Salvage a dead specimen which may be useful for scientific study.

(C) Designated employees or agents of the Service or the Minnesota Department of Natural Resources may take a gray wolf without a permit in Minnesota, in zones 2, 3, 4, and 5, as delineated in paragraph (d)(l) of this section, in response to depredations by a gray wolf on lawfully present domestic animals: Provided, that such taking must occur within one-half mile of the place where such depredation occurred and must be performed in a humane manner: And provided further, that any young of the year taken on or before August 1 of that year must be released.

(D) Any taking pursuant to paragraph (d)(2)(i)(A), (d)(2)(i)(B), or (d)(2)(i)(C) of this section must be reported by email to the Twin Cities Ecological Service Field Office at *twincities@fws.gov* within 5 days. The specimen may only be retained, disposed of, or salvaged in accordance with directions from the Service.

(E) Any employee or agent of the Service or the Minnesota Department of Natural Resources, when operating under a Cooperative Agreement with the Service signed in accordance with section 6(c) of the Endangered Species Act of 1973, who is designated by the Service or the Minnesota Department of Natural Resources for such purposes, may, when acting in the course of his or her official duties, take a gray wolf in Minnesota to carry out scientific research or conservation programs.

(ii) *Export and commercial transactions.* Except as may be authorized by a permit issued under §17.32, no person may sell or offer for sale in interstate commerce, import or export, or in the course of a commercial activity transport, ship, carry, deliver, or receive any Minnesota gray wolf.

(iii) *Unlawfully taken wolves.* No person may possess, sell, deliver, carry, transport, or ship, by any means whatsoever, a gray wolf taken unlawfully in Minnesota, except that an employee or agent of the Service, or any other Federal land management agency, or the Minnesota Department of Natural Resources, who is designated by his/her agency for such purposes, may, when acting in the course of his official duties, possess, deliver, carry, transport, or ship a gray wolf taken unlawfully in Minnesota.

(3) *Permits.* All permits available under §17.32 (General Permits—Threatened Wildlife) are available with regard to the gray wolf in Minnesota. All the terms and provisions of §17.32 apply to such permits issued under the authority of this paragraph (d)(3).

(e) African elephant (*Loxodonta africana*). This paragraph (e) applies to any specimen of the species *Loxodonta africana* whether live or dead, including any part or product thereof. The African Elephant Conservation Act (16 U.S.C. 4201 *et. seq.*), and any moratorium under that act, also applies. Except as provided in paragraphs (e)(2) through (11) of this section, all of the prohibitions and exceptions in §§17.31 and 17.32 apply to the African elephant. Persons seeking to benefit from the exceptions provided in this paragraph (e) must demonstrate that they meet the criteria to qualify for the exceptions.

(1) *Definitions.* In this paragraph (e), the following terms have these meanings:

Antique means any item that meets all four criteria under section 10(h) of the Endangered Species Act (16 U.S.C. 1539(h)).

Ivory means any African elephant tusk and any piece of an African elephant tusk.

Range country means a country that exercises jurisdiction over part of the natural geographic range of the African elephant including the following: Angola; Benin; Botswana; Burkina Faso; Cameroon; Central African Republic; Chad; Congo, Republic of the; Congo, The Democratic Republic of the; Côte d'Ivoire; Equatorial Guinea; Eritrea; Eswatini; Ethiopia; Gabon; Ghana; Guinea; Guinea-Bissau; Kenya; Liberia; Malawi; Mali; Mozambique; Namibia; Niger; Nigeria; Rwanda; Senegal; Sierra Leone; Somalia; South Africa; South Sudan; Tanzania, United Republic of; Togo; Uganda; Zambia; and Zimbabwe.

Raw ivory means any African elephant tusk, and any piece thereof, the surface of which, polished or unpolished, is unaltered or minimally carved.

Worked ivory means any African elephant tusk, and any piece thereof, that is not raw ivory.

(2) *Parts and products other than ivory and sport-hunted trophies.* African elephant parts and products other than ivory and sport-hunted trophies may be imported into or exported from the United States; sold or offered for sale in interstate or foreign commerce; and delivered, received, carried, transported, or shipped in interstate or foreign commerce in the course of a commercial activity without a threatened species permit issued under §17.32, provided the requirements in 50 CFR parts 13, 14, and 23 and paragraph (e)(11) of this section have been met.

(3) *Interstate and foreign commerce of ivory.* Except for antiques and certain manufactured or handcrafted items containing *de minimis* quantities of ivory, sale or offer for sale of ivory in interstate or foreign commerce and delivery, receipt, carrying, transport, or shipment of ivory in interstate or foreign commerce in the course of a commercial activity is prohibited. Except as provided in paragraphs (e)(5)(iii) and (e)(6) through (8) of this section, manufactured or handcrafted items containing *de minimis* quantities of ivory may be sold or offered for sale in interstate or foreign commerce and delivered, received, carried, transported, or shipped in interstate or foreign commerce in the course of a commercial activity without a threatened species permit issued under §17.32, provided they meet all of the following criteria:

(i) If the item is located within the United States, the ivory was imported into the United States prior to January 18, 1990, or was imported into the United States under a Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) pre-Convention certificate with no limitation on its commercial use;

(ii) If the item is located outside the United States, the ivory was removed from the wild prior to February 26, 1976;

(iii) The ivory is a fixed or integral component or components of a larger manufactured or handcrafted item and is not in its current form the primary source of the value of the item, that is, the ivory does not account for more than 50 percent of the value of the item;

(iv) The ivory is not raw;

(v) The manufactured or handcrafted item is not made wholly or primarily of ivory, that is, the ivory component or components do not account for more than 50 percent of the item by volume;

(vi) The total weight of the ivory component or components is less than 200 grams; and

(vii) The item was manufactured or handcrafted before July 6, 2016.

(4) *Import/export of raw ivory.* Except as provided in paragraphs (e)(6) through (9) of this section, raw ivory may not be imported into or exported from the United States.

(5) *Import/export of worked ivory.* Except as provided in paragraphs (e)(6) through (9) of this section, worked ivory may not be imported into or exported from the United States unless it is contained in a musical instrument, or is part of a traveling exhibition, household move, or inheritance, and meets the following criteria:

(i) *Musical instrument.* Musical instruments that contain worked ivory may be imported into and exported from the United States without a threatened species permit issued under §17.32 of this part provided:

(A) The ivory was legally acquired prior to February 26, 1976;

(B) The instrument containing worked ivory is accompanied by a valid CITES musical instrument certificate or equivalent CITES document;

(C) The instrument is securely marked or uniquely identified so that authorities can verify that the certificate corresponds to the musical instrument in question; and

(D) The instrument is not sold, traded, or otherwise disposed of while outside the certificate holder's country of usual residence.

(ii) *Traveling exhibition.* Worked ivory that is part of a traveling exhibition may be imported into and exported from the United States without a threatened species permit issued under §17.32 provided:

(A) The ivory was legally acquired prior to February 26, 1976;

(B) The item containing worked ivory is accompanied by a valid CITES traveling exhibition certificate (see the requirements for traveling exhibition certificates at 50 CFR 23.49) or equivalent CITES document;

(C) The item containing ivory is securely marked or uniquely identified so that authorities can verify that the certificate corresponds to the item in question; and

(D) The item containing worked ivory is not sold, traded, or otherwise disposed of while outside the certificate holder's country of usual residence.

(iii) *Household move or inheritance.* Worked ivory may be imported into or exported from the United States without a threatened species permit issued under §17.32 for personal use as part of a household move or as part of an inheritance if the ivory was legally acquired prior to February 26, 1976, and the item is accompanied by a valid CITES pre-Convention certificate. It is unlawful to sell or offer for sale in interstate or foreign commerce or to deliver, receive, carry, transport, or ship in interstate or foreign commerce and in the course of a commercial activity any African elephant ivory imported into the United States as part of a household move or inheritance. The exception in paragraph (e)(3) of this section regarding manufactured or handcrafted items containing *de minimis* quantities of ivory does not apply to items imported or exported under this paragraph (e)(5)(iii) as part of a household move or inheritance.

(6) *Sport-hunted trophies.* (i) African elephant sport-hunted trophies may be imported into the United States provided:

(A) The trophy was legally taken in an African elephant range country that declared an ivory export quota to the CITES Secretariat for the year in which the trophy animal was killed;

(B) A determination is made that the killing of the trophy animal will enhance the survival of the species and the trophy is accompanied by a threatened species permit issued under §17.32;

(C) The trophy is legibly marked in accordance with 50 CFR part 23;

(D) The requirements in 50 CFR parts 13, 14, and 23 and paragraph (e)(11) of this section have been met; and

(E) No more than two African elephant sport-hunted trophies are imported by any hunter in a calendar year.

(ii) For African elephant sport-hunted trophies taken on or after May 1, 2024, to make an enhancement determination under paragraph (e)(6)(i)(B) of this section and §17.32, the Service must possess a properly documented and verifiable certification by the government of the range country dated no earlier than 1 year prior to the date the elephant is taken that:

(A) African elephant populations in the range country are biologically sustainable, as well as sufficiently large to sustain sport hunting at the level authorized by the country.

(B) Regulating authorities have the capacity to obtain sound data on these populations using scientifically based methods consistent with peer-reviewed literature.

(C) Regulating authorities recognize these populations as a valuable resource and have the legal and practical capacity to manage them for their conservation.

(D) Regulating governments follow the rule of law concerning African elephant conservation and management.

(E) The current viable habitat of these populations is secure and is not decreasing or degrading.

(F) Regulating authorities can ensure that the involved trophies have in fact

been legally taken from the specified populations.

(G) Funds derived from the involved sport hunting are applied significantly toward African elephant conservation, including funds used for:

(1) Managing protected habitat, securing additional habitat, or restoring habitat to secure long-term populations of elephants in their natural ecosystems and habitats, including corridors between protected areas;

(2) Improving the quality and carrying capacity of existing habitats;

(3) Helping range country governments to produce or strengthen regional and national elephant conservation strategies and laws;

(4) Developing capacity within the range country to survey, census, and monitor elephant populations;

(5) Conducting elephant population surveys;

(6) Supporting enforcement efforts to combat poaching of African elephants; and

(7) Supporting local communities to help conserve the species in the wild through protecting, expanding, or restoring habitat or other methods used to prevent or mitigate human–elephant conflict.

(iii) It is unlawful to sell or offer for sale in interstate or foreign commerce or to deliver, receive, carry, transport, or ship in interstate or foreign commerce and in the course of a commercial activity any sport-hunted African elephant trophy. The exception in paragraph (e)(3) of this section regarding manufactured or handcrafted items containing *de minimis* quantities of ivory does not apply to ivory imported or exported under this paragraph (e)(6) as part of a sport-hunted trophy.

(iv) Except as provided in paragraph (e)(9) of this section, raw ivory that was imported as part of a sport-hunted trophy may not be exported from the United States. Except as provided in paragraphs (e)(5), (e)(7), (e)(8), and (e)(9) of this section, worked ivory imported as a sport-hunted trophy may not be exported from the United States. Parts of a sport-hunted trophy other than ivory may be exported from the United States without a threatened species permit issued under §17.32, provided the requirements of 50 CFR parts 13, 14, and 23 have been met.

(7) *Import/export of ivory for law enforcement purposes.* Raw or worked ivory may be imported into and worked ivory may be exported from the United States by an employee or agent of a Federal, State, or tribal government agency for law enforcement purposes, without a threatened species permit issued under §17.32, provided the requirements of 50 CFR parts 13, 14, and 23 have been met. It is unlawful to sell or offer for sale in interstate or foreign commerce and to deliver, receive, carry, transport, or ship in interstate or foreign commerce and in the course of a commercial activity any African elephant ivory that was imported into or exported from the United States for law enforcement purposes. The exception in paragraph (e)(3) of this section regarding manufactured or handcrafted items containing *de minimis* quantities of ivory does not apply to ivory imported or exported under this paragraph (e)(7) for law enforcement purposes.

(8) *Import/export of ivory for genuine scientific purposes.* (i) Raw or worked ivory may be imported into and worked ivory may be exported from the United States for genuine scientific purposes that will contribute to the conservation of the African elephant, provided:

(A) It is accompanied by a threatened species permit issued under §17.32; and

(B) The requirements of 50 CFR parts 13, 14, and 23 have been met.

(ii) It is unlawful to sell or offer for sale in interstate or foreign commerce and to deliver, receive, carry, transport, or ship in interstate or foreign commerce and in the course of a commercial activity any African elephant ivory that was imported into or exported from the United States for genuine scientific purposes. The exception in paragraph (e)(3) of this section regarding manufactured or handcrafted items containing *de minimis* quantities of ivory does not apply to ivory imported or exported under this paragraph (e)(8) for genuine scientific purposes.

(9) *Antique ivory.* Antiques (as defined in paragraph (e)(1) of this section) are not subject to the provisions of this rule. Antiques containing or consisting

of ivory may, therefore, be imported into or exported from the United States without a threatened species permit issued under §17.32, provided the requirements of 50 CFR parts 13, 14, and 23 have been met. Nevertheless, nothing in this rule interprets or changes any provisions or prohibitions that may apply under the African Elephant Conservation Act (16 U.S.C. 4201 *et seq.*), regardless of the age of the item. Antiques that consist of or contain raw or worked ivory may similarly be sold or offered for sale in interstate or foreign commerce and delivered, received, carried, transported, or shipped in interstate or foreign commerce in the course of a commercial activity without a threatened species permit issued under §17.32.

(10) *Live African elephants.* (i) Live African elephants may be imported into the United States, provided the Service determines that the activity will enhance the survival of the species, the Service finds that the proposed recipient is suitably equipped to house and care for the live elephant (see criteria in §23.65 of this chapter), the animal is accompanied by a threatened species permit issued under §17.32, and the requirements in 50 CFR parts 13, 14, and 23 and paragraph (e)(11) of this section have been met.

(ii) To make an enhancement determination for the import of wild-sourced live African elephants under paragraph (e)(10)(i) of this section and §17.32, the Service must possess a properly documented and verifiable certification by the government of the range country dated no earlier than 1 year prior to the date the elephant is removed from the wild that:

(A) African elephant populations in the range country are biologically sustainable, as well as sufficiently large to sustain removal of live elephants at the level authorized by the country.

(B) Regulating authorities have the capacity to obtain sound data on these populations using scientifically based methods consistent with peer-reviewed literature.

(C) Regulating authorities recognize these populations as a valuable resource and have the legal and practical capacity to manage them for their conservation.

(D) Regulating governments follow the rule of law concerning African elephant conservation and management.

(E) The current viable habitat of these populations is secure and is not decreasing or degrading.

(F) Regulating authorities can ensure that the involved live animals have in fact been legally taken from the specified populations and family units were kept intact to the maximum extent practicable.

(G) Regulating authorities can ensure that no live African elephants to be imported are pregnant.

(H) Funds derived from the import are applied significantly toward African elephant conservation, including funds used for:

(1) Managing protected habitat, securing additional habitat, or restoring habitat to secure long-term populations of African elephants in their natural ecosystems and habitats, including corridors between protected areas;

(2) Improving the quality and carrying capacity of existing habitats;

(3) Helping range country governments to produce or strengthen regional and national African elephant conservation strategies and laws;

(4) Developing capacity within the range country to survey, census, and monitor African elephant populations;

(5) Conducting African elephant population surveys;

(6) Supporting enforcement efforts to combat poaching of African elephants; and

(7) Supporting local communities to help conserve the species in the wild through protecting, expanding, or restoring habitat or other methods used to prevent or mitigate human–elephant conflict.

(I) The government of the range country first considers any live elephants that it approves for export for both in situ conservation programs and for transportation to other locations to augment extant wild populations or reintroduce elephants to extirpated ranges.

(iii) Live African elephants may be sold or offered for sale in interstate

commerce, and delivered, received, carried, transported, or shipped in interstate commerce in the course of a commercial activity, provided the Service finds that the proposed recipient is suitably equipped to house and care for the live elephant (see criteria in §23.65 of this chapter), and a special purpose permit is issued under §17.32 or a captive-bred wildlife registration is issued under §17.21(g).

(iv) Each permit issued to authorize activity with a live African elephant under 50 CFR parts 17 or 23 must include a condition that the elephant and its offspring will not be sold or otherwise transferred to another person or location without a special purpose permit issued under §17.32. Each special purpose permit for a live African elephant must also include the same condition. Each special purpose permit issued for a live African elephant will require a finding by the Service that the proposed recipient is suitably equipped to house and care for the live elephant (see criteria in §23.65 of this chapter).

(11) *CITES National Legislation Project and African elephants.* On or after January 1, 2026, live African elephants, sport-hunted trophies, and parts or products other than ivory and sport-hunted trophies may not be imported into the United States under the exceptions for importation provided in §17.32 or paragraphs (e)(2), (e)(6), or (e)(10) of this section except when:

(i) All trade in the specimen has been and is accompanied by a valid CITES document issued by the Management Authority of a Party with a CITES Category One designation under the CITES National Legislation Project (see §23.7 of this chapter and *http://www.cites.org*); or

(ii) When importation under paragraph (e)(2) of this section is for law enforcement purposes and meets the requirements as set forth at paragraph (e)(7) of this section for the import of ivory or is for genuine scientific purposes and meets the requirements as set forth at paragraph (e)(8) of this section for the import of ivory.

(f) Leopard (*Panthera pardus*) (1) Except as noted in paragraph (f)(2) of this section, all prohibitions of §17.31 of this part and exemptions of §17.32 of this part shall apply to the leopard populations occurring in southern Africa to the south of a line running along the borders of the following countries: Gabon/Rio Muni; Gabon/Cameroon; Congo/Cameroon; Congo/Central African Republic; Zaire/Central African Republic; Zaire/Sudan; Uganda/Sudan; Kenya/Sudan; Kenya/Ethiopia; Kenya/Somalia.

(2) A sport-hunted leopard trophy legally taken after the effective date of this rulemaking, from the area south of the line delineated above, may be imported into the United States without a Threatened Species permit pursuant to §17.32 of this part, provided that the applicable provisions of 50 CFR part 23 have been met.

(g) Utah prairie dog (*Cynomys parvidens*).

(1) Except as noted in paragraphs (g)(2) through (g)(6) of this section, all prohibitions of §17.31(a) and (b) and exemptions of §17.32 apply to the Utah prairie dog.

(2) A Utah prairie dog may be directly or intentionally taken as described in paragraphs (g)(3) and (4) of this section on agricultural lands, properties within 0.8 kilometers (km) (0.5 miles (mi)) of conservation lands, and areas where prairie dogs create serious human safety hazards or disturb the sanctity of significant human cultural or human burial sites.

(3) *Agricultural lands and properties near conservation lands.* When permitted by the Utah Division of Wildlife Resources (UDWR), or other parties as authorized in writing by the Service, direct or intentional take is allowed on private properties that are located within 0.8 km (0.5 mi) of conservation land, and on agricultural land. Records on permitted take will be maintained by the State (or other parties as authorized in writing by the Service), and made available to the Service upon request.

(i) *Agricultural land.* (A) Take may be permitted only on agricultural land being physically or economically affected by Utah prairie dogs, and only when the spring count on the agricultural lands is seven or more individuals, and only during the period of June 15 to December 31; and

(B) The land must:

(*1*) Meet the general classification of irrigated, dryland, grazing land, orchard, or meadow;

(*2*) Be capable of producing crops or forage;

(*3*) Be at least 2 contiguous hectares (5 contiguous acres) in area (smaller parcels may qualify where devoted to agricultural use in conjunction with other eligible acreage under identical legal ownership);

(*4*) Be managed in such a way that there is a reasonable expectation of profit;

(*5*) Have been devoted to agricultural use for at least 2 successive years immediately preceding the year in which application is made; and

(*6*) Meet State average annual (per-acre) production requirements.

(ii) *Private property near conservation land.* (A) Take may be permitted on private properties within 0.8 km (0.5 mi) of Utah prairie dog conservation land during the period of June 15 to December 31.

(B) Conservation lands are defined as non-Federal areas set aside for the preservation of Utah prairie dogs and are managed specifically or primarily toward that purpose. Conservation lands may include, but are not limited to, properties set aside as conservation banks, fee-title purchased properties, properties under conservation easements, and properties subject to a safe harbor agreement (see §17.22). Conservation lands do not include Federal lands.

(iii) *Amount of permitted take on agricultural lands and private property near conservation land.* (A) The UDWR, or other parties as authorized in writing by the Service, will ensure that permitted take on agricultural lands and properties within 0.8 km (0.5 mi) of conservation lands does not exceed 10 percent of the estimated rangewide population annually.

(B) On agricultural lands, the UDWR, or other parties as authorized in writing by the Service, will limit permitted take to 7 percent of the estimated annual rangewide population and will limit within-colony take to one-half of a colony's estimated annual production. The UDWR, or other parties as authorized in writing by the Service, will spatially distribute the 7 percent allowed take on agricultural lands across the three Recovery Units, based on the distribution of the total annual population estimate within each Recovery Unit.

(C) In setting take limits on properties within 0.8 km (0.5 mi) of conservation lands, the UDWR, or other parties as authorized in writing by the Service, will consider the amount of take that occurs on agricultural lands. The State, or other parties as authorized in writing by the Service, will restrict the remaining permitted take (the amount that would bring the total take up to 10 percent of the estimated annual rangewide population) on properties within 0.8 km (0.5 mi) of conservation lands to animals in excess of the baseline population. The baseline population of these lands is determined in accordance with paragraph (g)(3)(iii)(D) of this section.

(D) Take on properties within 0.8 km (0.5 mi) of conservation lands is restricted to prairie dogs in excess of the baseline population. The baseline population is the highest estimated total (summer) population size on that property during the 5 years prior to the establishment of the conservation property, except that if no UDWR surveys to determine population size on a property were conducted during such 5-year period, the baseline population is the estimated total (summer) population size on that property as determined in the first survey conducted after the establishment of the conservation property. The baseline population will be established by the UDWR, or other parties as authorized in writing by the Service.

(E) Translocated Utah prairie dogs will count toward the take limits in paragraphs (g)(3)(iii)(A) through (D) of this section.

(iv) *Methods of allowed direct take on agricultural lands and private properties near conservation land.* Methods for controlling Utah prairie dogs on agricultural lands and properties within 0.8 km (0.5 mi) of conservation lands are limited to activities associated with translocation efforts by trained and permitted individuals complying with current Service-approved guidance, trapping intended for lethal removal, and shooting. Actions intended to

drown or poison Utah prairie dogs and the use of gas cartridges, anticoagulants, and explosive devices are prohibited.

(4) *Human safety hazards and significant human cultural or human burial sites.* (i) Nonlethal take is allowed where Utah prairie dogs create serious human safety hazards or disturb the sanctity of significant human cultural or human burial sites, if approved in writing by the Service. To reduce hazards, prairie dog burrows may be filled with dirt if they are directly creating human hazards or disturbing the sanctity of significant human cultural or human burial sites. Utah prairie dogs also may be translocated from these sites to approved translocation sites by properly trained personnel using Service-approved translocation protocols.

(ii) Direct or intentional lethal take is allowed where Utah prairie dogs create serious human safety hazards or disturb the sanctity of significant human cultural or human burial sites, but only after all practicable measures to resolve the conflict are implemented, and only as approved in writing by the Service. A permit is not required to allow take under these conditions.

(A) All practicable measures means, with respect to these situations:

(*1*) Construction of prairie-dog-proof fence, above and below grade to specifications approved by the Service, around the area in which there is concern.

(*2*) Translocation of Utah prairie dogs out of the fenced area in which there is a concern must be conducted prior to allowing lethal take. Lethal take is allowed only to remove prairie dogs that remain in these areas after the measures to fence and translocate are successfully carried out.

(*3*) Continued maintenance or modification of the fence as needed to preclude Utah prairie dogs from entering the fenced sites.

(B) There are no restrictions on the amount, timing, or methods of lethal take allowed on lands where Utah prairie dogs create serious human safety hazards or disturb the sanctity of significant human cultural or human burial sites, as long as all qualifications in paragraphs (g)(4)(ii)(A)(1)through (3) of this section are met.

(C) The amount of take in areas where Utah prairie dogs create serious human safety hazards or disturb the sanctity of significant human cultural or human burial sites does not contribute to the upper permitted take limits described above for agricultural lands and private properties within 0.8 km (0.5 mi) of conservation lands.

(5) *Incidental take associated with agriculture.* Utah prairie dogs may be taken when take is incidental to otherwise-legal activities associated with legal and standard agricultural practices on legitimately operating agricultural lands. Acceptable practices include plowing to depths that do not exceed 46 cm (18 in.), discing, harrowing, irrigating crops, mowing, harvesting, and bailing, as long as the activities are not intended to eradicate Utah prairie dogs. There is no numeric limit established for incidental take associated with standard agricultural practices. Incidental take is in addition to, and does not contribute to, the take limits described in paragraphs (g)(2) through (4) of this section. A permit is not required for incidental take associated with agricultural practices.

(6) If the Service receives evidence that take pursuant to paragraphs (g)(2) through (5) of this section is having an effect that is inconsistent with the conservation of the Utah prairie dog, the Service may immediately prohibit or restrict such take as appropriate for the conservation of the species. The Service will notify the permitting entities in writing if take restrictions are necessary.

(h) Mountain lion (*Felis concolor*). (1) Except as allowed in paragraphs (h)(2), (h)(3), and (h)(4) of this section, no person shall take any free-living mountain lion (*Felis concolor*) in Florida.

(2) A mountain lion (*Felis concolor*) may be taken in this area under a valid threatened species permit issued pursuant to 50 CFR 17.52.

(3) A mountain lion (*Felis concolor*) may be taken in Florida by an employee or designated agent of the Service or the Florida Game and Fresh Water Fish Commission for taxonomic

identification or other reasons consistent with the conservation of the endangered Florida panther (*Felis concolor coryi*). When it has been established by the Service, in consultation with the State, that an animal in question is not a Florida panther (*Felis concolor coryi*) or an eastern cougar (*Felis concolor couguar*), such animals may be removed from the wild. The disposition of animals so taken shall be at the discretion of the Florida Game and Fresh Water Fish Commission, with the concurrence of the Fish and Wildlife Service.

(4) Take for reasons of human safety is allowed as specified under 50 CFR 17.21(c)(2) and 17.21(c)(3)(iv).

(5) Any take pursuant to paragraph (h)(4) of this section must be reported in writing to the U.S. Fish and Wildlife Service, Office of Law Enforcement, 4401 N. Fairfax Drive, LE–3000, Arlington, VA 22203, within 5 days. The specimen may only be retained, disposed of, or salvaged in accordance with directions from the Service.

(i) Columbian white-tailed deer (*Odocoileus virginianus leucurus*) (CWTD), the Columbia River distinct population segment. (1) *General requirements*. Other than as expressly provided at paragraph (i)(3) of this section, the provisions of §17.31(a) apply to the CWTD.

(2) *Definitions*. For the purposes of this entry:

(i) *CWTD* means the Columbia River distinct population segment (DPS) of Columbian white-tailed deer or individual specimens of CWTD.

(ii) *Intentional harassment* means an intentional act which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavior patterns which include, but are not limited to, breeding, feeding, or sheltering. Intentional harassment may include prior purposeful actions to attract, track, wait for, or search out CWTD, or purposeful actions to deter CWTD.

(iii) *Problem CWTD* means an individual specimen of CWTD that has been identified in writing by a State conservation agency or the Service as meeting the following criteria:

(A) The CWTD is causing more than *de minimus* negative economic impact to a commercial crop;

(B) Previous efforts to alleviate the damage through nonlethal methods have been ineffective; and

(C) There is a reasonable certainty that additional property losses will occur in the near future if a lethal control action is not implemented.

(iv) *Commercial crop* means commercially raised horticultural, agricultural, or forest products.

(v) *State conservation agency* means the State agency in Oregon or Washington operating a conservation program for CWTD pursuant to the terms of a cooperative agreement with the Service in accordance with section 6(c) of the Endangered Species Act.

(3) *Allowable forms of take of CWTD*. Take of CWTD resulting from the following legally conducted activities is allowed:

(i) Intentional harassment not likely to cause mortality. A State conservation agency may issue permits to landowners or their agents to harass CWTD on lands they own, rent, or lease if the State conservation agency determines in writing that such action is not likely to cause mortality of CWTD. The techniques employed in this harassment must occur only as specifically directed or restricted by the State permit in order to avoid causing CWTD mortality.

(ii) Take of problem CWTD resulting in mortality. Take of problem CWTD is authorized under the following circumstances:

(A) Any employee or agent of the Service or the State conservation agency, who is designated by their agency for such purposes, may, when acting in the course of their official duties, take problem CWTD. This take must occur in compliance with all other applicable Federal, State, and local laws and regulations.

(B) The State conservation agency may issue a permit to landowners or their agents to take problem CWTD on lands they own, rent, or lease. Such take must be implemented only as directed and allowed in the permit obtained from the State conservation agency.

(iii) Accidental take of CWTD when carrying out State-permitted black-tailed deer damage control. Take of CWTD in the course of carrying out black-tailed deer damage control will be a violation of this rule unless the taking was accidental; reasonable care was practiced to avoid such taking; and the person causing the take was in possession of a valid black-tailed deer damage control permit from a State conservation agency. When issuing black-tailed deer damage control permits, the State conservation agency will provide education regarding identification of target species. The exercise of reasonable care includes, but is not limited to, the review of the educational material provided by the State conservation agency and identification of the target before shooting.

(iv) Accidental take of CWTD when carrying out State-permitted black-tailed deer hunting. Take of CWTD in the course of hunting black-tailed deer will be a violation of this rule unless the take was accidental; the take was in the course of hunting black-tailed deer under a lawful State permit; and reasonable due care was exercised to avoid such taking. The State conservation agency will provide educational material to hunters regarding identification of target species when issuing hunting permits. The exercise of reasonable care includes, but is not limited to, the review of the educational materials provided by the State conservation agency and identification of the target before shooting.

(4) *Take limits.* The amount of take of CWTD allowed for the activities in paragraphs (i)(3)(ii), (iii), and (iv) of this section will not exceed 5 percent of the CWTD population during any calendar year, as determined by the Service. By December 31 of each year, the Service will use the most current annual DPS population estimate to set the maximum allowable take for these activities for the following calendar year. If take exceeds 2 percent of the DPS population in a given calendar year, the Service will convene a meeting with the Oregon Department of Fish and Wildlife and the Washington Department of Fish and Wildlife to discuss CWTD management and strategies to minimize further take from these activities for the rest of the year. If take exceeds 5 percent of the CWTD population in any given calendar year, no further take under paragraphs (i)(3)(ii), (iii), and (iv) will be allowed during that year and any further take that does occur may be subject to prosecution under the Endangered Species Act.

(5) *Reporting and disposal requirements.* Any injury or mortality of CWTD associated with the actions authorized under paragraphs (i)(3), (6), and (7) of this section must be reported to the Service within 72 hours, and specimens may be disposed of only in accordance with directions from the Service. Reports should be made to the Service's Law Enforcement Office at (503) 231–6125, or the Service's Oregon Fish and Wildlife Office at (503) 231–6179. The Service may allow additional reasonable time for reporting if access to these offices is limited due to closure.

(6) *Additional taking authorizations for Tribal employees, State and local law enforcement officers, and State-licensed wildlife rehabilitation facilities.* (i) Tribal employees and State and local government law enforcement officers. When acting in the course of their official duties, both Tribal employees designated by the Tribe for such purposes, and State and local government law enforcement officers working in the States of Oregon or Washington, may take CWTD for the following purposes:

(A) Aiding or euthanizing sick, injured, or orphaned CWTD;

(B) Disposing of a dead specimen; and

(C) Salvaging a dead specimen that may be used for scientific study.

(ii) Such take must be reported to the Service within 72 hours, and specimens may be disposed of only in accordance with directions from the Service.

(7) *Wildlife rehabilitation facilities licensed by the States of Oregon or Washington.* When acting in the course of their official duties, a State-licensed wildlife rehabilitation facility may take CWTD for the purpose of aiding or euthanizing sick, injured, or orphaned CWTD. Such take must be reported to the Service within 72 hours as required by paragraph (i)(5) of this section, and

specimens may be retained and disposed of only in accordance with directions from the Service.

(8) *Take authorized by permits.* Any person with a valid permit issued by the Service under §17.32 may take CWTD, pursuant to the special terms and conditions of the permit.

(j) Argali (*Ovis ammon*) in Kyrgyzstan, Mongolia, and Tajikistan. (1) Except as noted in paragraph (j)(2) of this section, all prohibitions of §17.31 of this part and exemptions of §17.32 of this part shall apply to this species in Kyrgyzstan, Mongolia, and Tajikistan

(NOTE. In all other parts of its range the argali is classified as endangered and covered by §17.21).

(2) Upon receiving from the governments of Kyrgyzstan, Mongolia, and Tajikistan properly documented and verifiable certification that (i) argali populations in those countries are sufficiently large to sustain sport hunting, (ii) regulating authorities have the capacity to obtain sound data on these populations, (iii) regulating authorities recognize these populations as a valuable resource and have the legal and practical capacity to manage them as such, (iv) the habitat of these populations is secure, (v) regulating authorities can ensure that the involved trophies have in fact been legally taken from the specified populations, and (vi) funds derived from the involved sport hunting are applied primarily to argali conservation, the Director may, consistent with the purposes of the Act, authorize by publication of a notice in the FEDERAL REGISTER the importation of personal sport-hunted argali trophies, taken legally in Kyrgyzstan, Mongolia, and Tajikistan after the date of such notice, without a Threatened Species permit pursuant to §17.32 of this part, provided that the applicable provisions of 50 CFR part 23 have been met.

(k) Canada lynx (*Lynx canadensis*). (1) *What lynx does this special rule apply to?* The regulations in this paragraph (k) apply to all wild and captive lynx in the contiguous United States.

(2) *What activities are prohibited for wild lynx?* All prohibitions and provisions of 50 CFR 17.31 and 17.32 apply to wild lynx found in the contiguous United States.

(3) *What is considered a captive lynx?* (i) For purposes of this paragraph (k), captive lynx means lynx, whether alive or dead, and any part or product, if the specimen was in captivity at the time of the listing, born in captivity, or lawfully imported or transported into the contiguous United States.

(ii) Lynx that were either born or held in captivity and then released into the wild are considered wild.

(4) *What activities are allowed for captive lynx?* (i) *Take.* You may take lawfully obtained captive lynx without a permit.

(ii) *Import and export.* You may export captive live lynx, parts or products of captive lynx provided the specimens are tagged with Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) export tags and/or accompanied by a valid CITES export permit. You may import lawfully obtained lynx that originated outside the United States when you follow the requirements of CITES.

(iii) *Interstate commerce.* You may deliver, receive, carry, transport, ship, sell, offer to sell, purchase, or offer to purchase in interstate commerce captive lynx and captive lynx parts and products in accordance with State or tribal laws and regulations. In addition, lynx pelts that are properly tagged with valid CITES export tags also qualify for this exemption on interstate commerce.

(5) *Are any activities not allowed or restricted for captive lynx?* You must comply with all applicable State and tribal laws and regulations. Violation of State or tribal law will also be a violation of the Act.

(l) Preble's meadow jumping mouse (*Zapus hudsonius preblei*). (1) *What is the definition of take?* To harass, harm, pursue, hunt, shoot, wound, trap, kill, or collect; or attempt to engage in any such conduct. Incidental take is that which occurs when it is incidental to and not the purpose of an otherwise lawful activity. Any take that is not authorized by permit provided through section 7 or section 10 of the Act or that is not covered by the exemptions

described below is considered illegal take.

(2) *When is take of Preble's meadow jumping mice allowed?* Take of Preble's meadow jumping mice resulting from the following legally conducted activities, in certain circumstances as described below, is allowed:

(i) *Take under permits.* Any person with a valid permit issued by the Service under §17.32 may take Preble's meadow jumping mice pursuant to the terms of the permit.

(ii) *Rodent control.* Preble's meadow jumping mice may be taken incidental to rodent control undertaken within 10 feet of or inside any structure. ''Rodent control'' includes control of mice and rats by trapping, capturing, or otherwise physically capturing or killing, or poisoning by any substance registered with the Environmental Protection Agency as required by the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136) and applied consistent with its labeling. ''Structure'' includes but is not limited to any building, stable, grain silo, corral, barn, shed, water or sewage treatment equipment or facility, enclosed parking structure, shelter, gazebo, bandshell, or restroom complex.

(iii) *Established, ongoing agricultural activities.* Preble's meadow jumping mice may be taken incidental to agricultural activities, including grazing, plowing, seeding, cultivating, minor drainage, burning, mowing, and harvesting, as long as these activities are established, ongoing activities and do not increase impacts to or further encroach upon the Preble's meadow jumping mouse or its habitat. New agricultural activities or those that expand the footprint or intensity of the activity are not considered to be established, ongoing activities.

(iv) *Maintenance and replacement of existing landscaping.* Preble's meadow jumping mice may be taken incidental to the maintenance and replacement of any landscaping and related structures and improvements, as long as they are currently in place and no increase in impervious surfaces would result from their maintenance and improvement. Construction of new structures or improvements or expansion of the landscaping in a manner that increases impervious surfaces would not be considered maintenance and replacement of existing landscaping.

(v) *Existing uses of water.* Preble's meadow jumping mice may be taken incidentally as a result of existing uses of water associated with the exercise of perfected water rights pursuant to State law and interstate compacts and decrees. (A ''perfected water right'' is a right that has been put to beneficial use and has been permitted, decreed, or adjudicated pursuant to State law.) Increasing the use or altering the location of use of an existing water right would not be considered an existing use of water.

(vi) *Noxious weed control.* Preble's meadow jumping mice may be taken incidental to noxious weed control that is conducted in accordance with:

(A) Federal law, including Environmental Protection Agency label restrictions;

(B) Applicable State laws for noxious weed control;

(C) Applicable county bulletins;

(D) Herbicide application guidelines as prescribed by herbicide manufacturers; and

(E) Any future revisions to the authorities listed in paragraphs (l)(2)(vi)(A) through (D) of this section that apply to the herbicides proposed for use within the species' range.

(vii) *Ditch maintenance activities.* Preble's meadow jumping mice may be taken incidental to normal and customary ditch maintenance activities only if the activities:

(A) Result in the annual loss of no more than ¼ mile of riparian shrub habitat per linear mile of ditch, including burning of ditches that results in the annual loss of no more than ¼ mile of riparian shrub habitat per linear mile of ditch.

(B) Are performed within the historic footprint of the surface disturbance associated with ditches and related infrastructure, and

(C) Follow the Best Management Practices described in paragraphs (l)(2)(vii)(C)(*1*) through (*3*) of this section.

(*1*) Persons engaged in ditch maintenance activities shall avoid, to the maximum extent practicable, impacts

to shrub vegetation. For example, if accessing the ditch for maintenance or repair activities from an area containing no shrubs is possible, then damage to adjacent shrub vegetation shall be avoided.

(*2*) Persons engaged in placement or sidecasting of silt and debris removed during ditch cleaning, vegetation or mulch from mowing or cutting, and other material from ditch maintenance shall, to the maximum extent practicable, avoid shrub habitat and at no time disturb more than ¼ mile of riparian shrub habitat per linear mile of ditch within any calendar year.

(*3*) To the maximum extent practicable, all ditch maintenance activities should be carried out during the Preble's hibernation season, November through April.

(D) All ditch maintenance activities carried out during the Preble's active season, May through October, should be conducted during daylight hours only.

(E) Ditch maintenance activities that would result in permanent or long-term loss of potential habitat that would not be considered normal or customary include replacement of existing infrastructure with components of substantially different materials and design, such as replacement of open ditches with pipeline or concrete-lined ditches, replacement of an existing gravel access road with a permanently paved road, or replacement of an earthen diversion structure with a rip-rap and concrete structure, and construction of new infrastructure or the movement of existing infrastructure to new locations, such as realignment of a ditch, building a new access road, or installation of new diversion works where none previously existed.

(3) *When is take of Preble's not allowed?* (i) Any manner of take not described under paragraph (l)(2) of this section.

(ii) No person may import or export, ship in interstate commerce in the course of commercial activity, or sell or offer for sale in interstate or foreign commerce any Preble's meadow jumping mice.

(iii) No person, except for an authorized person, may possess, sell, deliver, carry, transport, or ship any Preble's meadow jumping mice that have been taken illegally.

(4) *Where does this rule apply?* The take exemptions provided by this rule are applicable within the entire range of the Preble's meadow jumping mouse.

(m) Vicuña (*Vicugna vicugna*)— (1) *What activities involving vicuña are prohibited by this rule?* (i) *Appendix I populations.* All provisions of §17.31 (a) and (b) and §17.32 apply to vicuña and vicuña parts and products originating from populations currently listed in Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

(ii) *Import, export, and re-export.* Except as provided in paragraph (m)(2) of this section, it is unlawful to import, export, or re-export, or present for export or re-export without valid permits as required under parts 17 and 23 of this subchapter, any vicuña or vicuña parts and products. For import of embryos, blood, other tissue samples, or live vicuña, permits required under §17.32 and part 23 will be issued only for bona fide scientific research contributing to the conservation of the species in the wild.

(iii) *Other activities.* Except as provided in paragraph (m)(2) of this section, it is unlawful to sell or offer for sale, deliver, receive, carry, transport, or ship in interstate or foreign commerce and in the course of a commercial activity any vicuña or vicuña parts and products.

(iv) It is unlawful for any person subject to the jurisdiction of the United States to commit, attempt to commit, solicit to commit, or cause to be committed any acts described in paragraphs (m)(1)(ii)-(iii) of this section.

(2) *What activities involving vicuña are allowed by this rule?* You may import, export, or re-export, or conduct interstate or foreign commerce in raw wool sheared from live vicuñas, cloth made from such wool, or manufactured or handicraft products and articles made from or consisting of such wool or cloth without a threatened species permit issued according to §17.32 only when the following provisions have been met:

(i) The specimens originated from a population listed in CITES Appendix II.

(ii) The provisions in parts 13, 14, and 23 of this subchapter are met, including the specific labeling provisions in part 23.

(iii) *Personal and household effects.* Under the provisions of this special rule, raw wool sheared from live vicuñas, cloth made from such wool, or manufactured or handicraft products and articles made from or consisting of such wool or cloth are not granted the personal or household effects exemption described in part 23 of this subchapter. In addition to the provisions of this paragraph (m)(2), such specimens may only be imported, exported, or re-exported when accompanied by a valid CITES document.

(iv) *Labeling of wool sheared from live vicuñas.* Any shipment of raw wool sheared from live vicuñas must be sealed with a tamper-proof seal and have the following:

(A) An identification tag with a code identifying the country of origin of the raw vicuña wool and the CITES export permit number; and

(B) The vicuña logotype as defined in 50 CFR part 23 and the words ''VICUÑA—COUNTRY OF ORIGIN'', where country of origin is the name of the country from which the raw vicuña wool was first exported.

(v) At the time of import, the country of origin and each country of re-export involved in the trade of a particular shipment have not been identified by the CITES Conference of the Parties, the CITES Standing Committee, or in a Notification from the CITES Secretariat as a country from which Parties should not accept permits.

(3) *When and how will the Service inform the public of additional restrictions in trade of vicuña?* Except in rare cases involving extenuating circumstances that do not adversely affect the conservation of the species, we will issue a public bulletin that identifies a restriction on trade in specimens of vicuña addressed in this paragraph (m) if any of the following criteria are met:

(i) The country is identified in any action adopted by the Conference of the Parties to the Convention, the Convention's Standing Committee, or in a Notification issued by the CITES Secretariat, whereby Parties are asked not to accept shipments of specimens of any CITES-listed species from the country in question.

(ii) The Service's Division of Scientific Authority administratively determines that the conservation or management status of threatened vicuña populations in a range country has changed, such that continued recovery of the vicuña population in that country may be compromised, as a result of one or more of the following factors:

(A) A change in range country laws or regulations that lessens protection for vicuña;

(B) A change in range country management programs that lessens protection for vicuña;

(C) A documented decline in wild vicuña population numbers;

(D) A documented increase in poaching of vicuña;

(E) A documented decline in vicuña habitat quality or quantity; or

(F) Other natural or man-made factors affecting the species' recovery.

(4) *What must vicuña range countries do in order to be authorized under the special rule to export to the United States?*—(i) *Annual Report.* Range country governments (Argentina, Bolivia, Chile, and Peru) wishing to export specimens of vicuña to the United States will need to provide an annual report containing the most recent information available on the status of the species, following the information guidelines specified below. The first submission of a status report will be required as of July 1, 2003, and every year thereafter on the anniversary of that date. For each range country, the following information should be provided in the annual report:

(A) A description of any revisions to the management program, especially any changes in management approaches or emphasis;

(B) New information obtained in the last year on vicuña distribution, population status, or population trends, for the country as a whole or for specific protected areas, and a detailed description of the methodology used to obtain such information;

(C) Results of any research projects concluded in the last year on the biology of vicuña in the wild, particularly its population biology, habitat use, and

genetics, and a description of any new research projects undertaken on the biology of vicuña in the wild, particularly its population biology, habitat use, and genetics;

(D) A description of any changes to national and/or provincial laws and programs relating to vicuña conservation, in particular those laws and regulations related to harvest and use of the vicuña, and export of vicuña parts and products;

(E) A description of any changes in the number or size of natural reserves or national parks that provide protected habitat for the vicuña;

(F) A summary of law enforcement activities undertaken in the last year, and a description of any changes in programs to prevent poaching, smuggling, and illegal commercialization of the vicuña;

(G) A description of the current management and harvest (or ''sustainable use'') programs for wild populations of the vicuña, including: any changes in the location and population size of wild populations being managed for sustainable use; any changes in the harvest management practices being used for each population; any changes in current harvest quotas for wild populations, if any; any changes in protocols for translocations undertaken as part of the use program; a summary of the specific financial costs of and revenues generated by the sustainable use program over the last year; and a summary of documented conservation benefits resulting from the sustainable use program over the last year;

(H) A description of current management and harvest (or ''sustainable use'') programs for captive and so-called ''semi-captive'' populations of the vicuña, including: any changes in the number and location of all captive and ''semi-captive'' populations; any changes in the size (ha) of each captive enclosure and the number of vicuña maintained therein; any changes in protocols for translocations undertaken as part of the use program; a summary of the financial costs of and revenues generated by the sustainable use program over the last year; and documented conservation benefits resulting from the sustainable use program over the last year (information on captive and ''semi-captive'' populations must be separate from that provided for wild populations); and

(I) Export data for the last year.

(ii) The Service's Division of Scientific Authority will conduct a review every 2 years, using information in the annual reports, to determine whether range country management programs are effectively achieving conservation benefits for the vicuña. Failure to submit an annual report could result in a restriction on trade in specimens of vicuña as addressed in paragraph (m)(3) of this section. Based on information contained in the annual reports and any other pertinent information it has available, the Service may restrict trade from a range country, as addressed in paragraph (m)(3) of this section, if it determines that the conservation or management status of threatened vicuña populations in a range country has changed, such that continued recovery of the vicuña population in that country may be compromised. Trade restrictions may result from one or more of the following factors:

(A) A change in range country laws or regulations that lessens protection for vicuña;

(B) A change in range country management programs that lessens protection for vicuña;

(C) A documented decline in wild vicuña population numbers;

(D) A documented increase in poaching of vicuña;

(E) A documented decline in vicuña habitat quality or quantity; or

(F) Other natural or man-made factors affecting the species' recovery.

(n) Straight-horned markhor (*Capra falconeri megaceros*).

(1) *General requirements.* Except as noted in paragraph (n)(2) of this section, all prohibitions of §17.31 and exemptions of §17.32 apply to this subspecies.

(2) *What are the criteria under which a personal sport-hunted trophy may qualify for import without a permit under §17.32?* The Director may, consistent with the purposes of the Act, authorize by publication of a notice in the FEDERAL REGISTER the importation, without a threatened species permit issued under §17.32, of personal sport-hunted

straight-horned markhor from an established conservation program that meets the following criteria:

(i) The markhor was taken legally from the established program after the date of the FEDERAL REGISTER notice;

(ii) The applicable provisions of 50 CFR parts 13, 14, 17, and 23 have been met; and

(iii) The Director has received the following information regarding the established conservation program for straight-horned markhor:

(A) Populations of straight-horned markhor within the conservation program's areas can be shown to be sufficiently large to sustain sport hunting and are stable or increasing.

(B) Regulatory authorities have the capacity to obtain sound data on populations.

(C) The conservation program can demonstrate a benefit to both the communities surrounding or within the area managed by the conservation program and the species, and the funds derived from sport hunting are applied toward benefits to the community and the species.

(D) Regulatory authorities have the legal and practical capacity to provide for the long-term survival of the populations.

(E) Regulatory authorities can determine that the sport-hunted trophies have in fact been legally taken from the populations under an established conservation program.

(o) [Reserved]

(p) Northern sea otter (*Enhydra lutris kenyoni*). (1) *To what population of sea otter does this special rule apply?* The regulations in paragraph (p) of this section apply to the southwest Alaska distinct population segment (DPS) of the northern sea otter as set forth at §17.11(h) of this part.

(2) *What provisions apply to this DPS?* Except as noted in paragraph (p)(3) of this section, all prohibitions and provisions of §§17.31 and 17.32 of this part apply to the southwest Alaska DPS of the northern sea otter.

(3) *What additional activities are allowed for this DPS?* In addition to the activities authorized under paragraph (p)(2) of this section, you may conduct any activity authorized or exempted under the Marine Mammal Protection Act (16 U.S.C. 1361 *et seq.*) with a part or product of a southwest Alaska DPS northern sea otter, provided that:

(i) The product qualifies as an authentic native article of handicrafts or clothing as defined in §17.3 of this part; and

(A) It was created by an Indian, Aleut, or Eskimo who is an Alaskan

Native, and

(B) It is not being exported or imported for commercial purposes; or

(ii) The part or product is owned by an Indian, Aleut, or Eskimo who is an Alaskan Native and resides in Alaska, or by a Native inhabitant of Russia, Canada, or Greenland, and is part of a cultural exchange; or

(iii) The product is owned by a Native inhabitant of Russia, Canada, or Greenland, and is in conjunction with travel for noncommercial purposes; or

(iv) The part or product has been received or acquired by a person registered as an agent or tannery under §18.23 of this subchapter.

(4) *What other wildlife regulations may apply?* All applicable provisions of 50 CFR parts 14, 18, and 23 must be met.

(q) Polar bear (*Ursus maritimus*).

(1) Except as noted in paragraphs (q)(2) and (4) of this section, all prohibitions and provisions of §§17.31 and 17.32 of this part apply to the polar bear.

(2) None of the prohibitions in §17.31 of this part apply to any activity that is authorized or exempted under the Marine Mammal Protection Act (MMPA) (16 U.S.C. 1361 *et seq.*), the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) (27 U.S.T. 1087), or both, provided that the person carrying out the activity has complied with all terms and conditions that apply to that activity under the provisions of the MMPA and CITES and their implementing regulations.

(3) All applicable provisions of 50 CFR parts 14, 18, and 23 must be met.

(4) None of the prohibitions in §17.31of this part apply to any taking of polar bears that is incidental to, but not the purpose of, carrying out an otherwise lawful activity within the United States, except for any incidental taking caused by activities in

areas subject to the jurisdiction or sovereign rights of the United States within the current range of the polar bear.

(r) Lion (*Panthera leo melanochaita*).

(1) *General requirements.* All prohibitions and provisions of §§ 17.31 and 17.32 apply to this subspecies.

(2) The import exemption found in § 17.8 for threatened wildlife listed in Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) does not apply to this subspecies. A threatened species import permit under § 17.32 is required for the importation of all specimens of *Panthera leo melanochaita.*

(3) All applicable provisions of 50 CFR parts 13, 14, 17, and 23 must be met.

(s) Pacific marten (*Martes caurina*), Coastal DPS.

(1) *Prohibitions.* Except as provided in paragraph (s)(2) of this section, all prohibitions and provisions of section 9(a)(1) of the Act apply to the Coastal DPS of the Pacific marten.

(2) *Exceptions from prohibitions.* In regard to the Coastal DPS of the Pacific marten (''coastal marten''), you may:

(i) Conduct activities as authorized by a permit under § 17.32.

(ii) Take as set forth at § 17.21(c)(2) through (c)(4) for endangered wildlife.

(iii) Take as set forth at § 17.31(b).

(iv) Conduct forest management activities for the purposes of reducing the risk or severity of wildfire, which include fuels reduction projects, firebreaks, and wildfire firefighting activities. More specifically, forest management practices such as those that treat vertical and horizontal (ladder) fuels in an effort to reduce continuity between understory and the overstory vegetation and the potential for crown fires, remove fuels within 150 feet of legally permitted structures and within 300 feet of habitable structures, or implement Fuelbreak/Defensible Space Prescriptions that allow for removal of trees or other vegetation to create a shaded fuelbreak along roads or other natural features, or create defensible space.

(v) Conduct forestry management activities included in a plan or agreement for lands covered by a Natural Communities Conservation Plan or State Safe Harbor Agreement that addresses and authorizes State take of coastal marten as a covered species and is approved by the California Department of Fish and Wildlife under the authority of the California Endangered Species Act.

(vi) Conduct forestry management activities consistent with the conservation needs of the coastal marten (e.g., activities that promote, retain, or restore suitable coastal marten habitat that increase percent canopy cover, percent ericaceous shrub cover, and denning and resting structures). These include activities consistent with finalized conservation plans or strategies, such as plans and documents that include coastal marten conservation prescriptions or compliance, and for which the Service has determined that meeting such plans or strategies, or portions thereof, would be consistent with conservation strategies for coastal marten.

(vii) Conduct activities to remove toxicants and other chemicals consistent with conservation strategies for coastal marten. Such activities include management or cleanup activities that remove toxicants and other chemicals from forested areas, for which the Service has determined that such activities to remove toxicants and other chemicals would be consistent with conservation strategies for coastal marten. Cleanup of these sites may involve activities that may cause localized, short-term disturbance to coastal martens, as well as require limited removal of some habitat structures valuable to coastal martens (e.g., hazard trees that may be a suitable den site).

(t) Stephens' kangaroo rat (*Dipodomys stephensi*).

(1) *Prohibitions.* The following prohibitions that apply to endangered wildlife also apply to Stephens' kangaroo rat. Except as provided under paragraph (t)(2) of this section and §§ 17.4 and 17.5, it is unlawful for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit, or cause to be committed, any of the following acts in regard to this species:

(i) Import or export, as set forth at § 17.21(b) for endangered wildlife.

(ii) Take, as set forth at §17.21(c)(1) for endangered wildlife.

(iii) Possession and other acts with unlawfully taken specimens, as set forth at §17.21(d)(1) for endangered wildlife.

(iv) Interstate or foreign commerce in the course of commercial activity, as set forth at §17.21(e) for endangered wildlife.

(v) Sale or offer for sale, as set forth at §17.21(f) for endangered wildlife.

(2) *Exceptions from prohibitions.* In regard to Stephens' kangaroo rat, you may:

(i) Conduct activities as authorized by a permit under §17.32.

(ii) Take, as set forth at §17.21(c)(2) through (4) for endangered wildlife.

(iii) Take, as set forth at §17.31(b).

(iv) Possess and engage in other acts with unlawfully taken wildlife, as set forth at §17.21(d)(2) for endangered wildlife.

(v) Implement livestock grazing in the course of habitat management and restoration to benefit Stephens' kangaroo rat or other native species in the grassland habitat as approved by the Service.

(vi) Conduct the following wildfire suppression activities:

(A) Activities necessary to maintain the minimum clearance (defensible space) requirement from any occupied dwelling, occupied structure, or to the property line, whichever is nearer, to provide reasonable fire safety and to reduce wildfire risks consistent with the State of California fire codes or local fire codes/ordinances.

(B) Fire management actions (e.g., prescribed burns, hazardous fuel reduction activities) on protected/preserve lands to maintain, protect, or enhance habitat occupied by Stephens' kangaroo rat. These activities are to be coordinated with and reported to the Service in writing and approved the first time an individual or agency undertakes them.

(C) Maintenance of existing fuel breaks.

(D) Firefighting activities associated with actively burning wildfires to reduce risk to life or property.

(vii) Remove nonnative, invasive, or noxious plants for the purpose of Stephens' kangaroo rat conservation as approved by the Service. This includes noxious weed control and other vegetation reduction in the course of habitat management and restoration to benefit Stephens' kangaroo rat, including mechanical and chemical control, provided that these activities are conducted in a manner consistent with Federal and applicable State laws, including Environmental Protection Agency label restrictions for herbicide application.

(viii) Implement activities conducted as part of a plan developed in coordination with the Service or the California Department of Fish and Wildlife that are for the purpose of Stephens' kangaroo rat conservation.

(u) North American wolverine (*Gulo gulo luscus*), contiguous U.S. DPS.

(1) *Prohibitions.* The following prohibitions that apply to endangered wildlife also apply to the contiguous U.S. distinct population segment (DPS) of the North American wolverine. Except as provided under paragraph (u)(2) of this section and §§17.4 and 17.5, it is unlawful for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit, or cause to be committed, any of the following acts in regard to this DPS:

(i) Import or export, as set forth at §17.21(b) for endangered wildlife.

(ii) Take, as set forth at §17.21(c)(1) for endangered wildlife.

(iii) Possession and other acts with unlawfully taken specimens, as set forth at §17.21(d)(1) for endangered wildlife.

(iv) Interstate or foreign commerce in the course of a commercial activity, as set forth at §17.21(e) for endangered wildlife.

(v) Sale or offer for sale, as set forth at §17.21(f) for endangered wildlife.

(2) *Exceptions from prohibitions.* In regard to this DPS, you may:

(i) Conduct activities as authorized by a permit under §17.32.

(ii) Take, as set forth at §17.21(c)(2) through (c)(4) for endangered wildlife.

(iii) Take, as set forth at §17.31(b).

(iv) Possess and engage in other acts with unlawfully taken wildlife, as set forth at §17.21(d)(2) for endangered wildlife.

(v) Take caused by scientific or research activities for wolverine undertaken by a biologist from a Federal agency other than the U.S. Fish and Wildlife Service, or a federally recognized Tribe, when acting in the course of their official duties, provided that such taking does not result in the death or permanent injury to the wolverine(s) involved and that the taking is reported to the nearest U.S. Fish and Wildlife Service law enforcement office and to the appropriate State wildlife agency or Tribal wildlife authorities. Activities associated with scientific research may include capture, anesthesia, collaring, tracking, genetic sampling, the use and baiting of camera and DNA traps, den monitoring, and aerial surveying.

(vi) Take incidental to an otherwise lawful activity caused by:

(A) Forest vegetation management activities for the purpose of reducing the risk or severity of wildfire.

(B) Trapping of species other than wolverine, provided that the trapping is conducted in accordance with State or Tribal trapping laws and regulations, the trapping is conducted in a manner that uses best practices to minimize the potential for capture and mortality of wolverines, and any take of wolverine is reported to the nearest U.S. Fish and Wildlife Service law enforcement office and to the appropriate State wildlife agency or Tribal wildlife authorities within 5 days of occurrence. Unharmed individuals are to be released immediately.

[40 FR 44415, Sept. 26, 1975]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §17.40, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at *www.govinfo.gov*.

§ 17.41 Species-specific rules—birds.

(a) Streaked horned lark (*Eremophila alpestris strigata*).

(1) *Prohibitions.* The following prohibitions that apply to endangered wildlife also apply to streaked horned lark. Except as provided under paragraph (a)(2) of this section and §§17.4 and 17.5, it is unlawful for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit, or cause to be committed, any of the following acts in regard to this species:

(i) Import or export, as set forth at §17.21(b) for endangered wildlife.

(ii) Take, as set forth at §17.21(c)(1) for endangered wildlife.

(iii) Possession and other acts with unlawfully taken specimens, as set forth at §17.21(d)(1) for endangered wildlife.

(iv) Interstate or foreign commerce in the course of commercial activity, as set forth at §17.21(e) for endangered wildlife.

(v) Sale or offer for sale, as set forth at §17.21(f) for endangered wildlife.

(2) *Exceptions from prohibitions.* In regard to this species, you may:

(i) Conduct activities as authorized by a permit under §17.32.

(ii) Take, as set forth at §17.21(c)(2) through (4) for endangered wildlife, and (c)(6) and (7) for endangered migratory birds.

(iii) Take, as set forth at §17.31(b).

(iv) Take incidental to an otherwise lawful activity caused by:

(A) The management of hazardous wildlife at airport facilities by airport staff or employees contracted by the airport to perform hazardous wildlife management activities. Hazardous wildlife is defined by the Federal Aviation Administration as species of wildlife, including feral animals and domesticated animals not under control, that are associated with aircraft strike problems, are capable of causing structural damage to airport facilities, or act as attractants to other wildlife that pose a strike hazard. Routine management activities include, but are not limited to, the following:

(*1*) Hazing of hazardous wildlife;

(*2*) Habitat modification and management of sources of forage, water, and shelter to reduce the attractiveness of the area around the airport for hazardous wildlife. This exception for habitat modification and management includes control and management of vegetation (grass, weeds, shrubs, and trees) through mowing, discing, herbicide application, or burning; and

(*3*) Routine management, repair, and maintenance of roads and runways (does not include upgrades or construction of new roads or runways).

(B) Accidental aircraft strikes at airports on non-Federal lands.

(C) Agricultural (farming) practices implemented on farms in accordance with State laws on non-Federal lands in Washington and Oregon.

(*1*) For the purposes of this rule, farm means any facility, including land, buildings, watercourses and appurtenances, used in the commercial production of crops, nursery stock, livestock, poultry, livestock products, poultry products, vermiculture products, or the propagation and raising of nursery stock.

(*2*) For the purposes of this rule, an agricultural (farming) practice means a mode of operation on a farm that is or may be used on a farm of a similar nature; is a generally accepted, reasonable, and prudent method for the operation of the farm to obtain a profit in money; is or may become a generally accepted, reasonable, and prudent method in conjunction with farm use; complies with applicable State laws; and is done in a reasonable and prudent manner. Common agricultural (farming) practices include, but are not limited to, the following activities:

(*i*) Planting, harvesting, rotation, mowing, tilling, discing, burning, and herbicide application to crops;

(*ii*) Normal transportation activities, and repair and maintenance of unimproved farm roads (this exception does not include improvement or construction of new roads) and graveled margins of rural roads;

(*iii*) Livestock grazing according to normally acceptable and established levels;

(*iv*) Hazing of geese or predators; and

(*v*) Maintenance of irrigation and drainage systems.

(D) Removal or other management of noxious weeds. Routine removal or other management of noxious weeds are limited to the following, and must be conducted in such a way that impacts to non-target plants are avoided to the maximum extent practicable:

(*1*) Mowing;

(*2*) Herbicide and fungicide application;

(*3*) Fumigation; and

(*4*) Burning.

(E) Habitat restoration actions. Habitat restoration and enhancement activities for the conservation of streaked horned lark may include activities consistent with formal approved conservation plans or strategies, such as Federal, Tribal, or State plans that include streaked horned lark conservation prescriptions or compliance, which the Service has determined (on a case-by-case basis) would be consistent with this rule.

(v) Possess and engage in other acts with unlawfully taken wildlife, as set forth at §17.21(d)(2) through (d)(4).

(b) Coastal California gnatcatcher (*Polioptila californica californica*). (1) Except as noted in paragraphs (b)(2) and (3) of this section, all prohibitions of §17.31(a) and (b) shall apply to the coastal California gnatcatcher.

(2) Incidental take of the coastal California gnatcatcher will not be considered a violation of section 9 of the Endangered Species Act of 1973, as amended (Act), if it results from activities conducted pursuant to the State of California's Natural Community Conservation Planning Act of 1991 (NCCP), and in accordance with a NCCP plan for the protection of coastal sage scrub habitat, prepared consistent with the State's NCCP Conservation and Process Guidelines, *provided that:*

(i) The NCCP plan has been prepared, approved, and implemented pursuant to California Fish and Game Code sections 2800–2840; and

(ii) The Fish and Wildlife Service (Service) has issued written concurrence that the NCCP plan meets the standards set forth in 50 CFR 17.32(b)(2). The Service shall issue its concurrence pursuant to the provisions of the Memorandum of Understanding (MOU), dated December 4, 1991, between the California Department of Fish and Game and the Service regarding coastal sage scrub natural community conservation planning in southern California. (Copies of the State's NCCP Conservation and Process Guidelines and the MOU are available from the U.S. Fish and Wildlife Service, Carlsbad Field Office, 2730 Loker Avenue West, Carlsbad, CA 92008.) The Service shall monitor the implementation of the NCCP plan and may revoke its concurrence under this paragraph (b)(2)(ii) if the NCCP plan, as implemented, fails

to adhere to the standards set forth in 50 CFR 17.32(b)(2).

(3) During the period that a NCCP plan referred to in paragraph (b)(2) of this section is being prepared, incidental take of the coastal California gnatcatcher will not be a violation of section 9 of the Act if such take occurs within an area under the jurisdiction of a local government agency that is enrolled and actively engaged in the preparation of such a plan and such take results from activities conducted in accordance with the NCCP Conservation Guidelines and Process Guidelines.

(4) The Service will monitor the implementation of the NCCP Conservation and Process Guidelines as a whole, and will conduct a review every 6 months to determine whether the guidelines, as implemented, are effective in progressing toward or meeting regional and subregional conservation objectives during the interim planning period. If the Service determines that the guidelines are not effecting adequate progress toward or meeting regional and subregional conservation objectives, the Service will consult with the California Department of Fish and Game pursuant to the MOU to seek appropriate modification of the guidelines or their application as defined therein. If appropriate modification of the guidelines or their application as defined therein does not occur, the Service may revoke the interim take provisions of this special rule on a subregional or subarea basis. The Service will publish the findings for revocation in the FEDERAL REGISTER and provide for a 30-day public comment period prior to the effective date for revoking the provisions of the special rule in a particular area. Revocation would result in the reinstatement of the take prohibitions set forth under 50 CFR 17.31(a) and (b) in the affected NCCP area.

(c) The following species in the parrot family: Salmon-crested cockatoo (*Cacatua moluccensis*), yellow-billed parrot (*Amazona collaria*), white cockatoo (*Cacatua alba*), hyacinth macaw (*Anodorhynchus hyacinthinus*), scarlet macaw (*Ara macao macao* and scarlet macaw subspecies crosses (*Ara macao macao* and *Ara macao cyanoptera*)), and golden conure (*Guaruba guarouba*).

(1) Except as noted in paragraphs (c)(2) and (c)(3) of this section, all prohibitions and provisions of §§ 17.31 and 17.32 of this part apply to these species.

(2) *Import and export.* You may import or export a specimen without a permit issued under § 17.32 of this part only when the provisions of parts 13, 14, 15, and 23 of this chapter have been met and you meet the following requirements:

(i) *Captive-bred specimens:* The source code on the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) document accompanying the specimen must be ''F'' (captive born), ''C'' (bred in captivity), or ''D'' (bred in captivity for commercial purposes) (see 50 CFR 23.24); or

(ii) *Specimens held in captivity prior to certain dates:* You must provide documentation to demonstrate that the specimen was held in captivity prior to the applicable date specified in paragraph (c)(2)(ii)(A), (B), (C), (D), (E), or (F) of this section. Such documentation may include copies of receipts, accession or veterinary records, CITES documents, or wildlife declaration forms, which must be dated prior to the specified dates.

(A) *For salmon-crested cockatoos:* January 18, 1990 (the date this species was transferred to CITES Appendix I).

(B) *For yellow-billed parrots:* April 11, 2013 (the date this species was listed under the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 *et seq.*)).

(C) *For white cockatoos:* July 24, 2014 (the date this species was listed under the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 *et seq.*)).

(D) For *hyacinth macaws:* September 12, 2018 (the date this species was listed under the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 *et seq.*)).

(E) For *scarlet macaws:* March 28, 2019 (the date this species was listed under the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 *et seq.*)).

(F) For *golden conures:* July 1, 1975 (the date CITES entered into force with the ''golden parakeet'' (*i.e.*, the

golden conure) listed in Appendix I of the Convention).

(3) *Interstate commerce.* Except where use after import is restricted under §23.55 of this chapter, you may deliver, receive, carry, transport, or ship in interstate commerce and in the course of a commercial activity, or sell or offer to sell, in interstate commerce the species listed in this paragraph (c) without a permit under the Act.

(d) Hawaiian goose (*Branta sandvicensis*) (nene). (1) *Definitions.* For the purposes of this paragraph (d):

(i) *Nene* means the Hawaiian goose (*Branta sandvicensis*).

(ii) *Intentional harassment* means an intentional act that creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavior patterns, which include, but are not limited to, breeding, feeding, or sheltering. Intentional harassment may include prior purposeful actions to attract, track, wait for, or search out nene, or purposeful actions to deter nene.

(iii) *Person* means a person as defined by section 3(13) of the Act.

(iv) *Qualified biologist* means an individual with a combination of academic training in the area of wildlife biology or related discipline and demonstrated field experience in the identification and life history of nene.

(2) *Prohibitions.* The following prohibitions apply to the nene except as provided under paragraph (d)(3) of this section and §§17.4 through 17.6:

(i) Import or export as provided in §17.21(b).

(ii) Take as provided in §17.21(c)(1).

(iii) Possession and other acts with unlawfully taken specimens as provided in §17.21(d)(1).

(iv) Interstate or foreign commerce in the course of commercial activity as provided in §17.21(e).

(v) Sale or offer for sale as provided in §17.21(f).

(vi) Attempt to commit, solicit another to commit, or to cause to be committed, any of the acts described in paragraphs (d)(2)(i) through (v) of this section.

(3) *Exceptions from prohibitions.* The following exceptions from prohibitions apply to the nene:

(i) Authorization provided under §17.32.

(ii) Take as provided in §17.21(c)(2) through (7). However, §17.21(c)(5)(i) through (iv) does not apply.

(iii) Take incidental to an otherwise lawful activity caused by:

(A) *Intentional harassment of nene that is not likely to cause direct injury or mortality.* A person may harass nene on lands they own, rent, or lease, if the action is not likely to cause direct injury or mortality of nene. Techniques for such harassment may include the use of predator effigies (including raptor kites, predator replicas, etc.), commercial chemical bird repellents, ultrasonic repellers, audio deterrents (noisemakers, pyrotechnics, etc.), herding or harassing with trained or tethered dogs, or access control (including netting, fencing, etc.). Nene may also be harassed in the course of surveys that benefit and further the recovery of nene. Such harassment techniques must avoid causing direct injury or mortality to nene. Before implementation of any such intentional harassment activities during the nene breeding season (September through April), a qualified biologist knowledgeable about the nesting behavior of nene must survey in and around the area to determine whether a nest or goslings are present. If a nest is discovered, the Service and authorized State wildlife officials must be notified within 72 hours (see paragraph (d)(4) of this section for contact information) and the following measures implemented to avoid disturbance of nests and broods:

(*1*) No disruptive activities may occur within a 100-foot (30-meter) buffer around all active nests and broods until the goslings have fledged;

(*2*) Brooding adults (*i.e.*, adults with an active nest or goslings) or adults in molt may not be subject to intentional harassment at any time; and

(*3*) The landowner must arrange follow-up surveys of the property by qualified biologists to assess the status of birds present.

(B) *Nonnative predator control or habitat management activities.* A person may incidentally take nene in the course of carrying out nonnative predator control or habitat management activities

for nene conservation purposes if reasonable care is practiced to minimize effects to the nene.

(*1*) Nonnative predator control activities for the conservation of nene include use of fencing, trapping, shooting, and toxicants to control predators, and related activities such as performing efficacy surveys, trap checks, and maintenance duties. Reasonable care for predator control activities may include, but is not limited to, procuring and implementing technical assistance from a qualified biologist on predator control methods and protocols prior to application of methods; compliance with all State and Federal regulations and guidelines for application of predator control methods; and judicious use of methods and tool adaptations to reduce the likelihood of nene ingesting bait, interacting with mechanical devices, or being injured or dying from interaction with mechanical devices.

(*2*) Habitat management activities for the conservation of nene include: Mowing, weeding, fertilizing, herbicide application, and irrigating existing pasture areas for conservation purposes; planting native food resources; providing watering areas, such as water units or ponds or catchments, designed to be safe for goslings and flightless/molting adults; providing temporary supplemental feeding and watering stations when appropriate, such as under poor quality forage or extreme conditions (e.g., drought or fire); if mechanical mowing of pastures for conservation management purposes is not feasible, alternate methods of keeping grass short, such as grazing; and large-scale restoration of native habitat (e.g., feral ungulate control, fencing). Reasonable care for habitat management may include, but is not limited to, procuring and implementing technical assistance from a qualified biologist on habitat management activities, and best efforts to minimize nene exposure to hazards (e.g., predation, habituation to feeding, entanglement, and vehicle collisions).

(C) *Actions carried out by law enforcement officers in the course of official law enforcement duties.* When acting in the course of their official duties, State and local government law enforcement officers, working in conjunction with authorized wildlife biologists and wildlife rehabilitators in the State of Hawaii, may take nene for the following purposes:

(*1*) Aiding or euthanizing sick, injured, or orphaned nene;

(*2*) Disposing of a dead specimen; or

(*3*) Salvaging a dead specimen that may be used for scientific study; or

(*4*) Possession and other acts with unlawfully taken specimens as provided in §17.21(d)(2) through (4)).

(4) *Reporting and disposal requirements.* Any injury or mortality of nene associated with the actions excepted under paragraphs (d)(3)(iii)(A) through (C) of this section must be reported to the Service and authorized State wildlife officials within 72 hours, and specimens may be disposed of only in accordance with directions from the Service. Reports should be made to the Service's Office of Law Enforcement at (808) 861–8525, or the Service's Pacific Islands Fish and Wildlife Office at (808) 792–9400. The State of Hawaii Department of Land and Natural Resources, Division of Forestry and Wildlife may be contacted at (808) 587–0166. The Service may allow additional reasonable time for reporting if access to these offices is limited due to closure.

(e) Elfin-woods warbler (*Setophaga angelae*). (1) *Prohibitions.* Except as noted in paragraph (e)(2) of this section, all prohibitions and provisions of 50 CFR 17.31 and 17.32 apply to the elfin-woods warbler.

(2) *Exemptions from prohibitions.* Incidental take of the elfin-woods warbler will not be considered a violation of section 9 of the Act if the take results from any of the following when conducted within habitats currently occupied by the elfin-woods warbler provided these activities abide by the conservation measures set forth in this paragraph (e) and are conducted in accordance with applicable State, Federal, and local laws and regulations:

(i) The conversion of sun-grown coffee to shade-grown coffee plantations by the restoration and maintenance (*i.e.,* removal of invasive, exotic, and feral species; shade and coffee tree seasonal pruning; shade and coffee tree planting and replacement; coffee bean harvest by hands-on methods; and the

use of standard pest control methods and fertilizers within the plantations) of shade-grown coffee plantations and native forests associated with this type of crop. To minimize disturbance to the elfin-woods warbler, shade and coffee tree seasonal pruning must be conducted between September 1 and February 28, which is the time period outside the peak of the elfin-woods warbler's breeding season. The Service considers the use of pest control methods (e.g., pesticides, herbicides) and fertilizers ''standard'' when it is used only twice a year during the establishment period of shade and coffee trees (*i.e.*, the first 2 years). Once the shade-grown coffee system reaches its functionality and structure (*i.e.*, 3 to 4 years), little or no chemical fertilizers, herbicides, or pesticides may be used.

(ii) Riparian buffer establishment though the planting of native vegetation and selective removal of exotic species.

(iii) Reforestation and forested habitat enhancement projects within secondary forests (*i.e.*, young and mature) that promote the establishment or improvement of habitat conditions for the species by the planting of native trees, selective removal of native and exotic trees, seasonal pruning of native and exotic trees, or a combination of these.

(f) Eastern black rail (*Laterallus jamaicensis jamaicensis*).

(1) *Prohibitions.* The following activities with the eastern black rail are prohibited:

(i) Purposeful take, including capture, handling, or other activities.

(ii) Incidental take resulting from the following activities:

(A) Prescribed burn activities, unless best management practices that minimize negative effects of the prescribed burn on the eastern black rail are employed. Best management practices include:

(*1*) Regardless of the size of the area under management with prescribed fire, a broad range of habitat conditions should be maintained by burning on a rotational basis, which supports black rail population maintenance and growth. In any given calendar year, at least 50 percent of the eastern black rail habitat within the management boundary should be maintained in order to provide the dense overhead cover required by the subspecies. Management boundaries can include individual landholdings, e.g., a National Wildlife Refuge boundary, or be formed through landscape-level agreements across landholdings of different but contiguous ownerships. This percentage does not apply to landholdings smaller than 640 acres.

(*2*) Where eastern black rail are present, the application of prescribed fire uses tactics that provide unburned refugia allowing birds to survive a fire (e.g., using short flanking, backing fires, or similar approaches). Prescribed fire is applied under fuel and weather conditions (e.g., soil moisture and/or relative humidity) that are most likely to result in patchy persistence of unburned habitat to serve as refugia from fire and predators.

(*3*) Ignition tactics, rates of spread, and flame lengths should allow for wildlife escape routes to avoid trapping birds in a fire. The application of prescribed fire should avoid fires, such as ring and strip head fires, that have long, unbroken boundaries and/or that come together in a short period of time and that consume essentially all vegetation and prevent black rails from escaping a fire. If aerial ignition is the chosen tool, ignitions should be conducted in such a way that large, fast-moving fires are avoided.

(B) Mowing, haying, and other mechanical treatment activities in persistent emergent wetlands when the activity occurs during the nesting or brooding periods, except in accordance with paragraph (f)(2)(iii) of this section.

(C) Grazing activities on public lands that occur on eastern black rail habitat and, that individually or cumulatively with other land management practices, do not maintain at least 50 percent of eastern black rail habitat, *i.e.*, dense overhead cover, in any given calendar year within a management boundary.

(D) Long-term or permanent damage, fragmentation, or conversion of persistent emergent wetlands and the contiguous wetland-upland transition zone to other habitat types (such as open water) or land uses that do not support eastern black rail.

(iii) Possession and other acts with unlawfully taken eastern black rails. It is unlawful to possess, sell, deliver, carry, transport, or ship, by any means whatsoever, any eastern black rail that was taken in violation of section 9(a)(1)(B) and (C) of the Act or State laws.

(iv) Import or export, as set forth at §17.21(b) for endangered wildlife.

(v) Possess and conduct other acts with unlawfully taken specimens, as set forth at §17.21(d)(1) for endangered wildlife.

(vi) Engage in interstate or foreign commerce in the course of commercial activity, as set forth at §17.21(e) for endangered wildlife.

(vii) Sell or offer for sale, as set forth at §17.21(f) for endangered wildlife.

(2) *Exceptions from prohibitions.*

(i) All of the provisions of §17.32 apply to the eastern black rail.

(ii) Any employee or agent of the Service, of the National Marine Fisheries Service, or of a State conservation agency that is operating a conservation program for the eastern black rail pursuant to the terms of a cooperative agreement with the Service in accordance with section 6(c) of the Act, who is designated by his agency for such purposes, may, when acting in the course of his official duties, take eastern black rails.

(iii) Incidental take resulting from haying, mowing, or other mechanical treatment activities in persistent emergent wetlands that occur during the nesting and brooding periods is allowed if those activities:

(A) Are maintenance requirements to ensure safety and operational needs, including maintaining existing infrastructure such as firebreaks, roads, rights-of-way, levees, dikes, fence lines, airfields, and surface water irrigation infrastructure (e.g., head gates, ditches, canals, water control structures, and culverts); or

(B) Occur during the control of woody encroachment and other invasive plant species to restore degraded habitat.

(iv) Incidental take resulting from actions taken to control wildfires is allowed.

(v) Incidental take resulting from the establishment of new firebreaks (for example, to protect wildlands or man-made infrastructure) and new fence lines is allowed.

(vi) Incidental take resulting from prescribed burns, grazing, and mowing or other mechanical treatment activities in existing moist soil management units or prior converted croplands (e.g., impoundments for rice or other cereal grain production) is allowed.

(g) [Reserved]

(h) Red-cockaded woodpecker (*Dryobates borealis*). (1) *Definitions.* For the purposes of this paragraph (h), we define the following terms:

(i) *Habitat management activities* are activities intended to maintain or improve the quality and/or quantity of red-cockaded woodpecker habitat, including, but not limited to, prescribed burning; using herbicides and equipment to reduce midstory encroachment, thin overstocked pine stands, promote an open canopy pine system, and promote herbaceous groundcover; converting planted pines to more fire-tolerant, site-appropriate native pines found within the associated native pine, fire-dependent ecosystem; planting and seeding native, site-appropriate pines and groundcover species; and regenerating areas of older pine forest to increase and maintain sustainable current and future habitat for red-cockaded woodpeckers.

(ii) *Cavity tree* means any tree containing one or more active or inactive natural or artificial cavities.

(A) An *active cavity* is a completed natural or artificial cavity or cavity start exhibiting fresh pine resin associated with red-cockaded woodpeckers' cavity maintenance, cavity construction, or resin well excavation.

(B) An *inactive cavity* is a cavity that is not presently being used by red-cockaded woodpeckers.

(C) A *cavity start* is a void formed in the bole of the tree during the initial stages of cavity excavation and can be active or inactive.

(iii) *Cluster* means the aggregation of cavity trees within an area previously or currently used and defended by a single red-cockaded woodpecker group. A cluster may be active or inactive. A cluster encompasses the minimum convex polygon containing all of a group's cavity trees and the 61-meter (200-foot)

buffer surrounding that polygon. The minimum cluster area size is 4.05 hectares (10 acres), as some clusters may contain only one cavity tree.

(A) An *active cluster* is defined as a cluster in which one or more of the cavity trees exhibit fresh resin as a result of red-cockaded woodpecker activity or in which one or more red-cockaded woodpeckers are observed.

(B) An *inactive cluster* is defined as a cluster that is not currently supporting any red-cockaded woodpeckers and shows no evidence of red-cockaded woodpecker activity.

(C) A *group* is a red-cockaded woodpecker social unit, consisting of a breeding pair with one or more helpers, a breeding pair without helpers, or a solitary male.

(iv) *Foraging habitat* is habitat that generally consists of mature pines with an open canopy, low densities of small pines, a sparse hardwood and/or pine midstory, few or no overstory hardwoods, and abundant native bunchgrass and forb groundcovers.

(2) *Prohibitions.* The following prohibitions in this paragraph (h)(2) that apply to endangered wildlife also apply to the red-cockaded woodpecker. Except as provided under paragraphs (h)(3) and (4) of this section and §§ 17.4 and 17.5, it is unlawful for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit, or cause to be committed, any of the following acts in regard to this species:

(i) Import or export, as set forth at § 17.21(b) for endangered wildlife.

(ii) Take, as set forth at § 17.21(c)(1) for endangered wildlife.

(iii) Possession and other acts with unlawfully taken specimens, as set forth at § 17.21(d)(1) for endangered wildlife.

(iv) Interstate or foreign commerce in the course of commercial activity, as set forth at § 17.21(e) for endangered wildlife.

(v) Sale or offer for sale, as set forth at § 17.21(f) for endangered wildlife.

(3) *General exceptions from prohibitions.* In regard to this species, you may:

(i) Conduct activities as authorized by a permit issued under § 17.32.

(ii) Take, as set forth at § 17.21(c)(2) through (4) for endangered wildlife, and § 17.21(c)(6) and (7) for endangered migratory birds.

(iii) Take, as set forth at § 17.31(b).

(iv) Possess and engage in other acts with unlawfully taken red-cockaded woodpeckers, as set forth at § 17.21(d)(2) for endangered wildlife and § 17.21(d)(3) and (4) for endangered migratory birds.

(4) *Exceptions from prohibitions for specific types of incidental take.* The following activities that cause take that is incidental to an otherwise lawful activity are not in violation of the prohibitions:

(i) *Department of Defense (DoD) installations.* Red-cockaded woodpecker habitat management and military training activities on DoD installations carried out in accordance with a Service-approved integrated natural resources management plan, provided that the DoD installation reports annually to the Service regarding their red-cockaded woodpecker populations.

(ii) *Federal land management agency properties.* Habitat management activities intended to restore or maintain red-cockaded woodpecker habitat on Federal land management agency properties, provided that:

(A) The Federal land management agency details these habitat management activities in a Federal habitat management plan;

(B) The Federal habitat management activities incorporate appropriate conservation measures to minimize or avoid adverse effects of these habitat management activities on, but not limited to, red-cockaded woodpecker foraging habitat, on clusters, and on the species' roosting and nesting behavior to the maximum extent practicable; and

(C) The Federal land management agency reports annually to the Service regarding their red-cockaded woodpecker populations.

(iii) *Privately and other non-federally owned properties.* Application of prescribed burns or herbicides on private and other non-Federal lands to create or maintain habitat (*i.e.*, open pine ecosystems) or sustain and grow red-cockaded woodpecker populations, provided that the landowner or their representative:

(A) Follows applicable best management practices for prescribed burns and applicable Federal and State laws;

(B) Applies herbicides in a manner consistent with applicable best management practices and applicable Federal and State laws; and

(C) Applies prescribed burns and herbicides in a manner that minimizes or avoids adverse effects to known active clusters and red-cockaded woodpecker roosting and nesting behavior to the maximum extent practicable.

(iv) *Artificial cavities.* Installation, maintenance, and replacement of artificial cavity inserts and drilled cavities on public and private lands, provided that:

(A) The individual conducting the installation, maintenance, or replacement has either:

(*1*) Held a valid Service permit for that purpose, which expired after November 25, 2024, and has continued to install, maintain, and replace cavities since the expiration of their permit; or

(*2*) Completed the following training procedures for the type of artificial cavity they plan to install, maintain, or replace:

(*i*) The individual (''apprentice'') has completed a period of apprenticeship to learn proper installation, maintenance, and replacement procedures for artificial cavities under the direction of a person (''trainer'') who has been installing, maintaining, and replacing cavities for at least the past 3 years;

(*ii*) The apprentice has installed at least 10 drilled cavities or 10 inserts under direct supervision and to the satisfaction of the trainer; and

(*iii*) The apprentice has learned the proper maintenance and inspection procedures for cavities.

(B) If the individual conducting the installation is an apprentice, the apprentice's trainer provides a letter to the apprentice and to the Service red-cockaded woodpecker recovery coordinator that outlines the training the apprentice received, which will serve as a record of the apprentice's training.

(C) The individual conducting the installation follows appropriate guidelines for the installation and use of artificial cavity inserts and drilled cavities, including, but not limited to:

(*1*) Monitoring the cavity resource;

(*2*) Installing and maintaining the recommended number of suitable cavities in each cluster;

(*3*) Using the appropriate type of artificial cavity insert and method of artificial cavity installation;

(*4*) Installing artificial cavities as close to existing cavity trees as possible, preferably within 71 meters (200 feet), when adding to an existing cluster;

(*5*) Selecting a tree that is of appropriate age or diameter, when installing a cavity insert;

(*6*) Selecting the appropriate location for artificial cavity installation on the tree; and

(*7*) Protecting red-cockaded woodpeckers from sap leakage by ensuring that no artificial cavity has resin leaking into the chamber or entrance tunnel.

(i) Mount Rainier white-tailed ptarmigan (*Lagopus leucura rainierensis*).

(1) *Prohibitions.* The following prohibition that applies to endangered wildlife also applies to the Mount Rainier white-tailed ptarmigan. Except as provided under paragraph (i)(2) of this section and §17.4, it is unlawful for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit, or cause to be committed, any of the following acts in regard to this species:

(i) Import or export, as set forth at §17.21(b) for endangered wildlife.

(ii) Take, as set forth at §17.21(c)(1) for endangered wildlife.

(iii) Possession and other acts with unlawfully taken specimens, as set forth at §17.21(d)(1) for endangered wildlife.

(iv) Interstate or foreign commerce in the course of a commercial activity, as set forth at §17.21(e) for endangered wildlife.

(v) Sale or offer for sale, as set forth at §17.21(f) for endangered wildlife.

(2) *Exceptions from prohibitions.* With regard to this subspecies, you may:

(i) Conduct activities as authorized by a permit under §17.32.

(ii) Take, as set forth at §17.21(c)(2) through (4) for endangered wildlife.

(iii) Take, as set forth at §17.31(b).

(iv) Possess and engage in other acts with unlawfully taken wildlife, as set

forth at §17.21(d)(2) for endangered wildlife.

(v) Take in accordance with these provisions:

(A) *Human safety and emergency response.* A person may incidentally take Mount Rainier white-tailed ptarmigan in the course of carrying out official emergency response activities related to human safety and the protection of natural resources.

(B) *Lawful outdoor recreation.* A person may incidentally take Mount Rainier white-tailed ptarmigan in the course of lawfully conducting outdoor recreational activities, such as hiking (including associated authorized pack animals and domestic dogs handled in compliance with existing regulations), camping, backcountry skiing, mountain biking, snowmobiling, climbing, and hunting where these activities are allowed. We consider outdoor recreation lawful if it is carried out in accordance with the recreation rules and limits established by the State, Federal, or Tribal agency managing the land.

(C) *Habitat restoration actions.* A person may incidentally take Mount Rainier white-tailed ptarmigan in the course of carrying out authorized habitat restoration consistent with the conservation needs of Mount Rainier white-tailed ptarmigan. We consider habitat restoration and enhancement activities authorized if they are consistent with Mount Rainier white-tailed ptarmigan conservation prescriptions or objectives that are specifically included in established Federal, State, or Tribal conservation plans and documents.

(D) *Predator control.* A person may incidentally take Mount Rainier white-tailed ptarmigan in the course of carrying out lawful, authorized predator control for the purpose of Mount Rainier white-tailed ptarmigan conservation if reasonable care is practiced to minimize effects to Mount Rainier white-tailed ptarmigan. Predator control activities may include the use of fencing, trapping, shooting, and toxicants to control predators, and related activities such as performing efficacy surveys, trap checks, and maintenance duties. Any predator control conducted for the purposes of conservation of Mount Rainier white-tailed ptarmigan is considered authorized if it is carried out in accordance with the rules and limits established by the State, Federal, or Tribal agency managing the land and coordinated in in advance with the Service.

(E) *Forest management.* A person may incidentally take Mount Rainier white-tailed ptarmigan in the course of carrying out legal and authorized forest management activities, including, but not limited to, timber harvest, and fire and vegetation management. We consider forest management activities legal and authorized if they are carried out in accordance with the forest practices rules and limits established by the State, Federal, or Tribal agency managing the land.

(F) *Routine maintenance to infrastructure.* A person may incidentally take Mount Rainier white-tailed ptarmigan in the course of carrying out authorized routine maintenance of public or private infrastructure (e.g., buildings, roads, parking lots, viewpoints, trails, designated camp sites, developed ski areas, and helicopter landing pads) and supporting infrastructure (e.g., benches, signs, safety features) within or adjacent to Mount Rainier white-tailed ptarmigan habitat. We consider maintenance activities authorized if they are carried out in accordance with the rules established by the State, Federal, or Tribal agency managing the land. This exception does not extend to take associated with the development of new infrastructure.

(G) *Reporting and disposal requirements.* Any take (injury or mortality) of Mount Rainier white-tailed ptarmigan associated with the actions excepted under paragraphs (i)(2)(v)(A) through (G) of this section must be reported to the Service and authorized State wildlife officials within 72 hours, and specimens may be disposed of only in accordance with directions from the Service. Reports should be made to the Service's Office of Law Enforcement; contact information for that office is located at 50 CFR 10.22.

(i) Mount Rainier white-tailed ptarmigan (*Lagopus leucura rainierensis*).

(1) *Prohibitions.* The following prohibition that applies to endangered wildlife also applies to the Mount Rainier

white-tailed ptarmigan. Except as provided under paragraph (i)(2) of this section and §17.4, it is unlawful for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit, or cause to be committed, any of the following acts in regard to this species:

(i) Import or export, as set forth at §17.21(b) for endangered wildlife.

(ii) Take, as set forth at §17.21(c)(1) for endangered wildlife.

(iii) Possession and other acts with unlawfully taken specimens, as set forth at §17.21(d)(1) for endangered wildlife.

(iv) Interstate or foreign commerce in the course of a commercial activity, as set forth at §17.21(e) for endangered wildlife.

(v) Sale or offer for sale, as set forth at §17.21(f) for endangered wildlife.

(2) *Exceptions from prohibitions.* With regard to this subspecies, you may:

(i) Conduct activities as authorized by a permit under §17.32.

(ii) Take, as set forth at §17.21(c)(2) through (4) for endangered wildlife.

(iii) Take, as set forth at §17.31(b).

(iv) Possess and engage in other acts with unlawfully taken wildlife, as set forth at §17.21(d)(2) for endangered wildlife.

(v) Take in accordance with these provisions:

(A) *Human safety and emergency response.* A person may incidentally take Mount Rainier white-tailed ptarmigan in the course of carrying out official emergency response activities related to human safety and the protection of natural resources.

(B) *Lawful outdoor recreation.* A person may incidentally take Mount Rainier white-tailed ptarmigan in the course of lawfully conducting outdoor recreational activities, such as hiking (including associated authorized pack animals and domestic dogs handled in compliance with existing regulations), camping, backcountry skiing, mountain biking, snowmobiling, climbing, and hunting where these activities are allowed. We consider outdoor recreation lawful if it is carried out in accordance with the recreation rules and limits established by the State, Federal, or Tribal agency managing the land.

(C) *Habitat restoration actions.* A person may incidentally take Mount Rainier white-tailed ptarmigan in the course of carrying out authorized habitat restoration consistent with the conservation needs of Mount Rainier white-tailed ptarmigan. We consider habitat restoration and enhancement activities authorized if they are consistent with Mount Rainier white-tailed ptarmigan conservation prescriptions or objectives that are specifically included in established Federal, State, or Tribal conservation plans and documents.

(D) *Predator control.* A person may incidentally take Mount Rainier white-tailed ptarmigan in the course of carrying out lawful, authorized predator control for the purpose of Mount Rainier white-tailed ptarmigan conservation if reasonable care is practiced to minimize effects to Mount Rainier white-tailed ptarmigan. Predator control activities may include the use of fencing, trapping, shooting, and toxicants to control predators, and related activities such as performing efficacy surveys, trap checks, and maintenance duties. Any predator control conducted for the purposes of conservation of Mount Rainier white-tailed ptarmigan is considered authorized if it is carried out in accordance with the rules and limits established by the State, Federal, or Tribal agency managing the land and coordinated in in advance with the Service.

(E) *Forest management.* A person may incidentally take Mount Rainier white-tailed ptarmigan in the course of carrying out legal and authorized forest management activities, including, but not limited to, timber harvest, and fire and vegetation management. We consider forest management activities legal and authorized if they are carried out in accordance with the forest practices rules and limits established by the State, Federal, or Tribal agency managing the land.

(F) *Routine maintenance to infrastructure.* A person may incidentally take Mount Rainier white-tailed ptarmigan in the course of carrying out authorized routine maintenance of public or private infrastructure (e.g., buildings,

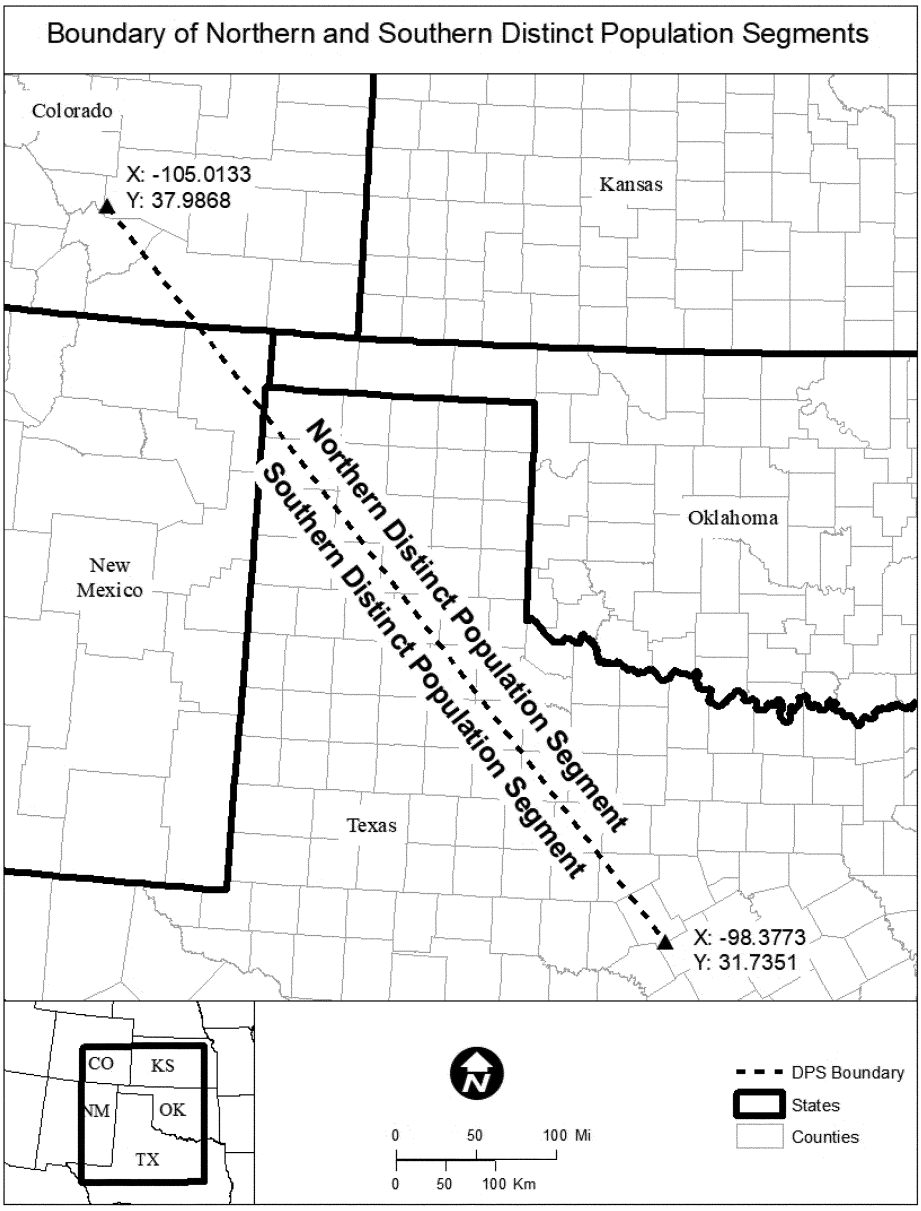
roads, parking lots, viewpoints, trails, designated camp sites, developed ski areas, and helicopter landing pads) and supporting infrastructure (e.g., benches, signs, safety features) within or adjacent to Mount Rainier white-tailed ptarmigan habitat. We consider maintenance activities authorized if they are carried out in accordance with the rules established by the State, Federal, or Tribal agency managing the land. This exception does not extend to take associated with the development of new infrastructure.

(G) *Reporting and disposal requirements.* Any take (injury or mortality) of Mount Rainier white-tailed ptarmigan associated with the actions excepted under paragraphs (i)(2)(v)(A) through (G) of this section must be reported to the Service and authorized State wildlife officials within 72 hours, and specimens may be disposed of only in accordance with directions from the Service. Reports should be made to the Service's Office of Law Enforcement; contact information for that office is located at 50 CFR 10.22.

(j) [Reserved]

(k) Lesser prairie-chicken *(Tympanuchus pallidicinctus),* Northern Distinct Population Segment (DPS). The Northern DPS of the lesser prairie-chicken pertains to lesser prairie-chickens found northeast of a line starting in Colorado at 37.9868 N, 105.0133 W, going through northeastern New Mexico, and ending in Texas at 31.7351 N, 98.3773 W, NAD83, as shown in the map:

FIGURE 1 TO PARAGRAPH (k)



(1) *Prohibitions.* The following prohibitions that apply to endangered wildlife also apply to the Northern DPS of the lesser prairie-chicken. Except as provided under paragraph (k)(2) of this section and §§ 17.4 and 17.5, it is unlawful for any person subject to the jurisdiction of the United States to commit,

to attempt to commit, to solicit another to commit, or cause to be committed, any of the following acts in regard to this species:

(i) Import or export, as set forth at §17.21(b) for endangered wildlife.

(ii) Take, as set forth at §17.21(c)(1) for endangered wildlife.

(iii) Possession and other acts with unlawfully taken specimens, as set forth at §17.21(d)(1) for endangered wildlife.

(iv) Interstate or foreign commerce in the course of a commercial activity, as set forth at §17.21(e) for endangered wildlife.

(v) Sale or offer for sale, as set forth at §17.21(f) for endangered wildlife.

(2) *Exceptions from prohibitions.* In regard to this species, you may:

(i) Conduct activities as authorized by a permit under §17.32.

(ii) Take, as set forth at §17.21(c)(2) through (c)(4) for endangered wildlife.

(iii) Take as set forth at §17.31(b).

(iv) Possess and engage in other acts with unlawfully taken wildlife, as set forth at §17.21(d)(2) for endangered wildlife.

(v) Take incidental to an otherwise lawful activity caused by:

(A) Continuation of routine agricultural practices on existing cultivated lands, including:

(*1*) Plowing, drilling, disking, mowing, or other mechanical manipulation and management of lands;

(*2*) Routine activities in direct support of cultivated agriculture, including replacement, upgrades, maintenance, and operation of existing infrastructure such as buildings, irrigation conveyance structures, fences, and roads; and

(*3*) Use of chemicals in direct support of cultivated agriculture when done in accordance with label recommendations.

(B) Implementation of prescribed fire for the purposes of grassland management, including:

(*1*) Construction and maintenance of fuel breaks;

(*2*) Planning needed for application of prescribed fire;

(*3*) Implementation of the fire and all associated actions; and

(*4*) Any necessary monitoring and followup actions.

(C) Implementation of prescribed grazing following a site-specific grazing management plan developed by a Service-approved party, including:

(*1*) Physical impact of cattle to vegetative composition and structure;

(*2*) Trampling of lesser prairie-chicken nests;

(*3*) Construction and maintenance of required infrastructure for grazing management, including but not limited to fences and water sources; and

(*4*) Other routine activities required to implement managed grazing, including but not limited to feeding, monitoring, and moving of livestock.

(l) Cactus ferruginous pygmy-owl *(Glaucidium brasilianum cactorum).* (1) *Prohibitions.* The following prohibitions that apply to endangered wildlife also apply to the cactus ferruginous pygmy-owl. Except as provided under paragraphs (l)(2) and (3) of this section and §§17.4, 17.5, and 17.7, it is unlawful for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit, or cause to be committed, any of the following acts in regard to this subspecies:

(i) Import or export, as set forth at §17.21(b) for endangered wildlife.

(ii) Take, as set forth at §17.21(c)(1) for endangered wildlife.

(iii) Possession and other acts with unlawfully taken specimens, as set forth at §17.21(d)(1) for endangered wildlife.

(iv) Interstate or foreign commerce in the course of commercial activity, as set forth at §17.21(e) for endangered wildlife.

(v) Sale or offer for sale, as set forth at §17.21(f) for endangered wildlife.

(2) *General exceptions from prohibitions.* In regard to this subspecies, you may:

(i) Conduct activities as authorized by a permit under §17.32.

(ii) Take, as set forth at §17.21(c)(2) through (4) for endangered wildlife, and (c)(6) and (7) for endangered migratory birds.

(iii) Take as set forth at §17.31(b).

(iv) Possess and engage in other acts with unlawfully taken wildlife, as set forth at §17.21(d)(2) for endangered wildlife and (d)(3) and (4) for endangered migratory birds.

(3) *Exceptions from prohibitions for specific types of incidental take.* You may take cactus ferruginous pygmy-owl while carrying out the following legally conducted activities in accordance with this paragraph (l)(3):

(i) Educational and outreach activities that have been coordinated with the Service no later than 60 calendar days prior to the initiation of the proposed activity, provided the researcher already holds an appropriate, valid permit issued under part 21 of this chapter, which governs species protected under the Migratory Bird Treaty Act, for educational activities involving the use of live pygmy-owls, zoological exhibitions, pygmy-owl skins, or parts of pygmy-owls or other raptors.

(ii) Specific surveying and monitoring activities within the State of Arizona that do not include handling of pygmy-owls (e.g., call playback, visual observation, collection of feathers in nests or on the ground, and camera monitoring) and only if they are conducted under a valid scientific activity license issued by the Arizona Game and Fish Department.

(A) Data collected must be submitted to the Arizona Game and Fish Department for inclusion in their Heritage Data Management System.

(B) Call playback surveys and monitoring must follow the most current, Service-approved protocol.

(C) Surveying and monitoring activities must be associated with a legitimate scientific project or regulatory compliance activity.

(iii) Habitat restoration and enhancement activities and projects that are coordinated with and approved by the Service no later than 60 calendar days prior to the initiation of the proposed activity.

(A) These activities and projects may include activities that enhance cactus ferruginous pygmy-owl habitat conditions; improve ecosystem health and sustainability within the range of the pygmy-owl; improve habitat connectivity; increase availability of nest cavities; increase prey availability; reduce or control invasive, nonnative plant species; and enhance native plant communities, particularly woodland riparian communities.

(B) These activities and projects do not include prescribed fire within Sonoran Desert vegetation communities (unless these activities and projects occur in vegetation community transition areas and are coordinated with and approved by the Service), actions that would result in more than a minimal reduction or removal of tree cover (as determined through coordination with and approved by the Service and generally involving no more than a 30 percent reduction in tree cover) such as fuels management or roadway vegetation management, land development, or actions that use or promote nonnative vegetation species.

(iv) For all forms of allowable take, reasonable care must be practiced to minimize the impacts from the actions. Reasonable care means:

(A) Limiting the impacts to cactus ferruginous pygmy-owl individuals and populations by complying with all applicable Federal, State, and Tribal regulations for the activity in question;

(B) Using methods and techniques that result in the least harm, injury, or death, as feasible;

(C) Undertaking activities when and where they have the least impact (e.g., conducting activities that might impact nesting cactus ferruginous pygmy-owls or nesting habitat only after nesting is concluded for the year), as feasible;

(D) Procuring and implementing technical assistance from a qualified biologist on all methods and techniques used for a project prior to their implementation;

(E) Minimizing the number of individual pygmy-owls disturbed in the existing wild population;

(F) Implementing best management practices to ensure no diseases or parasites are introduced into existing cactus ferruginous pygmy-owl populations; and

(G) Preserving the genetic diversity of wild populations.

(m) Emperor penguin (*Aptenodytes forsteri*)—(1) *Prohibitions.* The following prohibitions that apply to endangered wildlife also apply to the emperor penguin. Except as provided under paragraph (m)(2) of this section and §§17.4 and 17.5, it is unlawful for any person

subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit, or cause to be committed, any of the following acts in regard to this species:

(i) Import or export, as set forth at §17.21(b) for endangered wildlife.

(ii) Take, as set forth at §17.21(c)(1) for endangered wildlife.

(iii) Possession and other acts with unlawfully taken specimens, as set forth at §17.21(d)(1) for endangered wildlife.

(iv) Interstate or foreign commerce in the course of commercial activity, as set forth at §17.21(e) for endangered wildlife.

(v) Sale or offer for sale in foreign commerce, as set forth at §17.21(f) for endangered wildlife.

(vi) Sale or offer for sale in interstate commerce, as set forth at §17.21(f) for endangered wildlife.

(2) *Exceptions from prohibitions.* In regard to the emperor penguin, you may:

(i) Sell, offer for sale, deliver, receive, carry, transport, or ship in interstate commerce live emperor penguins from one public institution to another public institution. For the purposes of this paragraph, ''public institution'' means a museum, zoological park, and scientific or educational institution that meets the definition of ''public'' at 50 CFR 10.12.

(ii) Take emperor penguins within Antarctica as authorized under implementing regulations for the Antarctic Conservation Act of 1978 (16 U.S.C. 2401 *et seq.*), either in accordance with the provisions set forth at 45 CFR 670.5 or 670.9, or as authorized by a permit under 45 CFR part 670.

(iii) Import emperor penguins into the United States from Antarctica or export emperor penguins from the United States to Antarctica as authorized under implementing regulations for the Antarctic Conservation Act of 1978 (16 U.S.C. 2401 *et seq.*), either in accordance with the provisions set forth at 45 CFR 670.9, or as authorized by a permit under 45 CFR part 670.

(iv) Conduct activities as authorized by a permit under §17.32.

(v) Take, as set forth at §17.21(c)(2) through (4) for endangered wildlife.

(vi) Possess and engage in other acts with unlawfully taken wildlife, as set forth at §17.21(d)(2) for endangered wildlife.

(vii) Conduct activities as authorized by a captive-bred wildlife registration under §17.21(g) for endangered wildlife.

[43 FR 6233, Feb. 14, 1978]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §17.41, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

§17.42 Species-specific rules—reptiles.

(a) American alligator (*Alligator mississippiensis*)—(1) *Definitions.* For purposes of this paragraph (a) the following definitions apply:

(i) *American alligator* means any specimen of the species *Alligator mississippiensis*, whether alive or dead, including any skin, part, product, egg, or offspring thereof held in captivity or from the wild.

(ii) The definitions of *crocodilian skins* and *crocodilian parts* in §23.70(b) of this subchapter apply to this paragraph (a).

(2) *Taking.* No person may take any American alligator, except:

(i) Any employee or agent of the Service, any other Federal land management agency, or a State conservation agency, who is designated by the agency for such purposes, may, when acting in the course of official duties, take an American alligator.

(ii) Any person may take an American alligator in the wild, or one which was born in captivity or lawfully placed in captivity, and may deliver, receive, carry, transport, ship, sell, offer to sell, purchase, or offer to purchase such alligator in interstate or foreign commerce, by any means whatsoever and in the course of a commercial activity in accordance with the laws and regulations of the State of taking subject to the following conditions:

(A) Any skin of an American alligator may be sold or otherwise transferred only if the State or Tribe of taking requires skins to be tagged by State or tribal officials or under State or tribal supervision with a Service-approved tag in accordance with the requirements in part 23 of this subchapter; and

(B) Any American alligator specimen may be sold or otherwise transferred only in accordance with the laws and regulations of the State or Tribe in which the taking occurs and the State or Tribe in which the sale or transfer occurs.

(3) *Import and export.* Any person may import or export an American alligator specimen provided that it is in accordance with part 23 of this subchapter.

(4) *Recordkeeping.* (i) Any person not holding an import/export license issued by the Service under part 14 of this subchapter and who imports, exports, or obtains permits under part 23 of this subchapter for the import or export of American alligator shall keep such records as are otherwise required to be maintained by all import/export licensees under part 14 of this subchapter. Such records shall be maintained as in the normal course of business, reproducible in the English language, and retained for 5 years from the date of each transaction.

(ii) Subject to applicable limitations of law, duly authorized officers at all reasonable times shall, upon notice, be afforded access to examine such records required to be kept under paragraph (a)(4)(i) of this section, and an opportunity to copy such records.

(b) Green sea turtle (*Chelonia mydas*), loggerhead sea turtle (*Caretta caretta*), olive ridley sea turtle (*Lepidochelys olivacea*) (these do not include the populations listed as endangered in §17.11).

(1) *Prohibitions.* Subject to the permits allowable under the following paragraph (b)(2) of this section, all of the provisions set forth in §17.31 (which incorporate portions of §17.21) shall apply to this wildlife with the following exceptions:

(i) Section 17.21(c)(2) (self-defense) is not applicable.

(ii) In §17.21(c)(3)(i), the word ''orphaned'' is replaced by the word ''stranded.''

(iii) Delete §17.21(c)(3)(iv) (Wildlife threatening human safety).

(iv) [Reserved]

(v) The prohibition against taking shall not apply to incidental catches, as specified in 50 CFR 227.72(e).

(vi) The prohibition against taking within the United States or the territorial sea of the United States shall not apply to subsistence taking, as specified in 50 CFR 227.72(f).

(2) *Permits.* (i) For those activities which come under the jurisdiction of the Service, only permits for scientific purposes, enhancement of propagation or survival, zoological exhibition or educational purposes, are available under §17.32. Procedures for issuance of permits are found in §17.32 and, for those activities which come under the jurisdiction of the National Marine Fisheries Service, subpart E of part 220. All the provisions of §17.32 apply to permits issued by the Service.

(c) *Threatened crocodilians*—(1) *What are the definitions of terms used in this paragraph (c)?*

(i) *Threatened crocodilian* means any live or dead specimen of the following species:

(A) Broad-snouted caiman (*Caiman latirostris*) originating in Argentina;

(B) Brown caiman (*Caiman crocodilus fuscus*, including *Caiman crocodilus chiapasius*);

(C) Common caiman (*Caiman crocodilus crocodilus*);

(D) Yacare caiman (*Caiman yacare*);

(E) Nile crocodile (*Crocodylus niloticus*); and

(F) Saltwater crocodile (*Crocodylus porosus*) originating in Australia (also referred to as Australian saltwater crocodile).

(ii) The definitions of *crocodilian skins* and *crocodilian parts* in §23.70(b) and *re-export* in §23.5 of this subchapter apply to this paragraph (c).

(2) *What activities involving threatened crocodilians are prohibited by this rule?* (i) All provisions of §§17.31 and 17.32 apply to live specimens, including viable eggs, of all threatened crocodilians and to any specimen of the Appendix-I Nile crocodile.

(ii) Except as provided in paragraph (c)(2)(i) of this section, the following prohibitions apply to threatened crocodilians.

(A) *Import, export, and re-export.* Except as provided in paragraph (c)(3) of this section, it is unlawful to import, export, or re-export, or attempt to import, export, or re-export without valid permits as required under parts 17 and 23 of this subchapter any threatened crocodilians, including their skins, parts, and products.

(B) *Commercial activity*. Except as provided in paragraph (c)(3) of this section, it is unlawful, in the course of a commercial activity, to sell or offer for sale, deliver, receive, carry, transport, or ship in interstate or foreign commerce any threatened crocodilians, including their skins, parts, and products.

(C) It is unlawful for any person subject to the jurisdiction of the United States to commit, attempt to commit, solicit to commit, or cause to be committed any acts described in paragraphs (c)(2)(i) and (c)(2)(ii)(A) and (B) of this section.

(3) *What activities involving threatened crocodilians are allowed by this rule?* Except as provided in (c)(2)(i), you may import, export, or re-export, or sell or offer for sale, deliver, receive, carry, transport, or ship in interstate or foreign commerce and in the course of a commercial activity, threatened crocodilian skins, parts, and products without a threatened species permit otherwise required under §17.32 provided the requirements of parts 13, 14, and 23 of this subchapter and the requirements of paragraphs (c)(3) and (4) of this section have been met.

(i) *Skins and parts.* Except as provided in (c)(3)(ii) of this section, the import, export, or re-export of threatened crocodilian skins and crocodilian parts is allowed provided the following conditions are met:

(A) Each crocodilian skin and crocodilian part imported, exported, or re-exported must be tagged or labeled in accordance with §23.70 of this subchapter.

(B) Any countries re-exporting crocodilian skins or parts must have implemented an administrative system for the effective matching of imports and re-exports.

(C) If a shipment contains more than 25 percent replacement tags, the U.S. Management Authority will consult with the Management Authority of the re-exporting country before clearing the shipment. Such shipments may be seized if we determine that the requirements of the Convention have not been met.

(D) The country of origin and any intermediary country(s) must be effectively implementing the Convention. If we receive persuasive information from the CITES Secretariat or other reliable sources that a specific country is not effectively implementing the Convention, we will prohibit or restrict imports from such country(s) as appropriate for the conservation of the species.

(ii) *Meat, skulls, scientific specimens, products, and noncommercial personal or household effects.* The tagging requirements in paragraph (c)(3)(i) of this section for skins and parts do not apply to the import, export, or re-export of threatened crocodilian meat, skulls, scientific specimens, or products or to the noncommercial import, export, or re-export of personal effects in accompanying baggage or household effects.

(4) *When and how will the Service inform the public of additional restrictions in trade of threatened crocodilians?* Except in rare cases involving extenuating circumstances that do not adversely affect the conservation of the species, the Service will issue an information bulletin (posted on our websites, *http://www.fws.gov/le* and *http://www.fws.gov/international*) announcing additional restrictions on trade of specimens of threatened crocodilians if any of the following criteria are met:

(i) The country is listed in a Notification to the Parties by the CITES Secretariat as not having designated Management and Scientific Authorities.

(ii) The country is identified in any action adopted by the Conference of the Parties to the Convention, the Standing Committee, or in a Notification issued by the CITES Secretariat, whereby Parties are asked not to accept shipments of specimens of any CITES species from the country in question or of any crocodilian species listed in the CITES Appendices.

(iii) We determine, based on information from the CITES Secretariat or other reliable sources, that the country is not effectively implementing the provisions of the Convention.

(5) *Reporting requirements for yacare caiman range countries*—(i) *Biennial reports.* Range countries (Argentina, Bolivia, Brazil, and Paraguay) wishing to export specimens of yacare caiman to the United States for commercial purposes must provide a biennial report

containing the most recent information available on the status of the species. The first submission of a status report will be required as of December 31, 2001, and every 2 years thereafter on the anniversary of that date. For each range country, all of the following information must be included in the report.

(A) Recent distribution and population data, and a description of the methodology used to obtain such estimates.

(B) Description of research projects currently being conducted related to the biology of the species in the wild, particularly reproductive biology (for example, age or size when animals become sexually mature, number of clutches per season, number of eggs per clutch, survival of eggs, survival of hatchlings).

(C) Description of laws and programs regulating harvest, including approximate acreage of land set aside as natural reserves or national parks that provide protected habitat for yacare caiman.

(D) Description of current sustainable harvest programs, including ranching (captive rearing of specimens collected from the wild as eggs or juveniles) and farming (captive-breeding) programs.

(E) Current harvest quotas for wild populations.

(F) Export data for the last 2 years. Information should be organized according to the source of specimens such as wild-caught, captive-reared, or captive-bred.

(ii) *Review and restrictions.* The U.S. Scientific Authority will conduct a review every 2 years, using information in the biennial reports and other available information, to determine whether range country management programs are effectively achieving conservation benefits for the yacare caiman. Based on the best available information, we may restrict trade from a range country if we determine that the conservation or management status of threatened yacare caiman populations has changed, such that continued recovery of the population in that country may be compromised. Trade restrictions, as addressed in paragraph (c)(4) of this section, may be implemented based on one or more of the following factors:

(A) Failure to submit the reports described above, or failure to respond to requests for additional information.

(B) A change in range country laws or regulations that lessens protection for yacare caiman.

(C) A change in range country management programs that lessens protection for the species.

(D) A documented decline in wild population numbers.

(E) A documented increase in poaching.

(F) A documented decline in habitat quality or quantity.

(G) Other natural or manmade factors affecting the species' recovery.

(d) Blue-tailed mole skink (*Eumeces egregius lividus*) and sand skink (*Neoseps reynoldsi*). (1) No person shall take these species, except in accordance with applicable State fish and wildlife conservation laws and regulations for educational purposes, scientific purposes, the enhancement or survival of the species, zoological exhibition, and other conservation purposes consistent with the Act.

(2) Any violation of applicable State fish and wildlife conservation laws or regulations with respect to taking of these species is also a violation of the Endangered Species Act.

(3) No person shall possess, sell, deliver, carry, transport, ship, import, or export, by any means whatever, any such species taken in violation of applicable State fish and wildlife conservation laws or regulations.

(4) It is unlawful for any person to attempt to commit, solicit another to commit, or cause to be committed, any offense defined in paragraph (c) (1) through (3) of this section.

(5) Taking of these species for purposes other than those described in paragraph (c)(1) of this section, including taking incidental to carrying out otherwise lawful activities, is prohibited except when permitted under §§ 17.23 and 17.32.

(e) Desert tortoise (*Gopherus agassizii*)—(1) *Definition.* For the purposes of this paragraph (e) ''desert tortoise'' shall mean any member of the species *Gopherus agassizii*, whether alive or dead, and any part, product,

egg, or offspring thereof, found outside of Arizona (south and east of the Colorado River) and Mexico, regardless of natal origin or place of removal from the wild.

(2) *Applicable provisions.* The provisions of §17.31–17.32 shall apply to any desert tortoise subject to this paragraph (e).

(f) Bog turtle (*Glyptemys muhlenbergii*), southern population—(1) *Definitions of terms.* For the purposes of this paragraph (f): *Bog turtle* of the southern population means any member of the species *Clemmys muhlenbergii*, within Georgia, North Carolina, South Carolina, Tennessee and Virginia, regardless of whether in the wild or captivity, and also applies to the progeny of any such turtle.

(2) *Prohibitions.* Except as provided in paragraph (f)(3) of this section, the provisions of Sec. 17.31 (a) and (b) of this part applies to bog turtles of the southern population (see also 50 CFR part 23).

(3) *Take.* Incidental take, that is, take that results from, but is not the purpose of, carrying out an otherwise lawful activity, does not apply to bog turtles of the southern population.

(g) Northern Mexican gartersnake (*Thamnophis eques megalops*)—(1) *Prohibitions.* Except as noted in paragraph (g)(2) of this section, all prohibitions and provisions of §§17.31 and 17.32 apply to the northern Mexican gartersnake.

(2) *Exemptions from prohibitions.* Incidental take of the northern Mexican gartersnake will not be considered a violation of section 9 of the Act if the take occurs on non-Federal land and is incidental to activities pertaining to construction, continued use, and maintenance of stock tanks. A stock tank is an existing or future impoundment in an ephemeral drainage or upland site constructed primarily as a watering site for livestock.

(h) Black pinesnake (*Pituophis melanoleucus lodingi*).

(1) *Prohibitions.* Except as noted in paragraph (h)(2) of this section, all prohibitions and provisions of §§17.31 and 17.32 apply to the black pinesnake.

(2) *Exemptions from prohibitions.* Incidental take of the black pinesnake will not be considered a violation of section 9 of the Act if the take results from:

(i) Prescribed burning, including all fire break establishment and maintenance actions, as well as actions taken to control wildfires.

(ii) Herbicide application for invasive plant species control, site-preparation, and mid-story and understory woody vegetation control. All exempted herbicide applications must be conducted in a manner consistent with Federal law, including Environmental Protection Agency label restrictions; applicable State laws; and herbicide application guidelines as prescribed by herbicide manufacturers.

(iii) All forest management activities that maintain lands in a forested condition, except for:

(A) Conversion of longleaf-pine-dominated forests (>51 percent longleaf in the overstory) to other forest cover types or land uses; and

(B) Those activities causing significant subsurface disturbance, including, but not limited to, shearing, wind-rowing, stumping, disking (except during fire break creation or maintenance), root-raking, and bedding.

(i) Louisiana pinesnake (*Pituophuis ruthveni*)—(1) *Definitions.* The following definitions apply only to terms used in this paragraph (i) for activities affecting the Louisiana pinesnake.

(i) *Estimated occupied habitat area (EOHA).* Areas of land where occurrences of Louisiana pinesnakes have been recorded and that are considered by the Service to be occupied by the species. For current information regarding the EOHAs, contact your local Service Ecological Services office. Field office contact information may be obtained from the Service regional offices, the addresses of which are listed in 50 CFR 2.2.

(ii) *Suitable or preferable soils.* Those soils in Louisiana and Texas that generally have high sand content and a low water table and that have been shown to be selected by Louisiana pinesnakes (Natural Resources Conservation Service soil survey hydrologic group, Categories A and B).

(2) *Prohibitions.* The following prohibitions that apply to endangered wildlife also apply to the Louisiana pinesnake. Except as provided at paragraph (i)(3) of this section and §17.4, it is unlawful for any person subject to

the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit, or cause to be committed, any of the following acts in regard to this species:

(i) Import or export, as set forth for endangered wildlife at §17.21(b).

(ii) Take, as set forth for endangered wildlife at §17.21(c)(1).

(iii) Possession and other acts with unlawfully taken specimens, as set forth for endangered wildlife at §17.21(d)(1).

(iv) Interstate or foreign commerce in the course of commercial activity, as set forth for endangered wildlife at §17.21(e).

(v) Sale or offer for sale, as set forth for endangered wildlife at §17.21(f).

(3) *Exceptions from the prohibitions.* In regard to this species, you may:

(i) Conduct activities as authorized by a permit issued under §17.32.

(ii) Take, as set forth for endangered wildlife at §17.21(c)(2) through (c)(4).

(iii) Take, as set forth at §17.31(b).

(iv) Possess and engage in other acts with unlawfully taken Louisiana pinesnakes, as set forth for endangered wildlife at §17.21(d)(2).

(v) Take incidental to an otherwise lawful activity caused by:

(A) *Outside any known EOHAs*—Activities that maintain existing forest lands in forest land use and that, when conducted in areas within the range of the Louisiana pinesnake, on preferred or suitable soils, result in the establishment and maintenance of open-canopy pine-dominated forest stands over time across the landscape. These activities include:

(*1*) Tree thinning, tree harvest (including clearcutting), and planting and replanting pines (by hand or by machine).

(*2*) Prescribed burning, including all firebreak establishment and maintenance actions, as well as actions taken to control wildfires.

(*3*) Herbicide application that is generally targeted for invasive plant species control and midstory and understory woody vegetation control, but is also used for site preparation when applied in a manner that minimizes long-term impact to noninvasive herbaceous vegetation. These provisions include only herbicide applications conducted in a manner consistent with Federal and applicable State laws, including Environmental Protection Agency label restrictions and herbicide application guidelines as prescribed by manufacturers.

(*4*) Skidding logs and use of loading decks that avoid mound complexes of Baird's pocket gophers *(Geomys breviceps)*.

(*5*) Maintenance of existing substandard (dirt, unsurfaced) forest roads and trails used for access to timber being managed.

(*6*) Implementation of mandated and State-recommended forestry best management practices, including, but not limited to, those necessary to protect riparian (e.g., streamside management zone) and other habitats from erosional sediment deposition, and prevent washout of forest roads and impacts to vegetation.

(*7*) Food plot establishment for game animals, when it does not destroy existing native herbaceous vegetation, avoids Baird's pocket gopher mound complexes, and does not exceed 1 acre in size.

(B) *Within any known EOHAs* where Baird's pocket gopher mounds are present or on lands that have suitable or preferable soils and that are forested, undeveloped, or non-farmed (*i.e.*, not cultivated on an annual basis) and adjacent to forested lands—Activities described in paragraphs (i)(3)(v)(A)(*1*) through (*7*) of this section provided that those activities do not:

(*1*) Cause subsurface disturbance, including, but not limited to, wind-rowing, stumping, disking (except during firebreak creation or maintenance), root-raking, drum chopping (except for single pass with the lightest possible weighted drums and only when the soil is not wet, when used to control hardwoods and woody shrub species detrimental to establishment of pine-forested land), shearing that penetrates the soil surface, ripping (except when restoring pine forest in compacted soil areas such as former pastures), bedding, new road construction, and commercial or residential development. Machine-planting, using the shallowest depth possible, would be allowed in areas where pocket gophers are not present and only for planting pine tree

species. In former pastures or highly degraded areas with no herbaceous vegetation and poor planting conditions, subsurface disturbance will be allowed only for activities that contribute to reforestation that is consistent with the conservation of the species.

(*2*) Inhibit the persistence of suitable Baird's pocket gopher and Louisiana pinesnake habitat, which consists of open-canopy forest situated on well-drained sandy soils with an abundant herbaceous plant community, a non-existent or sparse midstory, and a low pine basal area.

(*3*) Involve the use of plastic mesh in erosion control and stabilization devices, mats, blankets, or channel protection.

(j) [Reserved]

(k) Suwannee alligator snapping turtle (*Macrochelys suwanniensis*).

(1) *Prohibitions.* The following prohibitions that apply to endangered wildlife also apply to Suwannee alligator snapping turtle. Except as provided under paragraph (k)(2) of this section and §§17.4, 17.5, and 17.8 it is unlawful for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit, or cause to be committed, any of the following acts in regard to this species:

(i) Import or export, as set forth at §17.21(b) for endangered wildlife.

(ii) Take, as set forth at §17.21(c)(1) for endangered wildlife.

(iii) Possession and other acts with unlawfully taken specimens, as set forth at §17.21(d)(1) for endangered wildlife.

(iv) Interstate or foreign commerce in the course of commercial activity, as set forth at §17.21(e) for endangered wildlife.

(v) Sale or offer for sale, as set forth at §17.21(f) for endangered wildlife.

(2) *General exceptions from prohibitions.* In regard to this species, you may:

(i) Conduct activities as authorized by a permit under §17.32.

(ii) Take, as set forth at §17.21(c)(2) through (4) for endangered wildlife.

(iii) Take as set forth at §17.31(b).

(iv) Possess and engage in other acts with unlawfully taken wildlife, as set forth at §17.21(d)(2) for endangered wildlife.

(3) *Exception from prohibitions for specific types of incidental take.* You may take this species incidental to an otherwise lawful activity caused by forest management practices that use State-approved best management practices designed to protect water quality and stream and riparian habitat.

(l) Egyptian tortoise (*Testudo kleinmanni*, syn. *Testudo werneri*).

(1) *Prohibitions.* The following prohibitions that apply to endangered wildlife also apply to the Egyptian tortoise. Except as provided under paragraph (l)(2) of this section and §§17.4 and 17.5, it is unlawful for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit, or cause to be committed, any of the following acts in regard to this species:

(i) Import or export, as set forth for endangered wildlife at §17.21(b).

(ii) Take, as set forth for endangered wildlife at §17.21(c)(1).

(iii) Possession and other acts with unlawfully taken specimens, as set forth for endangered wildlife at §17.21(d)(1).

(iv) Interstate or foreign commerce in the course of commercial activity, as set forth for endangered wildlife at §17.21(e).

(v) Sale or offer for sale in interstate or foreign commerce, as set forth for endangered wildlife at §17.21(f).

(2) *Exceptions from prohibitions.* In regard to this species, you may:

(i) Conduct activities as authorized by a permit under §17.32.

(ii) Sell, offer for sale, deliver, receive, carry, transport, or ship in interstate commerce live Egyptian tortoises from one public institution to another public institution, if such activity is in accordance with 50 CFR part 23. For the purposes of this paragraph, ''public institution'' means a museum, zoological park, and scientific institution that meets the definition of ''public'' at 50 CFR 10.12.

(iii) Take, as set forth at §17.21(c)(2) through (c)(4) for endangered wildlife.

(iv) Possess and engage in other acts, as set forth at §17.21(d)(2) for endangered wildlife.

(v) Conduct activities as authorized by a captive-bred wildlife registration under §17.21(g) for endangered wildlife.

(m) Pearl River map turtle (*Graptemys pearlensis*).

(1) *Prohibitions.* The following prohibitions that apply to endangered wildlife also apply to the Pearl River map turtle. Except as provided under paragraphs (m)(2) and (3) of this section and §§17.4 and 17.5, it is unlawful for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit, or cause to be committed, any of the following acts in regard to this species:

(i) Import or export, as set forth at §17.21(b) for endangered wildlife.

(ii) Take, as set forth at §17.21(c)(1) for endangered wildlife.

(iii) Possession and other acts with unlawfully taken specimens, as set forth at §17.21(d)(1) for endangered wildlife.

(iv) Interstate or foreign commerce in the course of a commercial activity, as set forth at §17.21(e) for endangered wildlife.

(v) Sale or offer for sale, as set forth at §17.21(f) for endangered wildlife.

(2) *General exceptions from prohibitions.* In regard to this species, you may:

(i) Conduct activities as authorized by a permit under §17.32.

(ii) Take, as set forth at §17.21(c)(2) and (4) for endangered wildlife.

(iii) Possess and engage in other acts with unlawfully taken wildlife, as set forth at §17.21(d)(2) for endangered wildlife.

(iv) Take as set forth at §17.31(b).

(3) *Exceptions from prohibitions for specific types of incidental take.* You may take this species incidental to an otherwise lawful activity caused by silvicultural practices and forest management activities that use State-approved best management practices designed to protect water quality and stream and riparian habitat.

(n) Alabama map turtle (*Graptemys pulchra*), Barbour's map turtle (*Graptemys barbouri*), Escambia map turtle (*Graptemys ernsti*), and Pascagoula map turtle (*Graptemys gibbonsi*).

(1) *Prohibitions.* The following prohibitions that apply to endangered wildlife also apply to the Alabama map turtle, Barbour's map turtle, Escambia map turtle, and Pascagoula map turtle. Except as provided under paragraph (n)(2) of this section and §§17.4 and 17.5, it is unlawful for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit, or cause to be committed, any of the following acts in regard to these species:

(i) Import or export, as set forth at §17.21(b) for endangered wildlife.

(ii) Intentional take in the form of collect, capture, or trap (other than for scientific purposes).

(iii) Possession and other acts with unlawfully taken specimens, as set forth at §17.21(d)(1) for endangered wildlife.

(iv) Interstate or foreign commerce in the course of a commercial activity, as set forth at §17.21(e) for endangered wildlife.

(v) Sale or offer for sale, as set forth at §17.21(f) for endangered wildlife.

(2) *General exceptions from prohibitions.* In regard to these species, you may:

(i) Conduct activities as authorized by a permit under §17.32.

(ii) Take as set forth at §17.31(b).

(iii) Possess and engage in other acts with unlawfully taken wildlife, as set forth at §17.21(d)(2) for endangered wildlife.

[42 FR 2076, Jan. 10, 1977, as amended at 43 FR 32809, July 28, 1978; 44 FR 59084, Oct. 12, 1979; 45 FR 17589, Mar. 19, 1980; 45 FR 78154, Nov. 25, 1980; 48 FR 46336, Oct. 12, 1983; 50 FR 25678, June 20, 1985; 50 FR 45409, Oct. 31, 1985; 52 FR 21063, June 4, 1987; 52 FR 42662, Nov. 6, 1987; 55 FR 12191, Apr. 2, 1990; 61 FR 32366, June 24, 1996; 62 FR 59622, Nov. 4, 1997; 65 FR 25879, May 4, 2000; 72 FR 48446, Aug. 23, 2007; 78 FR 38190, June 25, 2013; 79 FR 38746, July 8, 2014; 80 FR 60489, Oct. 6, 2015; 85 FR 11306, Feb. 27, 2020; 86 FR 57376, Oct. 15, 2021; 88 FR 19017, Mar. 30, 2023; 89 FR 23940, Apr. 5, 2024; 89 FR 53528, June 27, 2024; 89 FR 57236, July 12, 2024; 89 FR 65225, Aug. 9, 2024]

§17.43 Species-specific rules—amphibians.

(a) San Marcos salamander (*Eurycea nana*). (1) All provisions of §17.31 apply to this species, except that it may be

taken in accordance with applicable State law.

(2) Any violation of State law will also be a violation of the Act.

(b) Chiricahua leopard frog (*Lithobates chiricahuensis*).

(1) *What activities are prohibited?* Except as noted in paragraph (b)(2) of this section, all prohibitions of §17.31 will apply to the Chiricahua leopard frog.

(2) *What activities are allowed on private, State, or Tribal land?* Incidental take of the Chiricahua leopard frog will not be considered a violation of section 9 of the Act, if the take results from livestock use at or maintenance activities of livestock tanks located on private, State, or Tribal lands. A livestock tank is defined as an existing or future impoundment in an ephemeral drainage or upland site constructed primarily as a watering site for livestock.

(c) California tiger salamander (*Ambystoma californiense*).

(1) *Which populations of the California tiger salamander are covered by this special rule?* This rule covers the California tiger salamander (*Ambystoma californiense*) rangewide.

(2) *What activities are prohibited?* Except as noted in paragraph (c)(3) of this section, all prohibitions of §17.31 will apply to the California tiger salamander.

(3) *What activities are allowed on private or Tribal land?* Incidental take of the California tiger salamander will not be a violation of section 9 of the Act, if the incidental take results from routine ranching activities located on private or Tribal lands. Routine ranching activities include, but are not limited to, the following:

(i) Livestock grazing according to normally acceptable and established levels of intensity in terms of the number of head of livestock per acre of rangeland;

(ii) Control of ground-burrowing rodents using poisonous grain according to the labeled directions and local, State, and Federal regulations and guidelines (The use of toxic or suffocating gases is not exempt from the prohibitions due to their nontarget-specific mode of action.);

(iii) Control and management of burrow complexes using discing and grading to destroy burrows and fill openings;

(iv) Routine management and maintenance of stock ponds and berms to maintain livestock water supplies (This exemption does not include the intentional introduction of species into a stock pond that may prey on California tiger salamander adults, larvae, or eggs.);

(v) Routine maintenance or construction of fences for grazing management;

(vi) Planting, harvest, or rotation of unirrigated forage crops as part of a rangeland livestock operation;

(vii) Maintenance and construction of livestock management facilities such as corrals, sheds, and other ranch outbuildings;

(viii) Repair and maintenance of unimproved ranch roads (This exemption does not include improvement, upgrade, or construction of new roads.);

(ix) Discing of fencelines or perimeter areas for fire prevention control;

(x) Placement of mineral supplements; and

(xi) Control and management of noxious weeds.

(d) California red-legged frog (*Rana aurora draytonii*)—(1) *Which populations of the California red-legged frog are covered by this special rule?* This rule covers the California red-legged frog (*Rana aurora draytonii*) rangewide.

(2) *What activities are prohibited?* Except as noted in paragraph (d)(3) of this section, all prohibitions of §17.31 will apply to the California red-legged frog.

(3) *What activities are allowed on private or Tribal land?* Incidental take of the California red-legged frog will not be a violation of section 9 of the Act, if the incidental take results from routine ranching activities located on private or Tribal lands. Routine ranching activities include, but are not limited to, the following:

(i) Livestock grazing according to normally acceptable and established levels of intensity in terms of the number of head of livestock per acre of rangeland;

(ii) Control of ground-burrowing rodents using poisonous grain according to the labeled directions and local, State, and Federal regulations and guidelines (In areas where California red-legged frogs and California tiger

salamanders coexist, the use of toxic or suffocating gases is not exempt from the prohibitions due to their nontarget-specific mode of action.);

(iii) Control and management of burrow complexes using discing and grading to destroy burrows and fill openings (This exemption does not apply to areas within 0.7 mi (1.2 km) of known or potential California red-legged frog breeding ponds.);

(iv) Routine management and maintenance of stock ponds and berms to maintain livestock water supplies (This exemption does not include the intentional introduction of species into a stock pond (including non-native fish and bullfrogs) that may prey on California red-legged frog adults, larvae, or eggs.);

(v) Routine maintenance or construction of fences for grazing management;

(vi) Planting, harvest, or rotation of unirrigated forage crops as part of a rangeland livestock operation;

(vii) Maintenance and construction of livestock management facilities such as corrals, sheds, and other ranch outbuildings;

(viii) Repair and maintenance of unimproved ranch roads (This exemption does not include improvement, upgrade, or construction of new roads.);

(ix) Discing of fencelines or perimeter areas for fire prevention control;

(x) Placement of mineral supplements; and

(xi) Control and management of noxious weeds.

(e) Georgetown salamander (*Eurycea naufragia*.)

(1) *Prohibitions.* Except as noted in paragraph (e)(2) of this section, all prohibitions and provisions of §§ 17.31 and 17.32 apply to the Georgetown salamander.

(2) *Exemptions from prohibitions.* Incidental take of the Georgetown salamander will not be considered a violation of section 9 of the Act if the take occurs on non-Federal land from regulated activities that are conducted consistent with the water quality protection measures contained in chapter 11.07 and Appendix A of the City of Georgetown (Texas) Unified Development Code (UDC), as endorsed by the U.S. Fish and Wildlife Service.

(f) Neuse River waterdog (*Necturus lewisi*).

(1) *Prohibitions.* The following prohibitions that apply to endangered wildlife also apply to the Neuse River waterdog. Except as provided under paragraph (f)(2) of this section and §§ 17.4 and 17.5, it is unlawful for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit, or cause to be committed, any of the following acts in regard to this species:

(i) Import or export, as set forth at § 17.21(b) for endangered wildlife.

(ii) Take, as set forth at § 17.21(c)(1) for endangered wildlife.

(iii) Possession and other acts with unlawfully taken specimens, as set forth at § 17.21(d)(1) for endangered wildlife.

(iv) Interstate or foreign commerce in the course of commercial activity, as set forth at § 17.21(e) for endangered wildlife.

(v) Sale or offer for sale, as set forth at § 17.21(f) for endangered wildlife.

(2) *Exceptions from prohibitions.* In regard to this species, you may:

(i) Conduct activities as authorized by a permit under § 17.32.

(ii) Take, as set forth at § 17.21(c)(2) through (c)(4) for endangered wildlife.

(iii) Take, as set forth at § 17.31(b).

(iv) Take incidental to an otherwise lawful activity caused by:

(A) Species restoration efforts by State wildlife agencies, including collection of broodstock, tissue collection for genetic analysis, captive propagation, and subsequent stocking into currently occupied and unoccupied areas within the historical range of the species, and follow-up monitoring.

(B) Channel restoration projects that create natural, physically stable, ecologically functioning streams (or stream and wetland systems) that are reconnected with their groundwater aquifers. These projects can be accomplished using a variety of methods, but the desired outcome is a natural channel with low shear stress (force of water moving against the channel); bank heights that enable reconnection to the floodplain; a reconnection of

surface and groundwater systems, resulting in perennial flows in the channel; riffles and pools composed of existing soil, rock, and wood instead of large imported materials; low compaction of soils within adjacent riparian areas; and inclusion of riparian wetlands. Second- to third-order, headwater streams reconstructed in this way offer suitable habitats for the Neuse River waterdog and contain stable channel features, such as pools, glides, runs, and riffles, which could be used by the species for spawning, rearing, growth, feeding, migration, and other normal behaviors. Prior to restoration action, surveys to determine presence of Neuse River waterdog must be performed, and if located, waterdogs must be relocated prior to project implementation.

(C) Bank stabilization projects that use bioengineering methods to replace pre-existing, bare, eroding stream banks with vegetated, stable stream banks, thereby reducing bank erosion and instream sedimentation and improving habitat conditions for the species. Following these bioengineering methods, stream banks may be stabilized using native species live stakes (live, vegetative cuttings inserted or tamped into the ground in a manner that allows the stake to take root and grow), native species live fascines (live branch cuttings, usually willows, bound together into long, cigar shaped bundles), or native species brush layering (cuttings or branches of easily rooted tree species layered between successive lifts of soil fill). Native species vegetation includes woody and herbaceous species appropriate for the region and habitat conditions. These methods will not include the sole use of quarried rock (rip-rap) or the use of rock baskets or gabion structures.

(D) Forestry-related activities, including silvicultural practices, forest management work, and fire control tactics, that implement State-approved best management practices. In order for this exception to apply to forestry-related activities, these best management practices must achieve all of the following:

(*1*) Establish a streamside management zone alongside the margins of each waterway.

(*2*) Restrain visible sedimentation caused by the forestry-related activity from entering the waterway.

(*3*) Maintain native groundcover within the streamside management zone of the waterway, and promptly reestablish native groundcover if disturbed.

(*4*) Limit installation of vehicle or equipment crossings of the waterway to only where necessary for the forestry-related activity. Such crossings must:

(*i*) Have erosion and sedimentation control measures installed to divert surface runoff away and restrain visible sediment from entering the waterway;

(*ii*) Allow for movement of aquatic organisms within the waterway; and

(*iii*) Have native groundcover applied and maintained through completion of the forestry-related activity.

(*5*) Prohibit the use of tracked or wheeled vehicles for reforestation site preparation within the streamside management zone of the waterway.

(*6*) Prohibit locating log decks, skid trails, new roads, and portable mill sites in the streamside management zone of the waterway.

(*7*) Prohibit obstruction and impediment of the flow of water within the waterway, caused by direct deposition of debris or soil by the forestry-related activity.

(*8*) Maintain shade over the waterway similar to that observed prior to the forestry-related activity.

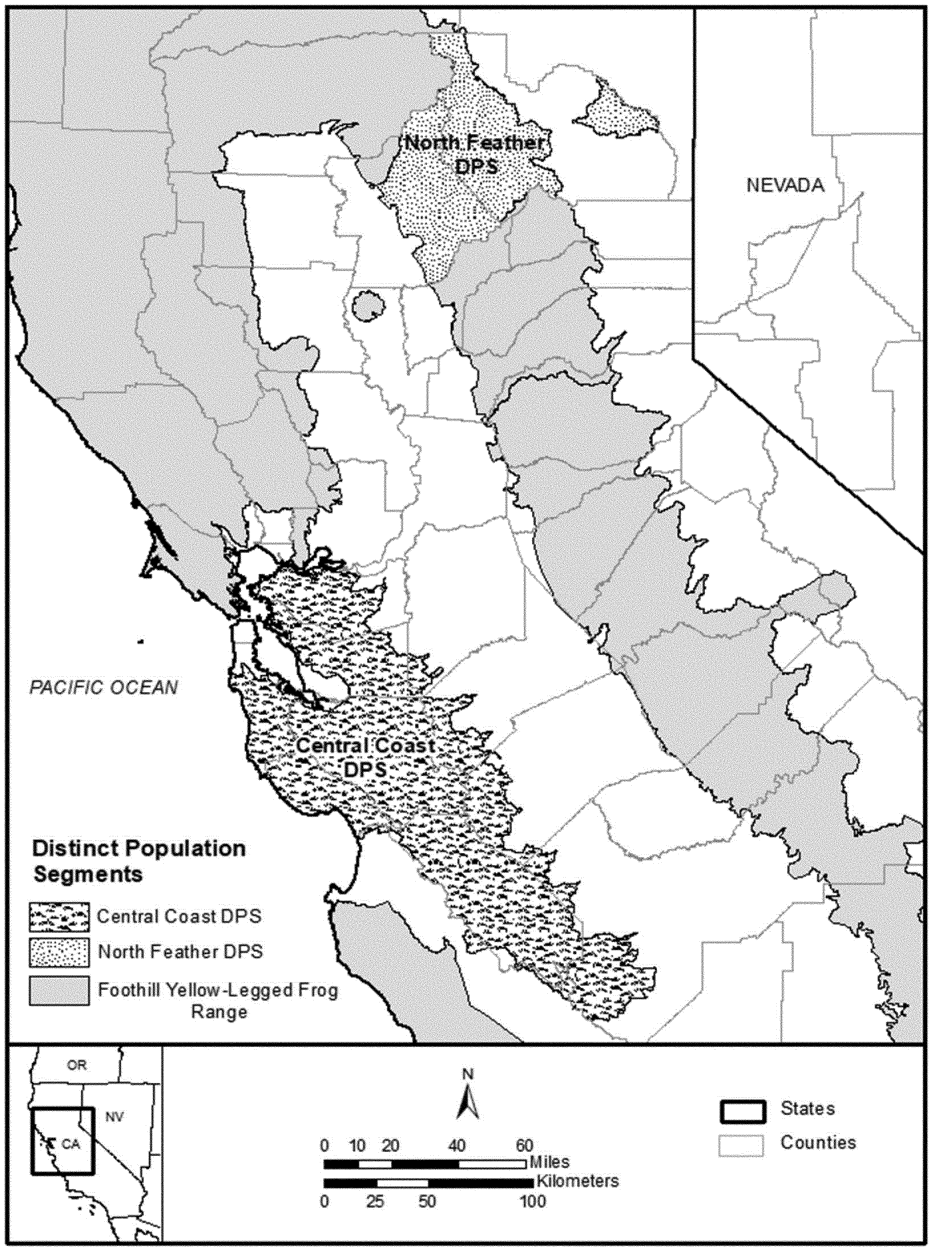
(*9*) Prohibit discharge of any solid waste, petroleum, pesticide, fertilizer, or other chemical into the waterway.

(v) Possess and engage in other acts with unlawfully taken wildlife, as set forth at §17.21(d)(2) for endangered wildlife.

(g) Foothill yellow-legged frog (*Rana boylii*), Central Coast Distinct Population Segment (DPS) and North Feather DPS.

(1) *Location.* The Central Coast DPS and North Feather DPS of the foothill yellow-legged frog are shown on the map that follows:

FIGURE 1 TO PARAGRAPH (g)



(2) *Prohibitions.* The following prohibitions that apply to endangered wildlife also apply to the Central Coast DPS and North Feather DPS of the foothill yellow-legged frog. Except as provided under paragraph (g)(3) of this

section and §§17.4 and 17.5, it is unlawful for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit, or cause to be committed, any of the following acts in regard to this species:

(i) Import or export, as set forth at §17.21(b) for endangered wildlife.

(ii) Take, as set forth at §17.21(c)(1) for endangered wildlife.

(iii) Possession and other acts with unlawfully taken specimens, as set forth at §17.21(d)(1) for endangered wildlife.

(iv) Interstate or foreign commerce in the course of commercial activity, as set forth at §17.21(e) for endangered wildlife.

(v) Sale or offer for sale, as set forth at §17.21(f) for endangered wildlife.

(3) *Exceptions from prohibitions.* In regard to the Central Coast DPS and North Feather DPS of the foothill yellow-legged frog, you may:

(i) Conduct activities as authorized by a permit under §17.32.

(ii) Take, as set forth at §17.21(c)(2) through (c)(4) for endangered wildlife.

(iii) Take as set forth at §17.31(b).

(iv) Take incidental to an otherwise lawful activity caused by:

(A) Forest management activities for the purposes of reducing the risk or severity of catastrophic wildfire, which include fuels reduction activities, non-emergency firebreak establishment or maintenance, and other non-emergency wildfire prevention and suppression activities that are in accordance with an established forest or fuels management plan that follow current State of California Forest Practice Rules, State fire codes, or local fire codes/ordinances as appropriate.

(B) Habitat restoration efforts that are specifically designed to provide for the conservation of the foothill yellow-legged frog. These efforts must be part of and carried out in accordance with finalized conservation plans or strategies specifically identified for the foothill yellow-legged frog and include measures that minimize impacts to the North Feather DPS or Central Coast DPS. Habitat restoration efforts for other species that may not share habitat requirements (e.g., salmonid species) are not included in this exception.

(C) Efforts to remove and clean up trespass cannabis cultivation sites and related water diversion infrastructure and restore areas to precultivation conditions.

(D) Removal or eradication of non-native animal species including, but not limited to, American bullfrogs, smallmouth bass, and nonnative crayfish species occurring within stream reaches unoccupied by the foothill yellow-legged frog within the range of the Central Coast DPS or North Feather DPS. Actions involving habitat disturbance or the use of chemical treatments are not included.

(v) Possess and engage in other acts with unlawfully taken wildlife, as set forth at §17.21(d)(2) for endangered wildlife.

[40 FR 44415, Sept. 26, 1975, as amended at 45 FR 47363, July 14, 1980; 67 FR 40811, June 13, 2002; 69 FR 47248, Aug. 4, 2004; 71 FR 19293, Apr. 13, 2006; 77 FR 16375, Mar. 20, 2012; 80 FR 47428, Aug. 7, 2015; 86 FR 30728, June 9, 2021; 88 FR 59725, Aug. 29, 2023; 89 FR 23940, Apr. 5, 2024]

§17.44 Species-specific rules—fishes.

(a) Lahontan cutthroat trout and Paiute cutthroat trout (*Oncorhynchus clarkii henshawi* and *Oncorhynchus clarkii seleniris*). (1) All the provisions of §17.31 apply to these species, except that they may be taken in accordance with applicable State law.

(2) Violation of State law will also be a violation of the Act.

(b) Bayou darter (*Etheostoma rubrum*). (1) All the provisions of §17.31 apply to this species, except that they may be taken in accordance with applicable State law.

(2) Any violation of State law will also be a violation of the Act.

(c) Slender chub (*Hybopsis cahni*), spotfin chub (*Erimonax monachus*), slackwater darter (*Etheostoma boschungi*), and yellowfin madtom (*Noturus flavipinnis*). (1) All the provisions of §17.31 apply to these species, except that they may be taken in accordance with applicable State law.

(2) Any violation of State law will also be a violation of the Act.

(d) Leopard darter (*Percina pantherina*). (1) All provisions of §17.31 apply to this species, except that it

may be taken in accordance with applicable State law.

(2) Any violation of State law will also be a violation of the Act.

(e) Little Kern golden trout (*Salmo aguabonita whitei*). (1) All provisions of §17.31 apply to this species, except that it may be taken in accordance with applicable State law.

(2) Any violation of State law will also be a violation of the Act.

(f) Greenback cutthroat trout (*Salmo clarki stomias*). (1) All provisions of §17.31 apply to this species, except that it may be taken in accordance with applicable State law.

(2) Any violation of State law will also be a violation of the Act.

(g) Chihuahua chub (*Gila nigrescens).* (1) All provisions of §17.31 apply to this species, except that it may be taken in accordance with applicable State law.

(2) Any violation of State law will also be a violation of the Endangered Species Act.

(h) Yaqui catfish (*Ictalurus pricei*) and beautiful shiner (*Notropis formosus*). (1) All provisions of §17.31 apply to these species, except that they may be taken for educational, scientific, or conservation purposes in accordance with applicable Arizona State laws and regulations.

(2) Any violation of State law will also be a violation of the Endangered Species Act.

(i) Big Spring spinedace (*Lepidomeda mollispinis pratensis*). (1) All the provisions of §17.31 apply to this species, except that it may be taken in accordance with applicable State fish and wildlife conservation laws and regulations in the following instances: educational purposes, scientific purposes, the enhancement of propagation or survival of the species, zoological exhibition, and other conservation purposes consistent with the Act.

(2) Any violation of applicable State fish and wildlife conservation laws or regulations with respect to this species will also be a violation of the Endangered Species Act.

(j) Hutton tui chub (*Gila bicolor* subspecies). (1) No person shall take this species, except in accordance with applicable State fish and wildlife conservation laws and regulations in the following instances: for educational purposes, scientific purposes, the enhancement of propagation or survival of the species, zoological exhibition, and other conservation purposes consistent with the Act.

(2) Any violation of applicable State fish and wildlife conservation laws or regulations with respect to the taking of this species will also be a violation of the Endangered Species Act.

(3) No person shall possess, sell, deliver, carry, transport, ship, import, or export, by any means whatsoever, any such species taken in violation of these regulations or in violation of applicable State fish and wildlife conservation laws or regulations.

(4) It is unlawful for any person to attempt to commit, solicit another to commit, or cause to be committed, any offense defined in paragraphs (j) (1) through (3) of this section.

(k) Niangua darter, *Etheostoma nianguae*. (1) No person shall take the species, except in accordance with applicable State fish and wildlife conservation laws and regulations in the following instances: educational purposes, scientific purposes, the enhancement of propagation or survival of the species, zoological exhibition, and other conservation purposes consistent with the Act.

(2) Any violation of applicable State fish and wildlife conservation laws or regulations with respect to the taking of this species will also be a violation of the Endangered Species Act.

(3) No person shall possess, sell, deliver, carry, transport, ship, import, or export, by any means whatsoever, any such species taken in violation of these regulations or in violation of applicable State fish and wildlife conservation laws or regulations.

(4) It is unlawful for any person to attempt to commit, solicit another to commit, or cause to be committed, any offense defined in paragraphs (k) (1) through (3) of this section.

(l) Warner sucker (*Catostomus warnerensis*). (1) No person shall take the species, except in accordance with applicable State fish and wildlife conservation laws and regulations in the following instances:

(i) For educational purposes, scientific purposes, the enhancement of propagation or survival of the species,

zoological exhibition, and other conservation purposes consistent with the Act;

(ii) Incidental to State-permitted recreational fishing activities, provided that the individual fish taken is immediately returned to its habitat.

(2) Any violation of applicable State fish and wildlife conservation laws or regulations with respect to the taking of this species will also be a violation of the Endangered Species Act.

(3) No person shall possess, sell, deliver, carry, transport, ship, import, or export, by any means whatsoever, any such species taken in violation of these regulations or in violation of applicable State fish and wildlife laws or regulations.

(4) It is unlawful for any person to attempt to commit, solicit another to commit, or cause to be committed, any offense defined in paragraphs (l) (1) through (3) of this section.

(m) Desert dace (*Eremichthys acros*). (1) No person shall take the species, except in accordance with applicable State fish and wildlife conservation laws and regulations in the following instances: For educational purposes, scientific purposes, the enhancement of propagation or survival of the species, zoological exhibition, and other conservation purposes consistent with the Act.

(2) Any violation of applicable State fish and wildlife conservation laws or regulations with respect to the taking of this species will also be a violation of the Endangered Species Act.

(3) No person shall possess, sell, deliver, carry, transport, ship, import, or export, by any means whatsoever, any such species taken in violation of applicable State fish and wildlife conservation laws or regulations.

(4) It is unlawful for any person to attempt to commit, solicit another to commit, or cause to be committed, any offense defined in paragraphs (m) (1) through (3) of this section.

(n) Railroad Valley springfish (*Crenichthys nevadae*). (1) No person shall take the species, except in accordance with applicable State fish and wildlife conservation laws and regulations in the following instances: for educational purposes, scientific purposes, the enhancement of propagation or survival of the species, zoological exhibition, and other conservation purposes consistent with the Act.

(2) Any violation of applicable State fish and wildlife conservation laws or regulations with respect to the taking of this species will also be a violation of the Endangered Species Act.

(3) No person shall possess, sell, deliver, carry, transport, ship, import, or export, by any means whatsoever, any such species taken in violation of these regulations or in violation of applicable State fish and wildlife conservation laws or regulations.

(4) It is unlawful for any person to attempt to commit, solicit another to commit, or cause to be committed, any offense defined in paragraphs (n) (1) through (3) of this section.

(o) Sonora chub (*Gila ditaenia*). (1) No person shall take the species, except in accordance with applicable State fish and wildlife conservation laws and regulations in the following instances:

(i) For educational purposes, scientific purposes, the enhancement of propagation or survival of the species, zoological exhibition, and other conservation purposes consistent with the Act; or,

(ii) Incidental to State-permitted recreational fishing activities, provided that the individual fish taken is immediately returned to its habitat.

(2) Any violation of applicable State fish and wildlife conservation laws or regulations with respect to the taking of this species will also be a violation of the Endangered Species Act.

(3) No person shall possess, sell, deliver, carry, transport, ship, import, or export, by any means whatsoever, any such species taken in violation of these regulations or in violation of applicable State fish and wildlife conservation laws or regulations.

(4) It is unlawful for any person to attempt to commit, solicit another to commit, or cause to be committed, any offense defined in paragraphs (o) (1) through (3) of this section.

(p) Kentucky arrow darter (*Etheostoma spilotum*).

(1) *Prohibitions.* Except as noted in paragraph (p)(2) of this section, all prohibitions and provisions of 50 CFR 17.31 and 17.32 apply to the Kentucky arrow darter.

(2) *Exceptions from prohibitions.*

(i) All of the activities listed in paragraph (p)(2)(ii) of this section must be conducted in a manner that:

(A) Maintains connectivity of suitable Kentucky arrow darter habitats, allowing for dispersal between streams;

(B) Minimizes instream disturbance by occurring during low-flow periods when possible; and

(C) Maximizes the amount of instream cover that is available for the species.

(ii) Incidental take of the Kentucky arrow darter will not be considered a violation of section 9 of the Act if the take results from any of the following when conducted within habitats currently occupied by the Kentucky arrow darter:

(A) Channel reconfiguration or restoration projects that create natural, physically stable, ecologically functioning streams (or stream and wetland systems) that are reconnected with their groundwater aquifers. These projects can be accomplished using a variety of methods, but the desired outcome is a natural, sinuous channel with low shear stress (force of water moving against the channel); low bank heights and reconnection to the floodplain; a reconnection of surface and groundwater systems, resulting in perennial flows in the channel; riffles and pools composed of existing soil, rock, and wood instead of large imported materials; low compaction of soils within adjacent riparian areas; and inclusion of riparian wetlands. First- to third-order headwater streams reconstructed in this way would offer suitable habitats for the Kentucky arrow darter and contain stable channel features, such as pools, glides, runs, and riffles, which could be used by the species for spawning, rearing, growth, feeding, migration, and other normal behaviors.

(B) Bank stabilization projects that use State-approved bioengineering methods (specified by the Kentucky Energy and Environment Cabinet and the Kentucky Transportation Cabinet) to replace preexisting, bare, eroding stream banks with vegetated, stable stream banks, thereby reducing bank erosion and instream sedimentation and improving habitat conditions for the species. Following these methods, stream banks may be stabilized using live stakes (live, vegetative cuttings inserted or tamped into the ground in a manner that allows the stake to take root and grow), live fascines (live branch cuttings, usually willows, bound together into long, cigar-shaped bundles), or brush layering (cuttings or branches of easily rooted tree species layered between successive lifts of soil fill). These methods would not include the sole use of quarried rock (rip-rap) or the use of rock baskets or gabion structures.

(C) Bridge and culvert replacement/removal projects that remove migration barriers (e.g., collapsing, blocked, or perched culverts) or generally allow for improved upstream and downstream movements of Kentucky arrow darters while maintaining normal stream flows, preventing bed and bank erosion, and improving habitat conditions for the species.

(D) Repair and maintenance of U.S. Forest Service concrete plank stream crossings on the Daniel Boone National Forest (DBNF) that allow for safe vehicle passage while maintaining instream habitats, reducing bank and stream bed erosion and instream sedimentation, and improving habitat conditions for the species. These concrete plank crossings have been an effective stream crossing structure on the DBNF and have been used for decades. Over time, the planks can be buried by sediment, undercut during storm events, or simply break down and decay. If these situations occur, the DBNF must make repairs or replace the affected plank.

(q) Trispot darter (*Etheostoma trisella*). (1) *Prohibitions.* The following prohibitions that apply to endangered wildlife also apply to the trispot darter. Except as provided under paragraph (q)(2) of this section and §§ 17.4 and 17.5, it is unlawful for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit, or cause to be committed, any of the following acts in regard to the trispot darter:

(i) Import or export, as set forth at § 17.21(b) for endangered wildlife.

(ii) Take, as set forth at § 17.21(c)(1) for endangered wildlife.

(iii) Possession and other acts with unlawfully taken specimens, as set

forth at §17.21(d)(1) for endangered wildlife.

(iv) Interstate or foreign commerce in the course of commercial activity, as set forth at §17.21(e) for endangered wildlife.

(v) Sale or offer for sale, as set forth at §17.21(f) for endangered wildlife.

(2) *Exceptions from prohibitions.* In regard to this species, you may:

(i) Conduct activities as authorized by a permit issued under §17.32.

(ii) Take, as set forth at §17.21(c)(2) through (c)(4) for endangered wildlife.

(iii) Take, as set forth at §17.31(b).

(iv) Take incidental to an otherwise lawful activity caused by:

(A) Species restoration efforts by State wildlife agencies, including collection of broodstock, tissue collection for genetic analysis, captive propagation, and subsequent stocking into currently occupied and unoccupied areas within the historical range of the species.

(B) Channel restoration projects that create natural, physically stable, ecologically functioning streams (or stream and wetland systems) that are reconnected with their groundwater aquifers and, if the projects involve known trispot darter spawning habitat, that take place between May 1 and December 31. These projects can be accomplished using a variety of methods, but the desired outcome is a natural channel with low shear stress (force of water moving against the channel); bank heights that enable reconnection to the floodplain; a reconnection of surface and groundwater systems, resulting in perennial flows in the channel; riffles and pools comprised of existing soil, rock, and wood instead of large imported materials; low compaction of soils within adjacent riparian areas; and inclusion of riparian wetlands.

(C) Streambank stabilization projects that utilize bioengineering methods to replace pre-existing, bare, eroding stream banks with vegetated, stable stream banks, thereby reducing bank erosion and instream sedimentation and improving habitat conditions for the species. Stream banks may be stabilized using live stakes (live, vegetative cuttings inserted or tamped into the ground in a manner that allows the stake to take root and grow), live fascines (live branch cuttings, usually willows, bound together into long, cigar-shaped bundles), or brush layering (cuttings or branches of easily rooted tree species layered between successive lifts of soil fill). Stream banks must not be stabilized solely through the use of quarried rock (riprap) or the use of rock baskets or gabion structures.

(D) Silviculture practices and forest management activities that:

(*1*) Implement State best management practices, particularly for streamside management zones, for stream crossings, for forest roads, for erosion control, and to maintain stable channel morphology; or

(*2*) Remove logging debris or any other large material placed within natural or artificial wet weather conveyances or ephemeral, intermittent, or perennial stream channels; and

(*3*) When such activities involve trispot darter spawning habitat, are carried out between May 1 and December 31.

(E) Transportation projects that provide for fish passage at stream crossings that are performed between May 1 and December 31 to avoid the time period when the trispot darter will be found within spawning habitat, if such habitat is affected by the activity.

(F) Projects carried out in the species' range under the Working Lands for Wildlife program of the Natural Resources Conservation Service, U.S. Department of Agriculture, that:

(*1*) Do not alter habitats known to be used by the trispot darter beyond the fish's tolerances; and

(*2*) Are performed between May 1 and December 31 to avoid the time period when the trispot darter will be found within its spawning habitat, if such habitat is affected by the activity.

(v) Possess and engage in other acts with unlawfully taken wildlife, as set forth at §17.21(d)(2) for endangered wildlife.

(r) Pecos bluntnose shiner (*Notropis simus pecosensis*). (1) No person shall take the species, except in accordance with applicable State fish and wildlife conservation laws and regulations in the following instances:

(i) For educational purposes, scientific purposes, the enhancement of propagation or survival of the species, zoological exhibition, and other conservation purposes consistent with the Act; or,

(ii) Incidental to State permitted recreational fishing activities, provided that the individual fish taken is immediately returned to its habitat.

(2) Any violation of applicable State fish and wildlife conservation laws or regulations with respect to taking of this species will also be a violation of the Endangered Species Act.

(3) No person shall possess, sell, deliver, carry, transport, ship, import, or export, by any means whatsoever any such species taken in violation of these regulations or in violation of applicable State fish and wildlife conservation laws or regulations.

(4) It is unlawful for any person to attempt to commit, solicit another to commit, or cause to be committed, any offense defined in paragraphs (r) (1) through (3) of this section.

(s) Waccamaw Silverside (*Menidia extensa*). (1) No person shall take the species, except in accordance with applicable State fish and wildlife conservation laws and regulations.

(2) Any violation of applicable State fish and wildlife conservation laws or regulations with respect to the taking of this species will also be a violation of the Endangered Species Act.

(3) No person shall possess, sell, deliver, carry, transport, ship, import, or export, by any means whatsoever, any such species taken in violation of these regulations or in violation of applicable State fish and wildlife conservation laws or regulations.

(4) It is unlawful for any person to attempt to commit, solicit another to commit, or cause to be committed, any offense defined in paragraphs (s) (1) through (3) of this section.

(t) Little Colorado spinedace (*Lepidomeda vittata*). (1) No person shall take this species, except in accordance with applicable State Fish and Wildlife conservation laws and regulations in the following instances: for educational purposes, scientific purposes, the enhancement of propagation or survival of the species, zoological exhibition, and other conservation purposes consistent with the Act.

(2) Any violation of applicable State fish and wildlife conservation laws or regulations with respect to the taking of this species is also a violation of the Endangered Species Act.

(3) No person shall possess, sell, deliver, carry, transport, ship, import, or export, by any means whatsoever, any such species taken in violation of these regulations or in violation of applicable State fish and wildlife conservation laws or regulations.

(4) It is unlawful for any person to attempt to commit, solicit another to commit, or cause to be committed, any offense defined in paragraphs (t) (1) through (3) of this section.

(u) Pygmy sculpin (*Cottus pygmaeus*). The City of Anniston Water Works and Sewer Board will continue to use Coldwater Spring as a municipal water supply. Pumpage may remove all spring flow in excess of 3 cubic feet per second (1,938,000 gallons per day).

(v) Gulf sturgeon (*Acipenser oxyrhynchus desotoi*). (1) No person shall take this species, except in accordance with applicable State fish and wildlife conservation laws and regulations for educational purposes, scientific purposes, the enhancement of propagation or survival of the species, zoological exhibition, or other conservation purposes consistent with the Act.

(2) Any violation of applicable State fish and wildlife conservation laws or regulations with respect to taking of this species is also a violation of the Endangered Species Act.

(3) No person shall possess, sell, deliver, carry, transport, ship, import, or export, by any means whatever, any of this species taken in violation of applicable State fish and wildlife conservation laws or regulations.

(4) It is unlawful for any person to attempt to commit, solicit another to commit, or cause to be committed, any offense defined in paragraphs (v)(1) through (3) of this section.

(5) Taking of this species for purposes other than those described in paragraph (v)(1) of this section, including taking incidental to otherwise lawful activities, is prohibited except when permitted under 50 CFR 17.32.

(w) *What species are covered by this special rule?* Bull trout (*Salvelinus confluentus*), wherever found in the coterminous lower 48 States, except in the Jarbidge River Basin in Nevada and Idaho (see 50 CFR 17.44(x)).

(1) *What activities do we prohibit?* Except as noted in paragraph (w)(2) of this section, all prohibitions of 50 CFR 17.31 and exemptions of 50 CFR 17.32 shall apply to the bull trout in the coterminous United States as defined in paragraph (w) of this section.

(i) No person may possess, sell, deliver, carry, transport, ship, import, or export, by any means whatsoever, any such species taken in violation of this section or in violation of applicable State, National Park Service, and Native American Tribal fish and conservation laws and regulations.

(ii) It is unlawful for any person to attempt to commit, solicit another to commit, or cause to be committed, any offense listed in this special rule.

(2) *What activities do we allow?* In the following instances you may take this species in accordance with applicable State, National Park Service, and Native American Tribal fish and wildlife conservation laws and regulations, as constituted in all respects relevant to protection of bull trout in effect on November 1, 1999:

(i) Educational purposes, scientific purposes, the enhancement of propagation or survival of the species, zoological exhibition, and other conservation purposes consistent with the Act; or

(ii) Fishing activities authorized under State, National Park Service, or Native American Tribal laws and regulations;

(3) *How does this rule relate to State protective regulations?* Any violation of applicable State, National Park Service, or Native American Tribal fish and wildlife conservation laws or regulations with respect to the taking of this species is also a violation of the Endangered Species Act.

(x) Bull trout (*Salvelinus confluentus*), Jarbidge River population segment. (1) *Prohibitions.* Except as noted in paragraph (x)(2) of this section, all prohibitions of 50 CFR 17.31 and exemptions of 50 CFR 17.32 apply to the bull trout in the Jarbidge River population segment within the United States.

(2) *Exceptions.* No person may take this species, except in the following instances in accordance with applicable State fish and wildlife conservation laws and regulations relevant to protection of bull trout in effect on April 8, 1999.

(i) For educational purposes, scientific purposes, the enhancement of propagation or survival of the species, zoological exhibition, and other conservation purposes consistent with the Act;

(ii) Incidental to State-permitted recreational fishing activities, provided that any bull trout caught are immediately returned to the stream.

(iii) The exceptions in paragraphs (x)(2) (i) and (ii) of this section will be in effect until April 9, 2001. At that time, all take prohibitions of the Act will be reinstated for the Jarbidge River population segment unless exceptions to take prohibitions are otherwise provided through a subsequent special rule.

(3) Any violation of applicable State fish and wildlife conservation laws or regulations with respect to the taking of this species is also a violation of the Endangered Species Act.

(4) No person may possess, sell, deliver, carry, transport, ship, import, or export, any means whatsoever, any such species taken in violation of this section or in violation of applicable State fish and conservation laws and regulations.

(5) It is unlawful for any person to attempt to commit, solicit another to commit, or cause to be committed, any offense defined in paragraphs (x)(2) through (4) of this section.

(y) Beluga sturgeon (*Huso huso*)

(1) *How are various terms defined in this special rule?* In addition to the definitions specified in §10.12 of subchapter B of this chapter, we define certain terms that specifically apply to beluga sturgeon trade and this special rule as follows:

Aquacultured beluga sturgeon products. Eggs, larvae, fingerlings, or other products derived from *Huso huso* captive-bred or grown in captivity for commercial purposes starting at least at the F1 generation in captivity (*i.e.*, captive-bred for at least one generation).

Beluga caviar. Processed unfertilized eggs from female *Huso huso* intended for human consumption, including products containing such eggs (e.g., cosmetics).

Beluga meat. Excised muscle tissue of *Huso huso* destined for human consumption.

Black Sea. The contiguous waters of the Black Sea and the Sea of Azov.

CITES. The Convention on International Trade in Endangered Species of Wild Fauna and Flora.

Export. The transport of a beluga sturgeon specimen out of its country of origin.

Hatchery-origin beluga sturgeon. Specimens of *Huso huso* captive-bred solely in the littoral states, primarily for reintroduction and stock enhancement purposes. Such specimens can occur in the natural marine environment of the littoral states.

Live or living beluga sturgeon. Any living specimen of *Huso huso*, including viable unfertilized or fertilized eggs, larvae, fingerlings, juveniles, and adults.

Littoral states. Azerbaijan, Bulgaria, Georgia, Islamic Republic of Iran, Kazakhstan, Romania, Russian Federation, Serbia and Montenegro, Turkey, Turkmenistan, and Ukraine.

Re-export. Export of beluga sturgeon specimens that were previously imported.

Wild beluga sturgeon. Specimens of *Huso huso* born and reared in the natural marine environment within the current or former geographic range of the species.

(2) *What activities involving beluga sturgeon are affected by this rule?* (i) *International trade in beluga sturgeon*. Except as provided in paragraphs (y)(3) and (y)(5) of this section, all prohibitions and provisions of §§ 17.31(a) and 17.32 apply to the international trade in beluga sturgeon, including its parts and derivatives. Live beluga sturgeon remain subject to all the prohibitions and provisions of §§ 17.31(a) and 17.32.

(ii) *Trade without CITES documents*. Except as provided in paragraph (y)(3) of this section, you may not import, export, or re-export, or present for export or re-export, beluga sturgeon or beluga sturgeon products without valid CITES permits and other permits and licenses issued under parts 13, 17, and 23 of this chapter.

(iii) *Commercial activity*. Except as provided in paragraphs (y)(3) and (5) of this section and § 17.32, you may not sell or offer for sale, deliver, receive, carry, transport, or ship in interstate or foreign commerce in the course of a commercial activity any beluga sturgeon or beluga sturgeon products.

(iv) It is unlawful for any person subject to the jurisdiction of the United States to commit, attempt to commit, solicit to commit, or cause to be committed any acts described in paragraphs (y)(2)(ii) and (iii) of this section.

(3) *What activities are exempted from threatened species permits by this rule?* (i) *Import, export or re-export, and interstate and foreign commerce involving certain caviar and meat obtained from beluga sturgeon*. You may import, export or re-export, or conduct interstate or foreign commerce in beluga sturgeon caviar and meat without a threatened species permit issued according to § 17.32 only if the caviar and meat are derived from wild or hatchery-origin beluga sturgeon that were caught and processed in the littoral states, or the caviar and meat are exempt from permits because they originate from qualifying aquaculture facilities outside of littoral states (*see* paragraph (y)(5) of this section). Also, the provisions in parts 13, 14, and 23 of this chapter and the following requirements must be met:

(A) Beluga sturgeon caviar, including beluga sturgeon caviar in interstate commerce in the United States, must be labeled in accordance with the CITES labeling requirements in 50 CFR part 23.

(B) The shipment must be accompanied by a valid CITES permit or certificate upon import, export, or re-export.

(C) For each shipment covered by this exemption, the country of origin and each country of re-export, and the country of import involved in the trade of a particular shipment, must have designated both a CITES Management Authority and Scientific Authority, and have not been identified by the CITES Conference of the Parties, the CITES Standing Committee, or in a Notification from the CITES Secretariat as a country from which Parties

should not accept permits for beluga sturgeon or all CITES-listed species in general.

(D) The littoral state from which the beluga sturgeon caviar or meat originated has complied with all of the requirements shown in paragraph (y)(4) of this section, and none of the exporting, importing, or re-exporting countries involved in the commercial activity has been subject to an administrative trade restriction or suspension as outlined in paragraphs (y)(6) and (7) of this section.

(E) Any relevant aquaculture facility located outside of a littoral state has complied with all of the requirements shown in paragraph (y)(5) of this section.

(ii) *Personal and household effects.* You may import, export, or re-export, or conduct interstate or foreign commerce in beluga sturgeon specimens that qualify as personal or household effects under 50 CFR part 23 without a threatened species permit otherwise required under §17.32. Trade suspensions or trade restrictions administratively imposed by the Service under paragraphs (y)(6) or (y)(7) of this section may also apply to personal and household effects of beluga sturgeon caviar.

(4) *What must beluga sturgeon littoral states do to be authorized under the special rule to export to the United States?* The following requirements apply to the littoral states wishing to export beluga caviar or beluga meat to the United States without the need for a threatened species permit issued under §17.32. These requirements apply to all shipments of beluga caviar and beluga meat that originate in the littoral states, even if the shipments are re-exported to the United States via an intermediary country. (*See* paragraph (y)(7) of this section for more information on the Service's biennial reviews under the special rule.)

(i) *Basin-wide beluga sturgeon management plans.* By September 6, 2005, each littoral state wishing to export beluga caviar or beluga meat to the United States without the need for a threatened species permit issued under §17.32 must submit to the Service's Division of Scientific Authority a copy of a cooperative management plan for its respective basin (*i.e.*, Black Sea or Caspian Sea) that addresses *Huso huso* conservation. Each of these two basin-wide management plans must be agreed to by all of the littoral states (not just exporting nations) in the Black Sea or the Caspian Sea, as appropriate. Upon receipt, the Division of Scientific Authority will review these basin-wide management plans within 90 days for completeness and clarity. If any elements of the management plans are missing or unclear, we will ask the appropriate littoral states to provide additional information within 60 days of the date we contact them. If the littoral states fail to respond or fail to submit basin-wide management plans by the specified deadline, or if we are unable to confirm that all littoral states are signatories to those plans, we will immediately suspend trade with all littoral states in the given basin (Caspian Sea or Black Sea) until we are satisfied that such management plans exist. Submission of documents in English may help expedite the Service's review. These cooperative management plans must contain the following elements:

(A) A clear statement of the recovery and management objectives of the plan, including a specification of the stock(s) concerned, a definition of what constitutes over-fishing for that stock, and a rebuilding objective and schedule for that stock;

(B) A statement of standard regulations and habitat improvement strategies (e.g., size limits, target harvest rates, quotas, seasons, fishing gear, effort caps, fish passage improvement, water quality controls) to be utilized by the nations involved;

(C) A complete statement of the specific regulatory, monitoring, and research requirements that each cooperating nation must implement to be in compliance with the management plan;

(D) A complete description of how stock survey data and fisheries data are used to establish annual catch and export quotas, including a full explanation of any models used and the assumptions underlying those models;

(E) Procedures under which the nations may implement and enforce alternative management measures that achieve the same conservation benefits for beluga sturgeon as the standards

mentioned in paragraph (y)(4)(i)(B) of this section; and

(F) A complete schedule by which nations must take particular actions to be in compliance with the plan.

(ii) *National regulations.* By September 6, 2005, each littoral state wishing to export beluga caviar or beluga meat to the United States under this special rule must provide the Service's Division of Scientific Authority with copies of national legislation and regulations that implement the basin-wide cooperative management plan described in paragraph (y)(4)(i) of this section, including regulations pertaining to the harvest, trade, aquaculture, restocking, and processing of beluga sturgeon. Upon receipt, the Division of Scientific Authority will review these national laws and regulations within 90 days for completeness and clarity. If any elements of the national legislation or national fishery regulations are missing or unclear, we will ask the appropriate littoral states to provide additional information within 60 days of the date we contact them. If the littoral states fail to respond or fail to submit copies of national laws and regulations by the specified deadline, we will immediately suspend trade with the given littoral states until we are satisfied that such laws and regulations are in effect. Submission of documents in English may help expedite the Service's review.

(iii) *CITES compliance.* Trade in beluga sturgeon specimens must comply with CITES requirements in 50 CFR part 23. Except for specimens that qualify as personal or household effects under 50 CFR part 23, all beluga sturgeon specimens, including those exempted from threatened species permits under this special rule, must be accompanied by valid CITES documents upon import, export, or re-export. Beluga sturgeon caviar, including beluga sturgeon caviar in interstate commerce in the United States, must be labeled in accordance with the CITES labeling requirements in 50 CFR part 23.

(iv) *Initial reporting period.* Until September 6, 2005, no threatened species permits will be required for the import, export, re-export, or interstate or foreign commerce of beluga sturgeon caviar and meat that originated in the littoral states, in order to provide the littoral states time to submit the required documentation. After this 6-month period, the exemption from threatened species permits will continue only while the Service reviews littoral state compliance with paragraphs (y)(4)(i) through (iv) of this section. If this review demonstrates that the provisions of this special rule are not met, the Service will announce and institute trade restrictions or suspensions in beluga sturgeon caviar or meat with one or more littoral states as per paragraph (y)(7) of this section.

(v) *Biennial reports.* Littoral state governments wishing to export specimens of beluga sturgeon caviar or meat to the United States under this special rule must provide to the Service's Division of Scientific Authority reports containing the most recent information available on the status of the species, following the information guidelines specified below. The Service must receive the first report no later than December 1, 2005, and every 2 years thereafter on the anniversary of that date. Starting in December 2005, and thereafter on a biennial basis, the Service will review the national reports within 90 days of receiving them and any other pertinent information on wild beluga sturgeon conservation. If any elements of the biennial reports are missing or unclear, the Service will ask the appropriate littoral states to provide additional information within 60 days of the date we contact them. If the littoral states fail to respond or fail to submit biennial reports by the specified deadline, we will immediately suspend trade with the given littoral states (*see* paragraph (y)(7) of this section for details on how such a suspension would be instituted and announced). Submission of documents in English may help expedite the Service's review. We propose to use these reviews to determine whether littoral state management programs are leading to recovery of wild beluga sturgeon stocks. For each littoral state, the following information must be provided in the biennial reports:

(A) A description of the specific fishery regulations that affect the harvest of *Huso huso* in the respective littoral

state, with any changes from the previous report highlighted;

(B) A description of any revisions to the cooperative management program mentioned in paragraph (y)(4)(i) of this section, including any new models, assumptions, or equations used to set harvest and export quotas;

(C) New information obtained in the last 2 years on beluga sturgeon distribution, stock size, models used for quota-setting, spawning activity, habitat use, hatchery programs and results, or other relevant subjects;

(D) A summary of law enforcement activities undertaken in the last 2 years, and a description of any changes in programs to prevent poaching and smuggling, including indicators of their effectiveness;

(E) A summary of the revenues generated by the commercial exploitation of beluga sturgeon in the respective littoral state, and a summary of any documented conservation benefits resulting from the commercial harvest program in that country (e.g., revenues allocated to hatchery and restocking programs or research programs); and

(F) Export data for the previous two calendar years.

(5) *Can aquacultured beluga sturgeon products be exempt from threatened species permits if the products originate outside the littoral states?* We will consider exemptions from threatened species permits for beluga caviar and meat obtained from aquaculture facilities outside the littoral states. These exemptions will be for individual facilities, and would allow aquacultured beluga caviar and meat originating from these facilities to be imported, exported, re-exported, or traded in interstate and foreign commerce without threatened species permits issued under Section 10 of the Act. Aquaculture facilities within the United States could also be exempt from prohibitions against take for purposes of harvesting caviar or meat (*i.e.*, killing of beluga sturgeon), or for conducting activities involving research to enhance the survival or propagation of the species. Facilities outside the littoral states wishing to obtain such exemptions must submit a written request to the Division of Management Authority at the address provided at 50 CFR 2.1(b) and provide information that shows, at a minimum, all of the following:

(i) The facility in question is using best management practices to prevent the escape of beluga sturgeon and disease pathogens into local ecosystems, as certified by the relevant regulatory agency. In the case of the United States, the relevant regulatory authority will be the state agency with jurisdiction over aquaculture. In the case of foreign aquaculture facilities outside the littoral states, the relevant regulatory agency will be the designated CITES Management Authority with jurisdiction over sturgeon. Best management practices that affect the applicant's facility must be part of the application and available for Service review.

(ii) The facility in question has entered into a formal agreement with one or more littoral states to study, protect, or otherwise enhance the survival of wild beluga sturgeon. Copies of such agreements must be provided.

(iii) The facility in question does not rely on wild beluga sturgeon for broodstock. Proof of broodstock origin, including relevant CITES permits that accompanied broodstock specimens upon import into the United States, must be part of the application.

(iv) Exemptions granted under paragraph (y)(5) of this section shall not apply to trade (import, export, re-export, or interstate and foreign commerce) in live beluga sturgeon, and may be revoked at any time if the Service determines that any of the criteria shown in paragraphs (y)(5)(i) through (iii) of this section are not met by the facility. Applicants will be required to submit biennial reports on their compliance with paragraphs (y)(5)(i) through (iii) of this section, starting on the second anniversary of any programmatic exemption granted to the applicants. These biennial reports must show that exempted facilities have actively cooperated with one or more littoral states in a meaningful way to support beluga sturgeon conservation. Any beluga caviar originating from aquaculture facilities outside the littoral states must comply with CITES caviar-labeling requirements, even in interstate commerce

within the United States. We will publish an information notice if the Service grants a programmatic exemption to any aquaculture facility outside the littoral states, and announce such actions through our website and posting notices at our wildlife ports of entry. We will follow the provisions of paragraph (y)(7) of this section to announce restrictions or revocations of such programmatic exemptions, based on our review of facilities' biennial reports.

(6) *How will the Service inform the public of CITES restrictions on trade in beluga sturgeon?* We will issue a public bulletin that identifies a restriction or suspension of trade in specimens of beluga sturgeon and post it on our websites (*http://le.fws.gov* and *http://international.fws.gov*) and at our staffed wildlife ports of entry if any criterion in paragraphs (y)(6)(i) or (ii) of this section is met:

(i) The country is lacking a designated Management Authority or Scientific Authority for the issuance of valid CITES documents or their equivalent for beluga sturgeon.

(ii) The country is identified in any action adopted by the CITES Conference of the Parties, the CITES Standing Committee, or in a Notification to the Parties issued by the CITES Secretariat as a country from which Parties are asked not to accept shipments of specimens of beluga sturgeon or all CITES-listed species.

NOTE TO PARAGRAPH (y)(6): A listing of all countries that have not designated either a Management Authority or Scientific Authority, or that have been identified as countries from which Parties should not accept permits, is available by writing to the Division of Management Authority at the address provided at 50 CFR 2.1(b).

(7) *How will the Service set trade restrictions or prohibitions under the special rule?* The Service's Division of Scientific Authority will conduct a biennial review of beluga sturgeon conservation based on information in the cooperative basin-wide management plans, national regulations and laws, and biennial reports (submitted as per paragraph (y)(4) of this section, and, for aquaculture facilities, as per paragraph (y)(5)(iv) of this section). We will combine that review with a review of other relevant information (e.g., scientific literature, law enforcement data, government-to-government consultations) to determine whether littoral state management programs and aquaculture operations are effectively achieving conservation benefits for beluga sturgeon. Based on this information, or the failure to obtain it, the Service may restrict or prohibit trade from a littoral state, a re-exporting intermediary country, or an entire basin (*i.e.*, the Caspian Sea or Black Sea) or a specific aquaculture facility outside the littoral states if we determine that the conservation or management status of beluga sturgeon has been adversely affected and the continued recovery of beluga sturgeon may be compromised. The decision to restrict or prohibit trade in beluga sturgeon products on a national, basin, or region-wide scale will depend on the scope of the problem observed, the magnitude of the threat to wild beluga sturgeon, and whether remedial action is necessary at a national, basin, or region-wide scale.

(i) Trade restrictions or suspensions will result basin-wide, for specific littoral states, or for non-littoral state aquaculture facilities under one or more of the following scenarios:

(A) Failure to submit any of the reports, legislation, and management plans described in paragraph (y)(4) of this section, or failure to respond to requests for additional information;

(B) A change in regional cooperative management that threatens the recovery of wild beluga sturgeon;

(C) A change in littoral state laws or regulations that compromises beluga sturgeon recovery or survival in the wild;

(D) Adoption of scientifically unsound hatchery practices or restocking programs for beluga sturgeon;

(E) A decline in wild *Huso huso* populations, as documented in national reports outlined above or the scientific literature, that goes unaddressed by regional or national management programs;

(F) Failure to address poaching or smuggling in beluga sturgeon, their parts, or products in the littoral states or re-exporting countries, as documented in national reports described

above or other law enforcement sources;

(G) Failure of the littoral states to address the loss of beluga sturgeon habitat quality or quantity;

(H) Failure of the littoral states or re-exporting countries to follow the caviar-labeling recommendations of the CITES Parties (currently embodied in Resolution Conf. 12.7);

(I) Recommendations from the CITES Standing Committee to suspend trade in beluga sturgeon from one or more countries; or

(J) An aquaculture facility outside the littoral states has been issued a programmatic exemption from threatened species permits under paragraph (y)(5) of this section, but is not abiding by the provisions of paragraphs (y)(5)(i) through (iii) of this section, or, based on the biennial reports required under paragraph (y)(5) of this section, has not actively cooperated with one or more littoral states in a meaningful way to support beluga sturgeon conservation.

(K) Any other natural or human-induced phenomenon that threatens the survival or recovery of beluga sturgeon.

(ii) We will publish an information notice in the FEDERAL REGISTER, as well as on our Web site and at our wildlife ports of entry, if the Service's Division of Scientific Authority administratively suspends or restricts trade in beluga sturgeon products after determining that wild beluga sturgeon stock status worsens or threats to the species increase. This information notice will provide:

(A) The problem(s) identified in the biennial reports or other salient documents.

(B) The scope of the problem and the number of nations involved.

(C) The scope of the trade restriction or suspension we are imposing, including products covered, duration of the restriction or suspension, and criteria for lifting it and reinstating any exemption to threatened species permits.

(D) How the public can provide input, make comments, and recommend remedial action to withdraw the trade measures imposed.

(z) Gila trout (*Oncorhynchus gilae*). (1) Except as noted in paragraph (z)(2) of this section, all prohibitions of 50 CFR 17.31 and exemptions of 50 CFR 17.32 apply to the Gila trout.

(i) No person may possess, sell, deliver, carry, transport, ship, import, or export, by any means whatsoever, any such species taken in violation of this section or in violation of applicable fish and conservation laws and regulations promulgated by the States of New Mexico or Arizona.

(ii) It is unlawful for any person to attempt to commit, solicit another to commit, or cause to be committed any offense listed in paragraph (z)(1)(i) of this section.

(2) In the following instances you may take Gila trout in accordance with applicable State fish and wildlife conservation laws and regulations to protect this species in the States of New Mexico or Arizona:

(i) Fishing activities authorized under New Mexico or Arizona laws and regulations; and

(ii) Educational purposes, scientific purposes, the enhancement of propagation or survival of the species, zoological exhibition, and other conservation purposes consistent with the Endangered Species Act.

(3) The four relict populations of Gila trout (Main Diamond Creek, South Diamond Creek, Spruce Creek, and Whiskey Creek) will not be opened to fishing.

(4) Any changes to State recreational fishing regulations will be made by the States in collaboration with the Service.

(5) Any violation of State applicable fish and wildlife conservation laws or regulations with respect to the taking of this species is also a violation of the Endangered Species Act of 1973, as amended.

(aa) Shovelnose sturgeon (*Scaphirhynchus platorynchus*). (1) Within the geographic areas set forth in paragraph (aa)(2) of this section, except as expressly noted in this paragraph, take of any shovelnose sturgeon, shovelnose-pallid sturgeon hybrids, or their roe associated with or related to a commercial fishing activity is prohibited. Capture of shovelnose sturgeon or shovelnose-pallid sturgeon hybrids in commercial fishing gear is not prohibited if it is accidental or incidental to otherwise legal commercial fishing

activities, such as commercial fishing targeting nonsturgeon species, provided the animal is released immediately upon discovery, with all roe intact, at the point of capture.

(2) The shovelnose and shovelnose-pallid sturgeon hybrid populations covered by this special rule occur in portions of Arkansas, Iowa, Illinois, Kansas, Kentucky, Louisiana, Missouri, Mississippi, Montana, North Dakota, Nebraska, South Dakota, and Tennessee. The specific areas are:

(i) The portion of the Missouri River in Iowa, Kansas, Missouri, Montana, North Dakota, Nebraska, and South Dakota;

(ii) The portion of the Mississippi River downstream from the Melvin Price Locks and Dam (Lock and Dam 26) in Arkansas, Illinois, Kentucky, Louisiana, Missouri, Mississippi, and Tennessee;

(iii) The Platte River downstream of the Elkhorn River confluence in Nebraska;

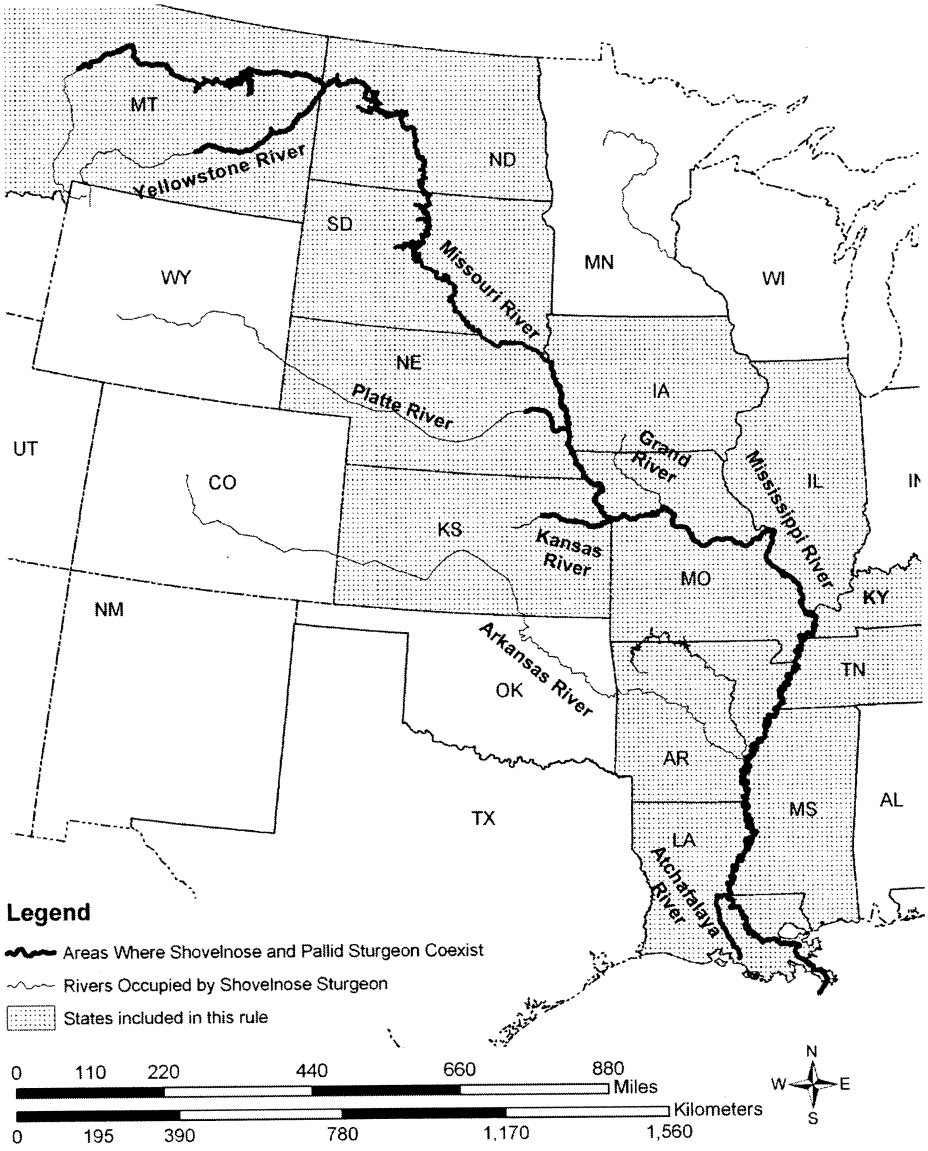
(iv) The portion of the Kansas River downstream from the Bowersock Dam in Kansas;

(v) The Yellowstone River downstream of the Bighorn River confluence in North Dakota and Montana; and

(vi) The Atchafalaya River in Louisiana.

(3) A map showing the area covered by this special rule (the area of shared habitat between shovelnose and pallid sturgeon) follows:

Figure 1: Areas Where Pallid and Shovelnose Sturgeon Commonly Coexist in the Missouri and Mississippi River Basins



(bb) [Reserved]

(cc) June sucker (*Chasmistes liorus*).

(1) *Prohibitions.* The following prohibitions that apply to endangered wildlife also apply to the June sucker. Except as provided under paragraph (cc)(2) of this section and §§17.4 and 17.5, it is unlawful for any person subject to the jurisdiction of the United

States to commit, to attempt to commit, to solicit another to commit, or cause to be committed, any of the following acts in regard to this species:

(i) Import or export, as set forth at §17.21(b) for endangered wildlife.

(ii) Take, as set forth at §17.21(c)(1) for endangered wildlife.

(iii) Possession and other acts with unlawfully taken specimens, as set forth at §17.21(d)(1) for endangered wildlife.

(iv) Interstate or foreign commerce in the course of commercial activity, as set forth at §17.21(e) for endangered wildlife.

(v) Sale or offer for sale, as set forth at §17.21(f) for endangered wildlife.

(2) *Exceptions from prohibitions.* In regard to this species, you may:

(i) Conduct activities as authorized by an existing permit under §17.32.

(ii) Conduct activities as authorized by a permit issued prior to February 3, 2021 under §17.22 for the duration of the permit.

(iii) Take, as set forth at §17.21(c)(2) through (c)(4) for endangered wildlife.

(iv) Take, as set forth at §17.31(b).

(v) Take June suckers while carrying out the following legally conducted activities in accordance with this paragraph (cc)(2)(iv):

(A) *Definitions.* For the purposes of this paragraph (cc)(2)(iv):

(*1*) *Qualified biologist* means a full-time fish biologist or aquatic resources manager employed by Utah Division of Wildlife Resources, a Department of the Interior agency, or fish biologist or aquatic resource manager employed by a private consulting firm that has been approved by the Service in writing (by letter or email), the designated recovery program (e.g., June Sucker Recovery Implementation Program), or the Utah Division of Wildlife Resources.

(*2*) *Reasonable care* means limiting the impacts to June sucker individuals and populations by complying with all applicable Federal, State, and Tribal regulations for the activity in question; using methods and techniques that result in the least harm, injury, or death, as feasible; undertaking activities at the least impactful times and locations, as feasible; procuring and implementing technical assistance from a qualified biologist on projects regarding all methods prior to the implementation of those methods; ensuring the number of individuals removed or sampled minimally impacts the existing wild population; ensuring no disease or parasites are introduced into the existing June sucker population; and preserving the genetic diversity of wild populations.

(B) *Allowable forms of take of June suckers.* Take of June suckers as a result of the following legally conducted activities is allowed, provided that the activity is approved by the Service in writing (by letter or email), in coordination with any existing designated recovery program, for the purpose of the conservation or recovery of the June sucker, and that reasonable care is practiced to minimize the impact of such activities.

(*1*) *Nonnative fish removal.* Take of June suckers as a result of any action with the primary or secondary purpose of removing from Utah Lake and its tributaries nonnative fish that compete with, predate upon, or degrade the habitat of the June sucker is allowed. Allowable methods of removal may include, but are not limited to, mechanical removal, chemical treatments, or biological controls. Whenever possible, June suckers that are caught alive as part of nonnative fish removal should be returned to their source as quickly as possible.

(*2*) *Habitat restoration and improvement of instream flows.* Take of June suckers as a result of any action with the primary or secondary purpose of improving habitat conditions in Utah Lake and its tributaries or improving water delivery and available in-stream flows in spawning tributaries is allowed.

(*3*) *Monitoring.* Take of June suckers as a result of any method that is used to detect June suckers in the wild to better understand population numbers, trends, or response to stressors, and that is not intended to be destructive but that may unintentionally cause harm or death, is allowed.

(*4*) *Recreational fisheries management.* Take of June suckers as a result of any activity by the State, or its designated agent, that is necessary to manage or monitor recreational fisheries in Utah Lake and its tributaries is allowed, provided the management practices do

not contradict June sucker recovery objectives and that the activities are not intended to cause harm or death to June suckers.

(*5*) *Research*. Take of June suckers as a result of any activity undertaken for the purposes of increasing scientific understanding of June sucker biology, ecology, or recovery needs under the auspices of the designated recovery program, a recognized academic institution, or a qualified scientific contractor is allowed. Incidental and direct take resulting from such approved research to benefit the June sucker is allowed.

(*6*) *Education and outreach*. Take of June suckers as a result of any activity undertaken under the auspices of the designated recovery program for the purposes of increasing public awareness of June sucker biology, ecology, or recovery needs and June sucker recovery benefits for Utah Lake, its tributaries, and the surrounding communities is allowed. Incidental and direct take resulting from such educational or outreach efforts to benefit the June sucker is allowed.

(*7*) *Refuges and stocking*. Take of June suckers as a result of activities undertaken for the long-term maintenance of June suckers at Service-approved facilities outside of Utah Lake and its tributaries or for the production of June suckers for stocking in Utah Lake is allowed.

(vi) Possess and engage in other acts with unlawfully taken endangered wildlife, as set forth at §17.21(d)(2).

(dd) Humpback chub (*Gila cypha*). (1) *Prohibitions*. The following prohibitions that apply to endangered wildlife also apply to humpback chub. Except as provided under paragraphs (dd)(2) and (3) of this section and §§17.4 and 17.5, it is unlawful for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit, or cause to be committed, any of the following acts in regard to this species:

(i) Import or export, as set forth at §17.21(b) for endangered wildlife.

(ii) Take, unless excepted as outlined in paragraphs (dd)(2)(i) through (v) of this section.

(iii) Possession and other acts with unlawfully taken specimens, as set forth at §17.21(d)(1) for endangered wildlife.

(iv) Interstate or foreign commerce in the course of commercial activity, as set forth at §17.21(e) for endangered wildlife.

(v) Sale or offer for sale, as set forth at §17.21(f) for endangered wildlife.

(2) *General exceptions from prohibitions*. In regard to this species, you may:

(i) Conduct activities as authorized by an existing permit under §17.32.

(ii) Conduct activities as authorized by a permit issued prior to November 17, 2021 under §17.22 for the duration of the permit.

(iii) Take, as set forth at §17.21(c)(2) through (c)(4) for endangered wildlife.

(iv) Take, as set forth at §17.31(b).

(v) Possess and engage in other acts with unlawfully taken specimens, as set forth at §17.21(d)(2) for endangered wildlife.

(3) *Exceptions from prohibitions for specific types of incidental take*. You may take humpback chub while carrying out the following legally conducted activities in accordance with this paragraph (dd)(3):

(i) *Definitions*. For the purposes of this paragraph (dd)(3):

(A) *Qualified person* means a full-time fish biologist or aquatic resources manager employed by any of the Colorado River Basin State wildlife agencies, Native American Tribes, the Department of the Interior bureaus and offices located within the Colorado River basin, or fish biologist or aquatic resource manager employed by a private consulting firm, provided the firm has received a scientific collecting permit from the appropriate State agency.

(B) *The six core populations* means the following populations of the humpback chub: Desolation and Gray Canyons (Green River, Utah), Dinosaur National Monument (Green and Yampa Rivers, Colorado and Utah), Black Rocks (Colorado River, Colorado), Westwater Canyon (Colorado River, Utah), Cataract Canyon (Colorado River, Utah), and Grand Canyon (Colorado and Little Colorado Rivers, Arizona).

(C) *Reasonable care* means limiting the impacts to humpback chub individuals and populations by complying with all applicable Federal, State, and

Tribal regulations for the activity in question; using methods and techniques that result in the least harm, injury, or death, as feasible; undertaking activities at the least impactful times and locations, as feasible; and protecting existing extant wild populations of humpback chub by ensuring minimal impacts from the removal or sampling of individuals, preventing the introduction of disease or parasites, and preserving genetic diversity.

(ii) *Creation and maintenance of refuge populations.* A qualified person may take humpback chub in order to create or maintain a captive or wild refuge population that protects the long-term genetic diversity of humpback chub, provided that reasonable care is practiced to minimize the effects of that taking.

(A) Methods of allowable take under this paragraph (dd)(3)(ii) include, but are not limited to:

(*1*) Removing wild individuals via electrofishing, nets, and seines from the six core populations;

(*2*) Managing captive populations, including handling, rearing, and spawning of captive fish;

(*3*) Sacrificing individuals for hatchery management, such as parasite and disease certification; and

(*4*) Eliminating wild refuge populations if conditions are deemed inadequate for conservation of the species or are deemed detrimental to the six core populations.

(B) Before the establishment of any captive or wild refuge population, the Service must approve, in writing, the designation of the refuge population, and any removal of humpback chub individuals from wild populations. Subsequent to a written approval for the establishment of a refuge population, take associated with the maintenance of the refuge population would not be prohibited under the Act.

(iii) *Translocation and stocking of humpback chub.* A qualified person may take humpback chub in order to introduce individuals into areas outside of the six core populations. Humpback chub individuals may be introduced to new areas by translocating wild individuals to additional locations or by stocking individuals from captivity. All translocations of wild individuals and stocking of individuals from captivity must involve reasonable care to minimize the effects of that taking. Translocations of wild individuals and stocking of individuals from captivity must be undertaken to expand the range of humpback chub or to supplement existing populations.

(A) Methods of allowable take under this paragraph (dd)(3)(iii) include, but are not limited to:

(*1*) Removing wild individuals via electrofishing, nets, and seines;

(*2*) Managing captive populations, including handling, rearing, and spawning;

(*3*) Sacrificing individuals for hatchery management, such as parasite and disease certification; and

(*4*) Removing or eliminating all humpback chub from failed introduction areas via mechanical or chemical methods.

(B) The Service must approve, in advance and in writing:

(*1*) Any translocation program; and

(*2*) Any stocking of humpback chub into any of the six core populations.

(iv) *Nonnative fish removal.* A qualified person may take humpback chub in order to perform nonnative fish removal for conservation purposes if reasonable care is practiced to minimize effects to humpback chub. For this paragraph (dd)(3)(iv), nonnative fish removal for conservation purposes means any action with the primary or secondary purpose of mechanically removing nonnative fishes that compete with, predate, or degrade the habitat of humpback chub.

(A) Methods of allowable take under this paragraph (dd)(3)(iv) include, but are not limited to:

(*1*) Mechanical removal of nonnative fish within occupied humpback chub habitats, including, but not limited to, electrofishing, seining, netting, and angling; and

(*2*) The use of other ecosystem modifications, such as altered flow regimes or habitat modifications.

(B) The Service and all applicable landowners must approve, in advance and in writing, any nonnative fish removal activities under this paragraph (dd)(3)(iv).

(v) *Catch-and-release angling of humpback chub.* States and Tribes may enact

Federal, State, and Tribal fishing regulations that address catch-and-release angling.

(A) In the six core populations, angling activities may include nontargeted (incidental) catch and release of humpback chub when targeting other species in accordance with Federal, State, and Tribal fishing regulations.

(B) In areas outside of the six core populations, angling activities may include targeted catch and release of humpback chub in accordance with Federal, State, and Tribal fishing regulations.

(C) Angling activities may cause take via:

(*1*) Handling of humpback chub caught via angling;

(*2*) Injury to humpback chub caught via angling; and

(*3*) Unintentional death to humpback chub caught via angling.

(D) Reasonable consideration by the Federal, State, and Tribal agencies for incidental catch and release of humpback chub in the six core populations include:

(*1*) Regulating tactics to minimize potential injury and death to humpback chub if caught;

(*2*) Communicating the potential for catching humpback chub in these areas; and

(*3*) Promoting the importance of the six core populations.

(E) Reasonable consideration for establishing new recreational angling locations for humpback chub include, but are not limited to:

(*1*) Evaluating each water body's ability to support humpback chub and sustain angling;

(*2*) Ensuring the recreational fishing population does not detrimentally impact the six core populations of humpback chub through such factors as disease or genetic drift; and

(*3*) Monitoring to ensure there are no detrimental effects to the humpback chub population from angling.

(F) The Service and all applicable State, Federal, and Tribal landowners must approve, in advance and in writing, any new recreational fishery for humpback chub.

(vi) *Chemical treatments to support humpback chub*. A qualified person may take humpback chub by performing a chemical treatment in accordance with Federal, State, and Tribal regulations that would support the conservation and recovery of humpback chub, provided that reasonable care is practiced to minimize the effects of such taking.

(A) For treatments upstream of occupied humpback chub habitat:

(*1*) Service approval is not required; and

(*2*) Care should be taken to limit the potential for fish toxicants and piscicides traveling beyond treatment boundaries and impacting humpback chub.

(B) For treatments in known or potentially occupied humpback chub habitat:

(*1*) The Service must approve, in advance and in writing, any treatment;

(*2*) Care should be taken to perform robust salvage efforts to remove any humpback chub that may occur in the treatment area before the treatment is conducted; and

(C) Whenever possible, humpback chub that are salvaged should be moved to a location that supports recovery of the species.

(vii) *Reporting and disposal requirements*. Any mortality of humpback chub associated with the actions authorized under the regulations in this paragraph (dd)(3) must be reported to the Service within 72 hours, and specimens may be disposed of only in accordance with directions from the Service. Reports in the upper basin (upstream of Glen Canyon Dam) must be made to the Service's Mountain-Prairie Region Law Enforcement Office, or the Service's Upper Colorado River Endangered Fish Recovery Office. Reports in the lower basin (downstream Glen Canyon Dam) must be made to the Service's Southwest Region Law Enforcement Office, or the Service's Arizona Fish and Wildlife Conservation Office. Contact information for the Service's regional offices is set forth at 50 CFR 2.2, and the phone numbers of Law Enforcement offices are at 50 CFR 10.22. The Service may allow additional reasonable time for reporting if access to these offices is limited due to office closure or if the activity was conducted in an area without sufficient communication access.

(ee) Sickle darter (*Percina williamsi*). (1) *Prohibitions.* The following prohibitions that apply to endangered wildlife also apply to the sickle darter. Except as provided under paragraphs (ee)(2) and (3) of this section and §§17.4 and 17.5, it is unlawful for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit, or cause to be committed, any of the following acts in regard to this species:

(i) Import or export, as set forth at §17.21(b) for endangered wildlife.

(ii) Take, as set forth at §17.21(c)(1) for endangered wildlife.

(iii) Possession and other acts with unlawfully taken specimens, as set forth at §17.21(d)(1) for endangered wildlife.

(iv) Interstate or foreign commerce in the course of commercial activity, as set forth at §17.21(e) for endangered wildlife.

(v) Sale or offer for sale, as set forth at §17.21(f) for endangered wildlife.

(2) *General exceptions from prohibitions.* In regard to this species, you may:

(i) Conduct activities as authorized by a permit under §17.32.

(ii) Take, as set forth at §17.21(c)(2) through (4) for endangered wildlife.

(iii) Take, as set forth at §17.31(b).

(iv) Possess and engage in other acts with unlawfully taken wildlife, as set forth at §17.21(d)(2) for endangered wildlife.

(3) *Exceptions from prohibitions for specific types of incidental take.* You may take sickle darter while carrying out the following legally conducted activities in accordance with this paragraph (ee)(3):

(i) Channel restoration projects that create natural, physically stable, ecologically functioning streams (or stream and wetland systems) and that take place between April 1 and January 31. These projects can be accomplished using a variety of methods, but the desired outcome is a natural channel with low shear stress (force of water moving against the channel); bank heights that enable reconnection to the floodplain; a reconnection of surface and groundwater systems, resulting in perennial flows in the channel; riffles and pools composed of existing soil, rock, and wood instead of large imported materials; low compaction of soils within adjacent riparian areas; and inclusion of riparian wetlands.

(ii) Bank stabilization projects that use bioengineering methods to replace pre-existing, bare, eroding stream banks with vegetated, stable stream banks, thereby reducing bank erosion and instream sedimentation and improving habitat conditions for the species and that take place between April 1 and January 31. Following these bioengineering methods, stream banks may be stabilized using native species live stakes (live, vegetative cuttings inserted or tamped into the ground in a manner that allows the stake to take root and grow), native species live fascines (live branch cuttings, usually willows, bound together into long, cigar shaped bundles), or native species brush layering (cuttings or branches of easily rooted tree species layered between successive lifts of soil fill). Native species vegetation includes woody and herbaceous species appropriate for the region and habitat conditions. These methods will not include the sole use of quarried rock (riprap) or the use of rock baskets or gabion structures.

(iii) Bridge and culvert replacement/removal projects or low head dam removal projects that remove migration barriers or generally allow for improved upstream and downstream movements of sickle darters while maintaining normal stream flows, preventing bed and bank erosion, and improving habitat conditions for the species and that take place between April 1 and January 31.

(iv) Transportation projects that provide for fish passage at stream crossings and that take place between April 1 and January 31.

(v) Silvicultural practices and forest management activities that implement State-approved best management practices. In order for this exception to apply to forestry-related activities, these best management practices must achieve all of the following:

(A) Establish a streamside management zone alongside the margins of each waterway.

(B) Restrain visible sedimentation caused by the forestry-related activity from entering the waterway.

(C) Maintain native groundcover within the streamside management zone of the waterway, and promptly reestablish native groundcover if disturbed.

(D) Limit installation of vehicle or equipment crossings of the waterway to only where necessary for the forestry-related activity. Such crossings must:

(*1*) Have erosion and sedimentation control measures installed to divert surface runoff away and restrain visible sediment from entering the waterway;

(*2*) Allow for movement of aquatic organisms within the waterway; and

(*3*) Have native groundcover applied and maintained through completion of the forestry-related activity.

(E) Prohibit the use of tracked or wheeled vehicles for reforestation site preparation within the streamside management zone of the waterway.

(F) Prohibit locating log decks, skid trails, new roads, and portable mill sites in the streamside management zone of the waterway.

(G) Prohibit obstruction and impediment of the flow of water within the waterway that is caused by direct deposition of debris or soil by the forestry-related activity.

(H) Maintain shade over the waterway similar to that observed prior to the forestry-related activity.

(I) Prohibit discharge of any solid waste, petroleum, pesticide, fertilizer, or other chemical into the waterway.

(ff) Upper Coosa River DPS of the frecklebelly madtom (*Noturus munitus*).

(1) *Prohibitions.* The following prohibitions that apply to endangered wildlife also apply to the Upper Coosa River DPS. Except as provided under paragraph (ff)(2) of this section and §§ 17.4 and 17.5, it is unlawful for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit, or cause to be committed, any of the following acts in regard to this DPS:

(i) Import or export, as set forth at § 17.21(b) for endangered wildlife.

(ii) Take, as set forth at § 17.21(c)(1) for endangered wildlife.

(iii) Possession and other acts with unlawfully taken specimens, as set forth at § 17.21(d)(1) for endangered wildlife.

(iv) Interstate or foreign commerce in the course of a commercial activity, as set forth at § 17.21(e) for endangered wildlife.

(v) Sale or offer for sale, as set forth at § 17.21(f) for endangered wildlife.

(2) *Exceptions from prohibitions.* In regard to this DPS, you may:

(i) Conduct activities as authorized by a permit under § 17.32.

(ii) Take, as set forth at § 17.21(c)(2) through (c)(4) for endangered wildlife.

(iii) Take, as set forth at § 17.31(b).

(iv) Take incidental to an otherwise lawful activity caused by:

(A) Channel restoration projects that create natural, physically stable, ecologically functioning streams. These projects can be accomplished using a variety of methods, but the desired outcome is a natural channel with geomorphically stable stream channels that maintain the appropriate lateral dimensions, longitudinal profiles, and sinuosity patterns over time without an aggrading or degrading bed elevation and include stable riffle-runpool complexes that consist of silt-free gravel, coarse sand, cobble, boulders, woody structure, and river weed (*Podostemum* spp.).

(B) Streambank stabilization projects that use bioengineering methods to replace pre-existing, bare, eroding stream banks with natively vegetated, stable stream banks, thereby reducing bank erosion and instream sedimentation and improving habitat conditions for the DPS. Stream banks may be stabilized using native live stakes (live, vegetative cuttings inserted or tamped into the ground in a manner that allows the stake to take root and grow), native live fascines (live branch cuttings, usually willows, bound together into long, cigar-shaped bundles), or native brush layering (cuttings or branches of easily rooted tree species layered between successive lifts of soil fill). Stream banks must not be stabilized solely through the use of quarried rock (rip-rap) or the use of rock baskets or gabion structures.

(C) Projects carried out in the DPS's range under the Working Lands for

Wildlife program of the Natural Resources Conservation Service, U.S. Department of Agriculture, or similar projects conducted by the U.S. Fish and Wildlife Service's Partners for Fish and Wildlife Program or the Environmental Protection Agency's 319 Grant Program, that are implemented with a primary objective of improving environmental conditions to support the native, aquatic biodiversity of flowing water habitats.

(D) Silviculture practices and forest management activities that implement State-approved best management practices to protect water and sediment quality and stream and riparian habitat.

(v) Possess and engage in other acts with unlawfully taken wildlife, as set forth at §17.21(d)(2) for endangered wildlife.

(gg) [Reserved]

(hh) Relict darter (*Etheostoma chienense*).

(1) *Prohibitions.* The following prohibitions that apply to endangered wildlife also apply to relict darter. Except as provided under paragraph (hh)(2) of this section and §§17.4 and 17.5, it is unlawful for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit, or cause to be committed, any of the following acts in regard to this species:

(i) Import or export, as set forth at §17.21(b) for endangered wildlife.

(ii) Take, as set forth at §17.21(c)(1) for endangered wildlife.

(iii) Possession and other acts with unlawfully taken specimens, as set forth at §17.21(d)(1) for endangered wildlife.

(iv) Interstate or foreign commerce in the course of commercial activity, as set forth at §17.21(e) for endangered wildlife.

(v) Sale or offer for sale, as set forth at §17.21(f) for endangered wildlife.

(2) *Exceptions from prohibitions.* In regard to this species, you may:

(i) Conduct activities as authorized by a permit under §17.32.

(ii) Take, as set forth at §17.21(c)(2) through (4) for endangered wildlife.

(iii) Take as set forth at §17.31(b).

(iv) Take incidental to an otherwise lawful activity caused by:

(A) Channel restoration or improvement projects that create natural, physically stable, ecologically functioning streams (or stream and wetland systems) that are reconnected with their groundwater aquifers and, if the projects involve known relict darter spawning habitat, that take place between June 30 and March 1. These projects can be accomplished using a variety of methods, but the desired outcome is a natural channel with low shear stress (force of water moving against the channel); bank heights that enable reconnection to the floodplain; a reconnection of surface and groundwater systems, resulting in perennial flows in the channel; riffles and pools composed of existing soil, rock, and wood instead of large imported materials; low compaction of soils within adjacent riparian areas; and inclusion of riparian wetlands.

(B) Streambank stabilization projects that use bioengineering methods to replace preexisting, bare, eroding stream banks with vegetated, stable stream banks, thereby reducing bank erosion and instream sedimentation and improving habitat conditions for the species and, if the projects involve known relict darter spawning habitat, that take place between June 30 and March 1. Stream banks may be stabilized using native live stakes (live, vegetative cuttings inserted or tamped into the ground in a manner that allows the stake to take root and grow), native live fascines (live branch cuttings, usually willows, bound together into long, cigar-shaped bundles), or brush layering (cuttings or branches of easily rooted tree species layered between successive lifts of soil fill). Stream banks must not be stabilized through the use of quarried rock (riprap) or the use of rock baskets or gabion structures.

(C) Bridge and culvert replacement/removal projects or low head dam removal projects that remove migration barriers or generally allow for improved upstream and downstream movements of relict darters while maintaining normal stream flows, preventing bed and bank erosion, and improving habitat conditions for the species, if completed between June 30 and March 1.

(D) Transportation projects that follow best management practices that eliminate sedimentation, do not block stream flow, do not channelize streams, and provide for fish passage under a wide range of hydrologic conditions at stream crossings and that are done between June 30 and March 1.

(E) Projects carried out in the species' range by the Natural Resources Conservation Service, U.S. Department of Agriculture, that:

(*1*) Do not alter habitats known to be used by the relict darter beyond the fish's tolerances; and

(*2*) Are performed between June 30 and March 1 to avoid the time period when the relict darter will be found within its spawning habitat, if such habitat is affected by the activity.

(v) Possess and engage in other acts with unlawfully taken wildlife, as set forth at §17.21(d)(2) for endangered wildlife.

[40 FR 44415, Sept. 26, 1975]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §17.44, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at *www.govinfo.gov*.

§17.45 Species-specific rules—snails and clams.

(a) Atlantic pigtoe (*Fusconaia masoni*)—(1) *Prohibitions.* The following prohibitions that apply to endangered wildlife also apply to the Atlantic pigtoe. Except as provided under paragraphs (a)(2) and (3) of this section and §§17.4 and 17.5, it is unlawful for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit, or cause to be committed, any of the following acts in regard to this species:

(i) Import or export, as set forth at §17.21(b) for endangered wildlife.

(ii) Take, as set forth at §17.21(c)(1) for endangered wildlife.

(iii) Possession and other acts with unlawfully taken specimens, as set forth at §17.21(d)(1) for endangered wildlife.

(iv) Interstate or foreign commerce in the course of commercial activity, as set forth at §17.21(e) for endangered wildlife.

(v) Sale or offer for sale, as set forth at §17.21(f) for endangered wildlife.

(2) *General exceptions from prohibitions.* In regard to this species, you may:

(i) Conduct activities as authorized by a permit under §17.32.

(ii) Take, as set forth at §17.21(c)(2) through (c)(4) for endangered wildlife.

(iii) Take, as set forth at §17.31(b).

(iv) Possess and engage in other acts with unlawfully taken Atlantic pigtoe, as set forth at §17.21(d)(2) through (4) for endangered wildlife.

(3) *Exceptions from prohibitions for specific types of incidental take.* The following entities and activities that cause take that is incidental to an otherwise lawful activity are not in violation of the prohibitions:

(i) Species restoration efforts by State wildlife agencies, including collection of broodstock, tissue collection for genetic analysis, captive propagation, and subsequent stocking into currently occupied and unoccupied areas within the historical range of the species, and follow-up monitoring.

(ii) Channel restoration projects that create natural, physically stable, ecologically functioning streams (or stream and wetland systems) that are reconnected with their groundwater aquifers. These projects can be accomplished using a variety of methods, but the desired outcome is a natural channel with low shear stress (force of water moving against the channel); bank heights that enable reconnection to the floodplain; a reconnection of surface and groundwater systems, resulting in perennial flows in the channel; riffles and pools comprised of existing soil, rock, and wood instead of large imported materials; low compaction of soils within adjacent riparian areas; and inclusion of riparian wetlands. Streams reconstructed in this way would offer suitable habitats for the Atlantic pigtoe and contain stable channel features, such as pools, glides, runs, and riffles, which could be used by the species and its host fish for spawning, rearing, growth, feeding, migration, and other normal behaviors. Prior to restoration action, surveys to determine presence of Atlantic pigtoe

must be performed, and if located, mussels must be relocated prior to project implementation.

(iii) Bank stabilization projects that use bioengineering methods to replace pre-existing, bare, eroding stream banks with vegetated, stable stream banks, thereby reducing bank erosion and instream sedimentation and improving habitat conditions for the species. Following these bioengineering methods, stream banks may be stabilized using native species live stakes (live, vegetative cuttings inserted or tamped into the ground in a manner that allows the stake to take root and grow), native species live fascines (live branch cuttings, usually willows, bound together into long, cigar-shaped bundles), or native species brush layering (cuttings or branches of easily rooted tree species layered between successive lifts of soil fill). Native vegetation includes woody species appropriate for the region and habitat conditions. These methods do not include the sole use of quarried rock (riprap) or the use of rock baskets or gabion structures.

(iv) Forestry-related activities, including silvicultural practices, forest management work, and fire control tactics, that implement State-approved best management practices. In order for this exception to apply to forestry-related activities, these best management practices must achieve all of the following:

(A) Establish a streamside management zone alongside the margins of each waterway.

(B) Restrain visible sedimentation caused by the forestry-related activity from entering the waterway.

(C) Maintain native groundcover within the streamside management zone of the waterway, and promptly reestablish native groundcover if disturbed.

(D) Limit installation of vehicle or equipment crossings of the waterway to only where necessary for the forestry-related activity. Such crossings shall:

(*1*) Have erosion and sedimentation control measures installed to divert surface runoff away and restrain visible sediment from entering the waterway;

(*2*) Allow for movement of aquatic organisms within the waterway; and

(*3*) Have native groundcover applied and maintained through completion of the forestry-related activity.

(E) Prohibit the use of tracked or wheeled vehicles for reforestation site preparation within the streamside management zone of the waterway.

(F) Prohibit locating log decks, skid trails, new roads, and portable mill sites in the streamside management zone of the waterway.

(G) Prohibit obstruction and impediment of the flow of water within the waterway that is caused by direct deposition of debris or soil by the forestry-related activity.

(H) Maintain shade over the waterway similar to that observed prior to the forestry-related activity.

(I) Prohibit discharge of any solid waste, petroleum, pesticide, fertilizer, or other chemical into the waterway.

(b) Morro shoulderband snail (*Helminthoglypta walkeriana*)—(1) *Prohibitions.* The following prohibitions that apply to endangered wildlife also apply to the Morro shoulderband snail. Except as provided under paragraph (b)(2) of this section and §§ 17.4 and 17.5, it is unlawful for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit, or cause to be committed, any of the following acts in regard to this species:

(i) Import or export, as set forth at § 17.21(b) for endangered wildlife.

(ii) Take, as set forth at § 17.21(c)(1) for endangered wildlife.

(iii) Possession and other acts with unlawfully taken specimens, as set forth at § 17.21(d)(1) for endangered wildlife.

(iv) Interstate or foreign commerce in the course of commercial activity, as set forth at § 17.21(e) for endangered wildlife.

(v) Sale or offer for sale, as set forth at § 17.21(f) for endangered wildlife.

(2) *Exceptions from prohibitions.* In regard to this species, you may:

(i) Conduct activities as authorized by a permit under § 17.32.

(ii) Take, as set forth at § 17.21(c)(2) through (4) for endangered wildlife.

(iii) Take, as set forth at § 17.31(b).

(iv) Take incidental to an otherwise lawful activity caused by:

(A) Native habitat restoration activities, inclusive of invasive and/or nonnative species removal, conducted by a conservation organization pursuant to a Service-approved management or restoration plan.

(B) Fire-hazard reduction activities implemented by the California Department of Forestry and Fire Protection in accordance with a Service-approved plan within the range of the Morro shoulderband snail.

(v) Possess and engage in other acts with unlawfully taken wildlife, as set forth at §17.21(d)(2) for endangered wildlife.

(c) Texas fawnsfoot (*Truncilla macrodon*).

(1) *Prohibitions.* The following prohibitions that apply to endangered wildlife also apply to Texas fawnsfoot. Except as provided under paragraph (c)(2) of this section and §§17.4 and 17.5, it is unlawful for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit, or cause to be committed, any of the following acts in regard to the Texas fawnsfoot:

(i) Import or export, as set forth at §17.21(b) for endangered wildlife.

(ii) Take, as set forth at §17.21(c)(1) for endangered wildlife.

(iii) Possession and other acts with unlawfully taken specimens, as set forth at §17.21(d)(1) for endangered wildlife.

(iv) Interstate or foreign commerce in the course of commercial activity, as set forth at §17.21(e) for endangered wildlife.

(v) Sale or offer for sale, as set forth at §17.21(f) for endangered wildlife.

(2) *Exceptions from prohibitions.* In regard to this species, you may:

(i) Conduct activities as authorized by a permit under §17.32.

(ii) Take, as set forth at §17.21(c)(2) through (c)(4) for endangered wildlife.

(iii) Take as set forth at §17.31(b).

(iv) Possess and engage in other acts with unlawfully taken Texas fawnsfoot, as set forth at §17.21(d)(2) for endangered wildlife.

(v) Take incidental to an otherwise lawful activity caused by:

(A) Channel restoration projects that create natural, physically stable, ecologically functioning streams (or stream and wetland systems) that are reconnected with their groundwater aquifers. To qualify for the exception in this paragraph (c)(2)(v)(A), a channel restoration project must satisfy all applicable Federal, State, and local permitting requirements. In addition, at least 30 days prior to commencing actual construction within an area designated as critical habitat for the Texas fawnsfoot (see 50 CFR 17.95(f)), notice must be provided to the Service, through the Austin Ecological Services Field Office, of the location and nature of the proposed work to allow the Service to make arrangements for surveys and potential relocation of any mussels that might be adversely affected. You may obtain field office contact information by contacting one of the Service regional offices, the addresses of which are listed at 50 CFR 2.2.

(B) Bioengineering methods for streambank stabilization using native live stakes (live, vegetative cuttings inserted or tamped into the ground in a manner that allows the stake to take root and grow), native live fascines (live branch cuttings, usually willows, bound together into long, cigar-shaped bundles), or native brush layering (cuttings or branches of easily rooted tree species layered between successive lifts of soil fill). Methods that include the use of quarried rock (riprap) for more than 25 percent of the area within the streambanks or include the use of rock baskets or gabion structures do not qualify for the exception in this paragraph (c)(2)(v)(B). In addition, to reduce streambank erosion and sedimentation into the stream, work using these bioengineering methods qualifies for the exception in this paragraph (c)(2)(v)(B) only if it is performed during base-flow or low-water conditions and when significant rainfall likely to result in significant runoff is not predicted at or upstream of the area where work is proposed for a period of at least 3 days after the work is scheduled to be undertaken. Further, streambank stabilization projects that involve the placement or use of equipment in the stream channels or water do not qualify for the exception in this paragraph

(c)(2)(v)(B). To qualify for the exception in this paragraph (c)(2)(v)(B), a project using bioengineering methods must satisfy all applicable Federal, State, and local permitting requirements.

(C) Soil and water conservation practices and riparian and adjacent upland habitat management activities that restore in-stream habitats for the species, restore adjacent riparian habitats that enhance stream habitats for the species, stabilize degraded and eroding stream banks to limit sedimentation and scour of the species' habitats, restore or enhance nearby upland habitats to limit sedimentation of the species' habitats, and comply with conservation practice standards and specifications and with technical guidelines developed by the Natural Resources Conservation Service for application of the affected habitat types. In addition, at least 30 days prior to commencing soil and water conservation practices within an area designated as critical habitat for the Texas fawnsfoot (see 50 CFR 17.95(f)), notice must be provided to the Service, through the Austin Ecological Services Field Office, of the location and nature of the proposed work to allow the Service to make arrangements for surveys and potential relocation of any mussels that might be adversely affected. You may obtain field office contact information by contacting one of the Service regional offices, the addresses of which are listed at 50 CFR 2.2.

(D) Presence or abundance surveys for Texas fawnsfoot conducted by individuals who successfully complete and show proficiency by passing the end-of-course test with a score equal to or greater than 90 percent, with 100 percent accuracy in identification of mussel species listed under the Endangered Species Act, in an approved freshwater mussel identification and sampling course (specific to the species and basins in which the Texas fawnsfoot is known to occur), such as that administered by the Service, a State wildlife agency, or qualified university experts. Those individuals exercising the exemption in this paragraph (c)(2)(v)(D) should provide reports to the Service annually on number, location, and date of collection. The exemption in this paragraph (c)(2)(v)(D) does not apply if lethal take or collection is anticipated. The exemption in this paragraph (c)(2)(v)(D) only applies for 5 years from the date of successful course completion.

(d) Longsolid (*Fusconaia subrotunda*) and round hickorynut (*Obovaria subrotunda*).

(1) *Prohibitions.* The following prohibitions that apply to endangered wildlife also apply to the longsolid and round hickorynut. Except as provided under paragraph (d)(2) of this section and §§17.4 and 17.5, it is unlawful for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit, or cause to be committed, any of the following acts in regard to these species:

(i) Import or export, as set forth at §17.21(b) for endangered wildlife.

(ii) Take, as set forth at §17.21(c)(1) for endangered wildlife.

(iii) Possession and other acts with unlawfully taken specimens, as set forth at §17.21(d)(1) for endangered wildlife.

(iv) Interstate or foreign commerce in the course of commercial activity, as set forth at §17.21(e) for endangered wildlife.

(v) Sale or offer for sale, as set forth at §17.21(f) for endangered wildlife.

(2) *Exceptions from prohibitions.* In regard to these species, you may:

(i) Conduct activities as authorized by a permit under §17.32.

(ii) Take, as set forth at §17.21(c)(2) through (c)(4) for endangered wildlife.

(iii) Take, as set forth at §17.31(b).

(iv) Take incidental to an otherwise lawful activity caused by:

(A) Conservation and restoration efforts for listed species conducted by State wildlife agencies, including, but not limited to, population monitoring, relocation, and collection of broodstock; tissue collection for genetic analysis; captive propagation; and subsequent stocking into currently occupied and unoccupied areas within the historical range of the species.

(B) Channel and bank restoration projects that create natural, physically stable, ecologically functioning streams (or stream and wetland systems) that are reconnected with their

groundwater aquifers. These projects can be accomplished using a variety of methods, but the desired outcome is a natural channel with low shear stress (force of water moving against the channel); bank heights that enable reconnection to the floodplain; a reconnection of surface and groundwater systems, resulting in perennial flows in the channel; riffles and pools composed of existing soil, rock, and wood instead of large imported materials; low compaction of soils within adjacent riparian areas; and inclusion of riparian wetlands.

(C) Bank stabilization projects that use bioengineering methods to replace pre-existing, bare, eroding stream banks with vegetated, stable stream banks, thereby reducing bank erosion and instream sedimentation and improving habitat conditions for the species. Following these bioengineering methods, stream banks may be stabilized using native species live stakes (live, vegetative cuttings inserted or tamped into the ground in a manner that allows the stake to take root and grow), native species live fascines (live branch cuttings, usually willows, bound together into long, cigar-shaped bundles), or native species brush layering (cuttings or branches of easily rooted tree species layered between successive lifts of soil fill). Native species vegetation includes woody and herbaceous species appropriate for the region and habitat conditions. These methods will not include the sole use of quarried rock (rip-rap) or the use of rock baskets or gabion structures. Prior to channel restoration and bank stabilization actions, surveys conducted in coordination with the appropriate Service field office to determine presence of longsolid and round hickorynut must be performed, and if located, relocation prior to project implementation may be necessary, with post-implementation monitoring. To qualify under this exemption, channel restoration and bank stabilization actions must satisfy all Federal, State, and local permitting requirements.

(D) Forest management activities that implement State-approved best management practices.

(v) Possess and engage in other acts with unlawfully taken wildlife, as set forth at §17.21(d)(2) for endangered wildlife.

(e) [Reserved]

(f) ''Ouachita'' fanshell (*Cyprogenia* cf. *aberti*) and western fanshell (*Cyprogenia aberti*)—(1) *Prohibitions.* The following prohibitions that apply to endangered wildlife also apply to the ''Ouachita'' fanshell and western fanshell. Except as provided under paragraph (f)(2) of this section and §§17.4 and 17.5, it is unlawful for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit, or cause to be committed, any of the following acts in regard to this species:

(i) Import or export, as set forth at §17.21(b) for endangered wildlife.

(ii) Take, as set forth at §17.21(c)(1) for endangered wildlife.

(iii) Possession and other acts with unlawfully taken specimens, as set forth at §17.21(d)(1) for endangered wildlife.

(iv) Interstate or foreign commerce in the course of commercial activity, as set forth at §17.21(e) for endangered wildlife.

(v) Sale or offer for sale, as set forth at §17.21(f) for endangered wildlife.

(2) *Exceptions from prohibitions.* In regard to this species, you may:

(i) Conduct activities as authorized by a permit under §17.32.

(ii) Take, as set forth at §17.21(c)(2) through (c)(4) for endangered wildlife.

(iii) Take, as set forth at §17.31(b).

(iv) Take incidental to an otherwise lawful activity caused by:

(A) Channel and bank restoration projects for creation of natural, physically stable, ecologically functioning streams, taking into consideration connectivity with floodplain and groundwater aquifers. These projects can be accomplished using a variety of methods, but the desired outcome is a natural channel with low shear stress (force of water moving against the channel); bank heights that enable reconnection to the floodplain; connection of surface and groundwater systems, resulting in perennial flows in the channel; riffles and pools comprised of existing soil, rock, and wood instead of large imported materials;

low compaction of soils within adjacent riparian areas; and inclusion of riparian wetlands. For bank stabilization projects that use bioengineering methods to replace preexisting, bare, eroding stream banks with vegetated, stable stream banks, thereby reducing bank erosion and instream sedimentation and improving habitat conditions for the species, stream banks may be stabilized using native species live stakes (live, vegetative cuttings inserted or tamped into the ground in a manner that allows the stake to take root and grow), native species live fascines (live branch cuttings, usually willows, bound together into long, cigar-shaped bundles), or native species brush layering (cuttings or branches of easily rooted tree species layered between successive lifts of soil fill). Bank restoration projects require planting appropriate native vegetation, including woody species appropriate for the region and habitat. These projects will not include the sole use of quarried rock (rip-rap) or the use of rock baskets or gabion structures. To qualify under this exception, restoration projects must include the following:

(*1*) Surveys to determine presence of ''Ouachita'' fanshell and western fanshell prior to the commencement of restoration actions;

(*2*) If either mussel is present, coordination with the Service's local Ecological Services field office for relocation of ''Ouachita'' fanshell and western fanshell mussels to suitable habitat outside of the project footprint prior to project implementation; and

(*3*) If relocation of mussels occurs, monitoring of relocated mussels post-implementation of restoration activities.

(B) Silviculture practices and forest management activities that use State-approved best management practices to protect water and sediment quality and stream and riparian habitat.

(C) Transportation projects that avoid or do not include instream disturbance in waters occupied by the species.

(v) Purposeful take that results from capture, handling, and release related to presence/absence surveys, studies to document habitat use, and population monitoring by individuals permitted to conduct these same activities for other species of mussels until January 25, 2024.

(vi) Possess and engage in other acts with unlawfully taken wildlife, as set forth at §17.21(d)(2) for endangered wildlife.

[86 FR 64034, Nov. 16, 2021, as amended at 87 FR 6077, Feb. 3, 2022; 88 FR 14839, Mar. 9, 2023; 88 FR 41757, June 27, 2023; 89 FR 23940, Apr. 5, 2024; 89 FR 48099, June 4, 2024]

§17.46 Species-specific rules—crustaceans.

(a) Madison Cave isopod (*Antrolana lira*). (1) All provisions of §17.31 (a) and (b) apply to this species except that it may be taken for scientific purposes without Federal permits issued pursuant to these regulations: *Provided,* that all other Federal, State, or local laws, regulations, ordinances or other restrictions or limitations have been complied with.

(b) Panama City crayfish (*Procambarus econfinae*)—(1) *Prohibitions.* The following prohibitions that apply to endangered wildlife also apply to the Panama City crayfish. Except as provided under paragraph (b)(2) of this section and §§17.4 and 17.5, it is unlawful for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit, or cause to be committed, any of the following acts in regard to this species:

(i) Import or export, as set forth at §17.21(b) for endangered wildlife.

(ii) Take, as set forth at §17.21(c)(1) for endangered wildlife.

(iii) Possession and other acts with unlawfully taken specimens, as set forth at §17.21(d)(1) for endangered wildlife.

(iv) Interstate or foreign commerce in the course of a commercial activity, as set forth at §17.21(e) for endangered wildlife.

(v) Sale or offer for sale, as set forth at §17.21(f) for endangered wildlife.

(2) *Exceptions from prohibitions.* In regard to this species, you may:

(i) Conduct activities as authorized by a permit under §17.32.

(ii) Take, as set forth at §17.21(c)(2) through (4) for endangered wildlife.

(iii) Take as set forth at §17.31(b).

(iv) Take incidental to an otherwise lawful activity caused by:

(A) Development practices that:

(*1*) Maintain existing structures, and build or rebuild structures that occur within the existing footprint of previously developed areas;

(*2*) Build new structures that occur within 100 feet of existing structures on an individual private landowner's property and with a new footprint less than 1,000 square feet, such as a pool or shed associated with an existing house;

(*3*) Install culverts for individual landowners not associated with housing developments on lands greater than one acre;

(*4*) Build platforms or boardwalks for recreational purposes on conservation lands that allow sunlight of sufficient levels to maintain herbaceous groundcover; and

(*5*) Build paths used for nonmotorized activities as long as the project footprint, including construction impacts, alter no more than 5 percent of the acreage in core or secondary soils within lands under a conservation easement.

(B) Certain land management activities, including:

(*1*) Silvicultural (forestry) activities located in secondary soils that follow State best management practices (BMPs);

(*2*) Prescribed burning and wildfire control efforts when following State BMPs, guidelines, or permit conditions;

(*3*) Herbicide application activities targeting exotic plants or shrub species when following all other State and Federal BMPs, guidelines, or permit conditions; and

(*4*) Agricultural maintenance activities in pasture and rangelands (including cattle operations) that were established prior to January 3, 2018, and that implement State and Federal BMPs for existing farms and ranches if they have no indirect impacts to adjacent Panama City crayfish habitat.

(C) Utility actions, including:

(*1*) Ditch mowing and maintenance outside of critical habitat units;

(*2*) Ditch mowing or maintenance within critical habitat units after development of BMPs in coordination with the local Service office;

(*3*) Culvert replacements or maintenance on individual landowner properties that do not adversely affect, but improve or restore, the natural hydrology; and

(*4*) After coordination with the local Service office, the following activities: Maintenance associated with rights-of-way (including mowing, use of herbicides, and mechanical side trimming); powerline and pole placements and replacements; replacement of critical structural components, such as crossarms, insulators, conductors, etc.; and directional boring by utility owners.

(v) Possess and engage in other acts with unlawfully taken wildlife, as set forth at §17.21(d)(2) for endangered wildlife.

(c) Big Creek crayfish (*Faxonius peruncus*) and St. Francis River crayfish (*Faxonius quadruncus*).

(1) *Prohibitions.* The following prohibitions that apply to endangered wildlife also apply to the Big Creek crayfish and the St. Francis River crayfish. Except as provided under paragraph (c)(2) of this section and §§17.4 and 17.5, it is unlawful for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit, or cause to be committed, any of the following acts in regard to this species:

(i) Import or export, as set forth at §17.21(b) for endangered wildlife.

(ii) Take, as set forth at §17.21(c)(1) for endangered wildlife. Activities that could result in take are those that:

(A) Impact crayfish habitat, riparian areas adjacent to crayfish sites, or habitat between connecting sites such that the species' reproduction or survival will be impacted or the effects of woodland crayfish invasion will be exacerbated. Such activities include, but are not limited to:

(*1*) Construction of instream low-water crossings;

(*2*) Destruction of riparian habitat that results in excessive sedimentation;

(*3*) Bridge construction; and

(*4*) Gravel mining.

(B) Lead to the introduction of heavy metals into streams. Such activities include, but are not limited to, heavy metal mining.

(C) Appreciably negatively affect water quality, chemistry, or quantity such that the species' reproduction or survival will be impacted. Such activities may include, but are not limited to, the release of wastewater effluent and agricultural runoff.

(D) Impact hydrological flows such that the species' reproduction or survival will be impacted. Such activities include, but are not limited to, construction of dams, modification of stream channels, and surface and groundwater withdrawals.

(E) Facilitate the spread of woodland crayfish or introduce additional woodland crayfish in occupied Big Creek crayfish or St. Francis River crayfish stream reaches. Such activities may include, but are not limited to, bait bucket dumping.

(iii) Possession and other acts with unlawfully taken specimens, as set forth at §17.21(d)(1) for endangered wildlife.

(iv) Interstate or foreign commerce in the course of commercial activity, as set forth at §17.21(e) for endangered wildlife.

(v) Sale or offer for sale, as set forth at §17.21(f) for endangered wildlife.

(2) *Exceptions from prohibitions.* In regard to this species, you may:

(i) Conduct activities as authorized by a permit under §17.32.

(ii) Take, as set forth at §17.21(c)(2) through (c)(4) for endangered wildlife.

(iii) Take, as set forth at §17.31(b).

(iv) Take incidental to an otherwise lawful activity caused by:

(A) Restoration activities or other activities that will result in an overall benefit to one or both of the species or their habitat that are completed in coordination with the Missouri Ecological Services Field Office. Such activities include, but are not limited to, stream bank stabilization, habitat restoration, heavy metal remediation, and replacement of low water crossings that obstruct movement of aquatic organisms with crossings that facilitate the movement of aquatic species (aquatic organism passages).

(B) A person conducting research or education under a valid Missouri Department of Conservation Wildlife Collector's permit.

(v) Possess and engage in other acts with unlawfully taken wildlife, as set forth at §17.21(d)(2) for endangered wildlife.

[47 FR 43701, Oct. 4, 1982, as amended at 87 FR 576, Jan. 5, 2022; 88 FR 25538, Apr. 27, 2023; 89 FR 23940, Apr. 5, 2024]

§17.47 Species-specific rules—insects.

(a) Cassius blue butterfly (*Leptotes cassius theonus*), Ceraunus blue butterfly (*Hemiargus ceraunus antibubastus*), and Nickerbean blue butterfly (*Cyclargus ammon*). (1) The provisions of §17.31(c) apply to these species (cassius blue butterfly, ceraunus blue butterfly, nickerbean blue butterfly), regardless of whether in the wild or in captivity, and also apply to the progeny of any such butterfly.

(2) Any violation of State law will also be a violation of the Act.

(3) Incidental take, that is, take that results from, but is not the purpose of, carrying out an otherwise lawful activity, will not apply to the cassius blue butterfly, ceraunus blue butterfly, and nickerbean blue butterfly.

(4) Collection of the cassius blue butterfly, ceraunus blue butterfly, and nickerbean blue butterfly is prohibited in coastal counties south of Interstate 4 and extending to the boundaries of the State of Florida at the endpoints of Interstate 4 at Tampa and Daytona Beach. Specifically, such activities are prohibited in the following counties: Brevard, Broward, Charlotte, Collier, De Soto, Hillsborough, Indian River, Lee, Manatee, Pinellas, Sarasota, St. Lucie, Martin, Miami-Dade, Monroe, Palm Beach, and Volusia.

(b) Dakota skipper (*Hesperia dacotae*)—(1) *Which populations of the Dakota skipper are covered by this special rule?* This rule covers the distribution of Dakota skipper in the United States.

(2) *Prohibitions.* Except as noted in paragraph (b)(3) of this section, all prohibitions and provisions of §§17.31 and 17.32 apply to the Dakota skipper.

(3) *Exemptions from prohibitions.* Incidental take of Dakota skipper will not be a violation of section 9 of the Act if it occurs as a result of the following activities (except where explicitly stated otherwise, these activities must be associated with livestock ranching):

(i) Fence construction and maintenance.

(ii) *Livestock gathering and management.* The installation and maintenance of corrals, loading chutes, and other livestock working facilities must be carefully sited with respect to the location and distribution of important Dakota skipper habitat.

(iii) Development and maintenance of livestock watering facilities.

(iv) *Noxious weed control.* Incidental take of Dakota skipper that results from spraying of herbicides is not a violation of section 9 of the Act, except such take that results from broadcast spraying, which is the application of herbicides evenly across the entire application area. Incidental take that results from mowing to control one or more noxious weed species would also not be a violation of section 9 of the Act.

(v) *Haying.* For the purposes of this rule, native haylands do not include lands that had previously been plowed and were then replanted to native or nonnative vegetation, but native haylands do include areas within transportation (e.g., road, highway, railroad) rights-of-ways and corridors where native grasses are mowed for hay. Haying of native haylands no earlier than July 16 (after July 15) would not be a violation of section 9 of the Act. Mowing of replanted grasslands (grasslands replanted on formerly plowed or cultivated lands) or tame haylands or grasslands (planted hayland or grassland comprising primarily nonnative grass species, such as smooth brome (*Bromus inermis inermis*)) would also not be a violation of section 9 of the Act at any time of the year.

(vi) *Mowing section line rights-of-way and recreational trails.* Mowing of section line rights-of-way (typically disturbed soil that has been contoured for a roadway) would not be a violation of section 9 of the Act. Mowing of recreational trails (travelways established either through construction or use that are intended for and passable by foot traffic, bicycles, in-line skates, wheelchairs, or cross-country skis) would not be a violation of section 9 of the Act, regardless of whether the trails are associated with livestock ranching.

(vii) Livestock (cattle, bison, or horse) grazing on private, State, or tribal land.

(c) Western glacier stonefly (*Zapada glacier*) and meltwater lednian stonefly (*Lednia tumana*)—(1) *Prohibitions.* The following prohibitions that apply to endangered wildlife also apply to western glacier stonefly and meltwater lednian stonefly except as provided under paragraph (c)(2) of this section and §§17.4 and 17.5. It is unlawful for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit, or cause to be committed, any of the following acts in regard to these species:

(i) Import or export, as set forth at §17.21(b).

(ii) Take, as set forth at §17.21(c)(1).

(iii) Possession and other acts with unlawfully taken specimens, as set forth at §17.21(d)(1).

(iv) Interstate or foreign commerce in the course of commercial activity, as set forth at §17.21(e).

(v) Sale or offer for sale, as set forth at §17.21(f).

(2) *Exceptions from prohibitions.* In regard to this species, you may:

(i) Conduct activities as authorized by a permit under §17.32.

(ii) Take, as set forth at §17.21(c)(3) and (4) for endangered wildlife.

(iii) Possess and engage in other acts, as set forth at §17.21(d)(2) for endangered wildlife.

(iv) In addition to any other provisions of this part, any employee or agent of the Service, of the National Marine Fisheries Service, or of a State conservation agency that is operating a conservation program pursuant to the terms of a cooperative agreement with the Service in accordance with section 6(c) of the Act, who is designated by that agency for such purposes, may, when acting in the course of official duties, take those threatened species of wildlife that are covered by an approved cooperative agreement to carry out conservation programs.

(d) American burying beetle (*Nicrophorus americanus*)—(1) *Prohibitions.* The following prohibitions apply to the American burying beetle:

(i) *Take of the American burying beetle.* Take of the American burying beetle, except that take that is incidental to otherwise lawful activity (incidental take) is prohibited only when the take occurs on suitable American burying beetle habitat:

(A) In the New England and Northern Plains Analysis Areas where the incidental take results from soil disturbance; or

(B) In the Southern Plains Analysis Areas where the incidental take occurs on defined conservation lands, except where incidental take is in compliance with a Service-approved conservation plan.

(ii) *Possession and other acts with unlawfully taken American burying beetles.* It is unlawful to possess, sell, deliver, carry, transport, or ship, by any means whatsoever, any American burying beetle that was taken in violation of paragraph (d)(1)(i) of this section or State law. Notwithstanding the preceding sentence, Federal and State law enforcement officers may possess, deliver, carry, transport, or ship any American burying beetle taken in violation of the Act as necessary in performing their official duties.

(iii) *Import and export of the American burying beetle.* It is unlawful to import or export the American burying beetle.

(iv) *Interstate or foreign commerce.* It is unlawful to deliver, receive, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever, and in the course of a commercial activity, the American burying beetle.

(v) *Sale or offer for sale.* It is unlawful to sell or to offer for sale in interstate or foreign commerce any American burying beetle.

(2) *Exceptions from prohibitions.* (i) Any employee or agent of the Service or of a State conservation agency that is operating a conservation program pursuant to the terms of a cooperative agreement with the Service in accordance with section 6(c) of the Act, who is designated by his or her agency for such purposes, may, when acting in the course of his or her official duties, take American burying beetles, provided that, for State conservation agencies, the American burying beetle is covered by an approved cooperative agreement to carry out conservation programs.

(ii) Federal or State government agencies may incidentally take American burying beetles when conducting wildlife management activities in the Northern Plains Analysis Areas.

(iii) Incidental take of American burying beetles resulting from ranching and grazing activities is allowed.

(3) *Definitions.* For the purposes of this paragraph (d), we define the following terms:

(i) *Conservation lands* means lands included within the existing boundaries:

(A) In Arkansas, of Fort Chaffee (approximately 64,000 acres); and

(B) In Oklahoma, of McAlester Army Ammunition Plant (approximately 45,000 acres) and Camp Gruber/Cherokee Wildlife Management Area (approximately 64,000 acres).

(ii) *New England Analysis Area* means Block Island in Rhode Island and Nantucket Island in Massachusetts.

(iii) *Northern Plains Analysis Areas* means portions of Nebraska and South Dakota, as presented in the map at paragraph (d)(4) of this section, to initially include an 18.6-mile buffer around each capture location to determine the outside boundaries of the analysis area. For specific information regarding whether a parcel of land is inside the Northern Plains Analysis Areas, contact your local Service ecological services field office. Field office contact information may be obtained from the Service regional offices, the addresses of which are listed at 50 CFR 2.2.

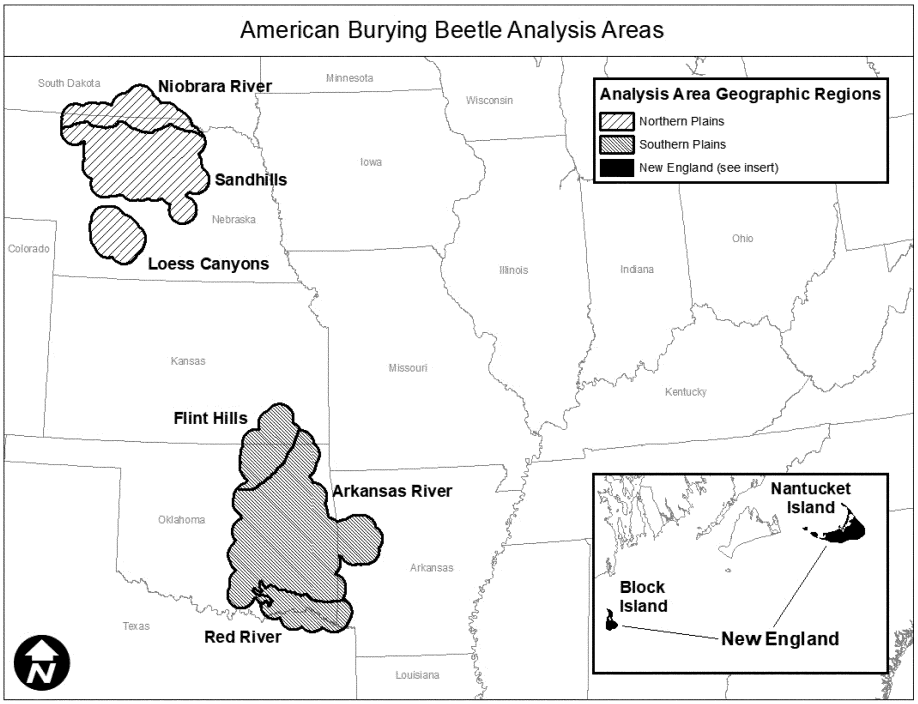
(iv) *Ranching and grazing* means activities involved in grazing livestock (e.g., cattle, bison, horse, sheep, goats, or other grazing animals) such as: Gathering of livestock; construction and maintenance of fences associated with livestock grazing; installation and maintenance of corrals, loading chutes, and other livestock working facilities; development and maintenance of livestock watering facilities; placement of supplements such as salt blocks for grazing livestock; and, when associated with livestock grazing, the control of noxious weeds, haying, mowing, and prescribed burning. Ranching and grazing does not include any form of farming, conversion of grassland to cropland, or management of cropland.

(v) *Soil disturbance* means movement or alteration of soil. Soil disturbance includes actions such as grading, filling, soil excavating, or topsoil stripping. Soil disturbance also includes non-physical alterations such as chemical treatment.

(vi) *Southern Plains Analysis Areas* means portions of Arkansas, Kansas, Oklahoma, and Texas, as presented in the map at paragraph (d)(4) of this section, to initially include an 18.6-mile buffer around each capture location to determine the outside boundaries of the analysis area. For specific information regarding whether a parcel of land is inside the Southern Plains Analysis Areas, contact your local Service ecological services field office. Field office contact information may be obtained from the Service regional offices, the addresses of which are listed at 50 CFR 2.2.

(4) *Map of American Burying Beetle Analysis Areas.*

Figure 1 to Paragraph (d)(4)



(e) Hermes copper butterfly (*Lycaena hermes*)—(1) *Prohibitions.* The following prohibitions that apply to endangered wildlife also apply to Hermes copper butterfly. Except as provided under paragraph (e)(2) of this section and §§17.4 and 17.5, it is unlawful for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit, or cause to be committed, any of the following acts in regard to this species:

(i) Import or export, as set forth at §17.21(b) for endangered wildlife.

(ii) Take, as set forth at §17.21(c)(1) for endangered wildlife.

(iii) Possession and other acts with unlawfully taken specimens, as set forth at §17.21(d)(1) for endangered wildlife.

(iv) Interstate or foreign commerce in the course of a commercial activity, as set forth at §17.21(e) for endangered wildlife.

(v) Sale or offer for sale, as set forth at §17.21(f) for endangered wildlife.

(2) *Exceptions from prohibitions.* In regard to this species, you may:

(i) Conduct activities as authorized by a permit under §17.32.

(ii) Take, as set forth at §17.21(c)(2) through (c)(4) for endangered wildlife.

(iii) Take as set forth at §17.31(b).

(iv) Possess and engage in other acts with unlawfully taken wildlife, as set forth at §17.21(d)(2) for endangered wildlife.

(v) Conduct the activities listed in paragraph (e)(2)(vi) of this section, including take, outside the area delineated in paragraph (e)(2)(vii) of this section if the activities are conducted in a manner that:

(A) Maintains contiguity of suitable habitat for the species within and dispersal corridor connectivity among populations, allowing for maintenance of populations and recolonization of unoccupied, existing habitat;

(B) Does not increase the risk of wildfire in areas occupied by the Hermes copper butterfly while preventing further habitat fragmentation and isolation, or degradation of potentially suitable habitat; and

(C) Does not preclude efforts to augment or reintroduce populations of the Hermes copper butterfly within its historical range with management of the host plant, spiny redberry *(Rhamnus crocea)*.

(vi) Take the Hermes copper butterfly outside the area delineated in paragraph (e)(2)(vii) of this section if the take results from any of the following activities when conducted within habitats occupied by the Hermes copper butterfly:

(A) Survey and monitoring work in coordination with and reported to the Service as part of scientific inquiry involving quantitative data collection (such as population status determinations).

(B) Habitat management or restoration activities, including removal of nonnative, invasive plants, expected to provide a benefit to Hermes copper butterfly or other sensitive species of the chaparral and coastal sage scrub ecosystems, including removal of nonnative, invasive plants. These activities must be coordinated with and reported to the Service in writing and approved the first time an individual or agency undertakes them.

(C) Activities necessary to maintain the minimum clearance (defensible space) requirement from any occupied dwelling, occupied structure, or to the property line, whichever is nearer, to provide reasonable fire safety and to reduce wildfire risks consistent with the State of California fire codes or local fire codes or ordinances.

(D) Fire management actions on protected/preserve lands to maintain, protect, or enhance coastal sage scrub and chaparral vegetation. These activities must be coordinated with and reported to the Service in writing and approved the first time an individual or agency undertakes them.

(E) Maintenance of existing fuel breaks identified by local fire authorities to protect existing structures.

(F) Firefighting activities associated with actively burning fires to reduce risk to life or property.

(G) Collection, transportation, and captive-rearing of Hermes copper butterfly for the purpose of population augmentation or reintroduction, maintaining refugia, or as part of scientific inquiry involving quantitative data collection (such as survival rate, larval weights, and post-release monitoring) in coordination with and reported to the Service. This does not include activities such as personal ''hobby'' collecting and rearing intended for photographic purposes and re-release.

(H) Research projects involving collection of individual fruits, leaves, or stems of the Hermes copper butterfly host plant, spiny redberry, in coordination with and reported to the Service.

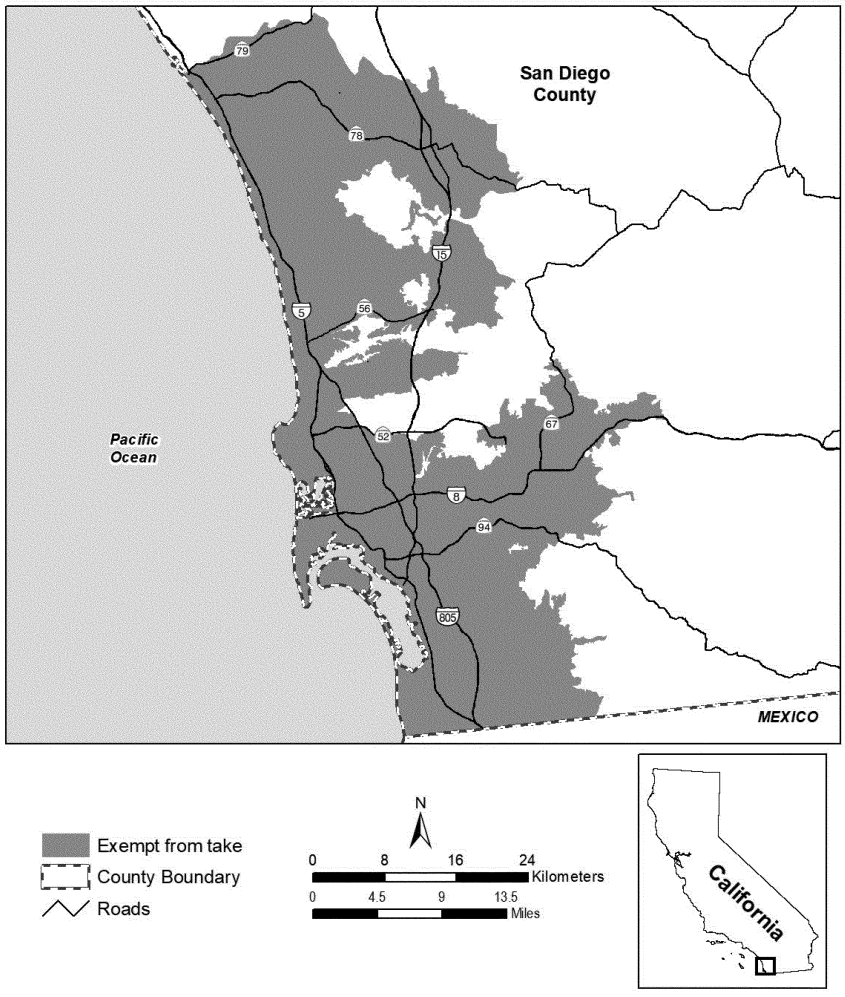
(vii) Take the Hermes copper butterfly within the portion of the range described in paragraphs (e)(2)(vi)(A) and (B) of this section:

(A) The southern edge is the Mexican border, and the western edge is the Pacific coast. The eastern and northern edges of the boundary follow the development that would isolate any extant populations found within the boundaries.

(B) Note: The map of areas exempted from take prohibitions follows:

Figure 1 to paragraph (e)(2)(vii)(B)

Portion of Hermes copper butterfly's (*Lycaena hermes*) range exempt from take prohibitions under section 9(a)(1)(B) of the Endangered Species Act
San Diego County, California



(f) Fender's blue butterfly (*Icaricia icarioides fenderi*)—(1) *Definitions.* As used in this paragraph (f), the following terms have these meanings:

(i) *Occupied habitat.* Habitat within the historical range of Fender's blue butterfly in the Willamette Valley of Oregon that supports or may support lupine, unless a qualified biologist using direct observation has conducted surveys for adult Fender's blue butterfly during the April 15 to June 30 flight period and documented no adult butterflies. Occupied habitat also includes all nectar habitat within 0.5 kilometers (km) (0.3 miles (mi)) of habitat containing at least one of the three host lupine species and that is occupied by Fender's blue butterfly. Unsurveyed areas within 2 km (1.25 mi) of a known Fender's blue butterfly population shall be assumed occupied if no surveys are conducted.

(ii) *Qualified biologist.* An individual with a combination of academic training in the area of wildlife biology or related discipline and demonstrated field experience in the identification and life history of Fender's blue butterfly, or in habitat restoration methods to benefit Fender's blue butterfly. If capture of individuals is required for accurate identification, the individual must hold a valid permit under section 10(a)(1)(A) of the Act.

(iii) *Lupine.* Any one of the three species of lupines known to be required as host plants for the larvae of Fender's blue butterfly: Kincaid's lupine (*Lupinus sulphureus* ssp. *kincaidii*), longspur lupine (*L. arbustus*), and sickle-keeled lupine (*L. albicaulis*).

(2) *Prohibitions.* The following prohibitions that apply to endangered wildlife also apply to Fender's blue butterfly. Except as provided under paragraph (f)(3) of this section and §§17.4 and 17.5, it is unlawful for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit, or cause to be committed, any of the following acts in regard to this species:

(i) Import or export, as set forth at §17.21(b) for endangered wildlife.

(ii) Take, as set forth at §17.21(c)(1) for endangered wildlife.

(iii) Possession and other acts with unlawfully taken specimens, as set forth at §17.21(d)(1) for endangered wildlife.

(iv) Interstate or foreign commerce in the course of commercial activity, as set forth at §17.21(e) for endangered wildlife.

(v) Sale or offer for sale, as set forth at §17.21(f) for endangered wildlife.

(3) *Exceptions from prohibitions.* In regard to this species, you may:

(i) Conduct activities as authorized by a permit under §17.32.

(ii) Possess and engage in other acts with unlawfully taken wildlife, as set forth at §17.21(d)(2) for endangered wildlife.

(iii) Take, as set forth at §17.21(c)(2) through (4) for endangered wildlife.

(iv) Take, as set forth at §17.31(b).

(v) Take incidental to an otherwise lawful activity caused by:

(A) *Mechanical removal of invasive and/or nonnative plant species.* Mechanical treatments for invasive and nonnative plant control (including encroaching native woody species) that do not result in ground disturbance are authorized within occupied habitat outside the butterfly's flight period of April 15 to June 30, provided:

(*1*) Landowners or their agents conducting invasive or nonnative plant removal use reasonable care, which includes, but is not limited to, procuring and/or implementing technical assistance from a qualified biologist on timing and location of habitat management activities and avoidance of ground disturbance to avoid impacts to larvae or pupae. Best management practices for felling of trees, removal of vegetation off-site, and temporary piling of cut vegetation on-site are available from the Oregon Fish and Wildlife Office.

(*2*) Reasonable care during all activities includes best efforts to avoid trampling or damaging Fender's blue butterflies (eggs, pupae, larvae, and adults) and their host and nectar plants. Foot traffic shall be minimized in occupied habitat, and especially in the area of any lupine plants.

(B) *Manual removal of invasive and/or nonnative plant species.* Manual treatments for invasive and nonnative plant control (including encroaching native

woody species) that do not result in ground disturbance are authorized within occupied habitat year-round, provided:

(*1*) Landowners or their agents conducting invasive or nonnative plant removal use reasonable care, which includes, but is not limited to, procuring and/or implementing technical assistance from a qualified biologist on location of habitat management activities and avoidance of ground disturbance to avoid impacts to larvae or pupae. Best management practices for felling of trees, removal of vegetation off-site, and temporary piling of cut vegetation on-site are available from the Oregon Fish and Wildlife Office.

(*2*) Reasonable care during all activities includes best efforts to avoid trampling or damaging Fender's blue butterflies (eggs, pupae, larvae, and adults) and their host and nectar plants. Foot traffic shall be minimized in occupied habitat, and especially in the area of any lupine plants.

(C) *Mowing*. Tractor mowing for invasive and nonnative plant control (including encroaching native woody species) and the maintenance of early seral conditions is authorized throughout occupied Fender's blue butterfly habitat before February 15 when lupine emerges and after August 15 when lupine undergoes senescence.

(*1*) Mowing with handheld mowers is authorized throughout the year; however, a buffer of at least 8 meters (25 feet) must be maintained between the mower and any individual lupine plant during Fender's blue butterfly flight season (April 15 to June 30).

(*2*) Prior to and during mowing, landowners or their agents must use reasonable care, which includes, but is not limited to, procuring and implementing technical assistance from a qualified biologist on timing and location of habitat management activities prior to conducting work; avoidance of ground disturbance to avoid impacts to larvae or pupae; and using best efforts during all activities to avoid trampling or damaging Fender's blue butterflies (eggs, pupae, larvae, and adults) and their host and nectar plants. Foot traffic shall be minimized in occupied habitat, and especially in the area of any lupine plants.

(D) *Herbicide application for removal of invasive and/or nonnative plant species by hand wiping, wicking, and spot-spray applications*. Hand wiping, wicking, and spot-spray applications of herbicides for either the removal of nonnative, invasive plant species or to prevent resprouting of woody species subsequent to cutting are authorized year-round.

(E) *Herbicide application for removal of invasive and/or nonnative plant species by weed wiping and broadcast application*. Weed wiping and broadcast application of herbicides are authorized outside of the flight period of April 15 to June 30; however, additional timing and use restrictions are required based on the chemicals used. Contact the Oregon Fish and Wildlife Office prior to herbicide application for a list of currently acceptable herbicides, their application methods, their appropriate timing of use, and best management practices associated with herbicide use.

(*1*) Prior to and during herbicide application, landowners or their agents must use reasonable care, which includes, but is not limited to, procuring and implementing technical assistance from a qualified biologist on habitat management activities prior to conducting the work; complying with all State and Federal regulations and guidelines for application of herbicides; and avoiding broadcast spraying in areas adjacent to occupied habitat if wind conditions are such that drift into the occupied area is possible.

(*2*) Landowners or their agents conducting herbicide application must use best efforts to avoid trampling or damaging Fender's blue butterflies (eggs, pupae, larvae, and adults) and their host and nectar plants. Foot traffic shall be minimized in occupied habitat, and especially in the area of any lupine plants.

(F) *Ground disturbance for the purpose of planting native vegetation*. Limited ground disturbance (digging and placement by hand) is authorized for the purpose of planting native vegetation as part of habitat restoration efforts, especially native food resources used by larvae and adults, in areas occupied by Fender's blue butterfly.

(*1*) Larvae of Fender's blue butterfly require lupine. For adults, preferred native nectar sources include, but are

not limited to, the following flower species: tapertip onion (*Allium acuminatum*), narrowleaf onion (*Allium amplectens*), Tolmie's mariposa lily (*Calochortus tolmiei*), small camas (*Camassia quamash*), Clearwater cryptantha (*Cryptantha intermedia*), Oregon sunshine (*Eriophyllum lanatum*), Oregon geranium (*Geranium oreganum*), Oregon iris (*Iris tenax*), meadow checkermallow (*Sidalcea campestris*), rose checkermallow (*Sidalcea virgata*), and purple vetch (*Vicia americana*).

(*2*) Prior to and during planting of native vegetation, landowners or their agents must use reasonable care, which includes, but is not limited to, procuring and implementing technical assistance from a qualified biologist on timing and location of habitat management activities and using best efforts during all activities to avoid trampling or damaging Fender's blue butterflies (eggs, pupae, larvae, and adults) and their host and nectar plants. Foot traffic shall be minimized in occupied habitat, and especially in the area of any lupine plants.

(G) *Summary of authorized methods and timing of habitat restoration activities for Fender's blue butterfly.*

TABLE 1 TO PARAGRAPH (f)(3)(v)(G)

Management activity	Dates authorized for use in occupied habitat
Mechanical treatments	Outside of the flight period of April 15 to June 30.
Manual treatments	Year-round.
Mowing—tractors	Before February 15 and after August 15.
Mowing—handheld	Year-round, with a buffer of 8 meters (25 feet) between the mower and any individual lupine plant during the flight period of April 15 to June 30.
Herbicides—hand wiping	Year-round.
Herbicides—wicking	Year-round.
Herbicides—spot-spray	Year-round.
Herbicides—broadcast spray	Outside of the flight period of April 15 to June 30.*
Herbicides—weed wiping	Outside of the flight period of April 15 to June 30.*
Planting native vegetation	Year-round.

*Additional timing restrictions will apply based on the chemicals used. Contact the Oregon Fish and Wildlife Office for additional information.

(H) *Reporting and disposal requirements.* Any injury or mortality of Fender's blue butterfly associated with the actions excepted under paragraphs (f)(3)(v)(A) through (E) of this section must be reported to the Service and authorized State wildlife officials within 5 calendar days, and specimens may be disposed of only in accordance with directions from the Service. Reports should be made to the Service's Office of Law Enforcement (contact information is at § 10.22 of this subchapter) or the Service's Oregon Fish and Wildlife Office and to the State of Oregon Department of Parks and Recreation, Stewardship Section, which has jurisdiction over invertebrate species. The Service may allow additional reasonable time for reporting if access to these offices is limited due to closure.

(g) Puerto Rican harlequin butterfly (*Atlantea tulita*)—(1) *Prohibitions.* The following prohibitions that apply to endangered wildlife also apply to the Puerto Rican harlequin butterfly. Except as provided under paragraph (g)(2) of this section and § 17.4, it is unlawful for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit, or cause to be committed, any of the following acts in regard to this species:

(i) Import or export, as set forth at § 17.21(b).

(ii) Take, as set forth at § 17.21(c)(1).

(iii) Possession and other acts with unlawfully taken specimens, as set forth at § 17.21(d)(1).

(iv) Interstate or foreign commerce in the course of commercial activity, as set forth at § 17.21(e).

(v) Sale or offer for sale, as set forth at § 17.21(f).

(2) *Exceptions from prohibitions.* In regard to this species, you may:

(i) Conduct activities as authorized by a permit under § 17.32.

(ii) Take, as set forth at § 17.21(c)(2) through (c)(4) for endangered wildlife.

(iii) Take as set forth at § 17.31(b).

(iv) Take incidental to an otherwise lawful activity caused by:

(A) Normal agricultural practices, including pesticide use, which are carried out in accordance with any existing regulations, permit and label requirements, and best management practices, as long as the practices do not include:

(*1*) Clearing or disturbing forest or prickly bush (*Oplonia spinosa*) to create or expand agricultural areas; or

(*2*) Applying pesticides in or contiguous to habitat known to be occupied by the Puerto Rican harlequin butterfly.

(B) Normal residential and urban activities, such as mowing, weeding, edging, and fertilizing.

(C) Maintenance of recreational trails in Commonwealth Forests by mechanically clearing vegetation, only when approved by or under the auspices of the Puerto Rico Department of Natural and Environmental Resources, or conducted on lands established by private organizations or individuals solely for conservation or recreation.

(D) Habitat management or restoration activities expected to provide a benefit to Puerto Rican harlequin butterfly or other sensitive species, including removal of nonnative, invasive plants. These activities must be coordinated with and reported to the Service in writing and approved the first time an individual or agency undertakes them.

(E) Projects requiring removal of the host plant to access and remove illicit garbage dumps that are potential sources of intentionally set fires, provided such projects are conducted in coordination with and reported to the Service.

(F) Fruit fly trapping by the U.S. Department of Agriculture's Animal and Plant Health Inspection Service, provided trapping activities do not disturb the host plant.

(v) Possess and engage in other acts with unlawfully taken wildlife, as set forth at §17.21(d)(2) for endangered wildlife.

(h) Silverspot butterfly (*Speyeria nokomis nokomis*). (1) *Prohibitions.* The following prohibitions that apply to endangered wildlife also apply to the silverspot butterfly. Except as provided under paragraphs (h)(2) and (3) of this section and §§17.4 and 17.5, it is unlawful for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit, or cause to be committed, any of the following acts in regard to this species:

(i) Import or export, as set forth at §17.21(b) for endangered wildlife.

(ii) Take, as set forth at §17.21(c)(1) for endangered wildlife.

(iii) Possession and other acts with unlawfully taken specimens, as set forth at §17.21(d)(1) for endangered wildlife.

(iv) Interstate or foreign commerce in the course of commercial activity, as set forth at §17.21(e) for endangered wildlife.

(v) Sale or offer for sale, as set forth at §17.21(f) for endangered wildlife.

(2) *General exceptions from prohibitions.* In regard to this species, you may:

(i) Conduct activities as authorized by a permit under §17.32.

(ii) Take, as set forth at §17.21(c)(2) through (c)(4) for endangered wildlife.

(iii) Take as set forth at §17.31(b).

(iv) Possess and engage in other acts with unlawfully taken wildlife, as set forth at §17.21(d)(2) for endangered wildlife.

(3) *Exceptions from prohibitions for specific types of incidental take.* You may take silverspot butterfly without a permit in wet meadow areas where bog violets (*Viola nephrophylla*/*V. sororia* var. *affinis*) are growing and immediately adjacent areas with nectar sources while carrying out the legally conducted activities set forth in this paragraph (h)(3), as long as the activities:

(i) Are conducted with reasonable care. For the purposes of this paragraph, ''reasonable care'' means limiting the impacts to the silverspot and bog violet by complying with any and all applicable Federal, State, and Tribal regulations for the activity in question; using methods and techniques that result in the least harm, injury, or death, as feasible; undertaking activities at the least impactful times (e.g., conducting activities that might impact habitat during the flight season) and locations, as feasible; ensuring the number of individuals affected does not impact the existing populations; minimizing the potential to introduce

invasive plant species; and preserving the genetic diversity of populations; and

(ii) Consist of one or more of the following:

(A) Grazing:

(*1*) Moderate grazing (40 to 55 percent vegetative utilization) in late fall to early spring (October 15 to May 31); or

(*2*) Light grazing (less than 30 percent vegetative utilization) in summer through fall (June 1 to October 14).

(B) Annual haying or mowing in silverspot habitat in the early summer (June 30 or earlier). Blade height must be a minimum of 6 inches above the ground, with 8 inches or higher preferred in areas with bog violet. In surrounding drier areas, blade height may be lower than 6 inches where the violet is not present.

(C) Prescribed burning:

(*1*) In the spring (March 1 to April 30); or

(*2*) In the fall (October 15 to December 15), if the silverspot butterfly has been shown to not be present in a given year through adequate monitoring (*i.e.*, at least two surveys at times when butterflies are active).

(D) Brush removal every 4 to 5 years. Brush removal may be conducted at any time during the year. Removal can be by mechanical means, burning, grazing, or herbicide application if in compliance with other excepted activities in this paragraph (h)(3). If mechanical means such as a brush hog is used, the blade must be set to 8 inches or higher above the ground. If herbicides are used, an appropriate systemic herbicide to prevent regrowth must be directly applied to cut stems; broadcast spraying is prohibited.

(E) Spot spraying, hand pulling, or mechanical treatment of noxious weeds, which may be conducted at any time during the year. Broadcast spraying of noxious weeds is prohibited.

(F) Replacement of fence poles and wire, and aboveground removal of woody vegetation along fence lines, which may be conducted at any time during the year. If removal of woody vegetation is done by machine, such as a brush hog, the machine blade must be set 8 inches or higher above the ground. For permanent removal of woody vegetation, a systemic herbicide may be applied directly to the cut stems of woody vegetation; broadcast spraying is prohibited.

(G) Maintenance and operation of existing utility infrastructure within and immediately adjacent to silverspot habitat if activities are kept within the confines of existing rights-of-way. This exception applies to standard activities to repair and maintain existing transmission towers, lines, and access roads, and to perform brush control, that are conducted as needed at any time during the year. Replacement of existing structures and the installation of new structures and infrastructure such as access roads are not excepted. Noxious weed control and fence maintenance must abide by the exceptions for these activities identified in paragraphs (h)(3)(ii)(E) and (F) of this section.

(H) Maintenance of other existing structures within and immediately adjacent to silverspot habitat if activities are kept within the confines of already disturbed ground.

[77 FR 20986, Apr. 6, 2012, as amended at 79 FR 67348, Oct. 24, 2014; 84 FR 64227, Nov. 21, 2019; 85 FR 65260, Oct. 15, 2020; 86 FR 72427, Dec. 20, 2021; 87 FR 73678, Dec. 1, 2022; 88 FR 2036, Jan. 12, 2023; 89 FR 11772, Feb. 15, 2024; 89 FR 23940, Apr. 5, 2024]

§ 17.48 [Reserved]

Subpart E—Similarity of Appearance

SOURCE: 42 FR 32377, June 24, 1977, unless otherwise noted.

§ 17.50 General.

(a) Whenever a species which is not Endangered or Threatened closely resembles an Endangered or Threatened species, such species may be treated as either Endangered or Threatened if the director makes such determination in accordance with section 4(e) of the Act and the criteria of paragraph (b) of this section. After the Director has made such determination in accordance with the notification procedures specified in the Act, such species shall appear in the list in §17.11 (Wildlife) or §17.12 (Plants) with the notation ''(S/A)'' (similarity of appearance) in the ''Status'' column, following either a letter

''E'' or a letter ''T'' to indicate whether the species is being treated as Endangered or Threatened.

(b) In determining whether to treat a species as Endangered or Threatened due to similarity of appearance, the Director shall consider the criteria in section 4(e) of the Act, as indicated below:

(1) The degree of difficulty enforcement personnel would have in distinguishing the species, at the point in question, from an Endangered or Threatened species (including those cases where the criteria for recognition of a species are based on geographical boundaries);

(2) The additional threat posed to the Endangered or Threatened species by the loss of control occasioned because of the similarity of appearance; and

(3) The probability that so designating a similar species will substantially facilitate enforcement and further the purposes and policy of the Act.

[42 FR 32377, June 24, 1977, as amended at 81 FR 51605, Aug. 4, 2016]

§ 17.51 Treatment as endangered or threatened.

(a) Any species listed in § 17.11 or § 17.12, pursuant to § 17.50, shall be treated as Endangered or Threatened, as indicated in the ''Status'' column.

(b) All of the provisions of subparts C (Endangered Wildlife), D (Threatened Wildlife), F (Endangered Plants) or G (Threatened Plants), as appropriate, shall apply to any such species.

§ 17.52 Permits—similarity of appearance.

Upon receipt of a complete application and unless otherwise indicated in a rule found at §§ 17.40 through 17.48, §§ 17.73 through 17.78, or §§ 17.84 through 17.86, the Director may issue permits for any activity otherwise prohibited with a species designated as endangered or threatened due to its similarity of appearance. Such a permit may authorize a single transaction, a series of transactions, or a number of activities over a specified period of time.

(a) *Application requirements.* An application for a permit under this section must be submitted to the Director by the person who wishes to engage in the prohibited activity. The permit for activities involving interstate commerce of plants must be obtained by the seller; in the case of wildlife, the permit must be obtained by the buyer. The application must be submitted on an official application form (Form 3–200) provided by the Service, or must contain the general information and certification required by § 13.12(a) of this subchapter. It must include, as an attachment, all of the following information: Documentary evidence, sworn affidavits, or other information to show species identification and the origin of the wildlife or plant in question. This information may be in the form of hunting licenses, hide seals, official stamps, export documents, bills of sales, certification, expert opinion, or other appropriate information.

(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 his decision, the Director shall consider, in addition to the general criteria, in § 13.21(b) of this subchapter, the following factors:

(1) Whether the information submitted by the applicant appears reliable;

(2) Whether the information submitted by the applicant adequately identifies the wildlife or plant in question so as to distinguish it from any Endangered or Threatened wildlife or plant.

(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 the following special conditions:

(1) If indicated in the permit, a special mark, to be specified in the permit, must be applied to the wildlife or plant, and remain for the time designated in the permit;

(2) A copy of the permit or an identification label, which includes the scientific name and the permit number, must accompany the wildlife or plant or its container during the course of any activity subject to these regulations.

(d) *Duration of permits.* The duration of a permit issued under this section

shall be designated on the face of the permit.

[42 FR 32377, June 24, 1977, as amended at 81 FR 51605, Aug. 4, 2016]

Subpart F—Endangered Plants

§ 17.61 Prohibitions.

(a) *General prohibitions.* Except as provided in a permit issued pursuant to § 17.62 or § 17.63, it is unlawful for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit, or to cause to be committed, any of the acts described in paragraphs (b) through (e) of this section in regard to any endangered plant.

(b) *Import or export.* It is unlawful to import or to export any endangered plant. Any shipment in transit through the United States is an importation and an exportation, whether or not it has entered the country for customs purposes.

(c) *Remove and reduce to possession.* (1) It is unlawful to remove and reduce to possession any endangered plant from an area under Federal jurisdiction; maliciously damage or destroy the species on any such area; or remove, cut, dig up, or damage or destroy the species on any other area in knowing violation of any law or regulation of any State or in the course of any violation of a State criminal trespass law.

(2) Notwithstanding paragraph (c)(1) of this section, any employee or agent of the Service, any other Federal land management agency, or a State conservation agency who is designated by their agency for such purposes may, when acting in the course of official duties, remove and reduce to possession endangered plants from areas under Federal jurisdiction without a permit if such action is necessary to:

(i) Care for a damaged or diseased specimen;

(ii) Dispose of a dead specimen; or

(iii) Salvage a dead specimen that may be useful for scientific study.

(3) Any removal and reduction to possession pursuant to paragraph (c)(2) of this section must be reported in writing to the Office of Law Enforcement, via contact methods listed at *https://www.fws.gov*, within 5 calendar days. The specimen may only be retained, disposed of, or salvaged under directions from the Office of Law Enforcement.

(4) Notwithstanding paragraph (c)(1) of this section, any qualified employee or agent of a State conservation agency that is a party to a cooperative agreement with the Service in accordance with section 6(c) of the Act, who is designated by their agency for such purposes, may, when acting in the course of official duties, remove and reduce to possession from areas under Federal jurisdiction those endangered plants that are covered by an approved cooperative agreement for conservation programs in accordance with the cooperative agreement, provided that such removal is not reasonably anticipated to result in:

(i) The death or permanent damage of the specimens;

(ii) The removal of the specimen from the State where the removal occurred; or

(iii) The introduction of the specimen so removed, or of any propagules derived from such a specimen, into an area beyond the historical range of the species.

(d) *Interstate or foreign commerce.* It is unlawful to deliver, receive, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever, and in the course of a commercial activity, an endangered plant.

(e) *Sale or offer for sale.* (1) It is unlawful to sell or to offer for sale in interstate or foreign commerce any endangered plant.

(2) An advertisement for the sale of any endangered plant which carries a warning to the effect that no sale may be consummated until a permit has been obtained from the Service, shall not be considered an offer for sale within the meaning of this paragraph.

[44 FR 54060, Sept. 18, 1979, as amended at 50 FR 39690, Sept. 30, 1985; 89 FR 23940, Apr. 5, 2024]

§ 17.62 Permits for scientific purposes or for the enhancement of propagation or survival.

Upon receipt of a complete application the Director may issue a permit authorizing any activity otherwise prohibited by § 17.61, in accordance with the issuance criteria of this section, for

scientific purposes or for enhancing the propagation or survival of endangered plants. (See §17.72 for permits for threatened plants.) Such a permit may authorize a single transaction, a series of transactions, or a number of activities over a specified period of time.

(a) *Application requirements.* A person wishing to get a permit for an activity prohibited by §17.61 submits an application to conduct activities under this paragraph. For interstate commerce activities the seller gets the permit for plants coming from cultivated stock and the buyer gets the permit if the plants are taken from the wild. The Service provides application Form 3–200, or you may submit the general information and certification required by §13.12(a) of this subchapter. Application requirements differ for permits issued for plants taken from the wild (excluding seeds), seeds and cultivated plants, or herbarium specimens. You must attach the following information and any other information requested by the Director.

(1) For activities involving plants obtained from the wild (excluding seeds), provide the following information:

(i) The scientific names of the plants sought to be covered by the permit;

(ii) The estimated number of specimens sought to be covered by the permit;

(iii) The year, country, and approximate place where taking occurred or will occur;

(iv) If the activities would involve removal and reduction to possession of a plant from an area under Federal jurisdiction, the year, State, county, or any other description such as place name, township, and range designation that will precisely place the location where the proposed removal and reduction to possession will occur, the name of the Federal entity having jurisdiction over the area, and the name, title, address, and phone number of the person in charge of the area.

(v) The name and address of the institution or other facility where the plant sought to be covered by the permit will be used or maintained;

(vi) A brief description of the applicant's expertise and facilities as related to the proposed activity;

(vii) A statement of the applicant's willingness to participate in a cooperative propagation program, and to maintain or contribute data relating to such efforts; and

(viii) A statement of the reasons why the applicant is justified in obtaining the permit, including:

(A) The activities sought to be authorized by the permit and the relationship of such activities to scientific purposes or enhancing the propagation or survival of the species; and

(B) The planned disposition of such plant upon termination of the activities sought to be authorized.

(2) For activities involving seeds and cultivated plants, provide the following information:

(i) The scientific names of the plants sought to be covered by the permit;

(ii) A statement of the applicant's willingness to participate in a cooperative propagation program, and to maintain or contribute data relating to the success of such efforts;

(iii) A justification of the activities sought to be authorized by the permit and the relationship of such activities to scientific purposes or enhancing the propagation or survival of the species; and

(iv) If the activities would involve seeds obtained from the wild, additional information to evaluate the effects of such taking upon the reproductive potential of the species where the taking will occur.

(v) If the activities would involve removal and reduction to possession of seeds from an area under Federal jurisdiction, the year, State, county or any other description such as place name, township, and range designation that will precisely place the location where the proposed removal and reduction to possession will occur, the name of the Federal entity having jurisdiction over the area and the name, title, address, and phone number of the person in charge of the area.

(3) For importation or exportation involving the non-commercial loan, exchange, or donation of herbarium or other preserved, dried, or embedded museum specimens of any endangered species between scientists or scientific institutions, provide the following information:

(i) The name and address of the institution or other facility where the plants sought to be covered by the permit will be used or maintained; and

(ii) A justification of the activities sought to be authorized by the permit and the relationship of such activities to scientific purposes or enhancing the propagation or survival of the species.

(4) When the activity applied for involves a species also regulated by the Convention on International Trade in Endangered Species of Wild Fauna and Flora, additional requirements in part 23 of this subchapter must be met.

(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 his decision, the Director shall consider, in addition to the general criteria in §13.21(b) of this subchapter, the following factors:

(1) Whether the purpose for which the permit is requested will enhance the survival of the species in the wild;

(2) Whether the purpose for which the permit is requested will enhance the propagation of the species;

(3) The opinions or views of scientists or other persons or organizations having expertise concerning the plant or other matters germane to the application; and

(4) Whether the expertise, facilities, or other resources available to the applicant appear adequate to successfully accomplish the 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 the following special conditions:

(1) If requested, the permittee shall submit to the Director a written report of the activities authorized by the permit. Such report must be postmarked by the date specified in the permit or otherwise requested by the Director.

(2) A copy of the permit or an identification label, which includes the scientific name, the permit number, and a statement that the plant is of ''wild origin'' or ''cultivated origin'' must accompany the plant or its container during the course of any activity subject to these regulations, unless the specimens meet the special conditions referred to in paragraph (c)(3) of this section.

(3) In the case of plants that are herbarium specimens, or other preserved, dried or embedded museum specimens to be imported or exported as a noncommercial loan, exchange or donation between scientists or scientific institutions, the names and addresses of the consignor and consignee must be on each package or container. A description such as ''herbarium specimens'' and the code letters assigned by the Service to the scientists or scientific institution must be entered on the Customs declaration form affixed to each package or container. If the specimens are of taxa also regulated by the Convention on International Trade in Endangered Species of Wild Fauna and Flora, specific information must be entered on the Customs declaration label affixed to the outside of each shipping container or package. See part 23 of this subchapter for requirements for trade in CITES specimens between registered scientific institutions.

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

[44 FR 54060, Sept. 18, 1979, as amended at 50 FR 39690, Sept. 30, 1985; 63 FR 52635, Oct. 1, 1998; 79 FR 30419, May 27, 2014]

§ 17.63 Economic hardship permits.

Upon receipt of a complete application, the Director may issue a permit authorizing any activity otherwise prohibited by §17.61, in accordance with Section 10(b) of the Act and the issuance criteria of this section, in order to prevent undue economic hardship. No such exemption may be granted for the importation or exportation of a species also listed in Appendix I of the Convention on International Trade in endangered Species of Wild Fauna and Flora, if the specimen would be used in a commercial activity.

(a) *Application requirements.* An application for a permit under this section must be submitted to the Director by the person allegedly suffering undue economic hardship because his desired activity is prohibited. The application must be submitted on an official application form (Form 3–200) provided by

the Service, or must contain the general information and certification required by §13.12(a) of this subchapter. It must include, as an attachment, all of the information required in §17.62 plus the following additional information.

(1) The possible legal or economic alternatives to the activity sought to be authorized by the permit.

(2) A full statement, accompanied by copies of all relevant correspondence, showing the applicant's involvement with the plant sought to be covered by the permit (as well as his involvement with similar plants). The applicant should include information on that portion of his income derived from activities involving such plants in relation to the balance of his income during the calendar year immediately preceding either the FEDERAL REGISTER notice of review of the status of the species or proposed rulemaking to list the species as Endangered, whichever is earlier.

(3) Where applicable, proof of a contract or other binding legal obligation which:

(i) Deals specifically with the plant sought to be covered by the permit;

(ii) Became binding prior to the date of the FEDERAL REGISTER notice of review of the status of the species or proposed rulemaking to list the species as endangered, whichever is earlier; and

(iii) Will cause monetary loss of a given dollar amount if the permit sought under this section is not granted.

(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 for economic hardship, as defined in section 10(b) of the Act. In making his decision, the Director shall consider, in addition to the general criteria in §13.21(b) of this subchapter, the following factors:

(1) Whether the purpose for which the permit is requested will significantly affect the survival of the species in the wild;

(2) The economic, legal, or other alternatives or relief available to the applicant;

(3) The amount of evidence that the applicant was in fact party to a contract or other binding legal obligation which:

(i) Deals specifically with the plant sought to be covered by the permit; and

(ii) Became binding prior to the date of the FEDERAL REGISTER notice of review of the status of the species or proposed rulemaking to list the species as endangered, whichever is earlier;

(4) The severity of economic hardship which the contract or other binding legal obligation referred to in paragraph (b)(3) of this section would cause if the permit were denied;

(5) Where applicable, the portion of the applicant's income which would be lost if the permit were denied, and the relationship of that portion to the balance of his income.

(c) *Permit conditions.* In addition to the general conditions set forth in part 13 of this subchapter, every permit issued under this section may be subject to any of the following special conditions:

(1) If requested, the permittee shall submit to the Director a written report of the activities authorized by the permit. Such report must be postmarked by the date specified in the permit or otherwise requested by the Director.

(2) If requested, the permittee shall report to the Service's office designated in the permit the death, destruction or loss of all living plants covered by the permit. Such report must be postmarked by the date specified in the permit or otherwise requested by the Director.

(d) *Duration of permit.* The duration of a permit issued under this section shall be designated on the face of the permit. No permit issued under this section shall be valid for more than one year from the date of a FEDERAL REGISTER notice of review of the status of the species or proposed rulemaking to list the species as endangered, whichever is earlier.

[44 FR 54060, Sept. 18, 1979]

Subpart G—Threatened Plants

§17.71 Prohibitions.

(a) Except as provided in a permit issued pursuant to §17.72, the provisions of paragraph (b) of this section

and all of the provisions of §17.61, except §17.61(c)(2) through (4), apply to threatened species of plants, unless the Secretary has promulgated species-specific provisions (see paragraph (c) of this section), with the following exception: Seeds of cultivated specimens of species treated as threatened are exempt from all the provisions of §17.61, provided that a statement that the seeds are of ''cultivated origin'' accompanies the seeds or their container during the course of any activity otherwise subject to the regulations in this subpart.

(b)(1) Notwithstanding §17.61(c)(1) and unless otherwise specified, any employee or agent of the Service, any other Federal land management agency, federally recognized Tribe, or a State conservation agency, who is designated by their agency or Tribe for such purposes, may, when acting in the course of official duties, remove and reduce to possession threatened plants from areas under Federal jurisdiction without a permit if such action is necessary to:

(i) Care for a damaged or diseased specimen;

(ii) Dispose of a dead specimen; or

(iii) Salvage a dead specimen that may be useful for scientific study.

(2) Any removal and reduction to possession pursuant to paragraph (b)(1) of this section must be reported in writing to the Office of Law Enforcement, via contact methods listed at *https://www.fws.gov*, within 5 calendar days. The specimen may only be retained, disposed of, or salvaged under directions from the Office of Law Enforcement.

(3) Notwithstanding §17.61(c)(1) and unless otherwise specified, any employee or agent of the Service or of a State conservation agency that is operating a conservation program pursuant to the terms of an approved cooperative agreement with the Service that covers the threatened species of plants in accordance with section 6(c) of the Act, who is designated by their agency for such purposes, may, when acting in the course of official duties, remove and reduce to possession from areas under Federal jurisdiction those species.

(c) For threatened species of plants that have a species-specific rule in §§17.73 through 17.78, the provisions of paragraph (b) of this section and §17.72 apply unless otherwise specified, and the species-specific rule will contain all the prohibitions and any additional exceptions that apply to that species.

[89 FR 23940, Apr. 5, 2024]

§ 17.72 Permits—general.

Upon receipt of a complete application, the Director may issue a permit authorizing any activity otherwise prohibited with regard to threatened plants. The permit shall be governed by the provisions of this section unless a species-specific rule applicable to the plant and set forth in §§17.73 through 17.78 provides otherwise. A permit issued under this section must be for one of the following: scientific purposes, the enhancement of the propagation or survival of threatened species, economic hardship, botanical or horticultural exhibition, educational purposes, or other activities consistent with the purposes and policy of the Act. Such a permit may authorize a single transaction, a series of transactions, or a number of activities over a specified period of time.

(a) *Application requirements.* A person wishing to get a permit for an activity prohibited by §17.71 submits an application to conduct activities under this paragraph. For interstate commerce activities the seller gets the permit for plants coming from cultivated stock and the buyer gets the permit if the plants are taken from the wild. The Service provides Form 3–200 for the application or you may submit the general information and certification required by §13.12(a) of this subchapter. Application requirements differ for permits issued for plants taken from the wild (excluding seeds), seeds and cultivated plants, or herbarium specimens. You must attach the following information and any other information requested by the Director.

(1) For activities involving plants obtained from the wild (excluding seeds), provide the following information:

(i) The scientific names of the plants sought to be covered by the permit;

(ii) The estimated number of specimens sought to be covered by the permit;

(iii) The year, country, and approximate place where taking occurred or will occur;

(iv) If the activities would involve removal and reduction to possession of a plant from an area under Federal jurisdiction, the year, State, county or any other description such as place name, township, and range designation that will precisely place the location where the proposed removal and reduction to possession will occur, the name of the Federal entity having jurisdiction over the area and the name, title, address, and phone number of the person in charge of the area.

(v) A brief description of the applicant's expertise and facilities as related to the proposed activity;

(vi) A justification of the activities sought to be authorized by the permit and the relationship of such activities to scientific purposes, enhancing the propagation or survival of the species, or other objectives consistent with the purposes and policy of the Act; and

(vii) A statement of the applicant's willingness to participate in a cooperative propagation program, and to maintain or contribute data relating to such efforts.

(2) For activities involving seeds obtained from the wild and cultivated plants, provide the following information:

(i) The scientific names of the plants sought to be covered by the permit;

(ii) A statement of the applicant's willingness to participate in a cooperative propagation program, and to maintain or contribute data relating to the success of such efforts; and

(iii) A justification of the activities sought to be authorized by the permit and the relationship of such activities to scientific purposes, enhancing the propagation or survival of the species, or other objectives consistent with the purposes and policy of the Act.

(iv) If the activities would involve removal and reduction to possession of seeds from an area under Federal jurisdiction, the year, State, county, or any other description such as place name, township, and range designation that will precisely place the location where the proposed removal and reduction to possession will occur, the name of the Federal entity having jurisdiction over the area and the name, title, address, and phone number of the person in charge of the area.

(3) For importation or exportation involving the non-commercial loan, exchange or donation of herbarium or other preserved, dried or embedded museum specimens of all threatened species between scientists or scientific institutions, provide the following information:

(i) The name and address of the institution or other facility where the plants sought to be covered by the permit will be used or maintained; and

(ii) A justification of the activities sought to be authorized by the permit and the relationship of such activities to scientific purposes, enhancing the propagation or survival of the species, or other objectives consistent with the purposes and policy of the Act.

(4) When the activity applied for involves a species also regulated by the Convention on International Trade in Endangered Species of Wild Fauna and Flora, additional requirements in part 23 of this subchapter must be met.

(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 his decision, the Director shall consider, in addition to the general criteria in §13.21(b) of this subchapter, the following factors:

(1) Whether the purpose for which the permit is requested will enhance the survival of the species in the wild;

(2) Whether the purpose for which the permit is requested will enhance the propagation of the species;

(3) The opinions or views of scientists or other persons or organizations having expertise concerning the plant or other matters germane to the application; and

(4) Whether the expertise, facilities, or other resources available to the applicant appear adequate to successfully accomplish the 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 the following special conditions:

(1) If requested, the permittee shall submit to the Director a written report of the activities authorized by the permit. Such report must be postmarked by the date specified in the permit or otherwise requested by the Director.

(2) A copy of the permit or an identification label, which includes the scientific name, the permit number, and a statement that the plant is of ''wild orgin'' or ''cultivated origin'' must accompany the plant or its container during the course of any activity subject to these regulations, unless the specimens meet the special conditions referred to in paragraph (c)(3) of this section.

(3) In the case of plants that are herbarium specimens, or other preserved, dried, or embedded museum specimens to be imported or exported as a noncommercial loan exchange or donation between scientists or scientific institutions, the names and addresses of the consignor and consignee must be on each package or container. A description such as ''herbarium specimens'' and the code letters assigned by the Service to the scientist or scientific institution must be entered on the Customs declaration form affixed to each package or container. If the specimens are of taxa also regulated by the Convention on International Trade in Endangered Species of Wild Fauna and Flora, specific information must be entered on the Customs declaration label affixed to the outside of each shipping container or package. See part 23 of this subchapter for requirements for trade in CITES specimens between registered scientific institutions.

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

[42 FR 32380, June 24, 1977, as amended at 50 FR 39691, Sept. 30, 1985; 63 FR 52636, Oct. 1, 1998; 79 FR 30419, May 27, 2014; 89 FR 23941, Apr. 5, 2024]

§ 17.73 Species-specific rules—flowering plants.

(a) *Graptopetalum bartramii* (Bartram's stonecrop)—(1) *Prohibitions.* The following prohibitions apply to *Graptopetalum bartramii*, except as provided under paragraph (a)(2) of this section:

(i) *Import or export.* It is unlawful to import or to export any *Graptopetalum bartramii.* Any shipment in transit through the United States is an importation and an exportation, whether or not it has entered the country for customs purposes.

(ii) *Remove and reduce to possession.* It is unlawful to remove and reduce to possession the species from areas under Federal jurisdiction; maliciously damage or destroy the species on any such area; or remove, cut, dig up, or damage or destroy the species on any other area in knowing violation of any law or regulation of any State or in the course of any violation of a State criminal trespass law.

(iii) *Interstate or foreign commerce.* It is unlawful to deliver, receive, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever, and in the course of a commercial activity, any *Graptopetalum bartramii.*

(iv) *Sale or offer for sale.* (A) It is unlawful to sell or to offer for sale in interstate or foreign commerce any *Graptopetalum bartramii.*

(B) An advertisement for the sale of any *Graptopetalum bartramii* which carries a warning to the effect that no sale may be consummated until a permit has been obtained from the Service, shall not be considered an offer for sale within the meaning of this paragraph.

(v) It is unlawful to attempt to commit, solicit another to commit, or cause to be committed, any of the acts described in this paragraph (a)(1).

(2) *Exceptions from prohibitions.* The following exceptions from prohibitions apply to *Graptopetalum bartramii:*

(i) A person may apply for a permit in accordance with 50 CFR 17.72 that authorizes an activity otherwise prohibited by this paragraph for *Graptopetalum bartramii.*

(ii)(A) Any employee or agent of the Service, any other Federal land management agency, or a State conservation agency, who is designated by that agency for such purposes, may, when acting in the course of official duties, remove and reduce to possession *Graptopetalum bartramii* from areas under Federal jurisdiction without a permit if such action is necessary to:

(*1*) Care for a damaged or diseased specimen;

(*2*) Dispose of a dead specimen; or

(*3*) Salvage a dead specimen which may be useful for scientific study.

(B) Any removal and reduction to possession pursuant to this paragraph must be reported in writing to the U.S. Fish and Wildlife Service within 5 days. The specimen may only be retained, disposed of, or salvaged in accordance with written directions from the Service.

(iii) Any qualified employee or agent of the Service or of a State conservation agency which is a party to a cooperative agreement with the Service in accordance with section 6(c) of the Act, who is designated by that agency for such purposes, may, when acting in the course of official duties, remove, cut, dig up, damage, or destroy *Graptopetalum bartramii* on areas under Federal jurisdiction.

(b) *Layia carnosa* (beach layia).

(1) *Prohibitions.* The following prohibitions that apply to endangered plants also apply to *Layia carnosa* (beach layia). Except as provided under paragraph (b)(2) of this section and §§17.4 and 17.5, it is unlawful for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit, or cause to be committed, any of the following acts in regard to this species:

(i) Import or export, as set forth at §17.61(b) for endangered plants.

(ii) Remove and reduce to possession from areas under Federal jurisdiction, as set forth at §17.61(c)(1) for endangered plants.

(iii) Maliciously damage or destroy the species on any areas under Federal jurisdiction, or remove, cut, dig up, or damage or destroy the species on any other area in knowing violation of any State law or regulation or in the course of any violation of a State criminal trespass law, as set forth at section 9(a)(2)(B) of the Act.

(iv) Interstate or foreign commerce in the course of commercial activity, as set forth at §17.61(d) for endangered plants.

(v) Sell or offer for sale, as set forth at §17.61(e) for endangered plants.

(2) *Exceptions from prohibitions.* The following exceptions from prohibitions apply to beach layia:

(i) The prohibitions described in paragraph (b)(1) of this section do not apply to activities conducted as authorized by a permit issued in accordance with the provisions set forth at §17.72.

(ii) Any employee or agent of the Service or of a State conservation agency that is operating a conservation program pursuant to the terms of a cooperative agreement with the Service in accordance with section 6(c) of the Act, who is designated by that agency for such purposes, may, when acting in the course of official duties, remove and reduce to possession from areas under Federal jurisdiction members of beach layia that are covered by an approved cooperative agreement to carry out conservation programs.

(iii) You may engage in any act prohibited under paragraph (b)(1) of this section with seeds of cultivated specimens, provided that a statement that the seeds are of ''cultivated origin'' accompanies the seeds or their container.

(c) *Cirsium wrightii* (Wright's marsh thistle).

(1) *Prohibitions.* The following prohibitions that apply to endangered plants also apply to the Wright's marsh thistle. Except as provided under paragraph (c)(2) of this section, it is unlawful for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit, or cause to be committed, any of the following acts in regard to this species:

(i) Remove and reduce to possession the species from areas under Federal jurisdiction, as set forth at §17.61(c)(1) for endangered plants.

(ii) Maliciously damage or destroy the species on any areas under Federal jurisdiction, or remove, cut, dig up, or damage or destroy the species on any other area in knowing violation of any State law or regulation or in the course of any violation of a State criminal trespass law, as set forth at section 9(a)(2)(B) of the Act.

(2) *Exceptions from prohibitions.* The following exceptions from prohibitions apply to the Wright's marsh thistle:

(i) The prohibitions described in paragraph (c)(1) of this section do not apply to activities conducted as authorized by a permit issued in accordance with the provisions set forth at § 17.72.

(ii) Any employee or agent of the Service or of a State conservation agency that is operating a conservation program pursuant to the terms of a cooperative agreement with the Service in accordance with section 6(c) of the Act, who is designated by that agency for such purposes, may, when acting in the course of official duties, remove and reduce to possession from areas under Federal jurisdiction members of the Wright's marsh thistle that are covered by an approved cooperative agreement to carry out conservation programs.

(d) *Pedicularis furbishiae* (Furbish's lousewort)—(1) *Prohibitions.* Except as provided under paragraph (d)(2) of this section, you may not remove and reduce to possession the species from areas under Federal jurisdiction; maliciously damage or destroy the species on any such area; or remove, cut, dig up, or damage or destroy the species on any other area in knowing violation of any law or regulation of any State or in the course of any violation of a State criminal trespass law.

(2) *Exceptions from prohibitions.* The following exceptions from the prohibitions apply to this species:

(i) You may conduct activities authorized by permit under § 17.72.

(ii) Qualified employees or agents of the Service or a State conservation agency may conduct activities authorized under § 17.71(b).

(e) *Eugenia woodburyana* (no common name).

(1) *Prohibitions.* The following prohibitions that apply to endangered plants also apply to *Eugenia woodburyana.* Except as provided under paragraph (e)(2) of this section, it is unlawful for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit, or cause to be committed, any of the following acts in regard to this species:

(i) Import or export, as set forth at § 17.61(b) for endangered plants.

(ii) Remove and reduce to possession the species from areas under Federal jurisdiction, as set forth at § 17.61(c)(1) for endangered plants.

(iii) Maliciously damage or destroy the species on any areas under Federal jurisdiction, or remove, cut, dig up, or damage or destroy the species on any other area in knowing violation of any law or regulation of the Territory or in the course of any violation of a Territorial criminal trespass law, as set forth at section 9(a)(2)(B) of the Act.

(iv) Engage in interstate or foreign commerce in the course of commercial activity, as set forth at § 17.61(d) for endangered plants.

(v) Sell or offer for sale in interstate or foreign commerce, as set forth at § 17.61(e) for endangered plants.

(2) *Exceptions from prohibitions.* The following exceptions from prohibitions apply to *Eugenia woodburyana:*

(i) The prohibitions described in paragraph (e)(1) of this section do not apply to activities conducted as authorized by a permit issued in accordance with the provisions set forth at § 17.72.

(ii) Any employee or agent of the Service or of a State or Territorial conservation agency that is operating a conservation program pursuant to the terms of a cooperative agreement with the Service in accordance with section 6(c) of the Act, who is designated by that agency for such purposes, may, when acting in the course of official duties, remove and reduce to possession from areas under Federal jurisdiction members of *Eugenia woodburyana* that are covered by an approved cooperative agreement to carry out conservation programs.

(iii) Individuals may engage in any act prohibited under paragraph (e)(1) of this section with seeds of cultivated specimens, provided that a statement that the seeds are of ''cultivated origin'' accompanies the seeds or their container.

(f) *Echinacea laevigata* (smooth coneflower)—(1) *Prohibitions.* The following prohibitions that apply to endangered plants also apply to *Echinacea laevigata.* Except as provided under

paragraph (f)(2) of this section, it is unlawful for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit, or cause to be committed, any of the following acts in regard to this species:

(i) Import or export, as set forth at §17.61(b) for endangered plants.

(ii) Remove and reduce to possession from areas under Federal jurisdiction, as set forth at §17.61(c)(1) for endangered plants.

(iii) Maliciously damage or destroy the species on any areas under Federal jurisdiction, or remove, cut, dig up, or damage or destroy the species on any other area in knowing violation of any State law or regulation or in the course of any violation of a State criminal trespass law, as set forth at section 9(a)(2)(B) of the Act.

(iv) Engage in interstate or foreign commerce in the course of commercial activity, as set forth at §17.61(d) for endangered plants.

(v) Sell or offer for sale, as set forth at §17.61(e) for endangered plants.

(2) *Exceptions from prohibitions.* In regard to *Echinacea laevigata*, you may:

(i) Conduct activities, including activities prohibited under paragraph (f)(1) of this section, if they are authorized by a permit issued in accordance with the provisions set forth at §17.72.

(ii) Conduct activities authorized by a permit issued under §17.62 prior to August 5, 2022 for the duration of the permit.

(iii) Remove and reduce to possession from areas under Federal jurisdiction, as set forth at §17.61(c)(2) through (4) for endangered plants and §17.71(b).

(iv) Engage in any act prohibited under paragraph (f)(1) of this section with seeds of cultivated specimens, provided that a statement that the seeds are of ''cultivated origin'' accompanies the seeds or their container.

(g) *Ottoschulzia rhodoxylon* (palo de rosa)—(1) *Prohibitions.* The following prohibitions that apply to endangered plants also apply to *Ottoschulzia rhodoxylon* (palo de rosa). Except as provided under paragraph (g)(2) of this section, it is unlawful for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit, or cause to be committed, any of the following acts in regard to this species:

(i) Import or export, as set forth at §17.61(b) for endangered plants.

(ii) Remove and reduce to possession the species from areas under Federal jurisdiction; maliciously damage or destroy the species on any such area; or remove, cut, dig up, or damage or destroy the species on any other area in knowing violation of any law or regulation of any State or in the course of any violation of a State criminal trespass law.

(iii) Interstate or foreign commerce in the course of commercial activity, as set forth at §17.61(d) for endangered plants.

(iv) Sale or offer for sale, as set forth at §17.61(e) for endangered plants.

(2) *Exceptions from prohibitions.* In regard to *Ottoschulzia rhodoxylon* (palo de rosa), you may:

(i) Conduct activities, including activities prohibited under paragraph (f)(1) of this section, if they are authorized by a permit issued in accordance with the provisions set forth at §17.72.

(ii) Remove and reduce to possession from areas under Federal jurisdiction, as set forth at §17.71(b).

(iii) Engage in any act prohibited under paragraph (g)(1) of this section with seeds of cultivated specimens, provided that a statement that the seeds are of ''cultivated origin'' accompanies the seeds or their container.

(h) *Streptanthus bracteatus* (bracted twistflower).

(1) *Prohibitions.* The following prohibitions that apply to endangered plants also apply to the bracted twistflower. Except as provided under paragraph (h)(2) of this section, it is unlawful for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit, or cause to be committed, any of the following acts in regard to this species:

(i) Import or export, as set forth at §17.61(b) for endangered plants.

(ii) Remove and reduce to possession the species from areas under Federal jurisdiction; maliciously damage or destroy the species on any such area; or remove, cut, dig up, or damage or destroy the species on any other area in

knowing violation of any law or regulation of any State or in the course of any violation of a State criminal trespass law.

(iii) Interstate or foreign commerce in the course of commercial activity, as set forth at §17.61(d) for endangered plants.

(iv) Sale or offer for sale, as set forth at §17.61(e) for endangered plants.

(2) *Exceptions from prohibitions.* In regard to this species:

(i) You may conduct activities as authorized by permit under §17.72.

(ii) Any employee or agent of the Service or of a State conservation agency that is operating a conservation program pursuant to the terms of a cooperative agreement with the Service in accordance with section 6(c) of the Act, who is designated by that agency for such purposes, may, when acting in the course of official duties, remove and reduce to possession from areas under Federal jurisdiction members of bracted twistflower that are covered by an approved cooperative agreement to carry out conservation programs.

(iii) You may engage in any act prohibited under paragraph (h)(1) of this section with seeds of cultivated specimens, provided that a statement that the seeds are of ''cultivated origin'' accompanies the seeds or their container.

(i) *Mitracarpus polycladus* (no common name).

(1) *Prohibitions.* The following prohibitions that apply to endangered plants also apply to *Mitracarpus polycladus.* Except as provided under paragraph (i)(2) of this section, it is unlawful for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit, or cause to be committed, any of the following acts in regard to this species:

(i) Import or export, as set forth at §17.61(b) for endangered plants.

(ii) Remove and reduce to possession the species from areas under Federal jurisdiction; maliciously damage or destroy the species on any such area; or remove, cut, dig up, or damage or destroy the species on any other area in knowing violation of any law or regulation of the Territory or in the course of any violation of a Territorial criminal trespass law.

(iii) Interstate or foreign commerce in the course of commercial activity, as set forth at §17.61(d) for endangered plants.

(iv) Sale or offer for sale, as set forth at §17.61(e) for endangered plants.

(2) *Exceptions from prohibitions.* In regard to this species, you may:

(i) Conduct activities as authorized by permit under §17.72.

(ii) Remove, cut, dig up, damage, or destroy on areas not under Federal jurisdiction if you are a qualified employee or agent of the Service or Territorial conservation agency which is a party to a cooperative agreement with the Service in accordance with section 6(c) of the Act, and you have been designated by that agency for such purposes, when acting in the course of official duties.

(iii)(A) Any employee or agent of the Service, any other Federal land management agency, or a Territorial conservation agency, who is designated by that agency for such purposes, may, when acting in the course of official duties, remove and reduce to possession *Mitracarpus polycladus* from areas under Federal jurisdiction without a permit if such action is necessary to:

(*1*) Care for a damaged or diseased specimen;

(*2*) Dispose of a dead specimen; or

(*3*) Salvage a dead specimen which may be useful for scientific study.

(B) Any removal and reduction to possession pursuant to this paragraph must be reported in writing to the U.S. Fish and Wildlife Service within 5 days. The specimen may only be retained, disposed of, or salvaged in accordance with written directions from the Service.

(iv) Engage in any act prohibited under paragraph (i)(1) of this section with seeds of cultivated specimens, provided that a statement that the seeds are of ''cultivated origin'' accompanies the seeds or their container.

(j) *Phacelia argentea* (sand dune phacelia)—(1) *Prohibitions.* The following prohibitions that apply to endangered plants also apply to the sand dune phacelia. Except as provided under paragraph (j)(2) of this section, it is unlawful for any person subject to

the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit, or cause to be committed, any of the following acts in regard to this species:

(i) Import or export, as set forth at §17.61(b) for endangered plants.

(ii) Remove and reduce to possession the species from areas under Federal jurisdiction, as set forth at §17.61(c)(1) for endangered plants.

(iii) Maliciously damage or destroy the species on any areas under Federal jurisdiction, or remove, cut, dig up, or damage or destroy the species on any other area in knowing violation of any law or regulation of any State or in the course of any violation of a State criminal trespass law, as set forth at section 9(a)(2)(B) of the Act.

(iv) Interstate or foreign commerce in the course of commercial activity, as set forth at §17.61(d) for endangered plants.

(v) Sale or offer for sale, as set forth at §17.61(e) for endangered plants.

(2) *Exceptions from prohibitions.* In regard to *Phacelia argentea*, you may:

(i) Conduct activities, including activities prohibited under paragraph (j)(1) of this section, if they are authorized by a permit issued in accordance with the provisions set forth at §17.72.

(ii) Remove and reduce to possession from areas under Federal jurisdiction, as set forth at §17.71(b).

(iii) Remove, cut, dig up, damage or destroy on areas not under Federal jurisdiction by any qualified employee or agent of the Service or State conservation agency which is a party to a cooperative agreement with the Service in accordance with section 6(c) of the Act, who is designated by that agency for such purposes, when acting in the course of official duties.

[86 FR 48568, Aug. 31, 2021, as amended at 87 FR 18738, Mar. 31, 2022; 87 FR 40114, July 6, 2022; 87 FR 66607, Nov. 4, 2022; 87 FR 74012, Dec. 2, 2022; 88 FR 21866, Apr. 11, 2023; 88 FR 25238, Apr. 25, 2023; 88 FR 30057, May 10, 2023; 88 FR 57209, Aug. 22, 2023; 88 FR 74906, Nov. 1, 2023]

§ 17.74 Species-specific rules—conifers and cycads.

(a) Whitebark pine (*Pinus albicaulis*).

(1) *Prohibitions.* The following prohibitions that apply to endangered plants also apply to whitebark pine, except as provided under paragraph (a)(2) of this section:

(i) Import or export, as set forth at §17.61(b) for endangered plants.

(ii) Remove and reduce to possession from areas under Federal jurisdiction, as set forth at §17.61(c)(1) for endangered plants.

(iii) Maliciously damage or destroy the species on any areas under Federal jurisdiction, or remove, cut, dig up, or damage or destroy the species on any other area in knowing violation of any State law or regulation or in the course of any violation of a State criminal trespass law, as set forth at section 9(a)(2)(B) of the Act.

(iv) Interstate or foreign commerce in the course of commercial activity, as set forth at §17.61(d) for endangered plants.

(v) Sell or offer for sale, as set forth at §17.61(e) for endangered plants.

(2) *Exceptions from prohibitions.* In regard to the whitebark pine, you may:

(i) Conduct activities as authorized by permit under §17.72.

(ii) Conduct forest-management, restoration, or research-related activities conducted or authorized by the Federal agency with jurisdiction over the land where the activities occur.

(iii) Remove and reduce to possession from areas under Federal jurisdiction, as set forth at §17.71(b).

(iv) Collect whitebark pine seeds from areas under Federal jurisdiction for Tribal ceremonial use or traditional Tribal consumption, provided that:

(A) The collection is conducted by members of federally recognized Tribes; and

(B) The collection does not violate any other applicable laws and regulations.

(b) [Reserved]

[87 FR 76917, Dec. 15, 2022, as amended at 89 FR 23941, Apr. 5, 2024]

§§ 17.75–17.78 [Reserved]

Subpart H—Experimental Populations

SOURCE: 49 FR 33893, Aug. 27, 1984, unless otherwise noted.

§ 17.80 Definitions.

(a) The term *experimental population* means an introduced and/or designated population (including any offspring arising solely therefrom) that has been so designated in accordance with the procedures of this subpart but only when, and at such times as, the population is wholly separate geographically from nonexperimental populations of the same species. Where part of an experimental population overlaps with nonexperimental populations of the same species on a particular occasion, but is wholly separate at other times, specimens of the experimental population will not be recognized as such while in the area of overlap. That is, experimental status will be recognized only outside the areas of overlap. Thus, such a population will be treated as experimental only when the times of geographic separation are reasonably predictable, e.g., fixed migration patterns, natural or manmade barriers. A population is not treated as experimental if total separation will occur solely as a result of random and unpredictable events.

(b) The term *essential experimental population* means an experimental population whose loss would be likely to appreciably reduce the likelihood of the survival of the species in the wild. All other experimental populations are to be classified as *nonessential*.

[49 FR 33893, Aug. 27, 1984, as amended at 88 FR 42651, July 3, 2023]

§ 17.81 Listing.

(a) The Secretary may designate as an experimental population a population of endangered or threatened species that will be released into habitat that is capable of supporting the experimental population outside the species' current range, subject to the further conditions specified in this section, provided that all designations of experimental populations must proceed by regulation adopted in accordance with 5 U.S.C. 553 and the requirements of this subpart.

(b) Before authorizing the release as an experimental population of any population (including eggs, propagules, or individuals) of an endangered or threatened species, and before authorizing any necessary transportation to conduct the release, the Secretary must find by regulation that such release will further the conservation of the species. In making such a finding, the Secretary will use the best scientific and commercial data available to consider:

(1) Any possible adverse effects on extant populations of a species as a result of removal of individuals, eggs, or propagules for introduction elsewhere;

(2) The likelihood that any such experimental population will become established and survive in the foreseeable future;

(3) The relative effects that establishment of an experimental population will have on the recovery of the species;

(4) The extent to which the introduced experimental population may be affected by existing or anticipated Federal or State actions or private activities within or adjacent to the experimental population area; and

(5) When an experimental population is being established outside of its historical range, any possible adverse effects to the ecosystem that may result from the experimental population being established.

(c) Any regulation promulgated under paragraph (a) of this section shall provide:

(1) Appropriate means to identify the experimental population, including, but not limited to, its actual or proposed location, actual or anticipated migration, number of specimens released or to be released, and other criteria appropriate to identify the experimental population(s);

(2) A finding, based solely on the best scientific and commercial data available, and the supporting factual basis, on whether the experimental population is, or is not, essential to the continued existence of the species in the wild;

(3) Management restrictions, protective measures, or other special management concerns of that population, as appropriate, which may include but are not limited to, measures to isolate, remove, and/or contain the experimental population designated in the regulation from nonexperimental populations; and

(4) A process for periodic review and evaluation of the success or failure of the release and the effect of the release on the conservation and recovery of the species.

(d) The Secretary may issue a permit under section 10(a)(1)(A) of the Act, if appropriate under the standards set out in sections 10(d) and 10(j) of the Act, to allow actions necessary for the establishment and maintenance of an experimental population.

(e) The Service will consult with appropriate State fish and wildlife agencies, affected Tribal governments, local governmental agencies, affected Federal agencies, and affected private landowners in developing and implementing experimental population rules. When appropriate, a public meeting will be conducted with interested members of the public. Any regulation promulgated pursuant to this section will, to the maximum extent practicable, represent an agreement between the Service, the affected State and Federal agencies, Tribal governments, local government agencies, and persons holding any interest in land or water that may be affected by the establishment of an experimental population.

(f) Any population of an endangered species or a threatened species determined by the Secretary to be an experimental population in accordance with this subpart will be identified by a species-specific rule in §§17.84 and 17.85 as appropriate and separately listed in §17.11(h) (wildlife) or §17.12(h) (plants) as appropriate.

(g) The Secretary may designate critical habitat as defined in section (3)(5)(A) of the Act for an essential experimental population as determined pursuant to paragraph (c)(2) of this section. Any designation of critical habitat for an essential experimental population will be made in accordance with section 4 of the Act. No designation of critical habitat will be made for nonessential experimental populations.

[49 FR 33893, Aug. 27, 1984, as amended at 88 FR 42651, July 3, 2023]

§ 17.82 Prohibitions.

Any population determined by the Secretary to be an experimental population will be treated as if it were listed as a threatened species for purposes of establishing protective regulations under section 4(d) of the Act with respect to such population. The species-specific rules (protective regulations) adopted for an experimental population under §17.81 will contain applicable prohibitions, as appropriate, and exceptions for that population.

[88 FR 42652, July 3, 2023]

§ 17.83 Interagency cooperation.

(a) Any experimental population designated for a listed species (1) determined pursuant to §17.81(c)(2) of this subpart not to be essential to the survival of that species and (2) not occurring within the National Park System or the National Wildlife Refuge System, shall be treated for purposes of section 7 (other than subsection (a)(1) thereof) as a species proposed to be listed under the Act as a threatened species.

(b) For a listed species, any experimental population that, pursuant to §17.81(c)(2), has been determined to be essential to the survival of the species or that occurs within the National Park System or the National Wildlife Refuge System, as now or hereafter constituted, will be treated for purposes of section 7 of the Act as a threatened species.

(c) For purposes of section 7 of the Act, any consultation or conference on a proposed Federal action will treat any experimental and nonexperimental populations as a single listed species for the purposes of conducting the analyses and making agency determinations pursuant to section 7(a) of the Act.

[49 FR 33893, Aug. 27, 1984, as amended at 88 FR 42651, July 3, 2023]

§ 17.84 Species-specific rules—vertebrates.

(a) Guam kingfisher, sihek (*Todiramphus cinnamominus*).

(1) *Where is the occurrence of sihek designated as a nonessential experimental population (NEP)?* The nonessential experimental population (NEP) area for the sihek is Palmyra Atoll. Palmyra Atoll is located in the Northern Line Islands, approximately 1,000 miles (1,609 km) south of Honolulu, Hawaii (5°

53′N latitude, 162° 05′W longitude). The extent of the NEP area for sihek is the 250 ha (618 ac) of emergent land distributed among 25 islands, inclusive of the lagoons surrounding those islands.

(2) *What take of sihek is allowed in the NEP area?* (i) Throughout the sihek NEP area, you will not be in violation of the Act if you take a sihek, provided such take is nonnegligent and incidental to a lawful activity, such as habitat management, invasive species management, or scientific research and monitoring, and you report the take as soon as possible as provided under paragraph (a)(2)(iii) of this section.

(ii) Any person with a valid permit issued by the Service under §17.32 may take sihek in the NEP area, pursuant to the terms of the permit. Additionally, any employee or authorized agent of the Service, Guam Division of Aquatic and Wildlife Resources, The Nature Conservancy, Zoological Society of London, or Association of Zoos and Aquariums, who is designated and trained to capture, handle, band, attach transmitters, and collect biological samples, when acting in the course of official duties, may take a sihek within the NEP area if such action is necessary to:

(A) Handle birds for scientific purposes such as banding, measuring, and sample collection;

(B) Relocate individuals or bring individuals into captivity for the purposes of increasing sihek survival or fecundity;

(C) Aid a sick, injured, or orphaned sihek;

(D) Salvage a dead specimen that may be useful for scientific study;

(E) Dispose of a dead specimen;

(F) Aid in law enforcement investigations involving the sihek; or

(G) Take sihek into captivity in accordance with the exit strategy of the program (see paragraph (a)(5) of this section).

(iii) Any take pursuant to paragraph (a)(2)(i) or (a)(2)(ii)(C) through (E) of this section must be reported as soon as possible to the Permits Coordinator, Pacific Islands Fish and Wildlife Office, 300 Ala Moana Boulevard, Room 3–122, Honolulu, Hawaii 96850 (808/792–9400), who will determine the disposition of any live or dead specimens.

(3) *What take of sihek is not allowed in the NEP area?* (i) Except as expressly allowed in paragraph (a)(2) of this section, all of the provisions of §17.31(a) and (b) apply to the sihek in areas identified in paragraph (a)(1) of this section, and any manner of take of a member of the NEP not described under paragraph (a)(2) of this section is prohibited.

(ii) You must not possess, sell, deliver, carry, transport, ship, import, or export, by any means whatsoever, any sihek or part thereof from the experimental population taken in violation of the regulations in this paragraph (a) or in violation of applicable Territorial laws or regulations or the Act.

(iii) It is unlawful for you to attempt to commit, solicit another to commit, or cause to be committed, any take of sihek, except as expressly allowed in paragraph (a)(2) of this section.

(4) *How will the effectiveness of this introduction be monitored?* The Service will evaluate the introduction on an annual basis. This evaluation will include, but will not be limited to, a review and assessment of management issues, sihek movements, and post-release behavior; food resources and dependence of sihek on supplemental food; fecundity of the population; causes and rates of mortality; program costs; impacts to the ex situ population; and information gathered to inform releases on Guam or other sites.

(5) *When will this introduction end?* Depending on the circumstances, the Service may either terminate the release program or temporarily pause the release program to address identified issues before resuming. When the Service terminates the program, the Service will address the disposition of any remaining individuals in the NEP, *i.e.*, whether they will be relocated to captivity or to other suitable habitat or whether they would remain on Palmyra, based on the circumstances at the time of termination.

(i) The Service will terminate the release program on Palmyra Atoll if monitoring indicates that:

(A) The benefits from the Palmyra population (including developing and refining release and support strategies for eventual releases on Guam) no

longer outweigh the risks to the species or the welfare of the NEP or ex situ population; or

(B) Unacceptable impacts on the ecosystem can be clearly causally linked to the introduction of sihek.

(ii) The Service may also terminate the release program when one or more of the objectives of the program have been achieved (e.g., we have developed successful release and monitoring methodologies to apply to future release efforts or we have demonstrated that sihek can survive and reproduce in the wild without human intervention).

(b) Colorado squawfish (*Ptychocheilus lucius*) and woundfin (*Plagopterus* argentissimus). (1) The Colorado squawfish and woundfin populations identified in paragraph (b)(6) of this section, are experimental, nonessential populations.

(2) No person shall take the species, except in accordance with applicable State or Tribal fish and wildlife conservation laws and regulations in the following instances:

(i) For educational purposes, scientific purposes, the enhancement of propagation or survival of the species, zoological exhibition, and other conservation purposes consistent with the Act; or

(ii) Incidental to otherwise lawful activities, provided that the individual fish taken, if still alive, is immediately returned to its habitat.

(3) Any violation of applicable State or Tribal fish and wildlife conservation laws or regulations with respect to the taking of this species (other than incidental taking as described in paragraph (b)(2)(ii) of this section) will also be a violation of the Endangered Species Act.

(4) No person shall possess, sell, deliver, carry, transport, ship, import, or export, by any means whatsoever, any such species taken in violation of these regulations or in violation of applicable State or Tribal fish and wildlife laws or regulations.

(5) It is unlawful for any person to attempt to commit, solicit another to commit, or cause to be committed, any offense defined in paragraphs (b) (2) through (4) of this section.

(6) All of the sites for reintroduction of Colorado squawfish and woundfin are totally isolated from existing populations of these species. The nearest population of Colorado squawfish is above Lake Powell in the Green and Colorado Rivers, an upstream distance of at least 800 miles including 6 mainstream dams, and 200 miles of dry riverbed. Woundfin are similarly isolated (450 miles distant, 200 miles of dry streambed and 5 mainstream dams). All reintroduction sites are within the probable historic range of these species and are as follows:

Colorado Squawfish

(i) *Arizona: Gila County*. Salt River from Roosevelt Dam upstream to U.S Highway 60 bridge.

(ii) *Arizona: Gila and Yavapai Counties*. Verde River from Horseshoe Dam upstream to Perkinsville.

The lower segments of large streams which flow into these two sections of river may, from time to time, be inhabited by Colorado squawfish. Downstream movement of squawfish in these areas will be restricted by dams and upstream movement is limited by lack of suitable habitat.

Woundfin

(i) *Arizona: Gila and Yavapai Counties*. Verde River from backwaters of Horseshoe Reservoir upstream to Perkinsville.

(ii) *Arizona: Graham and Greenlee Counties*. Gila River from backwaters of San Carlos Reservoir upstream to Arizona/New Mexico State line.

(iii) *Arizona: Greenlee County*. San Francisco River from its junction with the Gila River upstream to the Arizona/New Mexico State line.

(iv) *Arizona: Gila County*. Tonto Creek, from Punkin Center upstream to Gisela.

(v) *Arizona: Yavapai County*. Hassayampa River, from Red Cliff upstream to Wagoner.

The movement of woundfin beyond these areas will be limited to the lower portion of larger tributaries where suitable habitat exists. Downstream movement is limited by dams, reservoirs, and dry streambed. Upstream movement from these areas is restricted due to the absence of habitat. Upstream areas are too cold and the gradient is too steep to support populations of woundfin.

(7) The reintroduced populations will be checked annually to determine their condition. A seining survey will be used to determine population expansion or contraction, reproduction success, and general health condition of the fish.

(c) Red wolf (*Canis rufus*). (1) The red wolf populations identified in paragraphs (c)(9)(i) and (c)(9)(ii) of this section are nonessential experimental populations.

(2) No person may take this species, except as provided in paragraphs (c)(3) through (5) and (10) of this section.

(3) Any person with a valid permit issued by the Service under §17.32 may take red wolves for educational purposes, scientific purposes, the enhancement of propagation or survival of the species, zoological exhibition, and other conservation purposes consistent with the Act and in accordance with applicable State fish and wildlife conservation laws and regulations;

(4)(i) Any person may take red wolves found on private land in the areas defined in paragraphs (c)(9) (i) and (ii) of this section, *Provided* that such taking is not intentional or willful, or is in defense of that person's own life or the lives of others; and that such taking is reported within 24 hours to the refuge manager (for the red wolf population defined in paragraph (c)(9)(i) of this section), the Park superintendent (for the red wolf population defined in paragraph (c)(9)(ii) of this section), or the State wildlife enforcement officer for investigation.

(ii) Any person may take red wolves found on lands owned or managed by Federal, State, or local government agencies in the areas defined in paragraphs (c)(9) (i) and (ii) of this section, *Provided* that such taking is incidental to lawful activities, is unavoidable, unintentional, and not exhibiting a lack of reasonable due care, or is in defense of that person's own life or the lives of others, and that such taking is reported within 24 hours to the refuge manager (for the red wolf population defined in paragraph (c)(9)(i) of this section), the Park superintendent (for the red wolf population defined in paragraph (c)(9)(ii) of this section), or the State wildlife enforcement officer for investigation.

(iii) Any private landowner, or any other individual having his or her permission, may take red wolves found on his or her property in the areas defined in paragraphs (c)(9) (i) and (ii) of this section when the wolves are in the act of killing livestock or pets, *Provided* that freshly wounded or killed livestock or pets are evident and that all such taking shall be reported within 24 hours to the refuge manager (for the red wolf population defined in paragraph (c)(9)(i) of this section), the Park superintendent (for the red wolf population defined in paragraph (c)(9)(ii) of this section), or the State wildlife enforcement officer for investigation.

(iv) Any private landowner, or any other individual having his or her permission, may harass red wolves found on his or her property in the areas defined in paragraphs (c)(9) (i) and (ii) of this section, *Provided* that all such harassment is by methods that are not lethal or physically injurious to the red wolf and is reported within 24 hours to the refuge manager (for the red wolf population defined in paragraph (c)(9)(i) of this section), the Park superintendent (for the red wolf population defined in paragraph (c)(9)(ii) of this section), or the State wildlife enforcement officer, as noted in paragraph (c)(6) of this section for investigation.

(v) Any private landowner may take red wolves found on his or her property in the areas defined in paragraphs (c)(9) (i) and (ii) of this section after efforts by project personnel to capture such animals have been abandoned, *Provided* that the Service project leader or biologist has approved such actions in writing and all such taking shall be reported within 24 hours to the Service project leader or biologist, the refuge manager (for the red wolf population defined in paragraph (c)(9)(i) of this section), the Park superintendent (for the red wolf population defined in paragraph (c)(9)(ii) of this section), or the State wildlife enforcement officer for investigation.

(vi) The provisions of paragraphs (4) (i) through (v) of this section apply to red wolves found in areas outside the areas defined in paragraphs (c)(9) (i) and (ii) of this section, with the exception that reporting of taking or harassment to the refuge manager, Park superintendent, or State wildlife enforcement officer, while encouraged, is not required.

(5) Any employee or agent of the Service or State conservation agency who is designated for such purposes,

when acting in the course of official duties, may take a red wolf if such action is necessary to:

(i) Aid a sick, injured, or orphaned specimen;

(ii) Dispose of a dead specimen, or salvage a dead specimen which may be useful for scientific study;

(iii) Take an animal that constitutes a demonstrable but non-immediate threat to human safety or that is responsible for depredations to lawfully present domestic animals or other personal property, if it has not been possible to otherwise eliminate such depredation or loss of personal property, *Provided* That such taking must be done in a humane manner, and may involve killing or injuring the animal only if it has not been possible to eliminate such threat by live capturing and releasing the specimen unharmed on the refuge or Park;

(iv) Move an animal for genetic purposes.

(6) Any taking pursuant to paragraphs (c) (3) through (5) of this section must be immediately reported to either the Refuge Manager, Alligator River National Wildlife Refuge, Manteo, North Carolina, telephone 919/473–1131, or the Superintendent, Great Smoky Mountains National Park, Gatlinburg, Tennessee, telephone 615/436–1294. Either of these persons will determine disposition of any live or dead specimens.

(7) No person shall possess, sell, deliver, carry, transport, ship, import, or export by any means whatsoever, any such species taken in violation of these regulations or in violation of applicable State fish and wildlife laws or regulations or the Endangered Species Act.

(8) It is unlawful for any person to attempt to commit, solicit another to commit, or cause to be committed, any offense defined in paragraphs (c) (2) through (7) of this section.

(9)(i) The Alligator River reintroduction site is within the historic range of the species in North Carolina, in Dare, Hyde, Tyrrell, and Washington Counties; because of its proximity and potential conservation value, Beaufort County is also included in the experimental population designation.

(ii) The red wolf also historically occurred on lands that now comprise the Great Smoky Mountains National Park. The Park encompasses properties within Haywood and Swain Counties in North Carolina, and Blount, Cocke, and Sevier Counties in Tennessee. Graham, Jackson, and Madison Counties in North Carolina, and Monroe County in Tennessee, are also included in the experimental designation because of the close proximity of these counties to the Park boundary.

(iii) Except for the three island propagation projects and these small reintroduced populations, the red wolf is extirpated from the wild. Therefore, there are no other extant populations with which the refuge or Park experimental populations could come into contact.

(10) The reintroduced populations will be monitored closely for the duration of the project, generally using radio telemetry as appropriate. All animals released or captured will be vaccinated against diseases prevalent in canids prior to release. Any animal that is determined to be in need of special care or that moves onto lands where the landowner requests their removal will be recaptured, if possible, by Service and/or Park Service and/or designated State wildlife agency personnel and will be given appropriate care. Such animals will be released back into the wild as soon as possible, unless physical or behavioral problems make it necessary to return the animals to a captive-breeding facility.

(11) The status of the Alligator River National Wildlife Refuge project will be reevaluated by October 1, 1992, to determine future management status and needs. This review will take into account the reproductive success of the mated pairs, movement patterns of individual animals, food habits, and overall health of the population. The duration of the first phase of the Park project is estimated to be 10 to 12 months. After that period, an assessment of the reintroduction potential of the Park for red wolves will be made. If a second phase of reintroduction is attempted, the duration of that phase will be better defined during the assessment. However, it is presently thought that a second phase would last for 3 years, after which time the red wolf would be treated as a resident species

within the Park. Throughout these periods, the experimental and nonessential designation of the animals will remain in effect.

(d) Topeka shiner (*Notropis topeka*).

(1) *Where is the Topeka shiner designated as a nonessential experimental population (NEP)?* (i) The NEP area for the Topeka shiner is within the species' historical range and includes those waters within the Missouri counties of Adair, Gentry, Harrison, Putnam, Sullivan, and Worth identified below in paragraph (d)(5) of this section.

(ii) The Topeka shiner is not known to currently exist in Adair, Gentry, Putnam, Sullivan, and Worth Counties in Missouri, or in those portions of Harrison County, Missouri, where the NEP is being designated. Based on its habitat requirements and potential predation by other fish predators, we do not expect this species to become established outside this NEP area, although there is a remote chance it may.

(iii) We will not change the NEP designations to ''essential experimental,'' ''threatened,'' or ''endangered'' within the NEP area without a public rulemaking. Additionally, we will not designate critical habitat for this NEP, as provided by 16 U.S.C. 1539(j)(2)(C)(ii).

(2) *What activities are not allowed in the NEP area?* (i) Except as expressly allowed in paragraph (d)(3) of this section, all the prohibitions of §17.21 apply to the Topeka shiner NEP.

(ii) Any manner of take not described under paragraph (d)(3) of this section is prohibited in the NEP area.

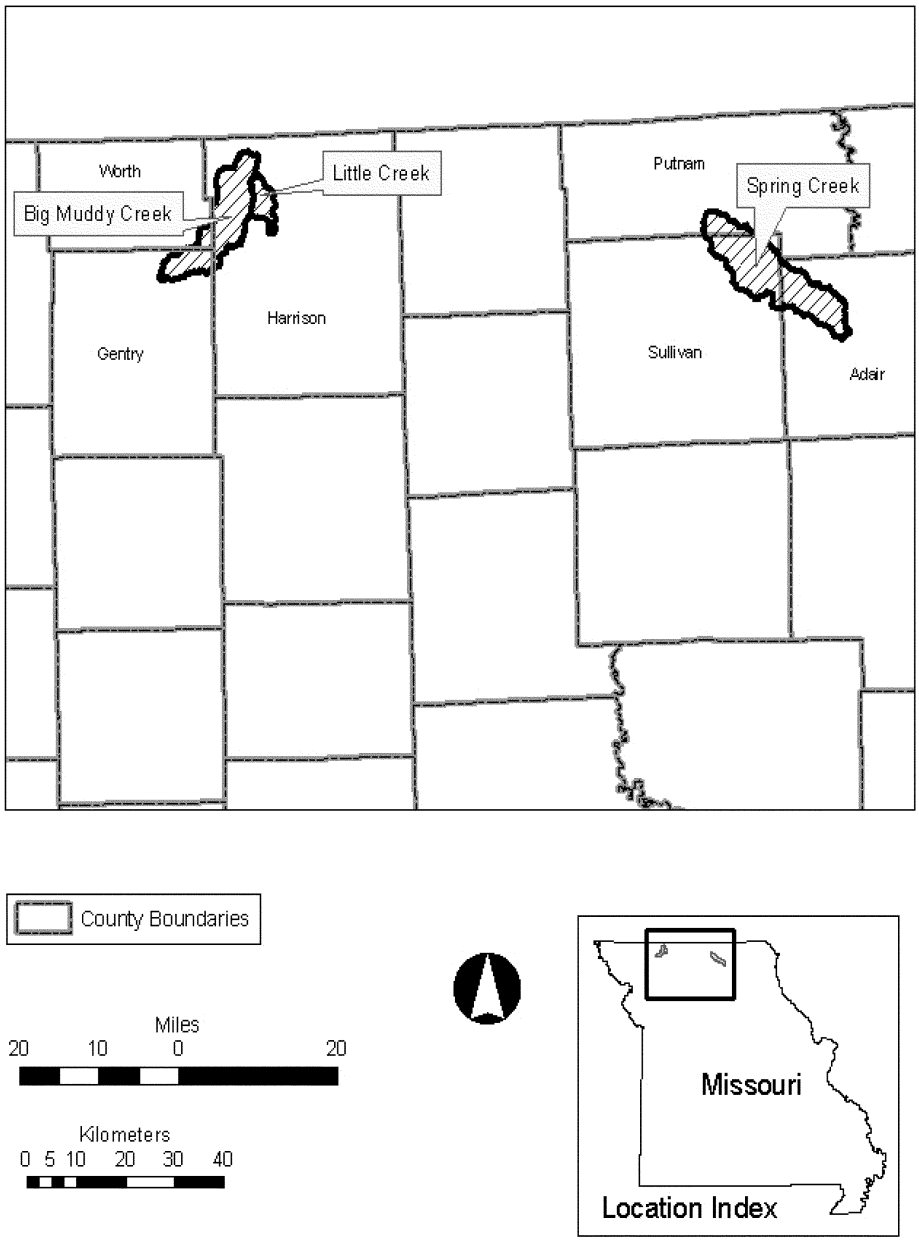
(iii) You may not possess, sell, deliver, carry, transport, ship, import, or export by any means, Topeka shiners, or parts thereof, that are taken or possessed in violation of paragraph (d)(3) of this section or in violation of the applicable State fish and wildlife laws or regulations or the Act.

(iv) You may not attempt to commit, solicit another to commit, or cause to be committed any offense defined in paragraph (d)(2)(iii) of this section.

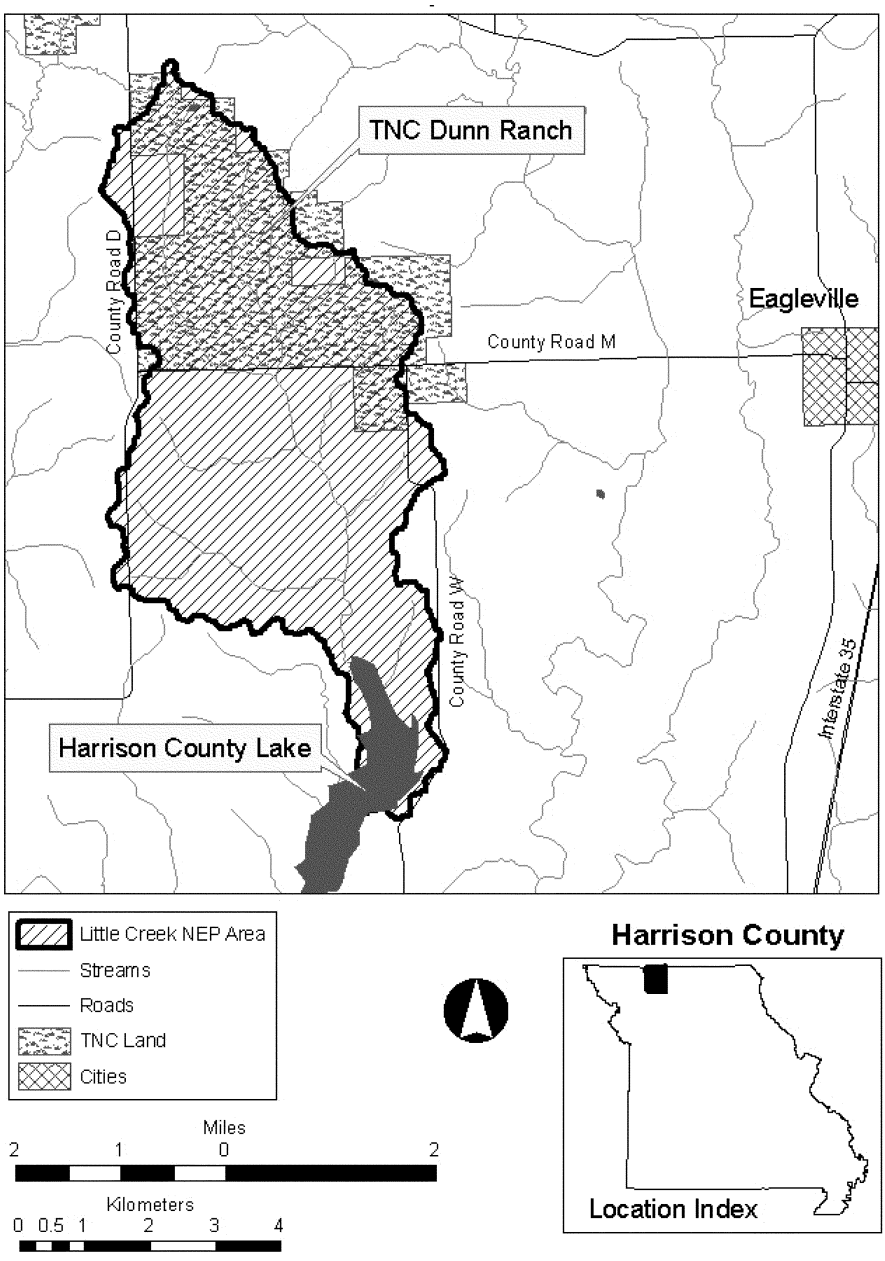
(3) *What take is allowed in the NEP area?* Take of this species that is incidental to an otherwise legal activity, such as agriculture, forestry and wildlife management, land development, recreation, and other activities, is allowed provided that the activity is not in violation of any applicable State fish and wildlife laws or regulations.

(4) *How will the effectiveness of these reintroductions be monitored?* We will monitor reintroduction efforts to assess changes in distribution within each watershed by sampling ponds and streams where releases occur for 10 years after reintroduction. Streams will be sampled annually, and ponds will be sampled annually for the first 3 years and biennially thereafter.

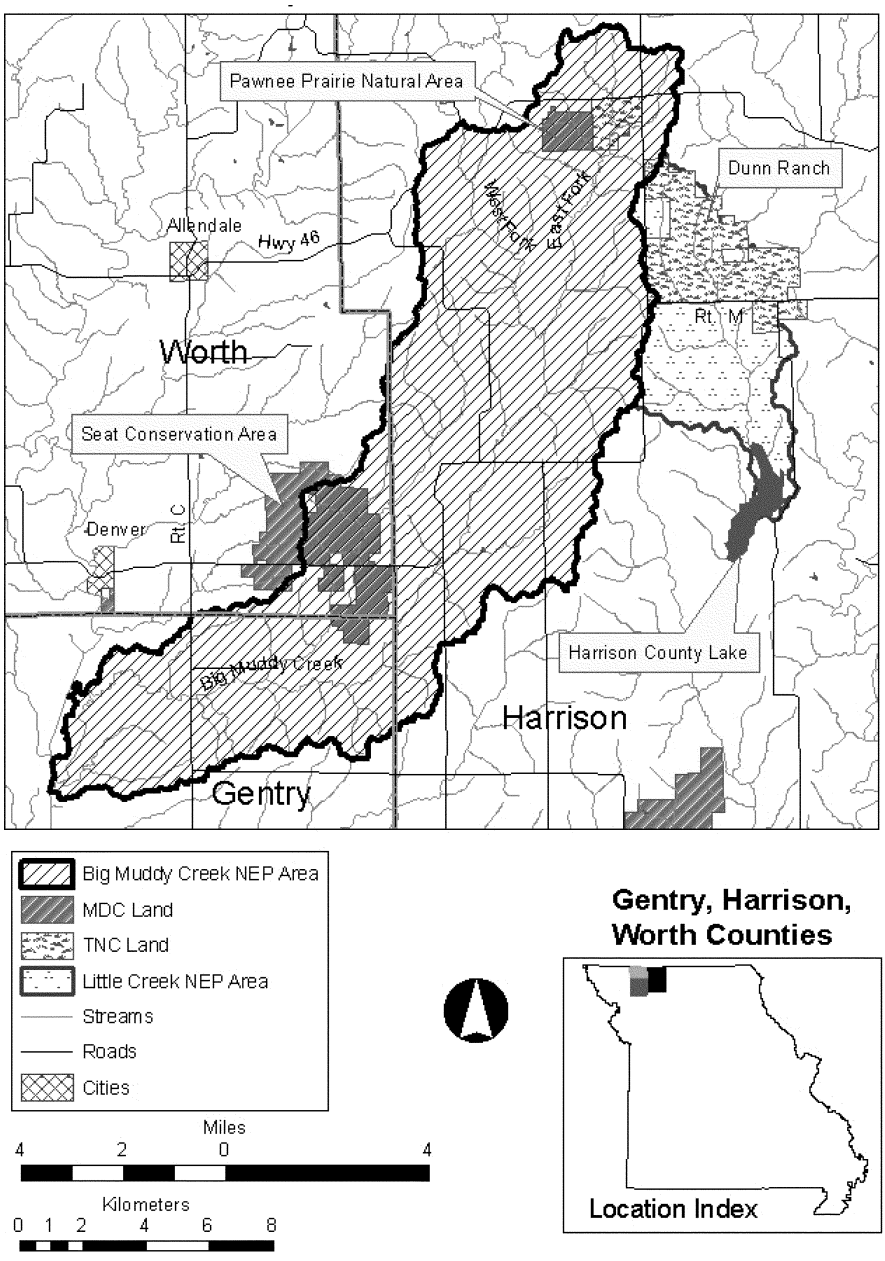
(5) *Note:* Map of the NEP areas [Big Muddy Creek (Gentry, Harrison, and Worth Counties), Little Creek (Harrison County), and Spring Creek (Adair, Putnam, and Sullivan Counties)] for the Topeka shiner, follows:



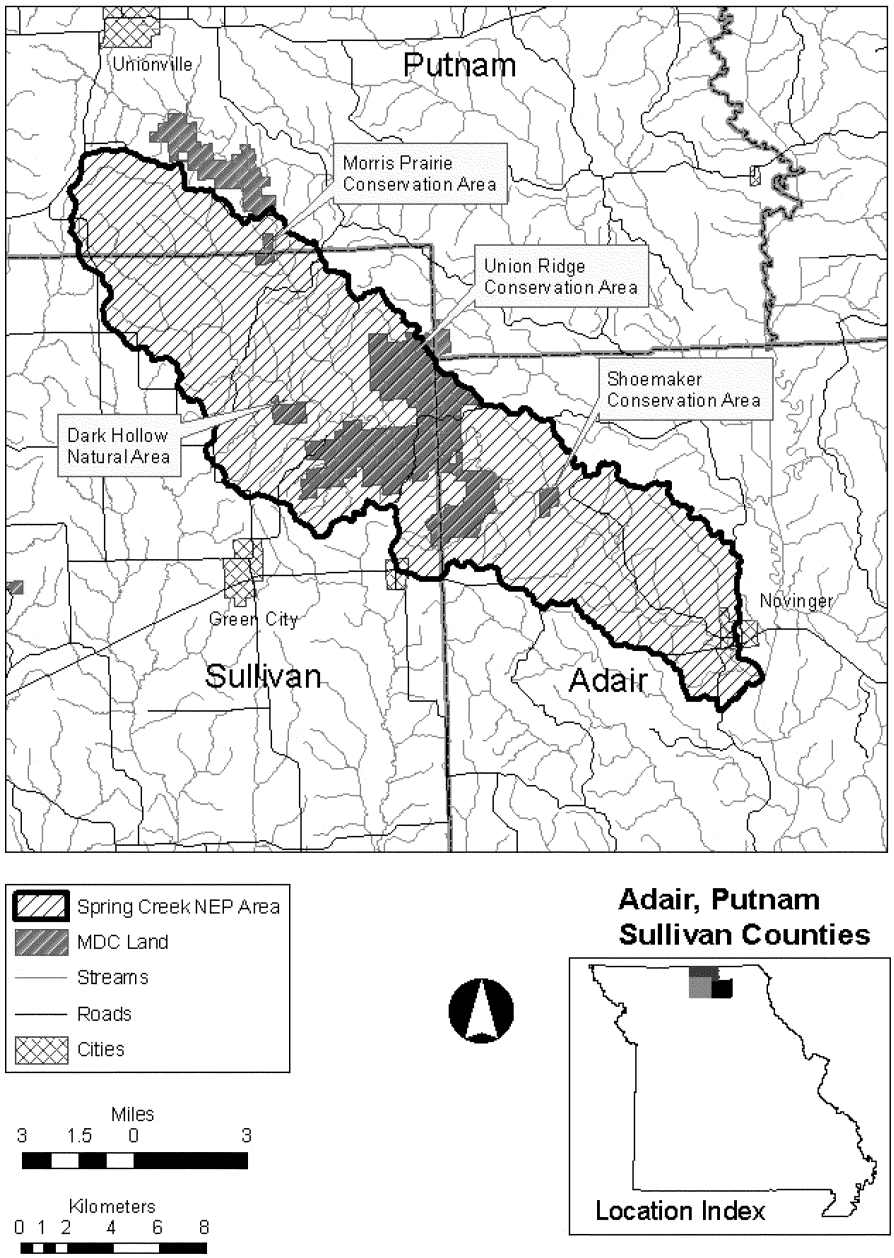
(6) *Note:* Map of the NEP area for the Topeka shiner in Little Creek watershed, Harrison County, follows:



(7) *Note:* Map of the NEP area for the Topeka shiner in Big Muddy Creek watershed, Gentry, Harrison, and Worth Counties, follows:



(8) *Note:* Map of the NEP area for the Topeka shiner in Spring Creek watershed, Adair, Putnam, and Sullivan Counties, follows:



(e) Yellowfin madtom (*Noturus flavipinnis*). (1) *Where is the yellowfin madtom designated as a nonessential experimental population (NEP)?* We have designated three populations of this species as NEPs: the North Fork Holston River Watershed NEP, the

Tellico River NEP, and the French Broad River and Holston River NEP.

(i) The North Fork Holston River Watershed NEP area is within the species' historic range and is defined as follows: The North Fork Holston River watershed, Washington, Smyth, and Scott Counties, Virginia; South Fork Holston River watershed upstream to Ft. Patrick Henry Dam, Sullivan County, Tennessee; and the Holston River from the confluence of the North and South Forks downstream to the John Sevier Detention Lake Dam, Hawkins County, Tennessee. This site is totally isolated from existing populations of this species by large Tennessee River tributaries and reservoirs. As the species is not known to inhabit reservoirs and because individuals of the species are not likely to move 100 river miles through these large reservoirs, the possibility that this population could come in contact with extant wild populations is unlikely.

(ii) The Tellico River NEP area is within the species' historic range and is defined as follows: The Tellico River, between the backwaters of the Tellico Reservoir (approximately Tellico River mile 19 (30.4 kilometers) and Tellico River mile 33 (52.8 kilometers), near the Tellico Ranger Station, Monroe County, Tennessee. This species is not currently known to exist in the Tellico River or its tributaries. Based on its habitat requirements, we do not expect this species to become established outside this NEP area. However, if individuals of this population move upstream or downstream or into tributaries outside the designated NEP area, we would presume that they came from the reintroduced population. We would then amend this regulation to enlarge the boundaries of the NEP area to include the entire range of the expanded population.

(iii) The French Broad River and Holston River NEP area is within the species' historic range and is defined as follows: the French Broad River, Knox and Sevier Counties, Tennessee, from the base of Douglas Dam (river mile (RM) 32.3 (51.7 km)) downstream to the confluence with the Holston River; then up the Holston River, Knox, Grainger, and Jefferson Counties, Tennessee, to the base of Cherokee Dam (RM 52.3 (83.7 km)); and the lower 5 RM (8 km) of all tributaries that enter these river reaches. This species is not known to exist in any of the tributaries to the free-flowing reaches of the French Broad River below Douglas Dam, Knox and Sevier Counties, Tennessee, or of the Holston River below the Cherokee Dam, Knox, Grainger, and Jefferson Counties, Tennessee. Based on its habitat requirements, we do not expect this species to become established outside this NEP area. However, if individuals of this population move upstream or downstream or into tributaries outside the designated NEP area, we would presume that they came from the reintroduced population. We would then amend this regulation to enlarge the boundaries of the NEP area to include the entire range of the expanded population.

(iv) We do not intend to change the NEP designations to ''essential experimental,'' ''threatened,'' or ''endangered'' within the NEP areas. Additionally, we will not designate critical habitat for these NEPs, as provided by 16 U.S.C. 1539(j)(2)(C)(ii).

(2) *What activities are not allowed in the NEP areas?* (i) Except as expressly allowed in paragraph (e)(3) of this section, all the prohibitions of §17.31(a) and (b) apply to the yellowfin madtom.

(ii) Any manner of take not described under paragraph (e)(3) of this section is prohibited in the NEP area. We may refer unauthorized take of this species to the appropriate authorities for prosecution.

(iii) You may not possess, sell, deliver, carry, transport, ship, import, or export by any means whatsoever any of the identified fishes, or parts thereof, that are taken or possessed in violation of paragraph (e)(2) of this section or in violation of the applicable State fish and wildlife laws or regulations or the Act.

(iv) You may not attempt to commit, solicit another to commit, or cause to be committed any offense defined in paragraph (e)(2) of this section.

(3) *What take is allowed in the NEP area?* Take of this species that is accidental and incidental to an otherwise legal activity, such as recreation (e.g., fishing, boating, wading, trapping, or swimming), forestry, agriculture, and

other activities that are in accordance with Federal, State, and local laws and regulations, is allowed.

(4) *How will the effectiveness of these reintroductions be monitored?* We will prepare periodic progress reports and fully evaluate these reintroduction efforts after 5 and 10 years to determine whether to continue or terminate the reintroduction efforts.

(5) *Note:* Map of the NEP area for the yellowfin madtom in the Tellico River, Tennessee, appears immediately following paragraph (m)(5) of this section.

(6) *Note:* Map of the NEP area for the yellowfin madtom in the French Broad River and Holston River, Tennessee, appears immediately following paragraph (m)(7) of this section.

(f) Guam rail (*Gallirallus*. (1) The Guam rail population identified in paragraph (f)(7) of this section is a nonessential experimental population.

(2) No person shall take this species, except:

(i) In accordance with a valid permit issued by the Service under §17.32 for educational purposes, scientific purposes, the enhancement of propagation or survival of the species, zoological exhibition, and other conservation purposes consistent with the Act; or

(ii) As authorized by the laws and regulations of the Commonwealth of the Northern Mariana Islands, after the Service has made the determination that the experimental population has become well established and occupies all suitable habitat island-wide.

(3) Any employee of the Service, the Commonwealth of the Northern Mariana Islands Division of Fish and Wildlife, or the Guam Division of Aquatic and Wildlife Resources who is designated for such purposes, may, when acting in the course of official duties, take a Guam rail without a permit if such action is necessary to:

(i) Aid a sick, injured, or orphaned specimen;

(ii) Dispose of a dead specimen;

(iii) Salvage a dead specimen that may be useful for scientific study; or

(iv) Take an animal that is responsible for depredations to personal property if it has not been possible to otherwise eliminate such depredations and/or loss of personal property, provided that such taking must be done in a humane manner and may involve injuring or killing the bird only if it has not been possible to eliminate depredations by live capturing and releasing the specimen unharmed in other suitable habitats.

(4) Any violation of applicable commonwealth of the Northern Mariana Islands fish and wildlife conservation laws or regulations with respect to the taking of this species (other than taking as described in paragraph (f)(2)(ii) of this section) will also be a violation of the Endangered Species Act.

(5) No person shall possess, sell, deliver, carry, transport, ship, import, or export by any means whatsoever, any such species taken in violation of these regulations or in violation of applicable Commonwealth of the Northern Mariana Islands fish and wildlife laws or regulations or the Endangered Species Act.

(6) It is unlawful for any person to attempt to commit, solicit another to commit, or cause to be committed, any offense defined in paragraphs (f) (2) through (5) of this section.

(7) The sites for introduction of Guam rails on Rota, Commonwealth of the Northern Mariana Islands, are on an island separated from Guam by 50 kilometers of ocean. The last known observation of an individual of this species occurred near the northern tip of Guam, which is closest to the island of Rota. No intermingling of these populations will occur since this species has been extirpated in the wild on Guam. The Rota release sites are of necessity outside the historic range of the Guam rail, as described in this regulation, because its primary range has been unsuitably and irreversibly destroyed by the brown tree snake.

(8) The nonessential experimental population on Rota will be checked periodically by staff of the Commonwealth of the Northern Mariana Islands Division of Fish and Wildlife and cooperating staff from the University of Tennessee to determine dispersal patterns, mortality, and reproductive success. The overall success of the releases and general health of the population will also be assessed.

(g) Black-footed ferret (*Mustela nigripes*). (1) The black-footed ferret populations identified in paragraphs

(g)(9)(i) through (viii) of this section are nonessential experimental populations. We will manage each of these populations, and each reintroduction site in the Southwest and Wyoming nonessential experimental populations, in accordance with their respective management plans.

(2) No person may take this species in the wild in the experimental population area, except as provided in paragraphs (g)(3), (4), (5), and (10) of this section.

(3) Any person with a valid permit issued by the U.S. Fish and Wildlife Service (Service) under section 17.32 may take black-footed ferrets in the wild in the experimental population areas.

(4) Any employee or agent of the Service or appropriate State wildlife agency designated for such purposes, acting in the course of official duties, may take a black-footed ferret in the wild in the experimental population areas if such action is necessary:

(i) For scientific purposes;

(ii) To relocate a ferret to avoid conflict with human activities;

(iii) To relocate a ferret that has moved outside the Little Snake Black-footed Ferret Management Area/Coyote Basin Primary Management Zone or the Rosebud Sioux Reservation Experimental Population Area when that relocation is necessary to protect the ferret or is requested by an affected landowner or land manager, or whose removal is requested pursuant to paragraph (g)(12) of this section.

(iv) To relocate ferrets within the experimental population area to improve ferret survival and recovery prospects;

(v) To relocate ferrets from the experimental population areas into other ferret reintroduction areas or captivity;

(vi) To aid a sick, injured, or orphaned animal; or

(vii) To salvage a dead specimen for scientific purposes.

(5) A person may take a ferret in the wild within the experimental population areas, provided such take is incidental to and not the purpose of, the carrying out of an otherwise lawful activity and if such ferret injury or mortality was unavoidable, unintentional, and did not result from negligent conduct. Such conduct is not considered intentional or ''knowing take'' for the purposes of this regulation, and the Service will not take legal action for such conduct. However, we will refer cases of knowing take to the appropriate authorities for prosecution.

(6) You must report any taking pursuant to paragraphs (g)(3), (4)(vi) and (vii), and (5) of this section to the appropriate Service Field Supervisor, who will determine the disposition of any live or dead specimens.

(i) Report such taking in Wyoming, including the Shirley Basin/Medicine Bow experimental population area, to the Field Supervisor, Ecological Services, Fish and Wildlife Service, Cheyenne, Wyoming (telephone: 307/772–2374).

(ii) Report such taking in the Conata Basin/Badlands experimental population area to the Field Supervisor, Ecological Services, Fish and Wildlife Service, Pierre, South Dakota (telephone: 605/224–8693).

(iii) Report such taking in the northcentral Montana experimental population area to the Field Supervisor, Ecological Services, Fish and Wildlife Service, Helena, Montana (telephone: 406/449–5225).

(iv) Report such taking in the Southwest Experimental Population Area (SWEPA) to the Field Supervisor, Ecological Services, U.S. Fish and Wildlife Service, Phoenix, Arizona (telephone: 602–242–0210).

(v) Report such taking in the northwestern Colorado/northeastern Utah experimental population area to the appropriate Field Supervisor, Ecological Services, U.S. Fish and Wildlife Service, Lakewood, Colorado (telephone: 303/275–2370), or Salt Lake City, Utah (telephone: 801/524–5001).

(vi) Report such taking in the Cheyenne River Sioux Tribe Experimental Population Area to the Field Supervisor, Ecological Services, U.S. Fish and Wildlife Service, Pierre, South Dakota (telephone 605/224–8693).

(vii) Report such taking in the Rosebud Sioux Reservation Experimental Population Area to the Field Supervisor, Ecological Services, U.S. Fish and Wildlife Service, Pierre, South Dakota (telephone 605/224–8693).

(7) No person shall possess, sell, deliver, carry, transport, ship, import, or export by any means whatsoever, any ferret or part thereof from the experimental populations taken in violation of these regulations or in violation of applicable State fish and wildlife laws or regulations or the Endangered Species Act.

(8) It is unlawful for any person to attempt to commit, solicit another to commit, or cause to commit, any offense defined in paragraphs (g)(2) and (7) of this section.

(9) The sites for reintroduction of black-footed ferrets are within the historical range of the species.

(i) We consider the Shirley Basin/Medicine Bow Management Area on the attached map of Wyoming to be the core recovery area for this species in southeastern Wyoming. The boundaries of the nonessential experimental population are that part of Wyoming south and east of the North Platte River within Natrona, Carbon, and Albany Counties (see Wyoming map). All marked ferrets found in the wild within these boundaries prior to the first breeding season following the first year of releases constituted the nonessential experimental population during this period. All ferrets found in the wild within these boundaries during and after the first breeding season following the first year of releases comprise the nonessential experimental population, thereafter.

(ii) We consider the Conata Basin/Badlands Reintroduction Area on the attached map for South Dakota to be the core recovery area for this species in southwestern South Dakota. The boundaries of the nonessential experimental population area occur north of State Highway 44 and BIA Highway 2 east of the Cheyenne River and BIA Highway 41, south of I–90, and west of State Highway 73 within Pennington, Shannon, and Jackson Counties, South Dakota. Any black-footed ferret found in the wild within these boundaries is part of the nonessential experimental population after the first breeding season following the first year of releases of black-footed ferret in the Reintroduction Area. A black-footed ferret occurring outside the experimental population area in South Dakota is considered as endangered but may be captured for genetic testing. We will dispose of the captured animal in one of the following ways if necessary:

(A) We may return an animal genetically related to the experimental population to the Reintroduction Area or to a captive facility.

(B) Under an existing contingency plan, we will use up to nine black-footed ferrets genetically unrelated to the experimental population in the captive-breeding program. If a landowner outside the experimental population area wishes to retain black-footed ferrets on his property, we will develop a conservation agreement or easement with the landowner.

(iii) We consider the Northcentral Montana Reintroduction Area shown on the attached map for Montana to be the core recovery area for this species in northcentral Montana. The boundaries of the nonessential experimental population are those parts of Phillips and Blaine Counties, Montana, described as the area bounded on the north beginning at the northwest corner of the Fort Belknap Indian Reservation on the Milk River; east following the Milk River to the east Phillips County line; then south along said line to the Missouri River; then west along the Missouri River to the west boundary of Phillips County; then north along said county line to the west boundary of Fort Belknap Indian Reservation; then further north along said boundary to the point of origin at the Milk River. All marked ferrets found in the wild within these boundaries prior to the first breeding season following the first year of releases constituted the nonessential experimental population during this period. All ferrets found in the wild within these boundaries during and after the first breeding season following the first year of releases comprise the nonessential experimental population thereafter. A black-footed ferret occurring outside the experimental area in Montana is initially considered as endangered but may be captured for genetic testing. We will dispose of the captured animal in one of the following ways if necessary:

(A) We may return an animal genetically related to the experimental population to the reintroduction area or to a captive facility.

(B) Under an existing contingency plan, we will use up to nine black-footed ferrets genetically unrelated to the experimental population in the captive-breeding program. If a landowner outside the experimental population area wishes to retain black-footed ferrets on his property, we will develop a conservation agreement or easement with the landowner.

(iv) We consider the Southwest Experimental Population Area (SWEPA) to be the area shown on a map following paragraph (g)(12) of this section. The SWEPA includes the core recovery areas for this species in Arizona. The boundary of the northern section of the SWEPA is those parts of Apache, Coconino, Gila, Mohave, Navajo, and Yavapai Counties, Arizona, that include the northern area as delineated on the map, excluding Hopi District 6. The northern section also includes portions of Cibola, McKinley, Rio Arriba, Sandoval, and San Juan Counties, New Mexico, and San Juan County, Utah, that coincide with Navajo Nation lands. The boundary of the southern section of the SWEPA is those parts of Cochise, Pima, Pinal, Graham, and Santa Cruz Counties, Arizona, that include the southern area as delineated on the map. After the first breeding season following the first year of black-footed ferret release, we will consider any black-footed ferret found in the SWEPA as part of the nonessential experimental population. We would not consider a black-footed ferret occurring outside of the Arizona, New Mexico, and Utah portions of the SWEPA a member of the nonessential experimental population, and we may capture it for genetic testing. We may dispose of the captured animal in the following ways:

(A) If an animal is genetically determined to have originated from the experimental population, we may return it to the reintroduction area or to a captive-breeding facility.

(B) If an animal is determined to be genetically unrelated to the experimental population, we will place it in captivity under an existing contingency plan.

(v) We consider the Little Snake Black-footed Ferret Management Area in Colorado and the Coyote Basin Black-footed Ferret Primary Management Zone in Utah as the initial recovery sites for this species within the Northwestern Colorado/Northeastern Utah Experimental Population Area (see Colorado/Utah map). The boundaries of the nonessential Experimental Population Area will be all of Moffat and Rio Blanco Counties in Colorado west of Colorado State Highway 13; all of Uintah and Duchesne Counties in Utah; and in Sweetwater County, Wyoming, the line between Range 96 and 97 West (eastern edge), Range 102 and 103 West (western edge), and Township 14 and 15 North (northern edge). All marked ferrets found in the wild within these boundaries prior to the first breeding season following the first year of release will constitute the nonessential experimental population during this period. All ferrets found in the wild within these boundaries during and after the first breeding season following the first year of releases of ferrets into the reintroduction area will comprise the nonessential experimental population thereafter. A black-footed ferret occurring outside the Experimental Population Area is initially considered as endangered but may be captured for genetic testing. We will dispose of the captured animal in one of the following ways if necessary:

(A) We may return an animal genetically related to the experimental population to the Reintroduction Area or to a captive facility.

(B) Under an existing contingency plan, we will use up to nine black-footed ferrets genetically unrelated to the experimental population in the captive-breeding program. If a landowner outside the experimental population area wishes to retain black-footed ferrets on his property, we will develop a conservation agreement or easement with the landowner.

(vi) The Cheyenne River Sioux Tribe Reintroduction Area is shown on the map of north-central South Dakota at the end of paragraph (g) of this section.

The boundaries of the nonessential experimental population area are the exterior boundaries of the Cheyenne River Sioux Reservation which includes all of Dewey and Ziebach Counties, South Dakota. Any black-footed ferret found in the wild within these counties will be considered part of the nonessential experimental population after the first breeding season following the first year of black-footed ferret release. A black-footed ferret occurring outside the Experimental Population Area in north-central South Dakota would initially be considered as endangered but may be captured for genetic testing. When a ferret is found outside the Experimental Population Area, the following may occur:

(A) If an animal is genetically determined to have originated from the experimental population, we may return it to the reintroduction area or to a captive-breeding facility.

(B) If an animal is determined to be genetically unrelated to the experimental population, we will place it in captivity under an existing contingency plan. Up to nine black-footed ferrets may be taken for use in the captive-breeding program.

(vii) The Rosebud Sioux Reservation Experimental Population Area is shown on the map of south-central South Dakota at the end of paragraph (g) of this section. The boundaries of the nonessential experimental population area include all of Gregory, Mellette, Todd, and Tripp Counties in South Dakota. Any black-footed ferret found within these four counties will be considered part of the nonessential experimental population after the first breeding season following the first year of black-footed ferret release. A black-footed ferret occurring outside the nonessential experimental population area in south-central South Dakota will initially be considered as endangered but may be captured for genetic testing. If necessary, disposition of the captured animal may occur in the following ways:

(A) If an animal is genetically determined to have originated from the experimental population, we may return it to the reintroduction area or to a captive-breeding facility.

(B) If an animal is determined to be genetically unrelated to the experimental population, we will place it in captivity under an existing contingency plan. Up to nine black-footed ferrets may be taken for use in the captive-breeding program.

(viii) The Wyoming Experimental Population Area encompasses most of the State of Wyoming. The boundaries of the nonessential experimental population include all areas in the State of Wyoming outside of the Shirley Basin/Medicine Bow Management Area (see paragraph (g)(9)(i) of this section) and the small portion of Wyoming included as part of the Northwestern Colorado/Northeastern Utah Experimental Population Area (see paragraph (g)(9)(v) of this section). Collectively, however, these three 10(j) areas cover the entire State of Wyoming. Any black-footed ferret found within the Wyoming NEP Experimental Population Area will be considered part of a nonessential experimental population. A black-footed ferret that disperses beyond the boundaries of the nonessential experimental population area takes on the status of that area (endangered, unless within another nonessential experimental population area). Such animals may be captured for genetic testing and relocation. If necessary, disposition of the captured animal may occur in the following ways:

(A) If an animal is genetically determined to have originated from the experimental population, we may return it to the reintroduction area or to a captive-breeding facility.

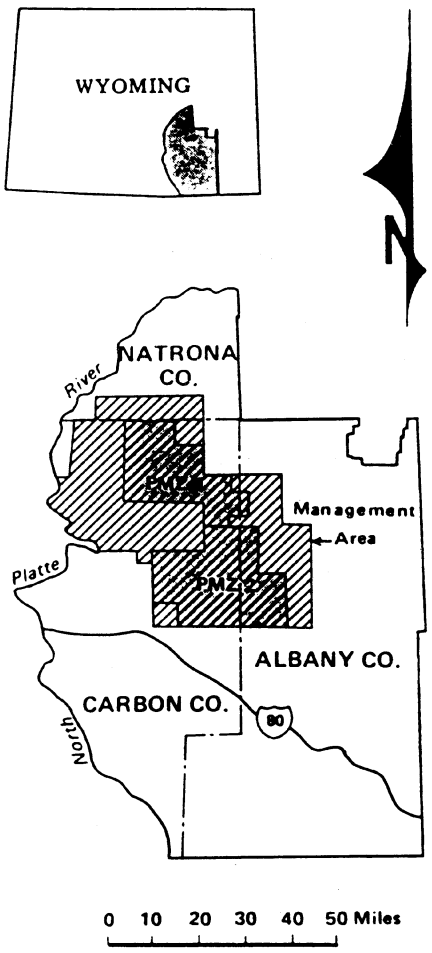
(B) If an animal is determined to be genetically unrelated to the experimental population, we will place it in captivity under an existing contingency plan.

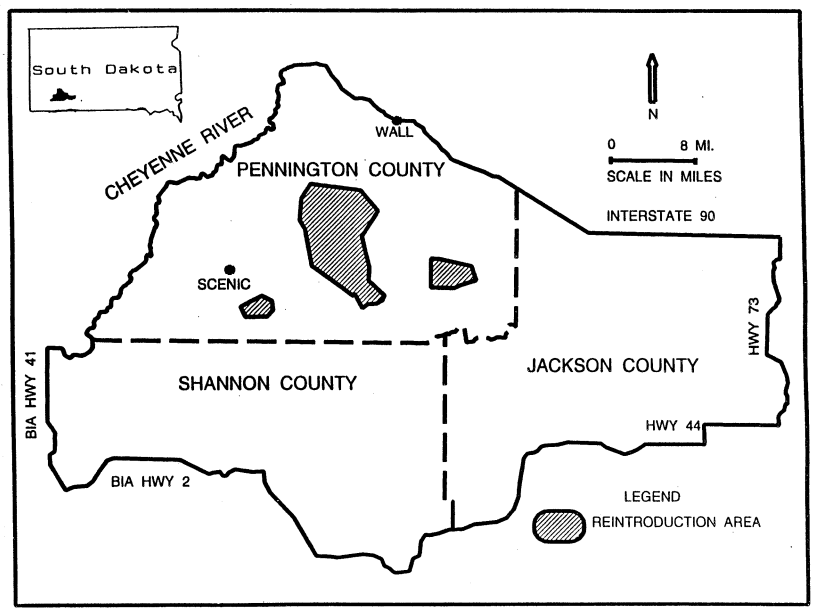
(10) Monitoring the reintroduced populations will occur continually during the life of the project, including the use of radio telemetry and other remote sensing devices, as appropriate. Vaccination of all released animals will occur prior to release, as appropriate, to prevent diseases prevalent in mustelids. Any animal that is sick, injured, or otherwise in need of special care may be captured by authorized personnel of the Service or appropriate State wildlife agency or their agents

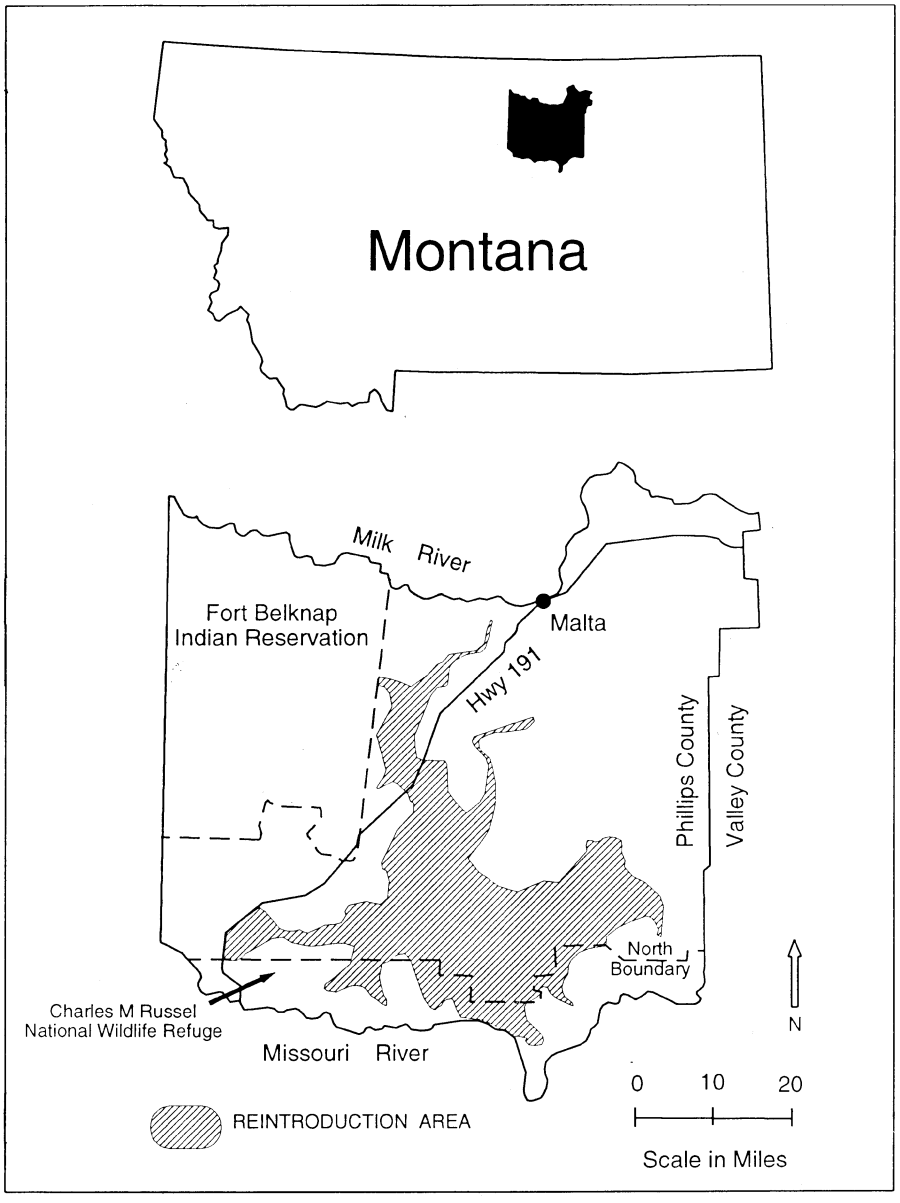
and given appropriate care. Such an animal may be released back to its appropriate reintroduction area or another authorized site as soon as possible, unless physical or behavioral problems make it necessary to return the animal to captivity.

(11) We will reevaluate the status of the experimental population within the first five years after the first year of release of black-footed ferrets to determine future management needs. This review will take into account the reproductive success and movement patterns of the individuals released into the area, as well as the overall health of the experimental population and the prairie dog ecosystem in the above described areas. We will propose reclassification of the black-footed ferret when we meet the appropriate recovery objectives for the species.

(12) We will not include a reevaluation of the ''nonessential experimental'' designation for these populations during our review of the initial five year reintroduction program. We do not foresee any likely situation justifying alteration of the nonessential experimental status of these populations. Should any such alteration prove necessary and it results in a substantial modification to black-footed ferret management on non-Federal lands, any private landowner who consented to the introduction of black-footed ferrets on their lands may rescind their consent, and at their request, we will relocate the ferrets pursuant to paragraph (g)(4)(iii) of this section.




South Dakota
CHEYENNE RIVER
WALL
PENNINGTON COUNTY
N
0 8 MI.
SCALE IN MILES
INTERSTATE 90
SCENIC
HWY 73
BIA HWY 41
SHANNON COUNTY
JACKSON COUNTY
HWY 44
BIA HWY 2
LEGEND
REINTRODUCTION AREA


Montana
Milk River
Fort Belknap
Indian Reservation
Malta
Hwy 191
Phillips County
Valley County
North
Boundary
N
Charles M Russel
National Wildlife Refuge
Missouri River
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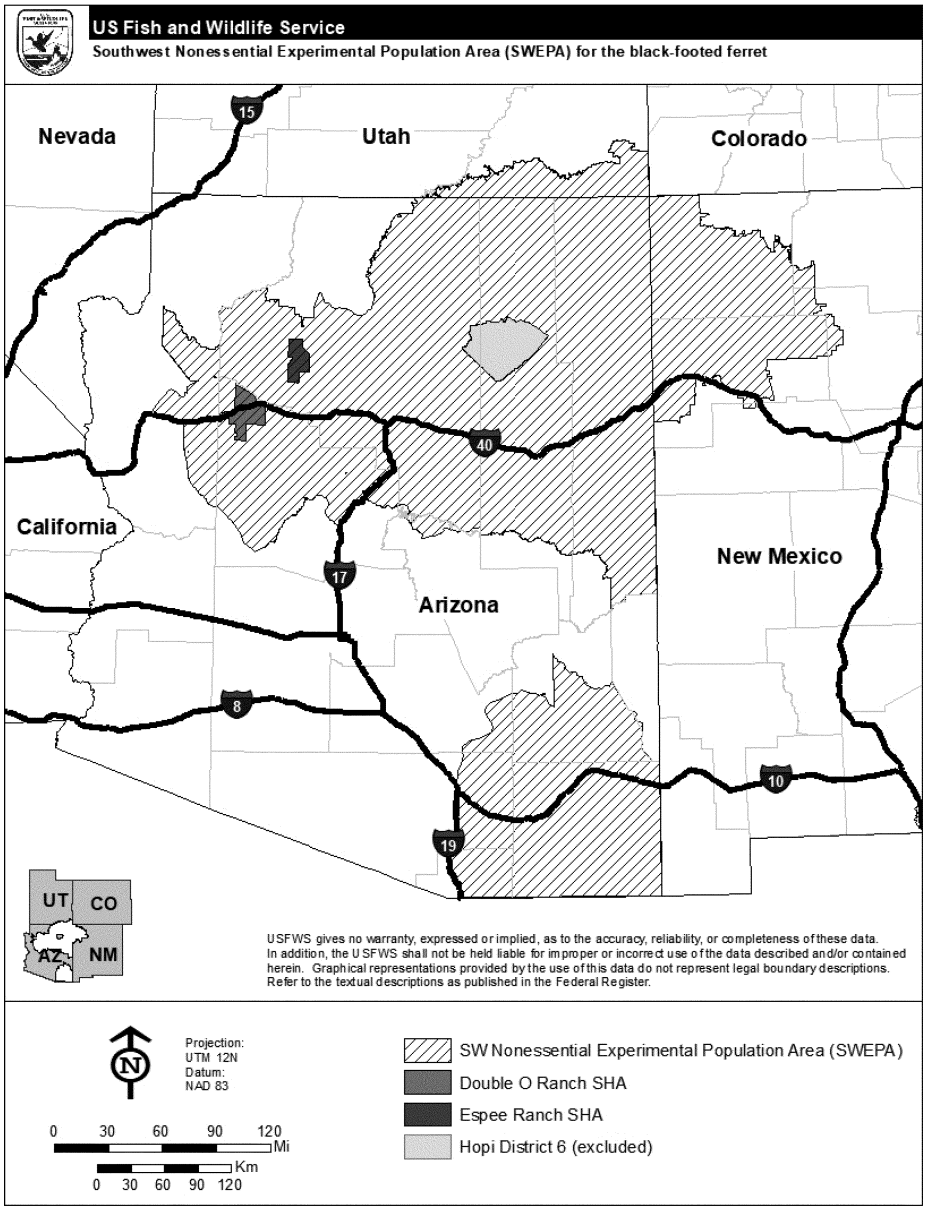
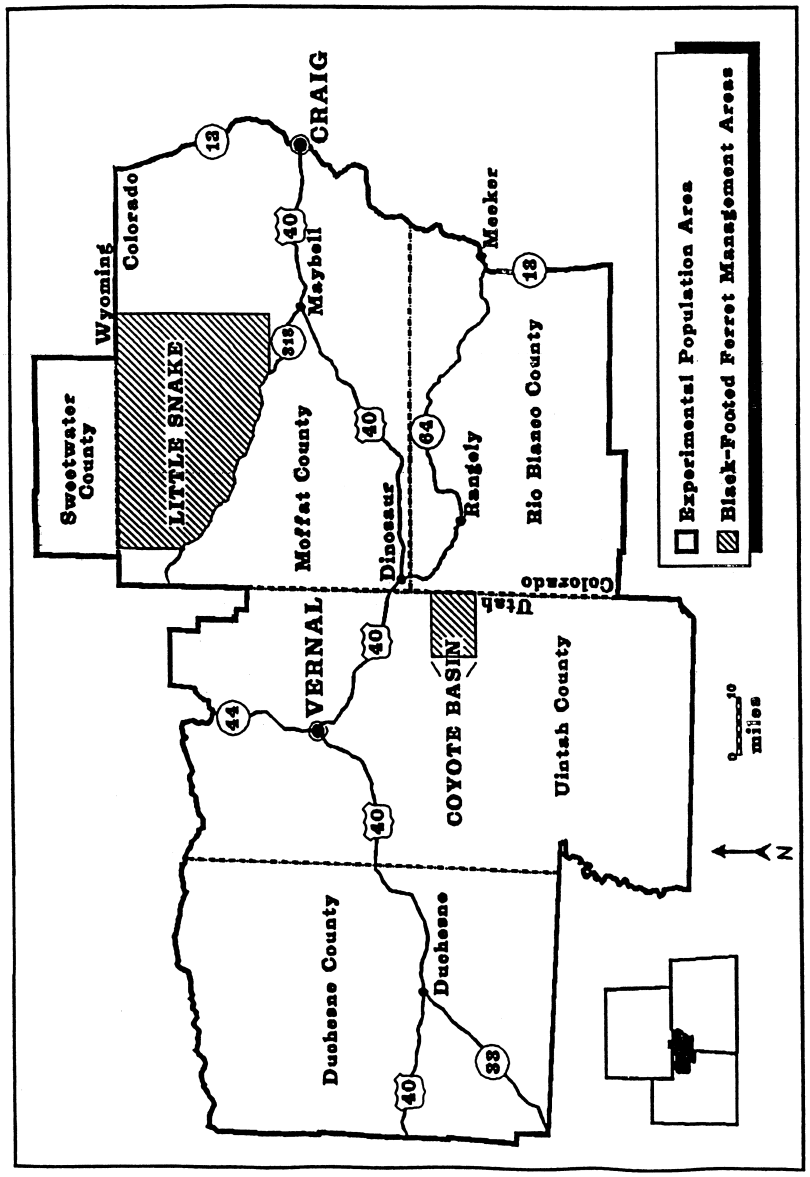
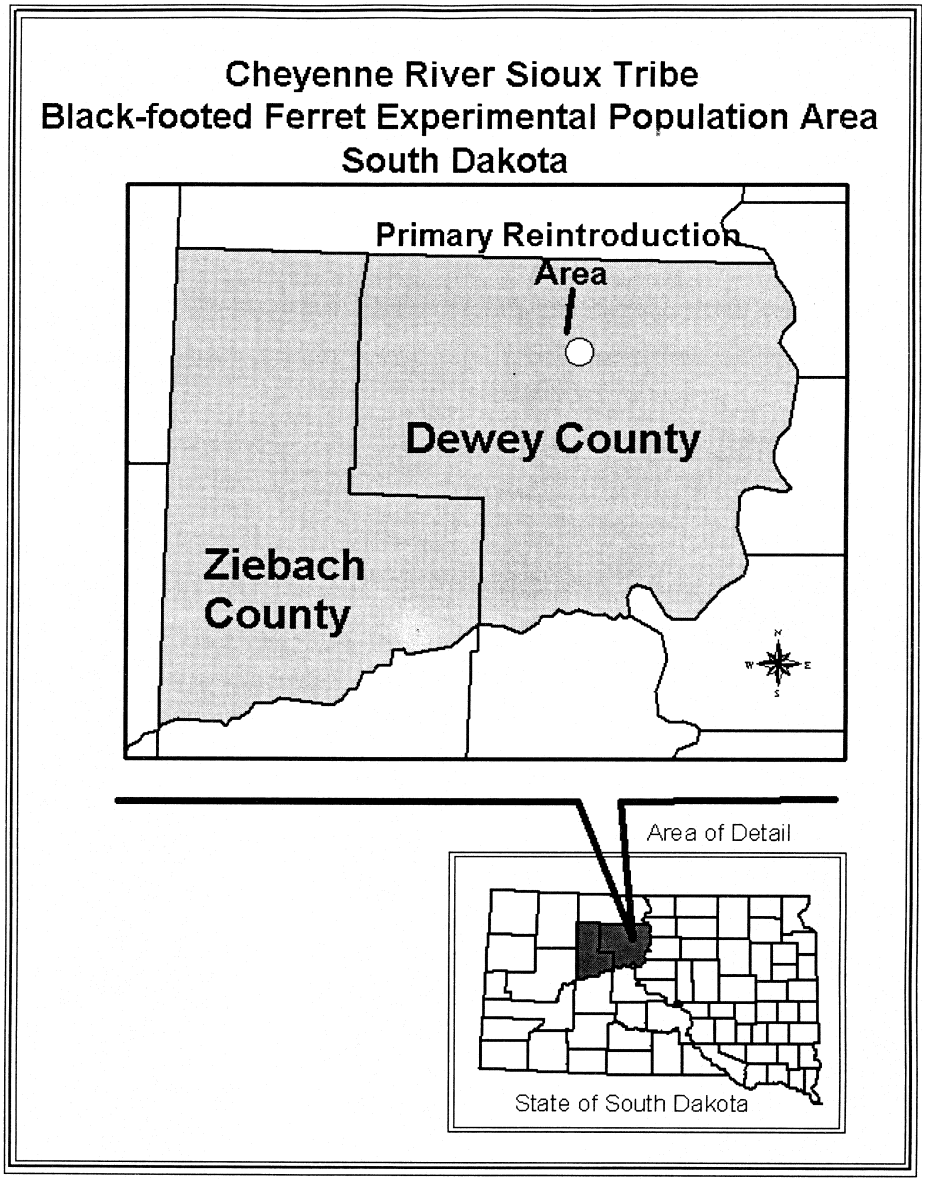
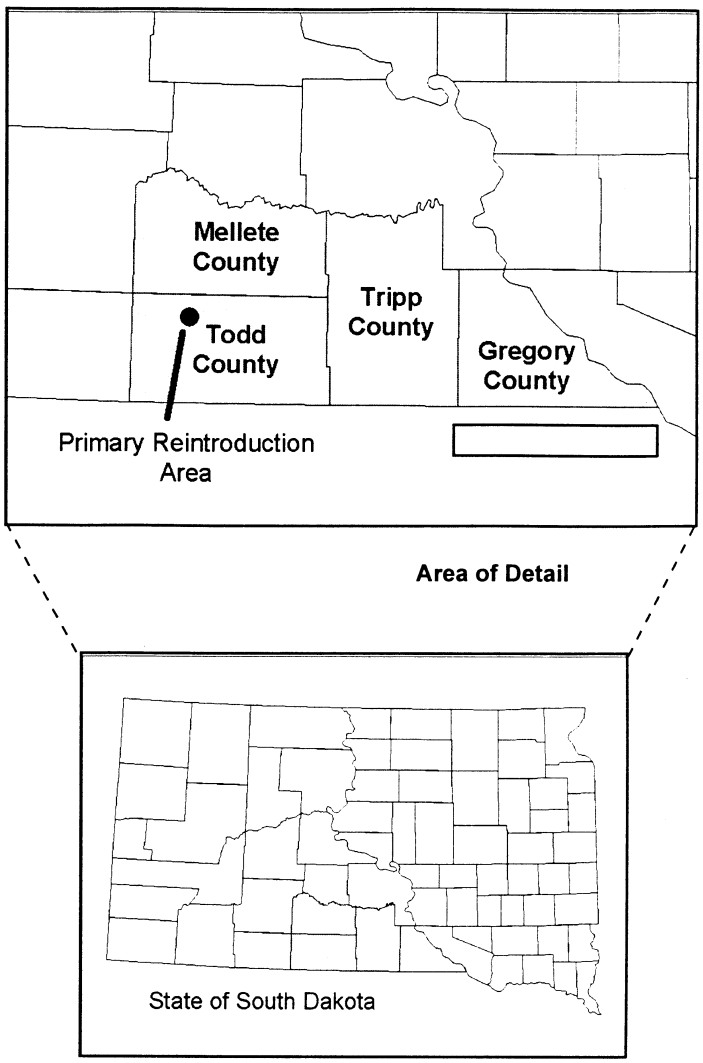
REINTRODUCTION AREA
Scale in Miles


US Fish and Wildlife Service
Southwest Nonessential Experimental Population Area (SWEPA) for the black-footed ferret
Nevada
Utah
Colorado
California
New Mexico
Arizona
15
40
17
8
10
19
UT
CO
AZ
NM
USFWS gives no warranty, expressed or implied, as to the accuracy, reliability, or completeness of these data. In addition, the USFWS shall not be held liable for improper or incorrect use of the data described and/or contained herein. Graphical representations provided by the use of this data do not represent legal boundary descriptions. Refer to the textual descriptions as published in the Federal Register.
Projection:
UTM 12N
Datum:
NAD 83
0 30 60 90 120
Mi
Km
0 30 60 90 120
SW Nonessential Experimental Population Area (SWEPA)
Double O Ranch SHA
Espee Ranch SHA
Hopi District 6 (excluded)

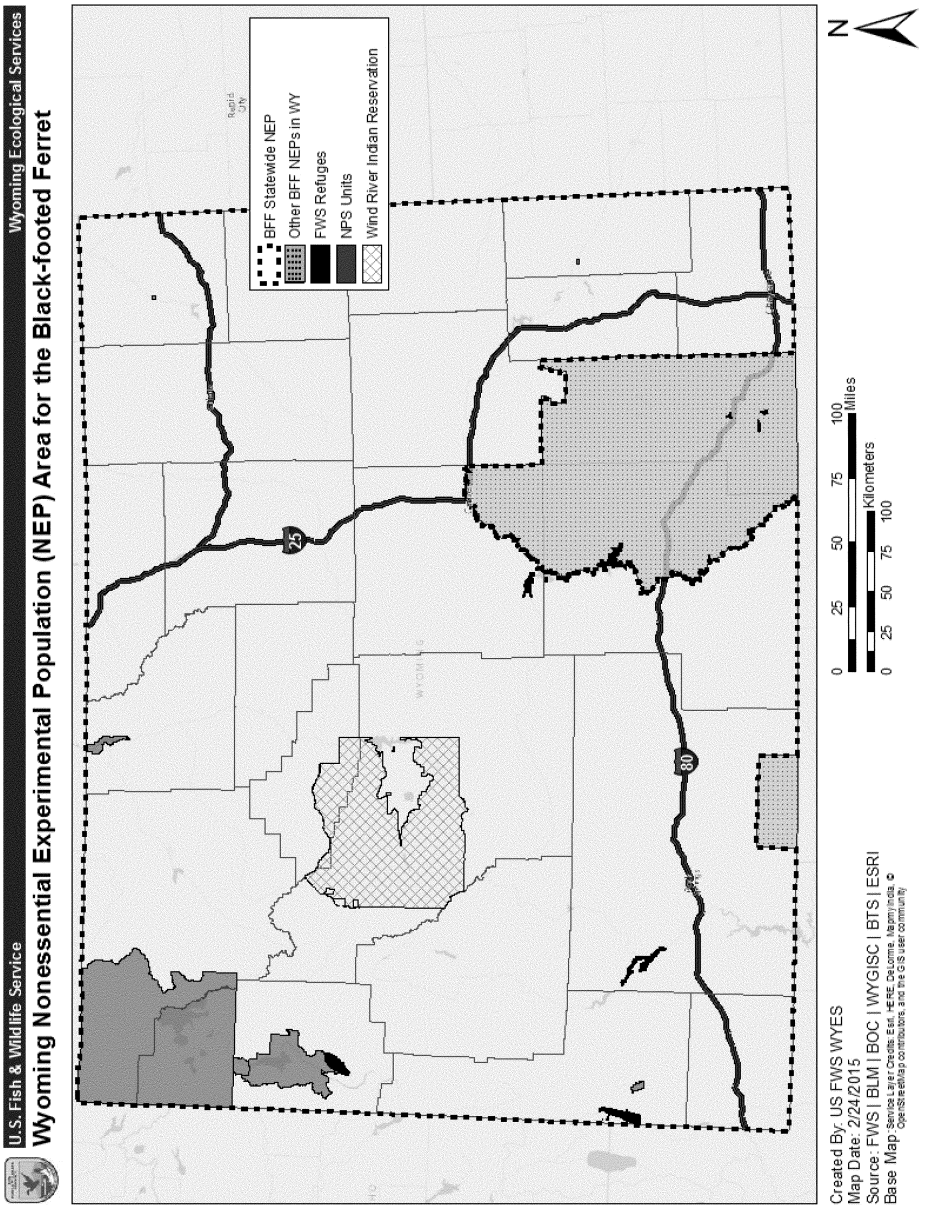


Map Showing the Boundaries of the Black-footed Ferret Experimental Population Area and the Management Area/PMZ for Northwestern Colorado/Northeastern Utah.


Cheyenne River Sioux Tribe
Black-footed Ferret Experimental Population Area
South Dakota
Primary Reintroduction Area
Dewey County
Ziebach County
N
W
E
S
Area of Detail
State of South Dakota



Rosebud Sioux Tribe ITOPA SAPA KIN (Black-footed Ferret)
Experimental Population Area - South Dakota



(h) Whooping crane (*Grus americana*). (1) The whooping crane populations identified in paragraphs (h)(9)(i) through (iv) of this section are nonessential experimental populations (NEPs) as defined in §17.80.

(i) The only natural extant population of whooping cranes, known as the Aransas/Wood Buffalo National Park population, occurs well west of the Mississippi River. This population nests in the Northwest Territories and

adjacent areas of Alberta, Canada, primarily within the boundaries of the Wood Buffalo National Park, and winters along the Central Texas Gulf of Mexico coast at Aransas National Wildlife Refuge.

(ii) No natural populations of whooping cranes are likely to come into contact with the NEPs set forth in paragraphs (h)(9)(i) through (iv) of this section. Whooping cranes adhere to ancestral breeding grounds, leaving little possibility that individuals from the extant Aransas/Wood Buffalo National Park population will stray into the NEPs. Studies of whooping cranes have shown that migration is a learned rather than an innate behavior.

(2) No person may take this species in the wild in the experimental population areas, except when such take is accidental and incidental to an otherwise lawful activity, or as provided in paragraphs (h)(3) and (4) of this section. Examples of otherwise lawful activities include, but are not limited to, oil and gas exploration and extraction, aquacultural practices, agricultural practices, pesticide application, water management, construction, recreation, trapping, or hunting, when such activities are in full compliance with all applicable laws and regulations.

(3) Any person with a valid permit issued by the Fish and Wildlife Service (Service) under §17.32 may take whooping cranes in the wild in the experimental population areas for educational purposes, scientific purposes, the enhancement of propagation or survival of the species, and other conservation purposes consistent with the ESA and in accordance with applicable State fish and wildlife conservation laws and regulations.

(4) Any employee or agent of the Service or State wildlife agency who is designated for such purposes, when acting in the course of official duties, may take a whooping crane in the wild in the experimental population areas if such action is necessary to:

(i) Relocate a whooping crane to avoid conflict with human activities;

(ii) Relocate a whooping crane that has moved outside any of the areas identified in paragraphs (h)(9)(i) through (iv) of this section, when removal is necessary or requested and is authorized by a valid permit under §17.22;

(iii) Relocate whooping cranes within the experimental population areas to improve survival and recovery prospects;

(iv) Relocate whooping cranes from the experimental population areas into captivity;

(v) Aid a sick, injured, or orphaned whooping crane; or

(vi) Dispose of a dead specimen or salvage a dead specimen that may be useful for scientific study.

(5) Any taking pursuant to paragraphs (h)(3) and (4) of this section must be immediately reported to the National Whooping Crane Coordinator, U.S. Fish and Wildlife Service, P.O. Box 100, Austwell, TX 77950 (Phone: 361–286–3559), who, in conjunction with his counterpart in the Canadian Wildlife Service, will determine the disposition of any live or dead specimens.

(6) No person shall possess, sell, deliver, carry, transport, ship, import, or export by any means whatsoever, any such species from the experimental populations taken in violation of these regulations or in violation of applicable State fish and wildlife laws or regulations or the Endangered Species Act.

(7) It is unlawful for any person to attempt to commit, solicit another to commit, or cause to be committed any offense defined in paragraphs (h)(2) through (6) of this section.

(8) The Service will not mandate any closure of areas, including National Wildlife Refuges, during hunting or conservation order seasons, or closure or modification of hunting or conservation order seasons, in the following situations:

(i) For the purpose of avoiding take of whooping cranes in the NEPs identified in paragraphs (h)(9)(i) through (iv) of this section;

(ii) If a clearly marked whooping crane from the NEPs identified in paragraphs (h)(9)(i) through (iv) of this section wanders outside the designated NEP areas. In this situation, the Service will attempt to capture the stray bird and return it to the appropriate area if removal is requested by the State.

(9) All whooping cranes found in the wild within the boundaries listed in

paragraphs (h)(9)(i) through (iv) of this section will be considered nonessential experimental animals. Geographic areas the nonessential experimental populations may inhabit are within the historic range of the whooping crane in the United States and include the following:

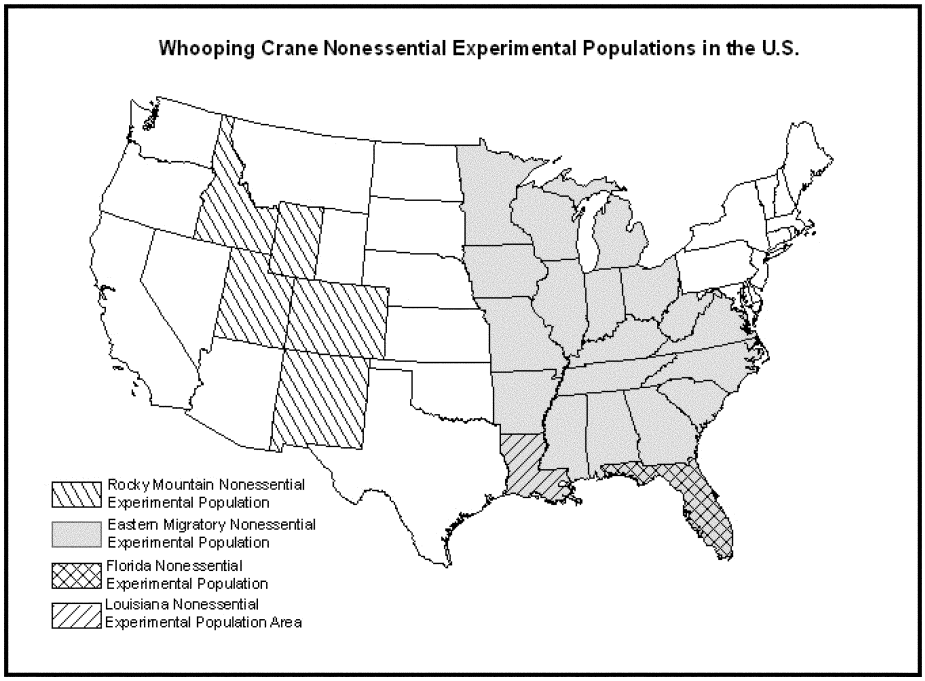
(i) The entire State of Florida (the Kissimmee Prairie NEP). The reintroduction site is the Kissimmee Prairie portions of Polk, Osceola, Highlands, and Okeechobee Counties. The experimental population released at Kissimmee Prairie is expected to remain mostly within the prairie region of central Florida.

(ii) The States of Colorado, Idaho, New Mexico, and Utah, and the western half of the State of Wyoming (the Rocky Mountain NEP).

(iii) That portion of the eastern contiguous United States that includes the States of Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin (the Eastern Migratory NEP). Whooping cranes within this population are expected to occur mostly within the States of Wisconsin, Ilinois, Indiana, Kentucky, Tennessee, Georgia, and Florida. The additional States included within the experimental population area are those expected to receive occasional use by the cranes, or which may be used as breeding or wintering areas in the event of future population expansion.

(iv) The entire State of Louisiana (the Louisiana Nonmigratory NEP). The reintroduction site is the White Lake Wetlands Conservation Area of southwestern Louisiana in Vermilion Parish. Current information indicates that White Lake is the historic location of a resident nonmigratory population of whooping cranes that bred and reared young in Louisiana. Whooping cranes within this nonmigratory population are expected to occur mostly within the White Lake Wetlands Conservation Area and the nearby wetlands in Vermilion Parish. The marshes and wetlands of southwestern Louisiana are expected to receive occasional use by the cranes and may be used in the event of future population expansion.

(v) A map of all NEP areas in the United States for whooping cranes follows:



(10) The reintroduced populations will be monitored during the duration of the projects by the use of radio telemetry and other appropriate measures. Any animal that is determined to be sick, injured, or otherwise in need of special care will be recaptured to the extent possible by Service and/or State wildlife personnel or their designated agent and given appropriate care. Such animals will be released back to the wild as soon as possible, unless physical or behavioral problems make it necessary to return them to a captive-breeding facility.

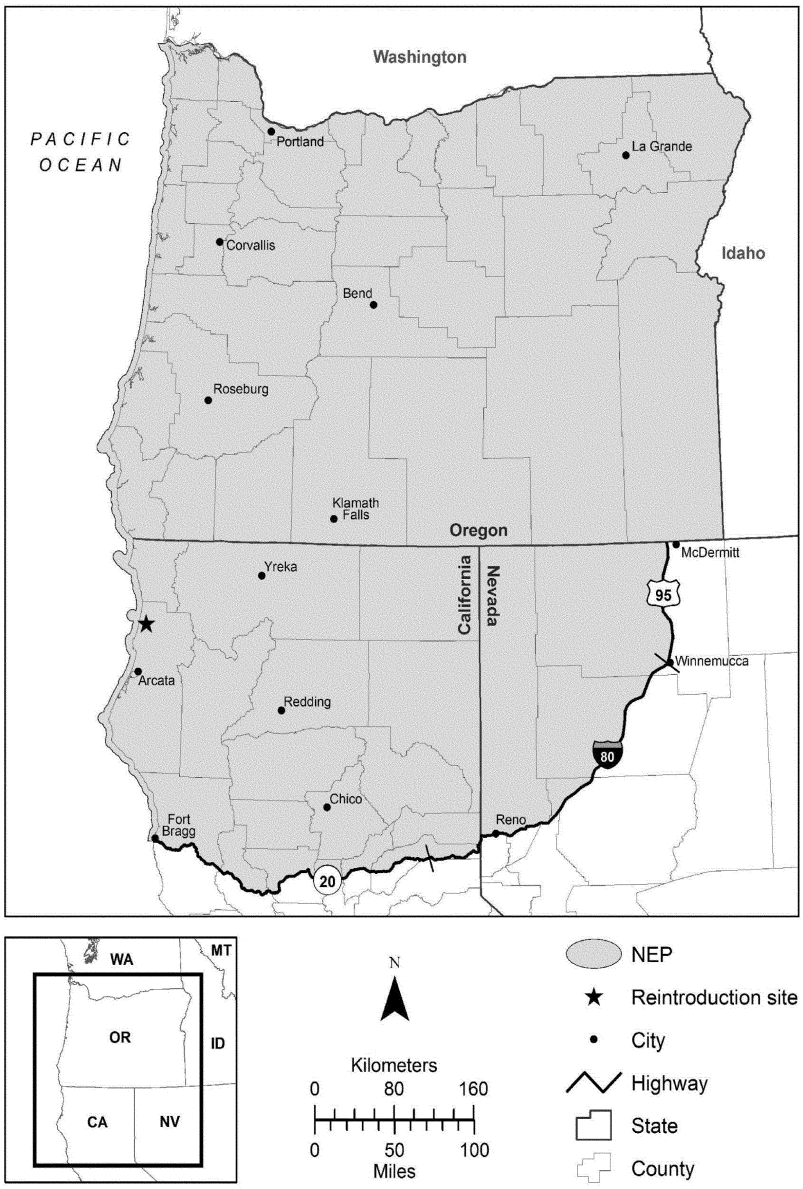
(11) The Service will reevaluate the status of the experimental populations periodically to determine future management needs. This review will take into account the reproductive success and movement patterns of the individuals released within the experimental population areas.

(i) California condor (*Gymnogyps californianus*). (1) *Where is the California condor designated as a nonessential experimental population (NEP)?* The NEP area for the California condor is within the species' historical range in northern California, northwestern Nevada, and Oregon.

(i) The western boundary of the NEP is the Submerged Lands Act boundary line along the Pacific coast. The southern boundary of the NEP is formed by: An east-west line from California's Submerged Lands Act boundary to Hare Creek; Hare Creek from the Pacific Ocean to its junction with California State Route 1; north to the junction of State Route 1 and State Route 20; east along California State Route 20 to where it meets Interstate 80; and Interstate 80 from its intersection with California State Route 20 to U.S. Route 95 in Nevada. The eastern boundary of the NEP is U.S. Route 95 in Nevada to the State boundary of Oregon and then east and north along Oregon's southern and eastern boundaries, respectively. The northern boundary of the NEP is the State boundary between Oregon and Washington. All highway boundaries are inclusive of the entire highway right of way.

(ii) Map follows:

Nonessential Experimental Population for the California Condor in the Pacific Northwest



(iii) We are designating the experimental population area to accommodate the potential future movements of a wild population of California condors. The released population is expected to remain in the experimental area for the foreseeable future (approximately

20 years) due to the geographic extent of the designation.

(iv) We do not intend to change the status of this nonessential population unless:

(A) The California condor is recovered and subsequently removed from the list in §17.11(h) in accordance with the Act; or

(B) The reintroduction is not successful and the regulations in this paragraph (i) are revoked.

(v) Legal actions or other circumstances may compel a change in this nonessential experimental population's legal status to essential, threatened, or endangered, or compel the Service to designate critical habitat for the California condors within the experimental population area defined in this rule. If this happens, all California condors will be removed from the area and this experimental population rule will be withdrawn, unless the participating parties in the reintroduction effort agree that the condors should remain in the wild. Changes in the legal status and/or removal of this population of California condors will be made in compliance with any applicable Federal rulemaking and other procedures.

(vi) We will not designate critical habitat for this NEP, as provided by 16 U.S.C. 1539(j)(2)(C)(ii).

(2) *What take of the California condor is allowed in the NEP area?* (i) Throughout the California condor NEP, you will not be in violation of the Act if you unavoidably and unintentionally take a California condor (except as noted in paragraph (i)(3)(ii) of this section), provided such take is non-negligent, incidental to a lawful activity (*i.e.*, not done on purpose), and you report the take as soon as possible as provided under paragraph (i)(2)(iii) of this section. The phrase ''unavoidably and unintentionally'' means take that occurs despite the exertion of reasonable care to avoid take. Examples of activities that will not violate the take prohibitions of this section include, but are not limited to: Legal hunting of species other than condors; recreational shooting; ranching; farming; existing authorized uses of private and public lands; driving; recreational activities; and administrative and emergency functions carried out by local, State, or Federal government agencies.

(ii) Any person with a valid permit issued by the Service under §17.32 may take California condors in the wild in the experimental population area, pursuant to the terms of the permit. Additionally, any employee or agent of the Service, National Park Service, Yurok Tribe Natural Resource Division, California Department of Parks and Recreation, California Department of Fish and Wildlife, Nevada Department of Wildlife, or Oregon Department of Fish and Wildlife who is designated and trained for such purposes, when acting in the course of official duties, may take a California condor within the NEP area if such action is necessary:

(A) For scientific purposes;

(B) To relocate or haze California condors within the experimental population area to improve California condor survival or recovery;

(C) To relocate California condors that have moved outside the experimental population area;

(D) To transport California condors to and from veterinary facilities or captive-breeding facilities;

(E) To address conflicts with ongoing or proposed activities in an attempt to improve California condor survival;

(F) To aid a sick, injured, or orphaned California condor;

(G) To salvage a dead specimen that may be useful for scientific study;

(H) To dispose of a dead specimen; or

(I) To aid in law enforcement investigations involving the California condor.

(iii) Any take pursuant to paragraphs (i)(2)(i), (i)(2)(ii)(F), (i)(2)(ii)(G), or (i)(2)(ii)(H) of this section must be reported as soon as possible to the California Condor Field Coordinator, California Condor Recovery Office, 2493 Portola Road, Suite A, Ventura, California 93003, (805/644–5185), who will determine the disposition of any live or dead specimens.

(3) *What take of the California condor is not allowed in the NEP area?* For the purposes of this rule, an occupied California condor nest is defined as a nest that is attended by a breeding pair of condors, occupied by a condor egg, or occupied or attended by a condor less than 1 year of age.

(i) Except as expressly allowed in paragraph (i)(2) of this section, all of the provisions of §17.31(a) and (b) apply to the California condor in areas identified in paragraph (i)(1) of this section, and any manner of take not described under paragraph (i)(2) of this section is prohibited in the NEP.

(ii) Habitat alteration (e.g., removing trees, erecting structures, altering the nest structure or perches near the nest) within 656 ft (200 m) of an occupied nest is prohibited, except for emergency fuels treatment activities by Federal, State, Tribal, or local government agencies to reduce the risk of catastrophic wildfire or during responses to wildfire or other emergencies.

(iii) Significant visual or noise disturbance (e.g., tree felling, chainsaws, helicopter overflights, concrete cutters, fireworks, explosives) within 656 ft (200 m) of an occupied nest is prohibited, except for emergency fuels treatment activities by Federal, State, Tribal, or local government agencies to reduce the risk of catastrophic wildfire or during responses to wildfire or other emergencies. Activities such as ranching and use of existing roads and trails would not be considered a significant visual or noise disturbance.

(iv) You must not possess, sell, deliver, carry, transport, ship, import, or export, by any means whatsoever, any California condor or part thereof from the experimental population taken in violation of this paragraph (i) or in violation of applicable tribal or State laws or regulations or the Act.

(v) It is unlawful for you to attempt to commit, solicit another to commit, or cause to be committed, any take of the California condor, except as expressly allowed in paragraph (i)(2) of this section.

(4) *How will the effectiveness of this reintroduction be monitored?* The status of the reintroduction project will receive an informal review on an annual basis, and we will evaluate the reintroduction program to determine whether to continue or terminate reintroductions every 5 years as part of our 5-year status review for the species.

(i) This evaluation will include, but will not be limited to: A review of management issues; California condor movements and post-release behavior; assessment of food resources and dependence of California condors on supplemental food; fecundity of the population; causes and rates of mortality; project costs; public acceptance; and progress toward establishing a self-sustaining population.

(ii) If a formal evaluation indicates the project is experiencing a 40 percent or greater mortality rate over multiple years or released California condors are not finding food on their own, serious consideration will be given to terminating the project.

(j) California condor (*Gymnogyps californianus*). (1) The California condor (*Gymnogyps californianus*) population identified in paragraph (j)(8) of this section is a nonessential experimental population, and the release of such population will further the conservation of the species.

(2) You must not take any California condor in the wild in the experimental population area except as provided by this rule:

(i) Throughout the entire California condor experimental population area, you will not be in violation of the Endangered Species Act (Act) if you unavoidably and unintentionally take (including killing or injuring) a California condor, provided such take is non-negligent and incidental to a lawful activity, such as hunting, driving, or recreational activities, and you report the take as soon as possible as provided under paragraph 5 below.

(ii) [Reserved]

(3) If you have a valid permit issued by the Service under §17.32, you may take California condors in the wild in the experimental population area, pursuant to the terms of the permit.

(4) Any employee or agent of the Fish and Wildlife Service (Service), Bureau of Land Management or appropriate State wildlife agency, who is designated for such purposes, when acting in the course of official duties, may take a California condor from the wild in the experimental population area and vicinity if such action is necessary:

(i) For scientific purposes;

(ii) To relocate California condors within the experimental population area to improve condor survival, and to

address conflicts with ongoing or proposed activities, or with private landowners, when removal is necessary to protect the condor, or is requested by an adversely affected landowner or land manager, or other adversely affected party. Adverse effects and requests for condor relocation will be documented, reported and resolved in as an expedient manner as appropriate to the specific situation to protect condors and avoid conflicts. Prior to any efforts to relocate condors, the Service will obtain permission from the appropriate landowner(s);

(iii) To relocate California condors that have moved outside the experimental population area, by returning the condor to the experimental population area or moving it to a captive breeding facility. All captures and relocations from outside the experimental population area will be coordinated with Service Cooperators, and conducted with the permission of the landowner(s) or appropriate land management agency(s).

(iv) To aid a sick, injured, or orphaned California condor;

(v) To salvage a dead specimen that may be useful for scientific study; or

(vi) To dispose of a dead specimen.

(5) Any taking pursuant to paragraphs (j)(2), (j)(4)(iv), (j)(4)(v), and (j)(4)(vi), of this section must be reported as soon as possible to the Field Supervisor, U.S. Fish and Wildlife Service, Ecological Services, Arizona Field Office, Phoenix, 2321 W. Royal Palm Road, Suite 103, Arizona (telephone 602/640–2720) who will determine the disposition of any live or dead specimens.

(6) You must not possess, sell, deliver, carry, transport, ship, import, or export by any means whatsoever, any California condor or part thereof from the experimental population taken in violation of this paragraph (j) or in violation of applicable State or Tribal laws or regulations or the Act.

(7) It is unlawful for you to attempt to commit, solicit another to commit, or cause to be committed, any offense defined in paragraphs (j)(2) and (j)(6) of this section.

(8) The designated experimental population area of the California condor includes portions of three states—Arizona, Nevada, and Utah. The southern boundary is Interstate Highway 40 in Arizona from its junction with Highway 191 west across Arizona to Kingman; the western boundary starts at Kingman, goes northwest on Highway 93 to Interstate Highway 15, continues northeasterly on Interstate Highway 15 in Nevada and Utah, to Interstate Highway 70 in Utah; where the northern boundary starts and goes across Utah to Highway 191; where the eastern boundary starts and goes south through Utah until Highway 191 meets Interstate Highway 40 in Arizona (See map at end of this paragraph (j)).

(i) All California condors released into the experimental population area, and their offspring, are to be marked and visually identifiable by colored and coded patagial wing markers.

(ii) The Service has designated the experimental population area to accommodate the potential future movements of a wild population of condors. All released condors and their progeny are expected to remain in the experimental area due to the geographic extent of the designation.

(9) The nonessential experimental population area includes the entire highway rights-of-way of the highways in paragraph (j)(8) of this section that constitute the perimeter boundary. All California condors found in the wild within these boundaries will comprise the experimental population.

(i) The experimental population is to be monitored during the reintroduction project. All California condors are to be given physical examinations before being released.

(ii) If there is any evidence that the condor is in poor health or diseased, it will not be released to the wild.

(iii) Any condor that displays signs of illness, is injured, or otherwise needs special care may be captured by authorized personnel of the Service, Bureau of Land Management, or appropriate State wildlife agency or their agents, and given the appropriate care. These condors are to be re-released into the reintroduction area as soon as possible, unless physical or behavioral problems make it necessary to keep them in captivity for an extended period of time, or permanently.

(10) The status of the reintroduction project is to receive an informal review on an annual basis and a formal evaluation within the first 5 years after the initial release, and every 5 years thereafter. This evaluation will include, but not be limited to: a review of management issues; compliance with agreements; assessment of available carrion; dependence of older condors on supplemental food sources; post release behavior; causes and rates of mortality; alternative release sites; project costs; public acceptance; and accomplishment of recovery tasks prescribed in California Condor Recovery Plan. The number of variables that could affect this reintroduction project make it difficult to develop criteria for success or failure after 5 years. However, if after 5 years the project is experiencing a 40 percent or greater mortality rate or released condors are not finding food on their own, serious consideration will be given to terminating the project.

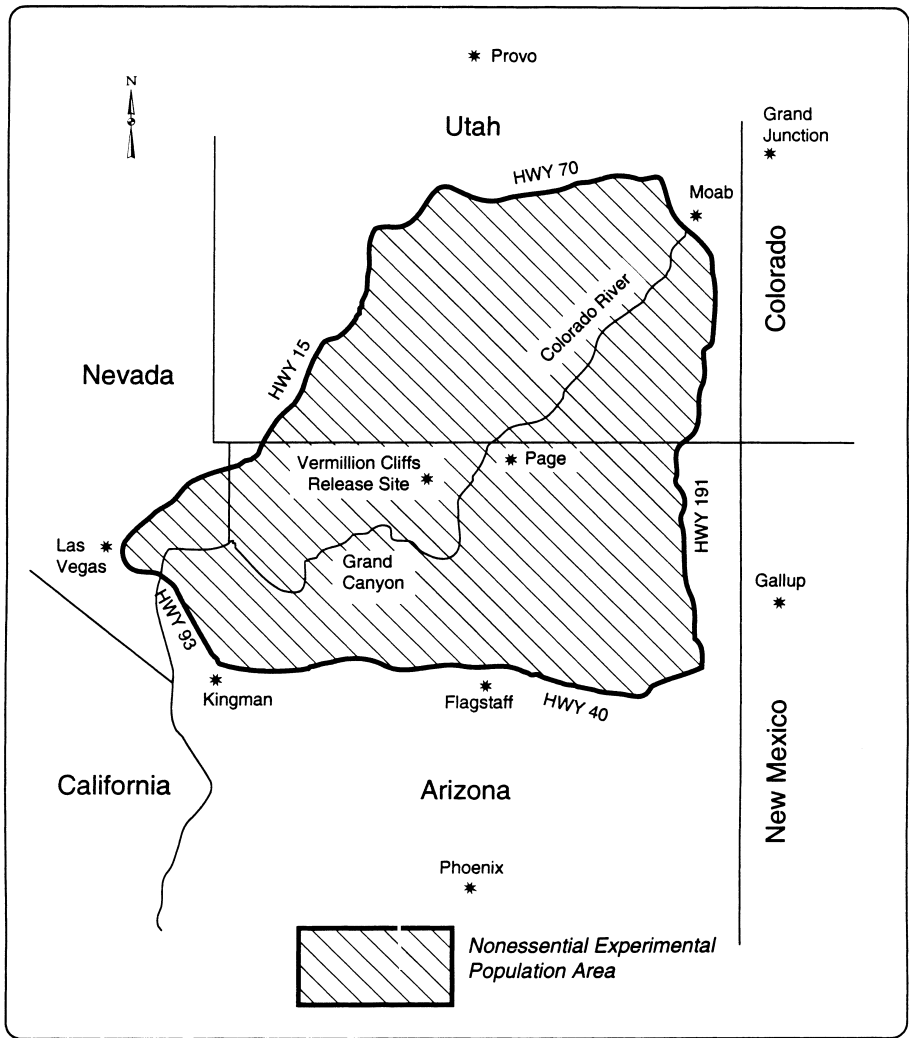
(11) The Service does not intend to pursue a change in the nonessential experimental population designation to experimental essential, threatened, or endangered, or modify the experimental population area boundaries without consulting with and obtaining the full cooperation of affected parties located within the experimental population area, the reintroduction program cooperators identified in the memorandum of understanding (MOU) for this program, and the cooperators identified in the agreement for this program.

(i) The Service does not intend to change the status of this nonessential population until the California condor is recovered and delisted in accordance with the Act or if the reintroduction is not successful and the rule is revoked. No designation of critical habitat will be made for nonessential populations (16 U.S.C. §1539(j)(2)(C)(ii).

(ii) Legal actions or other circumstances may compel a change in this nonessential experimental population's legal status to essential, threatened, or endangered, or compel the Service to designate critical habitat for the California condors within the experimental population area defined in this rule. If this happens, all California condors will be removed from the area and this experimental population rule will be revoked, unless the parties to the MOU and agreement existing at that time agree that the birds should remain in the wild. Changes in the legal status and/or removal of this population of California condors will be made in compliance with any applicable Federal rulemaking and other procedures.

CALIFORNIA CONDOR

Nonessential Experimental
Population Area And Release Site



(k) Mexican wolf (*Canis lupus baileyi*). This paragraph (k) sets forth the provisions of a rule to establish an experimental population of Mexican wolves.

(1) *Purpose of the rule.* The U.S. Fish and Wildlife Service (USFWS) finds that reestablishment of an experimental population of Mexican wolves

into the subspecies' probable historical range will further the conservation and recovery of the Mexican wolf subspecies. The USFWS also finds that the experimental population is not essential under §17.81(c)(2).

(2) *Determinations*. The Mexican wolf population reestablished in the Mexican Wolf Experimental Population Area (MWEPA), identified in paragraph (k)(4) of this section, is one nonessential experimental population. This nonessential experimental population will be managed according to the provisions of this rule. The Service does not intend to change the nonessential experimental designation to essential experimental, threatened, or endangered. Critical habitat cannot be designated under the nonessential experimental classification, 16 U.S.C. 1539(j)(2)(C)(ii).

(3) *Definitions*. Key terms used in this rule have the following dfinitions:

Active den means a den or a specific site above or below ground that is used by Mexican wolves on a daily basis to bear and raise pups, typically between approximately April 1 and July 31. More than one den site may be used in a single season.

Cross-foster means the removal of offspring from their biological parents and placement with surrogate parents.

Depredation means the confirmed killing or wounding of lawfully present domestic animals by one or more Mexican wolves. The Service, Wildlife Services, or other Service-designated agencies will confirm cases of wolf depredation on lawfully present domestic animals. Cattle trespassing on Federal lands are not considered lawfully present domestic animals.

Designated agency means a Federal, State, or tribal agency designated by the Service to assist in implementing this rule, all or in part, consistent with a Service-approved management plan, special management measure, conference opinion pursuant to section 7(a)(4) of the Act, section 6 of the Act as described in §17.31 for State game and fish agencies with authority to manage Mexican wolves, or a valid permit issued by the Service through §17.32.

Disturbance-causing land-use activity means any activity on Federal lands within a 1-mi (1.6-km) radius around release pens when Mexican wolves are in them, around active dens between April 1 and July 31, and around active Mexican wolf rendezvous sites between June 1 and September 30, which the Service determines could adversely affect reproductive success, natural behavior, or persistence of Mexican wolves. Such activities may include, but are not limited to, timber or wood harvesting, prescribed fire, mining or mine development, camping outside designated campgrounds, livestock husbandry activities (e.g., livestock drives, roundups, branding, vaccinating, etc.), off-road vehicle use, hunting, and any other use or activity with the potential to disturb wolves. The following activities are specifically excluded from this definition:

(A) Lawfully present livestock and use of water sources by livestock;

(B) Livestock drives if no reasonable alternative route or timing exists;

(C) Vehicle access over established roads to non-Federal land where legally permitted activities are ongoing if no reasonable alternative route exists;

(D) Use of lands within the National Park or National Wildlife Refuge Systems as safety buffer zones for military activities and Department of Homeland Security border security activities;

(E) Fire-fighting activities associated with wildfires; and

(F) Any authorized, specific land use that was active and ongoing at the time Mexican wolves chose to locate a den or rendezvous site nearby.

Domestic animal means livestock as defined in this paragraph (k)(3) and non-feral dogs.

Federal land means land owned and under the administration of Federal agencies including, but not limited to, the Service, National Park Service, Bureau of Land Management, U.S. Forest Service, Department of Energy, or Department of Defense.

Feral dog means any dog (*Canis familiaris*) or wolf–dog hybrid that, because of absence of physical restraint or conspicuous means of identifying it at a distance as non-feral, is reasonably thought to range freely without discernible, proximate control by any

person. Feral dogs do not include domestic dogs that are penned, leashed, or otherwise restrained (e.g., by shock collar) or which are working livestock or being lawfully used to trail or locate wildlife.

Harass means intentional or negligent actions or omissions that create the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns, which include, but are not limited to, breeding, feeding, or sheltering.

In the act of biting, killing, or wounding means grasping, biting, wounding, or feeding upon a live domestic animal on non-Federal land or live livestock on Federal land. The term does not include feeding on an animal carcass.

Initial release means the release of Mexican wolves to the wild within Zone 1, as defined in this paragraph (k)(3), or in accordance with tribal or private land agreements in Zone 2, as defined in this paragraph (k)(3), that have never been in the wild, or releasing pups that have never been in the wild and are less than 5 months old within Zones 1 or 2. The initial release of pups less than 5 months old into Zone 2 allows for the cross-fostering of pups from the captive population into the wild, as well as enables translocation-eligible adults to be rereleased in Zone 2 with pups born in captivity.

Intentional harassment means deliberate, preplanned harassment of Mexican wolves, including by less-than-lethal means (such as 12-gauge shotgun rubber-bullets and bean-bag shells) designed to cause physical discomfort and temporary physical injury, but not death. Intentional harassment includes situations where the Mexican wolf or wolves may have been unintentionally attracted—or intentionally tracked, waited for, chased, or searched out—and then harassed. Intentional harassment of Mexican wolves is only allowed under a permit issued by the Service or its designated agency.

Livestock means domestic alpacas, bison, burros (donkeys), cattle, goats, horses, llamas, mules, and sheep, or other domestic animals defined as livestock in Service-approved State and tribal Mexican wolf management plans. Poultry is not considered livestock under this rule.

Mexican Wolf Experimental Population Area (MWEPA) means an area in Arizona and New Mexico including Zones 1, 2, and 3, as defined in this paragraph (k)(3), that lies south of Interstate Highway 40 to the international border with Mexico.

Non-Federal land means any private, State-owned, or tribal trust land.

Occupied Mexican wolf range means an area of confirmed presence of Mexican wolves based on the most recent map of occupied range posted on the Service's Mexican Wolf Recovery Program Web site at *http://www.fws.gov/southwest/es/mexicanwolf/*. Specific to the prohibitions at paragraphs (k)(5)(iii) and (k)(5)(vii)(D) of this section, Zone 3, as defined in this paragraph (k)(3), and tribal trust lands are not considered occupied range.

Opportunistic harassment means scaring any Mexican wolf from the immediate area by taking actions such as discharging firearms or other projectile-launching devices in proximity to, but not in the direction of, the wolf, throwing objects at it, or making loud noise in proximity to it. Such harassment might cause temporary, non-debilitating physical injury, but is not reasonably anticipated to cause permanent physical injury or death. Opportunistic harassment of Mexican wolves can occur without a permit issued by the Service or its designated agency.

Problem wolves mean Mexican wolves that, for purposes of management and control by the Service or its designated agent(s), are:

(A) Individuals or members of a group or pack (including adults, yearlings, and pups greater than 4 months of age) that were involved in a depredation on lawfully present domestic animals;

(B) Habituated to humans, human residences, or other facilities regularly occupied by humans; or

(C) Aggressive when unprovoked toward humans.

Rendezvous site means a gathering and activity area regularly used by Mexican wolf pups after they have emerged from the den. Typically, these sites are used for a period ranging from about 1 week to 1 month in the first

summer after birth during the period from June 1 to September 30. Several rendezvous sites may be used in succession within a single season.

Service-approved management plan means management plans approved by the Regional Director or Director of the Service through which Federal, State, or tribal agencies may become a designated agency. The management plan must address how Mexican wolves will be managed to achieve conservation goals in compliance with the Act, this experimental population rule, and other Service policies. If a Federal, State, or tribal agency becomes a designated agency through a Service-approved management plan, the Service will help coordinate their activities while retaining authority for program direction, oversight, guidance, and authorization of Mexican wolf removals.

Take means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct (16 U.S.C. 1532(19)).

Translocate means the release of Mexican wolves into the wild that have previously been in the wild. In the MWEPA, translocations will occur only in Zones 1 and 2, as defined in this paragraph (k)(3).

Tribal trust land means any lands title to which is either: Held in trust by the United States for the benefit of any Indian tribe or individual; or held by any Indian tribe or individual subject to restrictions by the United States against alienation. For purposes of this rule, tribal trust land does not include land purchased in fee title by a tribe. We consider fee simple land purchased by tribes to be private land.

Unacceptable impact to a wild ungulate herd will be determined by a State game and fish agency based upon ungulate management goals, or a 15 percent decline in an ungulate herd as documented by a State game and fish agency, using their preferred methodology, based on the preponderance of evidence from bull to cow ratios, cow to calf ratios, hunter days, and/or elk population estimates.

Unintentional take means the take of a Mexican wolf by any person if the take is unintentional and occurs while engaging in an otherwise lawful activity, occurs despite the use of due care, is coincidental to an otherwise lawful activity, and is not done on purpose. Taking a Mexican wolf by poisoning or shooting will not be considered unintentional take.

Wild ungulate herd means an assemblage of wild ungulates (bighorn sheep, bison, deer, elk, or pronghorn) living in a given area.

Wildlife Services means the U.S. Department of Agriculture, Animal and Plant Health Inspection Service, Wildlife Services.

Wounded means exhibiting scraped or torn hide or flesh, bleeding, or other evidence of physical damage caused by a Mexican wolf bite.

Zone 1 means an area within the MWEPA in Arizona and New Mexico into which Mexican wolves will be allowed to naturally disperse and occupy and where Mexican wolves may be initially released from captivity or translocated. Zone 1 includes all of the Apache, Gila, and Sitgreaves National Forests; the Payson, Pleasant Valley, and Tonto Basin Ranger Districts of the Tonto National Forest; and the Magdalena Ranger District of the Cibola National Forest.

Zone 2 is an area within the MWEPA into which Mexican wolves will be allowed to naturally disperse and occupy, and where Mexican wolves may be translocated.

(A) On Federal land in Zone 2, initial releases of Mexican wolves are limited to pups less than 5 months old, which allows for the cross-fostering of pups from the captive population into the wild, as well as enables translocation-eligible adults to be re-released with pups born in captivity. On private and tribal land in Zone 2, Mexican wolves of any age, including adults, can also be initially released under a Service- and State-approved management agreement with private landowners or a Service-approved management agreement with tribal agencies.

(B) The northern boundary of Zone 2 is Interstate Highway 40; the western boundary extends south from Interstate Highway 40 and follows Arizona State Highway 93, Arizona State Highway 89/60, Interstate Highway 10, and Interstate Highway 19 to the United States-Mexico international border; the southern boundary is the United

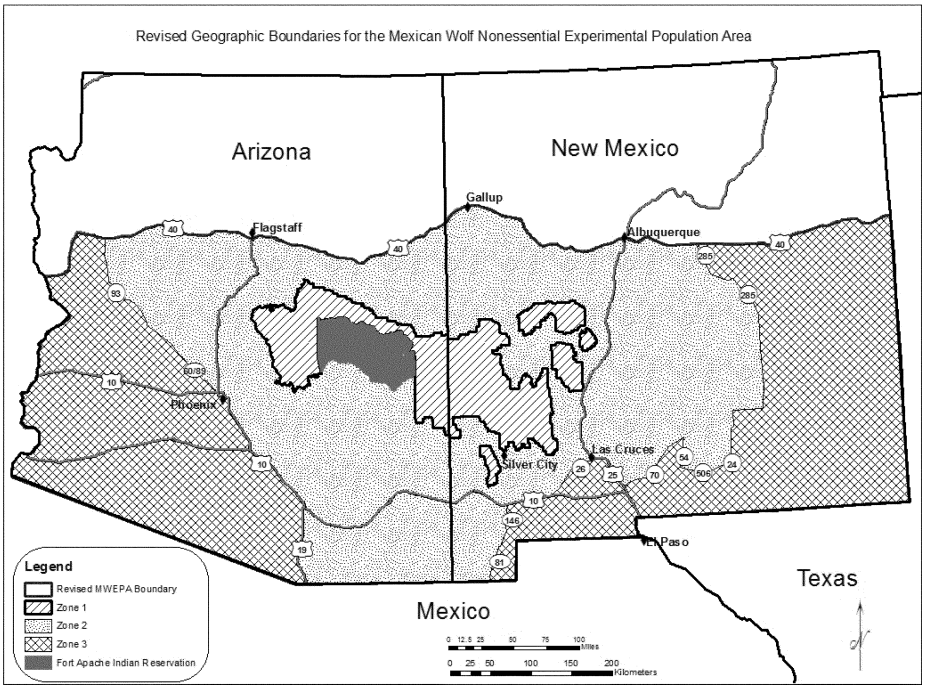
States-Mexico international border heading east, then follows New Mexico State Highway 81/146 north to Interstate Highway 10, then along New Mexico State Highway 26 to Interstate Highway 25; the boundary continues along New Mexico State Highway 70/54/506/24; the eastern boundary follows the eastern edge of Otero County, New Mexico, to the north and then along the southern and then eastern edge of Lincoln County, New Mexico, until it intersects with New Mexico State Hwy 285 and follows New Mexico State Highway 285 north to the northern boundary of Interstate Highway 40. Zone 2 excludes the area in Zone 1, as defined in this paragraph (k)(3).

Zone 3 means an area within the MWEPA into which Mexican wolves will be allowed to disperse and occupy, but neither initial releases nor translocations will occur there.

(A) Zone 3 is an area of less suitable Mexican wolf habitat where Mexican wolves will be more actively managed under the authorities of this rule to reduce human conflict. We expect Mexican wolves to occupy areas of suitable habitat where ungulate populations are adequate to support them and conflict with humans and their livestock is low. If Mexican wolves move outside of areas of suitable habitat, they will be more actively managed.

(B) Zone 3 is two separate geographic areas on the eastern and western sides of the MWEPA. One area of Zone 3 is in western Arizona, and the other is in eastern New Mexico. In Arizona, the northern boundary of Zone 3 is Interstate Highway 40; the eastern boundary extends south from Interstate Highway 40 and follows State Highway 93, State Highway 89/60, Interstate Highway 10, and Interstate Highway 19 to the United States–Mexico international border; the southern boundary is the United States–Mexico international border; the western boundary is the Arizona–California State border. In New Mexico, the northern boundary of Zone 3 is Interstate Highway 40; the eastern boundary is the New Mexico–Texas State border; the southern boundary is the United States–Mexico international border heading west, then follows State Highway 81/146 north to Interstate Highway 10, then along State Highway 26 to Interstate Highway 25, the southern boundary continues along State Highway 70/54/506/24; the western boundary follows the eastern edge of Otero County to the north and then along the southern and then eastern edge of Lincoln County until it follows State Highway 285 north to the northern boundary of Interstate Highway 40.

(4) *Designated area.* The designated experimental population area for Mexican wolves classified as a nonessential experimental population by this rule is within the subspecies' probable historical range and is wholly separate geographically from the current range of any known Mexican wolves. The boundaries of the MWEPA are the portions of Arizona and New Mexico that are south of Interstate Highway 40 to the international border with Mexico. A map of the MWEPA follows:



(5) *Prohibitions.* Take of any Mexican wolf in the experimental population is prohibited, except as provided in paragraph (k)(7) of this section. Specifically, the following actions are prohibited by this rule:

(i) No person may possess, sell, deliver, carry, transport, ship, import, or export by any means whatsoever any Mexican wolf or wolf part from the experimental population except as authorized in this rule or by a valid permit issued by the Service under §17.32. If a person kills or injures a Mexican wolf or finds a dead or injured wolf or wolf parts, the person must not disturb them (unless instructed to do so by the Service or a designated agency), must minimize disturbance of the area around them, and must report the incident to the Service's Mexican Wolf Recovery Coordinator or a designated agency of the Service within 24 hours as described in paragraph (k)(6) of this section.

(ii) No person may attempt to commit, solicit another to commit, or cause to be committed, any offense defined in this rule.

(iii) Taking a Mexican wolf with a trap, snare, or other type of capture device within occupied Mexican wolf range is prohibited (except as authorized in paragraph (k)(7)(iv) of this section) and will not be considered unintentional take, unless due care was exercised to avoid injury or death to a wolf. With regard to trapping activities, due care includes:

(A) Following the regulations, proclamations, recommendations, guidelines, and/or laws within the State or tribal trust lands where the trapping takes place.

(B) Modifying or using appropriately sized traps, chains, drags, and stakes that provide a reasonable expectation that the wolf will be prevented from either breaking the chain or escaping with the trap on the wolf, or using sufficiently small traps (less than or equal to a Victor #2 trap) that allow a reasonable expectation that the wolf will either immediately pull free from the

trap or span the jaw spread when stepping on the trap.

(C) Not taking a Mexican wolf using neck snares.

(D) Reporting the capture of a Mexican wolf (even if the wolf has pulled free) within 24 hours to the Service as described in paragraph (k)(6) of this section.

(E) If a Mexican wolf is captured, trappers can call the Interagency Field Team (1–888–459–WOLF [9653]) as soon as possible to arrange for radio-collaring and releasing of the wolf. Per State regulations for releasing nontarget animals, trappers may also choose to release the animal alive and subsequently contact the Service or Interagency Field Team.

(6) *Reporting requirements.* Unless otherwise specified in this rule or in a permit, any take of a Mexican wolf must be reported to the Service or a designated agency within 24 hours. We will allow additional reasonable time if access to the site is limited. Report any take of Mexican wolves, including opportunistic harassment, to the Mexican Wolf Recovery Program, U.S. Fish and Wildlife Service, New Mexico Ecological Services Field Office, 2105 Osuna Road, NE., Albuquerque, NM 87113; by telephone 505–761–4704; or by facsimile 505–346–2542. Additional contact information can also be found on the Mexican Wolf Recovery Program's Web site at *http://www.fws.gov/southwest/es/mexicanwolf/*. Unless otherwise specified in a permit, any wolf or wolf part taken legally must be turned over to the Service, which will determine the disposition of any live or dead wolves.

(7) *Allowable forms of take of Mexican wolves.* Take of Mexican wolves in the experimental population is allowed as follows:

(i) *Take in defense of human life.* Under section 11(a)(3) of the Act and §17.21(c)(2), any person may take (which includes killing as well as nonlethal actions such as harassing or harming) a Mexican wolf in self-defense or defense of the lives of others. This take must be reported as specified in accordance with paragraph (k)(6) of this section. If the Service or a designated agency determines that a Mexican wolf presents a threat to human life or safety, the Service or the designated agency may kill the wolf or place it in captivity.

(ii) *Opportunistic harassment.* Anyone may conduct opportunistic harassment of any Mexican wolf at any time provided that Mexican wolves are not purposefully attracted, tracked, searched out, or chased and then harassed. Such harassment of Mexican wolves might cause temporary, non-debilitating physical injury, but is not reasonably anticipated to cause permanent physical injury or death. Any form of opportunistic harassment must be reported as specified in accordance with paragraph (k)(6) of this section.

(iii) *Intentional harassment.* After the Service or its designated agency has confirmed Mexican wolf presence on any land within the MWEPA, the Service or its designated agency may issue permits valid for not longer than 1 year, with appropriate stipulations or conditions, to allow intentional harassment of Mexican wolves. The harassment must occur in the area and under the conditions specifically identified in the permit. Permittees must report this take as specified in accordance with paragraph (k)(6) of this section.

(iv) *Take on non-Federal lands.* (A) On non-Federal lands anywhere within the MWEPA, domestic animal owners or their agents may take (including kill or injure) any Mexican wolf that is in the act of biting, killing, or wounding a domestic animal, as defined in paragraph (k)(3) of this section. After the take of a Mexican wolf, the Service must be provided evidence that the wolf was in the act of biting, killing, or wounding a domestic animal at the time of take, such as evidence of freshly wounded or killed domestic animals. This take must be reported as specified in accordance with paragraph (k)(6) of this section. The take of any Mexican wolf without evidence of biting, killing, or wounding domestic animals may be referred to the appropriate authorities for investigation.

(B) Take of Mexican wolves by livestock guarding dogs, when used to protect livestock on non-Federal lands, is allowed. If such take by a guard dog occurs, it must be reported as specified in accordance with paragraph (k)(6) of this section.

(C) Based on the Service's or a designated agency's discretion and in conjunction with a removal action authorized by the Service, the Service or designated agency may issue permits to domestic animal owners or their agents (e.g., employees, land manager, local officials) to take (including intentional harassment or killing) any Mexican wolf that is present on non-Federal land where specified in the permit. Permits issued under this provision will specify the number of days for which the permit is valid and the maximum number of Mexican wolves for which take is allowed. Take by permittees under this provision will assist the Service or designated agency in completing control actions. Domestic animal owners or their agents must report this take as specified in accordance with paragraph (k)(6) of this section.

(*1*) Until the USFWS has achieved the genetic objective for the MWEPA set forth at paragraph (k)(9)(v) of this section by documenting that at least 22 released wolves have survived to breeding age in the MWEPA, the USFWS or a designated agency may issue permits only on a conditional, annual basis according to the following provisions: Either

(*i*) Annual release benchmarks (for the purposes of this paragraph, the term ''benchmark'' means the minimum cumulative number of released wolves surviving to breeding age since January 1, 2016, as documented annually in March) have been achieved based on the following schedule:

TABLE 1 TO PARAGRAPH (k)(7)(iv)(C)(*1*)(*i*)

Year	Benchmark
2021	7
2022	9
2023	11
2024	13
2025	14
2026	15
2027	16
2028	18
2029	20
2030	22

; or

(*ii*) Permitted take on non-Federal land, or on Federal land under paragraph (k)(7)(v) of this section, during the previous year (April 1 to March 31) did not include the lethal take of any released wolf or wolves that were or would have counted toward the genetic objective set forth at paragraph (k)(9)(v) of this section.

(*2*) After the USFWS has achieved the genetic objective set forth at paragraph (k)(9)(v) of this section, the conditional annual basis for issuing permits will no longer be in effect.

(v) *Take on Federal land.* (A) Based on the Service's or a designated agency's discretion and in conjunction with a removal action authorized by the Service, the Service may issue permits to livestock owners or their agents (e.g., employees, land manager, local officials) to take (including intentional harassment or killing) any Mexican wolf that is in the act of biting, killing, or wounding livestock on Federal land where specified in the permit.

(*1*) Until the USFWS has achieved the genetic objective for the MWEPA set forth at paragraph (k)(9)(v) of this section by documenting that at least 22 released wolves have survived to breeding age, the USFWS or a designated agency may issue permits only on a conditional, annual basis according to the following provisions: Either

(*i*) Annual release benchmarks (for the purposes of this paragraph, the term ''benchmark'' means the minimum cumulative number of released wolves surviving to breeding age since January 1, 2016, as documented annually in March) have been achieved based on the following schedule:

TABLE 2 TO PARAGRAPH (k)(7)(v)(A)(*1*)(*i*)

Year	Benchmark
2021	7
2022	9
2023	11
2024	13
2025	14
2026	15
2027	16
2028	18
2029	20
2030	22

; or

(*ii*) Permitted take on Federal land, or on non-Federal land under paragraph (k)(7)(iv) of this section, during the previous year (April 1 to March 31) did not include the lethal take of any released wolf or wolves that were or would have counted toward the genetic

objective set forth at paragraph (k)(9)(v) of this section.

(*2*) After the USFWS has achieved the genetic objective set forth at paragraph (k)(9)(v) of this section, the conditional annual basis for issuing permits will no longer be in effect.

(*3*) Permits issued under this provision will specify the number of days for which the permit is valid and the maximum number of Mexican wolves for which take is allowed. Take by permittees under this provision will assist the Service or designated agency in completing control actions. Livestock owners or their agents must report this take as specified in accordance with paragraph (k)(6) of this section.

(*4*) After the take of a Mexican wolf, the Service must be provided evidence that the wolf was in the act of biting, killing, or wounding livestock at the time of take, such as evidence of freshly wounded or killed livestock. The take of any Mexican wolf without evidence of biting, killing, or wounding domestic animals may be referred to the appropriate authorities for investigation.

(B) Take of Mexican wolves by livestock guarding dogs, when used to protect livestock on Federal lands, is allowed. If such take by a guard dog occurs, it must be reported as specified in accordance with paragraph (k)(6) of this section.

(C) This provision for take on Federal land does not exempt Federal agencies and their contractors from complying with sections 7(a)(1) and 7(a)(4) of the Act, the latter of which requires a conference with the Service if they propose an action that is likely to jeopardize the continued existence of the Mexican wolf. In areas within the National Park System and National Wildlife Refuge System, Federal agencies must treat Mexican wolves as a threatened species for purposes of complying with section 7 of the Act.

(vi) *Take in response to unacceptable impacts to a wild ungulate herd.* If the Arizona or New Mexico game and fish agency determines that Mexican wolf predation is having an unacceptable impact to a wild ungulate herd, as defined in paragraph (k)(3) of this section, the respective State game and fish agency may request approval from the Service that Mexican wolves be removed from the area of the impacted wild ungulate herd. Upon written approval from the Service, the State (Arizona or New Mexico) or any designated agency may be authorized to remove (capture and translocate in the MWEPA, move to captivity, transfer to Mexico, or lethally take) Mexican wolves. These management actions must occur in accordance with the following provisions:

(A) The Arizona or New Mexico game and fish agency must prepare a science-based document that:

(*1*) Describes what data indicate that the wild ungulate herd is below management objectives, what data indicate that the impact on the wild ungulate herd is influenced by Mexican wolf predation, why Mexican wolf removal is a warranted solution to help restore the wild ungulate herd to State game and fish agency management objectives, the type (level and duration) of Mexican wolf removal management action being proposed, and how wild ungulate herd response to wolf removal will be measured and control actions adjusted for effectiveness;

(*2*) Demonstrates that attempts were and are being made to identify other causes of wild ungulate herd declines and possible remedies or conservation measures in addition to wolf removal;

(*3*) If appropriate, identifies areas of suitable habitat for Mexican wolf translocation; and

(*4*) Has been subjected to peer review and public comment prior to its submittal to the Service for written concurrence. In order to comply with this requirement, the State game and fish agency must:

(*i*) Conduct the peer review process in conformance with the Office of Management and Budget's most recent Final Information and Quality Bulletin for Peer Review and include in their proposal an explanation of how the bulletin's standards were considered and satisfied; and

(*ii*) Obtain at least three independent peer reviews from individuals with relevant expertise other than staff employed by the State (Arizona or New Mexico) requesting approval from the

Service that Mexican wolves be removed from the area of the affected wild ungulate herd.

(B) Before the Service will allow Mexican wolf removal in response to impacts to wild ungulates, the Service will evaluate the information provided by the requesting State (Arizona or New Mexico) and provide a written determination to the requesting State game and fish agency on whether such actions are scientifically based and warranted.

(C) If all of the provisions above are met, the Service will, to the maximum extent allowable under the Act, make a determination providing for Mexican wolf removal. If the request is approved, the Service will include in the written determination which management action (capture and translocate in MWEPA, move to captivity, transfer to Mexico, lethally take, or no action) is most appropriate for the conservation of the Mexican wolf subspecies.

(D) Because tribes are able to request the capture and removal of Mexican wolves from tribal trust lands at any time, take in response to impacts to wild ungulate herds is not applicable on tribal trust lands.

(E) No requests for take in response to unacceptable impacts to a wild ungulate herd may be made by the State game and fish agency or accepted by the USFWS until the genetic objective at paragraph (k)(9)(v) of this section has been met.

(vii) *Take by Service personnel or a designated agency.* The Service or a designated agency may take any Mexican wolf in the experimental population in a manner consistent with a Service-approved management plan, special management measure, biological opinion pursuant to section 7(a)(2) of the Act, conference opinion pursuant to section 7(a)(4) of the Act, section 6 of the Act as described in §17.31 for State game and fish agencies with authority to manage Mexican wolves, or a valid permit issued by the Service through §17.32.

(A) The Service or designated agency may use leg-hold traps and any other effective device or method for capturing or killing Mexican wolves to carry out any measure that is a part of a Service-approved management plan, special management measure, or valid permit issued by the Service under §17.32, regardless of State law. The disposition of all Mexican wolves (live or dead) or their parts taken as part of a Service-approved management activity must follow provisions in Service-approved management plans or interagency agreements or procedures approved by the Service on a case-by-case basis.

(B) The Service or designated agency may capture; kill; subject to genetic testing; place in captivity; or euthanize any feral wolf-like animal or feral wolf hybrid found within the MWEPA that shows physical or behavioral evidence of: Hybridization with other canids, such as domestic dogs or coyotes; being a wolf-like animal raised in captivity, other than as part of a Service-approved wolf recovery program; or being socialized or habituated to humans. If determined to be a pure Mexican wolf, the wolf may be returned to the wild.

(C) The Service or designated agency may carry out intentional or opportunistic harassment, nonlethal control measures, translocation, placement in captivity, or lethal control of problem wolves. To determine the presence of problem wolves, the Service will consider all of the following:

(*1*) Evidence of wounded domestic animal(s) or remains of domestic animal(s) that show that the injury or death was caused by Mexican wolves;

(*2*) The likelihood that additional Mexican wolf-caused depredations or attacks of domestic animals may occur if no harassment, nonlethal control, translocation, placement in captivity, or lethal control is taken;

(*3*) Evidence of attractants or intentional feeding (baiting) of Mexican wolves; and

(*4*) Evidence that Mexican wolves are habituated to humans, human residences, or other facilities regularly occupied by humans, or evidence that Mexican wolves have exhibited unprovoked and aggressive behavior toward humans.

(D) Wildlife Services will not use M–44's and choking-type snares in occupied Mexican wolf range. Wildlife Services may restrict or modify other predator control activities pursuant to a

Service-approved management agreement or a conference opinion between Wildlife Services and the Service.

(viii) *Unintentional take.* (A) Take of a Mexican wolf by any person is allowed if the take is unintentional and occurs while engaging in an otherwise lawful activity. Such take must be reported as specified in accordance with paragraph (k)(6) of this section. Hunters and other shooters have the responsibility to identify their quarry or target before shooting; therefore, shooting a Mexican wolf as a result of mistaking it for another species will not be considered unintentional take. Take by poisoning will not be considered unintentional take.

(B) Federal, State, or tribal agency employees or their contractors may take a Mexican wolf or wolf-like animal if the take is unintentional and occurs while engaging in the course of their official duties. This includes, but is not limited to, military training and testing and Department of Homeland Security border security activities. Take of Mexican wolves by Federal, State, or tribal agencies must be reported as specified in accordance with paragraph (k)(6) of this section.

(C) Take of Mexican wolves by Wildlife Services employees while conducting official duties associated with predator damage management activities for species other than Mexican wolves may be considered unintentional if it is coincidental to a legal activity and the Wildlife Services employees have adhered to all applicable Wildlife Services' policies, Mexican wolf standard operating procedures, and reasonable and prudent measures or recommendations contained in Wildlife Service's biological and conference opinions.

(ix) *Take for research purposes.* The Service may issue permits under §17.32, and designated agencies may issue permits under State and Federal laws and regulations, for individuals to take Mexican wolves pursuant to scientific study proposals approved by the agency or agencies with jurisdiction for Mexican wolves and for the area in which the study will occur. Such take should lead to management recommendations for, and thus provide for the conservation of, the Mexican wolf.

(8) *Disturbance-causing land-use activities.* For any activity on Federal lands that the Service determines could adversely affect reproductive success, natural behavior, or persistence of Mexican wolves, the Service will work with Federal agencies to use their authorities to temporarily restrict human access and disturbance-causing land-use activities within a 1-mi (1.6-km) radius around release pens when Mexican wolves are in them, around active dens between approximately April 1 and July 31, and around active Mexican wolf rendezvous sites between approximately June 1 and September 30, as necessary.

(9) *Management.* (i) On private land within Zones 1 and 2, as defined in paragraph (k)(3) of this section, of the MWEPA, the Service or designated agency may develop and implement management actions to benefit Mexican wolf recovery in cooperation with willing private landowners, including initial release and translocation of Mexican wolves onto such lands in Zones 1 or 2 if requested by the landowner and with the concurrence of the State game and fish agency.

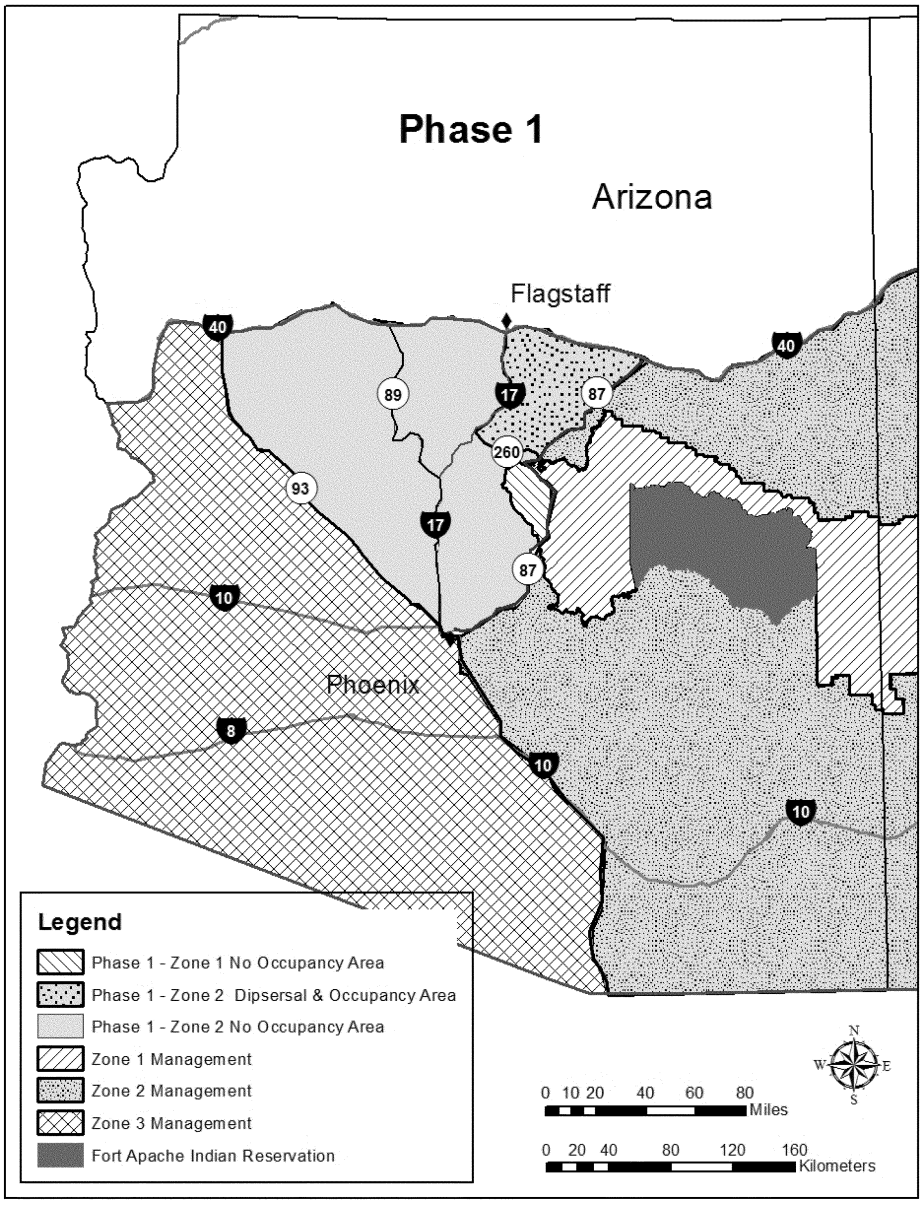
(ii) On tribal trust land within Zones 1 and 2, as defined in paragraph (k)(3) of this section, of the MWEPA, the Service or a designated agency may develop and implement management actions in cooperation with willing tribal governments, including: occupancy by natural dispersal, initial release, and translocation of Mexican wolves onto such lands. No agreement between the Service and a Tribe is necessary for the capture and removal of Mexican wolves from tribal trust lands if requested by the tribal government.

(iii) Based on end-of-year counts, we will manage to achieve and sustain a population average greater than or equal to 320 wolves in Arizona and New Mexico. This average must be achieved over an 8-year period, the population must exceed 320 Mexican wolves each of the last 3 years of the 8-year period, and the annual population growth rate averaged over the 8-year period must demonstrate a stable or increasing population, as calculated by a geometric mean.

(iv) We are implementing a phased approach to Mexican wolf management

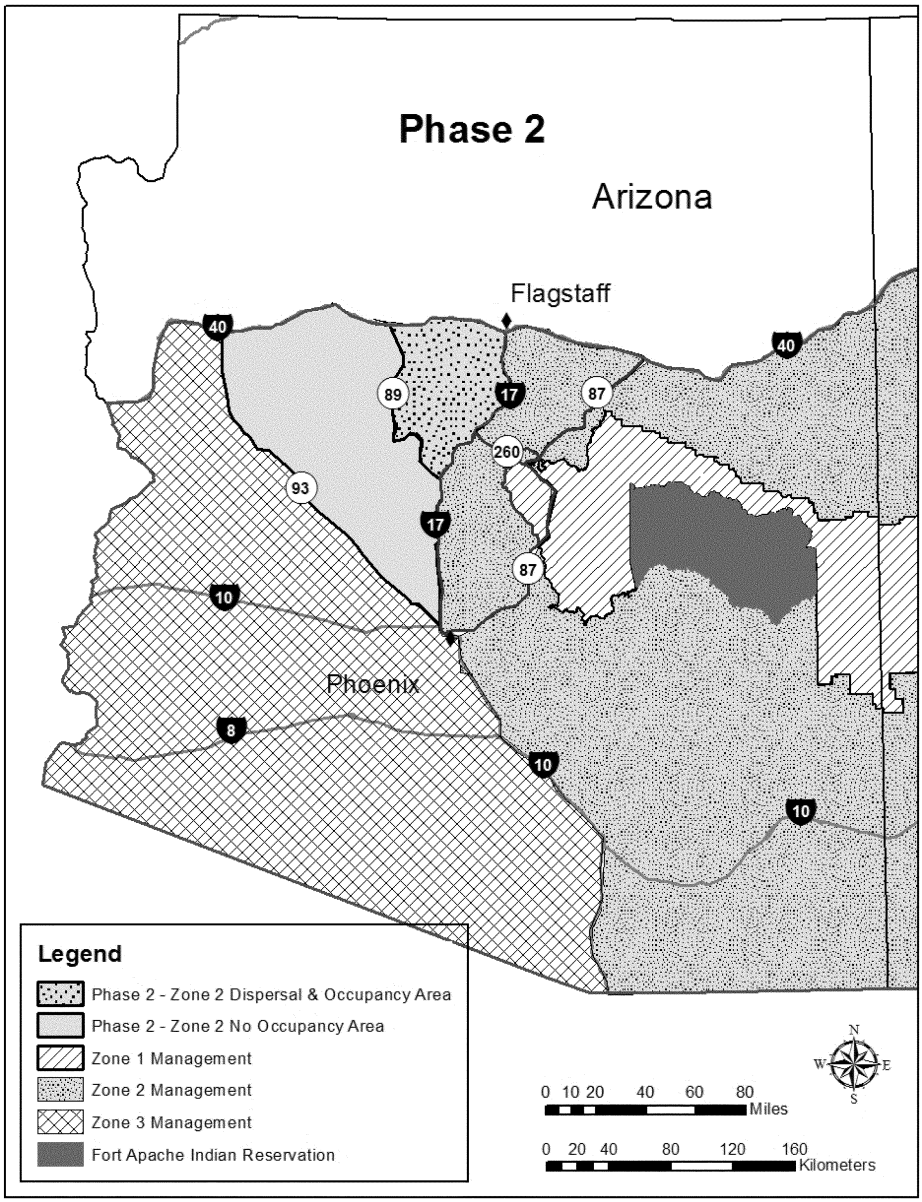
within the MWEPA in western Arizona as follows:

(A) Phase 1 will be implemented for the first 5 years following February 17, 2015. During this phase, initial releases and translocation of Mexican wolves can occur throughout Zone 1 with the exception of the area west of State Highway 87 in Arizona. No translocations can be conducted west of State Highway 87 in Arizona in Zone 2. Mexican wolves can disperse naturally from Zones 1 and 2 into, and occupy, the MWEPA (Zones 1, 2, and 3, as defined in paragraph (k)(3) of this section). However, during Phase 1, dispersal and occupancy in Zone 2 west of State Highway 87 will be limited to the area north of State Highway 260 and west to Interstate 17. A map of Phase 1 follows:

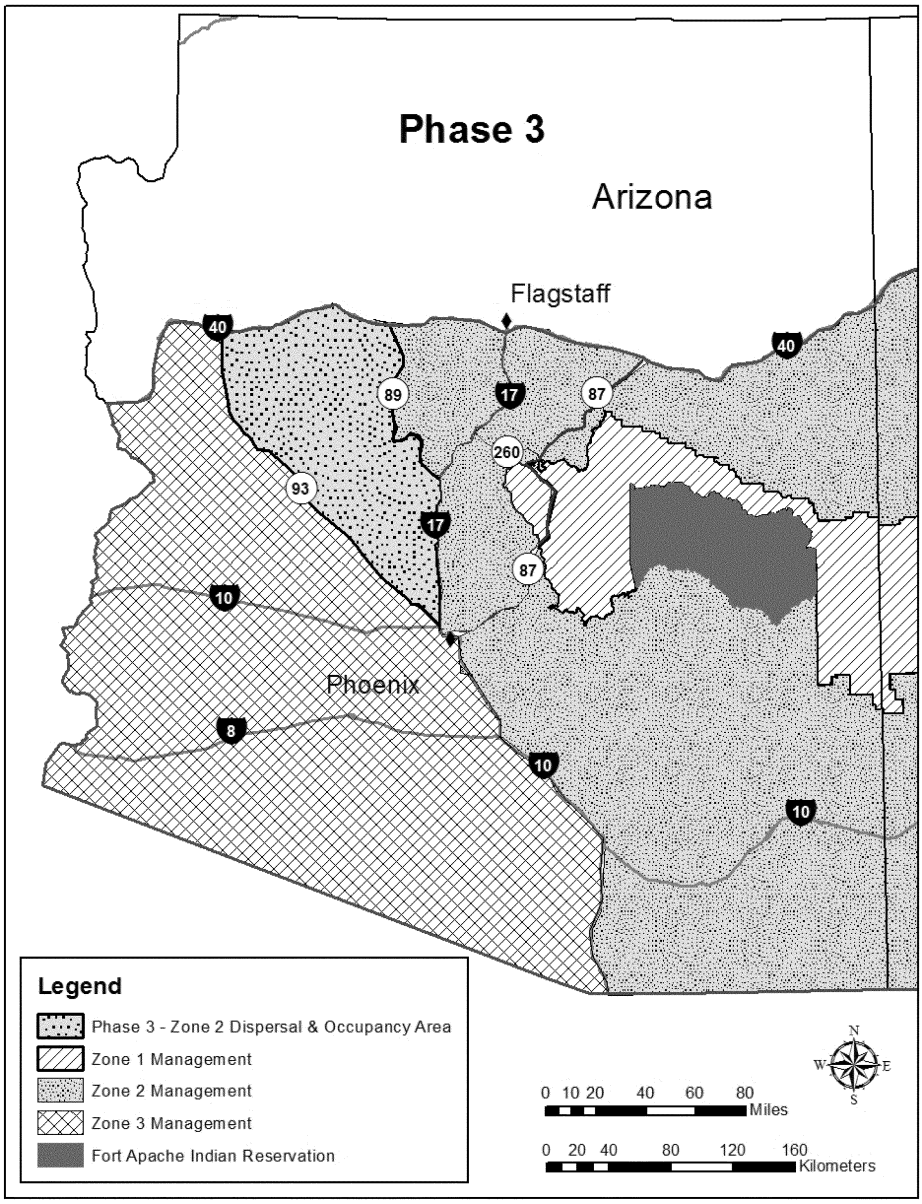


(B) In Phase 2, initial releases and translocation of Mexican wolves can occur throughout Zone 1 including the area west of State Highway 87 in Arizona. No translocations can be conducted west of Interstate Highway 17 in Arizona. Mexican wolves can disperse naturally from Zones 1 and 2 into, and occupy, the MWEPA (Zones 1, 2, and 3, as defined in paragraph (k)(3) of this

section). However, during Phase 2, dispersal and occupancy west of Interstate Highway 17 will be limited to the area east of Highway 89 in Arizona. A map of Phase 2 follows:



(C) In Phase 3, initial release and translocation of Mexican wolves can occur throughout Zone 1. No translocations can be conducted west of State Highway 89 in Arizona. Mexican wolves can disperse naturally from Zones 1 and 2 into, and occupy, the MWEPA (Zones 1, 2, and 3, as defined in paragraph (k)(3) of this section). A map of Phase 3 follows:



(D) While implementing this phased approach, two evaluations will be conducted: The first evaluation will cover the first 5 years and the second evaluation will cover the first 8 years after February 17, 2015 in order to determine if we will move forward with the next phase.

(*1*) Each phase evaluation will consider adverse human interactions with Mexican wolves, impacts to wild ungulate herds, and whether or not the Mexican wolf population in the MWEPA is achieving a population number consistent with a 10 percent annual growth rate based on end-of-year counts, such that 5 years after February 17, 2015, the population of Mexican wolves in the wild is at least 150, and 8 years after February 17, 2015, the population of Mexican wolves in the wild is at least 200.

(*2*) If we have not achieved this population growth, we will move forward to the next phase. Regardless of the outcome of the two evaluations, by the beginning of year 12 from February 17, 2015, we will move to full implementation of this rule throughout the MWEPA, and the phased management approach will no longer apply.

(E) The phasing may be expedited with the concurrence of participating State game and fish agencies.

(v) The USFWS and designated agencies will conduct a sufficient number of releases into the MWEPA from captivity to result in at least 22 released Mexican wolves surviving to breeding age.

(10) *Evaluation.* The USFWS will continue to evaluate Mexican wolf reestablishment progress and prepare periodic progress reports and detailed annual reports. In addition, approximately 5 years after August 1, 2022, the USFWS will prepare a one-time overall evaluation of the experimental population program that focuses on modifications needed to improve the efficacy of this rule and the progress the experimental population is making to the recovery of the Mexican wolf.

(l) Grizzly bear (*Ursus arctos horribilis*)—Bitterroot nonessential experimental population.

(1) *Where does this rule apply?* (i) The rule in this paragraph (l) applies to the designated Bitterroot Grizzly Bear Experimental Population Area (Experimental Population Area), which is found within the species' historic range and is defined in paragraph (l)(1)(ii) of this section.

(ii) The boundaries of the Experimental Population Area are delineated by U.S. 93 from its junction with the Bitterroot River near Missoula, Montana, to Challis, Idaho; Idaho 75 from Challis to Stanley, Idaho; Idaho 21 from Stanley to Lowman, Idaho; State Highway 17 from Lowman to Banks, Idaho; Idaho 55 from Banks to New Meadows, Idaho; U.S. 95 from New Meadows to Coeur d'Alene, Idaho; Interstate 90 from Coeur d'Alene, Idaho, to its junction with the Clark Fork River near St. Regis, Montana; the Clark Fork River from its junction with Interstate 90 near St. Regis to its confluence with the Bitterroot River near Missoula, Montana; and the Bitterroot River from its confluence with the Clark Fork River to its junction with U.S. Highway 93, near Missoula, Montana (See map at the end of this paragraph (l)).

(2) *What is the legal status of the grizzly bear?* (i) The grizzly bear is listed as ''threatened'' in §17.11 (h) and protected under this part. However, the grizzly bear population to which this paragraph (l) applies is considered a nonessential experimental population in accordance with section 10(j) of the Act.

(ii) We have determined that, as of December 18, 2000, no grizzly bear population exists in the Experimental Population Area. We find, in accordance with §17.81 (b), that the reintroduction of grizzly bears as a nonessential experimental population, as defined in §17.81 (b), will further the conservation of the species and will be consistent with provisions of section 10(j) of the Act, which requires that an experimental population be geographically separate from other nonexperimental populations of the same species. We also find, in accordance with §17.81 (c)(2), that the experimental population of grizzly bears in the Experimental Population Area is not essential to the survival of the species in the wild.

(iii) Grizzly bears within the Experimental Population Area and the Recovery Area will be accommodated

through management provisions provided for in this paragraph (l) and through management plans and policies developed by the Citizen Management Committee (Committee; see paragraph (l)(6) of this section). After reintroduction, every grizzly bear found within the Experimental Population Area will be considered a member of the nonessential experimental population.

(iv) In the conterminous United States, a grizzly bear that is outside the Experimental Population Area identified in paragraph (l)(1) of this section will be considered as threatened.

(3) *Where will grizzly bears be released, and where will recovery be emphasized?* The Bitterroot Grizzly Bear Recovery Area identifies the area of recovery emphasis within the Experimental Population Area. The Recovery Area consists of the Selway-Bitterroot Wilderness and the Frank Church-River of No Return Wilderness (See map at the end of paragraph (l) of this section). All reintroductions will take place in the Selway-Bitterroot Wilderness unless it is later determined that reintroduction in the Frank Church-River of No Return Wilderness is appropriate. If, in the future, new wilderness areas are designated adjacent to the Recovery Area, the Committee may recommend to the Secretary their addition to the Recovery Area. The Secretary would have to amend this paragraph (l) to change the definition of the Recovery Area.

(4) *What activities are prohibited in the Experimental Population Area?* (i) You may not take (see definition in §10.12 of this subchapter) any grizzly bear in the Experimental Population Area, except as provided in this paragraph (l). We may refer unauthorized take of grizzly bears to the appropriate authorities for prosecution.

(ii) You may not possess, sell, deliver, carry, transport, ship, import, or export by any means whatsoever any grizzly bear or parts thereof that are taken from the Experimental Population Area or possessed in violation of the regulations in this paragraph (l) or in violation of applicable State wildlife conservation laws or regulations or the Act.

(iii) You may not attempt to commit, solicit another to commit, or cause to be committed, any offense defined in this paragraph (l).

(5) *What activities are allowed in the Experimental Population Area?* (i) For purposes of this paragraph (l), except for persons engaged in hunting or shooting activities, you will not be in violation of the Act for ''unavoidable and unintentional take'' (see definition in paragraph (l)(16) of this section) of grizzly bears within the Experimental Population Area when such take is incidental to a legal activity and is not a result of negligent conduct lacking reasonable due care, and when due care was exercised to avoid the taking. Any taking must be reported within 24 hours to appropriate authorities as listed in paragraph (l)(5)(iii) of this section. Persons lawfully engaged in hunting or shooting activities must correctly identify their target before shooting in order to avoid illegally shooting a grizzly bear. Shooting a grizzly bear as a result of mistaking it for another species is considered a lack of reasonable due care. The act of taking a grizzly bear that is wrongly identified as another species may be referred to appropriate authorities for prosecution.

(ii) Any person with a valid permit issued by us may take grizzly bears in the Experimental Population Area for scientific purposes, the enhancement of propagation or survival of the species, zoological exhibition, and other conservation purposes. Such permits must be consistent with the Act, with management plans adopted for the nonessential experimental population, and with applicable State wildlife conservation laws and regulations.

(iii) You may take grizzly bears in the Experimental Population Area in self-defense or in defense of the lives of others. Such taking must be reported within 24 hours as to date, exact location, and circumstances to the Grizzly Bear Recovery Coordinator, University Hall, Room 309, University of Montana, Missoula, Montana 59812 (406–243–4903); or the Assistant Regional Director for Law Enforcement, Eastside Federal Complex, 911 NE 11th Avenue, Portland, Oregon 97232–4181 (503–231–6125); or the Assistant Regional Director for

Law Enforcement, P.O. Box 25486, DFC, Denver, Colorado 80225 (303–236–7540); and either the Idaho Department of Fish and Game, P.O. Box 25, Boise Idaho 83707 (208–334–3700); or the Montana Department of Fish, Wildlife and Parks, 1420 E. Sixth Avenue, Helena, Montana 59620 (406–444–2535); and Nez Perce Tribal authorities (208–843–2253) (as appropriate).

(iv) Livestock owners may obtain a permit from the Service, and the Idaho Department of Fish and Game, the Montana Department of Fish, Wildlife and Parks, or appropriate Tribal authorities to harass (see definition in §17.3) grizzly bears found in the Experimental Population Area that are actually pursuing or killing livestock (to include permitting the use of livestock guard dogs around livestock to harass such grizzly bears). Prior to issuance of such a permit, authorized State, Federal, or Tribal officials must document pursuit or killing of livestock. All such harassment must be accomplished by an opportunistic, noninjurious method (see definition of ''opportunistic, noninjurious harassment'' in paragraph (l)(16) of this section) to the grizzly bear, and such harassment must be reported within 24 hours as to date, exact location, and circumstances to the authorities listed under paragraph (l)(5)(iii) of this section.

(v) Livestock owners may obtain a permit from the Service, and the Idaho Department of Fish and Game, the Montana Department of Fish, Wildlife and Parks or appropriate Tribal authorities to take grizzly bears on private lands found in the Experimental Population Area in a manner other than harassment as defined in this paragraph (l), in order to protect livestock actually pursued or being killed on private property. Prior to issuance of such a permit, authorized State, Federal, or Tribal officials must document pursuit or killing of livestock. Any response protocol established by the Committee must have been satisfied and efforts to capture depredating grizzly bears by Service or State or Tribal wildlife agency personnel must have proven unsuccessful. All such taking must be reported as to date, exact location, and circumstances within 24 hours to the authorities listed under paragraph (l)(5)(iii) of this section.

(vi) Any authorized employee or agent of the Service or appropriate State wildlife agency or Nez Perce Tribe who is lawfully designated for such purposes, when acting in the course of official duties, may take a grizzly bear from the wild in the Experimental Population Area if such action is necessary to:

(A) Aid a sick, injured, or orphaned grizzly bear;

(B) Dispose of a dead grizzly bear, or salvage a dead grizzly bear that may be useful for scientific study;

(C) Take a grizzly bear that constitutes a demonstrable but nonimmediate threat to human safety or that is responsible for depredations to lawfully present domestic animals or other personal property, if otherwise eliminating such depredation or loss of personal property has not been possible, and after eliminating such threat by live-capturing and releasing the grizzly bear unharmed in the area defined in paragraph (l)(2) of this section or other areas approved by the Committee has been demonstrated not to be possible;

(D) Move a grizzly bear for genetic management purposes;

(E) Relocate grizzly bears within the Experimental Population Area to improve grizzly bear survival and recovery prospects; or (F) Relocate a grizzly bear to avoid conflict with human activities. However, grizzly bears in the Experimental Population Area will not be disturbed unless they demonstrate a real and imminent threat to human safety, livestock, or bees. Unless the Committee determines otherwise, this rule provides that on private lands outside the national forest boundary in the Bitterroot Valley, Montana (exclusion area), any human/grizzly conflicts will be considered unacceptable. Grizzly bear occupancy will be discouraged in the exclusion area, and grizzly bears found there will be captured and returned to the Recovery Area, or placed in captivity, or destroyed, depending on the history of each bear. If a grizzly bear enters the exclusion area, State and Federal wildlife management agencies will attempt to capture it immediately and notify the public of its presence as soon as possible. The public

will be kept updated until the bear is caught. Further, any grizzly bear that occupies inhabited human settlement areas on private land within the Experimental Population Area that, in the judgment of the management agencies or Committee, presents a clear threat to human safety or whose behavior indicates that it may become habituated to humans, will be relocated or destroyed by management agencies.

(6) *How will local citizens be involved in the management of the Bitterroot nonessential experimental grizzly bear population?* (i) The Secretary will establish a Citizen Management Committee for the Bitterroot grizzly bear experimental population and will authorize management implementation responsibility as described in paragraph (l)(9) of this section, in consultation with the Governors of Idaho and Montana. As soon as possible after the effective date of this rule, the Secretary will organize the Committee by requesting nominations of citizen members from the Governors of Idaho and Montana and the Nez Perce Tribe and nominations of agency members by represented agencies.

(ii) The Committee will be composed of 15 members serving 6-year terms. Appointments may initially be of lesser terms to ensure staggered replacement.

(A) Membership will consist of seven individuals appointed by the Secretary based upon the recommendations of the Governor of Idaho, five members appointed by the Secretary based upon the recommendations of the Governor of Montana, one member representing the Nez Perce Tribe appointed by the Secretary based on the recommendation of the Nez Perce Tribe, one member representing the Forest Service appointed by the Secretary of Agriculture, and one member representing the Fish and Wildlife Service appointed by the Secretary. Members recommended by the Governors of Idaho and Montana will be based on the recommendations of interested parties and will include at least one representative each from the appropriate State wildlife agencies. If either Governor or the Tribe fails to make recommendations within 60 days, the Secretary (or his/her designee) will accept recommendations from interested parties, and will make the appointments.

(B) The Committee will consist of a cross-section of interests reflecting a balance of viewpoints, and members are to be selected for their diversity of knowledge and experience in natural resource issues, and for their commitment to collaborative decision-making. In their recommendations to the Secretary, the Governors of Idaho and Montana will attach written documentation of the qualifications of those nominated relating to their knowledge of, and experience in, natural resource issues and their commitment to collaborative decision-making.

(C) Except for the representatives from Federal agencies, the Committee will be selected from communities within and adjacent to the Recovery and Experimental Population Areas.

(D) The Secretary will fill vacancies as they occur with the appropriate members based on the recommendation of the appropriate Governor, the Nez Perce Tribe, or agency.

(7) *Will independent scientific information be readily available to the Committee?* The Secretary will appoint two scientific advisors to the Committee as nonvoting members to attend all meetings of the Committee and to provide scientific expertise to the Committee. These scientific advisors will not be employed by Federal agencies involved in grizzly bear recovery. The Secretary will contact the Wildlife Society Chapters in Idaho and Montana and the Universities of Idaho and Montana for nominations and will select one wildlife scientist representing each State and appoint them as advisors to the Committee.

(8) *What is the overall mission of the Committee, and how will it operate?* (i) The mission of the Committee is to facilitate recovery of the grizzly bear in the Bitterroot ecosystem by assisting in implementing the Bitterroot ecosystem chapter of the recovery plan (Bitterroot Ecosystem Recovery Plan Chapter—Supplement to the Grizzly Bear Recovery Plan, U.S. Fish and Wildlife Service, Missoula, Montana, 1996). The Committee will make recommendations to land and wildlife management agencies that it believes will lead to recovery of the grizzly

bear. Decisions on, and implementation of, these recommendations are the responsibility of the land and wildlife management agencies.

(ii) The Committee will meet a minimum of two times per year. These meetings will be open to the public. Additionally, the committee will provide reasonable public notice of meetings, produce and provide written minutes of meetings to interested persons, and involve the public in its decision-making process. This public participation process will allow members of the public and/or special interest groups to have input to Committee decisions and management actions.

(9) *What authority will the Committee have, and what will be its primary tasks?* The Committee will have the authority and the responsibility to carry out the following functions:

(i) Developing a process for obtaining the best biological, social, and economic data. This process will include an explicit mechanism for soliciting peer-reviewed, scientific articles on grizzly bears and their management, and holding periodic public meetings not less than every 2 years, in which qualified scientists may submit comments to and be questioned by the Committee. The two scientific advisors will lead this process. The Committee will base its decisions upon the best scientific and commercial data available. All decisions of the Committee, including components of its management plans, must lead toward recovery of the grizzly bear in the Bitterroot ecosystem and minimize social and economic impacts to the extent practicable within the context of the existing recovery goals for the species.

(ii) Soliciting technical advice and guidance from outside experts. The scientific advisors will lead the development of an ongoing process to provide the Committee with the best scientific and commercial data available. The scientific advisors will provide this information in the form of peer-reviewed scientific articles on grizzly bears and their management, Committee meetings with presentations by scientific experts, and requests to State and Federal management agencies and the private sector for scientific expertise and advice.

(iii) Implementing the Bitterroot Ecosystem Chapter of the Grizzly Bear Recovery Plan consistent with this paragraph (l). The Committee will develop recommendations on existing management plans and policies of land and wildlife management agencies, as necessary, for the management of grizzly bears in the Experimental Population Area. The Committee will make recommendations to land and wildlife management agencies regarding changes to plans and policies, but the final decision on implementation of those recommendations will be made by those agencies. If Committee recommendations require significant changes to existing plans and policy, and the agencies tentatively agree to accept those recommendations, then the requirements of the National Environmental Policy Act may apply. Such management plans and policies will be in accordance with applicable State and Federal laws. The Committee will give full consideration to Service comments and opinions and those of the Forest Service, Idaho Department of Fish and Game, the Montana Department of Fish, Wildlife and Parks, and the Nez Perce Tribe.

(iv) Providing means by which the public may participate in, review, and comment on the decisions of the Committee. The Committee must thoroughly consider and respond to public input prior to making decisions.

(v) Developing its internal processes, where appropriate, such as governance, decision-making, quorum, terms of members, officers, meeting schedules and location, public notice of meetings, and minutes.

(vi) Requesting staff support from the Service, the Idaho Department of Fish and Game, Montana Department of Fish, Wildlife and Parks, Forest Service, other affected Federal agencies, and the Nez Perce Tribe, when necessary to perform administrative functions, and requesting reimbursement from us for non-Federal Committee members for costs associated with travel, lodging, and incidentals.

(vii) Reviewing existing grizzly bear standards and guidelines used by the Forest Service and other agencies and landowners. The Committee will perform an annual review of grizzly bear

mortalities and the number and location of bear/human conflicts. This review will be the primary mechanism to assess the adequacy of existing management techniques and standards. If the Committee deems such standards and guidelines inadequate for recovery of grizzly bears, the Committee may recommend changes to the Forest Service and other agencies and landowners.

(viii) Developing grizzly bear guidance for proper camping and sanitation within the Experimental Population Area and making recommendations to land management agencies for adoption of such guidelines. Existing camping and sanitation procedures developed in other ecosystems with grizzly bears will serve as a basis for such guidelines.

(ix) Developing a protocol for responding to grizzly/human encounters, livestock depredations, damage to lawfully present property, and other grizzly/human conflicts within the Experimental Population Area. Any response protocol developed by the Committee will have to undergo public comment and be revised as appropriate based on comments received. Any conflicts or mortalities associated with these activities will result in review by the Committee to determine what the Committee may do to help prevent future conflicts or mortalities. The Committee will recommend, as necessary, policy changes on trail restrictions for human safety to appropriate wildlife and land management agencies.

(x) Recommending to the Service changes to recovery criteria, including mortality limits, population determinations, and other criteria for recovery as appropriate.

(xi) Reviewing all human-caused grizzly bear mortalities to determine whether new measures for avoiding future occurrences are required and make recommendations on such measures to appropriate land and wildlife management agencies. If grizzly bear mortalities occur as a result of black bear hunting, the Committee will work with the State Fish and Game Departments in both Idaho and Montana to develop solutions to minimize the effects on grizzly bears of black bear hunting.

(xii) Developing strategies to emphasize recovery inside the Recovery Area and to accommodate grizzly bears inside other areas of the Experimental Population Area.

(A) Grizzly bears may range outside the Recovery Area because grizzly bear habitat exists throughout the Experimental Population Area. The Committee will not recommend that bears be disturbed or moved unless conflicts are both significant and cannot be corrected as determined by the Committee. This provision includes conflicts associated with livestock, for which the Committee will develop strategies to discourage grizzly bear occupancy in portions of the Experimental Population Area outside of the Recovery Area.

(B) Unless the Committee determines otherwise, this rule provides that private land outside the national forest boundary in the Bitterroot Valley, Montana (exclusion area), is an area where any human/grizzly conflicts will be considered unacceptable. Grizzly bear occupancy will be discouraged in these areas, and grizzly bears will be captured and returned to the Recovery Area. If a grizzly bear enters the exclusion area, State and Federal wildlife management agencies will attempt to capture it immediately and notify the public of its presence as soon as possible. The public will be kept updated until the bear is caught. Further, any grizzly bear that occupies the exclusion area or other inhabited human settlement areas on private land within the Experimental Population Area that, in the judgment of the management agencies or Committee, presents a clear threat to human safety or whose behavior indicates that it may become habituated to humans, will be relocated or destroyed by management agencies.

(xiii) Establishing standards for determining whether the experimental reintroduction has been successful and making recommendations on the inclusion of such standards in the Grizzly Bear Recovery Plan. These standards will be based on the best scientific and commercial information available and will reflect that, absent extraordinary circumstances, the success or failure of the program cannot be measured in

fewer than 20 years. General guidelines for the standards by which failure will be measured include, but are not limited to, one or more of the following conditions:

(A) If, within the number of years established by the Committee following initial reintroduction, no relocated grizzly bear remains within the Experimental Population Area and the reasons for emigration or mortality cannot be identified and/or remedied; or

(B) If, within the number of years established by the Committee following initial reintroduction, no cubs of the year or yearlings exist and the relocated bears are not showing signs of successful reproduction as evidenced by no cubs of the year or yearlings.

(xiv) Developing procedures for the expeditious issuance of permits described in paragraphs (l)(5)(iv) and (l)(5)(v) of this section, and making recommendations on such procedures to appropriate agencies.

(xv) Developing 2-year work plans for the recovery effort for submittal to the Secretary pursuant to paragraph (l)(11)(i) of this section.

(xvi) Establishing, based on the best available science, a refined interim recovery goal for the Bitterroot Ecosystem Chapter of the Grizzly Bear Recovery Plan and a final recovery goal when sufficient information is available and after grizzly bears are reintroduced and occupy suitable habitats in the Experimental Population Area. As this information becomes available, the Committee may recommend the recovery goal to the Secretary along with procedures for determining how this goal will be measured. The recovery goal for the Bitterroot grizzly bear population will be consistent with the habitat available within the Recovery Area. Additional adjacent areas of public land can be considered for contribution of suitable habitat when setting the recovery goal if additional land is shown to be necessary by the best scientific and commercial data available. Any recommendations for revised recovery goals developed by the Committee will require public review and our approval as appropriate prior to revision of any recovery plan. Grizzly bears outside the Recovery Area and within the Experimental Population Area can contribute to meeting the recovery goal if their long-term occupancy in such habitats outside the Recovery Area is reasonably certain.

(10) *What agencies will be responsible for day-to-day management activities?* The Idaho Department of Fish and Game, the Montana Department of Fish, Wildlife and Parks, the Nez Perce Tribe, and the Forest Service, in coordination with us, will exercise day-to-day management responsibility within the Experimental Population Area in accordance with this paragaraph (l). The Service and these cooperating agencies will share management responsibility as per agreements with, and in consideration of, recommendations from the Committee.

(11) *How will progress of the Committee be monitored; and what process will be followed by the Secretary to resolve disputes over whether Committee actions are leading to recovery?* (i) The Secretary or our representative on the Committee will review the Committee's 2-year work plans (see paragraph (l)(9)(xv) of this section). If the Secretary determines, through our representative on the Committee, that the Committee's decisions, work plans, or the implementation of those plans are not leading to the recovery of the grizzly bear within the Experimental Population Area or are not in compliance with this paragraph (l), our representative will ask the Committee to determine whether such a decision, plan, or implementation of a plan is leading to recovery and is in compliance with this paragraph (l). The Secretary, who retains final responsibility and authority for implementation of the Act, will review the Committee's determination, as provided in paragraphs (l)(11)(ii) through (iv) of this section, and then make a final determination. Should the Secretary find that a decision, work plan, or implementation of a plan by the Committee is inadequate for recovery of the grizzly bear or is not in compliance with this paragraph (l), the Secretary may assume lead management responsibility.

(ii) The Service representative will consider Committee input before making any determination that Committee actions are not leading to recovery or

are not in compliance with this paragraph (l). In the event that our representative on the Committee determines that the actions of the Committee are not leading to recovery of the Bitterroot grizzly bear population or are not in compliance with this paragraph (l), he or she will recommend to the Committee, based on the best scientific and commercial data available, alternative or corrective actions and provide 6 months for the Committee to accomplish those actions. Should the Committee reject these corrective actions, our representative will convene a Scientific Review Panel of three and will submit to the panel for review those Committee actions or decisions that he or she has determined are not leading to recovery or are not in compliance with this paragrpah (l). The Service representative will consider the views of all Committee members prior to convening a Scientific Review Panel.

(iii) Members of the Scientific Review Panel will be professional scientists who have had no involvement with the Committee and are not employed by Federal agencies responsible for grizzly bear recovery efforts. The Secretary will select one member of the panel, and the Governors of Idaho and Montana in consultation with the Universities of Idaho and Montana (respectively), will select one panel member each. The Scientific Review Panel will review Committee actions or decisions, solicit additional information if necessary and, using the best scientific and commercial data available, make timely recommendations to the Committee as to whether Committee actions will lead to recovery of the grizzly bear in the Bitterroot ecosystem and are in compliance with paragraph (l). Examples of Committee actions, decisions, or lack of actions that can be submitted to the Scientific Review Panel include, but are not limited to, the following: sufficiency of public involvement in Committee activities; decisions involving sanitation and outreach activities; management of nuisance bears; adequacy of recommendations to land and wildlife management agencies; adequacy of Committee actions in addressing issues such as excessive human-caused grizzly bear mortality; and other actions important to recovery of the grizzly bear in the Bitterroot ecosystem. Committee compliance with paragraph (l) provides the basis for the recommendations of the Scientific Review Panel.

(iv) If, after timely review, the Committee rejects the recommendations of the Scientific Review Panel, and our representative determines that Committee actions are not leading to recovery of the Bitterroot population, he or she will notify the Secretary. The Secretary will review the Panel's recommendations and determine the disposition of the Committee.

(A) If the Secretary determines that the Committee should maintain lead management responsibility, the Committee will continue to operate according to the provisions of this paragraph (l) until the recovery objectives under paragraph (l)(9)(xvi) of this section or the Bitterroot Ecosystem Chapter of the Recovery Plan have been met and the Secretary has completed delisting.

(B) If the Secretary decides to assume lead management responsibility, the Secretary will consult with the Governors of Idaho and Montana regarding that decision and further attempt to resolve the disagreement. If, after such consultation, the Secretary assumes lead management responsibility, the Secretary will publish a notice in the FEDERAL REGISTER explaining the rationale for the determination and notify the Governors of Idaho and Montana. The Committee will disband, and all requirements identified in this paragraph (l) regarding the Committee will be nullified.

(12) *How will the Bitterroot grizzly bear population be monitored?* The reintroduced population will be monitored closely by Federal and State agencies in cooperation with the Committee for the duration of the recovery process, generally by use of radio telemetry as appropriate.

(13) *How will success or failure of the project be evaluated?* The status of Bitterroot grizzly bear recovery will be reevaluated separately by the Committee and by the Secretary at 5-year intervals. This review will take into account the reproductive success of the grizzly bears released, human-caused

mortality, movement patterns of individual bears, food habits, and overall health of the population and will recommend changes and improvements in the recovery program. Evaluating these parameters will assist in determining success or failure of the restoration.

(14) *What process will be followed if the Secretary determines the project has failed?* (i) If, based on the criteria established by the Committee, the Secretary, after consultation with the Committee, the Governors of Idaho and Montana, the Idaho Department of Fish and Game, the Montana Department of Fish, Wildlife and Parks, and the Nez Perce Tribe, determines that the reintroduction has failed to produce a self-sustaining population, this paragraph (l) will not be used to reintroduce additional bears. Any remaining bears will retain their experimental status.

(ii) Prior to declaring the experimental reintroduction a failure, we will investigate the probable causes of the failure. If the causes can be determined, and legal and reasonable remedial measures identified and implemented, we will consider continuing the recovery effort and maintaining the relocated population. If such reasonable measures cannot be identified and implemented, we will publish the results of our evaluation in the FEDERAL REGISTER in a proposed rulemaking to terminate the authority for additional experimental grizzly bear reintroductions in the Bitterroot ecosystem.

(15) *Will the legal status of grizzly bears in the Experimental Population Area change?* We do not intend to change the ''nonessential experimental'' designation to ''essential experimental,'' ''threatened,'' or ''endangered'' and foresee no likely situation that would result in such changes. Critical habitat cannot be designated under the nonessential experimental classification, 16 U.S.C. 1539(j)(2)(C)(ii).

(16) *What are the definitions of key terms used in the rule in this paragraph (l)?* In addition to terms defined in § 10.12 and 17.3 of this subchapter, the following terms apply to this paragraph (l):

Accommodate means allowing grizzly bears that move outside the Recovery Area onto public land in the Experimental Population Area to remain undisturbed unless they demonstrate a real and imminent threat to human safety or livestock.

Citizen Management Committee (Committee) means that Committee described in paragraph (l)(6) of this section.

Current range means the area inside or within 10 miles of the recovery zone line of currently occupied grizzly bear recovery zones or any area where there is a grizzly bear population, as defined in this paragraph (l)(16).

Exclusion area (Bitterroot Valley) means those private lands in Montana lying within the Bitterroot Experimental Population Area in the Bitterroot Valley outside the Bitterroot National Forest boundary south of U.S. Highway 12 to Lost Trail Pass and west of Highway 93.

Experimental Population Area (Bitterroot Grizzly Bear Experimental Population Area) means that area delineated in paragraph (l)(1) of this section within which management plans developed as part of the Committee described in paragraph (l)(9) of this section will be in effect. This area includes the Recovery Area. The Experimental Population Area is within the historic range of the grizzly bear, but geographically separate from the current range of the grizzly bear.

Geographically separate means separated by more than 10 miles. The term refers to ''wholly separate geographically'' in section 10(j)(2) of the Act. The Experimental Population Area and the recovery zone boundary of any existing grizzly bear population must be geographically separate.

Grizzly bear population is defined by verified evidence within the previous 6 years which consists of photos within the area, verified tracks, or sightings by reputable scientists or agency personnel of at least two different female grizzly bears with young or one female with different litters in 2 different years in an area geographically separate from other grizzly bear populations. Verifiable evidence of females with young, to be geographically separate, would have to occur greater than

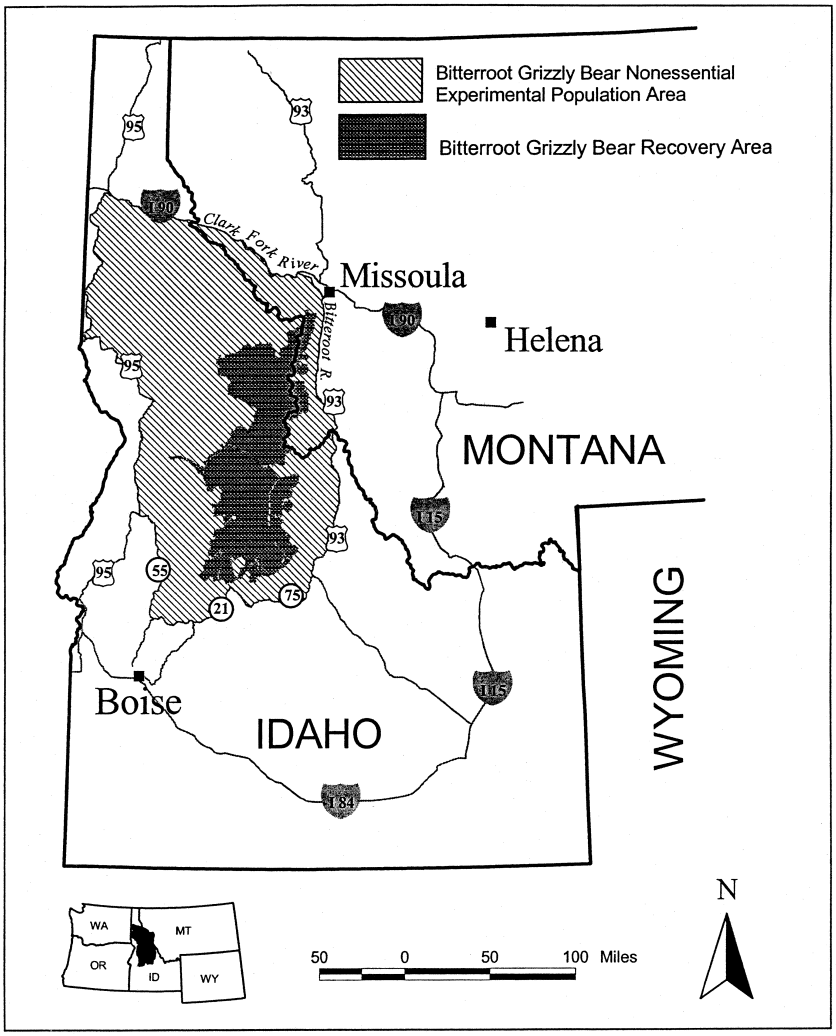
10 miles from the nearest nonexperimental grizzly bear population recovery zone boundary.

Opportunistic, noninjurious harassment means harassment (see definition of ''harass'' in §17.3) that occurs when the grizzly bear presents itself (for example, the bear travels onto and is observed on private land or near livestock). This paragraph (l) permits only this type of harassment. You cannot track, attract, search out, or chase a grizzly bear and then harass it. Any harassment must not cause bodily injury or death to the grizzly bear. The intent of harassment permitted by this definition is to scare bears away from the immediate area.

Recovery Area (Bitterroot Grizzly Bear Recovery Area) means the area of recovery emphasis within the Experimental Population Area, and is delineated in paragraph (l)(2) of this section. This area consists of the Selway-Bitterroot and Frank Church-River of No Return Wilderness areas. The Recovery Area is within the historic range of the species.

Recovery emphasis means grizzly bear management decisions in the Recovery Area will favor bear recovery so that this area can serve as core habitat for survival, reproduction, and dispersal of the recovering population. Reintroduction of grizzly bears is planned to occur within the Selway-Bitterroot Wilderness portion of the Recovery Area unless it is later determined that reintroduction in the Frank Church-River of No Return Wilderness is appropriate.

Unavoidable and unintentional take means accidental, unintentional take (see definition of take in §10.12 of this subchapter) that occurs despite reasonable care, is incidental to an otherwise lawful activity, and is not done on purpose. An example would be striking a grizzly bear with an automobile. Taking a grizzly bear by shooting will not be considered unavoidable and unintentional take. Shooters have the responsibility to be sure of their targets.



(m) Spotfin chub (=turquoise shiner) (*Erimonax monachus*)—(1) *Where is the spotfin chub designated as a nonessential experimental population (NEP)?* We have designated three populations of this species as NEPs: the Tellico River NEP, the Shoal Creek NEP, and the French Broad River and Holston River NEP. This species is not currently known to exist in the Tellico River or its tributaries, the Shoal Creek or its tributaries, or any of the tributaries to the free-flowing reaches of the French Broad River below Douglas Dam, Knox and Sevier Counties, Tennessee, or of the Holston River below the Cherokee Dam, Knox, Grainger, and Jefferson

Counties, Tennessee. Based on its habitat requirements, we do not expect this species to become established outside the NEP areas. However, if individuals move upstream or downstream or into tributaries outside any of the designated NEP areas, we would presume that those individuals came from the closest reintroduced population. We would then amend this regulation and enlarge the boundaries of the NEP area to include the entire range of the expanded population.

(i) The Tellico River NEP area is within the species' probable historic range and is defined as follows: The Tellico River, between the backwaters of the Tellico Reservoir (approximately Tellico River mile 19 (30.4 kilometers (km)) and Tellico River mile 33 (52.8 km), near the Tellico Ranger Station, Monroe County, Tennessee.

(ii) The Shoal Creek NEP area is within the species' historic range and is defined as follows: Shoal Creek (from Shoal Creek mile 41.7 (66.7 km)) at the mouth of Long Branch, Lawrence County, TN, downstream to the backwaters of Wilson Reservoir (Shoal Creek mile 14 (22 km)) at Goose Shoals, Lauderdale County, AL, including the lower 5 miles (8 km) of all tributaries that enter this reach.

(iii) The French Broad River and Holston River NEP area is within the species' historic range and is defined as follows: the French Broad River, Knox and Sevier Counties, Tennessee, from the base of Douglas Dam (river mile (RM) 32.3 (51.7 km)) downstream to the confluence with the Holston River; then up the Holston River, Knox, Grainger, and Jefferson Counties, Tennessee, to the base of Cherokee Dam (RM 52.3 (83.7 km)); and the lower 5 RM (8 km) of all tributaries that enter these river reaches.

(iv) We do not intend to change the NEP designations to ''essential experimental,'' ''threatened,'' or ''endangered'' within the NEP area. Additionally, we will not designate critical habitat for these NEPs, as provided by 16 U.S.C. 1539(j)(2)(C)(ii).

(2) *What activities are not allowed in the NEP area?* (i) Except as expressly allowed in paragraph (m)(3) of this section, all the provisions of §17.31(a) and (b) apply to the spotfin chub.

(ii) Any manner of take not described under paragraph (m)(3) of this section is prohibited in the NEP area. We may refer unauthorized take of this species to the appropriate authorities for prosecution.

(iii) You may not possess, sell, deliver, carry, transport, ship, import, or export by any means whatsoever any of the identified fishes, or parts thereof, that are taken or possessed in violation of paragraph (m)(2) of this section or in violation of the applicable State fish and wildlife laws or regulations or the Act.

(iv) You may not attempt to commit, solicit another to commit, or cause to be committed any offense defined in paragraph (m)(2) of this section.

(3) *What take is allowed in the NEP area?* Take of this species that is accidental and incidental to an otherwise legal activity, such as recreation (e.g., fishing, boating, wading, trapping, or swimming), forestry, agriculture, and other activities that are in accordance with Federal, State, and local laws and regulations, is allowed.

(4) *How will the effectiveness of these reintroductions be monitored?* (i) In the Tellico River NEP area, we will prepare periodic progress reports and fully evaluate these reintroduction efforts after 5 and 10 years to determine whether to continue or terminate the reintroduction efforts.

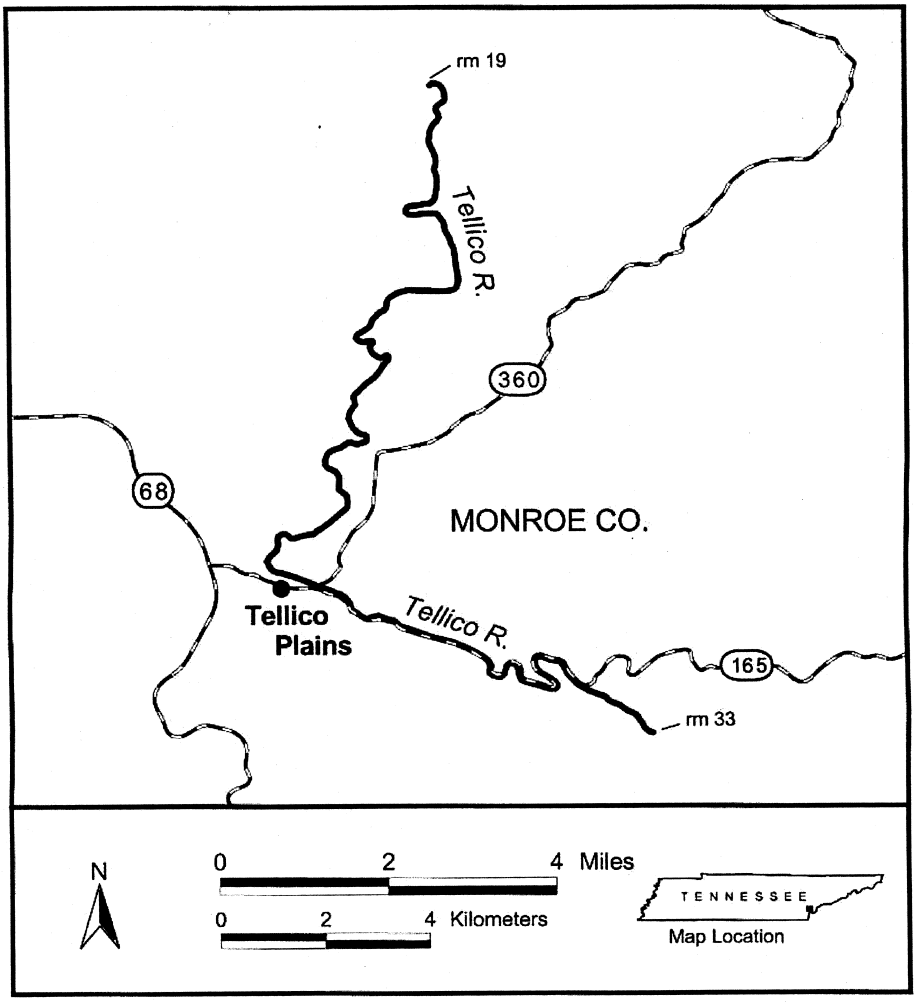
(ii) In the Shoal Creek NEP area, after the initial stocking of fish, we will monitor annually their presence or absence and document any spawning behavior or young-of-the-year fish that might be present. This monitoring will be conducted primarily by snorkeling or seining and will be accomplished by contracting with the appropriate species experts. We will produce annual reports detailing the stocking rates and monitoring activities that took place during the previous year. We will also fully evaluate these reintroduction efforts after 5 and 10 years to determine whether to continue or terminate the reintroduction efforts.

(iii) *In the Lower French Broad and Lower Holston Rivers NEP area*, after the initial stocking of these species, we will monitor annually their presence or absence and document any spawning behavior or young-of-the-year that

might be present. This monitoring will be conducted primarily by snorkeling or seining and will be accomplished by contracting with the appropriate species experts. Annual reports will be produced detailing the stocking rates and monitoring activities that took place during the previous year. We will also fully evaluate these reintroduction efforts after 5 and 10 years to determine whether to continue or terminate the reintroduction efforts.

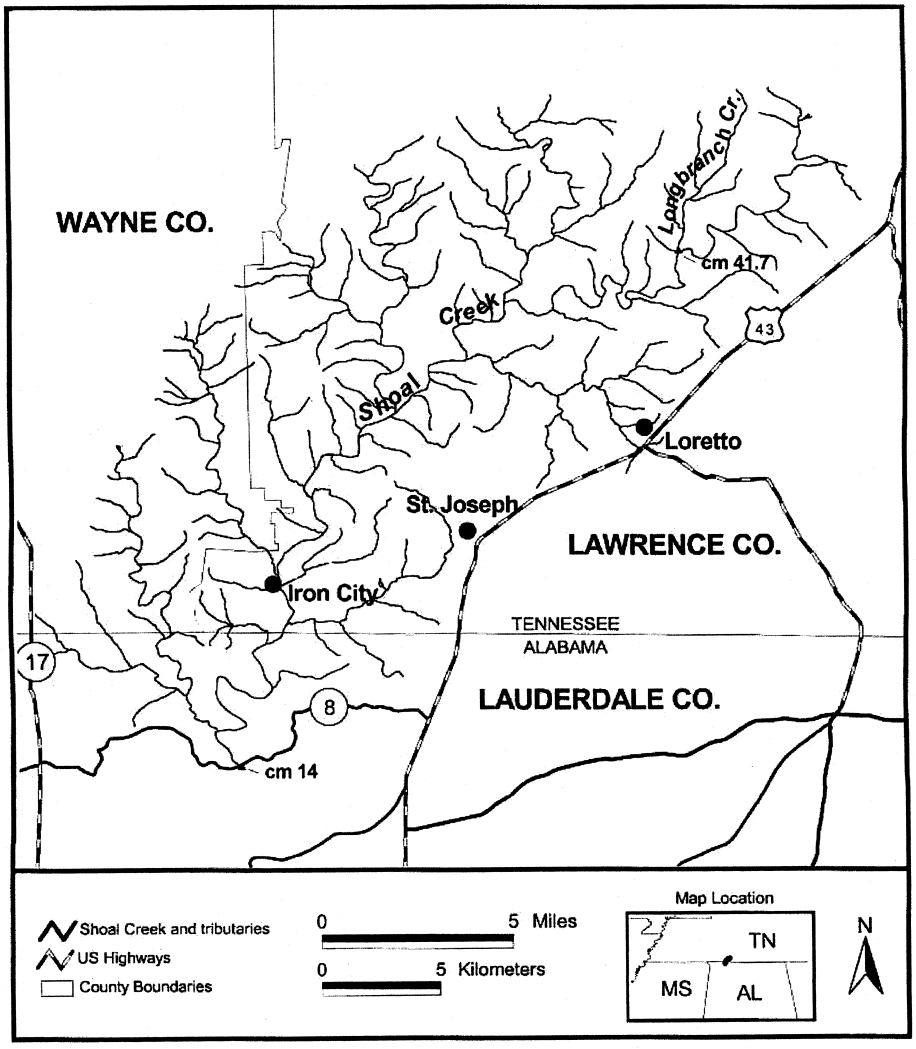
(5) *Note:* Map of the Tellico River NEP area for spotfin chub, dusky darter, smoky madtom, and yellowfin madtom in Tennessee follows:

Portion of the Tellico River Covered by the Spotfin Chub, Duskytail Darter, Smoky Madtom and Yellowfin Madtom Nonessential Experimental Population Designation



(6) *Note:* Map of the Shoal Creek NEP area for spotfin chub and boulder darter in Tennessee and Alabama follows:

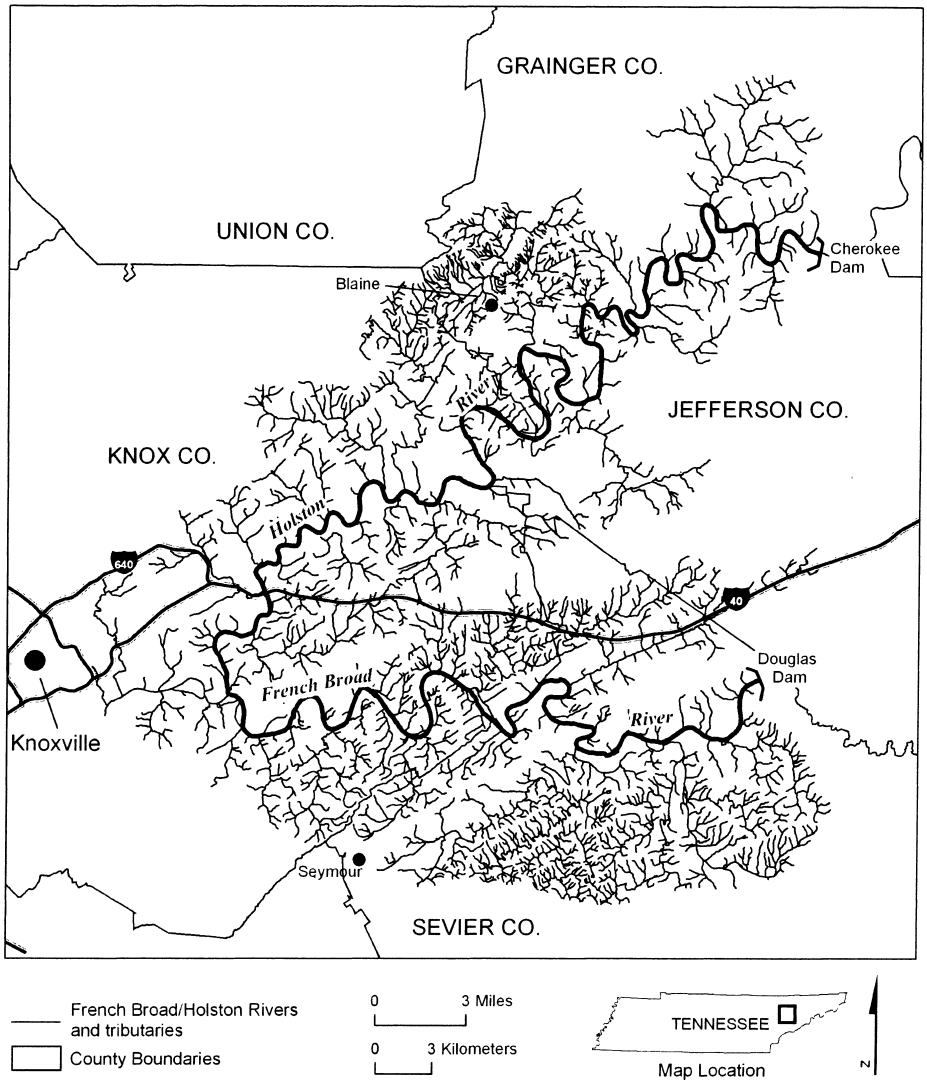
Portion of Shoal Creek Watershed Covered by the Spotfin Chub and Boulder Darter Nonessential Experimental Population Designation



(7) *Note:* Map of the French Broad River and Holston River NEP area for spotfin chub, slender chub, duskytail

darter, pygmy madtom, and yellowtail madtom in Tennessee follows:

Portion of the Lower French Broad River Watershed and the Lower Holston River Watershed Covered by the 2 Federally Listed Endangered Fishes: Duskytail Darter and Pygmy Madtom; and 3 Federally Listed Threatened Fishes: Slender Chub, Spotfin Chub, and Yellowfin Madtom Nonessential Experimental Population Designation.



(n) Wolf, gray (*Canis lupus*). (1) *Purpose.* The regulations in this paragraph (n) set forth the provisions of a rule to establish an experimental population

of gray wolves. The Service finds that establishment of an experimental population of gray wolves as described in this paragraph (n) will further the conservation of the species.

(2) *Determinations.* The gray wolves identified in paragraph (n)(3) of this section constitute a nonessential experimental population (NEP) under §17.81(c)(2). These wolves will be managed in accordance with the provisions of this rule in the boundaries of the NEP area within the State of Colorado or any Tribal reservation found in the State that has a wolf management plan, as further provided in this rule. Furthermore, the State of Colorado or any Tribe within the State that has a wolf management plan consistent with this rule can request to assume the lead authority for wolf management under this rule within the borders of the NEP area in the State or reservation as set forth in paragraph (n)(10) of this section.

(3) *Designated area.* The Colorado NEP area encompasses the entire State of Colorado. All gray wolves found in the wild within the boundary of the Colorado NEP area are considered nonessential experimental animals. Any gray wolf that is outside the Colorado NEP area, with the exception of wolves in the States of Idaho, Minnesota, Montana, Wyoming, and portions of the States of Oregon, Washington, and Utah, is considered endangered. Any wolf originating from the Colorado NEP area and dispersing beyond its borders may be managed by the wolf management regulations established for that area or may be returned to the Colorado NEP area.

(4) *Definitions.* Key terms used in this rule have the following meanings:

Designated agent—An employee of a Federal, State, or Tribal agency that is authorized or directed by the Service to conduct gray wolf management consistent with this rule.

Intentional harassment—The deliberate and pre-planned harassment of wolves, including by less-than-lethal munitions that are designed to cause physical discomfort and temporary physical injury but not death.

In the act of attacking—The actual biting, wounding, grasping, or killing of livestock or working dogs or chasing, molesting, or harassing by wolves that would indicate to a reasonable person that such biting, wounding, grasping, or killing of livestock or working dogs is likely to occur at any moment.

Landowner—Any of the following entities:

(A) An owner or lessee of private land, or their immediate family members, or the owner's employees, contractors, or volunteers who are currently employed to actively work on that private land.

(B) The owners, or their employees or contractors, of livestock that are currently and legally grazed on private land and herding and guarding animals (such as alpacas, llamas, or donkeys) and other leaseholders on private land, such as outfitters or guides who lease hunting rights from private landowners.

(C) Individuals legally using Tribal lands in the State of Colorado.

Livestock—Cattle, sheep, pigs, horses, mules, goats, domestic bison, and herding and guarding animals (alpacas, llamas, donkeys, and certain breeds of dogs commonly used for herding or guarding livestock). Livestock excludes dogs that are not being used for livestock guarding or herding.

Livestock producer—A person who is actively engaged in farming/ranching and receives income from the production of livestock.

Non-injurious—Does not cause either temporary or permanent physical damage or death.

Opportunistic harassment—Harassment without the conduct of prior purposeful actions to attract, track, wait for, or search out the wolf. Opportunistic harassment includes scaring wolves with noise (e.g., yelling or shooting firearms into the air), movement (e.g., running or driving toward the wolf), or objects (e.g., throwing a rock at a wolf or releasing bear pepper spray).

Private land—All land other than that under Federal Government ownership and administration and including Tribal reservations.

Public land—Federal land such as that administered by the National Park Service, U.S. Fish and Wildlife Service, Bureau of Land Management,

Bureau of Reclamation, U.S. Department of Agriculture's Forest Service, Department of Defense, or other agencies within the Federal Government.

Public land permittee—A person or that person's employee who has an active, valid Federal land-use permit to use specific Federal lands to graze livestock or operate an outfitter or guiding business that uses livestock and Tribal members who legally graze their livestock on ceded public lands under recognized Tribal treaty rights. This term does not include private individuals or organizations who have Federal permits for other activities on public land such as collecting firewood, mushrooms, antlers, or Christmas trees, logging, mining, oil or gas development, or other uses that do not require livestock.

Relocation—Capture and movement to another location.

Remove—Place in captivity or kill.

Research—Scientific studies resulting in data that will lend to enhancement of the survival of the gray wolf.

Rule—The regulations in this paragraph (n).

Tribal land—Any lands where title is either held in trust by the United States for the benefit of an Indian Tribe or individual Indian or held by an Indian Tribe or individual Indian subject to restrictions by the United States against alienation (*i.e.*, sale or transfer).

Unacceptable impact—Tribally determined decline in a wild ungulate population or herd where wolf predation is a major cause of the population or herd not meeting established Tribal management goals on Tribal land. The Tribal determination must be peer-reviewed and reviewed and commented on by the public prior to a final, written determination by the Service that an unacceptable impact has occurred and that wolf removal will benefit the affected ungulate herd or population.

Working dogs—Guard or herding dogs typically used in livestock production.

Wounded—Exhibiting scraped or torn hide or flesh, bleeding, or other evidence of physical damage caused by a wolf.

(5) *Allowable forms of take of gray wolves.* Take of gray wolves in the experimental population is allowed without a permit only in these specific circumstances: opportunistic harassment; intentional harassment; take in defense of human life; take to protect human safety; take by designated agents to remove depredating wolves; incidental take; take under any previously authorized permits issued by the Service; take per authorizations for employees of designated agents; take for research purposes; and take to protect livestock animals and working dogs. Consistent with the requirements of the State or Tribe, take is allowed on private land. Take on public land is allowed as specified in paragraph (n)(5)(iv)(A) of this section. Other than as expressly provided by the regulations in this rule, all other forms of take are considered a violation of section 9 of the Act. Any wolf or wolf part taken legally must be turned over to the Service unless otherwise specified in this rule. Any take of wolves must be reported as set forth in paragraph (n)(6) of this section.

(i) *Opportunistic harassment.* Anyone may conduct opportunistic harassment of any gray wolf in a non-injurious manner at any time. Opportunistic harassment must be reported to the Service or a designated agent within 7 days as set forth in paragraph (n)(6) of this section.

(ii) *Intentional harassment.* After we or a designated agent have confirmed wolf activity on private land or a public land grazing allotment, we or the designated agent may issue written take authorization, with appropriate conditions, valid for not longer than 1 year to any landowner or public land permittee to intentionally harass wolves. The harassment must occur in the area and under the conditions as specifically identified in the written take authorization. Intentional harassment must be reported to the Service or a designated agent(s) within 7 days as set forth in paragraph (n)(6) of this section. The provisions in this paragraph (n)(5)(ii) do not apply if there is evidence of unusual attractants or artificial or intentional feeding.

(iii) *Take by landowners on their private land.* Landowners may take wolves on their private land in the following two additional circumstances:

(A) Consistent with State or Tribal requirements, any landowner may take a gray wolf in the act of attacking livestock or working dogs on private land (owned or leased), provided that there is no evidence of intentional baiting, feeding, or deliberate attractants of wolves. To preserve physical evidence that the livestock or working dogs were recently attacked by a wolf or wolves, the carcass of any wolf taken and surrounding area must not be disturbed. The Service or designated agent must be able to confirm that the livestock or dogs were wounded, harassed, molested, or killed by wolves. The take of any wolf without such evidence of a direct and immediate threat may be referred to the appropriate authorities for prosecution.

(B) The Service or designated agent may issue a ''depredation'' written take authorization of limited duration (45 days or fewer) to a landowner or their employees to take up to a specified (by the Service or our designated agent) number of wolves on their private land if:

(*1*) The landowner has had at least one depredation by wolves on livestock that has been confirmed by the Service or our designated agent within the last 30 days; and

(*2*) The Service or our designated agent has determined that depredating wolves routinely occur on the private land and present a significant risk to the health and safety of livestock; and

(*3*) The Service or our designated agent has authorized lethal removal of wolves from those same private lands.

(*4*) The authorizations set forth by this paragraph (n)(5)(iii)(B) may be terminated at any time once threats have been resolved or minimized.

(iv) *Take on public land.* Consistent with State or Tribal requirements, any livestock producer and public land permittee (see definitions in paragraph (n)(4) of this section) who is legally using public land under a valid Federal land-use permit may, without prior written authorization, take a gray wolf in the act of attacking livestock or working dogs on the person's allotment or other area authorized for the person's use.

(A) The Service or designated agent must be able to confirm that the livestock or working dog was wounded, harassed, molested, or killed by a wolf or wolves. To preserve physical evidence that the take was conducted according to this rule, the carcass of any wolf taken and the area surrounding it should not be disturbed. Any person legally present on public land may immediately take a wolf that is in the act of attacking the individual's livestock animal or working dog, provided conditions described in paragraph (n)(5)(iii)(A) of this section for private land (*i.e.,* ''in the act of attacking'') are met. Any take or method of take on public land must be consistent with the laws and regulations on those public lands.

(B) The Service or our designated agent may issue a ''depredation'' written take authorization of limited duration (45 days or fewer) to a public land grazing permittee to take up to a specified (by the Service or our designated agent) number of wolves on that permittee's active livestock grazing allotment if all of the following situations occur:

(*1*) The grazing allotment has had at least one depredation by wolves on livestock that has been confirmed by the Service or our designated agent within the last 30 days; and

(*2*) The Service or our designated agent has determined that depredating wolves routinely occur on that allotment and present a significant risk to the health and safety of livestock; and

(*3*) The Service or our designated agent has authorized lethal removal of wolves from that same allotment.

(*4*) The authorizations set forth by this paragraph (n)(5)(iv)(B) may be terminated at any time once threats have been resolved or minimized.

(*5*) Any take or method of take on public land must be consistent with the rules and regulations on those public lands.

(v) *Agency take of wolves that depredate livestock.* The Service or our designated agent may carry out harassment, nonlethal control measures, relocation, placement in captivity, or lethal control of depredating wolves. The Service or our designated agent will consider:

(A) Evidence of wounded livestock or working dogs or remains of livestock

or working dogs that show that the injury or death was caused by wolves, or evidence that wolves were in the act of attacking livestock or working dogs;

(B) The likelihood that additional wolf-caused losses or attacks may occur if no control action is taken;

(C) Any evidence of unusual attractants or artificial or intentional feeding of wolves; and

(D) Evidence that animal husbandry practices recommended in approved allotment plans and annual operating plans were followed.

(vi) *Take in defense of human life.* Any person may take a gray wolf in defense of the individual's life or the life of another person. The taking of a wolf without an immediate and direct threat to human life may be referred to the appropriate authorities for prosecution.

(vii) *Take to protect human safety.* The Service or our designated agent may promptly remove any wolf that we or our designated agent determines to be a threat to human life or safety.

(viii) *Incidental take.* Take of a gray wolf is allowed if the take is accidental and/or incidental to an otherwise lawful activity and if reasonable due care was practiced to avoid such take and such take is reported within 24 hours as set forth at paragraph (n)(6) of this section. We may refer incidental take that does not meet these provisions to the appropriate authorities for prosecution. Shooters have the responsibility to identify their target before shooting. Shooting a wolf as a result of mistaking it for another species is not considered incidental take and may be referred to the appropriate authorities for prosecution.

(ix) *Take under permits.* Any person with a valid permit issued by the Service under 50 CFR 17.32, or our designated agent, may take wolves in the wild, pursuant to terms of the permit.

(x) *Additional take authorization for agency employees.* When acting in the course of official duties, any employee of the Service or a designated agent may take a wolf, when necessary, in regard to the release, tracking, monitoring, recapture, and management of the NEP or to:

(A) Aid or euthanize a sick, injured, or orphaned wolf and transfer it to a licensed veterinarian for care;

(B) Dispose of a dead specimen;

(C) Salvage a dead specimen that may be used for scientific study;

(D) Aid in law enforcement investigations involving wolves (collection of specimens for necropsy, etc.); or

(E) Remove wolves with abnormal physical or behavioral characteristics, as determined by the Service or our designated agent, from passing on or teaching those traits to other wolves.

(F) Such take must be reported to the Service as set forth in paragraph (n)(6) of this section, and specimens are to be retained or disposed of only in accordance with directions from the Service.

(xi) *Take of gray wolves that are contributing to unacceptable impacts to wild ungulate populations or herds on Tribal land.* This exception requires Tribes to develop a science-based proposal that must, at a minimum, include the following information:

(A) The basis of ungulate population or herd management objectives;

(B) Data indicating that the ungulate herd is below management objectives;

(C) Data indicating that wolves are a major cause of the ungulate population decline;

(D) Why wolf removal is a warranted solution to help restore the ungulate herd to management objectives;

(E) The level and duration of wolf removal being proposed;

(F) How ungulate population response to wolf removal will be measured and control actions adjusted for effectiveness; and

(G) Demonstration that attempts were and are being made to address other identified major causes of ungulate herd or population declines or of Tribal government commitment to implement possible remedies or conservation measures in addition to wolf removal.

(H) The proposal described in this paragraph (n)(5)(xi) must be subjected to both public and peer review prior to being finalized and submitted to the Service for review. Peer review must include at least three independent peer reviewers with relevant expertise in the subject matter who are not staff of

the Tribe submitting the proposal. Before wolf removals can be authorized, the Service will evaluate the information in the proposal and provide a written determination to the requesting Tribal game and fish agency on whether such actions are scientifically based and warranted.

(xii) *Take for research purposes.* Permits are available and required, except as otherwise allowed by this rule, for scientific purposes, enhancement of propagation or survival, educational purposes, or other purposes consistent with the Act (50 CFR 17.32). Scientific studies should be reasonably expected to result in data that will lead to development of sound management of the gray wolf and to enhancement of its survival as a species.

(6) *Reporting requirements.* Except as otherwise specified in this rule or in an authorization, any take of a gray wolf must be reported to the Service or our designated agent as follows: Lethal take must be reported within 24 hours, and opportunistic or intentional harassment must be reported within 7 days. We will allow additional reasonable time if access to the site is limited.

(i) Report any take of wolves, including opportunistic harassment or intentional harassment, to U.S. Fish and Wildlife Service, Colorado Ecological Services Field Office Supervisor (134 Union Boulevard, Suite 670, Lakewood, Colorado 80225; *ColoradoES@fws.gov*), or a Service-designated agent of another Federal, State, or Tribal agency.

(ii) Unless otherwise specified in this paragraph (n), any wolf or wolf part taken legally must be turned over to the Service, which will determine the disposition of any live or dead wolves.

(7) *Prohibitions.* Take of any gray wolf in the NEP is prohibited, except as provided in paragraphs (n)(5) and (8) of this section. Specifically, the following actions are prohibited by this rule:

(i) No person shall possess, sell, deliver, carry, transport, ship, import, or export by any means whatsoever, any wolf or part thereof from the experimental population taken in violation of the regulations in this paragraph (n) or in violation of applicable State or Tribal fish and wildlife laws or regulations or the Act.

(ii) It is unlawful for any person to attempt to commit, solicit another to commit, or cause to be committed any offense defined in this paragraph (n).

(8) *Monitoring.* Gray wolves in the NEP area will be monitored by radio telemetry or other standard wolf population monitoring techniques as appropriate. Any animal that is sick, injured, or otherwise in need of special care may be captured by authorized personnel of the Service or our designated agent and given appropriate care. Such an animal will be released back into its respective area as soon as possible, unless physical or behavioral problems make it necessary to return the animal to captivity or euthanize it. If a gray wolf is taken into captivity for care or is euthanized, it must be reported to the Service within 24 hours or as soon as reasonably appropriate.

(9) *Review and evaluation of the success or failure of the NEP.* Radio transmitters, remote cameras, surveys of roads and trails to document wolf sign, and other monitoring techniques will be used to document wolf reproductive success, abundance, and distribution in Colorado post-release.

(i) To evaluate progress toward achieving State downlisting and delisting criteria, the State of Colorado will summarize monitoring information in an annual report. The report, due by June 30 of each year, will describe wolf conservation and management activities that occurred in Colorado for as long as the gray wolf is federally listed during any portion of a calendar or biological year. The annual report may include, but not be limited to: post-release wolf movements and behavior; wolf minimum counts or abundance estimates; reproductive success and recruitment; territory use and distribution; cause-specific wolf mortalities; and a summary of wolf conflicts and associated management activities to minimize wolf conflict risk.

(ii) To assess the reintroduction program, the Service will evaluate Colorado's wolf reintroduction and management program in a summary report each year that wolf reintroductions occur in the State and for a minimum of 5 years after reintroductions are complete. If the Service determines that modifications to reintroduction

protocols and wolf monitoring and management activities are needed, the Service will coordinate closely with the State to ensure progress toward achieving their State recovery goals while concurrently minimizing wolf-related conflicts in Colorado.

(10) *Memorandum of Agreement (MOA).* The State of Colorado or any Tribe within the State, subject to the terms of this rule, may request an MOA from the Service to take over lead management responsibility and authority to implement this rule by managing the nonessential experimental gray wolves in the State or on a Tribal reservation, and implement all parts of their State or Tribal plan that are consistent with this rule, provided that the State or Tribe has a wolf management plan approved by the Service.

(i) The State or Tribal request for wolf management under an MOA must demonstrate:

(A) That authority and management capability reside in the State or Tribe to conserve the gray wolf throughout the geographical range of the experimental population within the State of Colorado or within the Tribal reservation;

(B) That the State or Tribe has an acceptable conservation program for the gray wolf, throughout the NEP area within the State or Tribal reservation, including the requisite authority and capacity to carry out that conservation program;

(C) Exactly what parts of the State or Tribal plan the State or Tribe intends to implement within the framework of this rule; and

(D) That the State or Tribal management progress will be reported to the Service on at least an annual basis so the Service can determine if State or Tribal management was conducted in full compliance with this rule.

(ii) The Service will approve such a request upon a finding that the applicable criteria are met and that approval is not likely to jeopardize the continued existence of the gray wolf.

(iii) If the Service approves the request, the Service will enter into an MOA with the State or Tribe.

(iv) An MOA for State or Tribal management as provided in this rule may allow the State of Colorado or any Tribe within the State to become designated agents and lead management of the nonessential experimental gray wolf population within the borders of their jurisdictions in accordance with the State's or Tribe's wolf management plan, except that:

(A) The MOA may not provide for any form of management inconsistent with the protection provided to the species under this rule, without further opportunity for appropriate public comment and review and amendment of this rule.

(B) The MOA cannot vest the State of Colorado or any Tribe within the State with any authority over matters concerning section 4 of the Act (determining whether a species warrants listing).

(C) In the absence of a Tribal wolf management plan or cooperative agreement, the MOA cannot vest the State of Colorado with the authority to issue written authorizations for wolf take on reservations. The Service will retain the authority to issue these written authorizations until a Tribal wolf management plan is developed.

(D) The MOA for State or Tribal wolf management must provide for joint law enforcement responsibilities to ensure that the Service also has the authority to enforce the State or Tribal management program prohibitions on take.

(E) The MOA may not authorize wolf take beyond that stated in the rule but may be more restrictive.

(v) The authority for the MOA will be the Act, the Fish and Wildlife Act of 1956 (16 U.S.C. 742a–742j), and the Fish and Wildlife Coordination Act (16 U.S.C. 661–667e), and any applicable treaty.

(vi) In order for the MOA to remain in effect, the Service must find, on an annual basis, that the management under the MOA is not jeopardizing the continued existence of the gray wolf in the NEP. The Service or State or Tribe may terminate the MOA upon 90 days' notice if:

(A) Management under the MOA is likely to jeopardize the continued existence of the gray wolf in the NEP;

(B) The State or Tribe has failed materially to comply with this rule, the MOA, or any relevant provision of the State or Tribal wolf management plan;

(C) The Service determines that biological circumstances within the range of the gray wolf indicate that delisting the species is warranted; or

(D) The States or Tribes determine that they no longer want the wolf management authority vested in them by the Service in the MOA.

(o) Boulder darter (*Etheostoma wapiti*). (1) *Where is the boulder darter designated as a nonessential experimental population (NEP)?* (i) The NEP area for the boulder darter is within the species' historic range and is defined as follows: Shoal Creek (from Shoal Creek mile 41.7 (66.7 km)) at the mouth of Long Branch, Lawrence County, TN, downstream to the backwaters of Wilson Reservoir (Shoal Creek mile 14 (22 km)) at Goose Shoals, Lauderdale County, AL, including the lower 5 miles (8 km) of all tributaries that enter this reach.

(ii) The boulder darter is not currently known to exist in Shoal Creek or its tributaries. Based on the habitat requirements of this fish, we do not expect it to become established outside the NEP area. However, if any individuals of the species move upstream or downstream or into tributaries outside the designated NEP area, we would presume that they came from the reintroduced population. We would then amend this rule through our normal rulemaking process in order to enlarge the boundaries of the NEP area to include the entire range of the expanded population.

(iii) We do not intend to change the NEP designations to ''essential experimental,'' ''threatened,'' or ''endangered'' within the NEP area. Additionally, we will not designate critical habitat for these NEPs, as provided by 16 U.S.C. 1539(j)(2)(C)(ii).

(2) *What activities are not allowed in the NEP area?* (i) Except as expressly allowed in paragraph (o)(3) of this section, all the provisions of §17.31(a) and (b) apply to the boulder darter.

(ii) Any manner of take not described under paragraph (o)(3) of this section is prohibited in the NEP area. We may refer unauthorized take of these species to the appropriate authorities for prosecution.

(iii) You may not possess, sell, deliver, carry, transport, ship, import, or export by any means whatsoever any of the identified fishes, or parts thereof, that are taken or possessed in violation of paragraph (o)(2) of this section or in violation of the applicable State fish and wildlife laws or regulations or the Act.

(iv) You may not attempt to commit, solicit another to commit, or cause to be committed any offense defined in paragraph (o)(2) of this section.

(3) *What take is allowed in the NEP area?* Take of this species that is accidental and incidental to an otherwise legal activity, such as recreation (e.g., fishing, boating, wading, trapping, or swimming), forestry, agriculture, and other activities that are in accordance with Federal, State, and local laws and regulations, is allowed.

(4) *How will the effectiveness of these reintroductions be monitored?* After the initial stocking of fish, we will monitor annually their presence or absence and document any spawning behavior or young-of-the-year fish that might be present. This monitoring will be conducted primarily by snorkeling or seining and will be accomplished by contracting with the appropriate species experts. We will produce annual reports detailing the stocking rates and monitoring activities that took place during the previous year. We will also fully evaluate these reintroduction efforts after 5 and 10 years to determine whether to continue or terminate the reintroduction efforts.

(5) *Note:* Map of the NEP area for the boulder darter in the Shoal Creek, Tennessee and Alabama, appears immediately following paragraph (m)(6) of this section.

(p) Northern aplomado falcon (*Falco femoralis septentrionalis*). (1) The northern aplomado falcon (*Falco femoralis septentrionalis*) (falcon) population identified in paragraph (p)(9)(i) of this section is a nonessential experimental population (NEP).

(2) No person may take this species, except as provided in paragraphs (p)(3) through (5) and (p)(10) of this section.

(3) Any person with a valid permit issued by the U.S. Fish and Wildlife Service (Service) under §17.32 may take falcons for educational purposes, scientific purposes, the enhancement of propagation or survival of the species,

zoological exhibition, and other conservation purposes consistent with the Endangered Species Act (Act);

(4) A falcon may be taken within the NEP area, provided that such take is not willful, knowing, or due to negligence, or is incidental to and not the purpose of the carrying out of an otherwise lawful activity; and that such taking is reported within 24 hours, as provided under paragraph (p)(6) of this section.

(5) Any employee of the Service, New Mexico Department of Game and Fish, or Arizona Game and Fish Department, who is designated for such purpose, or any person with a valid permit issued by the Service under 50 CFR 17.32, may, when acting in the course of official duties, take a falcon if such action is necessary to:

(i) Aid a sick, injured, or orphaned specimen;

(ii) Dispose of a dead specimen, or salvage a dead specimen that may be useful for scientific study;

(iii) Move a bird within the NEP area for genetic purposes or to improve the health of the population;

(iv) Relocate falcons that have moved outside the NEP area, by returning the falcon to the NEP area or moving it to a captive breeding facility. All captures and relocations from outside the NEP area will be conducted with the permission of the landowner(s) or appropriate land management agencies; or

(v) Collect nesting data or band individuals.

(6) Any taking pursuant to paragraphs (p)(3) through (5) of this section must be reported within 24 hours by contacting the U.S. Fish and Wildlife Service, New Mexico Ecological Services Field Office, 2105 Osuna NE, Albuquerque, NM 87113; (505) 346–2525. Upon contact, a determination will be made as to the disposition of any live or dead specimens.

(7) No person shall possess, sell, deliver, carry, transport, ship, import, or export by any means whatsoever, any such species taken in violation of these regulations.

(8) It is unlawful for any person to attempt to commit, solicit another to commit, or cause to be committed, any offense defined in paragraphs (p)(2) and (p)(7) of this section.

(9)(i) The boundaries of the designated NEP area are based on county borders and include the entire States of New Mexico and Arizona. The reintroduction area is within the historical range of the species in New Mexico.

(ii) All falcons found in the wild within the boundaries of the NEP area after the first releases will be considered members of the NEP. A falcon occurring outside of the NEP area is considered endangered under the Act unless it is marked or otherwise known to be a member of the NEP.

(iii) The Service has designated the NEP area to accommodate the potential future movements of a wild population of falcons. All released birds and their progeny are expected to remain in the NEP area due to the geographic extent of the designation.

(10) The NEP will be monitored closely for the duration of the reintroduction program. Any bird that is determined to be sick, injured, or otherwise in need of special care will be recaptured to the extent possible by Service and/or State or permitted Tribal wildlife personnel and given appropriate care. Such birds will be released back to the wild as soon as possible, unless physical or behavioral problems make it necessary to return them to a captive-breeding facility or they are euthanized if treatment would be unlikely to be effective.

(11) The Service plans to evaluate the status of the NEP every 5 years to determine future management status and needs, with the first evaluation expected to be not more than 5 years after the first release of birds into the NEP area. All reviews will take into account the reproductive success and movement patterns of individuals released, food habits, and overall health of the population. This evaluation will include a progress report.

(q) Duskytail darter (*Etheostoma percnurum*). (1) *Where is the duskytail darter designated as a nonessential experimental population (NEP)?* We have designated two populations of this species as NEPs: The Tellico River NEP and the French Broad River and Holston River NEP. This species is not currently known to exist in the Tellico

River or its tributaries or in any of the tributaries to the free-flowing reaches of the French Broad River below Douglas Dam, Knox and Sevier Counties, Tennessee, or of the Holston River below the Cherokee Dam, Knox, Grainger, and Jefferson Counties, Tennessee. Based on its habitat requirements, we do not expect this species to become established outside these NEP areas. However, if individuals move upstream or downstream or into tributaries outside either of the designated NEP areas, we would presume that these individuals came from the reintroduced population. We would then amend this rule and enlarge the boundaries of the NEP area to include the entire range of the expanded population.

(i) The Tellico River NEP area is within the species' historic range and is defined as follows: The Tellico River, between the backwaters of the Tellico Reservoir (approximately Tellico River mile 19 (30.4 kilometers) and Tellico River mile 33 (52.8 kilometers), near the Tellico Ranger Station, Monroe County, Tennessee.

(ii) The French Broad River and Holston River NEP area is within the species' historic range and is defined as follows: the French Broad River, Knox and Sevier Counties, Tennessee, from the base of Douglas Dam (river mile (RM) 32.3 (51.7 km)) downstream to the confluence with the Holston River; then up the Holston River, Knox, Grainger, and Jefferson Counties, Tennessee, to the base of Cherokee Dam (RM 52.3 (83.7 km)); and the lower 5 RM (8 km) of all tributaries that enter these river reaches.

(iii) We do not intend to change the NEP designations to ''essential experimental,'' ''threatened,'' or ''endangered'' within the NEP area. Additionally, we will not designate critical habitat for these NEPs, as provided by 16 U.S.C. 1539(j)(2)(C)(ii).

(2) *What activities are not allowed in the NEP area?* (i) Except as expressly allowed in paragraph (q)(3) of this section, all the prohibitions of §17.31(a) and (b) apply to the duskytail darter.

(ii) Any manner of take not described under paragraph (q)(3) of this section is prohibited in the NEP area. We may refer unauthorized take of this species to the appropriate authorities for prosecution.

(iii) You may not possess, sell, deliver, carry, transport, ship, import, or export by any means whatsoever any of the identified fishes, or parts thereof, that are taken or possessed in violation of paragraph (q)(2) of this section or in violation of the applicable State fish and wildlife laws or regulations or the Act.

(iv) You may not attempt to commit, solicit another to commit, or cause to be committed any offense defined in paragraph (q)(2) of this section.

(3) *What take is allowed in the NEP area?* Take of this species that is accidental and incidental to an otherwise legal activity, such as recreation (e.g., fishing, boating, wading, trapping, or swimming), forestry, agriculture, and other activities that are in accordance with Federal, State, and local laws and regulations, is allowed.

(4) *How will the effectiveness of these reintroductions be monitored?* We will prepare periodic progress reports and fully evaluate these reintroduction efforts after 5 and 10 years to determine whether to continue or terminate the reintroduction efforts.

(5) *Note:* Map of the NEP area for the duskytail darter in the Tellico River, Tennessee, appears immediately following paragraph (m)(5) of this section.

(6) *Note:* Map of the NEP area for the duskytail darter in the French Broad River and Holston River, Tennessee, appears immediately following paragraph (m)(7) of this section.

(r) Smoky madtom (*Noturus baileyi*). (1) *Where is the smoky madtom designated as a nonessential experimental population (NEP)?*

(i) The NEP area for the smoky madtom is within the species' probable historic range and is defined as follows: The Tellico River, between the backwaters of the Tellico Reservoir (approximately Tellico River mile 19 (30.4 kilometers) and Tellico River mile 33 (52.8 kilometers), near the Tellico Ranger Station, Monroe County, Tennessee.

(ii) The smoky madtom is not currently known to exist in the Tellico River or its tributaries. Based on the habitat requirements of this fish, we do not expect it to become established

outside the NEP area. However, if any individuals of the species move upstream or downstream or into tributaries outside the designated NEP area, we would presume that they came from the reintroduced population. We would then amend paragraph (r)(1)(i) of this section and enlarge the boundaries of the NEP area to include the entire range of the expanded population.

(iii) We do not intend to change the NEP designations to ''essential experimental,'' ''threatened,'' or ''endangered'' within the NEP area. Additionally, we will not designate critical habitat for this NEP, as provided by 16 U.S.C. 1539(j)(2)(C)(ii).

(2) *What activities are not allowed in the NEP area?* (i) Except as expressly allowed in paragraph (r)(3) of this section, all the prohibitions of §17.31(a) and (b) apply to the smoky madtom.

(ii) Any manner of take not described under paragraph (r)(3) of this section is prohibited in the NEP area. We may refer unauthorized take of this species to the appropriate authorities for prosecution.

(iii) You may not possess, sell, deliver, carry, transport, ship, import, or export by any means whatsoever any of the identified fishes, or parts thereof, that are taken or possessed in violation of paragraph (r)(2) of this section or in violation of the applicable State fish and wildlife laws or regulations or the Act.

(iv) You may not attempt to commit, solicit another to commit, or cause to be committed any offense defined in paragraph (r)(2) of this section.

(3) *What take is allowed in the NEP area?* Take of this species that is accidental and incidental to an otherwise legal activity, such as recreation (e.g., fishing, boating, wading, trapping, or swimming), forestry, agriculture, and other activities that are in accordance with Federal, State, and local laws and regulations, is allowed.

(4) *How will the effectiveness of these reintroductions be monitored?* We will prepare periodic progress reports and fully evaluate these reintroduction efforts after 5 and 10 years to determine whether to continue or terminate the reintroduction efforts.

(5) *Note:* Map of the NEP area for the smoky madtom in the Tellico River, Tennessee, appears immediately following paragraph (m)(6) of this section.

(s) Slender chub (*Erimystax cahni*). (1) *Where is the slender chub designated as a nonessential experimental population (NEP)?*

(i) The NEP area for the slender chub is within the species' historic range and is defined as follows: the French Broad River, Knox and Sevier Counties, Tennessee, from the base of Douglas Dam (river mile (RM) 32.3 (51.7 km)) downstream to the confluence with the Holston River; then up the Holston River, Knox, Grainger, and Jefferson Counties, Tennessee, to the base of Cherokee Dam (RM 52.3 (83.7 km)); and the lower 5 RM (8 km) of all tributaries that enter these river reaches.

(ii) The slender chub is not known to exist in any of the tributaries to the free-flowing reaches of the French Broad River below Douglas Dam, Knox and Sevier Counties, Tennessee, or of the Holston River below the Cherokee Dam, Knox, Grainger, and Jefferson Counties, Tennessee. Based on its habitat requirements, we do not expect this species to become established outside this NEP area. However, if individuals of this population move upstream or downstream or into tributaries outside the designated NEP area, we would presume that they came from the reintroduced population. We would then amend this regulation to enlarge the boundaries of the NEP area to include the entire range of the expanded population.

(iii) We do not intend to change the NEP designations to ''essential experimental,'' ''threatened,'' or ''endangered'' within the NEP area. Additionally, we will not designate critical habitat for this NEP, as provided by 16 U.S.C. 1539(j)(2)(C)(ii).

(2) *What activities are not allowed in the NEP area?* (i) Except as expressly allowed in paragraph (s)(3) of this section, all the prohibitions of §17.31(a) and (b) apply to the slender chub.

(ii) Any manner of take not described under paragraph (s)(3) of this section is prohibited in the NEP area. We may refer unauthorized take of this species to the appropriate authorities for prosecution.

(iii) You may not possess, sell, deliver, carry, transport, ship, import, or

export by any means whatsoever any of the identified fishes, or parts thereof, that are taken or possessed in violation of paragraph (s)(2) of this section or in violation of the applicable State fish and wildlife laws or regulations or the Act.

(iv) You may not attempt to commit, solicit another to commit, or cause to be committed any offense defined in paragraph (s)(2) of this section.

(3) *What take is allowed in the NEP area?* Take of this species that is accidental and incidental to an otherwise legal activity, such as recreation (e.g., fishing, boating, wading, trapping, or swimming), forestry, agriculture, and other activities that are in accordance with Federal, State, and local laws and regulations, is allowed.

(4) *How will the effectiveness of these reintroductions be monitored?* We will prepare periodic progress reports and fully evaluate these reintroduction efforts after 5 and 10 years to determine whether to continue or terminate the reintroduction efforts.

(5) *Note:* Map of the NEP area for the slender chub in the French Broad River and Holston River, Tennessee, appears immediately following paragraph (m)(7) of this section.

(t) Pygmy madtom (*Noturus stanauli*). (1) *Where is the pygmy madtom designated as a nonessential experimental population (NEP)?*

(i) The NEP area for the pygmy madtom is within the species' historic range and is defined as follows: the French Broad River, Knox and Sevier Counties, Tennessee, from the base of Douglas Dam (river mile (RM) 32.3 (51.7 km)) downstream to the confluence with the Holston River; then up the Holston River, Knox, Grainger, and Jefferson Counties, Tennessee, to the base of Cherokee Dam (RM 52.3 (83.7 km)); and the lower 5 RM (8 km) of all tributaries that enter these river reaches.

(ii) The pygmy madtom is not known to exist in any of the tributaries to the free-flowing reaches of the French Broad River below Douglas Dam, Knox and Sevier Counties, Tennessee, or of the Holston River below the Cherokee Dam, Knox, Grainger, and Jefferson Counties, Tennessee. Based on its habitat requirements, we do not expect this species to become established outside this NEP area. However, if individuals of this population move upstream or downstream or into tributaries outside the designated NEP area, we would presume that they came from the reintroduced population. We would then amend this regulation to enlarge the boundaries of the NEP area to include the entire range of the expanded population.

(iii) We do not intend to change the NEP designations to ''essential experimental,'' ''threatened,'' or ''endangered'' within the NEP area. Additionally, we will not designate critical habitat for this NEP, as provided by 16 U.S.C. 1539(j)(2)(C)(ii).

(2) *What activities are not allowed in the NEP area?* (i) Except as expressly allowed in paragraph (t)(3) of this section, all the prohibitions of §17.31(a) and (b) apply to the pygmy madtom.

(ii) Any manner of take not described under paragraph (t)(3) of this section is prohibited in the NEP area. We may refer unauthorized take of this species to the appropriate authorities for prosecution.

(iii) You may not possess, sell, deliver, carry, transport, ship, import, or export by any means whatsoever any of the identified fishes, or parts thereof, that are taken or possessed in violation of paragraph (t)(2) of this section or in violation of the applicable State fish and wildlife laws or regulations or the Act.

(iv) You may not attempt to commit, solicit another to commit, or cause to be committed any offense defined in paragraph (t)(2) of this section.

(3) *What take is allowed in the NEP area?* Take of this species that is accidental and incidental to an otherwise legal activity, such as recreation (e.g., fishing, boating, wading, trapping, or swimming), forestry, agriculture, and other activities that are in accordance with Federal, State, and local laws and regulations, is allowed.

(4) *How will the effectiveness of these reintroductions be monitored?* We will prepare periodic progress reports and fully evaluate these reintroduction efforts after 5 and 10 years to determine whether to continue or terminate the reintroduction efforts.

(5) *Note:* Map of the NEP area for the pygmy madtom in the French Broad River and Holston River, Tennessee, appears immediately following paragraph (m)(7) of this section.

(u) Rio Grande silvery minnow (*Hybognathus amarus*)—(1) *Where are populations of this fish designated as nonessential experimental populations (NEP)?*

(i) The NEP area for the Rio Grande silvery minnow is within the species' historical range and is defined as follows: Rio Grande, from Little Box Canyon downstream of Fort Quitman, Hudspeth County, Texas, through Big Bend National Park and the Rio Grande Wild and Scenic River, to Amistad Dam; and on the Pecos River, from its confluence with Independence Creek to its confluence with the Rio Grande.

(ii) The Rio Grande silvery minnow is not currently known to exist in the Rio Grande or Pecos River in Texas. Based on the habitat requirements of this fish, we do not expect it to become established outside the NEP area. However, if any individuals of this species move upstream or downstream or into tributaries outside the designated NEP area, we would presume that they came from the reestablished populations. We would then amend paragraph (u)(1)(i) of this section to enlarge the boundaries of the NEP to include the entire range of the expanded population.

(iii) We do not intend to change the NEP designation to ''essential experimental,'' ''threatened,'' or ''endangered'' within the NEP area. Additionally, we will not designate critical habitat for this NEP, as provided by 16 U.S.C. 1539(j)(2)(C)(ii).

(2) *What take is allowed of this species in the NEP area?* (i) A Rio Grande silvery minnow may be taken within the NEP area, provided that such take is either not willful, knowing, or due to negligence, or is incidental to and not the purpose of the carrying out of an otherwise lawful activity, such as recreation (e.g., fishing, boating, wading, trapping, or swimming), agriculture, and other activities that are in accordance with Federal, State, and local laws and regulations. However, Federal agencies, must consult under section 7 of the Act on their activities that may affect the Rio Grande silvery minnow within Big Bend National Park or the Wild and Scenic River.

(ii) Any person with a valid permit issued by the U.S. Fish and Wildlife Service (Service) under 50 CFR 17.32 may take Rio Grande silvery minnows for educational purposes, scientific purposes, the enhancement of propagation or survival of the species, zoological exhibition, and other conservation purposes consistent with the Act;

(iii) Any taking pursuant to paragraph (u)(2)(i) of this section must be reported within 7 days by contacting the Service, Austin Ecological Services Field Office, 107011 Burnet Road, Suite 200, Austin, TX 78758; (512) 490-0057. Once the Service is contacted, a determination will be made as to the disposition of any live or dead specimens. Reporting requirements for take pursuant to paragraph (u)(2)(ii) of this section will be specifically defined in the permit issued by the Service.

(3) *What take of this species is not allowed in the NEP area?* (i) Except as expressly allowed in paragraph (u)(2) of this section, all the provisions of 50 CFR 17.31(a) and (b) apply to the fish identified in paragraph (u)(1) of this section.

(ii) Any manner of take not described under paragraph (u)(2) of this section is prohibited in the NEP area.

(iii) You may not possess, sell, deliver, carry, transport, ship, import, or export by any means whatsoever any of the identified fishes, or parts thereof, that are taken or possessed in violation of paragraph (u)(3) of this section or in violation of the applicable State or local fish and wildlife laws or regulations or the Act.

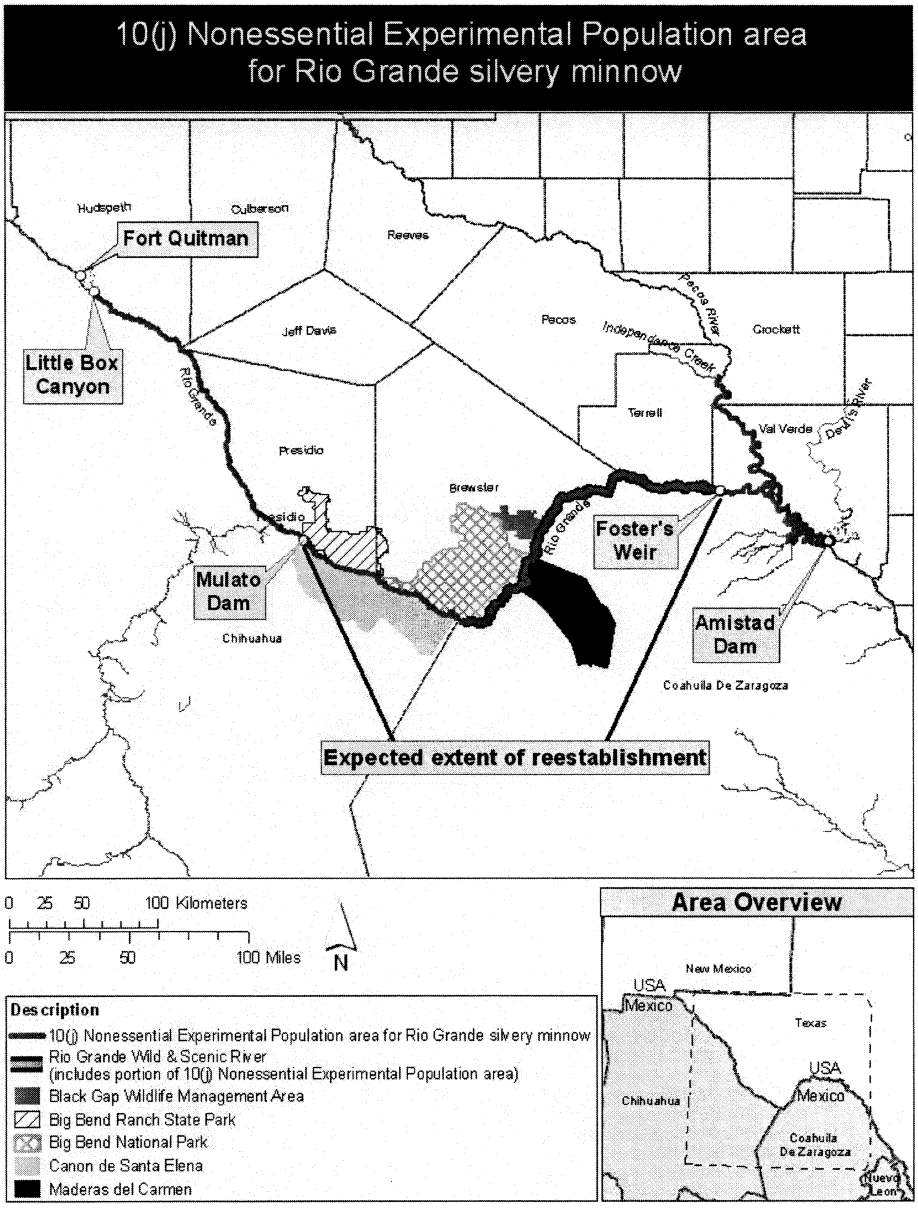
(iv) You may not attempt to commit, solicit another to commit, or cause to be committed any offense defined in paragraph (u)(3) of this section.

(4) *How will the effectiveness of the reestablishment be monitored?* (i) After the initial stocking of this fish, we will monitor their presence or absence at least annually and document any spawning behavior or young-of-year fish that might be present. Depending on available resources, monitoring may occur more frequently, especially during the first few years of reestablishment efforts. This monitoring will be

conducted primarily by seining and will be accomplished by Service, National Park Service, or State employees or by contracting with the appropriate species experts. Annual reports will be produced detailing stocking and monitoring activities that took place during the previous year.

(ii) The Service will fully evaluate these reestablishment efforts every 5 years to determine whether to continue or terminate them.

(iii) *Note:* Map of the NEP area for the Rio Grande silvery minnow in Texas follows:



(v) Sonoran pronghorn (*Antilocapra americana sonoriensis*). (1) The Sonoran pronghorn (*Antilocapra americana sonoriensis*) population identified in paragraph (v)(12) of this section is a nonessential experimental population (NEP).

(2) No person may take this species, except as provided in paragraphs (v)(3) through (v)(6) of this section.

(3) Any person with a valid permit issued by the U.S. Fish and Wildlife Service under §17.32 may take pronghorn within the NEP area for scientific purposes, the enhancement of propagation or survival of the species, and other conservation purposes consistent with the Endangered Species Act.

(4) A Sonoran pronghorn may be taken within the boundaries of Yuma Proving Grounds; Barry M. Goldwater Range; lands of the Arizona State Land Department; Bureau of Land Management lands; privately owned lands; and lands of the Tohono O'odham Nation, Colorado River Indian Tribes, Gila River Indian Reservation, Ak-Chin Indian Reservation, Pascua Yaqui Indian Reservation, and San Xavier Reservation within the NEP area, provided that such take is incidental to, and not the purpose of, carrying out any otherwise lawful activity; and provided that such taking is reported as soon as possible in accordance with paragraph (v)(6) of this section. Otherwise lawful activities are any activities in compliance with applicable land management regulations, hunting regulations, tribal law, and all other applicable law and regulations, and include, but are not limited to, military training and testing, border security and enforcement carried out by Federal law enforcement officials (e.g., U.S. Customs and Border Protection), agriculture, rural and urban development, livestock grazing, camping, hiking, hunting, recreational vehicle use, sightseeing, nature or scientific study, rockhounding, and geocaching, where such activities are permitted.

(5) Any employee or agent of the U.S. Fish and Wildlife Service, the Arizona Department of Game and Fish, and the tribes listed in paragraph (v)(4) of this section, who is designated for such purpose may, when acting in the course of official duties, take a Sonoran pronghorn if such action is necessary to:

(i) Aid a sick, injured, or orphaned Sonoran pronghorn, including rescuing such animals from canals;

(ii) Dispose of a dead Sonoran pronghorn specimen, or salvage a dead specimen that may be useful for scientific study;

(iii) Move a Sonoran pronghorn for genetic purposes or to improve the health of the population; or

(iv) Capture and release a Sonoran pronghorn for relocation, to collect biological data, or to attach, service, or detach radio-telemetry equipment.

(6) Any taking pursuant to paragraphs (v)(3) through (v)(5) of this section must be reported as soon as possible by calling the U.S. Fish and Wildlife Service, Arizona Ecological Services Office, 201 N Bonita Avenue, Suite 141, Tucson, AZ 85745 (520/670–6150), or the Cabeza Prieta National Wildlife Refuge, 1611 North Second Avenue, Ajo, AZ 85321 (520/387–6483). Upon contact, a determination will be made as to the disposition of any live or dead specimens.

(7) No person may possess, sell, deliver, carry, transport, ship, import, or export by any means whatsoever, any Sonoran pronghorn or Sonoran pronghorn parts taken in violation of these regulations.

(8) It is unlawful for any person to attempt to commit, solicit another to commit, or cause to be committed, any offense defined in paragraphs (v)(2) and (7) of this section.

(9) The boundaries of the designated NEP area are based on the maximum estimated range of pronghorn that are released in and become established within the NEP area. These boundaries are physical barriers to movements, including major freeways and highways, and the Colorado River. All release sites will be within the NEP area.

(i) All Sonoran pronghorn found in the wild within the boundaries of the NEP area will be considered members of the NEP. Any Sonoran pronghorn occurring outside of the NEP area are considered endangered under the Act.

(ii) The Service has designated the NEP area to accommodate the potential future movements of wild Sonoran pronghorn. All released Sonoran pronghorn and their progeny are expected to remain in the NEP area due to the geographical extent of the designation and substantial barriers to movement that form the boundaries of the NEP.

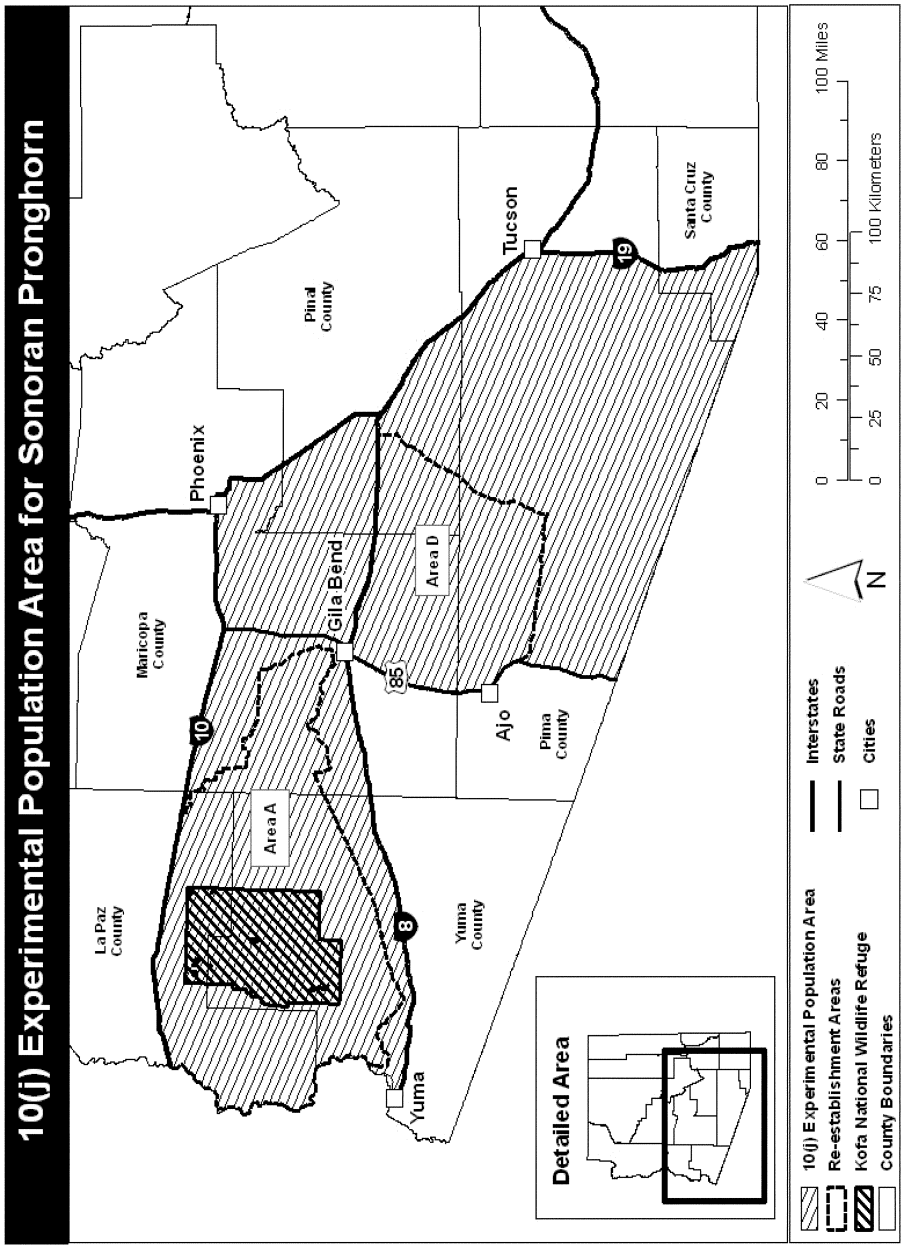
(10) The NEP will be monitored closely for the duration of the program. Any pronghorn that is determined to be

sick, injured, or otherwise in need of special care will be recaptured to the extent possible by Service and/or State or Tribal wildlife personnel or their designated agent and given appropriate care. Such pronghorn will be released back to the wild as soon as possible, unless physical or behavioral problems make it necessary to return them to a captive-breeding facility.

(11) The Service plans to evaluate the status of the NEP every 5 years to determine future management status and needs, with the first evaluation occurring not more than 5 years after the first release of pronghorn into the NEP area. All reviews will take into account the reproductive success and movement patterns of individuals released, food habits, and overall health of the population. This evaluation will include a progress report.

(12) The areas covered by this proposed nonessential experimental population designation are in Arizona. They include the area north of Interstate 8 and south of Interstate 10, bounded by the Colorado River on the west and Interstate 10 on the east, and an area south of Interstate 8, bounded by Highway 85 on the west, Interstates 10 and 19 on the east, and the U.S.-Mexico border on the south.

(13) *Note:* Map of the NEP area for the Sonoran pronghorn in southwestern Arizona follows:



(w) Bull Trout (*Salvelinus confluentus*)—(1) *Where are populations of this fish designated as nonessential experimental populations (NEPs)?*

(i) The NEP area for the bull trout is within the species' historical range and is defined as follows: the entire Clackamas River subbasin as well as

the mainstem Willamette River, from Willamette Falls to its points of confluence with the Columbia River, including Multnomah Channel.

(ii) Bull trout are not currently known to exist in the Clackamas River subbasin or the mainstem Willamette River, from Willamette Falls to its points of confluence with the Columbia River, including Multnomah Channel, in Oregon. Should any bull trout be found in the Willamette River within the NEP boundary, the U.S. Fish and Wildlife Service (Service) will assume the fish to be part of the reintroduced population, unless the fish is tagged or otherwise known to be from another population. Given the presence of suitable overwintering and forage habitat in the upper portion of the Clackamas River, as well as the geographic distance from spawning and rearing habitat in the upper Clackamas River to any overwintering and foraging habitat in the lower Clackamas and Willamette Rivers, we do not expect the reintroduced fish to become established outside the NEP. Bull trout found outside of the NEP boundary, but known to be part of the NEP, will assume the status of bull trout within the geographic area in which they are found.

(iii) We do not intend to change the NEP designation to ''essential experimental,'' ''threatened,'' or ''endangered'' within the NEP area. Additionally, we will not designate critical habitat for the NEP, as provided by 16 U.S.C. 1539(j)(2)(C)(ii).

(2) *What take is allowed of this species in the NEP area?* (i) Bull trout may be taken within the NEP area, provided that such take is:

(A) Not willful, knowing, or due to negligence.

(B) Incidental to and not the purpose of carrying out an otherwise lawful activity, such as recreation (e.g., fishing, boating, wading, trapping, or swimming), agriculture, hydroelectric power generation, and other activities that are in accordance with Federal, State, Tribal, and local laws and regulations.

(C) Consistent with Oregon Department of Fish and Wildlife (ODFW) fishing regulations that have been coordinated with the Service, if due to fishing.

(D) Incidental to any activities related to or associated with the operation and maintenance of the Clackamas River Hydroelectric Project (FERC Project No. 2195) by Portland General Electric (PGE) as administered under a license issued by FERC. Acceptable forms of taking of bull trout include, but are not limited to, mortality, stranding, injury, impingement and entrainment at project facilities, or delay in up- or downstream passage associated with or caused by any of the following activities. Activities related to the operation and maintenance of Project 2195 include, but are not limited to:

(*1*) Hydroelectric generation at any project facility;

(*2*) Maintenance of project facilities;

(*3*) Provision of upstream and downstream fish passage, whether through fish passage facilities, powerhouses, bypass facilities, bypass reaches, or spillways;

(*4*) Fish handling at fish separation and counting facilities;

(*5*) Fish removal from fish passage facilities and areas critical to downstream migrant passage testing at the time of testing (Bull trout removed for this testing do not need to be returned to the Clackamas River subbasin.);

(*6*) Fish conservation activities;

(*7*) Fish handling, tagging, and sampling in connection with FERC-approved studies; and

(*8*) Approved resource protection, mitigation, and enhancement measures.

(E) Consistent with the adaptive management process identified for this project including:

(*1*) The targeted relocation or possible removal of bull trout by the Service or our project partners, if bull trout are documented staging at the entrance to, within, or below, juvenile fish passage facilities within the Clackamas Hydroelectric Project; and

(*2*) Discontinuation of the reintroduction project and complete removal of bull trout from the Clackamas River if the Service determines, in consultation and coordination with the State of Oregon, NMFS, and other project partners, and based on project monitoring and evaluation, that the reintroduction

efforts cannot be carried out in a manner consistent with the recovery of threatened salmon and steelhead.

(ii) Any person with a valid permit issued by the Service under §17.32 and a valid State permit issued by ODFW may take bull trout for educational purposes, scientific purposes, the enhancement of propagation or survival of the species, zoological exhibition, and other conservation purposes consistent with the Act.

(3) *What take of this species is not allowed in the NEP area?* (i) Except as expressly allowed in paragraph (w)(2) of this section, all the provisions of §17.31(a) and (b) apply to the fish identified in paragraph (w)(1) of this section.

(ii) Any manner of take not described under paragraph (w)(2) of this section or Oregon Revised Statute (ORS) 498.002 and Oregon Angling Regulations pursuant to ORS 498.002 is prohibited in the NEP area. Should State statutes or regulations change, take prohibitions will change accordingly. Any changes to State recreational fishing regulations pertaining to the experimental population of bull trout in the Clackamas River subbasin will be made by the State in collaboration with the Service. We may refer unauthorized take of this species to ODFW law enforcement authorities or Service law enforcement authorities for prosecution.

(iii) A person may not possess, sell, deliver, carry, transport, ship, import, or export by any means whatsoever any of the identified fishes, or parts thereof, that are taken or possessed in a manner not expressly allowed in paragraph (w)(2) of this section, or in violation of the applicable State fish and wildlife laws or regulations or the Act.

(iv) A person may not attempt to commit, solicit another to commit, or cause to be committed any offense except the take expressly allowed in paragraph (w)(2) of this section.

(4) *How will the effectiveness of the reestablishment be monitored?* (i) Effectiveness monitoring of the project will be conducted jointly by the Service and ODFW, with assistance from the U.S. Forest Service (USFS) and PGE.

(ii) We will monitor the effectiveness of the reintroduction during phase 1 of the project (2011–2017) by annually assessing: Distribution and movement, relative survival of translocated bull trout via presence and absence surveys, occurrence of spawning and reproduction, and genetic health, as measured against the donor population. These monitoring objectives will be accomplished by methodologies that include Passive Integrated Transponder (PIT) tagging of all fish translocated to the Clackamas River, radio tagging of the adult and subadult life stages, snorkel surveys, redd surveys, and minnow trapping.

(iii) If successful reproduction of reintroduced bull trout is detected, we will incorporate monitoring to assess the distribution, movement, growth, and survival of the initial cohorts of naturally produced bull trout.

(iv) Monitoring activities in phase 2 (2018–2024) and phase 3 (2025–2030) will be informed by phase 1 monitoring and evaluation.

(v) Annual reports that summarize the implementation and monitoring activities that occurred the previous year will be collaboratively developed by the Service, ODFW, and USFS.

(vi) We will evaluate the implementation strategy annually, and we will evaluate the reestablishment effort at the completion of phase 1 to determine whether to continue translocation of bull trout in phase 2.

(5) *What safeguards are in place to ensure the protection of Federally listed salmon and steelhead in the NEP area?* (i) In consultation and coordination with the National Marine Fisheries Service (NMFS) and other project partners, we have developed a plan to facilitate management decisions associated with potential impacts from the bull trout reintroduction on listed anadromous salmonids. If specific bull trout and/or anadromous salmonid thresholds are triggered, we will follow the planned management actions to minimize impacts to salmon and steelhead from the reintroduction of bull trout in the Clackamas River.

(ii) Our management actions implemented and the frequency of those actions, will be informed by:

(A) The reintroduction project's monitoring and evaluation program, jointly implemented by the Service, ODFW, and USFS; and

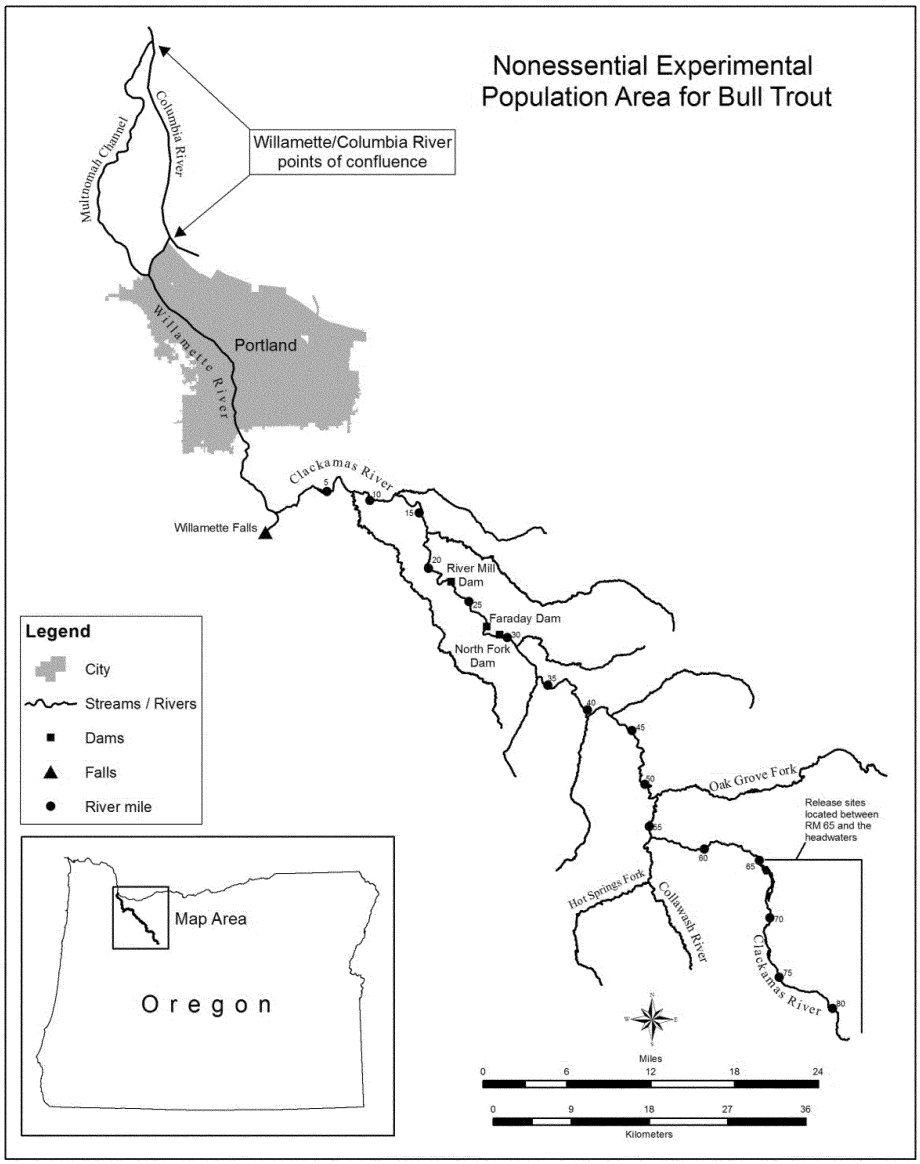
(B) The conservation status of the listed Clackamas River anadromous salmonid populations.

(iii) Because we cannot predict all likely impact scenarios and appropriate management responses, we will modify our plan as necessary, in consultation and coordination with NMFS, ODFW, and other project partners, consistent with the overall adaptive management of the project.

(iv) Although our analysis indicates a low likelihood for population-level impacts to Federally listed salmon and steelhead populations, if the Service determines, in consultation and coordination with the State of Oregon, NMFS, and other project partners, and based on project monitoring and evaluation, that the reintroduction efforts are not consistent with the recovery of salmon or steelhead, the reintroduction program will be discontinued and bull trout will be removed from the experimental population area.

(v) Prior to releasing bull trout into the Clackamas River, the Service will complete any required interagency cooperation with NMFS pursuant to section 7(a)(2) of the Act.

(6) *Note:* Map of the NEP area for bull trout in Oregon follows:



(x) Wood bison (*Bison bison athabascae*). (1) Wood bison within the area identified in paragraph (x)(2)(i) of this section are members of a nonessential experimental population (NEP) and will be managed primarily by the State of Alaska (State), through its Department of Fish and Game (ADF&G), in cooperation with the Service, in accordance with this rule and the respective management plans.

(2) *Where are wood bison in Alaska designated as an NEP?*

(i) The boundaries of the NEP area encompass the Yukon, Tanana, and Kuskokwim River drainages in Alaska

(Figure 1). The NEP area includes much of the wood bison's historical range in Alaska, and the release sites are within the species' historical range. The NEP area is defined as follows: the Yukon River drainage from the United States–Canada border downstream to its mouth; the Tanana River drainage from the United States–Canada border downstream to its confluence with the Yukon River; and the Kuskokwim River drainage from its headwaters downstream to its mouth at the Bering Sea.

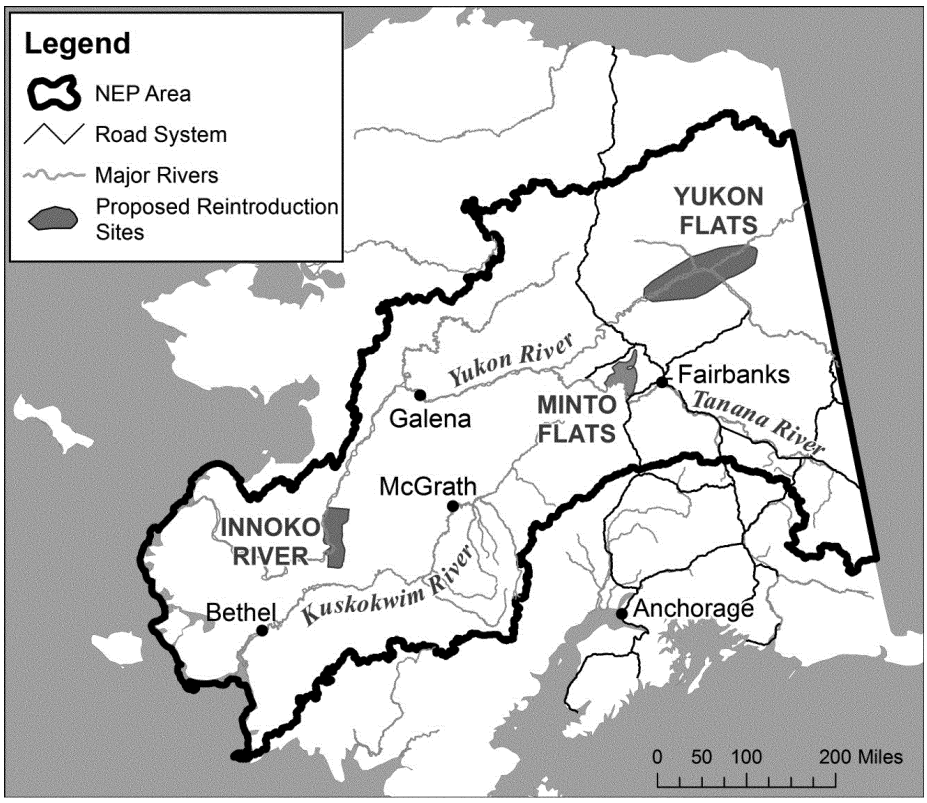


Figure 1. Boundaries of the wood bison NEP (black line) and location of the three sites for wood bison reintroduction in Alaska (gray areas).

(ii) Any wood bison found within the Alaska wood bison NEP area will be considered part of the NEP. The bison will be managed by the State to prevent establishment of any population outside the NEP area.

(3) *Under what circumstances might an Alaska wood bison NEP be eliminated?*

(i) We do not anticipate eliminating all individuals within an Alaska wood bison NEP unless:

(A) The State deems the reintroduction efforts a failure or most members of reintroduced populations have disappeared for any reason;

(B) Monitoring of wood bison in Alaska indicates appreciable harm to other

native wildlife, such as the introduction of disease or other unanticipated environmental consequences associated with their presence; or

(C) Legal or statutory changes reduce or eliminate the State's ability to complete the restoration effort as designed and intended in its management plans, with the management flexibility and protection of other land uses (including other resource development) provided in this NEP designation.

(ii) If any of the circumstances listed in paragraph (x)(3)(i) of this section occur, some or all wood bison may be removed from the wild in Alaska by any method deemed practicable by the State, including lethal removal. If the reintroduction of wood bison under this nonessential experimental designation is discontinued for any reason and no action is taken by the Service and the State to change the designation, all remaining wood bison in Alaska will retain their NEP status.

(4) *Which agency is the management lead for wood bison in Alaska?* The Alaska Department of Fish and Game will have primary responsibility for leading and implementing the wood bison restoration effort, in cooperation with the Service, and will keep the Service apprised of the status of the effort on an ongoing basis. The Service will retain responsibility for ensuring compliance with all provisions of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), including compliance with section 7 for actions occurring on National Wildlife Refuge and National Park Service lands.

(5) *What take of wood bison is allowed in the NEP area?* In the following instances, wood bison may be taken in accordance with applicable State fish and wildlife conservation laws and regulations:

(i) Hunting will be an allowed take based on sustained yield principles as established by ADF&G.

(ii) A wood bison may be taken within the NEP area, provided that such take is not willful, knowing, or due to negligence, or is incidental to and not the purpose of the carrying out of an otherwise lawful activity, including but not limited to recreation (e.g., trapping, hiking, camping, or shooting activities); forestry; agriculture; oil and gas exploration and development and associated activities; construction and maintenance of roads or railroads, buildings, facilities, energy projects, pipelines, and transmission lines of any kind; mining; mineral exploration; travel by any means, including vehicles, watercraft, snow machines, or aircraft; tourism; and other activities that are in accordance with Federal, State, and local laws and regulations and specific authorizations. Such conduct is not considered intentional or ''knowing take'' for purposes of this regulation, and neither the Service nor the State will take legal action for such conduct. Any cases of ''knowing take'' will be referred to the appropriate authorities for prosecution.

(iii) Any person with a valid permit issued by the Service under 50 CFR 17.32 or by ADF&G may take wood bison for educational purposes, scientific purposes, the enhancement of propagation or survival of the species, zoological exhibition, and other conservation purposes consistent with the ESA. Additionally, any employee or agent of the Service or ADF&G designated for such purposes, acting in the course of official duties, may take a wood bison if such action is necessary:

(A) For scientific purposes;

(B) To relocate a wood bison to avoid conflict with human activities;

(C) To relocate a wood bison if necessary to protect the wood bison;

(D) To relocate wood bison within the NEP area to improve wood bison survival and recovery prospects or for genetic purposes;

(E) To relocate wood bison from one population in the NEP area into another, or into captivity;

(F) To relocate wood bison that have moved outside the NEP area back into the NEP area or remove them;

(G) To aid or euthanize a sick, injured, or orphaned wood bison;

(H) To dispose of a dead wood bison, or salvage a dead wood bison for scientific purposes; or

(I) To aid in law enforcement investigations involving wood bison.

(iv) Any person may take a wood bison in defense of the individual's life or the life of another person. The Service, the State, or our designated agent(s) may also promptly remove

any wood bison that the Service, the State, or our designated agent(s) determine to be a threat to human life or safety. Any such taking must be reported within 24 hours to the location identified in paragraph (x)(5)(vi) of this section.

(v) In connection with otherwise lawful activities, including but not limited to the use and development of land, provided at paragraph (x)(5)(ii) of this section, the Federal Government, the State, municipalities of the State, other local governments, Native American Tribal Governments, and all landowners and their employees or authorized agents, tenants, or designees may harass wood bison in the areas defined in paragraph (x)(2)(i) of this section, provided that all such harassment is by methods that are not lethal or physically injurious to wood bison and is reported within 24 hours to the location identified in paragraph (x)(5)(vi) of this section.

(vi) Any taking pursuant to paragraph (x)(5)(ii) of this section must be reported within 14 days by contacting the Alaska Department of Fish and Game, 1300 College Road, Fairbanks, AK 99701; (907) 459–7206. ADF&G will determine the most appropriate course of action regarding any live or dead specimens.

(6) *What take of wood bison is not allowed in the NEP area?*

(i) Except as expressly allowed in paragraph (x)(5) of this section, all the provisions of 50 CFR 17.31(a) and (b) apply to the wood bison identified in paragraph (x)(1) of this section.

(ii) Any manner of take not described under paragraph (x)(5) of this section is prohibited in the NEP area.

(iii) A person may not possess, sell, deliver, carry, transport, ship, import, or export by any means whatsoever any of the identified wood bison, or parts thereof, that are taken or possessed in a manner not expressly allowed in paragraph (x)(5) of this section or in violation of the applicable State or local fish and wildlife laws or regulations or the ESA.

(iv) A person may not attempt to commit, solicit another to commit, or cause to be committed any take of wood bison, except that take expressly allowed in paragraph (x)(5) of this section.

(7) *How will the effectiveness of the wood bison reintroduction be monitored?* ADF&G will monitor the population status of reintroduced bison herds at least annually and will document productivity, survival, and population size. The Service or other Federal agencies may also be involved in population monitoring, particularly where National Wildlife Refuge System or Bureau of Land Management lands are involved. Tribal governments or other organizations may also participate in population monitoring and other management activities. Depending on available resources, monitoring may occur more frequently, especially during the first few years of reestablishment efforts. This monitoring will be conducted primarily through aerial surveys and will be accomplished by State or Service employees, through cooperative efforts with local governments, or by contracting with other appropriate species experts.

(8) *What other provisions apply to this rule?* If any particular provision of this rule or the application of any particular provision to any entity or circumstance is held invalid, the remainder of this finding and rule and the application of such provisions to other entities or circumstances shall not be affected by such holding.

(y) Grizzly bear (*Ursus arctos horribilis*)—North Cascades nonessential experimental population.

(1) *Purpose.* The regulations in this paragraph (y) set forth the provisions of a rule to establish an experimental population of grizzly bears. The Service finds that establishment of an experimental population of grizzly bears as described in this paragraph (y) will further the conservation of the species.

(2) *Determinations.* The grizzly bears identified in this paragraph (y) constitute a nonessential experimental population (NEP) under §17.81(c)(2). These grizzly bears will be managed in accordance with the provisions of this rule within the boundaries of the NEP area as identified in paragraph (y)(4) of this section. After our initial release of one or more grizzly bears into the NEP area, any grizzly bears found within

the NEP area will be considered a member of the NEP.

(3) *Definitions.* Key terms used in this paragraph (y) have the following definitions:

Authorized agency means a Federal, State, or Tribal agency designated by the Service in a memorandum of understanding (MOU) to assist in implementing all or part of the specified actions in this paragraph (y).

Demonstrable and ongoing threat refers to a grizzly bear actively chasing or attacking livestock or lingering in close proximity to livestock following a depredation.

Depredation means the confirmed killing or wounding of lawfully present livestock by one or more grizzly bears. The Service or an authorized agency must confirm grizzly bear depredation on lawfully present livestock. Livestock trespassing on Federal, State, or private lands are not considered lawfully present.

Deterrence means an intentional action to haze, disrupt, or annoy a grizzly bear to move out of close proximity to people or property to promote human safety, prevent conflict, or protect property and that does not cause death or lasting bodily injury to the grizzly bear.

Domestic animal means an individual of an animal species that has been selectively bred over many generations to enhance specific traits for their use by humans, including for use as a pet or livestock.

Federal, State, or Tribal authority means an employee of a State, Federal, or federally recognized Indian Tribal government who, as part of their official duties, normally handles large carnivores and is trained and/or experienced in immobilizing, marking, and handling grizzly bears.

Grizzly bear involved in conflict means a grizzly bear that has caused substantial property damage, obtained anthropogenic foods (e.g., pet food, livestock feed, garbage), killed or injured lawfully present livestock, damaged beehives, breached an intact structure or electrified perimeter to obtain fruit or crops (e.g., greenhouse, garden, orchard, field, stackyard or grain bin), shown repeated and persistent signs of habituation in proximity to human-occupied areas (e.g., has been repeatedly hazed or previously relocated), exhibited aggressive behavior (*i.e.,* not acting in defense of offspring or food or in response to a surprise encounter), or has been involved in a human-grizzly encounter resulting in substantial human injury or loss of human life.

Human-occupied areas means any structures or areas currently used or inhabited by humans (e.g., homes, residential areas, occupied campgrounds or trailheads, job sites).

In the act of attacking means the actual biting, wounding, grasping, or killing of livestock (including working dogs) by a grizzly bear.

Lasting bodily injury refers to any permanent damage or injury that limits a grizzly bear's ability to effectively move, obtain food, or defend itself for any length of time.

Livestock means cattle, sheep, pigs, horses, mules, goats, domestic bison, alpacas, llamas, donkeys, and working dogs but not poultry, feral dogs, or domestic dogs (working or otherwise) that are not in close proximity to human-occupied areas or to lawfully present livestock.

Threat to human safety means a grizzly bear that exhibits aggressive (*i.e.,* nondefensive) behavior towards humans.

(A) Grizzly bear presence alone does not constitute a threat to human safety.

(B) Grizzly bears less than 2 years of age with no history of food-conditioning are not considered a threat to human safety.

Working dog means a herding or guard dog that is actively herding or guarding in close proximity to human-occupied areas or to lawfully present livestock.

(4) *Where is the grizzly bear North Cascades NEP?* (i) The grizzly bear NEP area includes Washington State except the portion of northeastern Washington defined by the Kettle River from the international border with Canada, downstream to the Columbia River, to its confluence with the Spokane River, then upstream on the Spokane River to the Washington-Idaho border. The area shown in figure 1 to paragraph (y)(4) of this section will remain designated as the experimental

population area unless the Service determines in a future rulemaking that:

(A) The reintroduction has not been successful, in which case the NEP boundaries might be altered or the regulations in this paragraph (y) might be removed; or

(B) The grizzly bear is recovered and delisted in accordance with the Act.

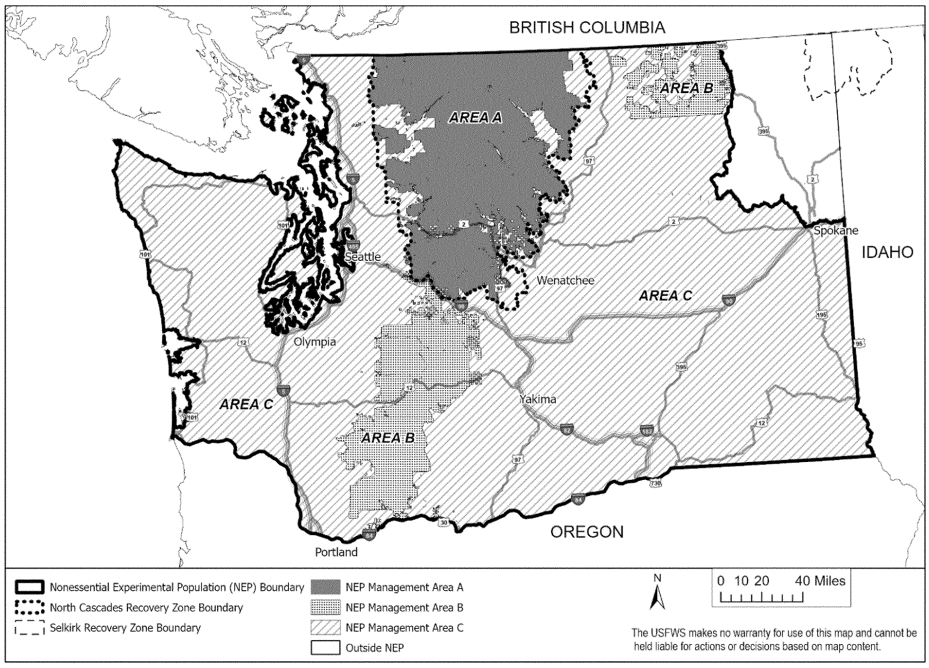
(ii) Management Area A of the grizzly bear North Cascades NEP includes the Mount Baker Snoqualmie National Forest, Okanogan-Wenatchee National Forest, and Colville National Forest north of Interstate 90 and west of Washington State Route 97, as well as the North Cascades National Park Service complex. Management Area A will be the primary area for restoration of grizzly bears and will serve as core habitat for survival, reproduction, and dispersal of the NEP.

(iii) Management Area B of the grizzly bear North Cascades NEP includes the Mount Baker Snoqualmie National Forest and Okanogan-Wenatchee National Forest south of Interstate 90, Gifford Pinchot National Forest, and Mount Rainier National Park. Management Area B also includes the Colville National Forest and Okanogan-Wenatchee National Forest lands east of Washington State Route 97 within the experimental population boundary. Management Area B includes areas that may be used for natural movement and/or dispersal by grizzly bears and that have a lower potential for human-bear conflicts.

(iv) Management Area C of the grizzly bear North Cascades NEP comprises all non-Federal lands within the North Cascades Ecosystem Recovery Zone and all other lands outside of or not otherwise included in Management Areas A and B within the NEP boundary. Management Area C contains large areas that may be incompatible with grizzly bear presence due to high levels of private land ownership and associated development and/or potential for bears to become involved in conflicts with resultant bear mortality, although some areas within this management area are capable of supporting grizzly bears and grizzly bears may occur there.

(v) Map of the NEP area and associated management areas for the grizzly bear in the North Cascades Ecosystem follows:

FIGURE 1 TO PARAGRAPH (y)(4)



(5) *What take of the grizzly bear is allowed in Management Area A of the North Cascades NEP area?* The exceptions to take prohibitions described in paragraphs (y)(5)(i) through (viii) of this section apply in Management Area A:

(i) *Defense of life.* Any person may take a grizzly bear in self-defense or in defense of other persons, based on a good-faith belief that the actions taken were to protect the person from bodily harm. Such taking must be reported as described in paragraph (y)(8) of this section.

(ii) *Deterrence.* Any person may take a grizzly bear for the purpose of deterrence (see definition in paragraph (y)(3)) of this section, under the provisions set forth in this paragraph (y)(5)(ii):

(A) Once a grizzly bear has moved out of close proximity, deterrence is unlikely to be effective and must cease.

(B) Any deterrence action must not cause lasting bodily injury or death to the grizzly bear.

(C) Deterrence must be by acceptable techniques, which include non-projectile auditory deterrents, visual stimuli/deterrents, vehicle threat pressure, and noise-making projectiles. Unacceptable deterrence methods include screamers/whistlers, rubber bullets/batons, and bean bag and aero sock rounds. For more information about appropriate nonlethal deterrents, contact the Service for the most current Service-approved guidelines.

(D) A person may not bait, stalk, or pursue a grizzly bear for the purposes of deterrence. Pursuit is defined as deterrence carried out beyond 200 yards (183 m) of a human-occupied area or lawfully present livestock.

(E) Any person who deters a grizzly bear must use discretion and act safely and responsibly.

(iii) *Incidental take.* (A) Except as provided in paragraph (y)(5)(iii)(B) of this section, take of a grizzly bear is allowed if it is incidental to (*i.e.*, unintentional and not the purpose of) an otherwise lawful activity and is not due to negligent conduct.

(B) Take of a grizzly bear resulting from U.S. Forest Service actions on

National Forest System lands in Management Area A that is incidental to otherwise lawful activity is allowed if the U.S. Forest Service has maintained its 'no net loss' agreement and implemented food storage restrictions throughout National Forest System lands in Management Area A.

(iv) *Take under permits.* Any person with a valid permit issued under §17.32 by the Service may take a grizzly bear pursuant to the terms of the permit.

(v) *Take under section 6 of the Act.* Any State conservation agency may take a grizzly bear under section 6(c) of the Act as described in §17.31.

(vi) *Research and recovery actions.* With prior approval of the Service, an authorized agency as defined in paragraph (y)(3) of this section may take a grizzly bear if such action is necessary:

(A) For scientific purposes;

(B) To aid a sick or injured grizzly bear, including euthanasia if the grizzly bear is unlikely to survive or poses an immediate threat to human safety;

(C) To salvage a dead specimen that may be useful for scientific study;

(D) To dispose of a dead specimen; or

(E) To aid in law enforcement investigations involving the grizzly bear.

(vii) *Removal of grizzly bears involved in conflict.* With prior approval of the Service, a grizzly bear involved in conflict in the NEP area may be taken by an authorized agency, including by lethal removal, but only if:

(A) It is not reasonably possible to otherwise eliminate the threat by nonlethal deterrence or live-capturing and releasing the grizzly bear unharmed in a remote area agreed to by the Service, the Washington Department of Fish and Wildlife, and the applicable land management agency; and

(B) The taking is done in a humane manner (with compassion and consideration for the bear and minimizing pain and distress) by a Federal, State, or Tribal authority of an authorized agency.

(viii) *Relocation of a grizzly bear.* With prior approval from the Service, an authorized agency may live-capture one or more grizzly bears and transport and release them in a remote location agreed to by the Service, the Washington Department of Fish and Wildlife, and the applicable land managing agency:

(A) For a grizzly bear involved in conflict;

(B) To prevent unnatural use of food materials that have been reasonably secured from the bear or unnatural use of anthropogenic foods;

(C) After aggressive (*i.e.,* not defensive) behavior toward humans results in injury to a human or constitutes a demonstrable immediate or potential threat to human safety;

(D) As a preemptive action to prevent a conflict that appears imminent or in an attempt to prevent habituation of bears; or

(E) For any other conservation purpose for the grizzly bear as determined by the Service.

(ix) *Reporting requirements.* Any take pursuant to this paragraph (y)(5) resulting in lasting injury or death of a grizzly bear must be reported as indicated in paragraph (y)(8) of this section.

(6) *What take of the grizzly bear is allowed in Management Area B of the North Cascades NEP area?* Grizzly bears in Management Area B will be accommodated through take exceptions described in paragraph (y)(6)(i) of this section, in addition to those take exceptions allowed in Management Area A as set forth in paragraph (y)(5) of this section. ''Accommodated'' means a grizzly bear in Management Area B will not be disturbed unless it demonstrates a threat to human safety or to protect property.

(i) *Conditioned lethal take.* The Service may issue prior written authorization allowing an individual to kill a depredating grizzly bear within 200 yards (183 m) of legally present livestock. Such authorizations will be valid for 5 days, but the Service may extend the authorization of lethal take an additional 5 days if additional grizzly bear depredations or injuries to livestock occur and circumstances indicate that the offending bear can be identified. Such authorizations will be issued only if:

(A) A depredation has been confirmed by the Service or authorized agency;

(B) The Service or an authorized agency determines it is not reasonably possible to otherwise eliminate the

threat by deterrence or live-capturing and releasing the grizzly bear unharmed;

(C) The taking is done in a humane manner (*i.e.*, showing compassion and consideration for the bear and minimizing pain and distress);

(D) The taking is reported as indicated in paragraph (y)(8) of this section; and

(E) The grizzly bear carcass and any associated collars or ear tags are surrendered to the Service.

(7) *What take of the grizzly bear is allowed in Management Area C of the North Cascades NEP area?* In addition to the take exceptions described in paragraph (y)(7)(i) of this section, all take exceptions allowed in Management Areas A and B as set forth in paragraphs (y)(5) and (6) of this section are also allowed in Management Area C of the NEP.

(i) *Conditioned lethal take.* (A) The Service may issue prior written authorization allowing an individual to kill a grizzly bear in Management Area C when deemed necessary for human safety or to protect property. Such authorizations will be valid for 5 days, may be reissued by the Service if deemed warranted, and will be issued only if:

(*1*) The Service or authorized agency determines that a grizzly bear presents a demonstrable and ongoing threat to human safety or to lawfully present livestock, domestic animals, crops, beehives, or other property and that it is not reasonably possible to otherwise eliminate the threat by nonlethal deterrence or live-capturing and releasing the grizzly bear unharmed;

(*2*) The individual requesting the written authorization is the landowner, livestock producer, or designee (e.g., an employee or lessee);

(*3*) The taking is done in a humane manner;

(*4*) The taking is reported as indicated in paragraph (y)(8) of this section; and

(*5*) The carcass and any associated collars or ear tags are surrendered to the Service.

(B) Any individual may take (injure or kill) a grizzly bear in the act of attacking livestock on private lands (*i.e.*, nonpublic lands) under the provisions set forth in this paragraph (y)(7)(i)(B):

(*1*) The individual is the landowner or livestock producer or a designee (e.g., an employee or lessee).

(*2*) Any grizzly bear taken is reported to the Service or authorized agency within 24 hours.

(*3*) The carcass of any grizzly bear and the surrounding area is not disturbed to preserve physical evidence of the attack.

(*4*) The Service or authorized agency is able to confirm that the livestock or working dog was injured or killed by a grizzly bear. The taking of any grizzly bear without such evidence may be referred to the appropriate authorities for prosecution.

(*5*) There is no evidence of excessive unsecured attractants (e.g., carcass piles or bone yards) or of intentional feeding or baiting of grizzly bears or wildlife.

(8) *What are the reporting requirements for take of grizzly bears in the North Cascades NEP?* (i) *Lethal take.* Any grizzly bear that is killed by an individual under the provisions of this paragraph (y) must be reported within 24 hours to the Service's Washington Fish and Wildlife Office special reporting hotline: (360) 800–7960. Any grizzly bear that is killed by a Federal, State, or Tribal authority of an authorized agency under the provisions of this paragraph (y) must be reported within 24 hours by following the reporting instructions as described in the authorized agency's MOU and included in an annual report to the Service.

(ii) *Nonlethal take resulting in injury.* Any direct take of a grizzly bear by an individual under the provisions of this paragraph (y) that does not result in death of a grizzly bear but causes lasting bodily injury must be reported within 5 calendar days of occurrence to the Service's Washington Fish and Wildlife Office special reporting hotline: (360) 800–7960. Any direct take of a grizzly bear by a Federal, State, or Tribal authority of an authorized agency under the provisions of this paragraph (y) that does not result in death of a grizzly bear but causes lasting bodily injury must be reported within 5 calendar days of occurrence by following the reporting instructions as described in the authorized agency's MOU and included in an annual report

to the Service. Indirect incidental take, such as harm to a grizzly bear resulting from habitat modification, does not need to be reported under this provision.

(9) *What take of the grizzly bear is not allowed in the North Cascades NEP area?* (i) Other than expressly provided by the regulations in this paragraph (y), all take is prohibited and considered a violation of section 9 of the Act. Take of a grizzly bear within the NEP area must be reported as set forth in paragraph (y)(8) of this section.

(ii) No person shall possess, sell, deliver, carry, transport, ship, import, or export, by any means whatsoever, any grizzly bear or part thereof from the NEP taken in violation of this paragraph (y) or in violation of applicable Tribal or State laws or regulations or the Act.

(iii) It is unlawful for any person to attempt to commit, solicit another to commit, or cause to be committed, any take of the grizzly bear, except as expressly allowed in paragraphs (y)(5) through (7) of this section.

(iv) To avoid illegally shooting a grizzly bear, persons lawfully engaged in hunting and shooting activities must correctly identify their target before shooting. The act of taking a grizzly bear that is wrongfully identified as another species is not considered incidental take and is not allowed under this rule and may be referred to appropriate authorities for prosecution.

(v) Any grizzly bear or grizzly bear part taken legally in accordance with the regulations in this paragraph (y) must be turned over to the Service unless otherwise authorized by the Service in writing.

(10) *How will the effectiveness of the grizzly bear restoration effort be monitored?* The Service will monitor grizzly bears in the North Cascades NEP annually and will evaluate the status of grizzly bears in the NEP in conjunction with the Service's species status assessments and status reviews of the grizzly bear. Evaluations in the Service's status reviews will include, but not be limited to, a review of management issues, grizzly bear movements, demographic rates, causes of mortality, project costs, and progress toward establishing a population.

[49 FR 35954, Sept. 13, 1984; 50 FR 30194, July 24, 1985]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §17.84, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at *www.govinfo.gov*.

§ 17.85 Species-specific rules—invertebrates.

(a) *Fourteen mollusks in the Tennessee River.* The species in the following table comprise nonessential experimental populations (NEPs):

Common name	Scientific name
Cumberland bean (pearlymussel).	*Villosa trabalis*
purple cat's paw pearlymussel.	*Epioblasma obliquata*
clubshell	*Pleurobema clava*
Cumberlandian combshell	*Epioblasma brevidens*
Alabama lampmussel	*Lampsilis virescens*
winged mapleleaf (mussel)	*Quadrula fragosa*
Cumberland monkeyface (pearlymussel).	*Theliderma intermedia*
oyster mussel	*Epioblasma capsaeformis*
birdwing pearlymussel	*Lemiox rimosus*
cracking pearlymussel	*Hemistena lata*
dromedary pearlymussel	*Dromus dromas*
fine-rayed pigtoe	*Fusconaia cuneolus*
shiny pigtoe	*Fusconaia cor*
Anthony's riversnail	*Athearnia anthonyi*

(1) *Where are these mollusks designated as nonessential experimental populations (NEPs)?* (i) The NEP Area for these 14 mollusks is within the species' historic ranges, and is defined as follows: The free-flowing reach of the Tennessee River from the base of Wilson Dam downstream to the backwaters of Pickwick Reservoir (river mile (RM) 259.4 [414.0 km] to RM 246.0 [393.6 km] and includes the lower 5 RM (8 km) of all tributaries to this reach in Colbert and Lauderdale Counties, Alabama.

(ii) None of the identified species are known to exist in any of the tributaries to the free-flowing reach of the Tennessee River below Wilson Dam or from below the backwaters of Pickwick Reservoir, Colbert and Lauderdale Counties, Alabama. In the future, if any of the 14 mollusks are found upstream of the lower 5 RM (8 km) of these tributaries or downstream into Pickwick Reservoir, we will presume the animals came from the reintroduced NEP, and we will amend this rule and enlarge the boundaries of the

NEP Area to include the entire range of the expanded population.

(iii) We do not intend to change the NEP designations to ''essential experimental,'' ''threatened,'' or ''endangered'' within the NEP Area. Additionally, we will not designate critical habitat for these NEPs, as provided by 16 U.S.C. 1539(j)(2)(C)(ii).

(2) *What activities are not allowed in the NEP Area?* (i) Except as expressly allowed in the rule in this paragraph (a), all the prohibitions of §17.31(a) and (b) apply to the mollusks identified in the rule in this paragraph (a).

(ii) Any manner of take not described under paragraph (a)(3) of this section will not be allowed in the NEP Area. We may refer the unauthorized take of these species to the appropriate authorities for prosecution.

(iii) You may not possess, sell, deliver, carry, transport, ship, import, or export by any means whatsoever any of the identified 14 mollusks, or parts thereof, that are taken or possessed in violation of these regulations or in violation of the applicable State fish and wildlife laws or regulations or the Act.

(iv) You may not attempt to commit, solicit another to commit, or cause to be committed any offense defined in this paragraph (a).

(3) *What take is allowed in the NEP Area?* (i) Take of these species that is accidental and incidental to an otherwise lawful activity such as fishing, boating, commercial navigation, trapping, wading, or mussel harvesting, is allowed.

(ii) Any individual collecting or harvesting mussels must check their collection prior to leaving the immediate area and return any NEP mussels to the site where they were obtained.

(4) *How will the effectiveness of these reintroductions be monitored?* We will prepare periodic progress reports and fully evaluate these reintroduction efforts after 5 and 10 years to determine whether to continue or terminate the reintroduction efforts.

(b) *Sixteen mollusks in the French Broad and Holston Rivers.* The species in the following table comprise nonessential experimental populations (NEP):

Common name	Scientific name
Cumberland bean (pearlymussel).	*Villosa trabalis*
Cumberlandian combshell	*Epioblasma brevidens*
fanshell	*Cyprogenia stegaria*
Appalachian monkeyface (pearlymussel).	*Theliderma sparsa*
Cumberland monkeyface (pearlymussel).	*Theliderma intermedia*
oyster mussel	*Epioblasma capsaeformis*
birdwing pearlymussel	*Lemiox rimosus*
cracking pearlymussel	*Hemistena lata*
dromedary pearlymussel	*Dromus dromas*
fine-rayed pigtoe	*Fusconaia cuneolus*
rough pigtoe	*Pleurobema plenum*
shiny pigtoe	*Fusconaia cor*
orange-foot pimpleback (pearlymussel).	*Plethobasus cooperianus*
ring pink (mussel)	*Obovaria retusa*
white wartyback (pearlymussel).	*Plethobasus cicatricosus*
Anthony's riversnail	*Athearnia anthonyi*

(1) *Where are these mollusks designated as NEPs?* (i) The NEP area for these mollusks is within the species' historical range and is defined as follows: The French Broad River, Knox and Sevier Counties, Tennessee, from the base of Douglas Dam (river mile (RM) 32.3 (51.7 kilometers (km)) downstream to the confluence with the Holston River; then up the Holston River, Knox, Grainger, and Jefferson Counties, Tennessee, to the base of Cherokee Dam (RM 52.3 (83.7 km)); and the lower 5 RM (8 km) of all tributaries that enter these river reaches. None of the species identified in paragraph (b) are known to exist in any of the tributaries to the free-flowing reaches of the French Broad River below Douglas Dam, Knox and Sevier Counties, Tennessee, or of the Holston River below the Cherokee Dam, Knox, Grainger, and Jefferson Counties, Tennessee. Based on their habitat requirements, we do not expect these species to become established outside this NEP area. However, if any individuals are found upstream or downstream or into tributaries outside the designated NEP area, we would presume that they came from the reintroduced populations. We would then amend paragraph (b)(1)(i) of this section to enlarge the boundaries of the NEP area to include the entire range of the expanded population.

(ii) Another NEP area for 10 of these mollusks (Cumberland bean, Cumberlandian combshell, Cumberland monkeyface, oyster mussel, birdwing pearlymussel, cracking pearlymussel,

dromedary pearlymussel, fine-rayed pigtoe, shiny pigtoe, and Anthony's riversnail) is provided in paragraph (a) of this section.

(iii) We do not intend to change the NEP designations to ''essential experimental,'' ''threatened,'' or ''endangered'' within the NEP area. Additionally, we will not designate critical habitat for these NEPs, as provided by 16 U.S.C. 1539(j)(2)(C)(ii).

(2) *What activities are not allowed in the NEP area?* (i) Except as expressly allowed in paragraph (b)(3) of this section, all the prohibitions of §17.31(a) and (b) apply to the mollusks identified in paragraph (b) of this section.

(ii) Any manner of take not described under paragraph (b)(3) of this section will not be allowed in the NEP area. We may refer the unauthorized take of these species to the appropriate authorities for prosecution.

(iii) You may not possess, sell, deliver, carry, transport, ship, import, or export by any means whatsoever any of the identified mollusks, or parts thereof, that are taken or possessed in violation of paragraph (b)(2) of this section or in violation of the applicable State fish and wildlife laws or regulations or the Act.

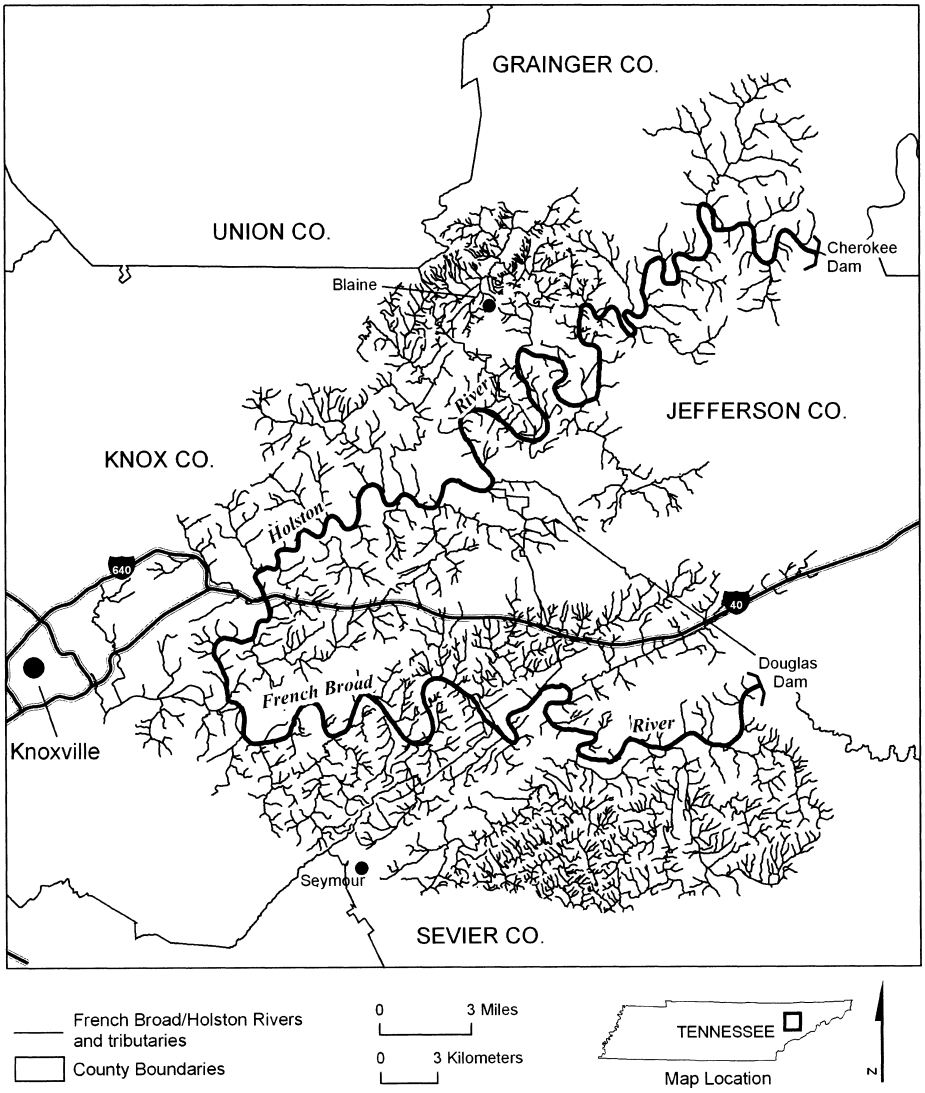
(iv) You may not attempt to commit, solicit another to commit, or cause to be committed any offense defined in paragraph (b)(2) of this section.

(3) *What take is allowed in the NEP area?* Take of these species that is accidental and incidental to an otherwise legal activity, such as recreation (e.g., fishing, boating, wading, trapping, or swimming), forestry, agriculture, and other activities that are in accordance with Federal, State, and local laws and regulations, is allowed.

(4) *How will the effectiveness of these reintroductions be monitored?* We will prepare periodic progress reports and fully evaluate these reintroduction efforts after 5 and 10 years to determine whether to continue or terminate the reintroduction efforts.

(5) *Note:* Map of the NEP area in Tennessee for the 16 mollusks listed in paragraph (b) of this section follows:

Portion of the Lower French Broad River Watershed and the Lower Holston River Watershed Covered by the 15 freshwater mussels: Appalachian Monkeyface Pearlymussel, Birdwing Pearlymussel, Cracking Pearlymussel, Cumberland Bean Pearlymussel, Cumberlandian Combshell, Cumberland Monkeyface Pearlymussel, Dromedary Pearlymussel, Fanshell, Fine-rayed Pigtoe, Orange-foot Pimpleback Pearlymussel, Oyster Mussel, Ring Pink, Rough Pigtoe, Shiny Pigtoe, and White Wartyback Pearlymussel; and 1 Federally Listed Endangered Aquatic Snail: Anthonys Riversnail Nonessential Experimental Population Designation.



(c) American Burying Beetle (*Nicrophorus americanus*).

(1) *Where is the American burying beetle designated as a nonessential experimental population (NEP)?* (i) The NEP area for the American burying beetle is within the species' historical range and is defined as follows: The Missouri Counties of Cedar, St. Clair, Bates, and Vernon.

(ii) The American burying beetle is not known to exist in Cedar, St. Clair, Bates, or Vernon Counties in Missouri, as of the date of enacting this regulation. Based on its habitat requirements and movement patterns, we do not expect this species to become established outside this NEP area.

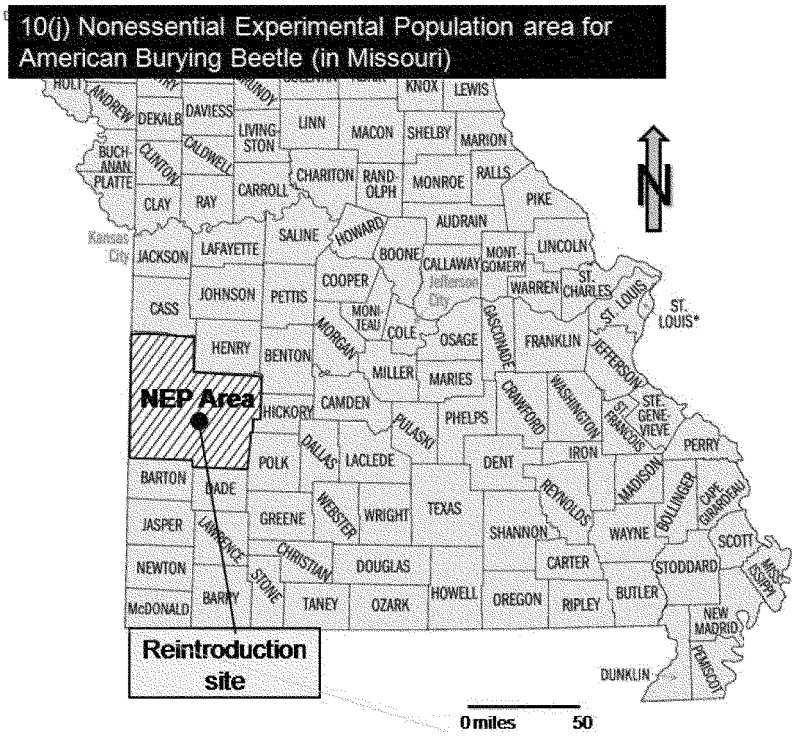
(2) *What activities are not allowed in the NEP area?* (i) You may not possess, sell, deliver, carry, transport, ship, import, or export by any means, American burying beetles, or parts thereof, that are taken or possessed in violation of paragraph (c)(3) of this section or in violation of applicable State fish and wildlife laws or regulations or the Act.

(ii) You may not attempt to commit, solicit another to commit, or cause to be committed any offense defined in paragraph (c)(2)(i) of this section.

(3) *What take is allowed in the NEP area?* Take of this species that is accidental and incidental to an otherwise legal activity, such as agriculture, forestry and wildlife management, land development, recreation, and other activities, is allowed.

(4) *How will the effectiveness of these reintroductions be monitored?* We will prepare periodic progress reports and fully evaluate these reintroduction efforts after 5 years to determine whether to continue or terminate the reintroduction efforts.

(5) *Note:* Map of the NEP area for the American burying beetle follows:



(d) Oregon Silverspot Butterfly (*Speyeria zerene hippolyta*).

(1) *Where is the Oregon silverspot butterfly designated as a nonessential experimental population (NEP)?* (i) The NEP areas for the Oregon silverspot butterfly are within the subspecies' historical range in Tillamook and Clatsop Counties, Oregon. The boundary of the

NEP includes those Public Land Survey System sections intersecting with a 4.25-mile (6.8-kilometer) radius around the release locations. This boundary was selected to encompass all likely movements of Oregon silverspot butterflies away from the release areas while maintaining geographic separation from existing populations.

(A) The Nestucca Bay NEP area, centered on the coastal prairie habitat on the Cannery Hill Unit of the Nestucca Bay National Wildlife Refuge (Nestucca Bay NEP area), includes Township 4 South, Range 10 West, Sections 15 through 36; Township 4 South, Range 11 West, Sections 13, 24, 25, and 36; Township 5 South, Range 10 West, Sections 2 through 11, 14 through 23, 27 through 30; and Township 5 South, Range 11 West, Sections 12, 13, 24, and 25.

(B) The Saddle Mountain NEP area, centered on the coastal prairie habitat on top of Saddle Mountain State Natural Area (Saddle Mountain NEP area), includes Township 6 North, Range 7 West, Sections 7, 17 through 20, 29 through 32; Township 6 North, Range 8 West, Sections 1 through 36; Township 6 North, Range 9 West, Sections 1, 11 through 14, 23 through 26, 35, and 36; Township 5 North, Range 7 West, Sections 5 through 8, 17, 18, and 19; Township 5 North, Range 8 West, Sections 1 through 24; and Township 5 North, Range 9 West, Sections 1, 2, 3, 11, 12, 13, and 14.

(ii) The nearest known extant population to the Nestucca Bay NEP area is 8 miles (13 kilometers) to the south, beyond the longest known flight distance of the butterfly (4.1 miles (6.6 kilometers)) and with little or no suitable habitat between them. The nearest known extant population to the Saddle Mountain NEP area is 50 miles (80 kilometers) to the south, well beyond the longest known flight distance of the butterfly (4.1 miles (6.6 kilometers)). Given its habitat requirements, movement patterns, and distance from extant populations, the NEP is wholly separate from extant populations, and we do not expect the reintroduced Oregon silverspot butterflies to become established outside the NEP areas. Oregon silverspot butterflies outside of the NEP boundaries will assume the status of Oregon silverspot butterflies within the geographic area in which they are found.

(iii) We will not change the NEP designations to ''essential experimental,'' ''threatened,'' or ''endangered'' within the NEP areas without engaging in notice-and-comment rulemaking. Additionally, we will not designate critical habitat for this NEP, as provided by 16 U.S.C. 1539(j)(2)(C)(ii).

(2) *What take of the Oregon silverspot butterfly is allowed in the NEP areas?* (i) Oregon silverspot butterflies may be taken within the NEP area, provided that such take is not willful, knowing, or due to negligence, and is incidental to carrying out an otherwise lawful activity, such as agriculture, forestry and wildlife management, land development, recreation, and other activities that are in accordance with Federal, State, Tribal, and local laws and regulations.

(ii) Any person with a valid permit issued by the Service under 50 CFR 17.32 may take the Oregon silverspot butterfly for educational purposes, scientific purposes, the enhancement of propagation or survival of the species, zoological exhibition, and other conservation purposes consistent with the Act. Additionally, any employee or agent of the Service, any other Federal land management agency, or a State conservation agency, who is designated by the agency for such purposes, may, when acting in the course of official duties, take an Oregon silverspot butterfly in the wild in the NEP area if such action is necessary:

(A) For scientific purposes;

(B) To relocate Oregon silverspot butterflies to avoid conflict with human activities;

(C) To relocate Oregon silverspot butterflies within the NEP area to improve Oregon silverspot butterfly survival and recovery prospects or for genetic purposes;

(D) To relocate Oregon silverspot butterflies from one population in the NEP into another in the NEP, or into captivity;

(E) To euthanize an injured Oregon silverspot butterfly;

(F) To dispose of a dead Oregon silverspot butterfly, or salvage a dead

Oregon silverspot butterfly for scientific purposes;

(G) To relocate an Oregon silverspot butterfly that has moved outside the NEP area back into the NEP area; or

(H) To aid in law enforcement investigations involving the Oregon silverspot butterfly.

(3) *What take of Oregon silverspot butterfly is not allowed in the NEP area?* (i) Except as expressly allowed in paragraph (d)(2) of this section, all of the provisions of 50 CFR 17.31(a) and (b) apply to the Oregon silverspot butterfly in areas identified in paragraph (d)(1) of this section.

(ii) A person may not possess, sell, deliver, carry, transport, ship, import, or export by any means, Oregon silverspot butterflies, or parts thereof, that are taken or possessed in a manner not expressly allowed in paragraph (d)(2) of this section or in violation of applicable State fish and wildlife laws or regulations or the Act.

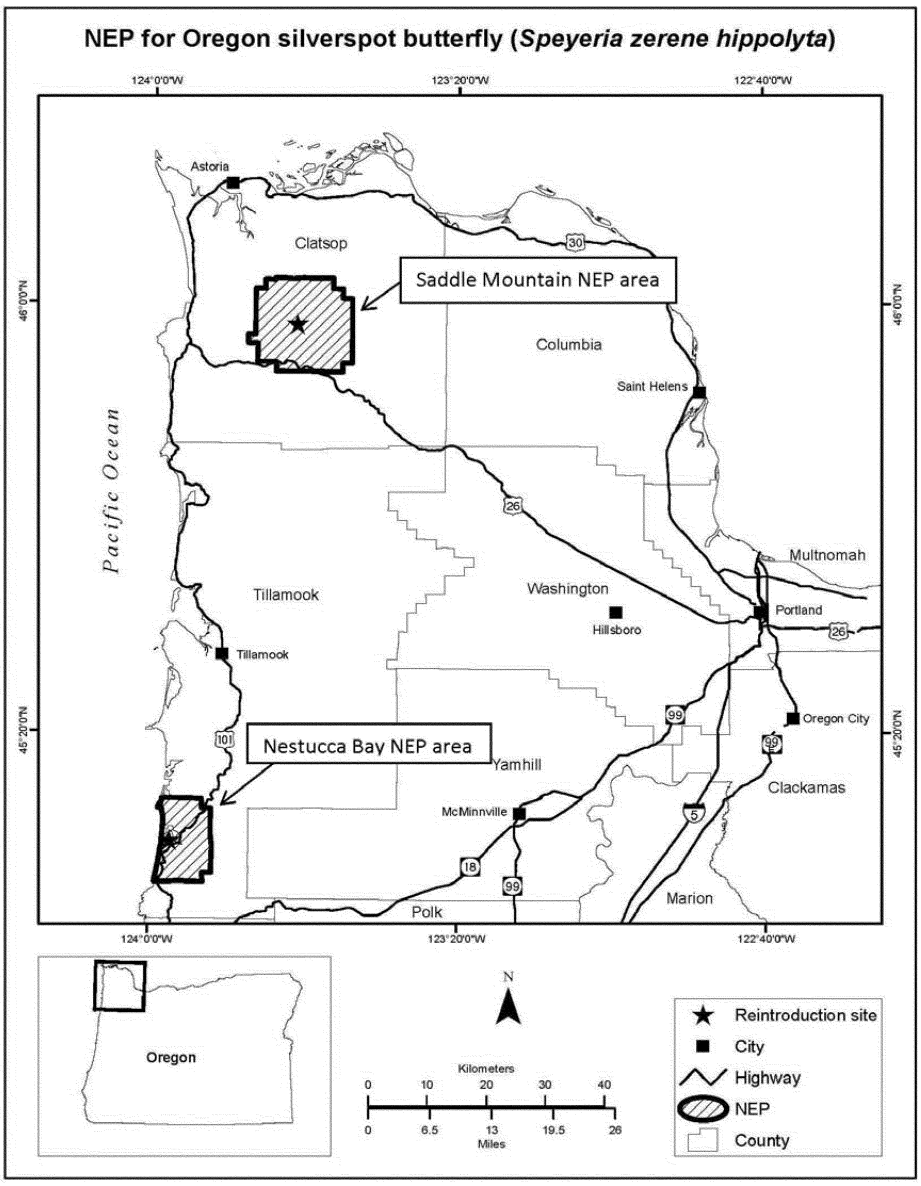
(iii) Any manner of take not described under paragraph (d)(2) of this section is prohibited in the NEP areas.

(iv) A person may not attempt to commit, solicit another to commit, or cause to be committed any take of the Oregon silverspot butterfly, except as expressly allowed in paragraph (d)(2) of this section.

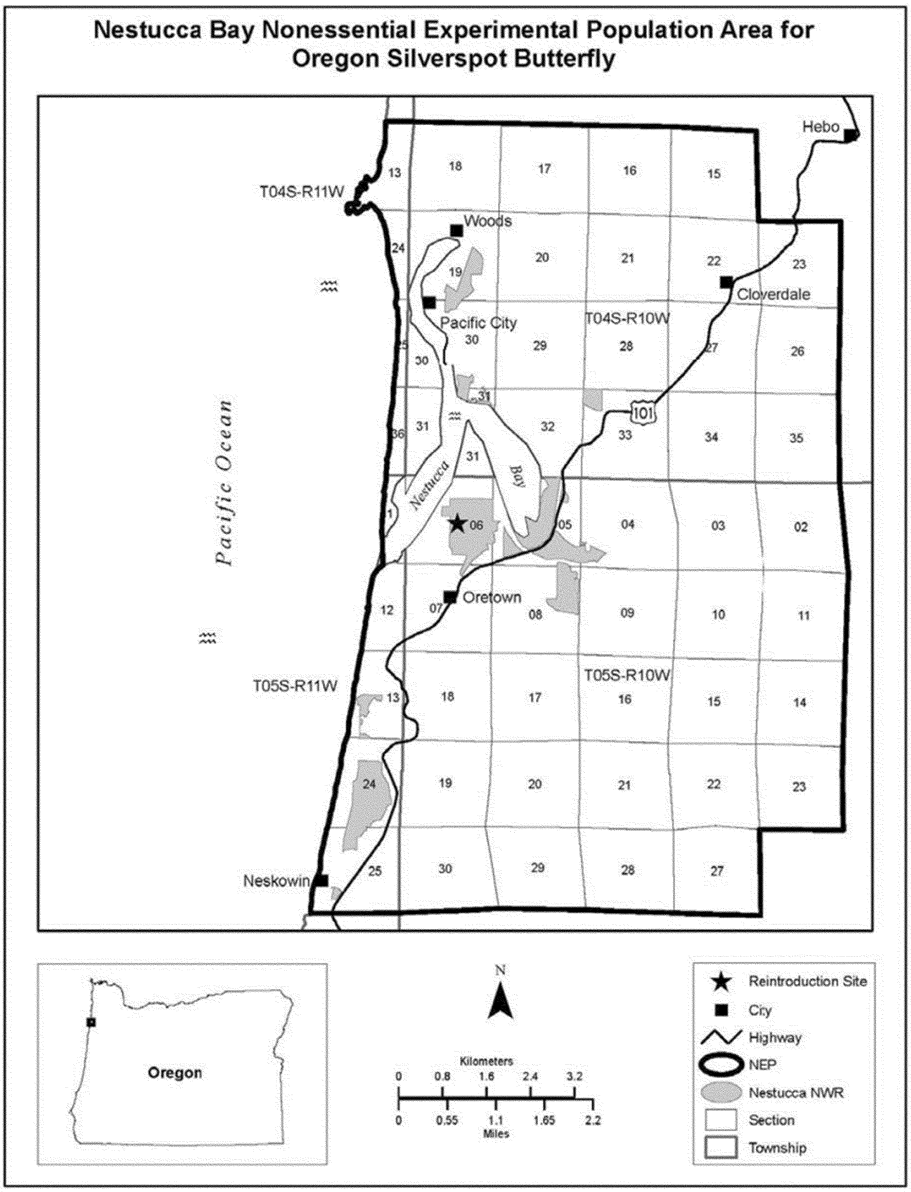
(4) *How will the effectiveness of these reintroductions be monitored?* We will monitor populations annually for trends in abundance in cooperation with partners, monitor habitat quality, and prepare annual progress reports. We will fully evaluate reintroduction efforts after 5 years to determine whether to continue or terminate the reintroduction efforts.

(5) *Maps of the NEP areas for the Oregon silverspot butterfly in Northwest Oregon.*

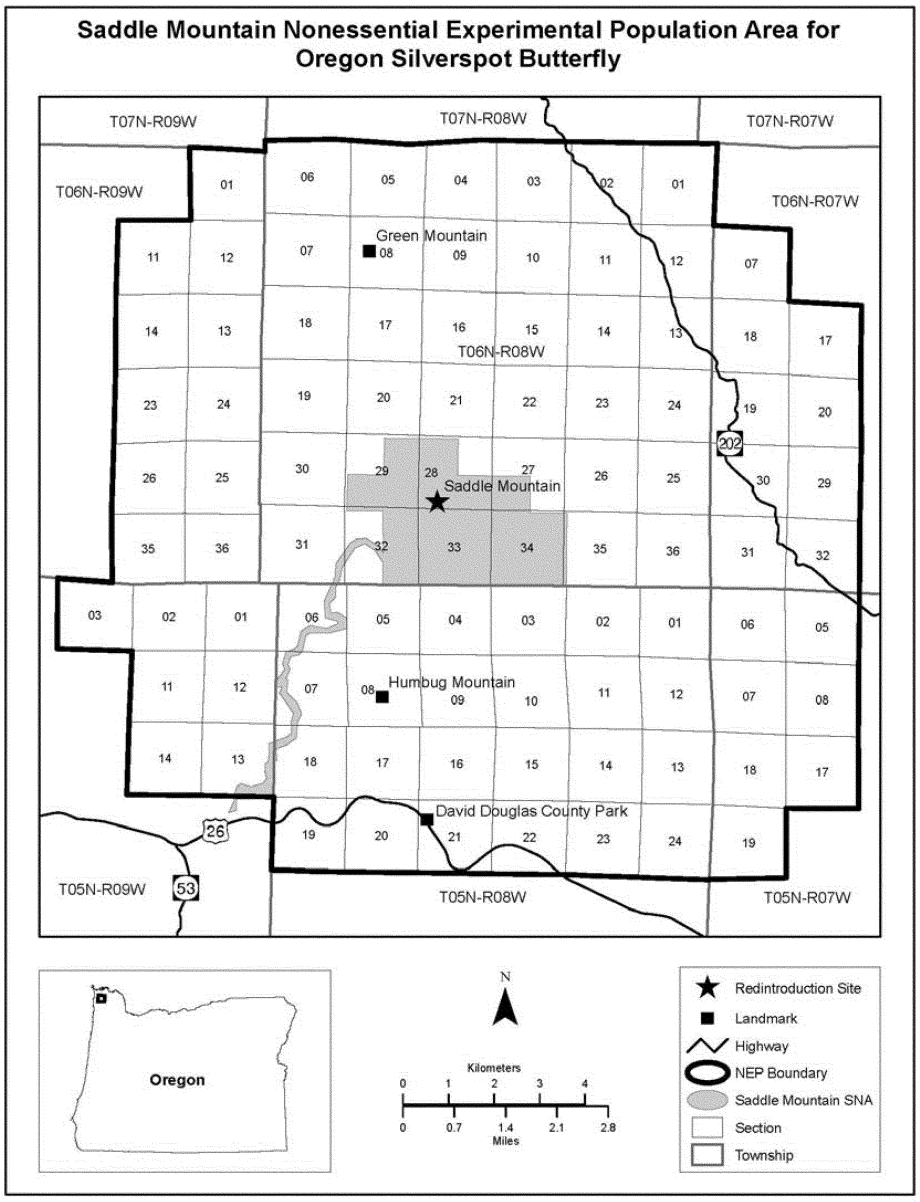
(i) *Note:* Map of the Oregon silverspot butterfly NEP follows:



(ii) *Note:* Map of Nestucca Bay NEP area for the Oregon silverspot butterfly follows:



(iii) *Note:* Map of Saddle Mountain NEP area for the Oregon silverspot butterfly follows:


Saddle Mountain Nonessential Experimental Population Area for Oregon Silverspot Butterfly
T07N-R09W
T07N-R08W
T07N-R07W
T06N-R09W
T06N-R08W
T06N-R07W
Green Mountain
Saddle Mountain
Humbug Mountain
David Douglas County Park
202
26
53
T05N-R09W
T05N-R08W
T05N-R07W
Oregon
N
Kilometers
0 1 2 3 4
0 0.7 1.4 2.1 2.8
Miles
Redintroduction Site
Landmark
Highway
NEP Boundary
Saddle Mountain SNA
Section
Township

[66 FR 32263, June 14, 2001, as amended at 72 FR 52459, Sept. 13, 2007; 77 FR 16717, Mar. 22, 2012; 82 FR 28578, June 23, 2017; 87 FR 8965, Feb.17, 2022; 87 FR 15145, Mar. 17, 2022; 88 FR 42652, July 3, 2023; 88 FR 71672, Oct. 17, 2023]

§ 17.86 [Reserved]

Subpart I—Interagency Cooperation

SOURCE: 42 FR 47840, Sept. 22, 1977. Redesignated at 85 FR 82388, Dec. 18, 2020; further redesignated at 87 FR 43447, July 21, 2022.

§ 17.94 Critical habitats.

(a) The areas listed in § 17.95 (fish and wildlife), § 17.96 (plants), and § 17.99 (plants on the Hawaiian Islands) and referred to in the lists at §§ 17.11 and 17.12 have been determined by the Director to be critical habitat. All Federal agencies must insure that any action authorized, funded, or carried out by them is not likely to result in the destruction or adverse modification of the constituent elements essential to the conservation of the listed species within these defined critical habitats. (See part 402 for rules concerning this prohibition; see also part 424 for rules concerning the determination of critical habitat).

(b) *Maps.*

If the critical habitat map appears in . . .	Then . . .
(1) A critical habitat designation in § 17.95(a), (b), (d), (e), (f), (g), (h), or (i), or in § 17.96(a), and the designation does not state that the map(s) is for informational purposes only, or (2) A critical habitat designation in § 17.99, or (3) A critical habitat designation published and effective after May 31, 2012,	The map provided by the Secretary of the Interior, as clarified or refined by any textual language within the rule, constitutes the definition of the boundaries of a critical habitat. Each critical habitat area will be shown on a map, with more-detailed information discussed in the preamble of the rulemaking documents published in the **Federal Register** and made available from the lead field office of the Service responsible for such designation. Each area will be referenced to the State(s), county(ies), or other local government units within which all or part of the critical habitat is located. General descriptions of the location and boundaries of each area may be provided to clarify or refine what is included within the boundaries depicted on the map, or to explain the exclusion of sites (e.g., paved roads, buildings) within the mapped area. Unless otherwise indicated within the critical habitat descriptions, the names of the State(s) and county(ies) are provided for informational purposes only and do not constitute the boundaries of the area.
(4) A critical habitat designation that states that the map(s) is for informational purposes only, or (5) A critical habitat designation published and effective on or prior to May 31, 2012, that is set forth at § 17.95(c),	The map provided by the Secretary of the Interior is for reference purposes to guide Federal agencies and other interested parties in locating the general boundaries of the critical habitat. The map does not, unless otherwise indicated, constitute the definition of the boundaries of a critical habitat. Critical habitats are described by reference to surveyable landmarks found on standard topographic maps of the area and to the States and county(ies) within which all or part of the critical habitat is located. Unless otherwise indicated within the critical habitat description, the State and county(ies) names are provided for informational purposes only.

[82 FR 49755, Oct. 27, 2017, as amended at 83 FR 18702, Apr. 27, 2018; 86 FR 38576, July 22, 2021]

§ 17.95 Critical habitat—fish and wildlife.

(a) *Mammals.*

FLORIDA BONNETED BAT (*Eumops floridanus*)

(1) Critical habitat units are depicted for Charlotte, Collier, DeSoto, Glades, Hardee, Hendry, Highlands, Lee, Miami-Dade, Monroe, Okeechobee, Osceola, and Polk Counties, Florida, on the maps in this entry.

(2) Within these areas, the physical or biological features essential to the conservation of Florida bonneted bat consist of the following components:

(i) Habitats with sufficient darkness that provide for roosting and rearing of offspring. Such habitat provides structural features for rest, digestion of food, social interaction, mating, rearing of young, protection from sunlight and adverse weather conditions, and cover to reduce predation risks for adults and young, and is generally characterized by:

(A) Live or dead trees and tree snags, especially longleaf pine, slash pine, bald cypress, and royal palm, that are sufficiently large (in diameter) and tall and have cavities of a sufficient size for roosts; and

(B) Live or dead trees and tree snags with sufficient cavity height, spacing from adjacent trees, and relative canopy height to provide unobstructed space for Florida bonneted bats to emerge from roost trees; this may include open or semi-open canopy and canopy gaps.

(ii) Habitats that provide adequate prey and space for foraging, which may vary widely across the Florida bonneted bat's range, in accordance with ecological conditions, seasons, and disturbance regimes that influence vegetation structure and prey species' distributions. Foraging habitat may be separate and relatively far from roosting habitat. Essential foraging habitat consists of sufficiently dark open areas in or near areas of high insect production or congregation, commonly including, but not limited to:

(A) Freshwater edges, and freshwater herbaceous wetlands (permanent or seasonal);

(B) Prairies;

(C) Wetland and upland shrub; and/or

(D) Wetland and upland forests.

(iii) A dynamic disturbance regime (e.g., fire, hurricanes, forest management) that maintains and regenerates forested habitat, including plant communities, open habitat structure, and temporary gaps, which is conducive to promoting a continual supply of roosting sites, prey items, and suitable foraging conditions.

(iv) A sufficient quantity and diversity of habitats to enable the species to be resilient to short-term impacts associated with disturbance over time (e.g., drought, forest disease). The ecological communities the Florida bonneted bat inhabits differ in hydrology, fire frequency/intensity, climate, prey species, roosting sites, and threats, and include, but are not limited to:

(A) Pine rocklands;

(B) Cypress communities (cypress swamps, strand swamps, domes, sloughs, ponds);

(C) Hydric pine flatwoods (wet flatwoods);

(D) Mesic pine flatwoods; and

(E) High pine.

(v) Habitats that provide structural connectivity where needed to allow for dispersal, gene flow, and natural and adaptive movements, including those that may be necessitated by climate change. These connections may include linear corridors such as vegetated, riverine, or open-water habitat with opportunities for roosting and/or foraging, or patches (*i.e.*, stepping stones) such as tree islands or other isolated natural areas within a matrix of otherwise low-quality habitat.

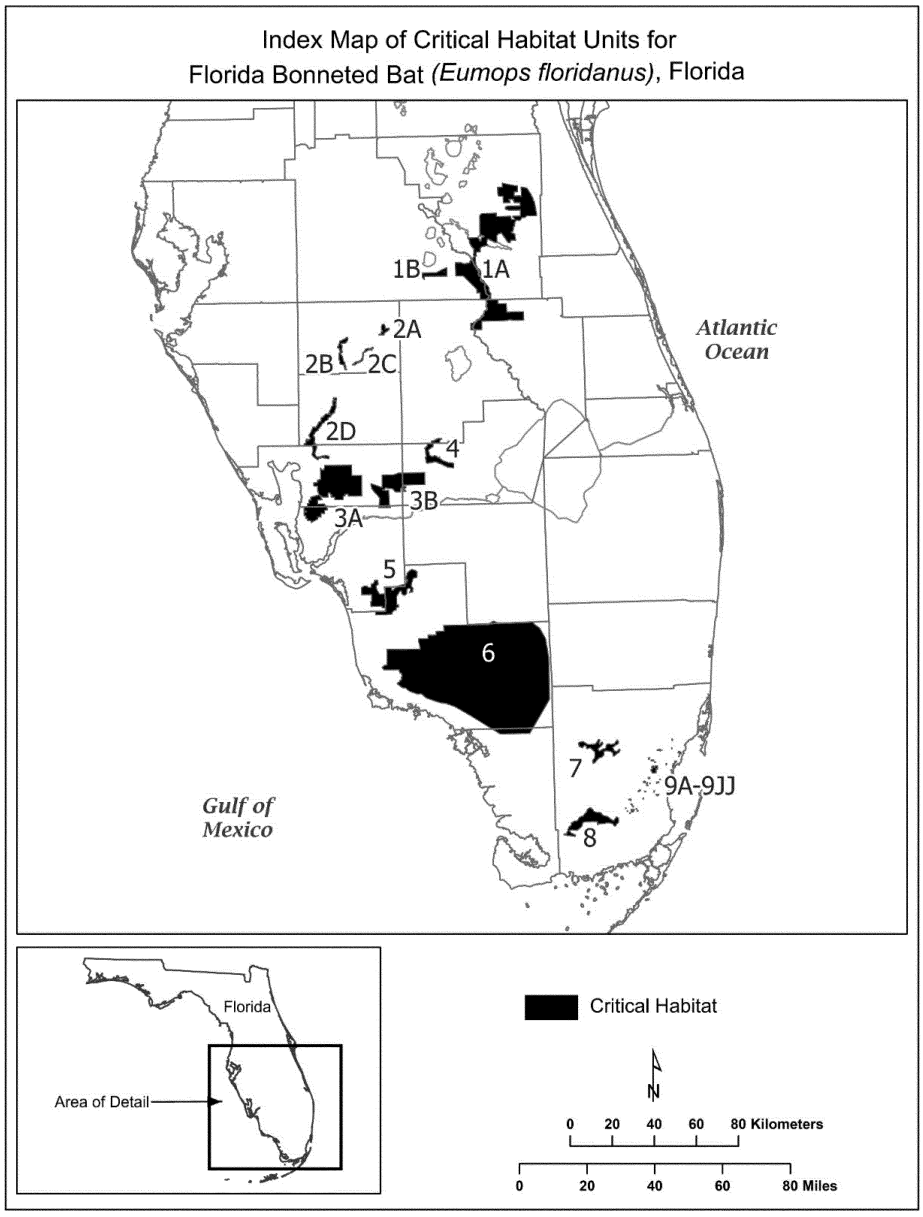
(vi) A subtropical climate that provides tolerable conditions for the species such that normal behavior, successful reproduction, and rearing of offspring are possible.

(3) Critical habitat does not include human-made structures (such as buildings, aqueducts, runways, roads, and other paved areas) and the land on which they are located existing within the legal boundaries on April 8, 2024.

(4) Data layers defining map units were created using ESRI ArcGIS mapping software along with various spatial data layers. ArcGIS was also used to calculate the size of habitat areas. The projection used in mapping and calculating distances and locations within the units was World Geodetic System 1984, Universal Transverse Mercator Zone 17 North. The maps in this entry, as modified by any accompanying regulatory text, establish the boundaries of the critical habitat designation. The coordinates or plot points or both on which each map is based are available to the public at *https://www.regulations.gov* at Docket No. FWS–R4–ES–2019–0106, the Florida bonneted bat species web page at *https://www.fws.gov/species/florida-bonneted-bat-eumops-floridanus*, and at the field office responsible for this designation. You may obtain field office location information by contacting one of the Service regional offices, the addresses of which are listed at 50 CFR 2.2.

(5) Index map follows:

Figure 1 to Florida Bonneted Bat (*Eumops floridanus*) Paragraph (5)



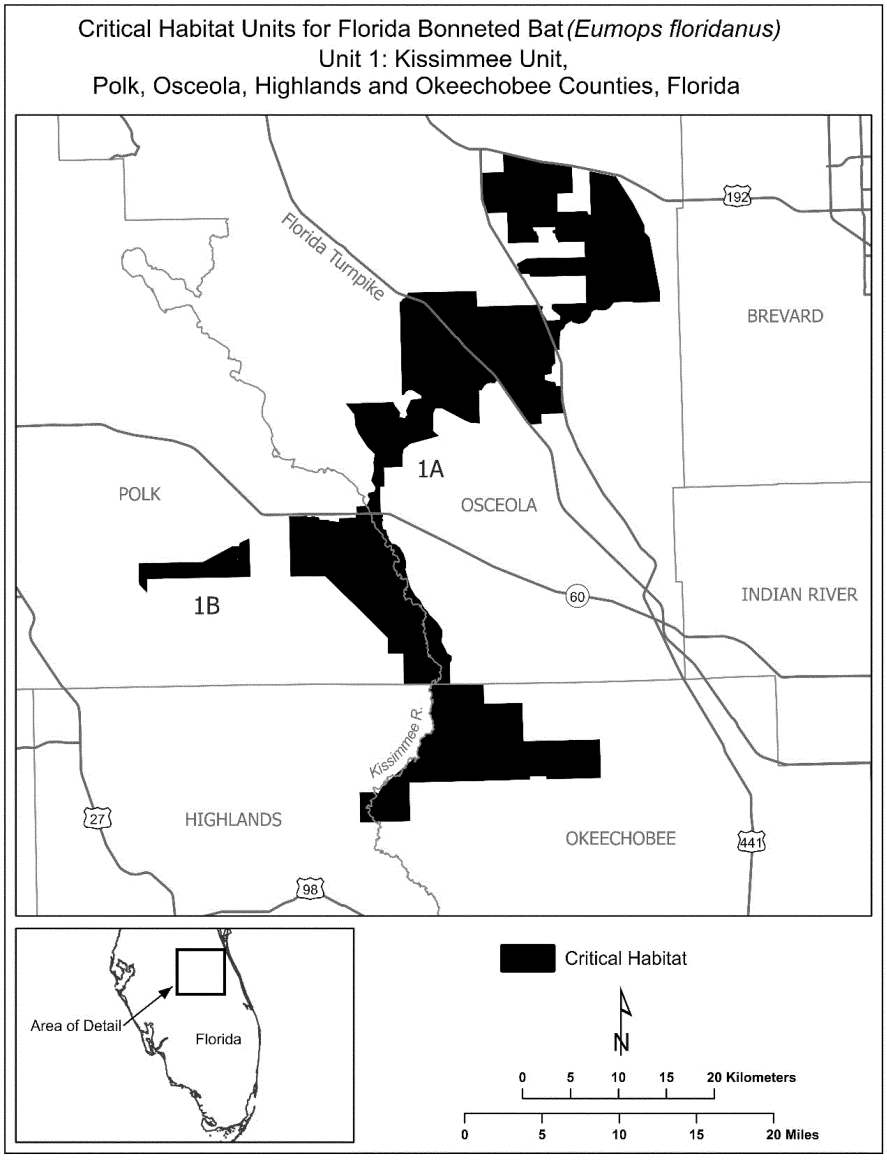
(6) Unit 1: Kissimmee Unit; Polk, Osceola, Highlands, and Okeechobee Counties, Florida.

(i) Unit 1 encompasses 175,735 acres (ac) (71,118 hectares (ha)) of lands in Polk, Osceola, Highlands, and Okeechobee Counties, Florida. This unit consists of two subunits

generally located along the eastern bank of Lake Kissimmee northeast to SR–192, north of SR–60; and along portions of the Kissimmee River, south of SR–60.

(ii) Map of Unit 1 follows:

Figure 2 to Florida Bonneted Bat (*Eumops floridanus*) paragraph (6)(ii)



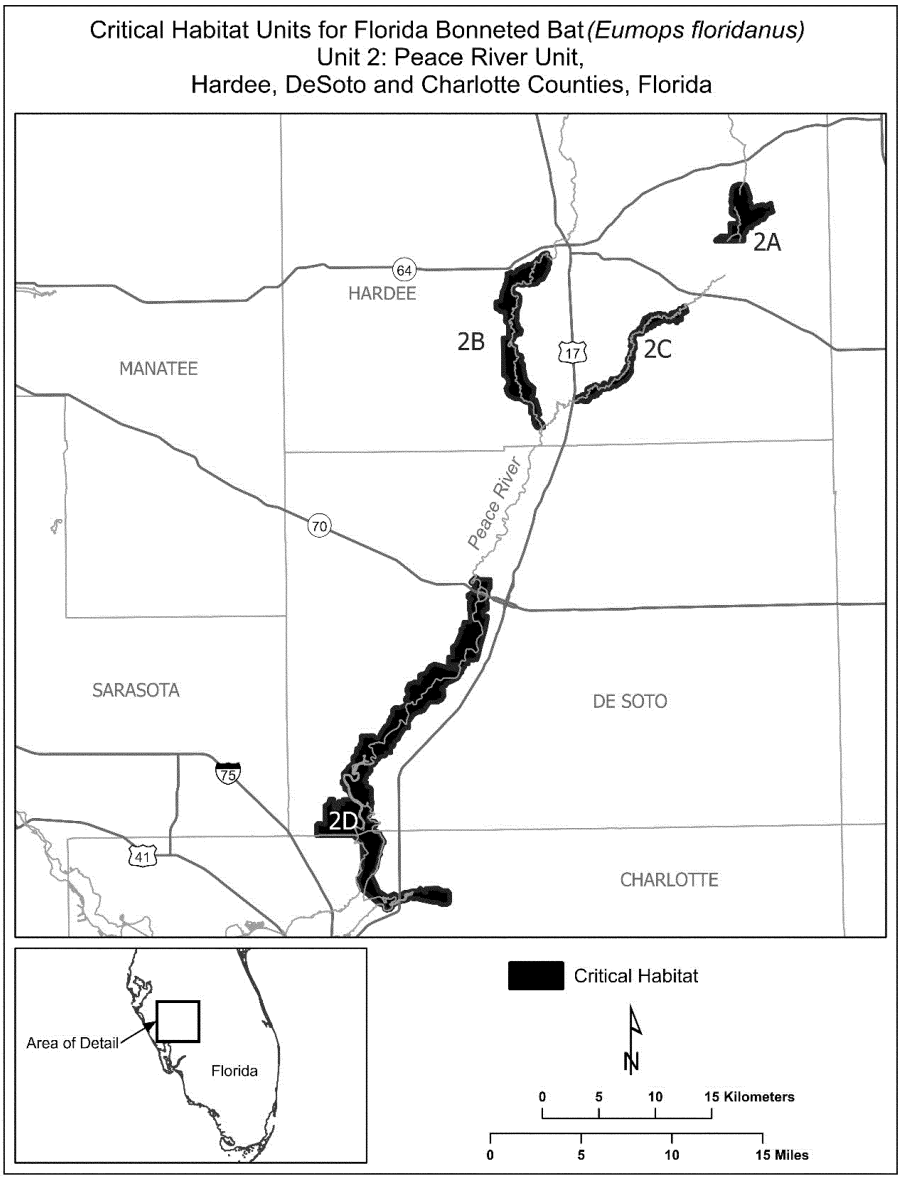
(7) Unit 2: Peace River Unit; Hardee, DeSoto, and Charlotte Counties, Florida.

(i) Unit 2 encompasses 28,046 ac (11,350 ha) of lands in Hardee, DeSoto, and Charlotte

Counties, Florida. This unit consists of four subunits located along portions of the Peace River and its tributaries (e.g., Shell Creek, Charlie Creek), south of CR–64 with the majority west of U.S.–17.

(ii) Map of Unit 2 follows:

Figure 3 to Florida Bonneted Bat (*Eumops floridanus*) paragraph (7)(ii)

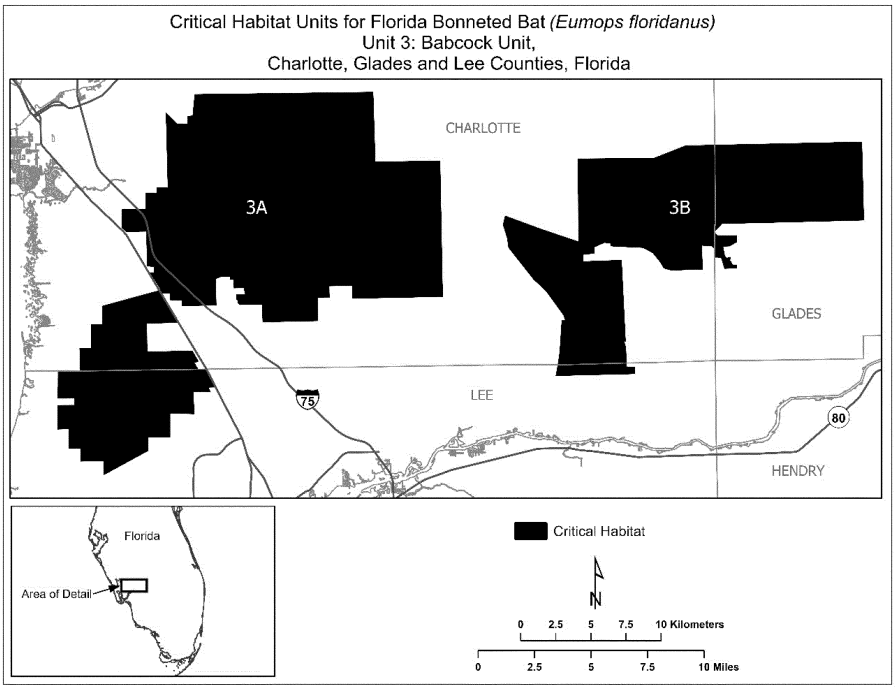


(8) Unit 3: Babcock Unit; Charlotte, Lee, and Glades Counties, Florida.

(i) Unit 3 encompasses 134,677 ac (54,502 ha) of lands in Charlotte, Lee, and Glades Counties, Florida. This unit consists of two subunits, with the majority of Unit 3 located in Charlotte County, east of I–75; other portions are in northern Lee and western Glades Counties.

(ii) Map of Unit 3 follows:

Figure 4 to Florida Bonneted Bat (*Eumops floridanus*) paragraph (8)(ii)

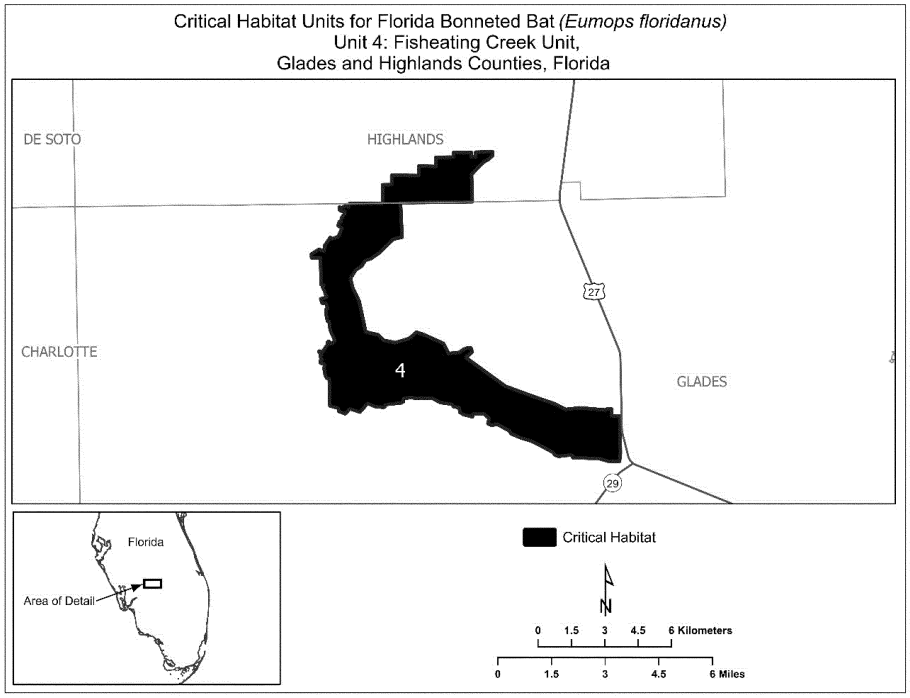


(9) Unit 4: Fisheating Creek Unit; Glades and Highlands Counties, Florida.

(i) Unit 4 encompasses 12,995 ac (5,259 ha) of lands in Glades and Highlands Counties, Florida. The majority of Unit 4 is located in Glades County, west of U.S.–27; the remainder of the unit extends north into southern Highlands County.

(ii) Map of Unit 4 follows:

Figure 5 to Florida Bonneted Bat (*Eumops floridanus*) paragraph (9)(ii)

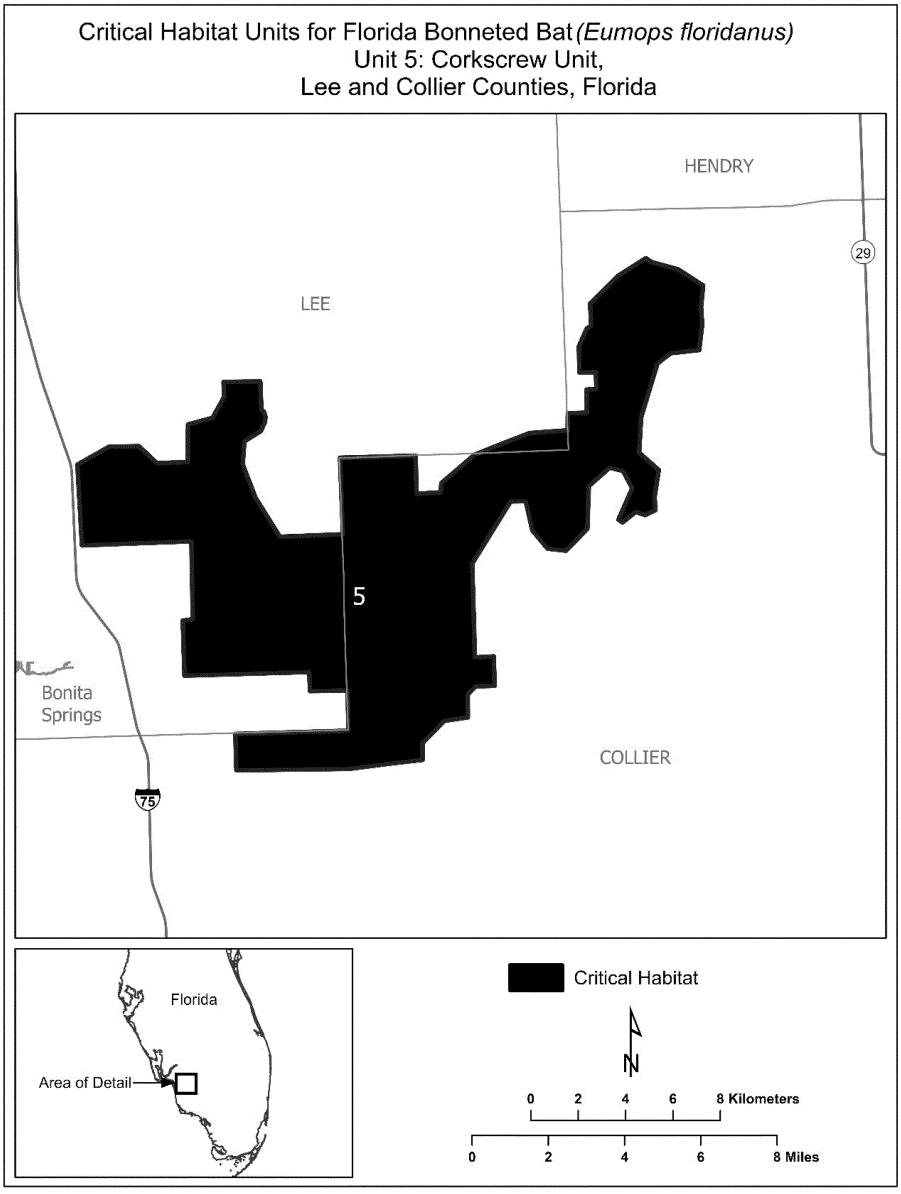


(10) Unit 5: Corkscrew Unit; Lee and Collier Counties, Florida.

(i) Unit 5 encompasses 48,865 ac (19,775 ha) of lands in Lee and Collier Counties, Florida. This unit straddles the Lee/Collier county line, east of I–75.

(ii) Map of Unit 5 follows:

Figure 6 to Florida Bonneted Bat (*Eumops floridanus*) paragraph (10)(ii)



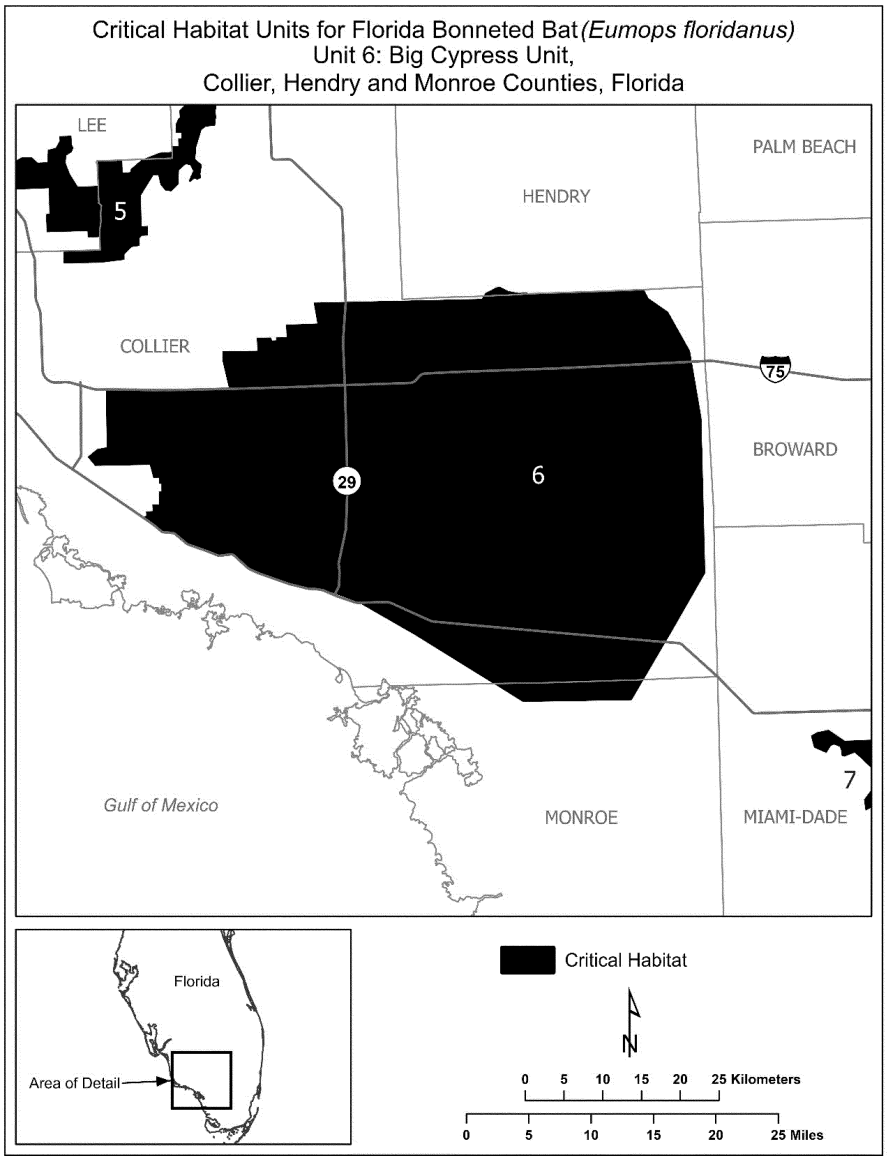
(11) Unit 6: Big Cypress Unit; Collier, Hendry, and Monroe Counties, Florida.

(i) Unit 6 encompasses 714,085 ac (288,980 ha) of lands in Collier, Hendry, and Monroe Counties, Florida. The majority of Unit 6 is located in Collier County, south of I–75; the remainder of the unit occurs in southern

Hendry County and mainland portions of Monroe County.

(ii) Map of Unit 6 follows:

Figure 7 to Florida Bonneted Bat (*Eumops floridanus*) paragraph (11)(ii)

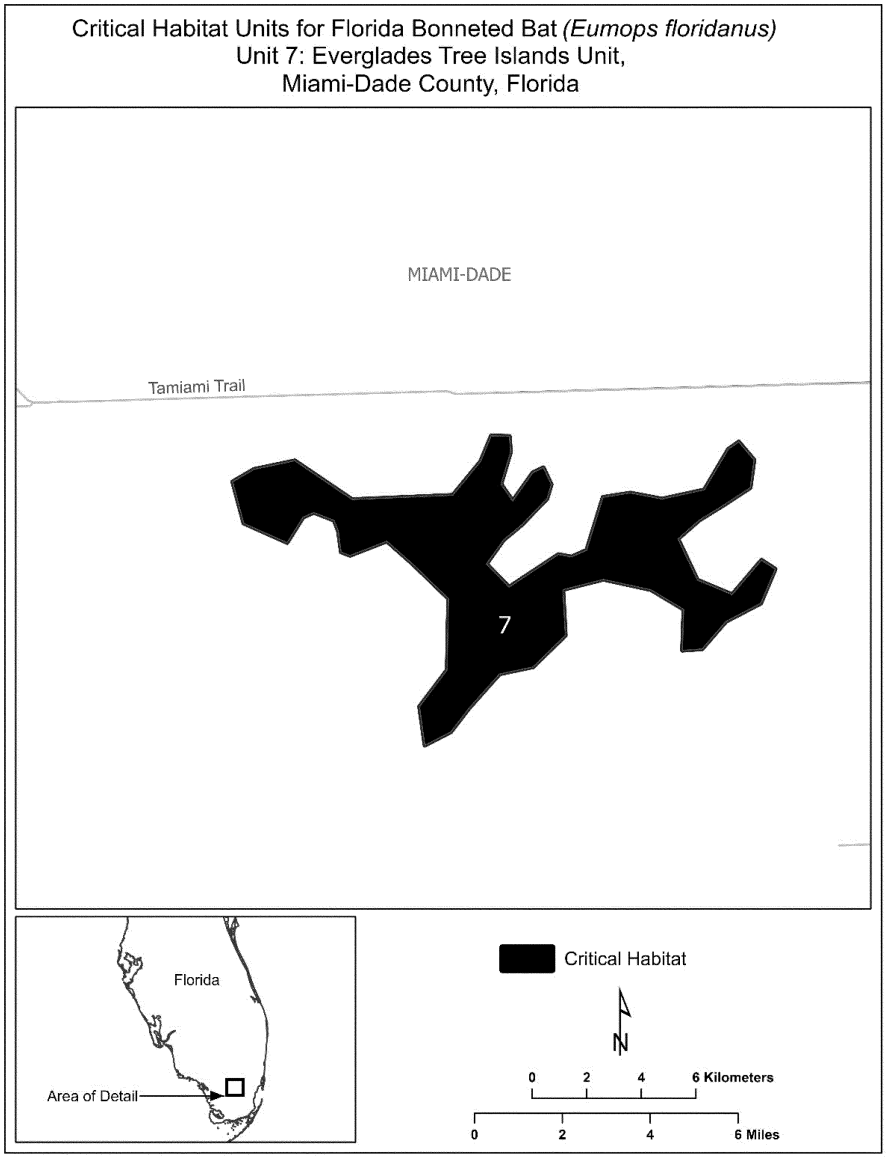


(12) Unit 7: Everglades Tree Islands Unit; Miami-Dade County, Florida.

(i) Unit 7 encompasses 16,604 ac (6,719 ha) of lands in Miami-Dade County, Florida, south of Tamiami Trail and west of Krome Avenue.

(ii) Map of Unit 7 follows:

Figure 8 to Florida Bonneted Bat (*Eumops floridanus*) paragraph (12)(ii)



(13) Unit 8: Long Pine Key Unit; Miami-Dade County, Florida.

(i) Unit 8 encompasses 25,337 ac (10,253 ha) of lands in Miami-Dade County, Florida, along Main Park Road (SR–9336) between Mahogany Hammock and SW 237th Avenue.

(ii) Map of Unit 8 follows:

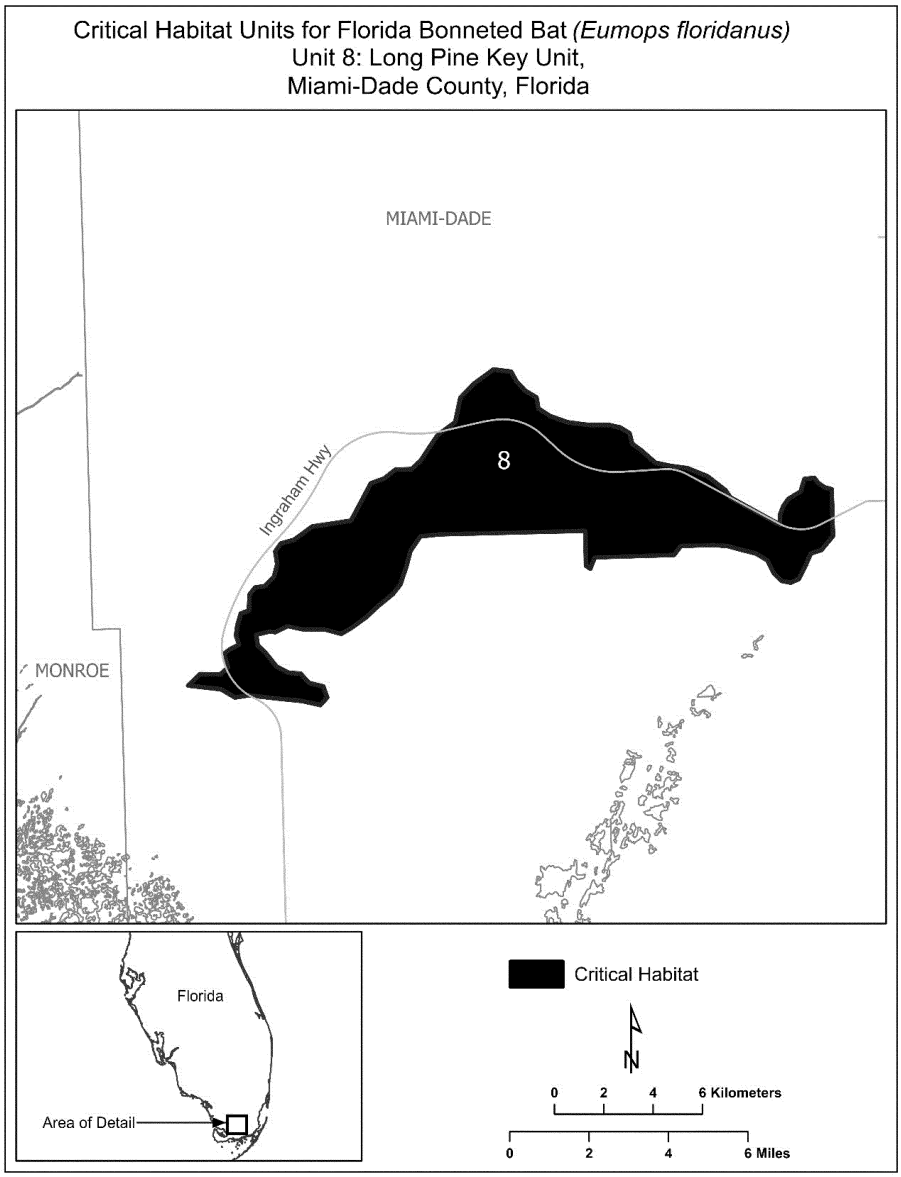


Figure 9 to Florida Bonneted Bat (*Eumops floridanus*) paragraph (13)(ii)

(14) Unit 9: Miami Rocklands Unit; Miami-Dade County, Florida.

(i) Unit 9 encompasses 4,281 ac (1,732 ha) of lands in Miami-Dade County, Florida. This unit consists of 36 subunits located between Tamiami Trail to the north and SR–9336 to the south, and is surrounded by a dense urban matrix typical of the Miami metropolitan area.

(ii) Maps of Unit 9 follow:

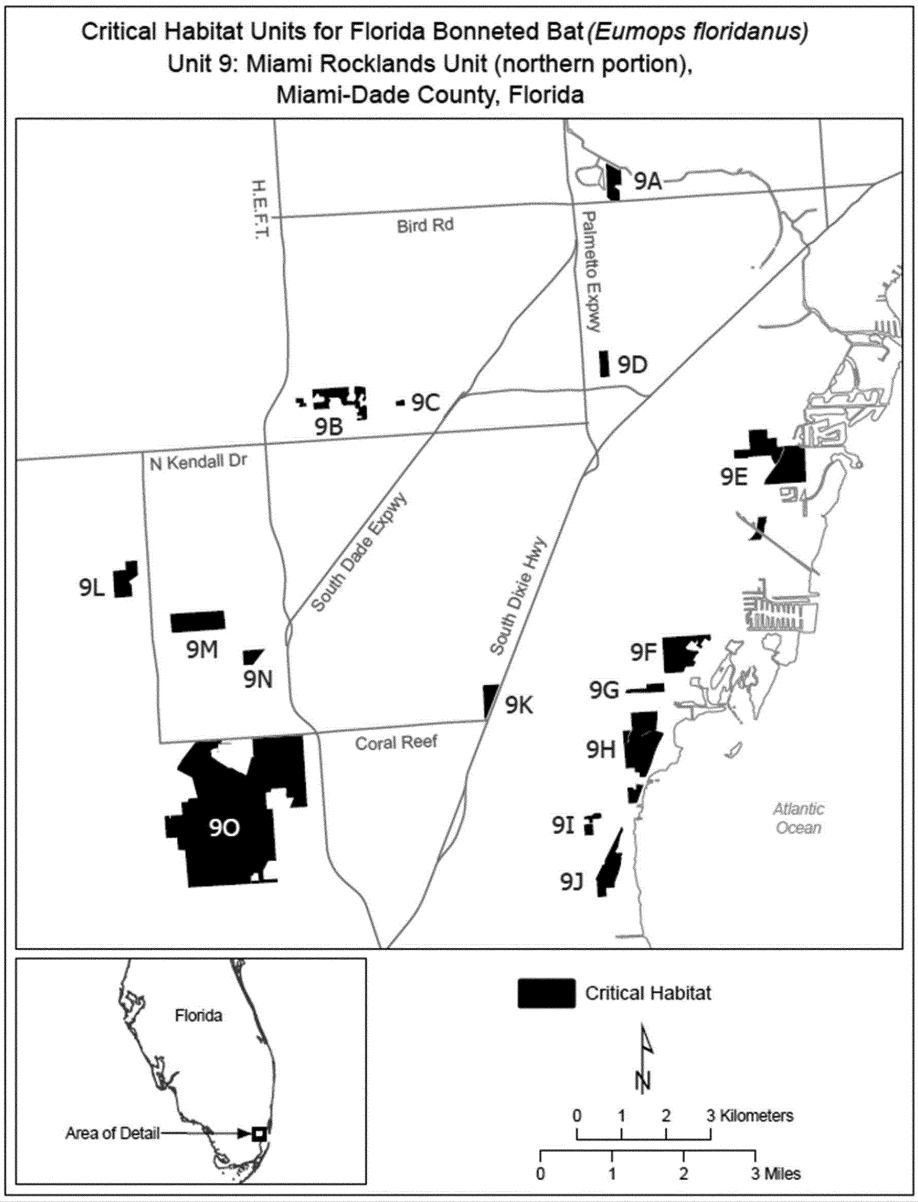


Figure 10 to Florida Bonneted Bat (*Eumops floridanus*) paragraph (14)(ii)

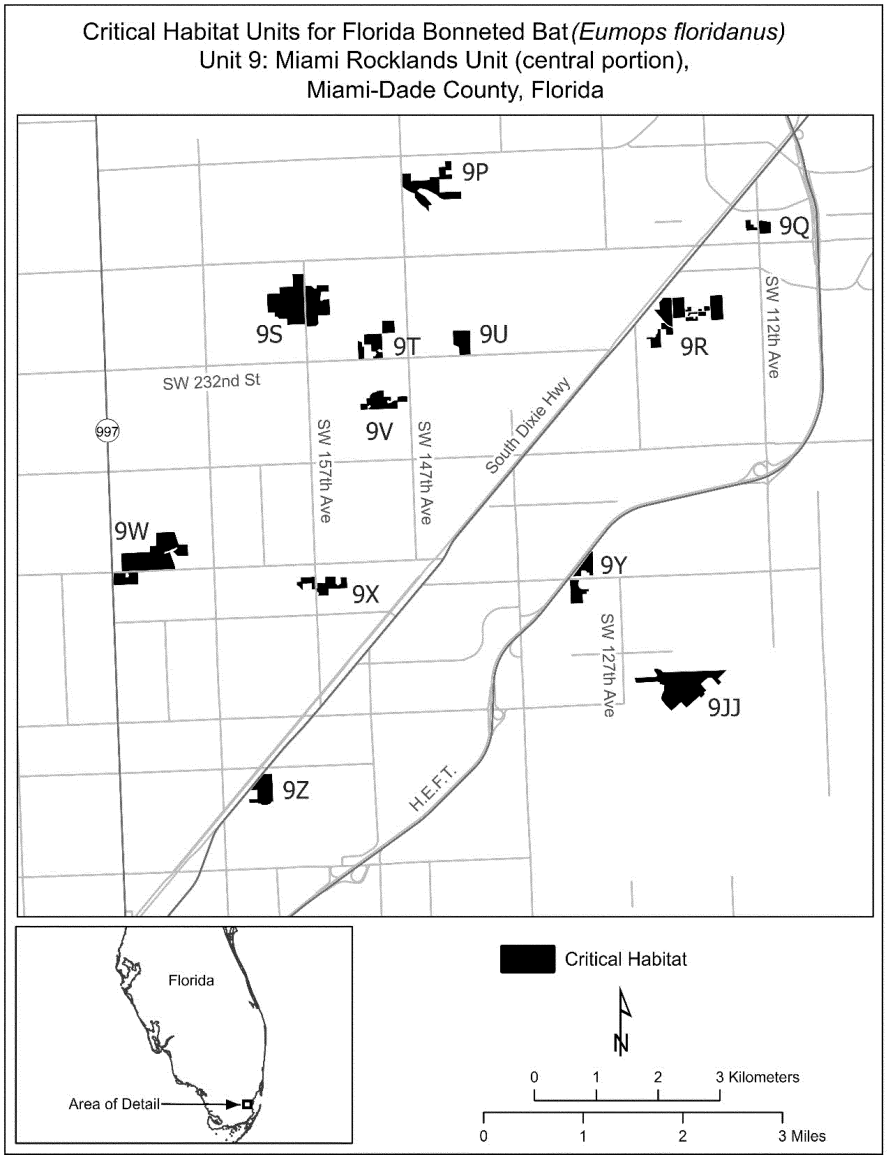


Figure 11 to Florida Bonneted Bat (*Eumops floridanus*) paragraph (14)(ii)

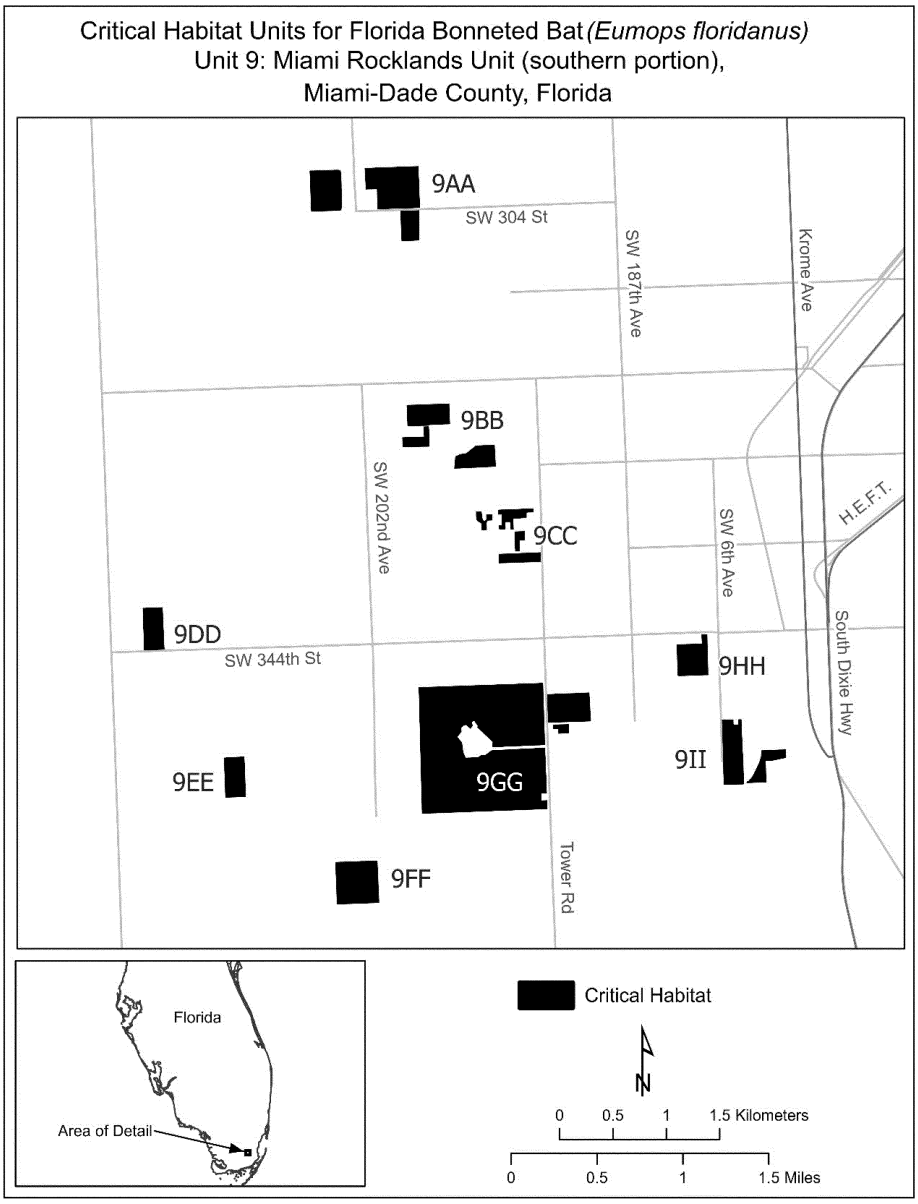


Figure 12 to Florida Bonneted Bat (*Eumops floridanus*) paragraph (14)(ii)

INDIANA BAT (*Myotis sodalis*)

Illinois. The Blackball Mine, La Salle County.

Indiana. Big Wyandotte Cave, Crawford County; Ray's Cave, Greene County.

Kentucky. Bat Cave, Carter County; Coach Cave, Edmonson County.

Missouri. Cave 021, Crawford County; Cave 009, Franklin County; Cave 017, Franklin County; Pilot Knob Mine, Iron County; Bat

Cave, Shannon County; Cave 029, Washington County (numbers assigned by Division of Ecological Services, U.S. Fish and Wildlife Service, Region 6).

Tennessee. White Oak Blowhole Cave, Blount county.

West Virginia. Hellhole Cave, Pendleton County.

NOTE: No map.

MARIANA FRUIT BAT (*Pteropus mariannus mariannus*)

(1) The critical habitat unit for the Mariana fruit bat is depicted for the Territory of Guam on the maps below.

(2) Within this area, the primary constituent elements required by the Mariana fruit bat for the biological needs of foraging, sheltering, roosting, and rearing of young are found in areas supporting limestone, secondary, ravine, swamp, agricultural, and coastal forests composed of native or introduced plant species. These forest types provide the primary constituent elements of:

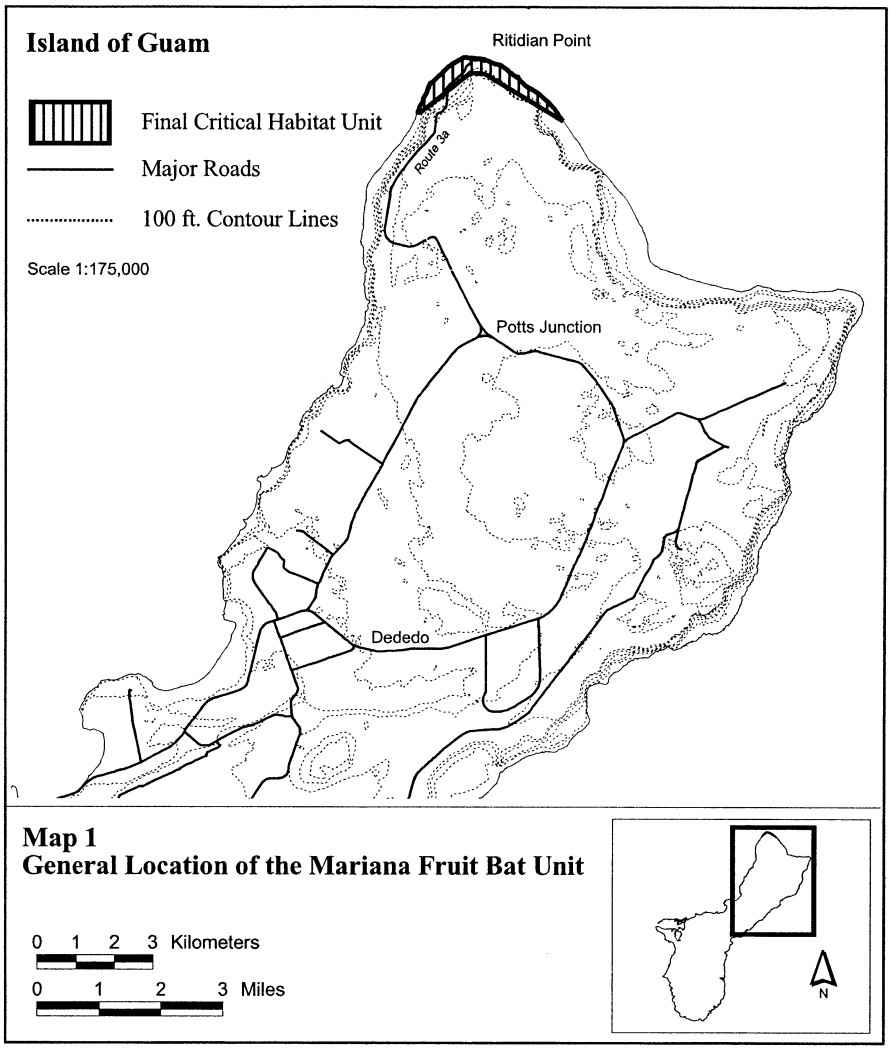
(i) Plant species used for foraging, such as *Artocarpus* sp. (breadfruit), *Carica papaya* (papaya), *Cycas circinalis* (fadang), *Ficus* spp. (fig), *Pandanus tectorius* (kafu), *Cocos nucifera* (coconut palm), and *Terminalia catappa* (talisai); and

(ii) Remote locations, often within 328 ft (100 m) of clifflines that are 260 to 590 ft (80 to 100 m) tall, with limited exposure to human disturbance; land that contains mature fig, *Mammea odorata* (chopak), *Casuarina equisetifolia* (gago), *Macaranga thompsonii* (pengua), *Guettarda speciosa* (panao), *Neisosperma oppositifolia* (fagot), and other tree species that are used for roosting and breeding.

(3) Critical habitat does not include existing features and structures within the boundaries of the mapped units, such as buildings, roads, aqueducts, antennas, water tanks, agricultural fields, paved areas, lawns, and other urban landscaped areas not containing one or more of the primary constituent elements.

(4) The critical habitat unit is described below. Coordinates are in UTM Zone 55 with units in meters using North American Datum of 1983 (NAD83)/World Geodetic System 1984 (WGS 84).

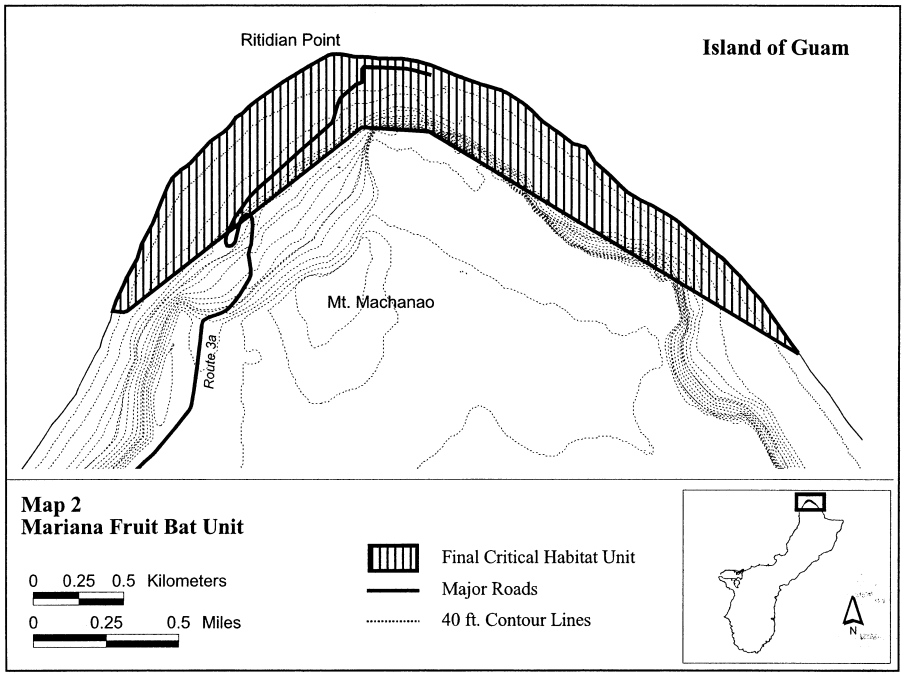
(i) NOTE: Map 1—General Location of the Mariana Fruit Bat Unit follows:



(ii) Guam, Mariana fruit bat (376 ac; 152 ha).

(A) [Reserved]

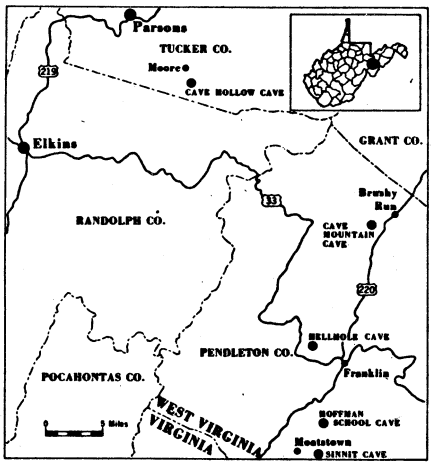
(B) Map 2 showing Mariana Fruit Bat Unit follows:



VIRGINIA BIG-EARED BAT (*Plecotus townsendii virginianus*)

West Virginia. Cave Mountain Cave, Hellhole Cave, Hoffman School Cave, and Sinnit Cave, each in Pendleton County; Cave Hollow Cave, Tucker County.

NOTE: The map provided is for informational purposes only. Map follows:



POLAR BEAR (*Ursus maritimus*) IN THE UNITED STATES

(1) Critical habitat areas are in the State of Alaska, and adjacent territorial and U.S. waters, as described below.

(2) The primary constituent elements of critical habitat for the polar bear in the United States are:

(i) Sea-ice habitat used for feeding, breeding, denning, and movements, which is sea ice over waters 300 m (984.2 ft) or less in depth that occurs over the continental shelf with adequate prey resources (primarily ringed and bearded seals) to support polar bears.

(ii) Terrestrial denning habitat, which includes topographic features, such as coastal bluffs and river banks, with the following suitable macrohabitat characteristics:

(A) Steep, stable slopes (range 15.5–50.0°), with heights ranging from 1.3 to 34 m (4.3 to 111.6 ft), and with water or relatively level ground below the slope and relatively flat terrain above the slope;

(B) Unobstructed, undisturbed access between den sites and the coast;

(C) Sea ice in proximity to terrestrial denning habitat prior to the onset of denning during the fall to provide access to terrestrial den sites; and

(D) The absence of disturbance from humans and human activities that might attract other polar bears.

(iii) Barrier island habitat used for denning, refuge from human disturbance, and movements along the coast to access maternal den and optimal feeding habitat, which includes all barrier islands along the Alaska coast and their associated spits, within the range of the polar bear in the United States, and the water, ice, and terrestrial habitat within 1.6 km (1 mi) of these islands (no-disturbance zone).

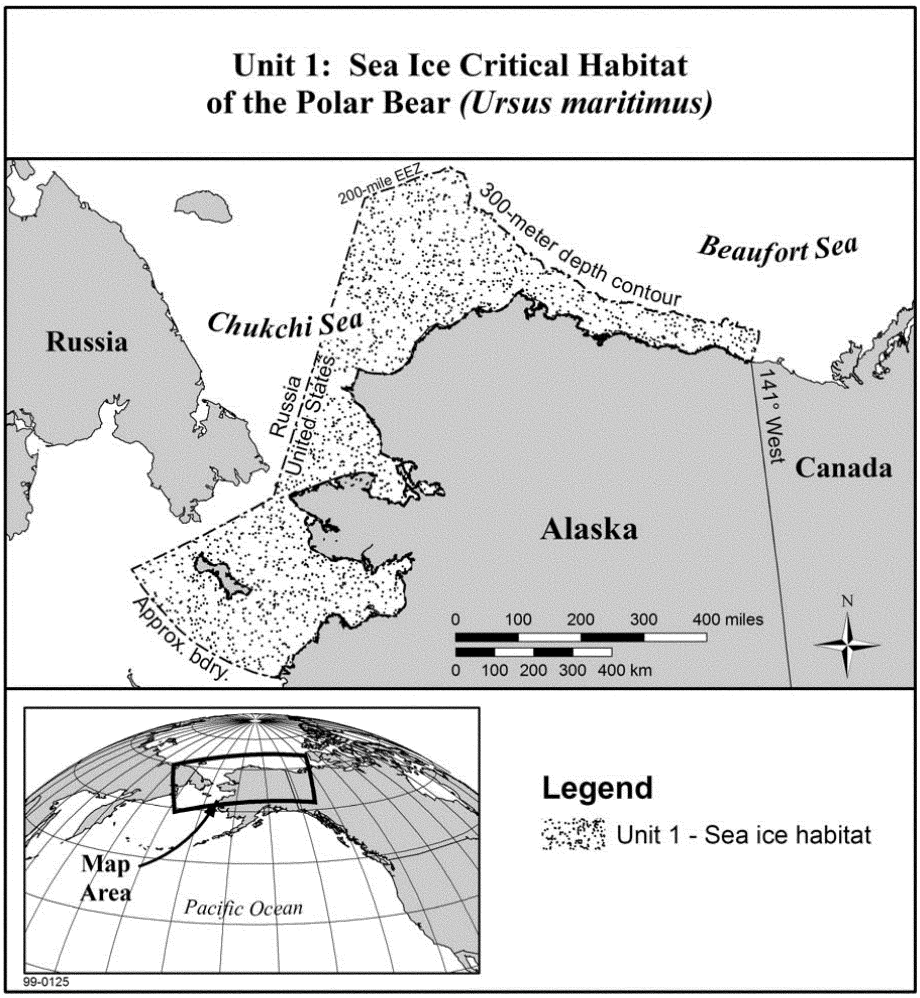
(3) Critical habitat does not include manmade structures (e.g., houses, gravel roads, generator plants, sewage treatment plants, hotels, docks, seawalls, pipelines) and the land on which they are located existing within the boundaries of designated critical habitat on the effective date of this rule.

(4) *Critical habitat map units.* Boundaries were derived from GIS data layers of the 1:63,360 scale digital coastline of the State of Alaska, created by the Alaska Department of Natural Resources from U.S. Geological Survey inch-to-the-mile topographic quadrangles. The International Bathymetric Chart of the Arctic Ocean, version 2.3, was used for the bathymetric data. The maritime boundaries to generate the 3-mile nautical line, U.S. territorial boundary, and Exclusive Economic Zone were from the National Oceanic and Atmospheric Administration's Office of Coast Survey Web site. The land status and ownership information at the section level scale was from the Alaska Department of Natural Resources, and was obtained from the Alaska State Office of the Bureau of Land Management. The detailed parcel-level land status was created by the U.S. Fish and Wildlife Service, Division of the Realty, by digitizing U.S. Bureau of Land Management Master Title Plots. The detailed denning habitat maps and the internal boundaries for the terrestrial denning habitat were provided by the U.S. Geological Survey, Alaska Science Center. The data were projected into Alaska Standard Albers Conical Equal Area using the North American Datum of 1983 to estimate the area of each critical habitat unit and determine overlap with land and water ownership.

(5) Unit 1: Sea-ice habitat.

(i) The critical sea-ice habitat area includes all the contiguous waters from the mean high tide line of the mainland coast of Alaska to the 300-m (984.2-ft) bathymetry contour. The critical sea-ice habitat is bounded on the east by the United States-Canada border (69.64892° N, 141.00533° W) and extends along the coastline to a point southwest of Hooper Bay (61.52859° N, 166.15476° W) on the western coast of Alaska. The eastern boundary extends offshore approximately 85 km (136 mi) from the coast (70.41526° N, 141.0076° W) at the United States-Canada border and then follows the 300-m (984.2-ft) bathymetry contour northwest until it intersects with the U.S. 200-nautical-mile EEZ (74.01403° N, 163.52341° W). The boundary then follows the EEZ boundary southwest to the intersection with the United States-Russian boundary (72.78333° N, 168.97694° W). From this point, the boundary follows the United States-Russia boundary south and southwest to the intersection with the southern boundary of the Chukchi-Bering Seas population southwest of Gambell, St Lawrence Island (62.55482° N, 173.68023° W). From this point, the boundary extends southeast to the coast of Alaska (61.52859° N, 166.15476° W).

(ii) The map of Unit 1, sea-ice habitat, follows:



(6) Unit 2: Terrestrial denning habitat.

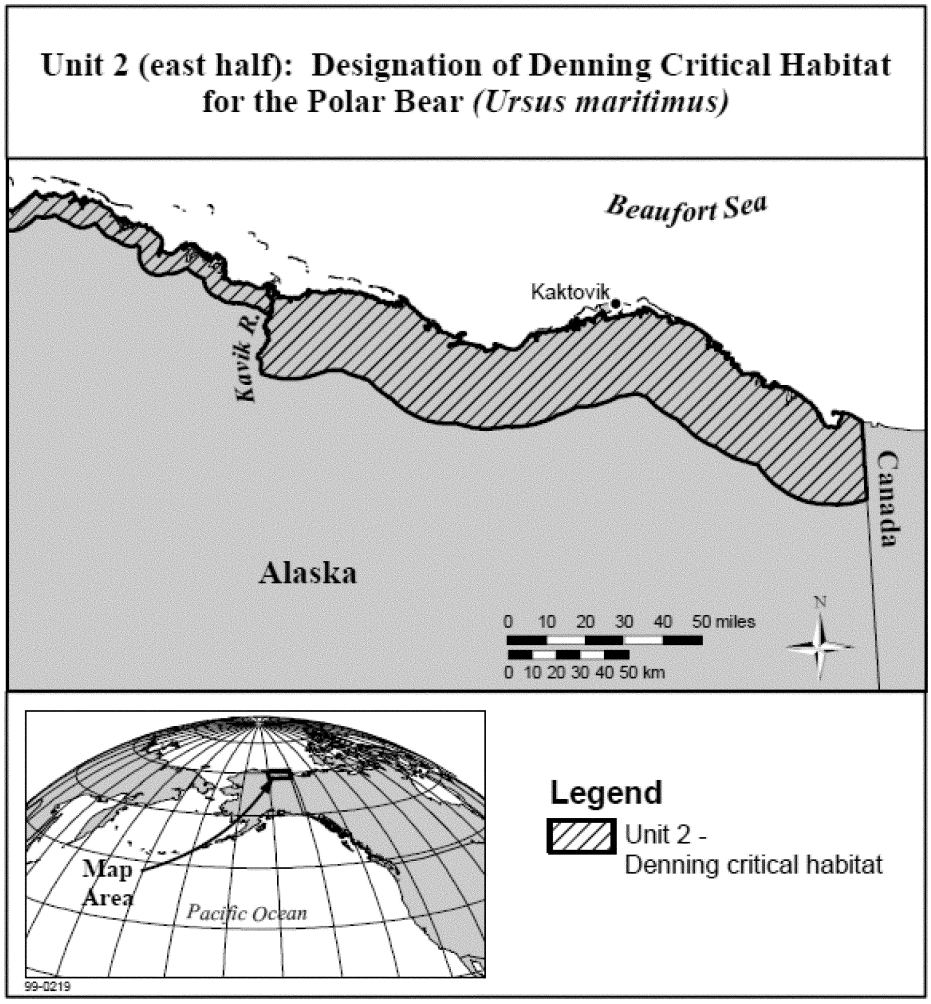
(i) The critical terrestrial denning habitat area extends from the mainland coast of Alaska 32 kilometers (20 mi) landward (primarily south) from the United States-Canada border to the Kavik River to the west. From the Kavik River to Barrow, the critical terrestrial denning habitat extends landward 8 kilometers (5 mi) south from the mainland coast of Alaska.

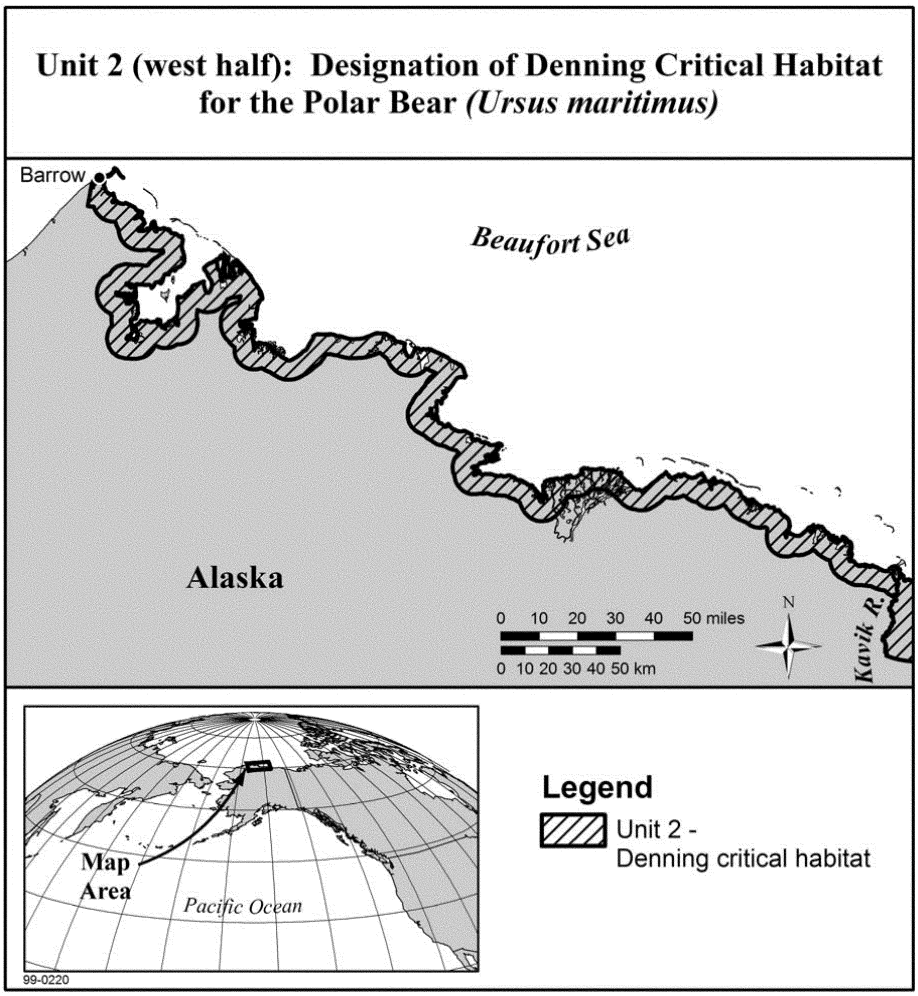
(ii) The village district of Barrow is excluded from the critical terrestrial denning habitat area. The excluded area is delineated as follows: Beginning at the southeast corner of the northeast ¼ of Section 29, Unsurveyed T22N, R18W, Umiat Meridian, Alaska; thence North to the southeast corner of the northeast ¼ of Section 17, Unsurveyed T22N, R18W; thence East to the southeast corner of the northeast ¼ of Section 16, Unsurveyed T22N, R18W, Umiat Meridian, Alaska; thence North to the northeast corner of Section 16, Unsurveyed T22N, R18W; thence East to the southeast corner of southwest ¼ of Section 10, Unsurveyed T22N, R18W; thence North to the northwest corner of the southwest ¼ of northeast ¼ of Section 34, Unsurveyed T23N, R18W; thence East to the southeast corner of the northeast ¼ of the northeast ¼ of Section 34, Unsurveyed T23N, R18W; thence North to the point where the section line common to Sections 14 and 15, Unsurveyed

T23N, R18W; intersects the mean low water line of the Chukchi Sea; thence in a southwesterly direction along the mean low water line of the Chukchi Sea to the point where the mean low water line of the Chukchi Sea intersects the east-west center line of Section 27, Unsurveyed T22N, R19W; thence East to the point of beginning, containing 21 square miles, more or less. You can view legal descriptions and detailed, colored maps of the exclusions in this final rule at *http://alaska.fws.gov/fisheries/mmm/polarbear/criticalhabitat.htm*.

(iii) The village district of Kaktovik is excluded from the critical terrestrial denning habitat area. The excluded area is delineated as follows: From the P.O.B. (which is also the point of beginning for the U.S. Survey No. 4234) at approximately 2,828 feet distant on a bearing of N 01° 40′ E from Tri. Sta. U. S. C. and G. S. ''Barter Astro''; the boundary thence shall run West for approximately 325′; thence South approximately 600′; thence West approximately 500′; thence South approximately 100′; thence West approximately 4,000′; thence South approximately 3,550′; thence East approximately 4,000′; thence in a northeasterly direction approximately 3,225′ to a point on the mean high water line of the Kaktovik Lagoon which is approximately 2,478′ distant on a bearing S 78 53′ E from Tri. Sta. U. S. C. and G. S. ''Barter Astro''; thence northerly along the meandering mean high water line of the Kaktovik Lagoon, around Pipsuk Point, and westerly continuing on the meandering mean high water line to a point on the mean high water line of the Kaktovik Lagoon which is approximately 477′ distant on a bearing of N 88 58′ E from another point which is approximately 1,503′ distant on a bearing of N 01 24′ W from the point of beginning; thence approximately 477′ in a westerly direction, a bearing of S 88; 58′ W; thence approximately 1,503′ in a southerly direction on a bearing of S 01 24′ E to the point of beginning, containing one square mile, more or less. You can view legal descriptions and detailed, colored maps of the exclusions in this final rule at *http://alaska.fws.gov/fisheries/mmm/polarbear/criticalhabitat.htm*.

(iv) The maps of Unit 2 (east and west), terrestrial denning habitat, follow:

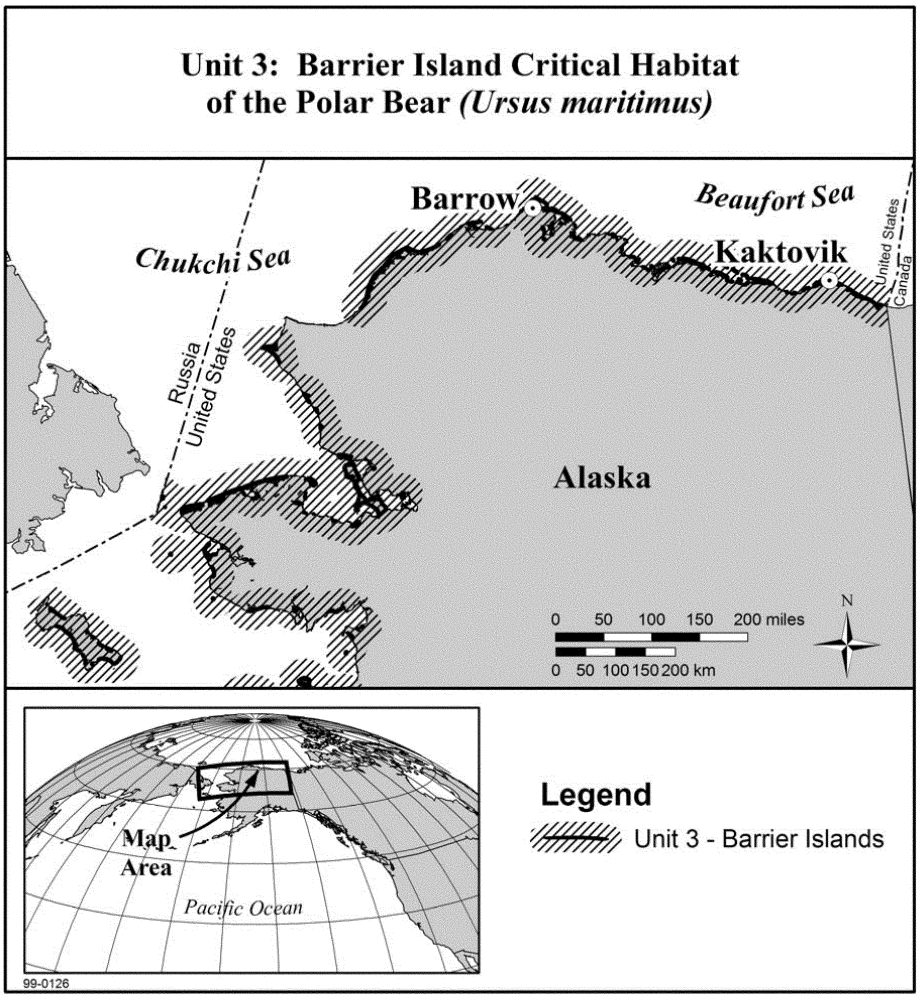

Unit 2 (east half): Designation of Denning Critical Habitat for the Polar Bear (Ursus maritimus)
Beaufort Sea
Kaktovik
Kavik R.
Canada
Alaska
0 10 20 30 40 50 miles
0 10 20 30 40 50 km
N
Map Area
Pacific Ocean
99-0219
Legend
Unit 2 - Denning critical habitat



(7) Unit 3: Barrier island habitat.

(i) The critical barrier island habitat includes off-shore islands offset from the mainland coast of Alaska starting at the United States-Canada border westward to Barrow, southwest to Cape Lisburne, south to Point Hope, southwest to Wales, southeast to Nome, and ending at Hooper Bay, AK, and water, sea ice, and land habitat within 1.6 kilometers (1 mile) of the barrier islands (no-disturbance zone).

(ii) The map of Unit 3, barrier island habitat, follows:



WOODLAND CARIBOU (*Rangifer tarandus caribou*), SOUTHERN MOUNTAIN DISTINCT POPULATION SEGMENT (DPS)

(1) A critical habitat unit is depicted for Boundary County, Idaho, and Pend Oreille County, Washington, on the map below.

(2) Within this area, the primary constituent elements of the physical and biological features essential to the conservation of the southern mountain caribou DPS consist of five components:

(i) Mature to old-growth western hemlock (*Tsuga heterophylla*)/western red cedar (*Thuja plicata*) climax forest, and subalpine fir (*Abies lasiocarpa*)/Engelmann spruce (*Picea engelmanni*) climax forest at least 5,000 ft (1,520 m) in elevation; these habitats typically have 26–50 percent or greater canopy closure.

(ii) Ridge tops and high elevation basins that are generally 6,000 ft (1,830 m) in elevation or higher, associated with mature to old stands of subalpine fir (*Abies lasiocarpa*)/Engelmann spruce (*Picea engelmanni*) climax forest, with relatively open canopy.

(iii) Presence of arboreal hair lichens.

(iv) High-elevation benches and shallow slopes, secondary stream bottoms, riparian areas, seeps, and subalpine meadows with succulent forbs and grasses, flowering plants, horsetails, willow, huckleberry, dwarf birch, sedges, and lichens. The southern mountain

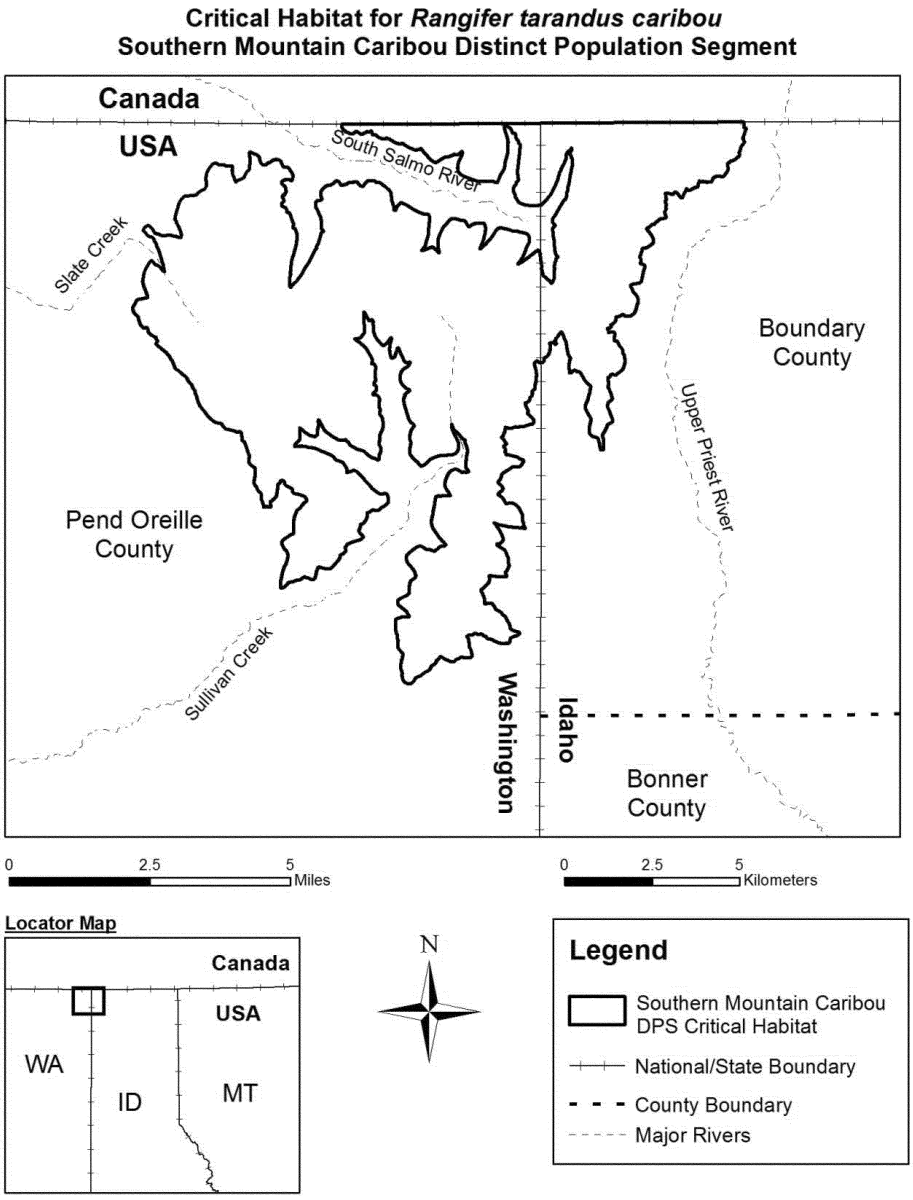
caribou DPS, including pregnant females, uses these areas for feeding during the spring and summer seasons.

(v) Corridors/Transition zones that connect the habitats described above. If human activities occur, they are such that they do not impair the ability of caribou to use these areas.

(3) Critical habitat does not include manmade structures (such as buildings, roads, and other paved areas) and the land on which they are located existing within the legal boundaries on December 28, 2012.

(4) *Critical habitat map unit.* Data layers defining the map unit were created using a 5,000-ft (1,520-m) elevation layer derived from 30m USGS DEM plus migration-corridor polygons, and units were then mapped using Universal Transverse Mercator (UTM) Zone 11N coordinates. The map in this entry establishes the boundaries of the critical habitat designation. The coordinates or plot points or both on which the map is based are available to the public at the field office Internet site (*http://www.fws.gov/idaho*), at *http://www.regulations.gov* at Docket No. FWS–R1–ES–2011–0096, and at the Service's Idaho Fish and Wildlife Office. You may obtain field office location information by contacting one of the Service regional offices, the addresses of which are listed at 50 CFR 2.2.

(5) Unit 1: Boundary County, Idaho, and Pend Oreille County, Washington. The map of the critical habitat unit follows:



PEÑASCO LEAST CHIPMUNK (*Neotamias minimus atristriatus*)

(1) Critical habitat units are depicted for Lincoln County, New Mexico, on the maps in this entry.

(2) Within these areas, the physical or biological features essential to the conservation of the Peñasco least chipmunk consist of the following components:

(i) Areas within the White Mountains that:

(A) Are between elevations of 2,500–3,597 meters (8,200–11,800 feet);

(B) Contain rock outcrops or talus;

(C) Are subalpine Thurber's fescue meadow/grassland communities found within openings of spruce-fir forest, above tree line in the glacial cirque, containing tall bunchgrasses, including Thurber's fescue, sedges, flowering forbs, and shrubs; and

(D) Contain widely spaced large-diameter conifers, such as Engelmann spruce or ponderosa pine, intermixed in low densities with the meadow/grassland vegetation.

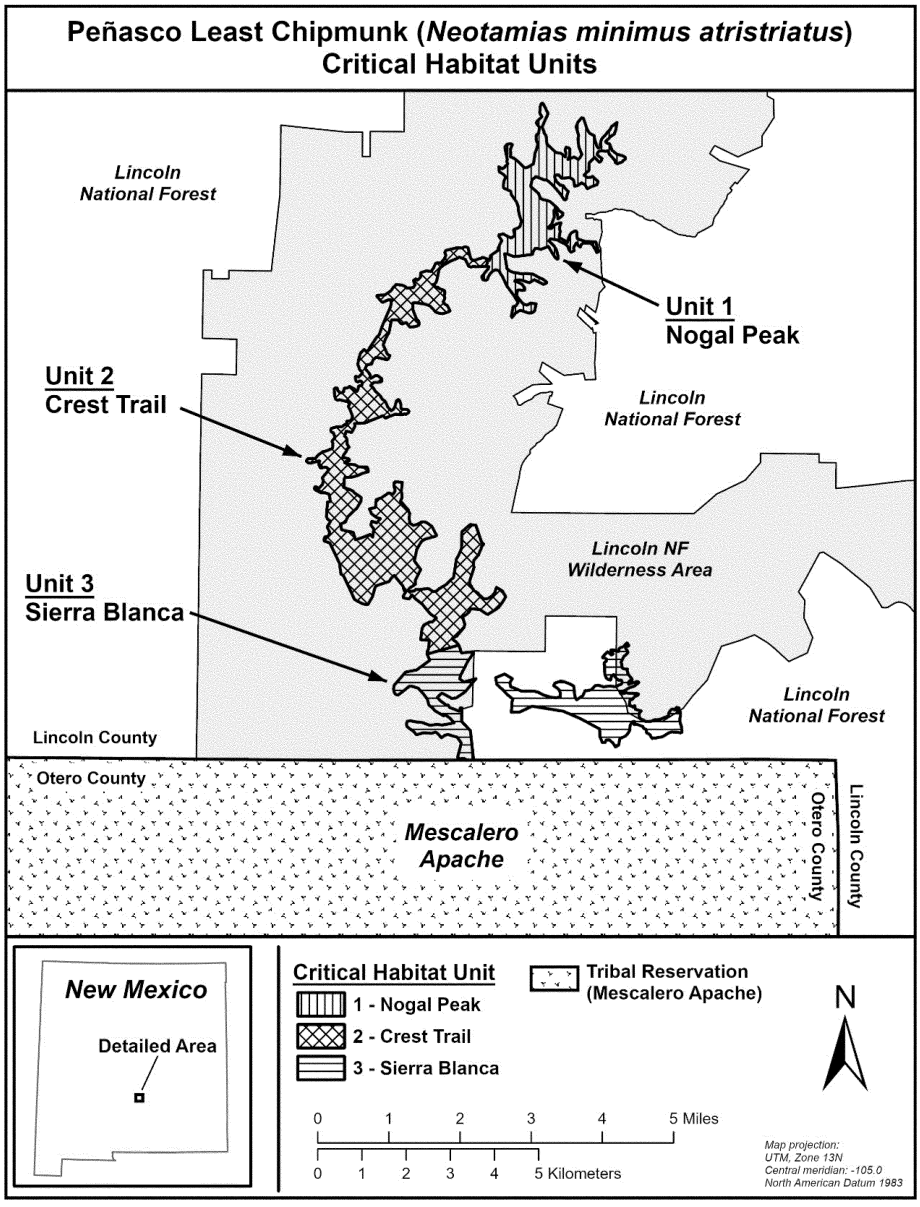
(ii) Forage, including species of Asteraceae, flowers and fruits of gooseberry (*Ribes* spp.), wild strawberry (*Fragaria* spp.), pinyon (*Pinus edulis*) nuts, Gambel oak (*Quercus gambelii*) acorns, and insects.

(3) Critical habitat does not include manmade structures (such as buildings, aqueducts, runways, roads, and other paved areas) and the land on which they are located existing within the legal boundaries on January 9, 2025.

(4) Data layers defining map units were created using publicly available geospatial vegetation data for the Lincoln National Forest, 30-meter digital elevation models from the National Elevation Dataset, and 3-band county mosaics obtained from the National Agricultural Imagery Program. The maps in this entry, as modified by any accompanying regulatory text, establish the boundaries of the critical habitat designation. The coordinates or plot points or both on which each map is based are available to the public at *https://www.regulations.gov* at Docket No. FWS–R2–ES–2020–0042 and at the field office responsible for this designation. You may obtain field office location information by contacting one of the Service regional offices, the addresses of which are listed at 50 CFR 2.2.

(5) Index map follows:

Figure 1 to Peñasco least chipmunk (*Neotamias minimus atristriatus*) paragraph (5)

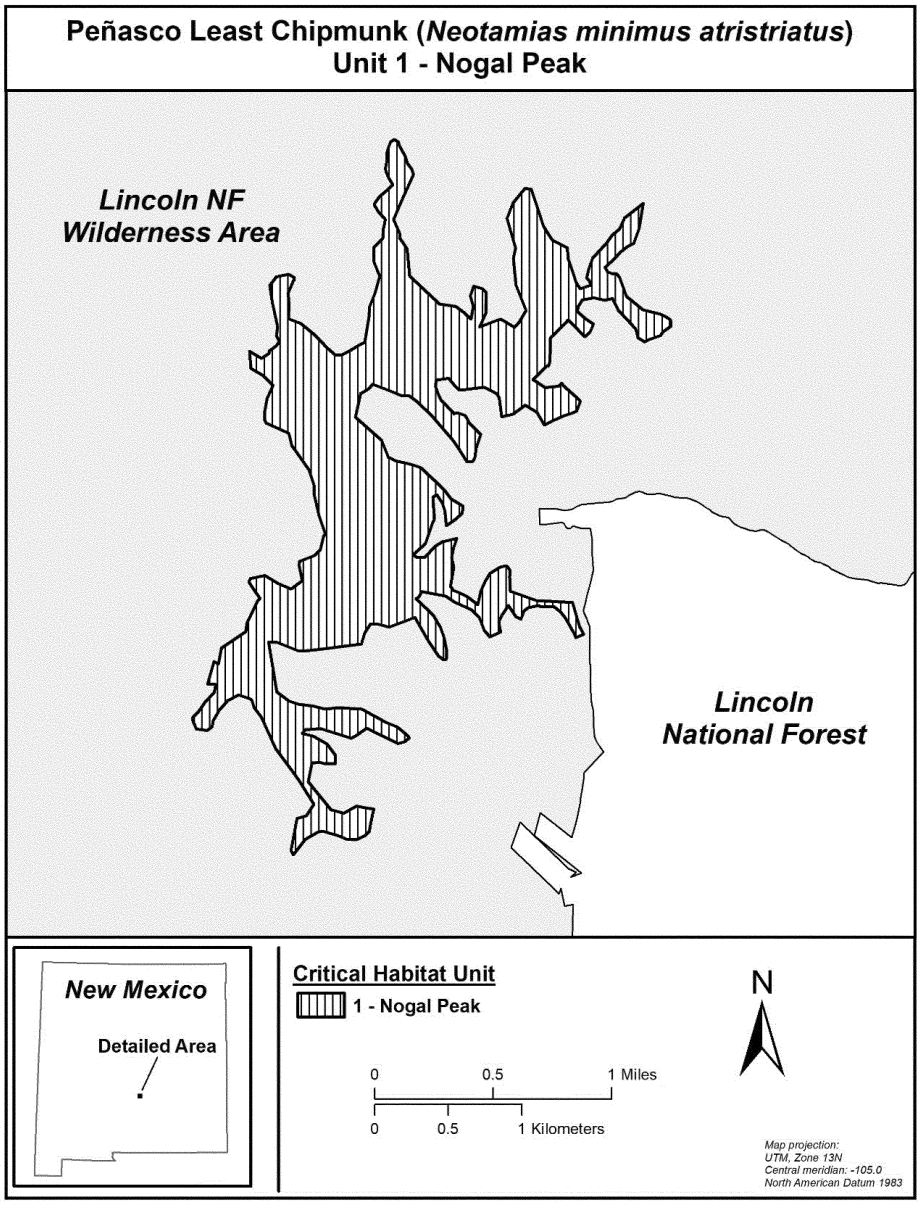


(6) Unit 1: Nogal Peak, Lincoln County, New Mexico.

(i) Unit 1 consists of approximately 393 hectares (972 acres) of subalpine habitat within the Lincoln National Forest Wilderness Area. Elevation ranges approximately 2,570–3,031 meters (8,432–9,944 feet) above mean sea level.

(ii) Map of Unit 1 follows:

Figure 2 to Peñasco least chipmunk (*Neotamias minimus atristriatus*) paragraph (6)(ii)

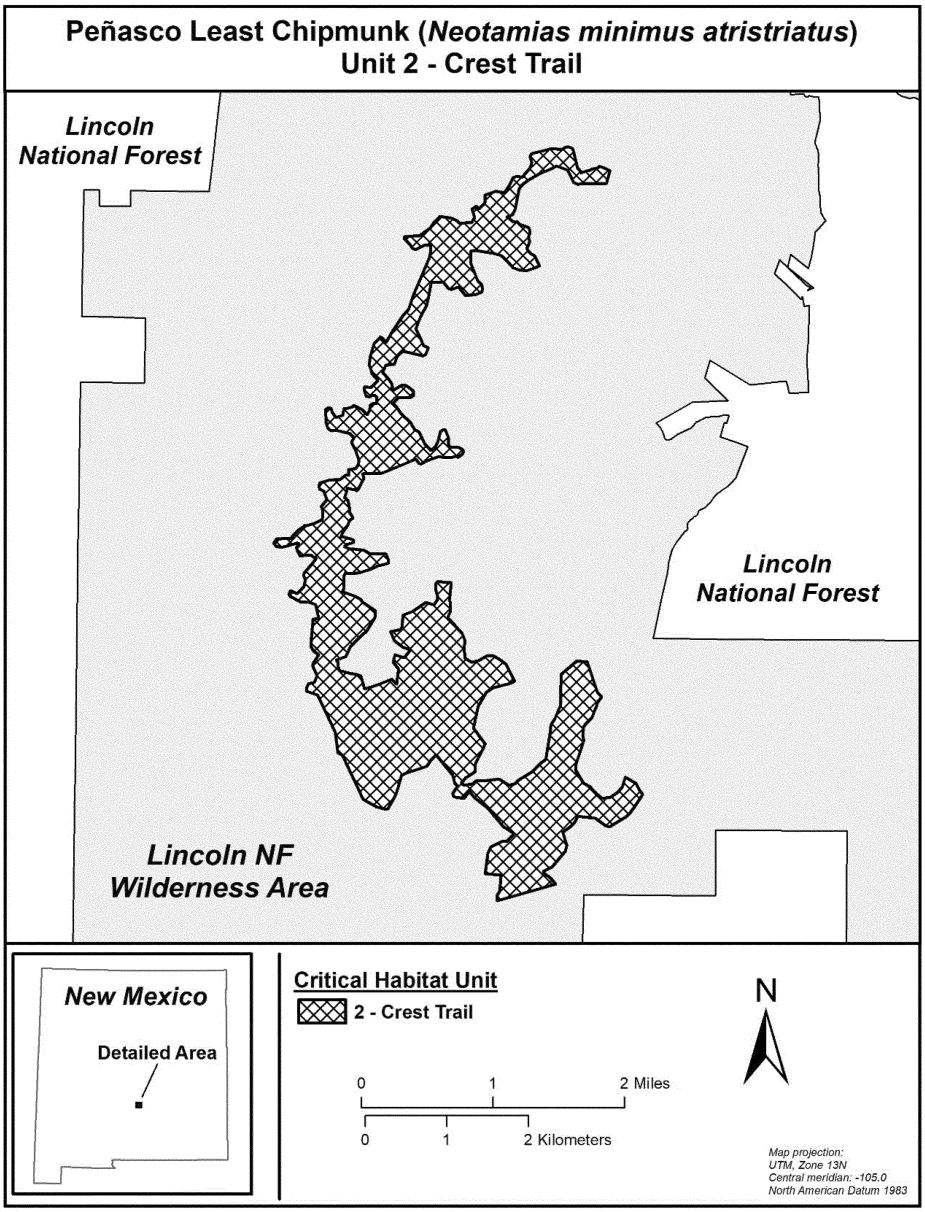


(7) Unit 2: Crest Trail, Lincoln County, New Mexico.

(i) Unit 2 consists of approximately 910 hectares (2,249 acres) of subalpine habitat located within the Lincoln National Forest Wilderness Area. Elevation ranges approximately 2,621–3,292 meters (8,599–10,800 feet) above mean sea level.

(ii) Map of Unit 2 follows:

Figure 3 to Peñasco least chipmunk (*Neotamias minimus atristriatus*) paragraph (7)(ii)

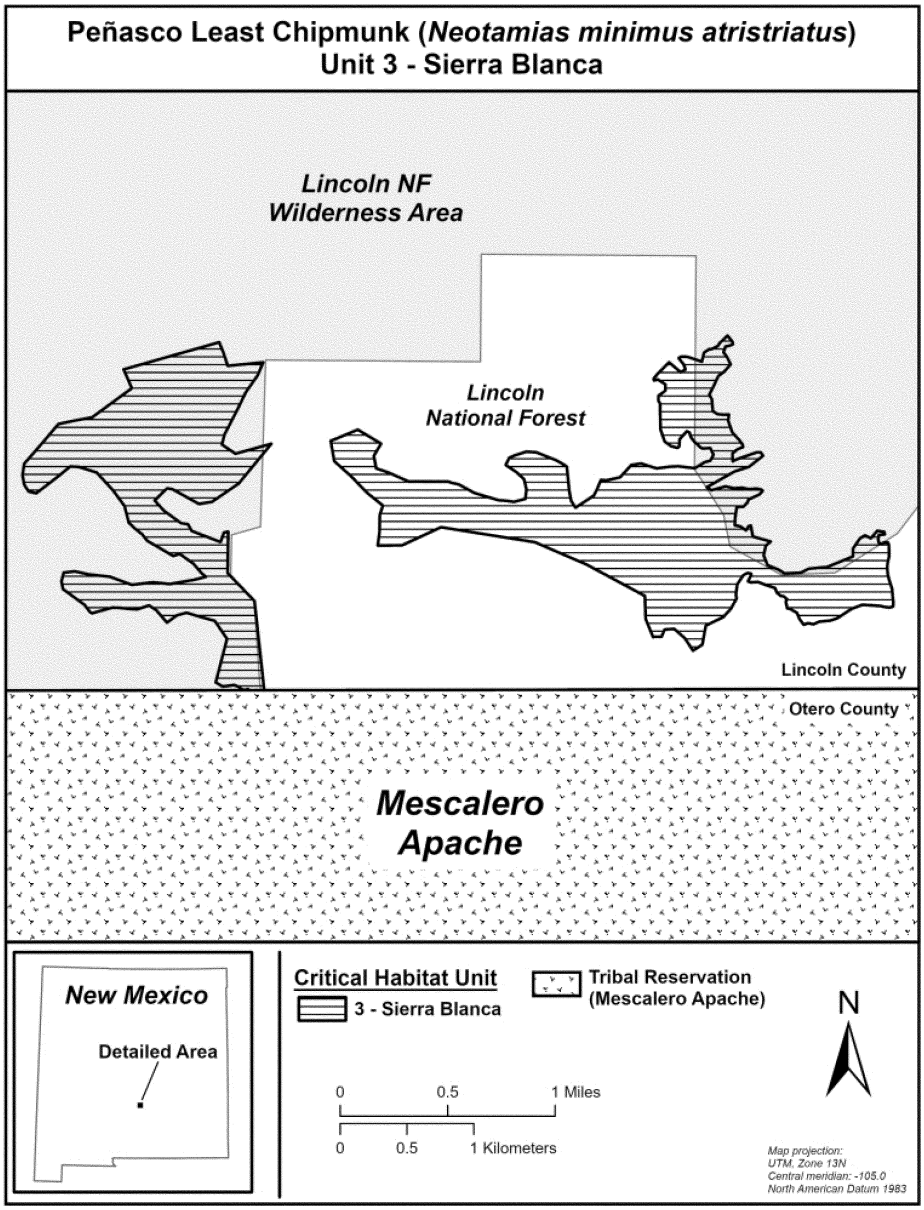


(8) Unit 3: Sierra Blanca, Lincoln County, New Mexico.

(i) Unit 3 includes approximately 471 hectares (1,165 acres) of subalpine habitat located within the Lincoln National Forest and Lincoln National Forest Wilderness Area. Elevation ranges approximately 2,763–3,518 meters (9,065–11,542 feet) above mean sea level.

(ii) Map of Unit 3 follows:

Figure 4 to Peñasco least chipmunk (*Neotamias minimus atristriatus*) paragraph (8)(ii)



SANTA CATALINA ISLAND FOX (*Urocyon littoralis catalinae*)

We have determined that no areas meet the definition of critical habitat under section 3(5)(A) of the Act for Santa Catalina Island fox. Therefore, no specific areas are designated as critical habitat for this subspecies.

JAGUAR (*Panthera onca*)

(1) Critical habitat units are depicted for Pima, Santa Cruz, and Cochise Counties, Arizona, on the maps below.

(2) Within these areas, the primary constituent elements of the physical or biological feature essential to the conservation of jaguar consists of expansive open spaces in the southwestern United States of at least 100 km^2 (32 to 38.6 mi^2) in size which:

(i) Provide connectivity to Mexico;

(ii) Contain adequate levels of native prey species, including deer and javelina, as well as medium-sized prey such as coatis, skunks, raccoons, or jackrabbits;

(iii) Include surface water sources available within 20 km (12.4 mi) of each other;

(iv) Contain greater than 1 to 50 percent canopy cover within Madrean evergreen woodland, generally recognized by a mixture of oak (*Quercus* spp.), juniper (*Juniperus* spp.), and pine (*Pinus* spp.) trees on the landscape, or semidesert grassland vegetation communities, usually characterized by *Pleuraphis mutica* (tobosagrass) or *Bouteloua eriopoda* (black grama) along with other grasses;

(v) Are characterized by intermediately, moderately, or highly rugged terrain;

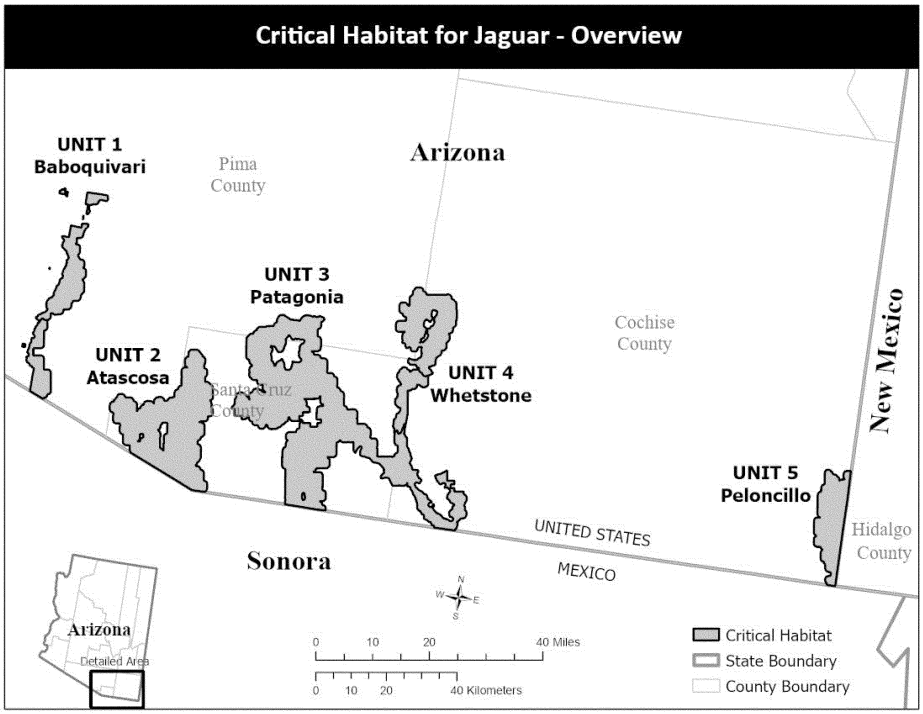
(vi) Are below 2,000 m (6,562 feet) in elevation; and

(vii) Are characterized by minimal to no human population density, no major roads, or no stable nighttime lighting over any 1-km^2 (0.4-mi^2) area.

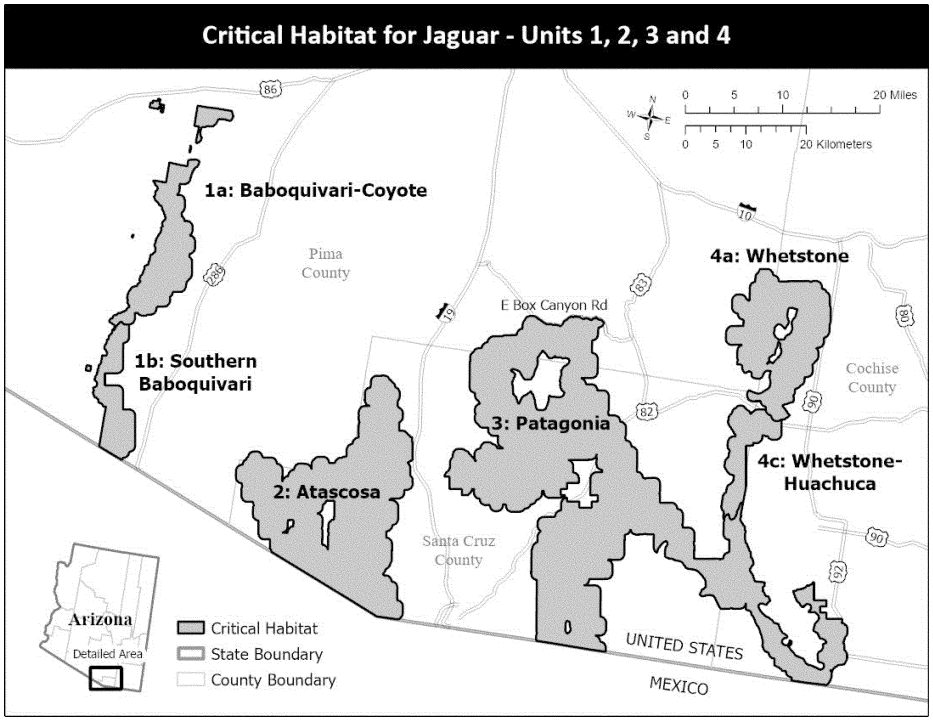
(3) Critical habitat does not include manmade structures (such as buildings, aqueducts, runways, roads, and other paved areas) and the land on which they are located existing within the legal boundaries on April 4, 2014.

(4) *Critical habitat map units.* Data layers defining map units were created using hydrography data, vegetation biomes, tree cover, terrain ruggedness, elevation, Human Influence Index, and undisputed Class I jaguar records from 1962 to September 11, 2013, and were then mapped using Universal Transverse Mercator (UTM) coordinates.

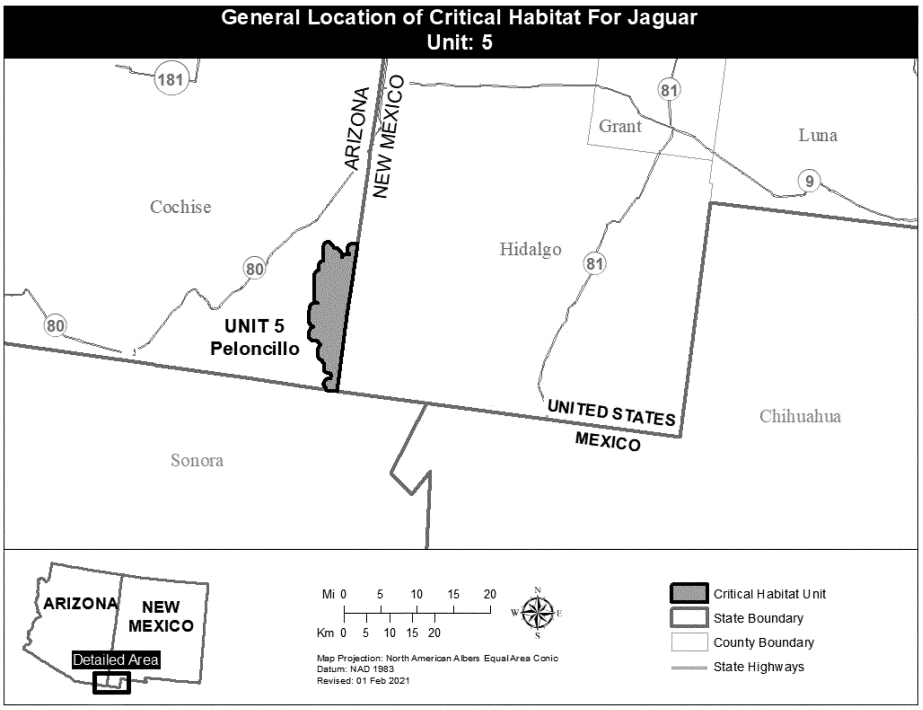
(5) *Note:* Index map follows:



(6) Units 1, 2, 3, and 4: Baboquivari, Atascosa, Patagonia, and Whetstone Units, Pima, Santa Cruz, and Cochise Counties, Arizona. Map of Units 1, 2, 3, and 4 follows:



(7) Unit 5: Peloncillo Unit, Cochise County, Arizona. Map of Unit 5 follows:

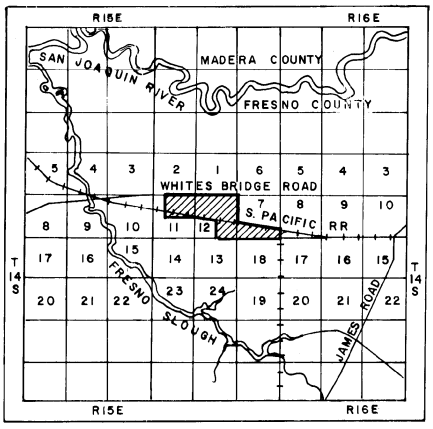


FRESNO KANGAROO RAT (*Dipodomys nitratoides exilis*)

California. An area of land, water, and airspace in Fresno County, with the following components (Mt. Diablo Base Meridian): T14S R15E, E½ NW¼ and NE¼ Sec. 11, that part of W½ Sec. 12 north of the Southern Pacific Railroad, E½ Sec. 12; T14S R16E, that part of Sec. 7 south of the Southern Pacific Railroad.

Within this area, the major constituent elements that are known to require special management considerations or protection are the hummocks and substrate that provide sites for burrow construction, and the natural alkali sink-open grassland vegetation that provides food and escape cover.

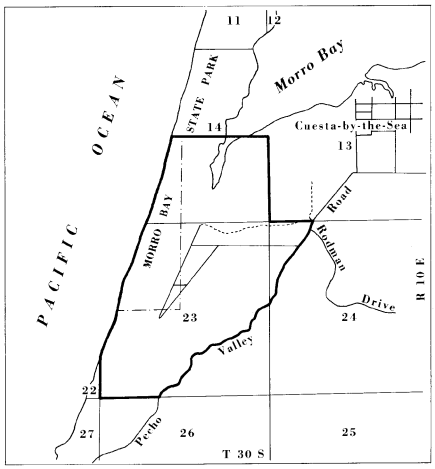
NOTE: The map provided is for informational purposes only. Map follows:



MORRO BAY KANGAROO RAT (*Dipodomys heermanni morroensis*)

California. An area of land, water, and airspace in San Luis Obispo County, with the following components (Mt. Diablo Meridian): T30S R10E S½ Sec. 14, those portions of Sec. 23–24 west of Pecho Valley Road.

NOTE: The map provided is for informational purposes only. Map follows:



SAN BERNARDINO KANGAROO RAT (*Dipodomys merriami parvus*)

(1) Critical habitat units are depicted for San Bernardino and Riverside Counties, California, on the maps below.

(2) The PCEs of critical habitat for the San Bernardino kangaroo rat are the habitat components that provide:

(i) Alluvial fans, washes, and associated floodplain areas containing soils consisting predominately of sand, loamy sand, sandy loam, and loam, which provide burrowing habitat necessary for sheltering and rearing offspring, storing food in surface caches, and movement between occupied patches;

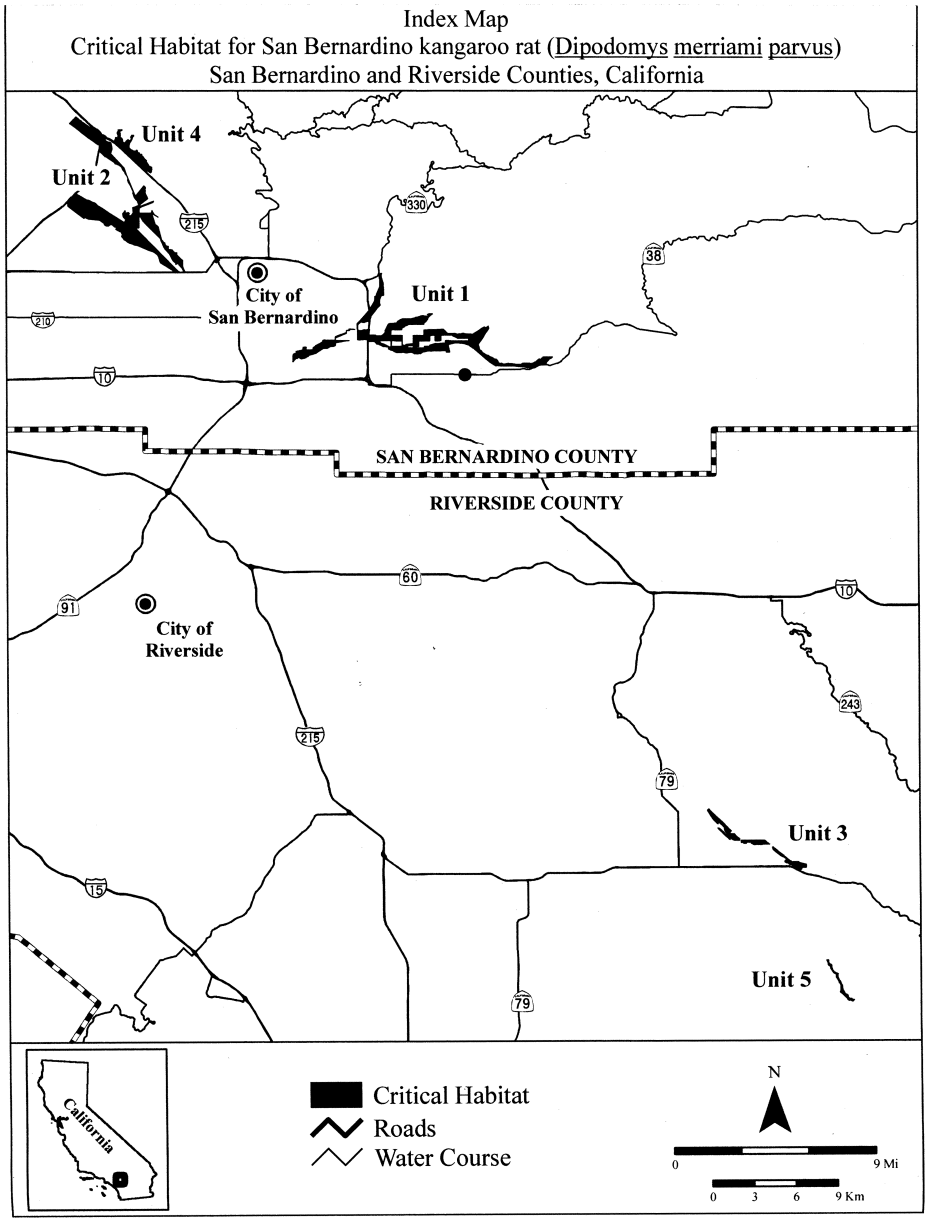
(ii) Upland areas adjacent to alluvial fans, washes, and associated floodplain areas containing alluvial sage scrub habitat and associated vegetation, such as coastal sage scrub and chamise chaparral, with up to approximately 50 percent canopy cover providing protection from predators, while leaving bare ground and open areas necessary for foraging and movement of this subspecies; and

(iii) Upland areas adjacent to alluvial fans, washes, and associated floodplain areas, which may include marginal habitat such as alluvial sage scrub with greater than 50 percent canopy cover with patches of suitable soils that support individuals for re-population of wash areas following flood events. These areas may include agricultural lands, areas of inactive aggregate mining activities, and urban/wildland interfaces.

(3) Critical habitat does not include manmade structures (such as buildings, aqueducts, airports, roads, other paved areas, and the land on which such structures are located) existing on the effective date of this rule and not containing one or more of the PCEs.

(4) Data layers defining map units were created on a base of NAIP (USDA) 1:24,000 maps, and critical habitat units were then mapped using Universal Transverse Mercator (UTM) coordinates.

(5) Note: Index map of critical habitat units for the San Bernardino kangaroo rat follows:



(6) Unit 1: Santa Ana River Wash, San Bernardino County, California. From USGS 1:24,000 quadrangles San Bernardino North and Devore.

(i) Unit 1 is shown on the map in paragraph (6)(ii) of this entry, excluding lands bounded by the following Universal Transverse Mercator (UTM) North American Datum of 1983 (NAD83) coordinates (E, N):

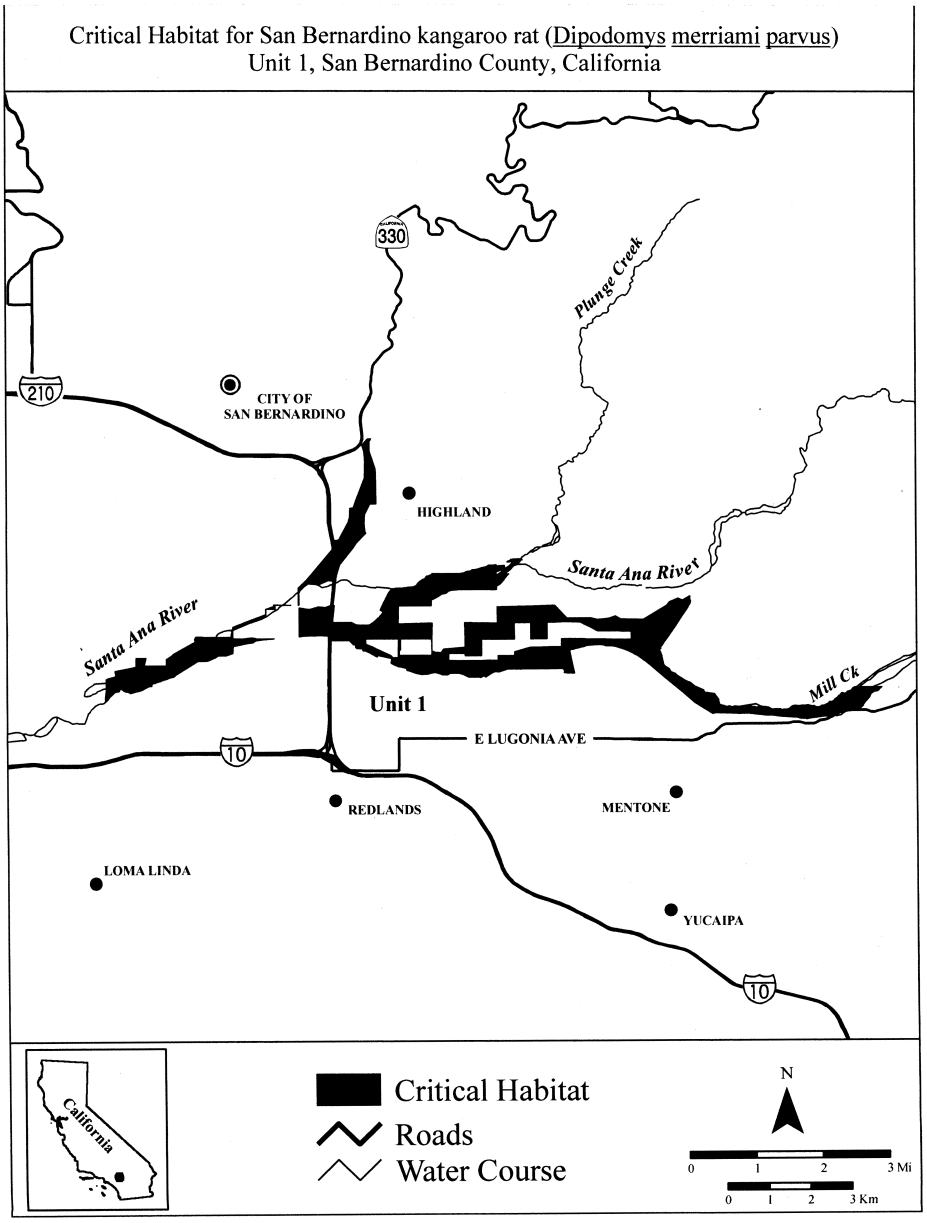
(A) 487253, 3772752; 487254, 3772752; 487290, 3772752; 487290, 3772752; 487290, 3772752; 487589, 3772747; 487589, 3772747; 487778, 3772648; 487787,

3772643; 487790, 3772642; 487808, 3772632; 487808, 3772632; 487808, 3772632; 487808, 3772632; 487838, 3772617; 487842, 3772614; 487978, 3772543; 487996, 3772533; 488008, 3772533; 488010, 3772533; 488122, 3772533; 488122, 3772533; 488230, 3772532; 488230, 3772532; 488351, 3772531; 488390, 3772530; 488404, 3772530; 488405, 3772530; 488471, 3772529; 488608, 3772528; 488608, 3772528; 488812, 3772526; 488812, 3772526; 488812, 3772447; 488811, 3772326; 488811, 3772326; 488803, 3772326; 488614, 3772329; 488614, 3772329; 488614, 3772329; 488614, 3772329; 488607, 3772329; 488409, 3772332; 488403, 3772332; 488403, 3772332; 488144, 3772336; 488139, 3772336; 488140, 3772340; 488139, 3772336; 488139, 3772336; 487995, 3772338; 487995, 3772338; 487849, 3772340; 487849, 3772340; 487828, 3772341; 487806, 3772341; 487790, 3772341; 487775, 3772341; 487768, 3772342; 487763, 3772342; 487758, 3772342; 487726, 3772342; 487674, 3772343; 487586, 3772344; 487310, 3772348; 487309, 3772348; 487303, 3772349; 487303, 3772349; 487302, 3772349; 487233, 3772350; 487232, 3772350; 487229, 3772350; 487229, 3772350; 487227, 3772350; 487226, 3772350; 487223, 3772350; 487214, 3772350; 487213, 3772350; 487178, 3772350; 487178, 3772350; 487177, 3772350; 487173, 3772350; 487167, 3772350; 487117, 3772350; 487117, 3772350; 487118, 3772293; 487118, 3772179; 487119, 3772154; 487032, 3772153; 486981, 3772152; 486935, 3772151; 486896, 3772151; 486587, 3772146; 486580, 3772146; 486556, 3772146; 486534, 3772145; 486434, 3772144; 486380, 3772143; 486380, 3772143; 485983, 3772032; 485982, 3772032; 485983, 3771987; 485983, 3771961; 485983, 3771945; 485983, 3771941; 485983, 3771941; 485653, 3771939; 485651, 3771939; 485650, 3771939; 485594, 3771939; 485585, 3771939; 485586, 3771875; 485595, 3771841; 485595, 3771840; 485595, 3771822; 485595, 3771821; 485595, 3771821; 485577, 3771821; 485334, 3771821; 485184, 3771821; 485184, 3771821; 484918, 3771821; 484852, 3771821; 484782, 3771821; 484782, 3771821; 484693, 3771820; 484693, 3771820; 484482, 3771819; 484482, 3771819; 484383, 3771819; 484381, 3771819; 484381, 3771824; 484381, 3771875; 484381, 3771879; 484381, 3771881; 484381, 3771882; 484381, 3771943; 484381, 3771943; 484381, 3771996; 484445, 3771996; 484782, 3771994; 484782, 3771992; 484782, 3771945; 484782, 3771941; 484909, 3771941; 485184, 3771940; 485184, 3771944; 485184, 3771948; 485183, 3771998; 485182, 3772335; 485573, 3772333; 485582, 3772333; 485582, 3772333; 485981, 3772338; 485981, 3772338; 485980, 3772361; 485976, 3772665; 485975, 3772732; 485975, 3772734; 486377, 3772741; 486380, 3772362; 486380, 3772342; 486463, 3772343; 486779, 3772346; 486778, 3772618; 486778, 3772747; 486778, 3772747; 486887, 3772749; 486908, 3772749; 486925, 3772750; 487178, 3772754; 487178, 3772754; 487184, 3772754; 487184, 3772754; 487202, 3772753; 487205, 3772753; 487209, 3772753; 487213, 3772753 ; thence returning to 487253, 3772752;

(B) 482603, 3772347; 482603, 3772347; 482602, 3772348; 483160, 3772346; 483160, 3772089; 483160, 3772072; 483160, 3771972; 483160, 3771893; 483159, 3771893; 483159, 3771893; 483071, 3771893; 483032, 3771892; 483032, 3771892; 483032, 3771892; 482989, 3771930; 482972, 3771945; 482972, 3771945; 482644, 3772097; 482622, 3772108; 482537, 3772147; 482377, 3772221; 482368, 3772227; 482368, 3772227; 482368, 3772227; 482368, 3772263; 482367, 3772336; 482367, 3772348; 482367, 3772348; 482376, 3772348; 482385, 3772348; 482394, 3772348; thence returning to 482603, 3772347; and

(C) 483188, 3772080; 483211, 3772076; 483211, 3772346; 483211, 3772346; 483374, 3772346; 483600, 3772345; 483969, 3772344; 483970, 3772008; 483970, 3771985; 483971, 3771945; 483971, 3771945; 483914, 3771945; 483913, 3771945; 483902, 3771945; 483848, 3771945; 483409, 3771944; 483272, 3771944; 483215, 3771944; 483210, 3771944; 483210, 3771944; 483210, 3771944; 483210, 3771944; 483200, 3771933; 483200, 3771933; 483200, 3771933; 483187, 3771946; 483185, 3771948; thence returning to 483188, 3772080.

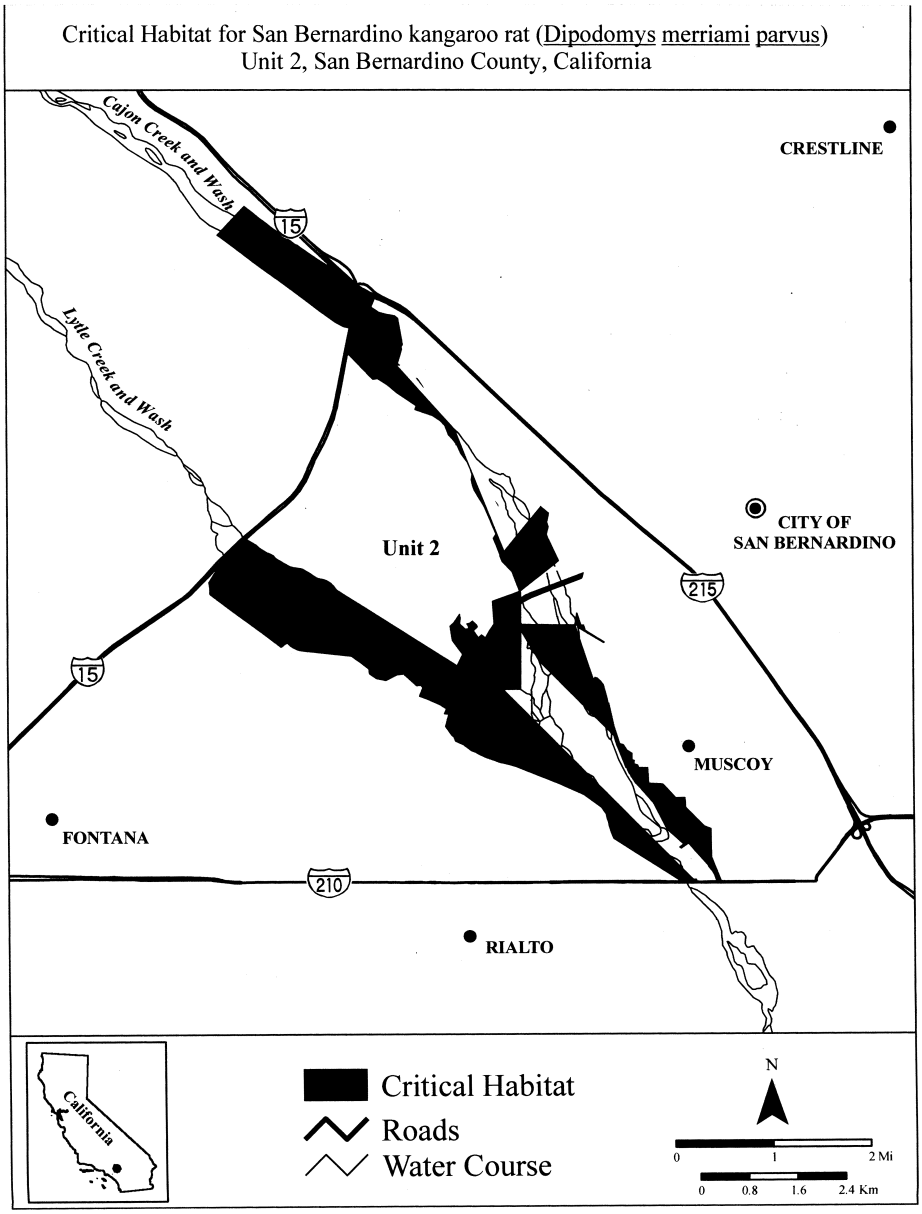
(ii) Map of Unit 1—Santa Ana River Wash follows:



(7) Unit 2: Lytle/Cajon Creek Wash, San Bernardino County, California. From USGS 1:24,000 quadrangles San Bernardino South, Redlands, Yucaipa, and Harrison Mountain.

(i) [Reserved]

(ii) Map of Unit 2—Lytle/Cajon Creek Wash follows:



(8) Unit 3: San Jacinto River Wash, Riverside County, California. From USGS 1:24,000 quadrangles San Jacinto, Lake Fulmor, and Blackburn Canyon.

(i) Unit 3 is shown on the map in paragraph (8)(ii) of this entry, excluding lands bounded by the following Universal Transverse Mercator (UTM) North American Datum of 1983 (NAD83) coordinates (E, N):

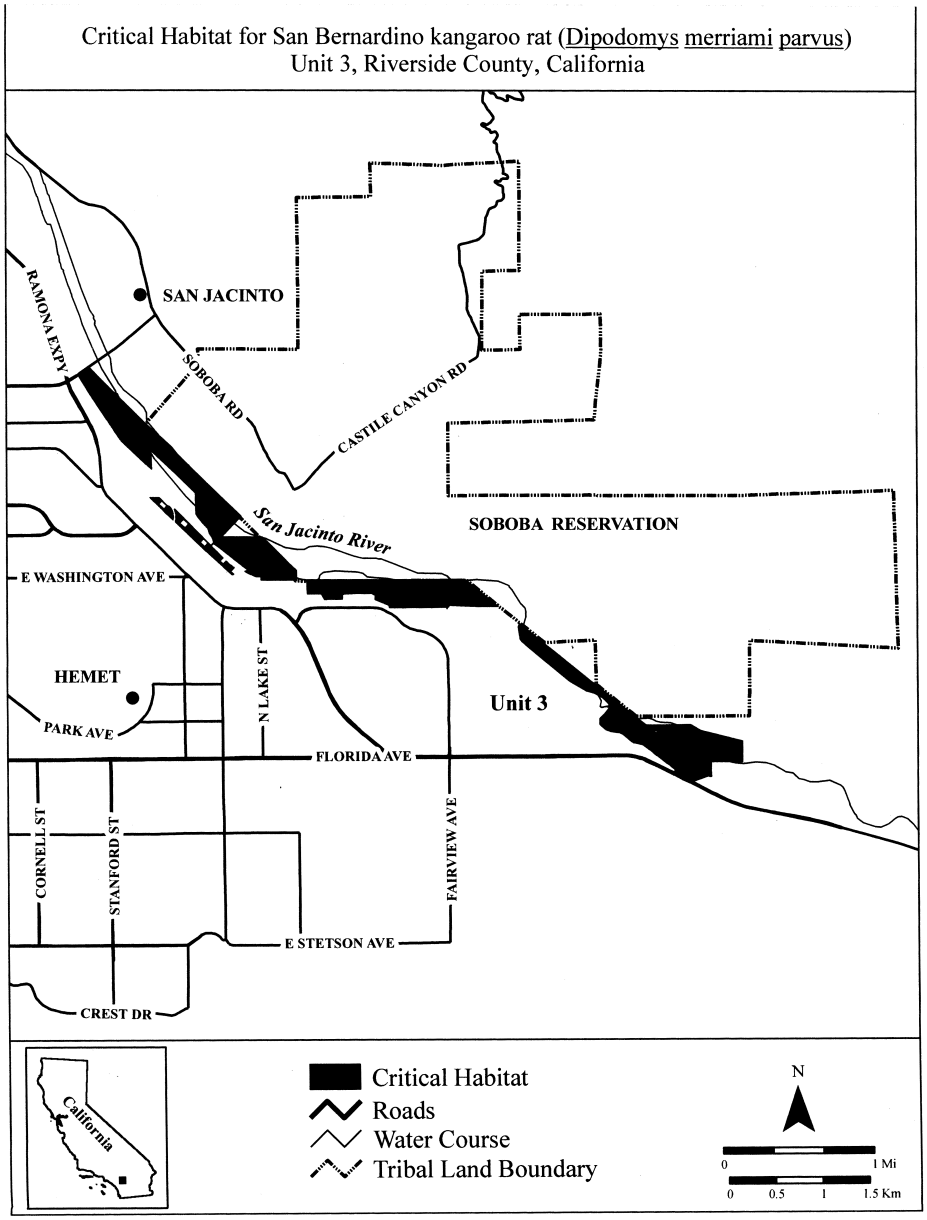
(A) 506793, 3736955; 506803, 3736965; 506858, 3736912; 506834, 3736888; 506826, 3736879; 506771, 3736932; thence returning to 506793, 3736955;

(B) 506995, 3736726; 507035, 3736768; 507090, 3736715; 507050, 3736673; thence returning to 506995, 3736726;

(C) 507212, 3736516; 507248, 3736554; 507295, 3736509; 507260, 3736471; thence returning to 507212, 3736516; and

(D) 512090, 3734474; 512104, 3734481; 512118, 3734488; 512130, 3734464; 512130, 3734464; 512113, 3734456; 512104, 3734464; 512093, 3734472; thence returning to 512090, 3734474.

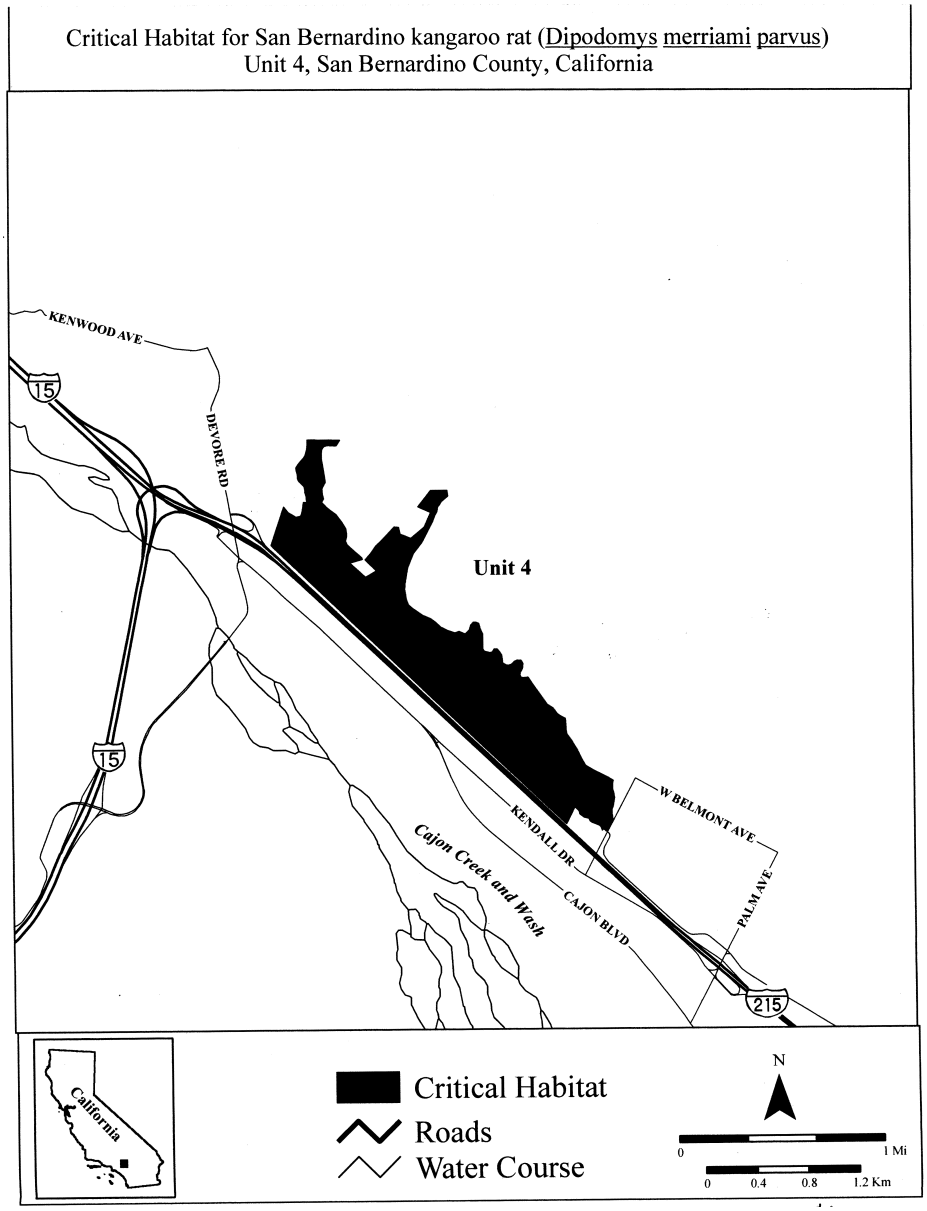
(ii) Map of Unit 3—San Jacinto River Wash follows:



(9) Unit 4: Cable Creek Wash, San Bernardino County, California. From USGS 1:24,000 quadrangles San Bernardino South, Redlands, Yucaipa, and Harrison Mountain.

(i) [Reserved]

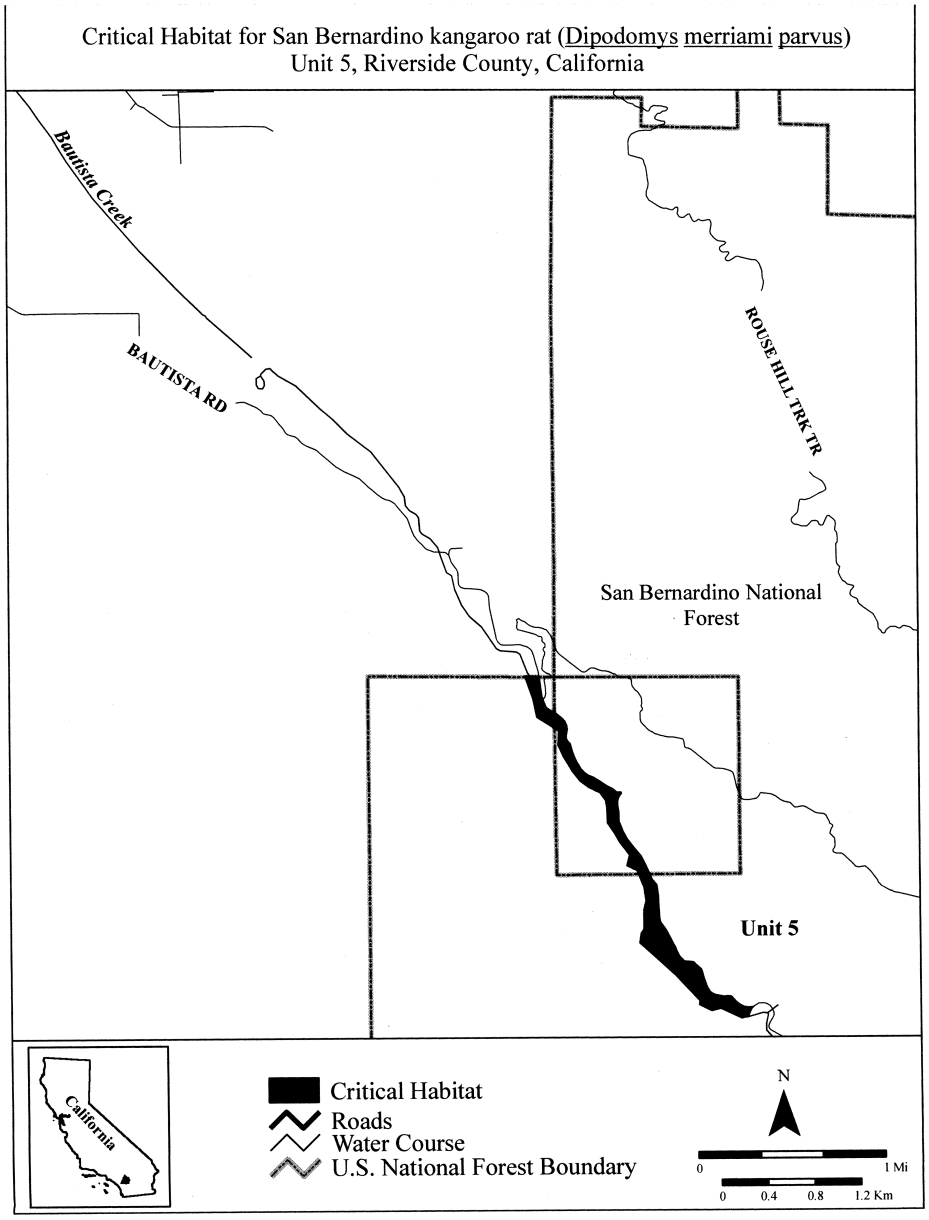
(ii) Map of Unit 4—Cable Creek Wash follows:



(10) Unit 5: Bautista Creek, Riverside County, California. From USGS 1:24,000 quadrangle Blackburn Canyon.

(i) [Reserved]

(ii) Map of Unit 5—Bautista Creek follows:



CANADA LYNX *(Lynx canadensis)*

(1) Critical habitat units are depicted on the maps below for the following States and counties:

(i) Idaho: Boundary County;

(ii) Maine: Aroostook, Franklin, Penobscot, Piscataquis, and Somerset Counties;

(iii) Minnesota: Cook, Koochiching, Lake, and St. Louis Counties;

(iv) Montana: Carbon, Flathead, Gallatin, Glacier, Granite, Lake, Lewis and Clark, Lincoln, Missoula, Park, Pondera, Powell, Stillwater, Sweetgrass, and Teton Counties;

(v) Washington: Chelan and Okanogan Counties; and

(vi) Wyoming: Fremont, Lincoln, Park, Sublette, and Teton Counties.

(2) Within these areas the primary constituent element for the Canada lynx is boreal forest landscapes supporting a mosaic of differing successional forest stages and containing:

(i) Presence of snowshoe hares and their preferred habitat conditions, which include dense understories of young trees, shrubs or overhanging boughs that protrude above the snow, and mature multistoried stands with conifer boughs touching the snow surface;

(ii) Winter conditions that provide and maintain deep fluffy snow for extended periods of time;

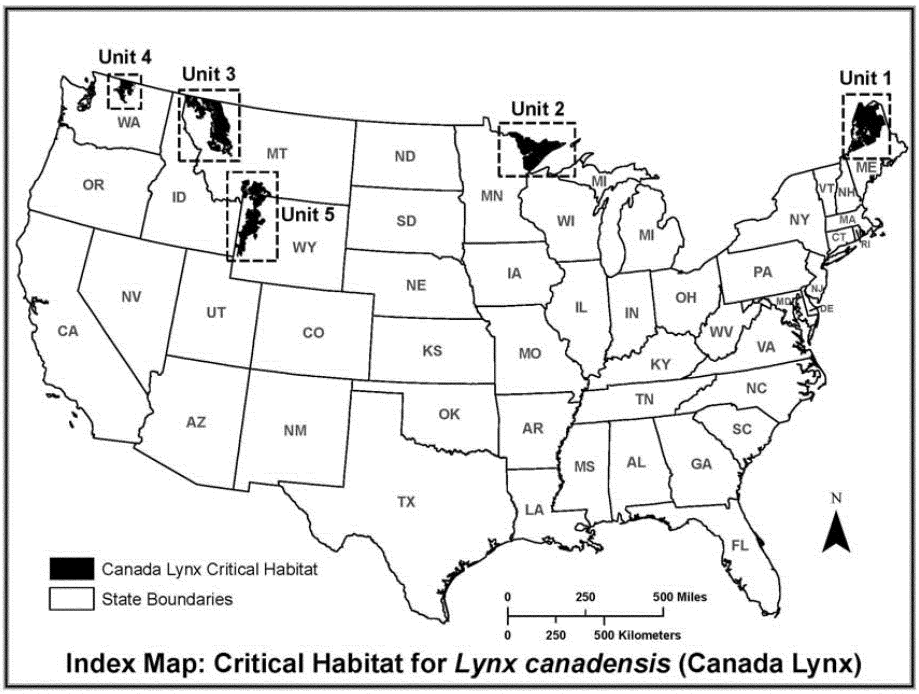
(iii) Sites for denning that have abundant coarse woody debris, such as downed trees and root wads; and

(iv) Matrix habitat (e.g., hardwood forest, dry forest, non-forest, or other habitat types that do not support snowshoe hares) that occurs between patches of boreal forest in close juxtaposition (at the scale of a lynx home range) such that lynx are likely to travel through such habitat while accessing patches of boreal forest within a home range.

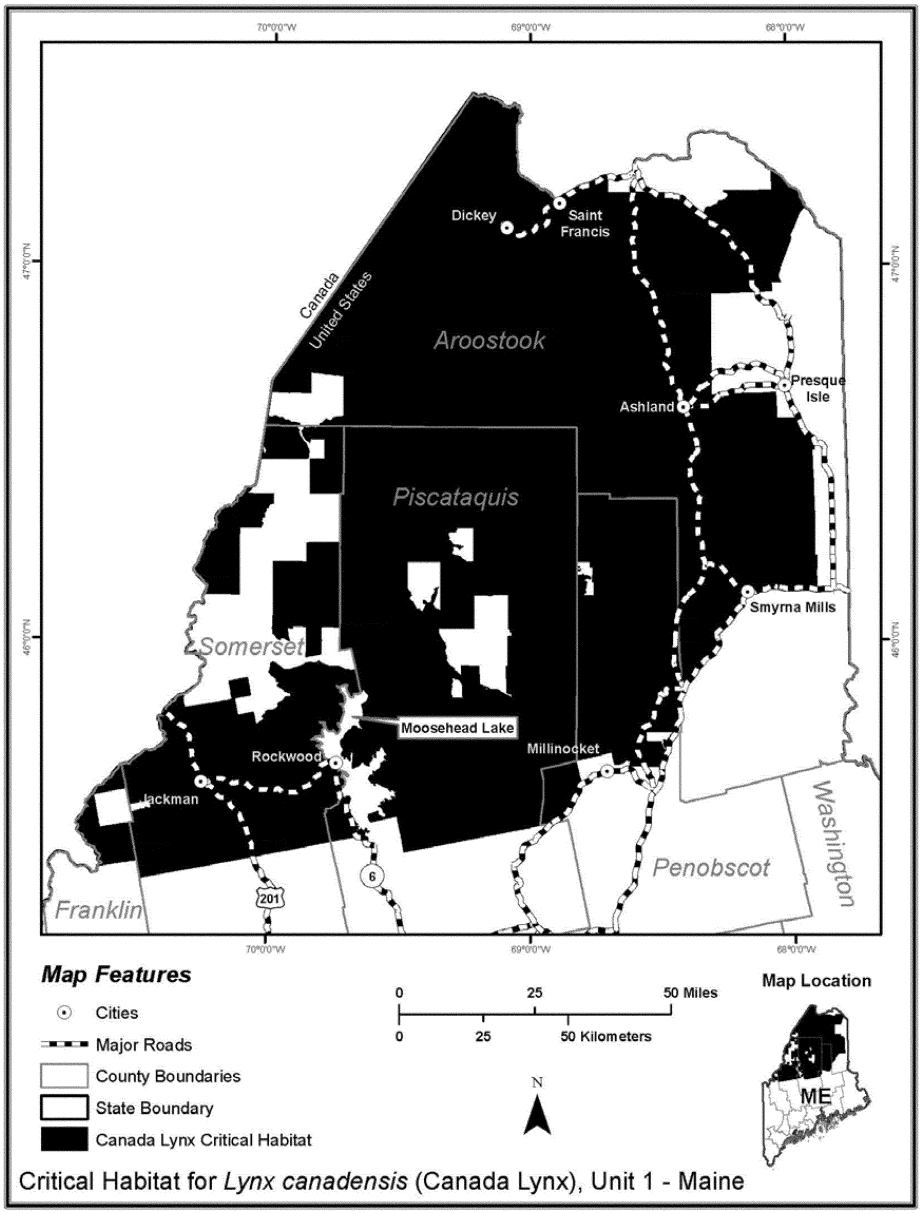
(3) Critical habitat does not include man-made structures (such as buildings, aqueducts, runways, roads, and other paved areas) and the land on which they are located existing within the legal boundaries on October 14, 2014.

(4) *Critical habitat map units.* Data layers defining map units were created using a USA Contiguous Albers Equal Area Conic projection. The maps in this entry establish the boundaries of the critical habitat designation. The coordinates or plot points or both on which each map is based are available to the public at the Service's internet site, *http://www.fws.gov/montanafieldoffice/*, at *http://www.regulations.gov* at Docket No. FWS–R6–ES–2013–0101, and at the field office responsible for this designation. You may obtain field office location information by contacting one of the Service regional offices, the addresses of which are listed at 50 CFR 2.2.

(5) *Note:* Index map follows:

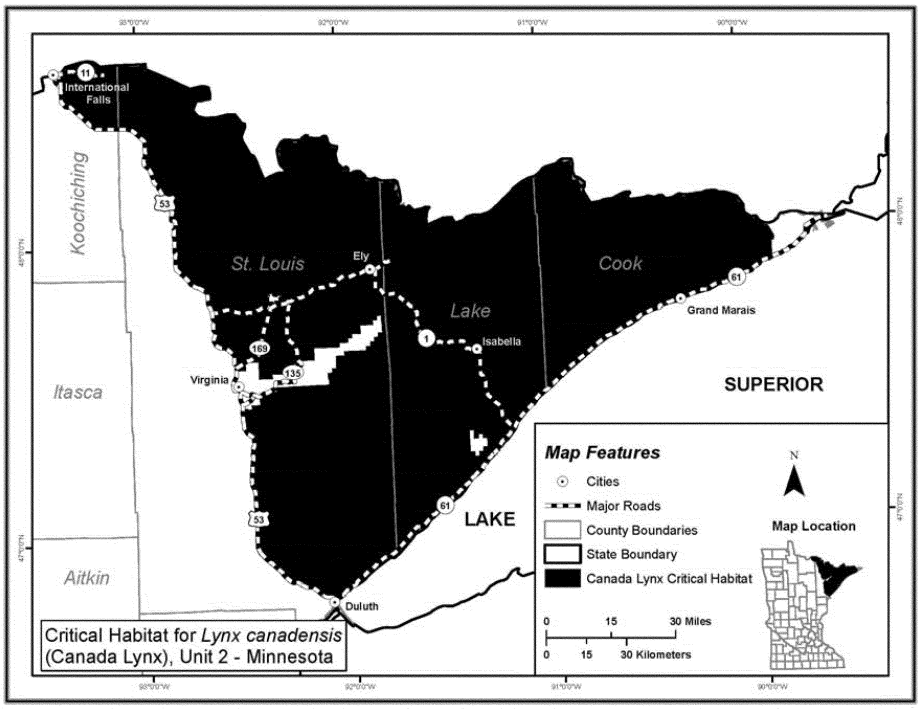


(6) Unit 1: Maine—Aroostook, Franklin, Penobscot, Piscataquis, and Somerset Counties, ME. Map of Unit 1, Maine, follows:

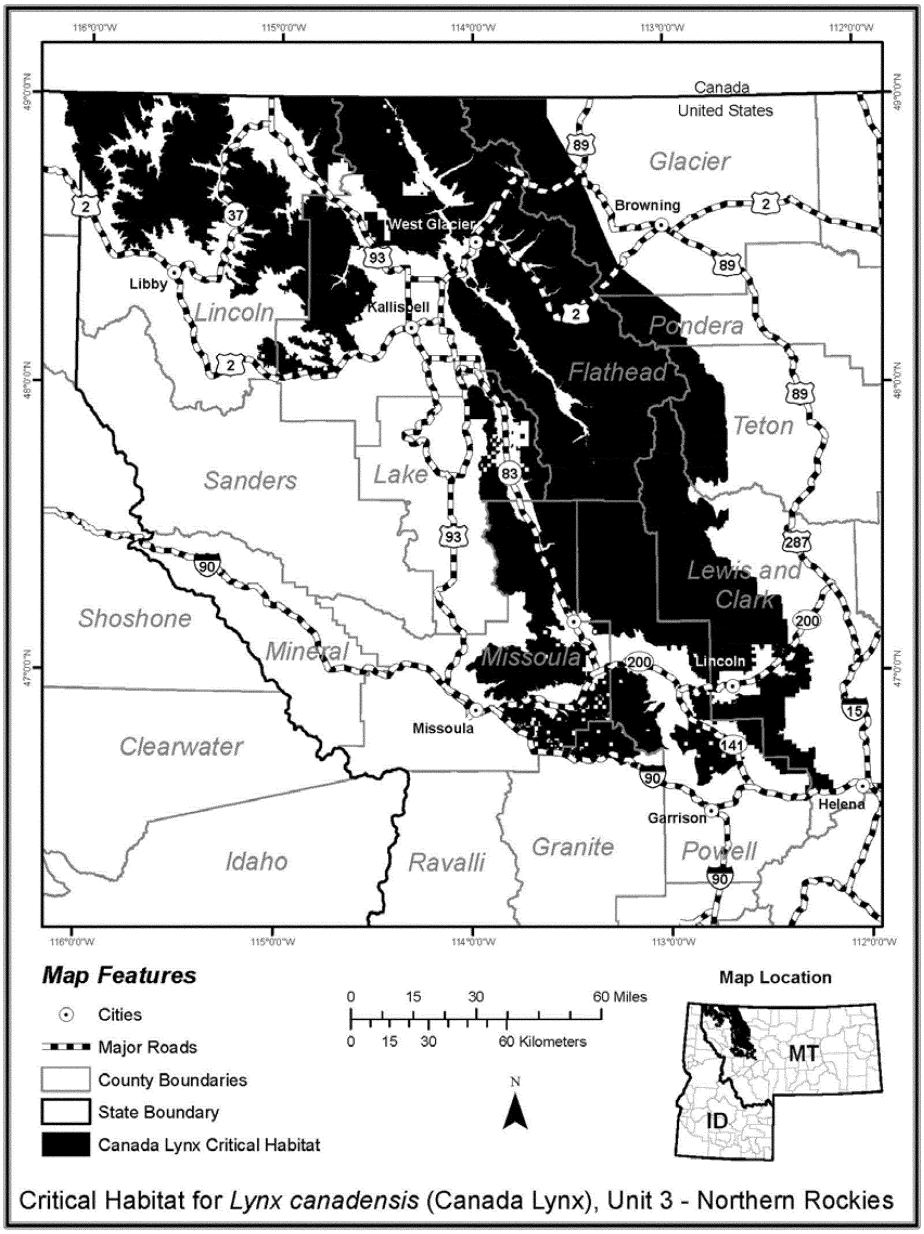


(7) Unit 2: Minnesota—Cook, Koochiching, Lake, and St. Louis Counties, MN.

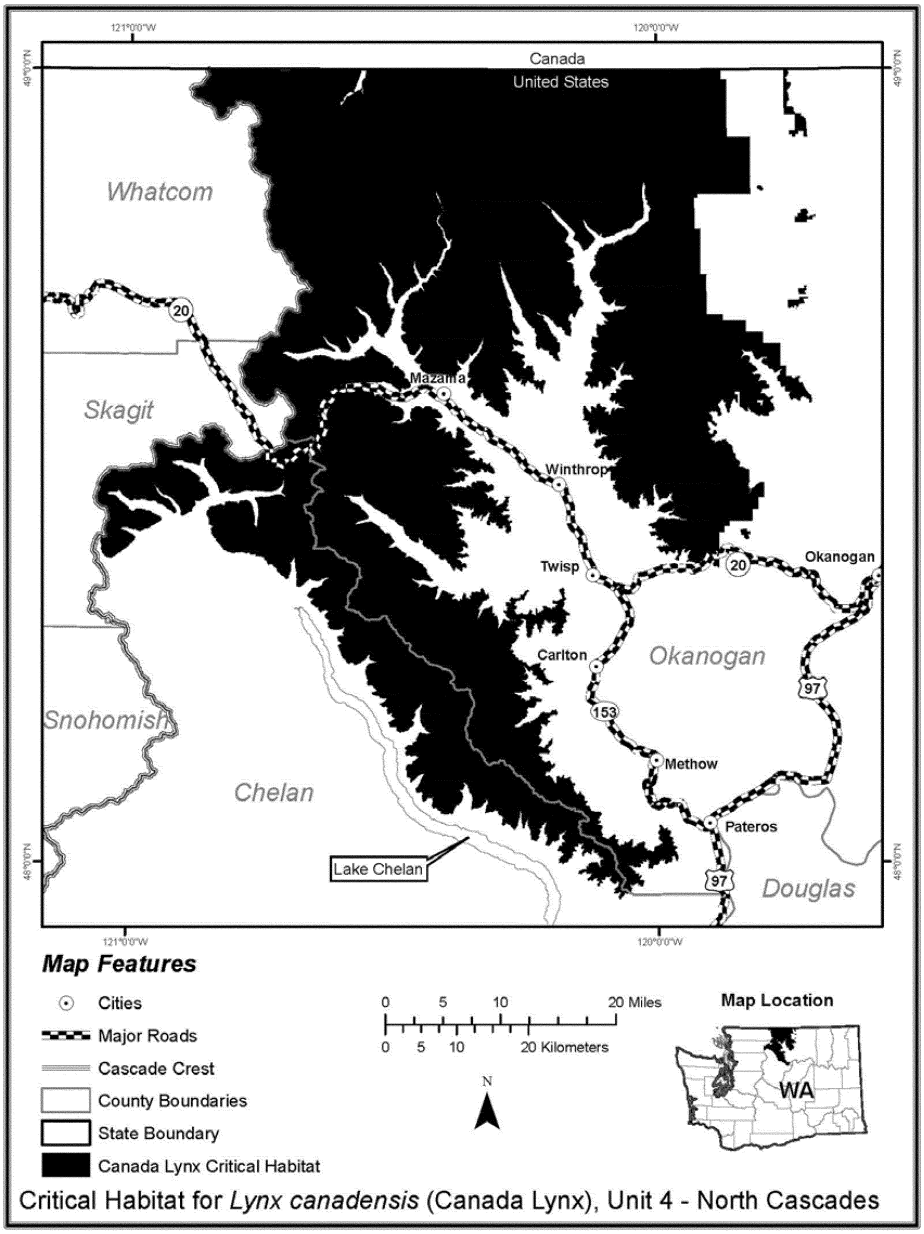
Map of Unit 2, Minnesota, follows:



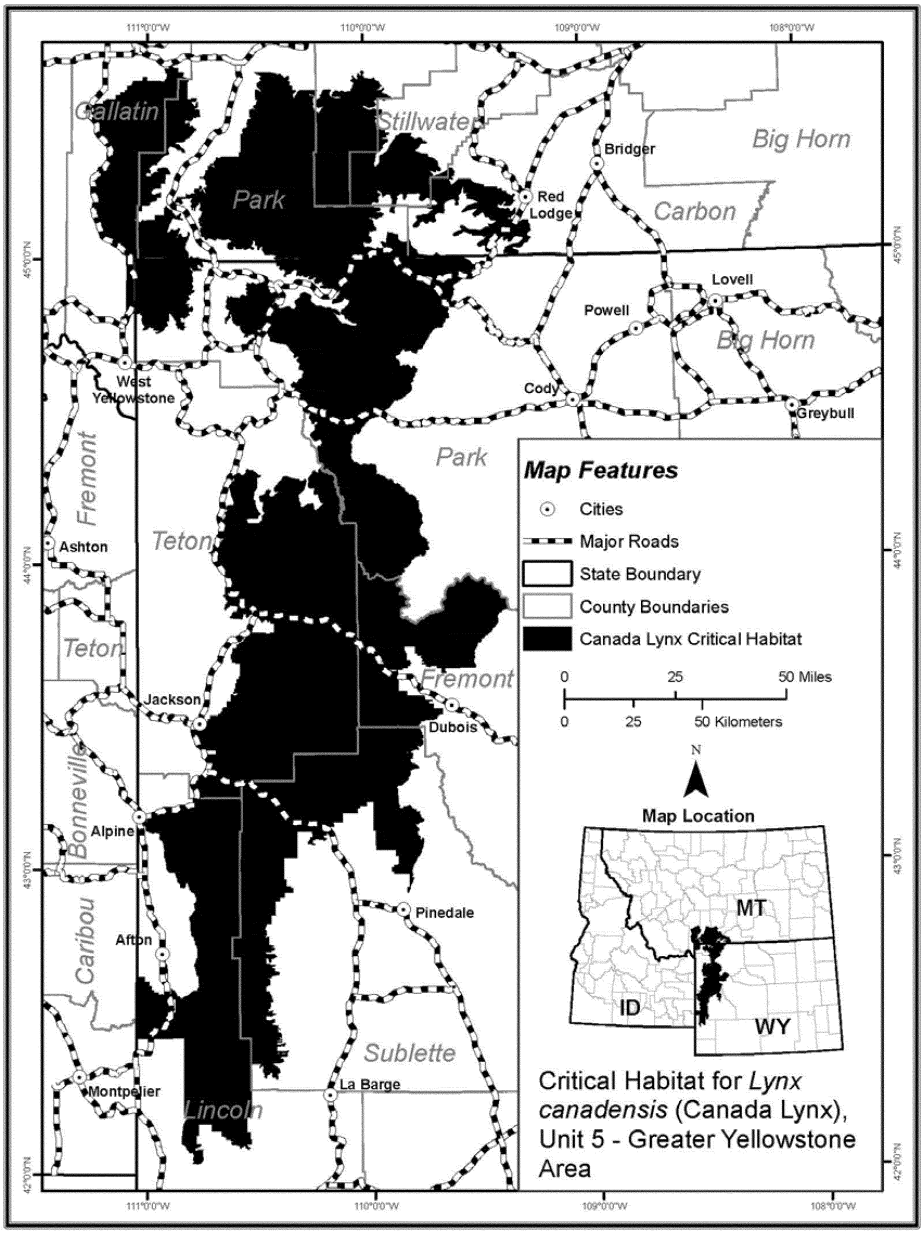
(8) Unit 3: Northern Rockies—Boundary County, ID, and Flathead, Glacier, Granite, Lake, Lewis and Clark, Lincoln, Missoula, Pondera, Powell and Teton Counties, MT. Map of Unit 3, Northern Rockies, follows:



(9) Unit 4: North Cascades—Chelan and Okanogan Counties, WA. Map of Unit 4, North Cascades, follows:



(10) Unit 5: Greater Yellowstone Area—Carbon, Gallatin, Park, Stillwater, and Sweetgrass Counties, MT, and Fremont, Lincoln, Park, Sublette, and Teton Counties, WY. Map of Unit 5, Greater Yellowstone Area, follows:



FLORIDA MANATEE (*Trichechus manatus*)

Florida. Crystal River and its headwaters known as King's Bay, Citrus County; the Little Manatee River downstream from the U.S. Highway 301 bridge, Hillsborough County; the Manatee River downstream from the Lake Manatee Dam, Manatee County; the Myakka River downstream from Myakka River State Park, Sarasota and Charlotte Counties; the Peace River downstream from

the Florida State Highway 760 bridge, De Soto and Charlotte Counties; Charlotte Harbor north of the Charlotte-Lee County line, Charlotte County; Caloosahatchee River downstream from the Florida State Highway 31 bridge, Lee County; all U.S. territorial waters adjoining the coast and islands of Lee County; all U.S. territorial waters adjoining the coast and islands and all connected bays, estuaries, and rivers from Gordon's Pass, near Naples, Collier County, southward to and including Whitewater Bay, Monroe County; all waters of Card, Barnes, Blackwater, Little Blackwater, Manatee, and Buttonwood Sounds between Key Largo, Monroe County, and the mainland of Dade County; Biscayne Bay, and all adjoining and connected lakes, rivers, canals, and waterways from the southern tip of Key Biscayne northward to and including Maule Lake, Dade County; all of Lake Worth, from its northernmost point immediately south of the intersection of U.S. Highway 1 and Florida State Highway A1A southward to its southernmost point immediately north of the town of Boynton Beach, Palm Beach County; the Loxahatchee River and its headwaters, Martin and West Palm Beach Counties; that section of the intracoastal waterway from the town of Seawalls Point, Martin County to Jupiter Inlet, Palm Beach County; the entire inland section of water known as the Indian River, from its northernmost point immediately south of the intersection of U.S. Highway 1 and Florida State Highway 3, Volusia County, southward to its southernmost point near the town of Seawalls Point, Martin County, and the entire inland section of water known as the Banana River and all waterways between Indian and Banana Rivers, Brevard County; the St. Johns River including Lake George, and including Blue Springs and Silver Glen Springs from their points of origin to their confluences with the St. Johns River; that section of the Intracoastal Waterway from its confluences with the St. Marys River on the Georgia-Florida border to the Florida State Highway A1A bridge south of Coastal City, Nassau and Duval Counties.

NOTE: No map.

Pacific Marten (*Martes caurina*), Coastal Distinct Population Segment (DPS)

(1) Critical habitat units are depicted for California and Oregon on the maps in this entry.

(2) Within these areas, the physical or biological features essential to the conservation of Coastal DPS of the Pacific marten consist of the following components:

(i) Habitat that supports a coastal marten home range by providing for breeding, denning, resting, or foraging. This habitat provides cover and shelter to facilitate thermoregulation and reduce predation risk, provides foraging sources for coastal marten prey, and provides structures that provide resting and denning sites. For cover and support denning, resting, and foraging, coastal martens require a dense forest overstory, dense understory development, and biologically complex structure that contains snags, logs, other decay elements, or other structures. Stands meeting the conditions for this physical or biological feature would also function as meeting the physical or biological feature described in paragraph (2)(ii) of this entry. Stands meeting the condition for this physical or biological feature contain each of the following three components:

(A) *Mature, conifer-dominated forest overstory.* Overstory canopy cover provides protection to coastal martens from aerial and terrestrial predators, as well as shelter from physical elements such as sun or storms. It also is the general source of structural features that coastal martens use for denning and resting, and provides suitable coastal marten prey. Suitable overstory conditions vary depending on the productivity of the site as follows:

(*1*) For areas with relatively low productivity (e.g., areas where growing conditions are harsher, such as serpentine sites or coastal shore pine forests, compared to other areas), suitable forest overstory conditions are highly variable. They may contain a sparse conifer overstory, such as in some serpentine areas, or a dense conifer overstory composed mainly of trees smaller than the typical older forest conditions described in paragraph (2)(i)(A)(*2*) of this entry (e.g., the dense shore pine overstory found in areas occupied by coastal marten along the Oregon coast) as well as those resting and denning structures necessary that are as of yet undescribed for some populations.

(*2*) For other areas with higher productivity, coastal martens tend to favor forest stands in the old-growth or late-mature seral stages. The specific forest composition and structure conditions found in higher productivity areas will vary by plant series and site class. Structural and composition descriptions of old-growth or late-mature seral stages for local plant community series should be used where available. In general, these stands exhibit high levels of canopy cover and structural diversity in the form of:

(*i*) A wide range of tree sizes, including trees with large diameter and height;

(*ii*) Deep, dense tree canopies with multiple canopy layers and irregular tree crowns;

(*iii*) High numbers of snags, including large-diameter snags; and

(*iv*) Abundant downed wood, including large logs, ideally in a variety of decay stages.

(B) *Dense, spatially extensive shrub layer.* The shrub layer should be greater than 70 percent of the area, comprising mainly shade-tolerant, long-lived, mast-producing species (primarily ericaceous species such as salal, huckleberry, or rhododendron, as well

as shrub oaks). An extensive layer of dense shrubs provides protection and cover from coastal marten predators. In addition, ericaceous and mast-producing shrubs provide forage for coastal marten prey.

(C) *Stands with structural features.* Structural features that support denning or resting, such as large downed trees, rock piles with interstitial spaces, and large snags or live trees with decay elements or suitable resting structures (e.g., hollows and cavities, forked or broken tops, dead tops, brooms from mistletoe or other tree pathogens, or large platforms including abandoned nests). These features provide cover and thermal protection for kits and denning females, and for all animals when they are resting between foraging bouts. Hence, these features need to be distributed throughout a coastal marten's home range. They also tend to be among the largest structures in the stand. Many of these features, such as downed trees and snags or live trees with decayed elements, also support coastal marten prey.

(ii) Habitat that allows for movement within home ranges among stands that meet the conditions of the physical or biological feature described in paragraph (2)(i) of this entry or that supports individuals dispersing between home ranges. Habitat with this physical or biological feature includes:

(A) Stands that meet all three conditions of the physical or biological feature described in paragraph (2)(i) of this entry;

(B) Forest stands that meet only the conditions of paragraphs (2)(i)(A) and (B) of this entry; or

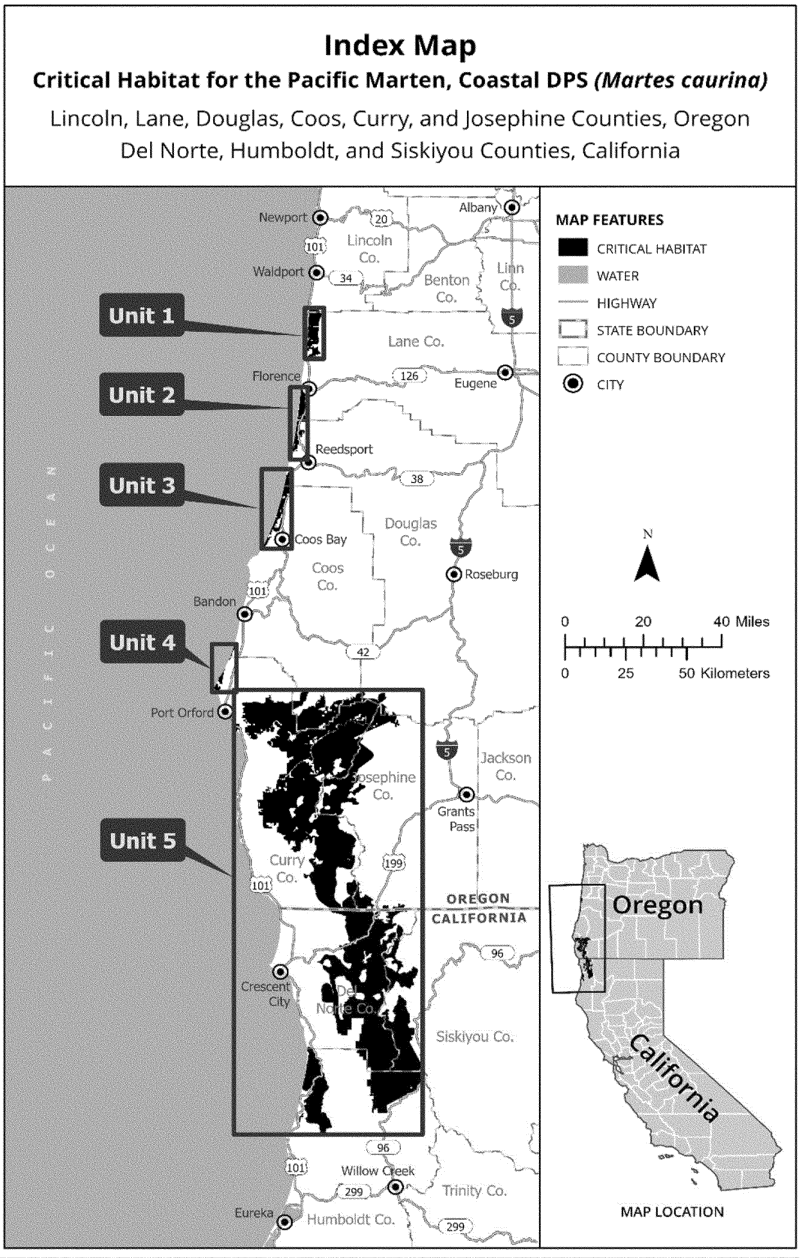
(C) Habitats with lesser amounts of shrub, canopy, or forest cover, or lesser amounts of smaller structural features as described in paragraph (2)(i) of this entry, and while not meeting all of the conditions of the physical or biological feature described in paragraph (2)(i) of this entry, still provide forage and cover from predators that allow a coastal marten to traverse the landscape to areas of higher quality habitat.

(3) Critical habitat does not include humanmade structures (such as buildings, aqueducts, runways, roads, and other paved or hardened areas as a result of development) and the land on which they are located existing within the legal boundaries on June 28, 2024. Due to the scale on which the critical habitat boundaries are developed, some areas within the legal boundaries may not contain the physical or biological features and, therefore, are not considered critical habitat.

(4) Data layers defining map units were created using ArcGIS Pro 2.5.2 (Environmental Systems Research Institute, Inc. (ESRI)), a Geographic Information Systems (GIS) program. ESRI base maps of world topographic, world imagery, and the program's world imagery U.S. Geological Survey (USGS) Imagery were used. Critical habitat units were then mapped using North American Datum (NAD) 1983, Albers. The maps in this entry, as modified by any accompanying regulatory text, establish the boundaries of the critical habitat designation. The coordinates or plot points or both on which each map is based are available to the public at the Service's Arcata Fish and Wildlife Office's internet site at *https://www.fws.gov/office/arcata-fish-and-wildlife*, or on *https://www.regulations.gov* at Docket No. FWS–R8–ES–2020–0151. You may obtain field office location information by contacting one of the Service regional offices, the addresses of which are listed at 50 CFR 2.2.

(5) Index map of critical habitat follows:

Figure 1 to Pacific Marten (*Martes caurina*), Coastal DPS paragraph (5)

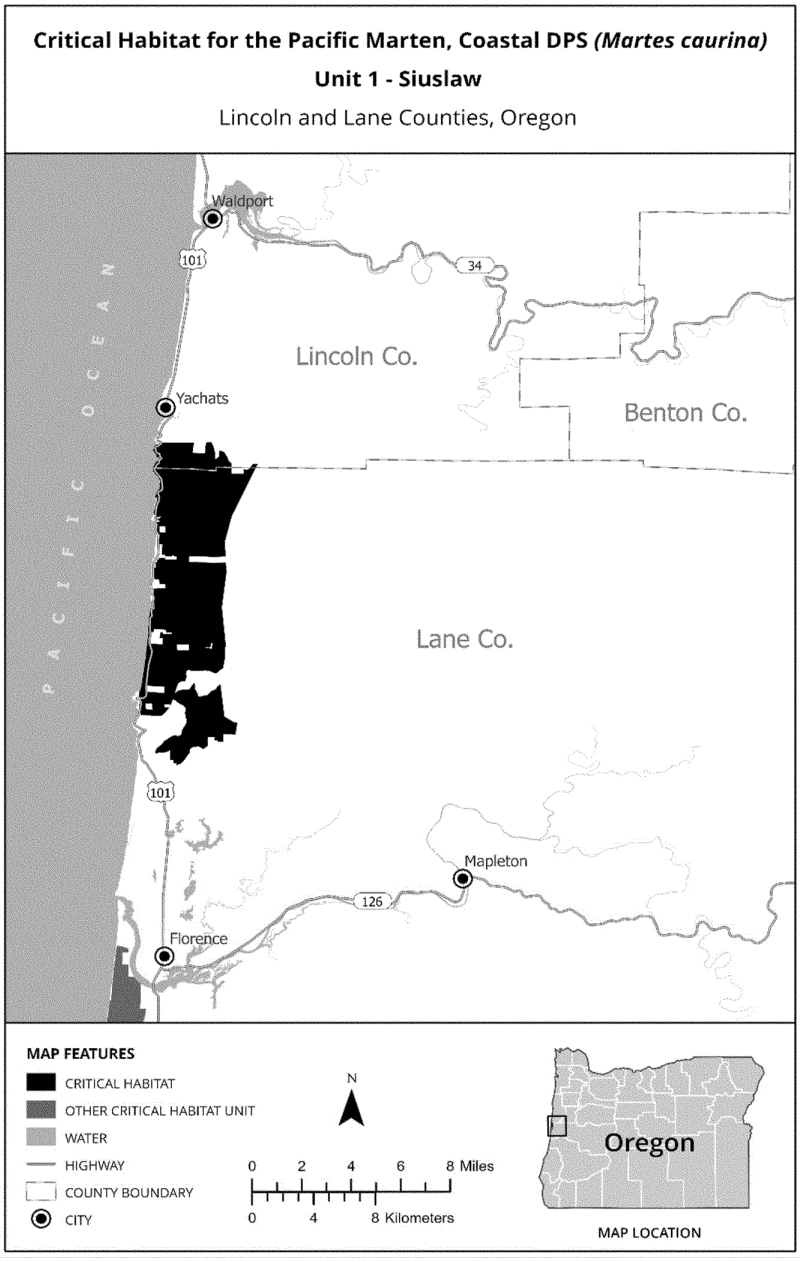


(6) Unit 1: Siuslaw Unit; Lincoln and Lane Counties, Oregon.

(i) Unit 1 consists of 22,135 acres (ac) (8,958 hectares (ha)) and is composed of Federal (20,092 ac (8,131 ha)) and State (2,043 ac (827 ha)) lands.

(ii) Map of Unit 1 follows:

Figure 2 to Pacific Marten (*Martes caurina*), Coastal DPS paragraph (6)(ii)

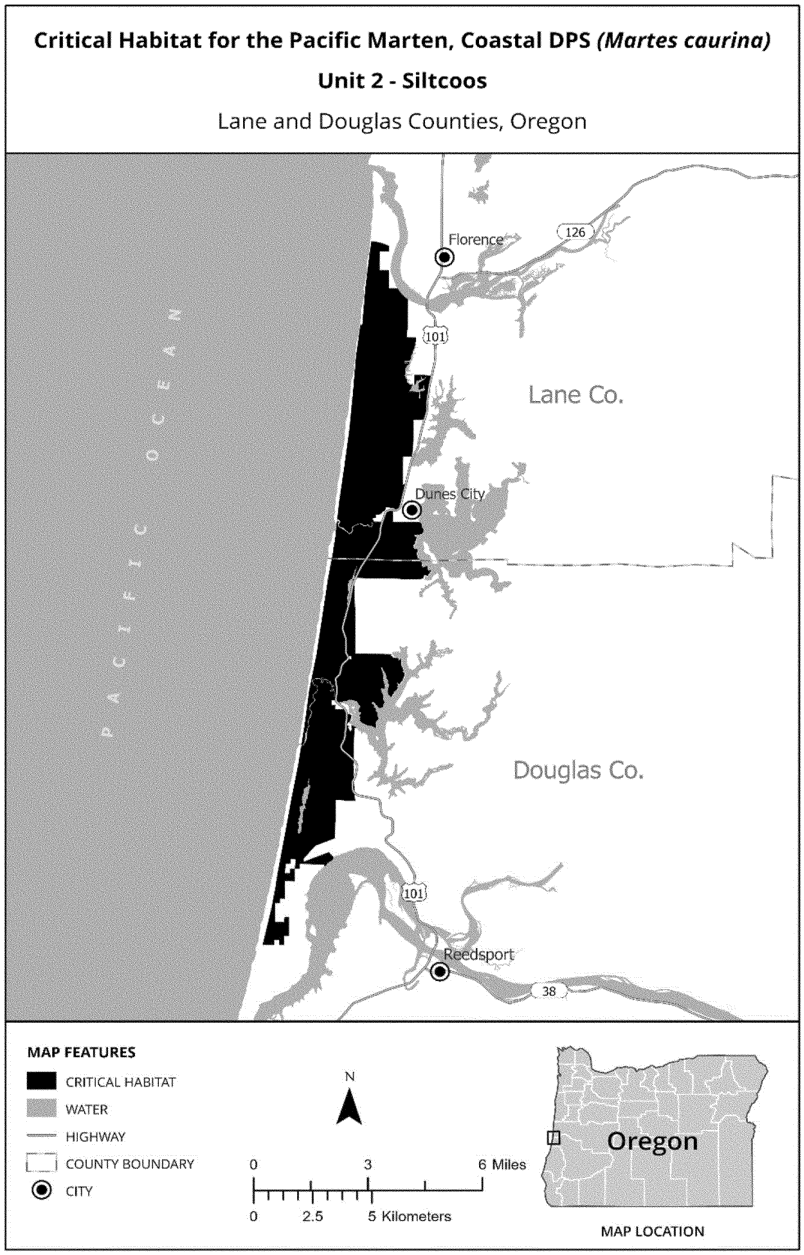


(7) Unit 2: Siltcoos Unit; Lane and Douglas Counties, Oregon.

(i) Unit 2 consists of 15,859 ac (6,418 ha) and is composed of Federal (15,610 ac (6,317 ha)) and State (249 ac (101 ha)) lands.

(ii) Map of Unit 2 follows:

Figure 3 to Pacific Marten (*Martes caurina*), Coastal DPS paragraph (7)(ii)

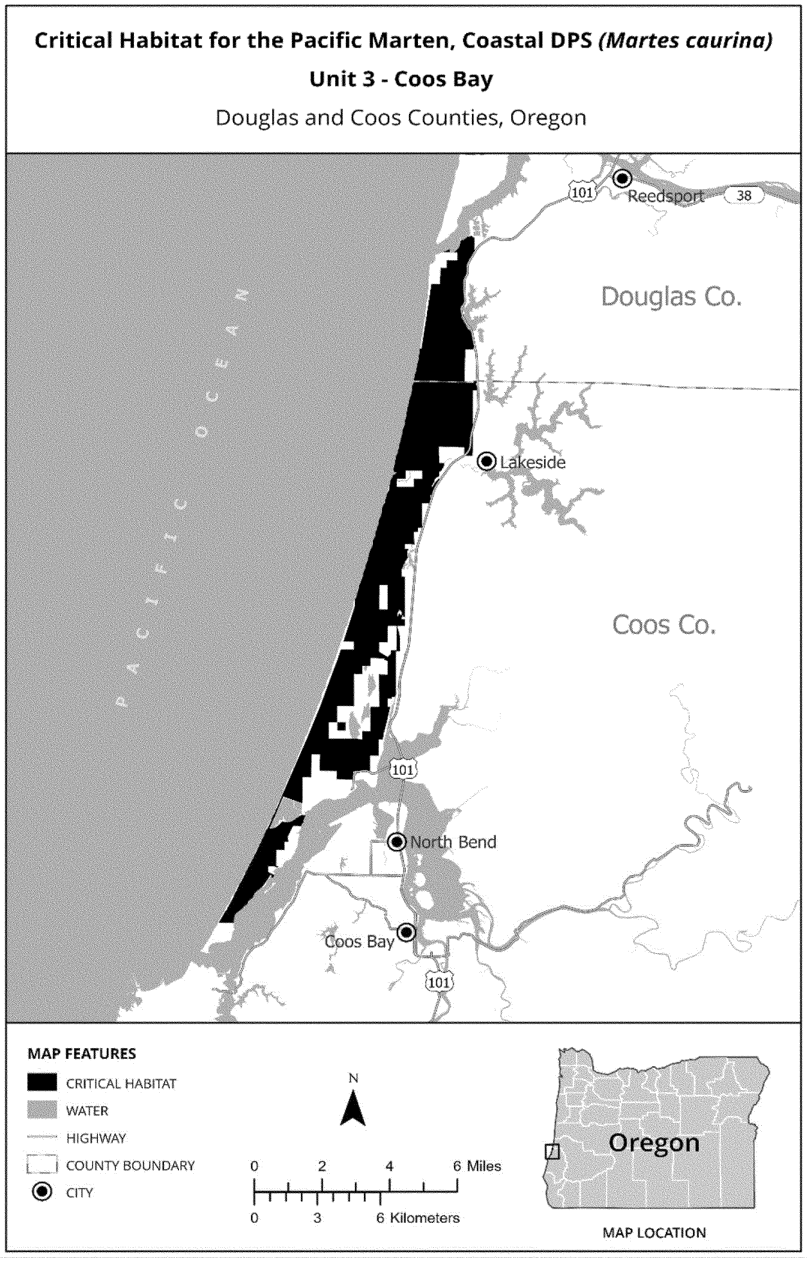


(8) Unit 3: Coos Bay Unit; Douglas and Coos Counties, Oregon.

(i) Unit 3 consists of 15,402 ac (6,233 ha) and is composed of Federal (14,806 ac (5,992 ha)) and State (595 ac (241 ha)) lands.

(ii) Map of Unit 3 follows:

Figure 4 to Pacific Marten (*Martes caurina*), Coastal DPS paragraph (8)(ii)

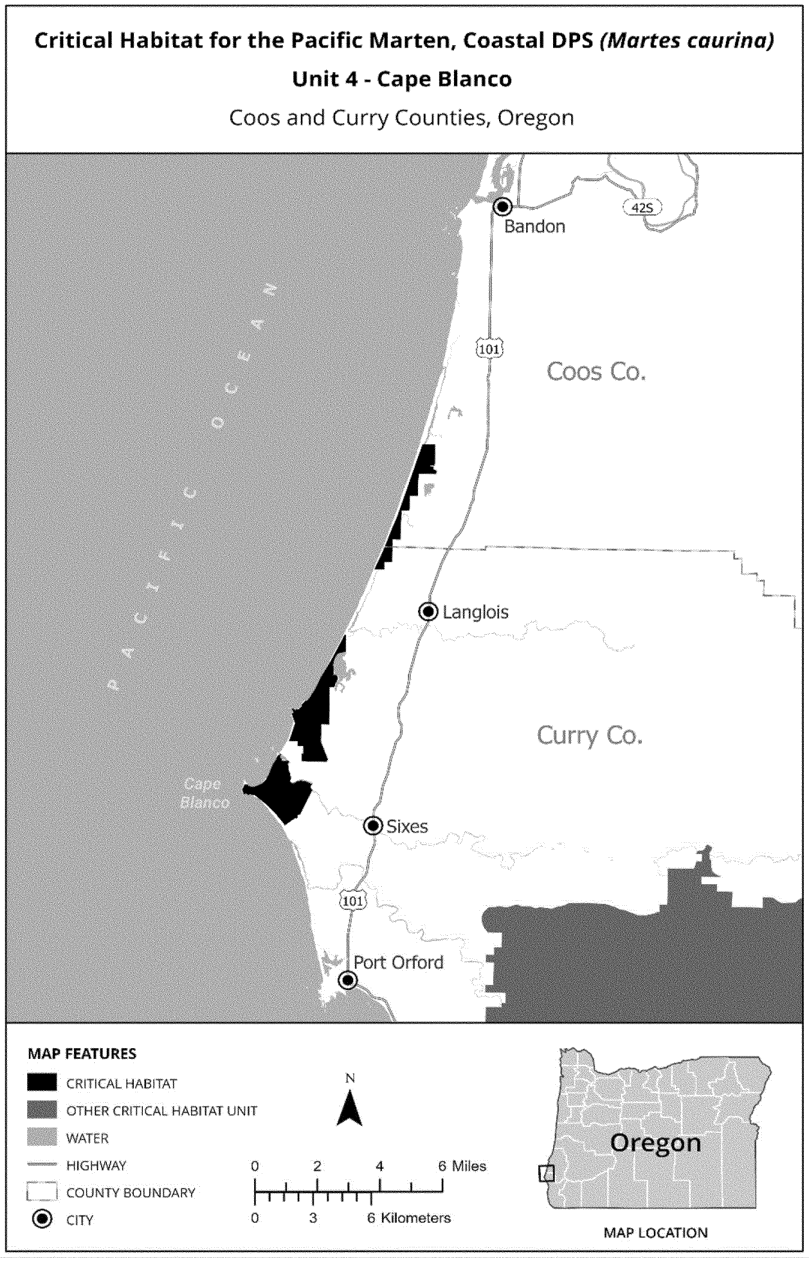


(9) Unit 4: Cape Blanco Unit; Coos and Curry Counties, Oregon.

(i) Unit 4 consists of 4,044 ac (1,636 ha) and is composed of Federal (1,019 ac (412 ha)) and State (3,025 ac (1,224 ha)) lands.

(ii) Map of Unit 4 follows:

Figure 5 to Pacific Marten (*Martes caurina*), Coastal DPS paragraph (9)(ii)



(10) Unit 5: Klamath Mountains Unit; Coos, Curry, Douglas, and Josephine Counties, Oregon, and Del Norte, Humboldt, and Siskiyou Counties, California.

(i) Unit 5 consists of 1,156,312 ac (467,943 ha) and is composed of Federal (1,125,492 ac (455,471 ha)), State (17,812 ac (7,208 ha)), and

private or undefined (13,008 ac (5,264 ha)) lands.

(ii) Map of Unit 5 follows:

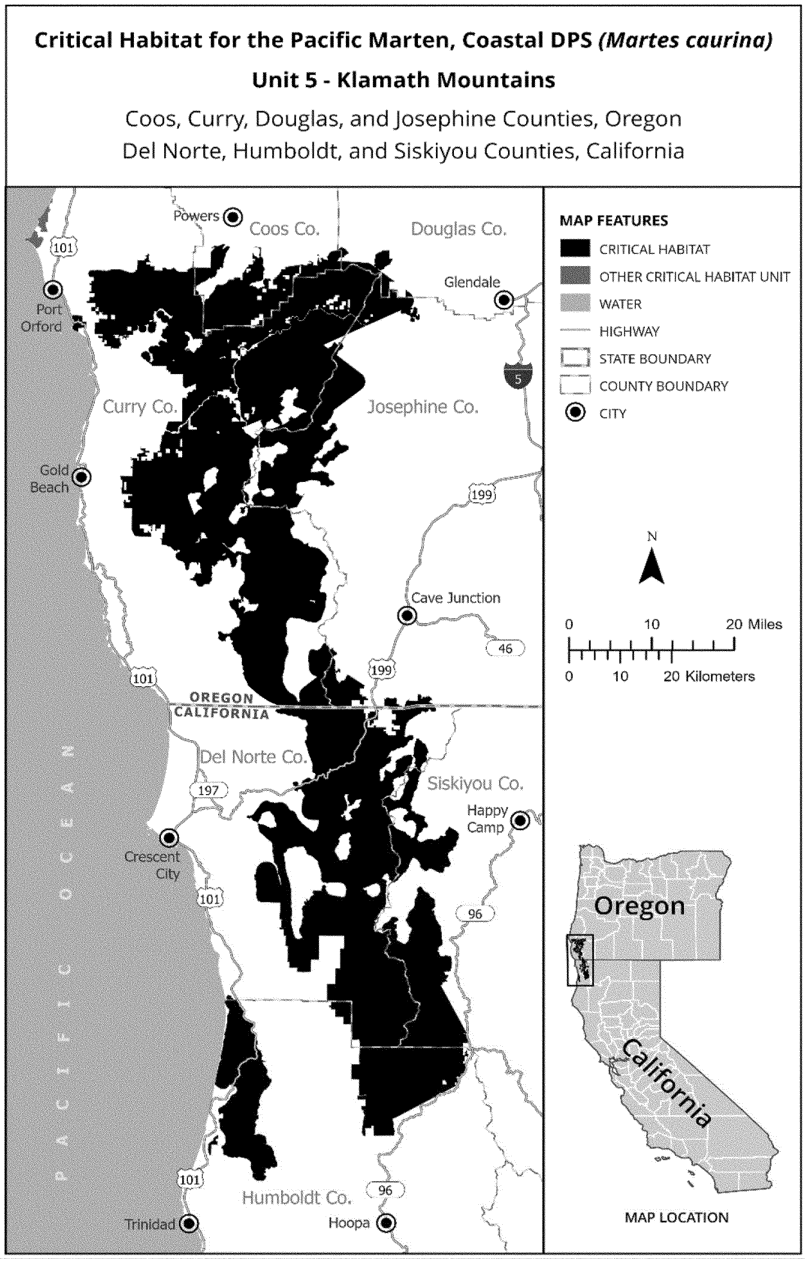


Figure 6 to Pacific Marten (*Martes caurina*), Coastal DPS paragraph (10)(ii)

ALABAMA BEACH MOUSE (*Peromyscus polionotus ammobates*)

(1) Critical habitat units are depicted for Baldwin County, Alabama, on the maps below. The maps provided are for informational purposes only.

(2) The primary constituent elements of critical habitat for the Alabama Beach Mouse are the habitat components that provide:

(i) A contiguous mosaic of primary, secondary, and scrub vegetation and dune structure, with a balanced level of competition and predation and few or no competitive or predaceous nonnative species present, that collectively provide foraging opportunities, cover, and burrow sites.

(ii) Primary and secondary dunes, generally dominated by sea oats (*Uniola paniculata*), that despite occasional temporary impacts and reconfiguration from tropical storms and hurricanes, provide abundant food resources, burrow sites, and protection from predators.

(iii) Scrub dunes, generally dominated by scrub oaks (*Quercus* spp.), that provide food resources and burrow sites, and provide elevated refugia during and after intense flooding due to rainfall and/or hurricane-induced storm surge.

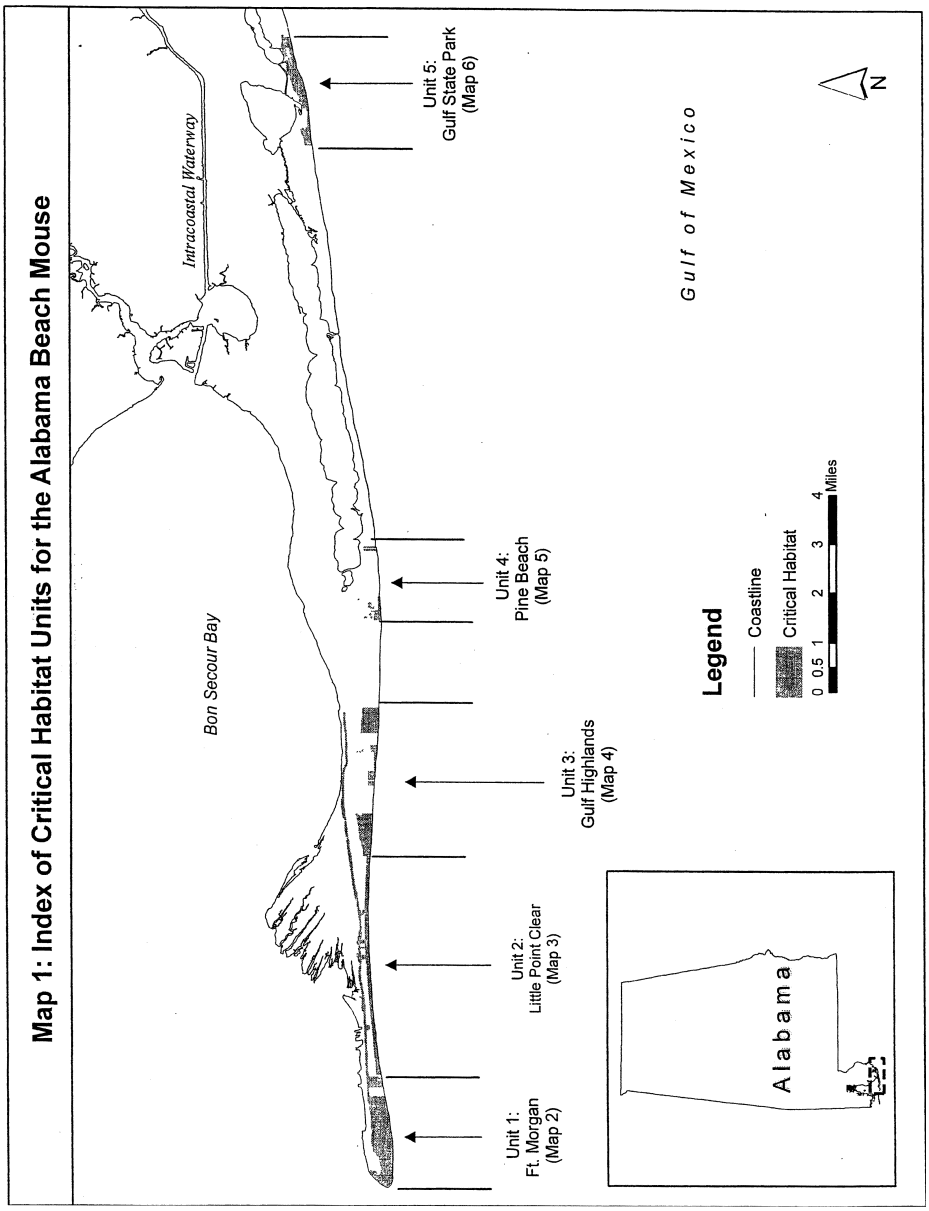
(iv) Unobstructed habitat connections that facilitate genetic exchange, dispersal, natural exploratory movements, and recolonization of locally extirpated areas.

(v) A natural light regime within the coastal dune ecosystem, compatible with the nocturnal activity of beach mice, necessary for normal behavior, growth, and viability of all life stages.

(3) Critical habitat does not include manmade structures (such as buildings, aqueducts, airport runways, roads, other paved areas, and piers) and the land on which they are located existing within the legal boundaries on the effective date of this rule.

(4) Critical habitat map units. Data layers defining map units were created by delineating habitats that contained one or more of the PCEs defined in paragraph (2) of this entry, over 2005 Baldwin County, Alabama color photography (UTM 16, NAD 83).

(5) Note: Index Map (Map 1) follows:



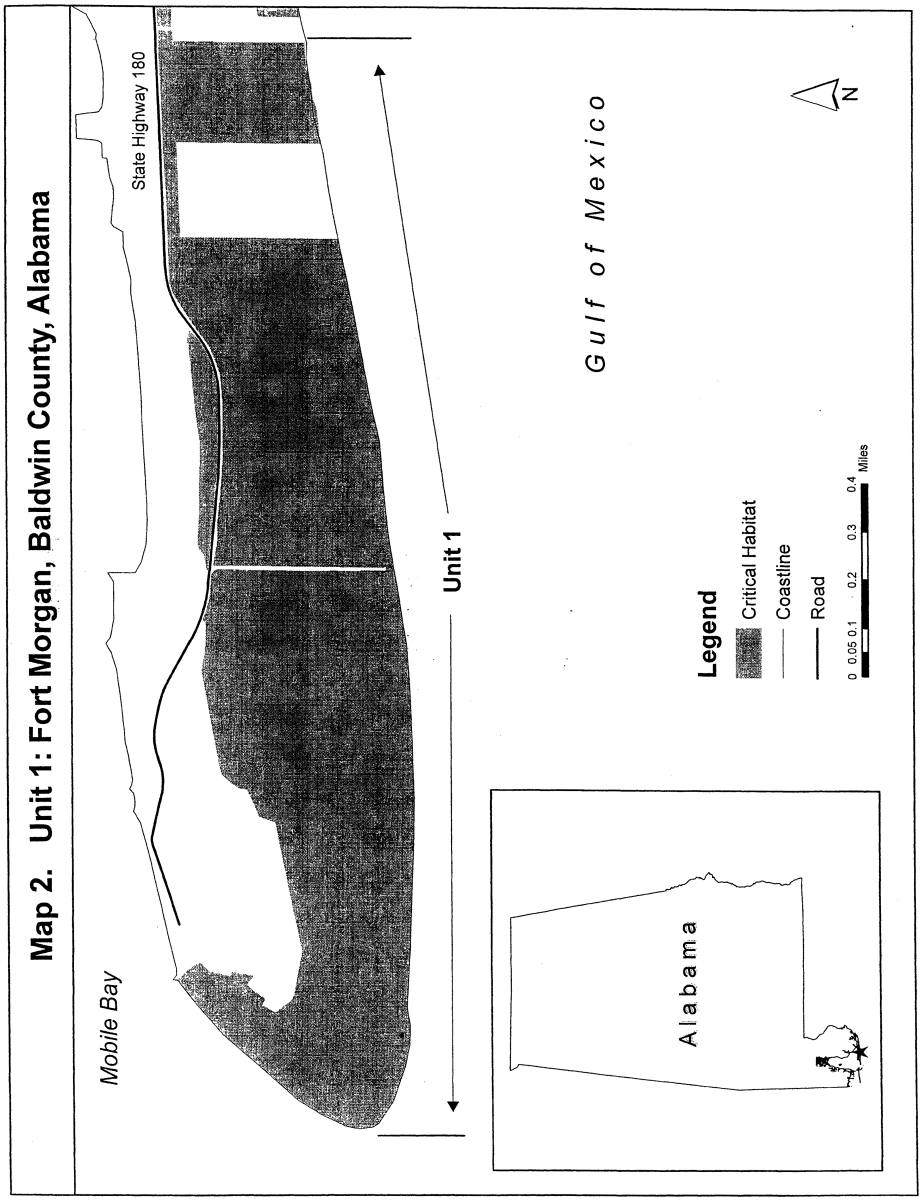
(6) Unit 1: Fort Morgan, Baldwin County, Alabama.

(i) *General Description:* Unit 1 consists of 446 ac (180 ha) at the extreme western tip of the Fort Morgan Peninsula in Baldwin County, Alabama. This unit encompasses essential features of Alabama beach mouse habitat within the boundary of the Fort Morgan State Historic Site and adjacent properties west of the Bay to Breakers development. The southern and western extents are the mean high water level (MHWL). The unit extends northward to either the seaward extent of maritime forest, developed features

associated with the Fort Morgan State Historic Site, or Ft. Morgan Parkway.

(ii) *Coordinates:* From the Fort Morgan and Saint Andrews Bay USGS 1:24,000 quadrangle maps, Alabama, land bounded by the following UTM 16 NAD 83 coordinates (E, N): 401473.62, 3344763.21; 401547.57, 3344692.62; 401513.96, 3344669.09; 01503.87, 3344514.47; 401369.42, 3344440.53; 401577.82, 3344356.49; 402008.06, 3344443.89; 402169.41, 3344622.04; 402525.70, 3344682.54; 403820.62, 3344782.93; 404628.95, 3344823.00; 404623.54, 3344330.64; 404288.09, 3344287.36; 403970.48, 3344745.87; 403970.48, 3344230.37; 403292.55, 3344087.17; 402583.77, 3343995.19; 401269.00, 3343995.19; 400971.42, 3344125.04; 400976.83, 3344206.20; 401301.47, 3344628.22; 404286.32, 3344756.22; 402854.33, 3344659.30; 402903.74, 3344669.55; 402929.27, 3344691.88; 403288.24, 3344682.82; 403627.98, 3344721.72; 403654.87, 3344714.12; 403590.33, 3344665.04; 403546.85, 3344641.30; 403501.91, 3344628.03; 403337.34, 3344622.77; 403056.19, 3344638.97

(iii) Note: Map of Unit 1, Fort Morgan (Map 2), follows:



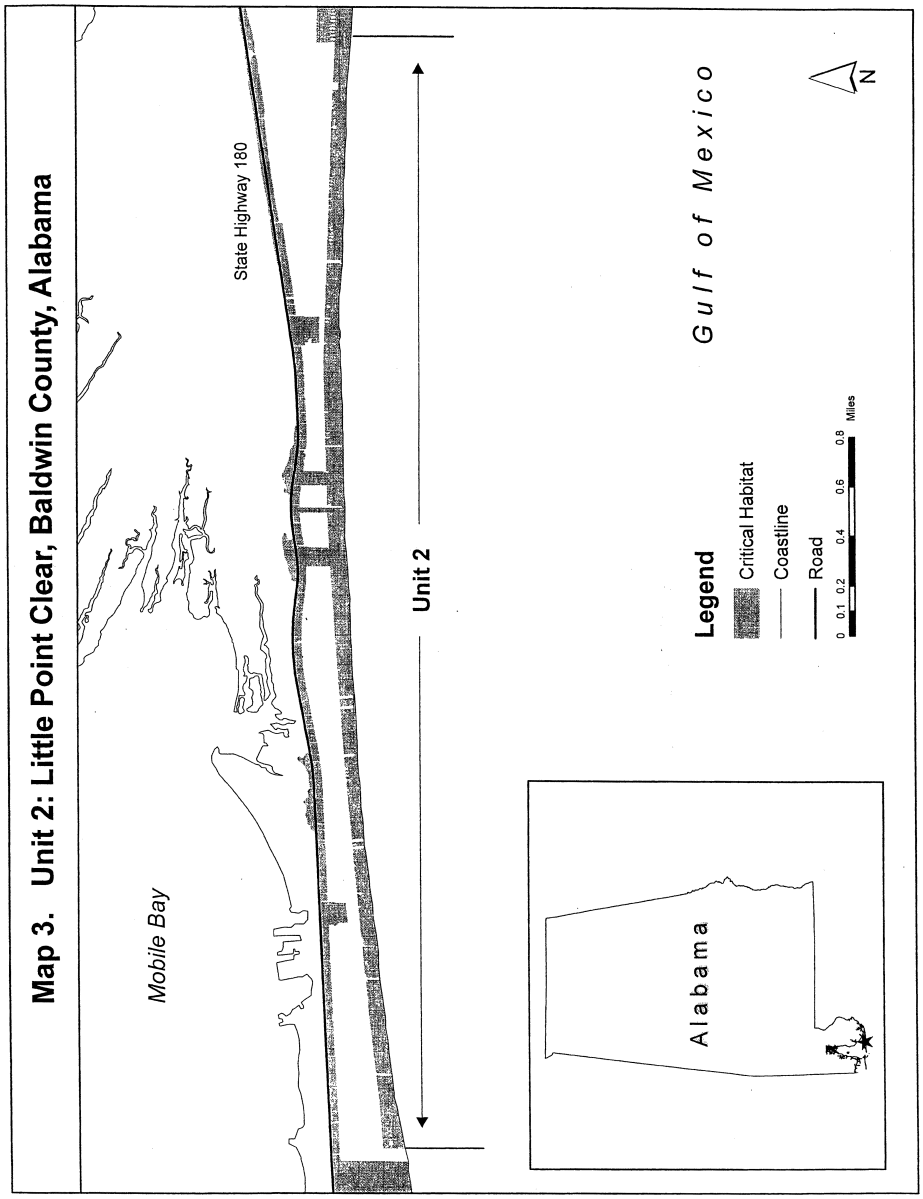
(7) Unit 2: Little Point Clear, Baldwin County, Alabama.

(i) *General Description:* Unit 2 consists of 268 ac (108 ha) on the Fort Morgan Peninsula in Baldwin County, Alabama. This unit encompasses essential features of Alabama beach mouse habitat north of the mean high water line (MHWL) and south of the Alabama Department of Environmental Management Coastal Construction Control Line (as defined in Alabama Administrative Code of Regulations 335–8–2–0.8) from the eastern property boundary of Bay to Breakers eastward to the western boundary of the Surfside

Shores subdivision. This unit also includes essential features of Alabama beach mouse habitat 160 ft south (except where otherwise noted) of the centerline of Fort Morgan Parkway, from the eastern boundary of Bay to Breakers east to the western boundary of the Surfside Shores subdivision, and associated areas as depicted on Map 3 in paragraph (7)(iii) of this entry and in the coordinates provided in paragraph (7)(ii) of this entry.

(ii) *Coordinates:* From the Saint Andrews Bay USGS 1:24,000 quadrangle map, Alabama, land bounded by the following UTM 16 NAD 83 coordinates (E, N), except those areas covered by incidental take permits shown in the maps: 408673.97, 3345088.73; 408690.96, 3345050.98; 408964.63, 3345069.85; 408992.95, 3345115.15; 409098.64, 3345124.59; 409260.96, 3345071.74; 409306.26, 3345047.20; 409421.39, 3345039.65; 409421.39, 3345018.89; 409839.57, 3345038.68; 410450.38, 3345133.36; 410638.20, 3345180.70; 411632.04, 3345331.96; 411819.06, 3345348.96; 411819.06, 3345276.71; 411455.65, 3345227.83; 411423.77, 3345234.20; 411115.62, 3345195.95; 410735.21, 3345138.57; 410735.21, 3345117.32; 410129.52, 3345030.18; 405929.15, 3344870.87; 406790.26, 3344915.69; 406790.26, 3344944.50; 406889.49, 3344986.11; 406915.10, 3344986.11; 406947.11, 3344973.31; 406972.72, 3344998.92; 406998.33, 3344960.50; 407039.95, 3344973.31; 407065.56, 3344950.90; 407148.55, 3344960.50; 407232.02, 3345008.52; 407238.42, 3345034.13; 407289.64, 3344954.10; 407918.85, 3345054.48; 408411.28, 3345026.14; 408414.83, 3345068.65; 408687.61, 3345125.34; 408723.04, 3345107.62; 406397.69, 3344654.51; 408502.15, 3344816.39; 408502.15, 3344974.12; 408369.32, 3344978.29; 408074.61, 3345003.18; 407842.17, 3344994.88; 407194.65, 3344878.65; 406327.13, 3344837.15; 406318.83, 3344720.92; 406181.85, 3344716.77; 406165.25, 3344837.15; 404625.30, 3344770.73; 408639.12, 3344982.42; 408850.81, 3345011.48; 408626.67, 3344828.84; 408904.77, 3345015.63; 409021.00, 3345003.18; 409033.45, 3344837.15; 410127.40, 3344881.42; 409942.50, 3345003.19; 409321.94, 3344964.94; 409122.17, 3344994.69; 409122.17, 3344839.55; 411303.93, 3344704.32; 410054.54, 3344754.13; 410029.64, 3344741.68; 409992.28, 3344745.83; 409963.23, 3344758.28; 408879.87, 3344720.92; 407157.29, 3344642.06; 406011.67, 3344509.23; 405044.53, 3344417.91; 404700.02, 3344343.20; 404624.32, 3344815.46; 404709.17, 3344488.16; 405203.36, 3344433.41; 405813.57, 3344509.70; 406027.79, 3344616.83; 406662.44, 3344675.99; 406677.12, 3344600.23; 407261.66, 3344729.73; 407664.18, 3344758.57; 407637.12, 3344658.32; 408856.44, 3344833.42; 408903.73, 3344832.33; 409944.78, 3344975.70; 409961.53, 3344931.31; 409960.68, 3344885.70; 409940.98, 3344852.55; 410474.83, 3344831.25; 411896.05, 3344778.56; 411897.06, 3344677.82; 411898.98, 3345357.59; 411899.47, 3345349.16; 411899.92, 3345333.36; 411898.69, 3345292.29

(iii) Note: Map of Unit 2, Little Point Clear (Map 3), follows:



(8) Unit 3: Gulf Highlands, Baldwin County, Alabama.

(i) *General Description:* Unit 3 consists of 275 ac (111 ha) on the Fort Morgan Peninsula in Baldwin County, Alabama. This unit encompasses essential features of Alabama beach mouse habitat north of the mean high water line (MHWL) to the seaward extent of interdunal wetlands as depicted on Map 4 in paragraph (8)(iii) of this entry and in the coordinates in paragraph (8)(ii) of this entry. This unit also includes essential features of Alabama beach mouse habitat 160 ft south of

the centerline of Fort Morgan Parkway (except some areas to the north as noted in paragraphs (8)(ii) and (8)(iii) of this entry). Unit 3 is bounded to the west by the eastern property line of the Morgantown subdivision and to the east by the western property line of Martinique on the Gulf.

(ii) *Coordinates:* From the Pine Beach and Saint Andrews Bay USGS 1:24,000 quadrangle maps, Alabama, land bounded by the following UTM 16 NAD 83 coordinates (E, N), except those areas covered by incidental take permits shown in the maps:

(A) Surfside Shores—412122.39, 3344896.76; 412230.61, 3344952.19; 412407.44, 3344970.66; 412407.44, 3344997.06; 413286.34, 3345139.58; 413283.70, 3344598.52; 411897.20, 3344677.62; 411896.72, 3344778.70; 411901.40, 3344895.52; 412585.68, 3344637.82; 413286.36, 3345090.20; 413224.06, 3345080.28; 413224.52, 3344927.47; 413284.56, 3344937.39

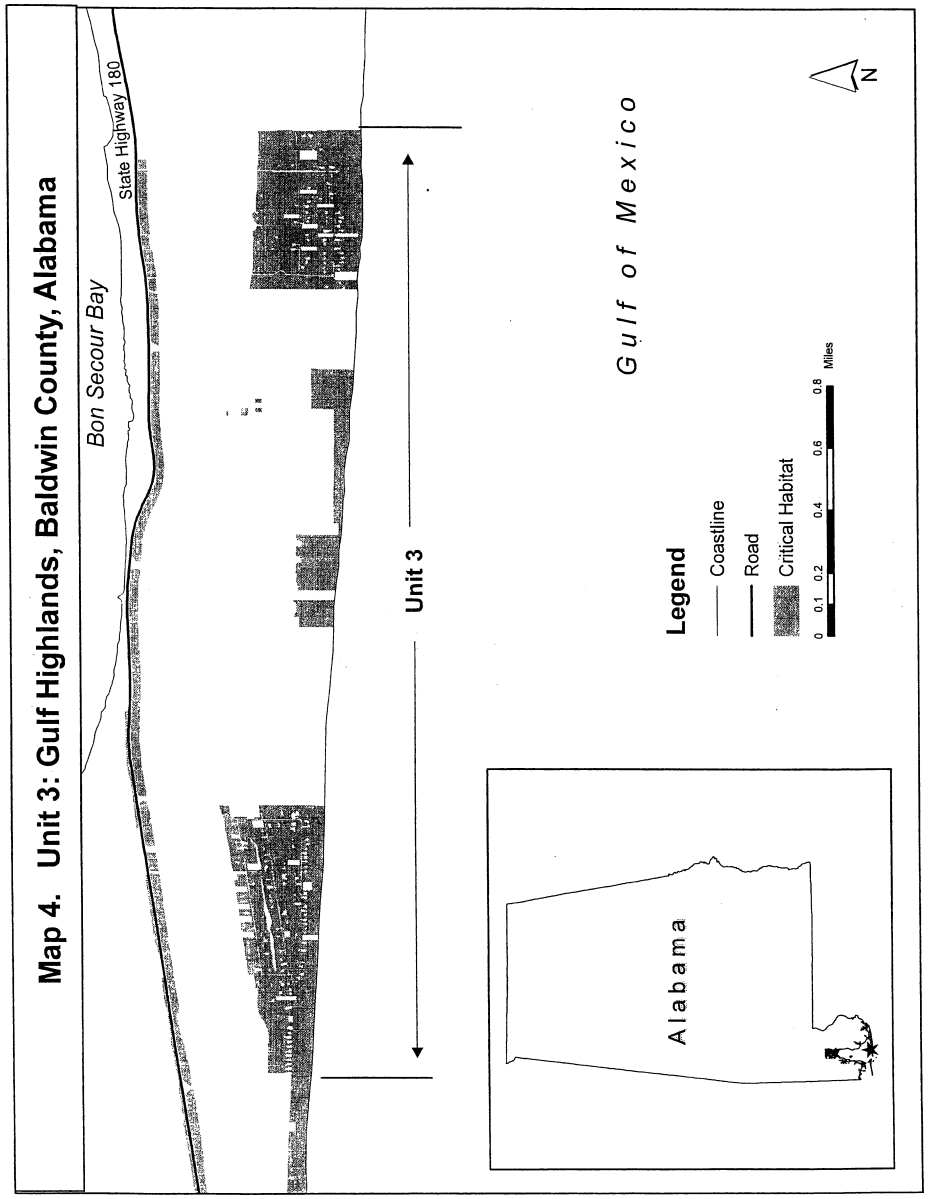
(B) Gulf Highlands—414393.00, 3344536.62; 414393.00, 3344732.11; 414676.12, 3344736.60; 415529.98, 3344440.00; 414671.87, 3344524.00; 414736.29, 3344520.49; 414736.41, 3344546.27; 415324.89, 3344541.53; 415326.46, 3344653.21; 415533.04, 3344653.83; 415290.55, 3345011.54; 415327.74, 3345011.79; 415327.61, 3344980.39; 415290.42, 3344981.38; 415308.84, 3344940.80; 415327.02, 3344940.72; 415327.30, 3344910.13; 415308.70, 3344910.21; 415358.01, 3344940.99; 415376.61, 3344940.91; 415376.48, 3344910.33; 415357.88, 3344910.41; 415291.27, 3345081.38; 415309.04, 3345081.30; 415309.47, 3345085.02; 415291.28, 3345084.28; 415326.74, 3345051.69; 415326.74, 3345039.99; 415181.66, 3345041.16; 415184.00, 3345052.86; 415174.64, 3345051.69; 415174.64, 3345041.16; 414954.68, 3345042.33; 414954.68, 3344655.06; 414920.74, 3344656.23; 414920.74, 3344761.53; 414735.88, 3344762.70; 414735.88, 3344773.23; 414921.91, 3344772.06; 414921.91, 3344831.73; 414737.05, 3344832.90; 414737.05, 3344843.43; 414921.91, 3344842.26; 414923.08, 3344903.10; 414735.88, 3344903.10; 414735.88, 3344915.97; 414924.25, 3344913.63; 414921.91, 3344972.13; 414738.22, 3344974.47; 414738.22, 3344983.83; 414921.91, 3344982.66; 414923.08, 3345043.50; 414738.22, 3345043.50; 414738.22, 3345054.03; 414921.91, 3345054.03; 414921.91, 3345071.59; 414953.51, 3345073.93; 414953.51, 3345052.86; 414953.51, 3344876.19;

(C) Gulf Shores Plantation—414204.25, 3344552.35; 414204.25, 3344725.37; 414343.57, 3344754.58; 414341.32, 3344543.36

(D) Cabana Beach—415938.37, 3344420.63; 416333.53, 3344954.65; 416756.08, 3344395.60; 416750.70, 3344919.13; 415945.72, 3344968.29

(E) ROW—413472.87, 3345602.80; 413767.66, 3345609.58; 413781.21, 3345585.86; 414496.15, 3345582.47; 414760.44, 3345545.20; 414973.90, 3345460.49; 415278.85, 3345487.60; 416224.19, 3345470.66; 415654.96, 3345426.61; 414973.90, 3345402.89; 414533.42, 3345521.48; 413621.96, 3345538.42; 411899.45, 3345292.57; 411899.63, 3345333.23; 411898.97, 3345349.21; 411898.28, 3345357.92; 416599.61, 3345528.80; 416603.89, 3345480.95

(iii) Note: Map of Unit 3, Gulf Highlands (Map 4), follows:



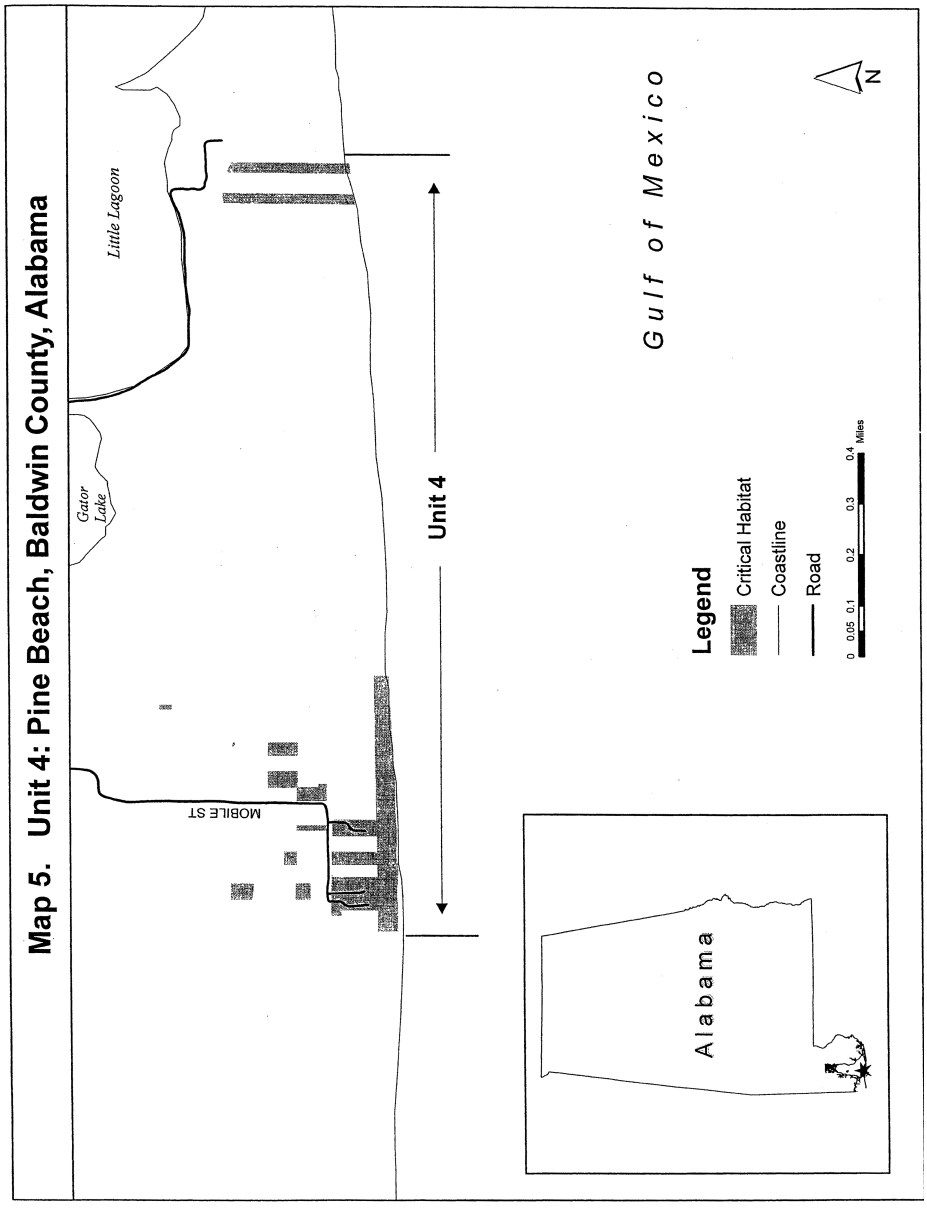
(9) Unit 4: Pine Beach, Baldwin County, Alabama.

(i) *General Description:* Unit 4 consists of 30 ac (12 ha) on 27 inholdings within the Perdue Unit of the Bon Secour National Wildlife Refuge as depicted on Map 5 in paragraph (9)(iii) of this entry and in the coordinates in paragraph (9)(ii) of this entry.

(ii) *Coordinates:* From the Pine Beach USGS 1:24,000 quadrangle map, Alabama, land bounded by the following UTM 16 NAD 83 coordinates (E, N), except those areas covered by incidental take permits shown on the

map in paragraph (9)(iii) of this entry: 419890.08, 3344529.29; 419946.90, 3344389.62; 420406.15, 3344394.35; 420401.42, 3344342.27; 419587.07, 3344320.96; 419589.44, 3344384.88; 419658.09, 3344384.88; 419655.72, 3344503.25; 419636.78, 3344503.25; 419639.15, 3344534.02; 419783.19, 3344531.65; 419783.55, 3344384.88; 419803.49, 3344384.88; 421930.69, 3344448.80; 421895.18, 3344446.43; 422030.12, 3344465.37; 419842.74, 3344635.81; 419797.76, 3344640.55; 419688.86, 3344841.77; 419740.94, 3344841.77; 419688.86, 3344645.28; 419743.31, 3344642.92; 419740.94, 3344593.20; 419688.86, 3344595.57; 420294.50, 3345060.66; 420306.84, 3345060.44; 420306.62, 3345022.12; 420294.28, 3345022.34; 420148.12, 3344725.77; 420190.73, 3344725.77; 420188.36, 3344633.45; 420150.49, 3344633.45; 420046.32, 3344728.14; 420098.40, 3344728.14; 420098.40, 3344635.81; 420046.32, 3344635.81; 420046.32, 3344567.16; 420058.16, 3344567.16; 420058.16, 3344545.86; 420003.71, 3344545.86; 420003.71, 3344638.18; 419906.65, 3344638.18; 419927.96, 3344638.18; 419927.96, 3344545.86; 419906.65, 3344548.22; 419690.90, 3344778.02; 419740.44, 3344772.85; 419801.19, 3344677.57; 419842.01, 3344675.40; 421902.16, 3344854.73; 421932.71, 3344858.24; 421999.30, 3344843.90; 422029.66, 3344830.25; 421996.44, 3344462.00

(iii) Note: Map of Unit 4, Pine Beach (Map 5), follows:



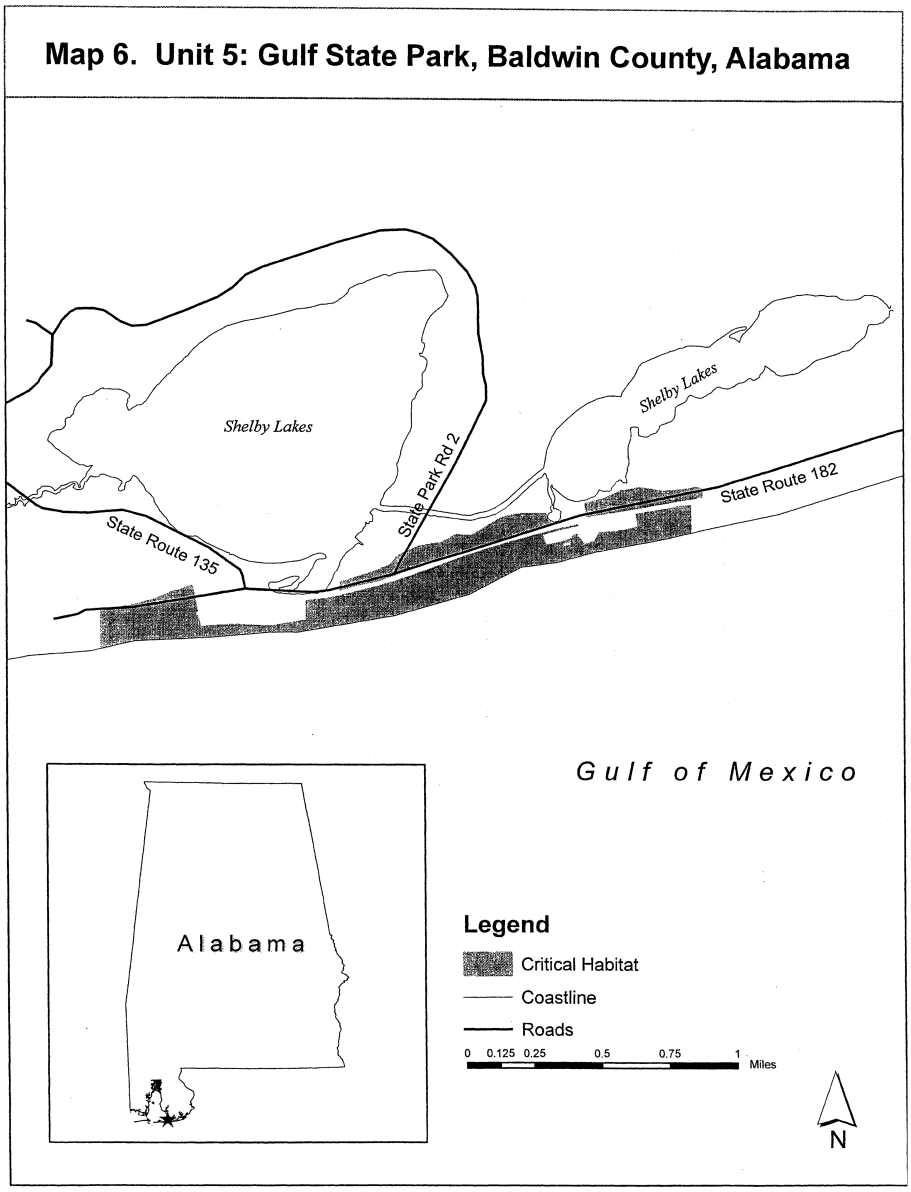
(10) Unit 5: Gulf State Park, Baldwin County, Alabama.

(i) *General Description:* Unit 5 consists of 192 ac (78 ha) in Gulf State Park east of the City of Gulf Shores in Baldwin County, Alabama. This unit encompasses essential features of Alabama beach mouse habitat north of the mean high water line (MHWL) to the seaward extent of either coastal wetlands, maritime forest, or Alabama beach mouse habitat managed under the 2004 Gulf State Park habitat conservation plan. Exact boundaries are depicted on Map 6 in paragraph (10)(iii) of

this entry and in the coordinates in paragraph (10)(ii) of this entry.

(ii) *Coordinates:* From the Gulf Shores USGS 1:24,000 quadrangle map, Alabama, land bounded by the following UTM 16 NAD 83 coordinates (E, N), except those areas identified as developable in the current incidental take permit for the Alabama Department of Conservation and Natural Resources: 438247.09, 3347462.61; 438384.26, 3347485.47; 438504.29, 3347456.89; 438738.63, 3347479.75; 438738.63, 3347411.17; 438681.48, 3347405.45; 438675.76, 3347193.97; 437681.24, 3346988.21; 436938.21, 3346702.43; 436349.50, 3346599.55; 435377.85, 3346548.11; 435160.66, 3346490.95; 435166.37, 3346736.72; 435606.47, 3346856.75; 436572.41, 3346828.17; 36572.41, 3346913.91; 436881.06, 3347033.94; 436909.64, 3347068.23; 437612.66, 3347325.43; 437818.42, 3347319.72; 437829.85, 3347251.13; 438035.61, 3347308.29; 438041.33, 3347394.02; 435699.17, 3346883.42; 435754.39, 3346634.94; 435940.75, 3346652.19; 436154.72, 3346638.39; 436368.69, 3346683.25; 436368.69, 3346790.24

(iii) Note: Map of Unit 5, Gulf State Park (Map 6), follows:



CHOCTAWHATCEE BEACH MOUSE (*Peromyscus polionotus allophrys*)

(1) Critical habitat units are depicted for Okaloosa, Walton, and Bay Counties, Florida, on the maps below.

(2) The primary constituent elements of critical habitat for the Choctawhatchee beach mouse are the habitat components that provide:

(i) A contiguous mosaic of primary, secondary, and scrub vegetation and dune structure, with a balanced level of competition and predation and few or no competitive or predaceous nonnative species present, that

collectively provide foraging opportunities, cover, and burrow sites;

(ii) Primary and secondary dunes, generally dominated by sea oats (*Uniola paniculata*), that despite occasional temporary impacts and reconfiguration from tropical storms and hurricanes, provide abundant food resources, burrow sites, and protection from predators;

(iii) Scrub dunes, generally dominated by scrub oaks (*Quercus* spp.), that provide food resources and burrow sites, and provide elevated refugia during and after intense flooding due to rainfall and/or hurricane-induced storm surge;

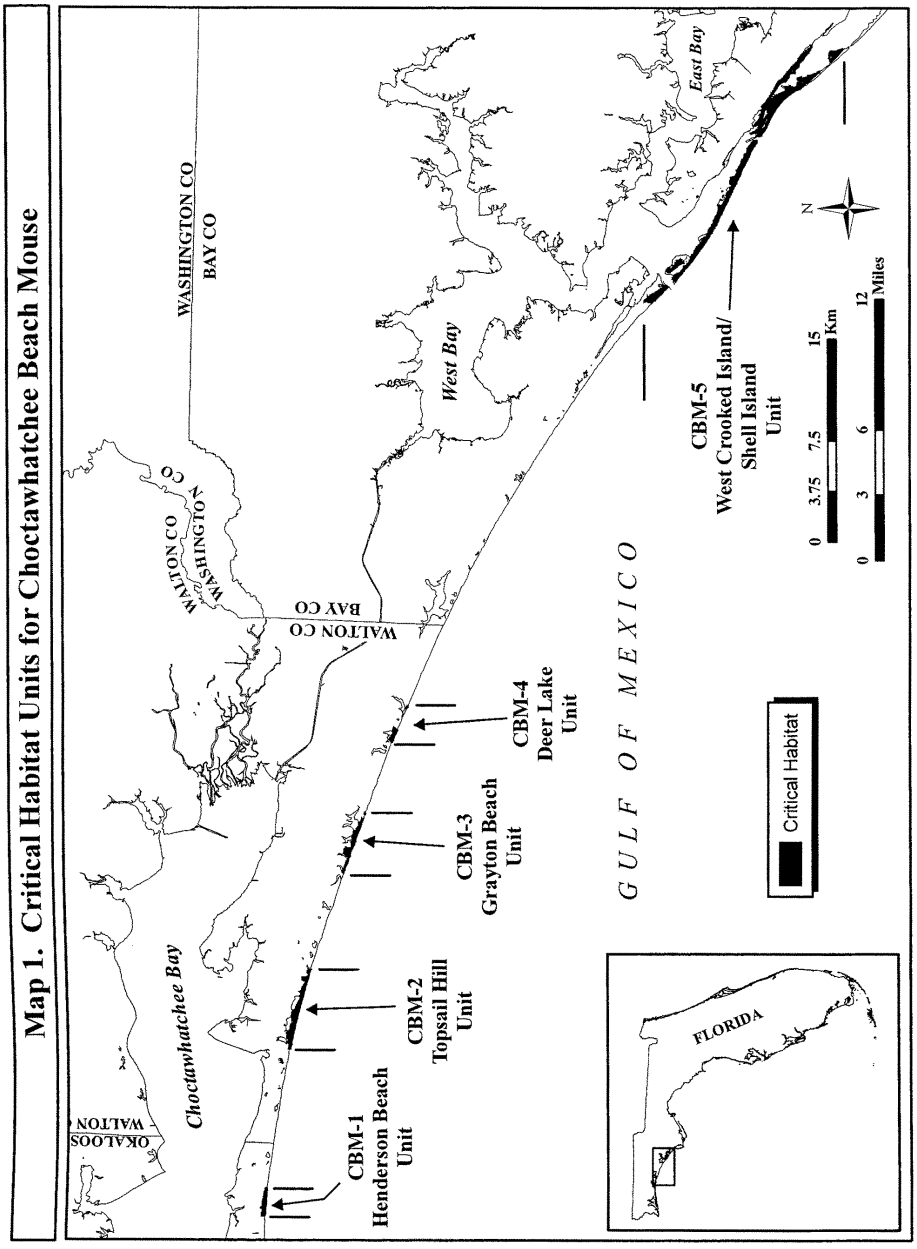
(iv) Functional, unobstructed habitat connections that facilitate genetic exchange, dispersal, natural exploratory movements, and re-colonization of locally extirpated areas; and

(v) A natural light regime within the coastal dune ecosystem, compatible with the nocturnal activity of beach mice, necessary for normal behavior, growth, and viability of all life stages.

(3) Critical habitat does not include man-made structures existing on the effective date of this rule and not containing one or more of the primary constituent elements, such as buildings, aqueducts, airports, driveways, and roads, and the land on which such structures are located.

(4) *Critical Habitat Map Units.* Data layers defining map units were created by delineating habitats that contained one or more of the primary constituent elements defined in paragraph (2) of this entry over 1999 and 2004 digital ortho photography at a scale of at least 1:4000.

(5) Note: Map 1, Index Map of Critical Habitat Units for the Choctawhatchee beach mouse, follows:



(6) CBM—Unit 1: Henderson Beach Unit, Okaloosa County, Florida.

(i) *General Description:* This unit encompasses essential features of beach mouse habitat within the boundary of Henderson Beach State Park from 0.5 mi (0.8 km) east of the intersection of Highway 98 and Scenic Highway 98 to 0.25 mi (0.4 km) west of Matthew Boulevard and the area from the mean

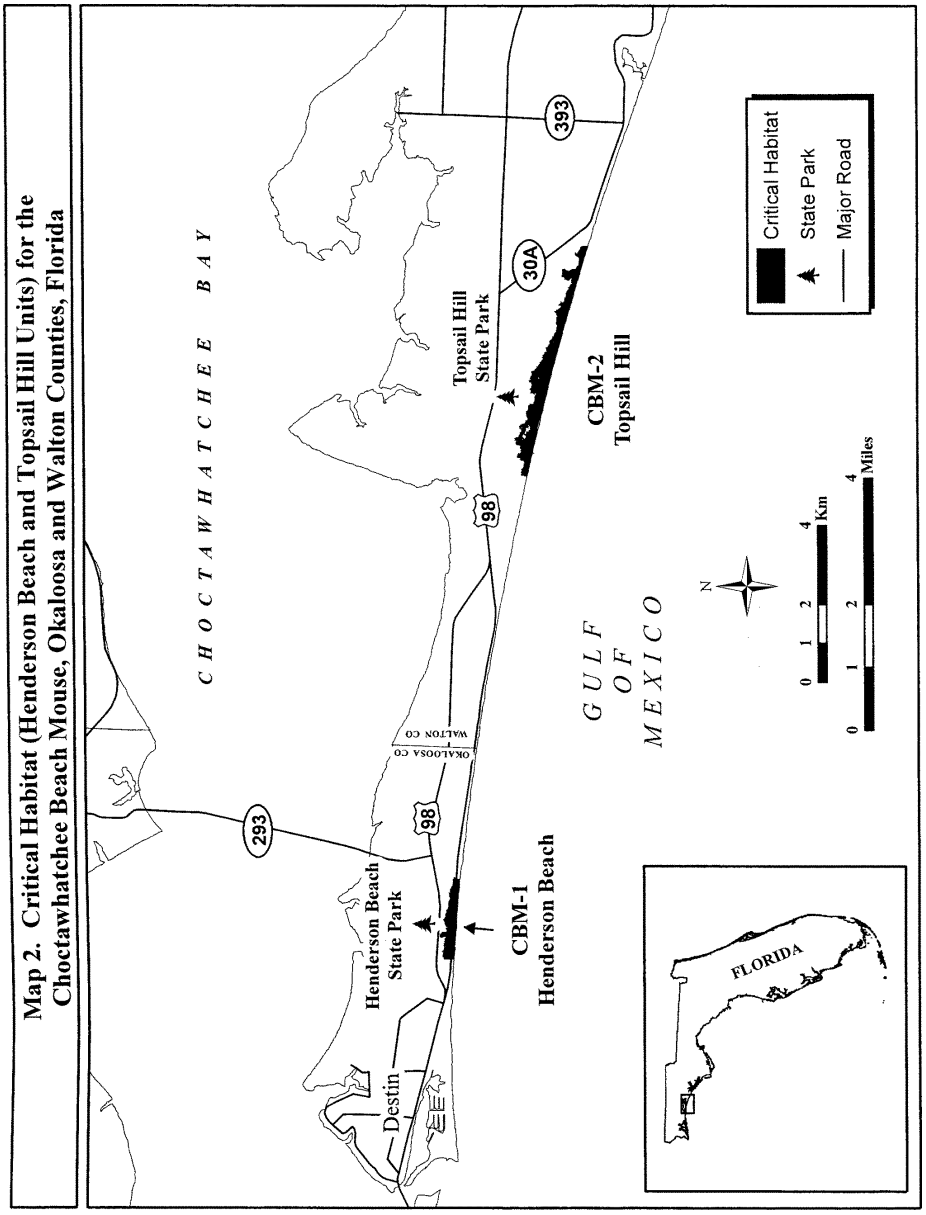
high water level (MHWL) north to the seaward extent of the maritime forest.

(ii) Map of Unit CBM—Unit 1 is provided at paragraph (7)(ii) of this entry.

(7) CBM—Unit 2: Topsail Hill Unit, Walton County, Florida.

(i) *General Description:* This unit encompasses essential features of beach mouse habitat within the boundary of Topsail Hill Preserve State Park, as well as adjacent private lands from 0.1 mi (0.2 km) east of Gulf Pines 0.6 mi (1 km) west of the inlet of Oyster Lake and the area from the MHWL north to the seaward extent of human development or maritime forest.

(ii) Map 2, Units 1 and 2 of Choctowhatchee beach mouse, follows:



(8) CBM—Unit 3: Grayton Beach Unit, Walton County, Florida.

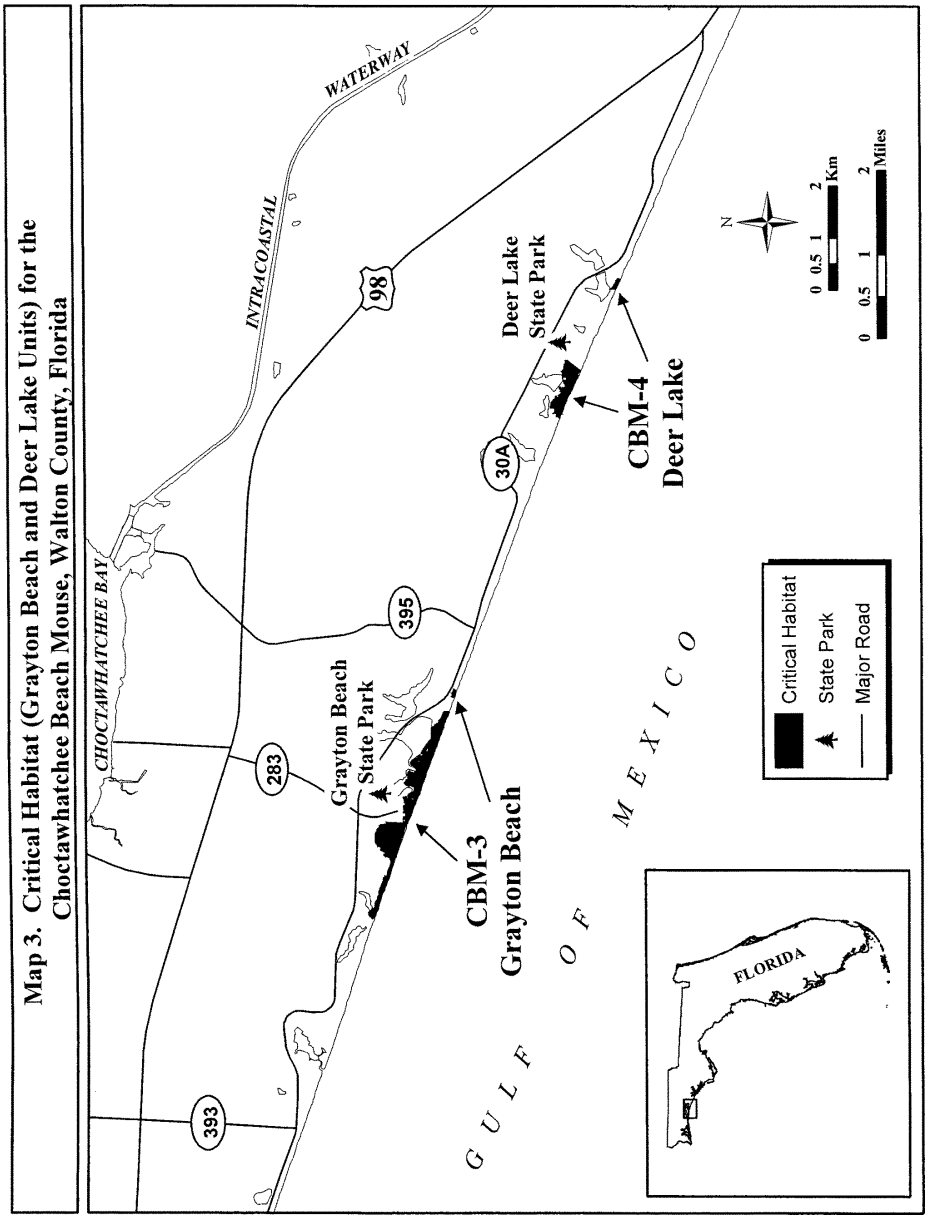
(i) *General Description:* This unit encompasses essential features of beach mouse habitat within the boundary of Grayton Beach State Park, as well as adjacent private lands and inholdings, from 0.3 mi west of the inlet of Alligator Lake east to 0.8 mi west of Seagrove Beach and the area from the MHWL north to the seaward extent of human development or maritime forest.

(ii) Map of Unit CBM—Unit 3 is provided at paragraph (9)(ii) of this entry.

(9) CBM—Unit 4: Deer Lake Unit, Walton County, Florida.

(i) *General Description:* This unit encompasses essential features of beach mouse habitat within the boundary of Deer Lake State Park as well as adjacent private lands from approximately 1 mi east of the Camp Creek Lake inlet west to approximately 0.5 mi west of the inlet of Deer Lake and the area from the MHWL north to the seaward extent of maritime forest or human development. The area excluded within this unit is 0.5 mi west of the Camp Creek Lake inlet, to 0.5 mi east of the Camp Creek Lake inlet.

(ii) Map 3, Units 3 and 4 of Choctowhatchee beach mouse, follows:

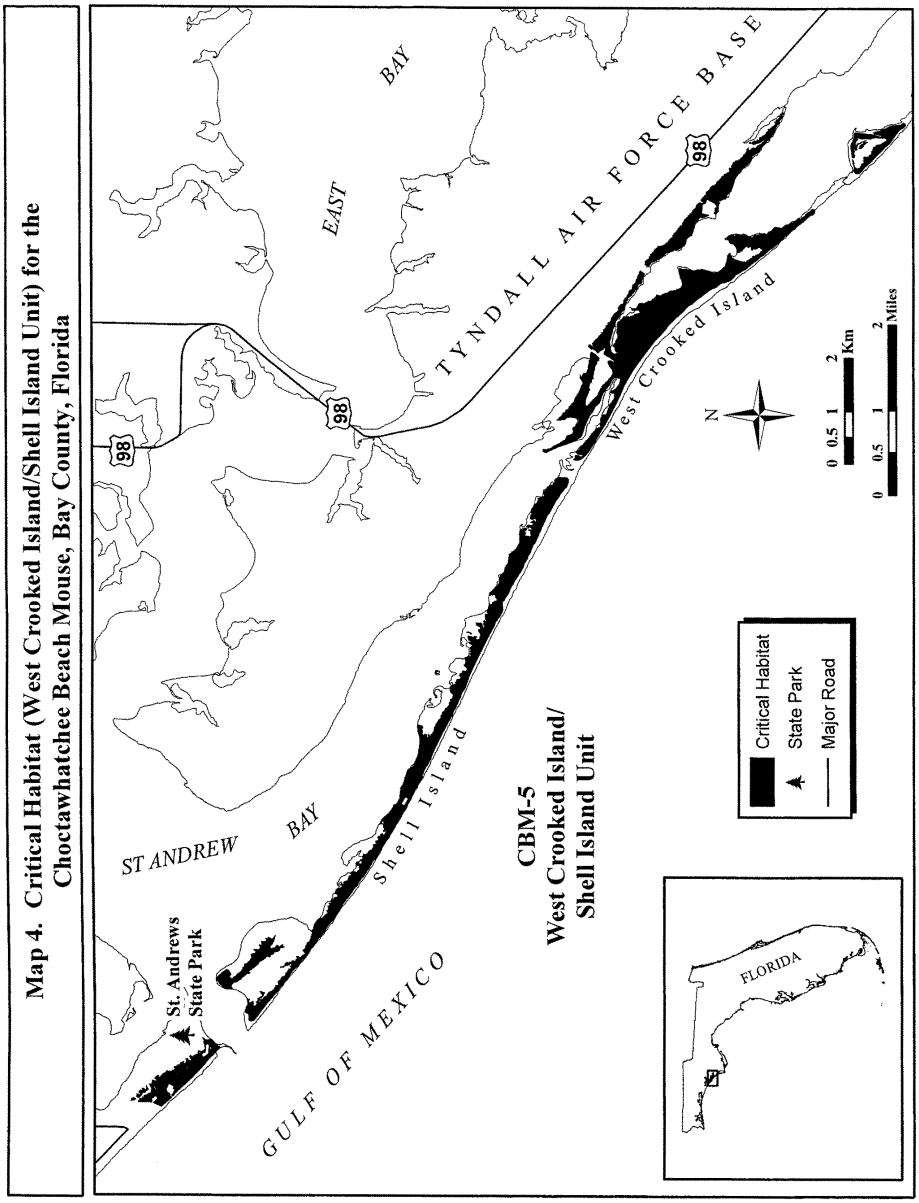


(10) CBM—Unit 5: West Crooked Island/Shell Island Unit, Bay County, Florida.

(i) *General Description:* This unit encompasses essential features of beach mouse habitat within the boundaries of St. Andrew State Park mainland from 0.1 mi (0.2 km) east of trailer park road east to the entrance channel of St. Andrew Sound, Shell Island east of the entrance of St. Andrew Sound east to East Pass, and West Crooked Island southwest of East Bay and east of the entrance channel of St. Andrew Sound, and

areas from the MHWL north to the seaward extent of the maritime forest. Shell Island consists of State lands, Tyndall Air Force Base lands, as well as small private inholdings.

(ii) Map 4, Unit 5 of Choctowhatchee beach mouse, follows:



NEW MEXICO MEADOW JUMPING MOUSE (*Zapus hudsonius luteus*)

(1) Critical habitat units are depicted for Colfax, Mora, Otero, Sandoval, and Socorro Counties in New Mexico; Las Animas, Archuleta, and La Plata Counties in Colorado; and Greenlee and Apache Counties in Arizona on the maps below.

(2) Within these areas, the primary constituent elements of the physical or biological features essential to the conservation of the New Mexico meadow jumping mouse consist of the following:

(i) Riparian communities along rivers and streams, springs and wetlands, or canals and ditches that contain:

(A) Persistent emergent herbaceous wetlands especially characterized by presence of primarily forbs and sedges (*Carex* spp. or *Schoenoplectus pungens*); or

(B) Scrub-shrub riparian areas that are dominated by willows (*Salix* spp.) or alders (*Alnus* spp.) with an understory of primarily forbs and sedges; and

(ii) Flowing water that provides saturated soils throughout the New Mexico meadow jumping mouse's active season that supports tall (average stubble height of herbaceous vegetation of at least 61 centimeters (24 inches)) and dense herbaceous riparian vegetation composed primarily of sedges (*Carex* spp. or *Schoenoplectus pungens*) and forbs, including, but not limited to, one or more of the following associated species: Spikerush (*Eleocharis macrostachya*), beaked sedge (*Carex rostrata*), rushes (*Juncus* spp. and *Scirpus* spp.), and numerous species of grasses such as bluegrass (*Poa* spp.), slender wheatgrass (*Elymus trachycaulus*), brome (*Bromus* spp.), foxtail barley (*Hordeum jubatum*), or Japanese brome (*Bromus japonicas*), and forbs such as water hemlock (*Circuta douglasii*), field mint (*Mentha arvense*), asters (*Aster* spp.), or cutleaf coneflower (*Rudbeckia laciniata*); and

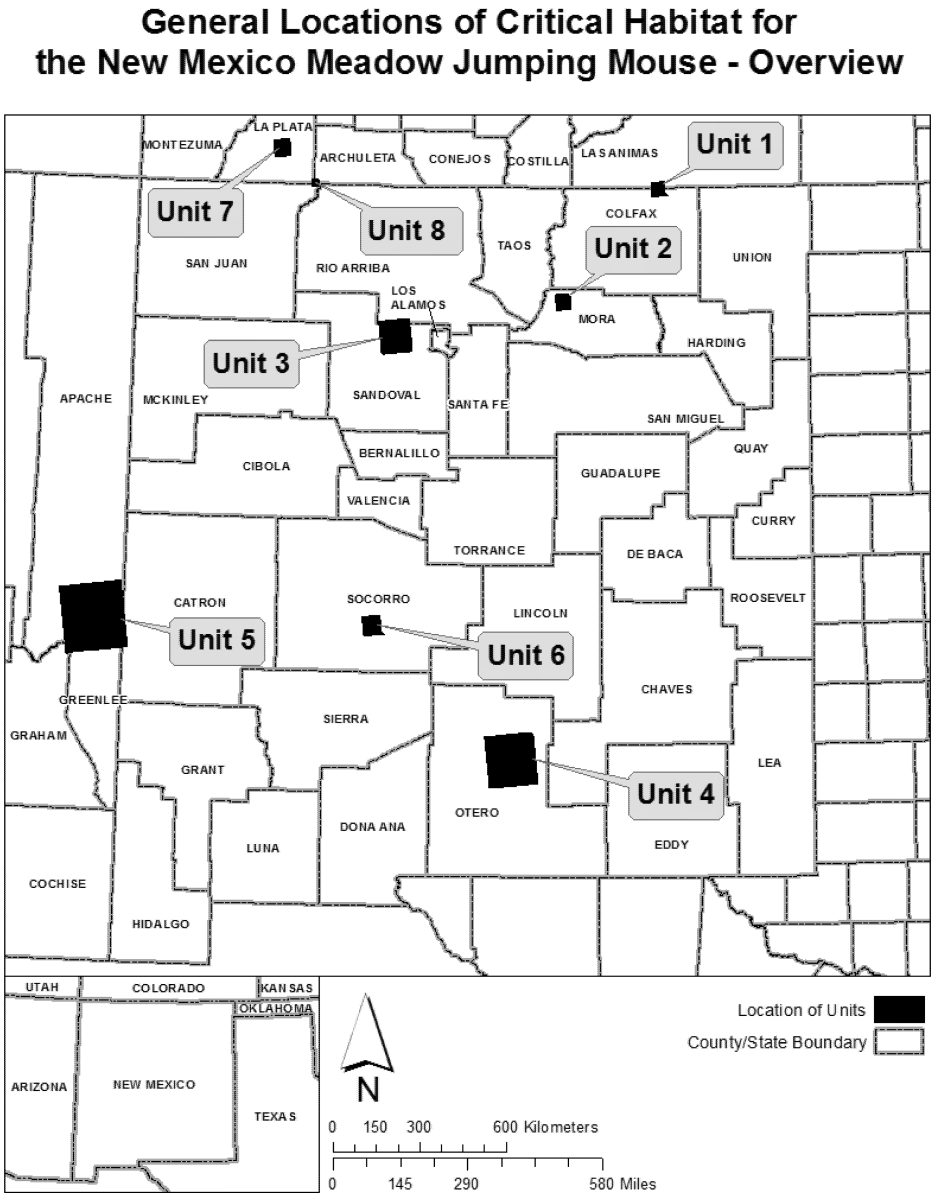
(iii) Sufficient areas of 9 to 24 kilometers (5.6 to 15 miles) along a stream, ditch, or canal that contain suitable or restorable habitat to support movements of individual New Mexico meadow jumping mice; and

(iv) Adjacent floodplain and upland areas extending approximately 100 meters (330 feet) outward from the boundary between the active water channel and the floodplain (as defined by the bankfull stage of streams) or from the top edge of the ditch or canal.

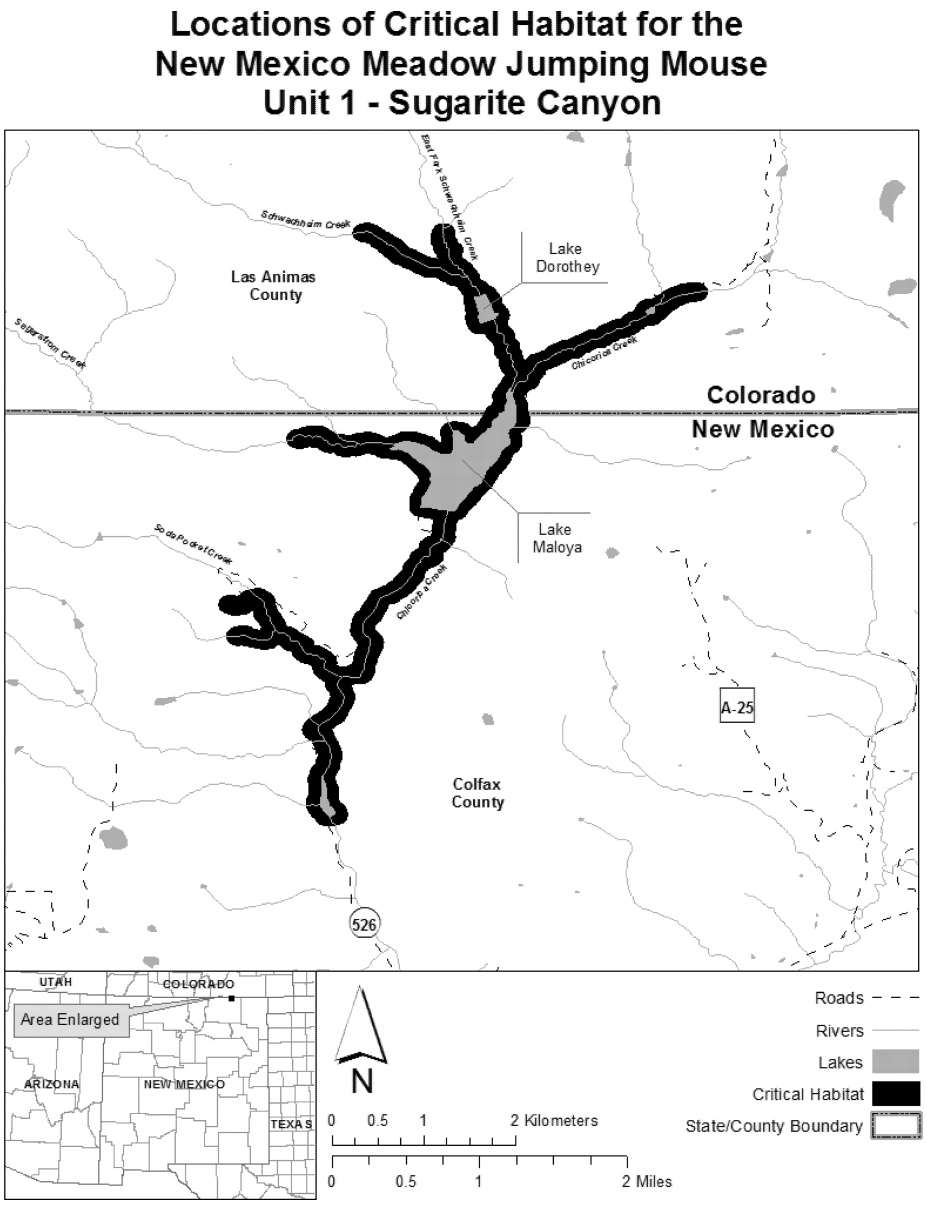
(3) Critical habitat does not include manmade structures (such as buildings, fire lookout stations, runways, roads, and other paved areas) and the land on which they are located existing within the legal boundaries on April 15, 2016.

(4) *Critical habitat map units.* Data layers defining map units were created using the USA Contiguous Albers Equal Area Conic USGS version projection. The maps in this entry, as modified by any accompanying regulatory text, establish the boundaries of the critical habitat designation. The coordinates or plot points or both on which each map is based are available to the public at the Service's internet site *http://www.fws.gov/southwest/es/NewMexico/,* at *http://www.regulations.gov* at Docket No. FWS–R2–ES–2013–0014, and at the New Mexico Ecological Services Field Office. You may obtain field office location information by contacting one of the Service regional offices, the addresses of which are listed at 50 CFR 2.2.

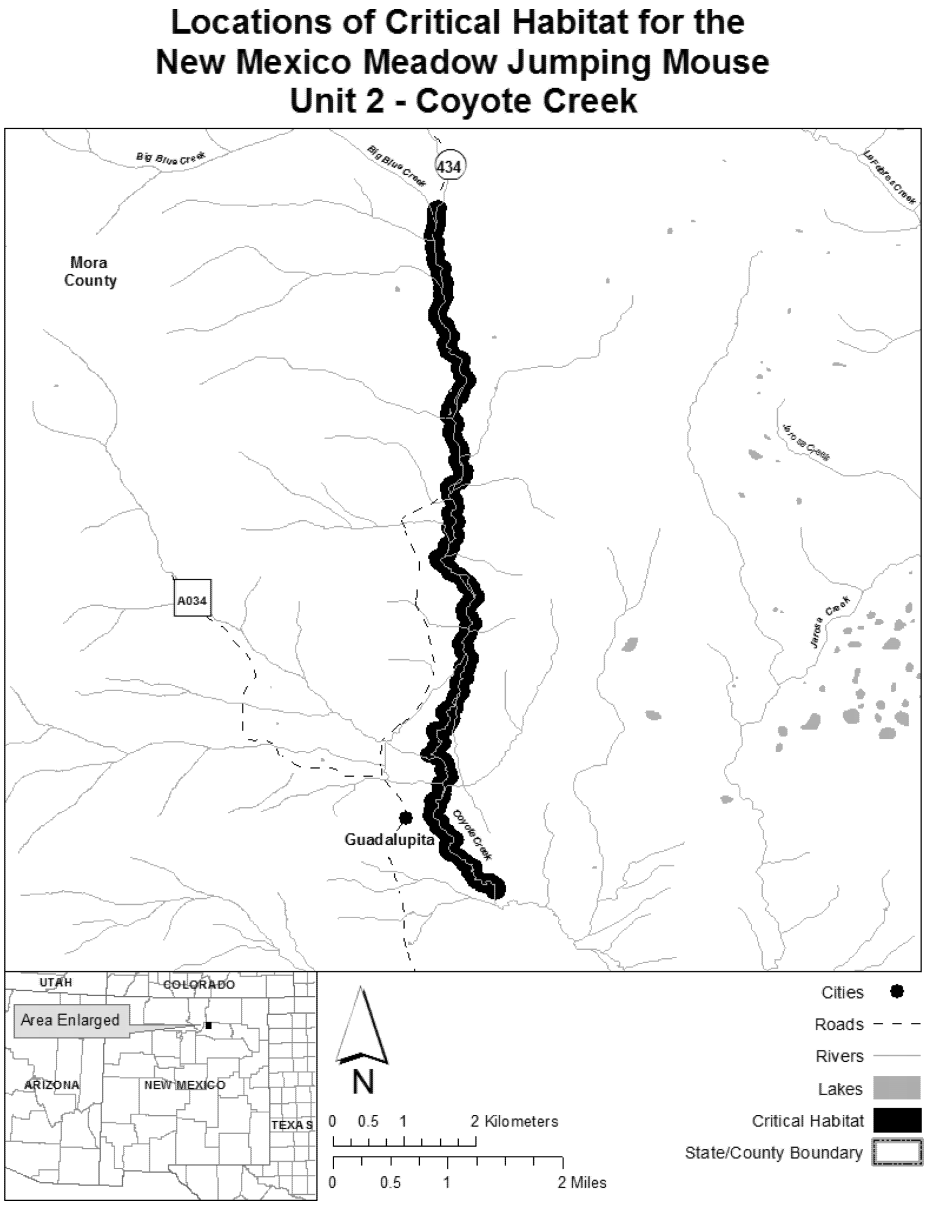
(5) *Note:* General Locations of Critical Habitat for the New Mexico Meadow Jumping Mouse—Overview, follows:



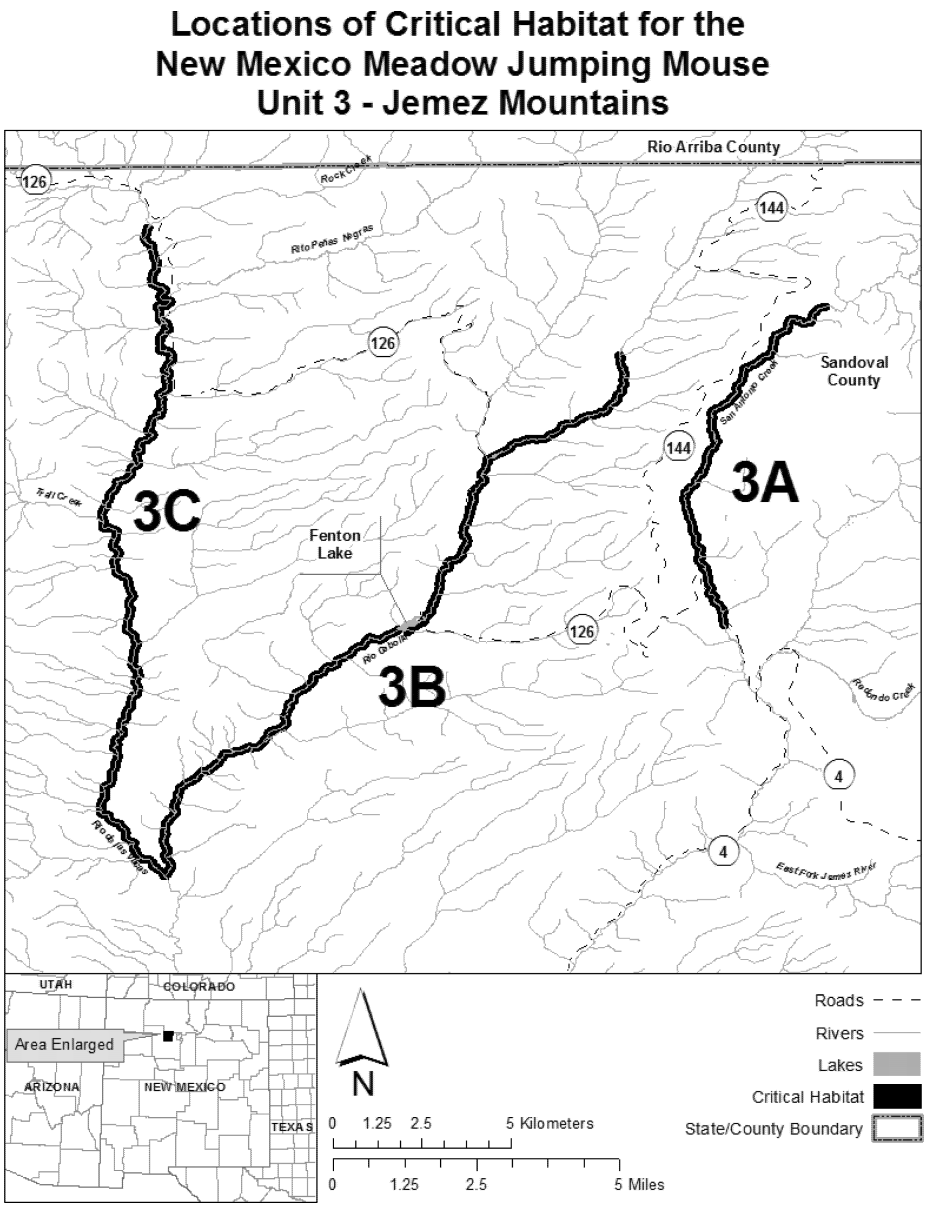
(6) Unit 1—Sugarite Canyon. Map follows:



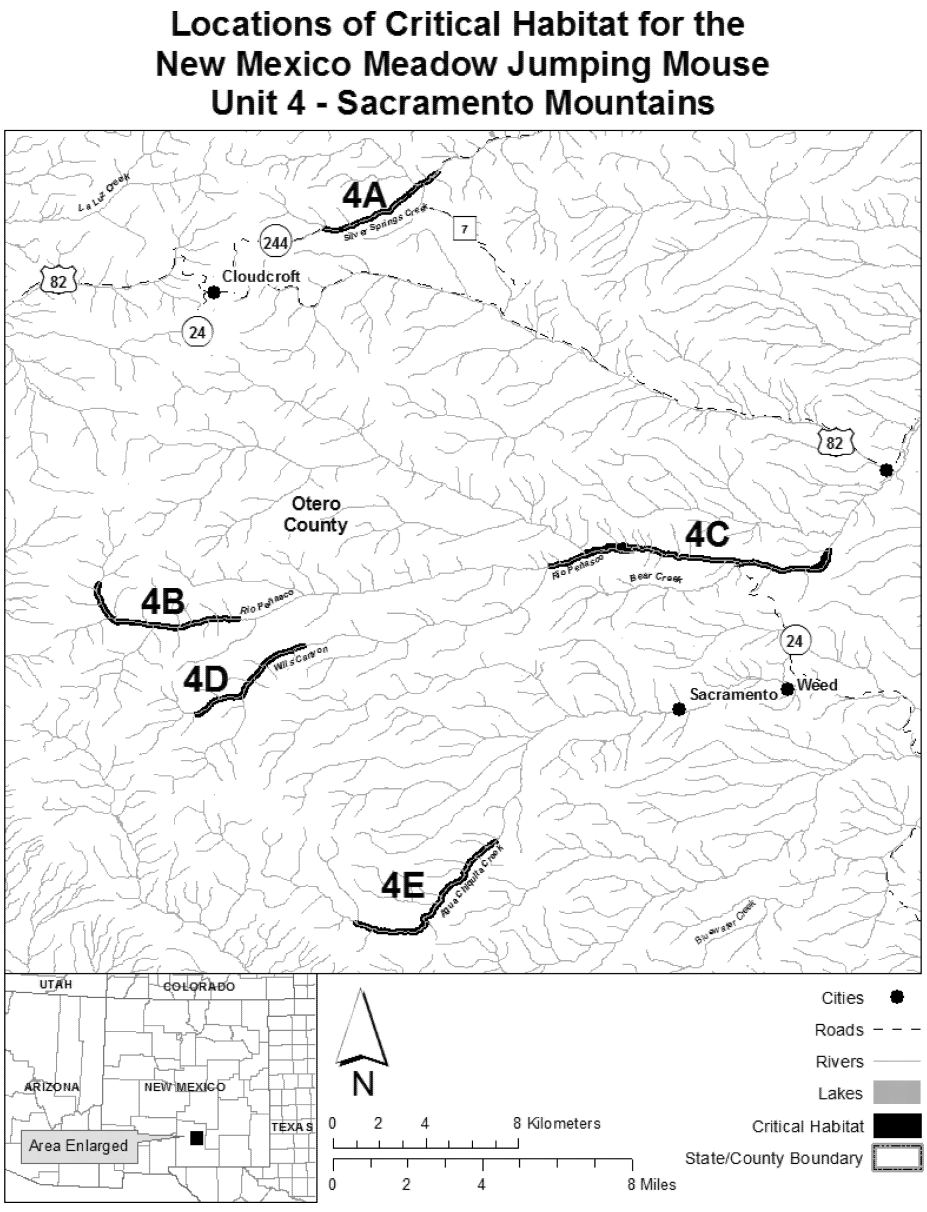
(7) Unit 2—Coyote Creek. Map follows:



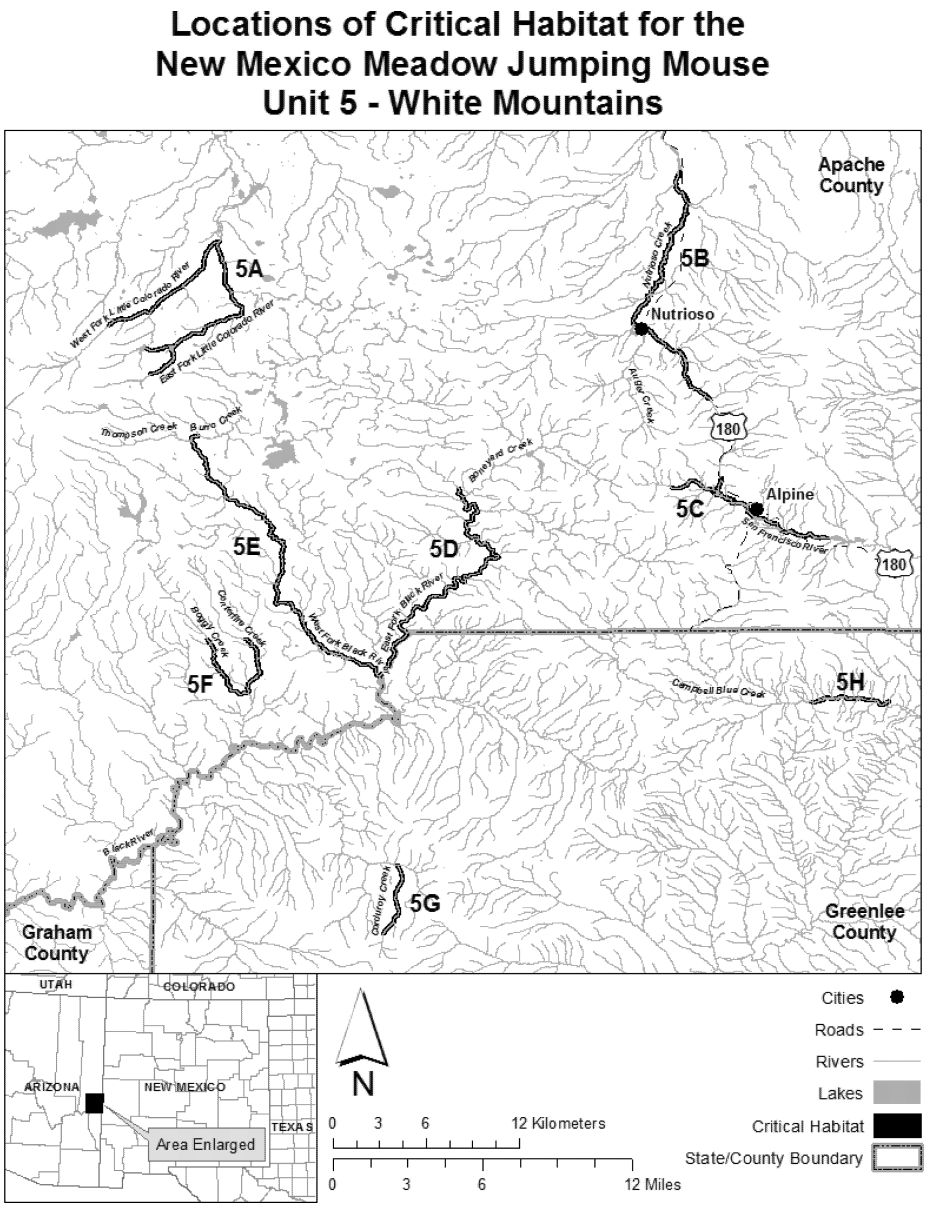
(8) Unit 3—Jemez Mountains. Map follows:



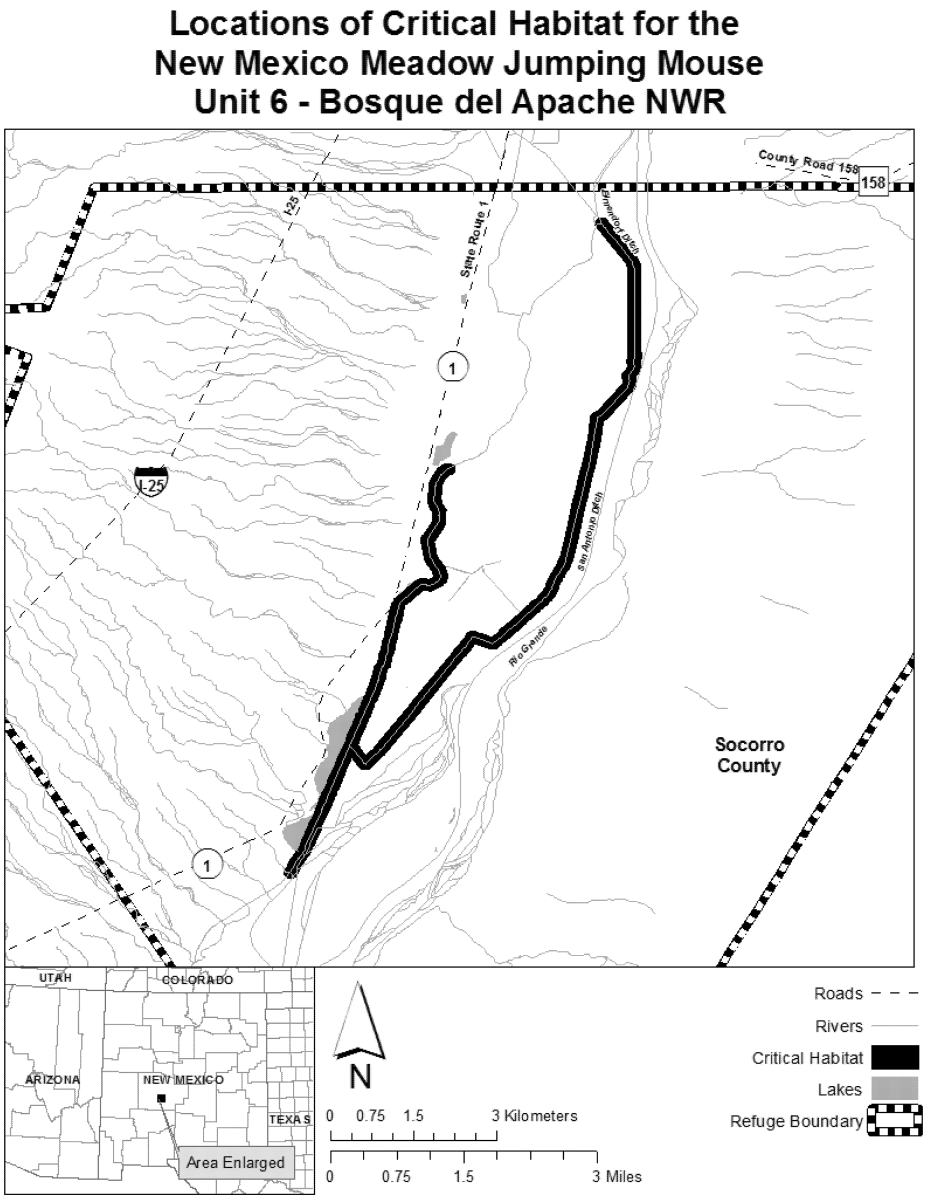
(9) Unit 4—Sacramento Mountains. Map follows:



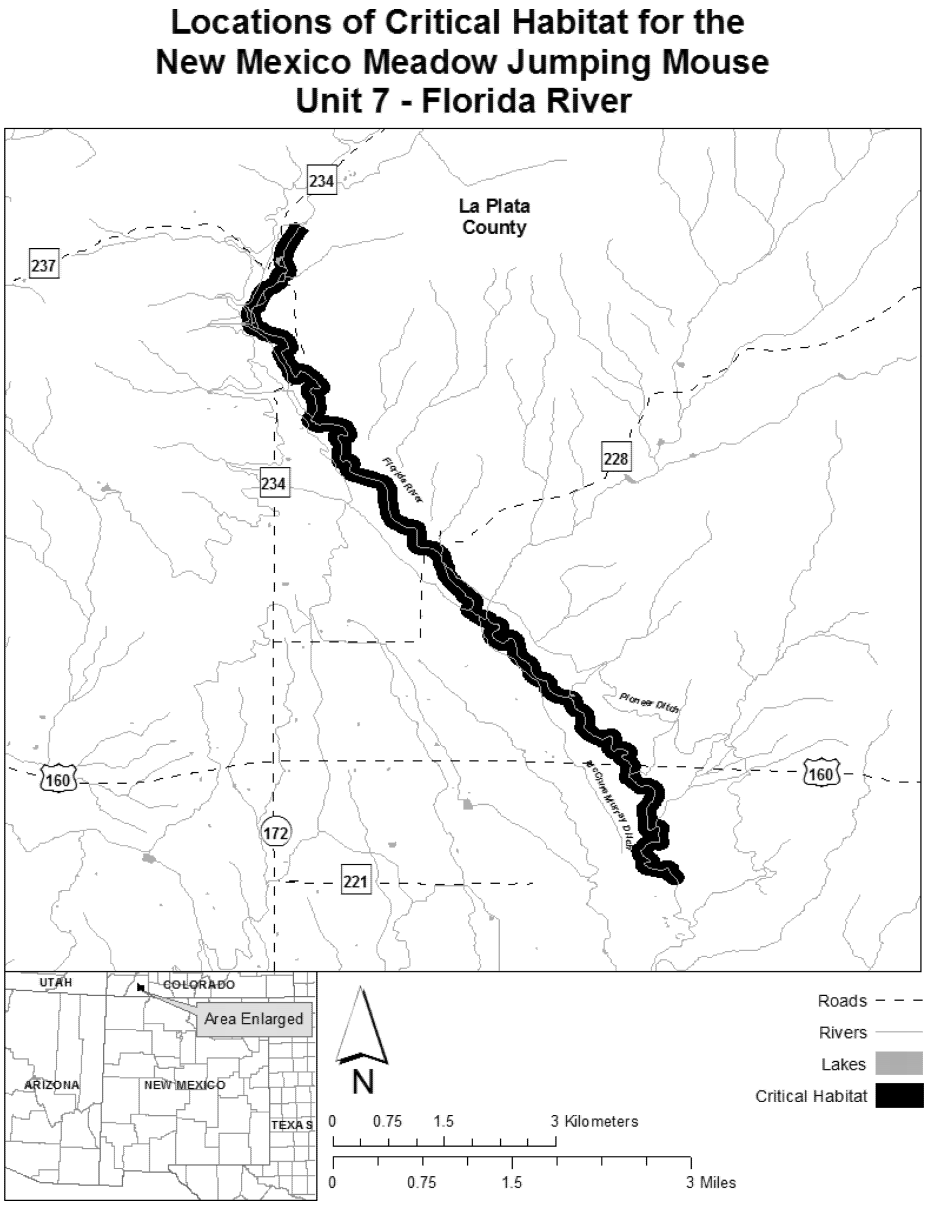
(10) Unit 5—White Mountains. Map follows:



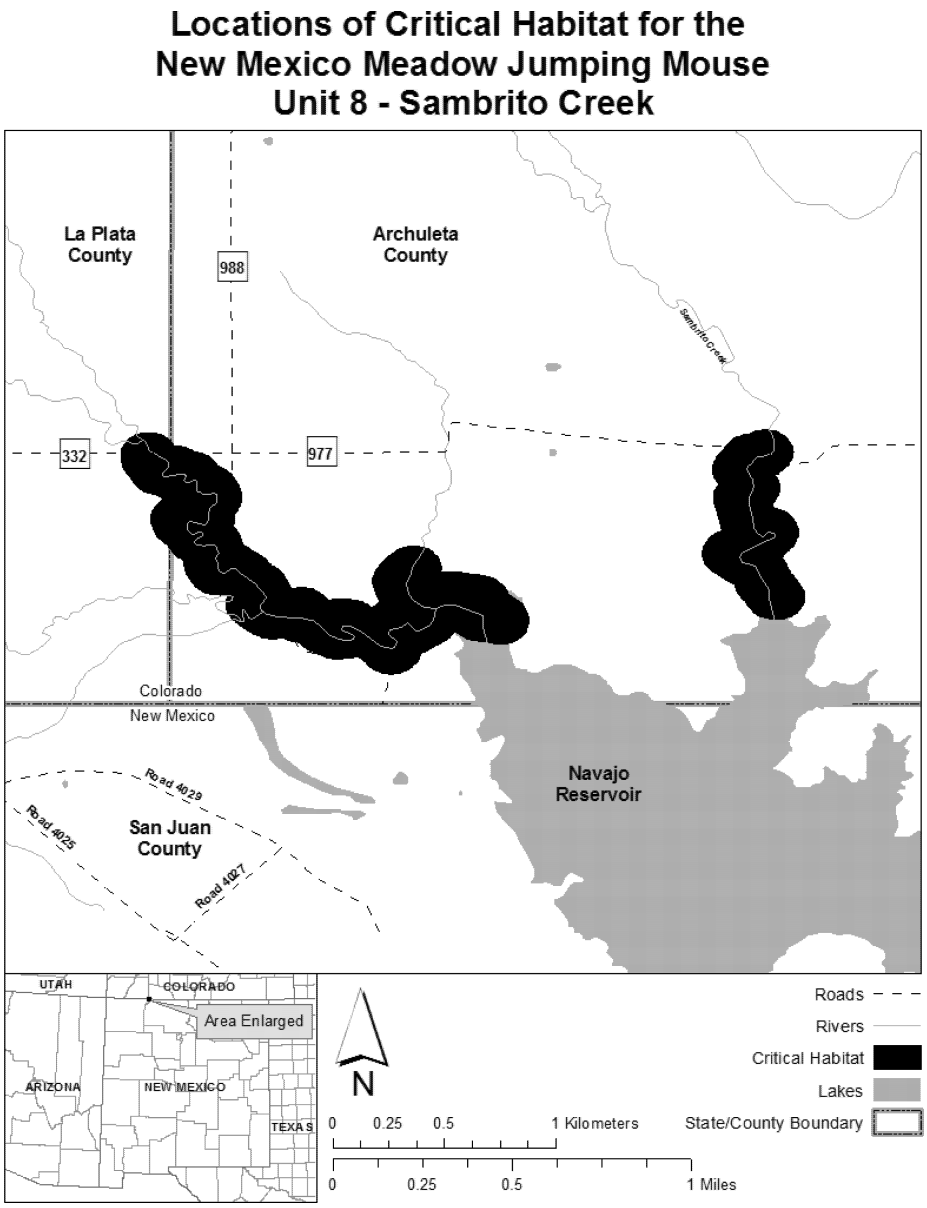
(11) Unit 6—Bosque del Apache National Wildlife Refuge (NWR). Map follows:



(12) Unit 7—Florida River. Map follows:



(13) Unit 8—Sambrito Creek. Map follows:



PERDIDO KEY BEACH MOUSE (*Peromyscus polionotus trissyllepsis*)

(1) Critical habitat units are depicted for Escambia County, Florida, and Baldwin County, Alabama, on the maps below. The maps provided are for informational purposes only.

(2) The primary constituent elements of critical habitat for the Perdido Key beach mouse are the habitat components that provide:

(i) A contiguous mosaic of primary, secondary, and scrub vegetation and dune structure, with a balanced level of competition

and predation and few or no competitive or predaceous nonnative species present, that collectively provide foraging opportunities, cover, and burrow sites;

(ii) Primary and secondary dunes, generally dominated by sea oats (*Uniola paniculata*), that despite occasional temporary impacts and reconfiguration from tropical storms and hurricanes, provide abundant food resources, burrow sites, and protection from predators;

(iii) Scrub dunes, generally dominated by scrub oaks (*Quercus* spp.), that provide food resources and burrow sites, and provide elevated refugia during and after intense flooding due to rainfall and/or hurricane-induced storm surge;

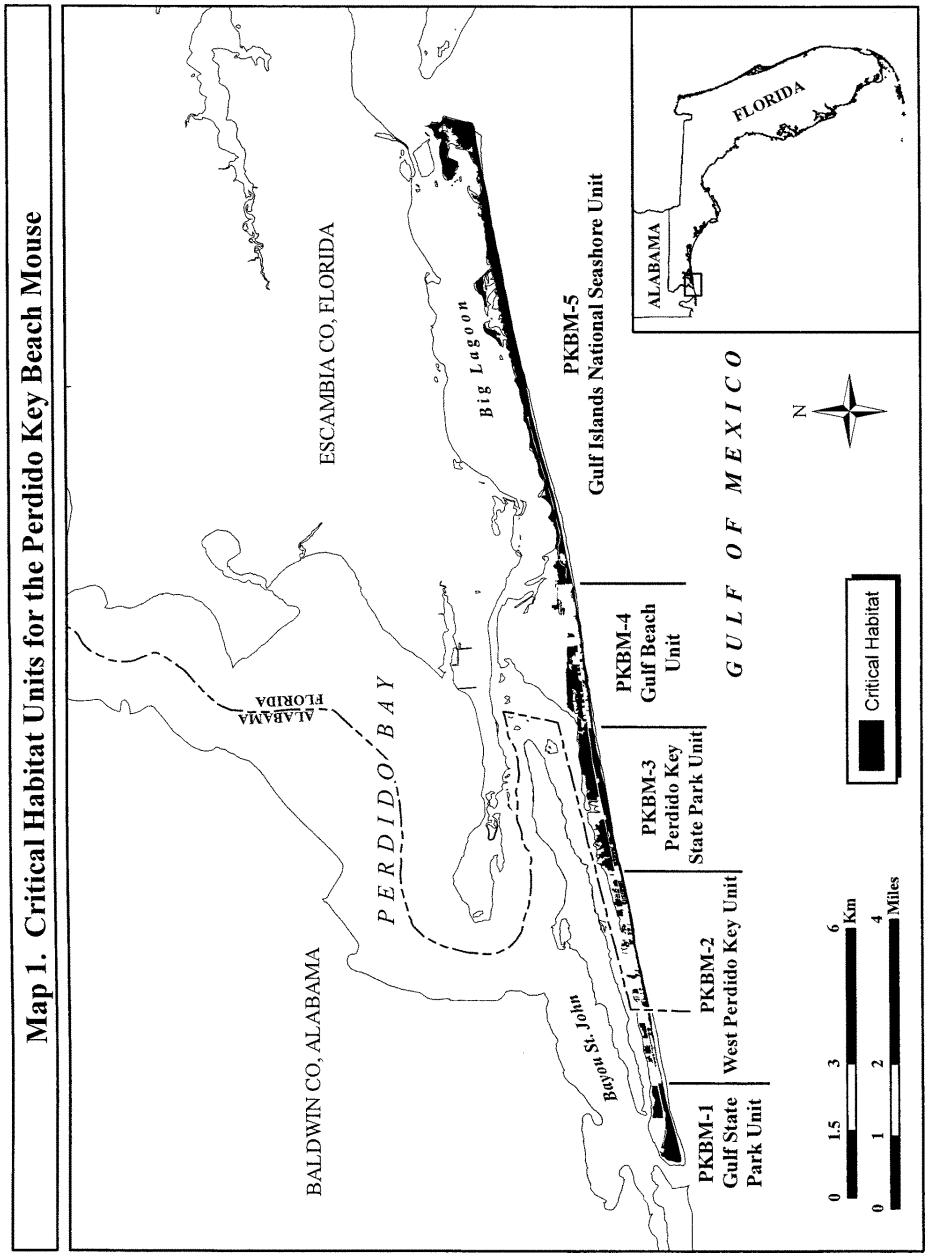
(iv) Functional, unobstructed habitat connections that facilitate genetic exchange, dispersal, natural exploratory movements, and re-colonization of locally extirpated areas; and

(v) A natural light regime within the coastal dune ecosystem, compatible with the nocturnal activity of beach mice, necessary for normal behavior, growth, and viability of all life stages.

(3) Critical habitat does not include man-made structures existing on the effective date of this rule and not containing one or more of the primary constituent elements, such as buildings, aqueducts, airports, driveways, and roads, and the land on which such structures are located.

(4) *Critical Habitat Map Units.* Data layers defining map units were created by delineating habitats that contained one or more of the primary constituent elements defined in paragraph (2) of this entry over 1999 and 2004 digital ortho photography at a scale of at least 1:4000.

(5) Note: Map 1 Index of Critical Habitat Units for the Perdido Key beach mouse, follows:



(6) PKBM—Unit 1: Gulf State Park Unit, Baldwin County, Alabama.

(i) *General Description:* This unit encompasses essential features of beach mouse habitat within the boundary of Gulf State Park from the west tip of Perdido Key at Perdido Pass east to approximately 1 mile (mi) (1.6 kilometers (km)) west of where the

Alabama-Florida State line bisects Perdido Key and the area from the mean high water line (MHWL) north to the seaward extent of the maritime forest.

(ii) *Coordinates:* From USGS 1:24,000 quadrangle map Orange Beach, Alabama, land bounded by the following UTM 16 NAD 83 coordinates (E, N): 447646.90, 3349472.01; 447492.27, 3349555.80; 447493.46, 3349550.54; 447492.60, 3349542.06; 447487.33, 3349540.88; 447466.10, 3349542.49; 447426.82, 3349545.78; 447375.87, 3349549.84; 447340.75, 3349556.40; 447277.86, 3349571.81; 447233.09, 3349583.43; 447195.90, 3349587.83; 447123.74, 3349592.44; 447082.29, 3349597.80; 447078.83, 3349609.34; 447082.64, 3349627.40; 447085.56, 3349638.04; 447109.06, 3349630.15; 447163.55, 3349611.36; 447228.62, 3349592.84; 447286.11, 3349581.52; 447357.41, 3349568.43; 447388.22, 3349564.94; 447403.20, 3349558.95; 447426.52, 3349558.45; 447454.05, 3349559.11; 447492.27, 3349555.80; 447753.29, 3349711.25; 447760.77, 3349736.04; 447763.66, 3349748.00; 447753.63, 3349752.12; 447755.48, 3349774.36; 447753.59, 3349787.00; 447754.47, 3349799.71; 447754.38, 3349820.32; 447753.74, 3349830.21; 447759.54, 3349836.69; 447811.82, 3349827.24; 447838.09, 3349825.09; 447856.72, 3349827.12; 447881.09, 3349821.36; 447907.36, 3349819.61; 447927.64, 3349818.91; 447956.65, 3349818.81; 447976.22, 3349830.77; 447992.63, 3349834.16; 448018.40, 3349831.12; 448037.09, 3349811.22; 448055.79, 3349802.71; 448074.40, 3349792.17; 448096.41, 3349792.70; 448114.76, 3349793.13; 448137.03, 3349782.68; 448148.04, 3349782.94; 448177.22, 3349790.96; 448191.45, 3349809.62; 448209.62, 3349817.37; 448223.94, 3349832.37; 448249.45, 3349840.30; 448279.80, 3349846.35; 448291.40, 3349859.70; 448311.29, 3349863.75; 448329.64, 3349864.19; 448368.33, 3349865.90; 448395.77, 3349862.11; 448408.04, 3349866.45; 448418.04, 3349851.65; 448427.89, 3349850.68; 448440.83, 3349857.72; 448448.65, 3349863.06; 448458.22, 3349861.71; 448474.31, 3349870.02; 448470.39, 3349848.77; 448469.37, 3349841.61; 448469.94, 3349834.09; 448470.06, 3349746.49; 448388.10, 3349722.76; 448274.81, 3349701.74; 448066.73, 3349652.82; 447964.62, 3349624.75; 447754.92, 3349599.15; 447753.29, 3349711.25; 446828.18, 3349177.08; 446788.74, 3349181.69; 446769.28, 3349208.86; 446767.28, 3349247.92; 446775.25, 3349280.06; 446782.18, 3349322.24; 446795.01, 3349350.69; 446801.51, 3349377.80; 446802.73, 3349409.54; 446811.99, 3349454.15; 446837.56, 3349514.61; 446896.76, 3349564.39; 446887.98, 3349582.41; 446896.11, 3349607.97; 446929.73, 3349630.57; 446953.02, 3349637.08; 446969.73, 3349626.62; 446984.14, 3349637.95; 446975.34, 3349650.69; 447000.06, 3349663.57; 447022.45, 3349657.76; 446993.88, 3349639.64; 446978.89, 3349585.37; 447068.47, 3349561.35; 447073.43, 3349586.44; 447084.44, 3349589.07; 447091.86, 3349585.59; 447128.34, 3349583.00; 447157.81, 3349580.13; 447188.50, 3349576.11; 447214.39, 3349573.56; 447263.87, 3349564.83; 447299.49, 3349553.79; 447327.56, 3349543.36; 447355.96, 3349535.32; 447401.54, 3349530.72; 447419.98, 3349527.50; 447464.09, 3349524.89; 447482.44, 3349525.33; 447508.12, 3349525.95; 447511.26, 3349547.99; 447515.63, 3349553.80; 447584.64, 3349549.75; 447669.02, 3349551.76; 447727.64, 3349556.83; 447771.68, 3349563.09; 447773.34, 3349543.71; 447819.71, 3349544.38; 447859.81, 3349556.32; 447908.03, 3349560.00; 447904.75, 3349580.93; 448004.65, 3349606.71; 448136.88, 3349636.19; 448391.19, 3349691.65; 448518.76, 3349723.23; 448524.37, 3349644.98; 448526.52, 3349626.07; 448221.97, 3349557.49; 447946.22, 3349481.14; 447525.39, 3349356.93; 447160.19, 3349255.19; 446914.86, 3349191.20; 446828.18, 3349177.08.

(7) PKBM—Unit 2: West Perdido Key Unit, Escambia County, Florida and Baldwin County, Alabama.

(i) *General Description:* This unit encompasses essential features of beach mouse habitat from approximately 1 mi (1.6 km) west of where the Alabama-Florida State line bisects Perdido Key east to 2 mi (3.2 km) east of the State line and areas from the MHWL north to the seaward extent of human development or maritime forest.

(ii) *Coordinates:* From USGS 1:24,000 quadrangle maps Orange Beach, Alabama, and Perdido Bay, Florida, land bounded by the following UTM 16 NAD 83 coordinates (E, N): 449337.40, 3349820.75; 450150.23, 3349948.99; 450150.07, 3349948.96; 450110.12, 3349941.87; 450036.74, 3349928.41; 449865.78, 3349900.01; 449835.15, 3349896.11; 449690.43, 3349877.85; 449581.98, 3349849.89; 449474.18, 3349830.25; 449291.67, 3349805.96; 449065.07, 3349756.15; 448929.16, 3349724.36; 448875.44, 3349711.41; 448743.75, 3349669.31; 448625.71, 3349643.24; 448526.52, 3349626.07; 448524.37, 3349644.98; 448582.14, 3349648.54; 448616.00, 3349650.40; 448613.50, 3349666.20; 448653.71, 3349668.22; 448707.46, 3349680.07; 448743.29, 3349688.33; 448749.74, 3349684.25; 448769.63, 3349694.24; 448784.54, 3349701.88; 448869.86, 3349722.95; 448909.84, 3349734.47; 448934.12, 3349738.22; 449040.54, 3349762.96; 449044.67, 3349767.29; 449126.91, 3349784.05; 449134.20, 3349789.51; 449165.89, 3349793.44; 449202.65, 3349802.14; 449234.33, 3349810.93; 449243.92, 3349809.05; 449309.24, 3349824.35; 449309.24, 3349824.35; 449309.03, 3349832.80; 449303.36, 3349848.52; 449299.95, 3349857.95; 449300.81, 3349866.43; 449296.47, 3349870.55; 449289.06, 3349870.38; 449288.58, 3349890.45; 449323.34, 3349898.68; 449326.60, 3349895.58; 449326.77, 3349888.19; 449328.04, 3349879.76; 449327.05, 3349876.57; 449322.97, 3349870.13; 449323.12, 3349863.79; 449324.31, 3349858.53; 449326.55, 3349853.30; 449327.79, 3349845.93; 449327.99, 3349837.48; 449328.02, 3349827.71; 449349.32, 3349831.65; 449351.57, 3349826.42; 449405.37, 3349835.22; 449424.38, 3349838.73; 449471.57, 3349851.46; 449471.73, 3349857.40; 449598.16, 3349884.71; 449597.83, 3349942.84; 449467.18, 3349912.24; 449415.42, 3349902.99; 449412.39, 3349896.58; 449407.02, 3349899.62; 449400.21, 3349918.48; 449467.76, 3349932.33; 449630.01, 3349967.31; 449632.67, 3349947.90; 449633.28, 3349922.55; 449635.69, 3349907.20; 449651.69, 3349906.08;

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(8) PKBM—Unit 3: Perdido Key State Park Unit, Escambia County, Florida.

(i) *General Description:* This unit encompasses essential features of beach mouse habitat within the boundary of Perdido Key State Park from approximately 2 mi (3.2 km) east of the Alabama-Florida State line to 4 mi (6.4 km) east of the State line and the area from the MHWL north to the seaward extent of the maritime forest.

(ii) *Coordinates:* From USGS 1:24,000 quadrangle map Perdido Bay, Florida, land bounded by the following UTM 16 NAD 83 coordinates (E,N): 455621.62, 3351458.88; 453257.58, 3350904.44; 453254.26, 3350917.23; 453243.75, 3350913.81; 453240.29, 3350925.36; 453247.80, 3350930.76; 453266.31, 3350945.01; 453287.10, 3350948.75; 453293.56, 3350957.28; 453304.30, 3350951.20; 453307.22, 3350961.84; 453312.72, 3350973.93; 453318.59, 3350973.74; 453318.26, 3350987.47; 453306.46, 3350993.53; 453320.42, 3351005.30; 453354.81, 3351009.49; 453352.19, 3351030.56; 453343.44, 3351041.98; 453350.93, 3351069.98; 453334.30, 3351069.24; 453335.11, 3351079.83; 453352.32, 3351078.33; 453351.11, 3351095.75; 453383.68, 3351130.67; 453392.08, 3351134.05; 453401.76, 3351127.94; 453398.49, 3351117.04; 453399.11, 3351091.42; 453407.07, 3351065.97; 453425.39, 3351063.44; 453442.62, 3351059.15; 453457.24, 3351067.96; 453455.20, 3351048.81; 453459.35, 3351038.88; 453458.55, 3351022.61; 453468.79, 3351028.07; 453479.38, 3351028.32; 453481.65, 3351022.03; 453488.13, 3351016.90; 453496.35, 3351016.84; 453509.90, 3351018.69; 453515.14, 3350998.97; 453518.96, 3350988.78; 453513.14, 3350983.09; 453523.52, 3350964.71; 453521.52, 3350950.06; 453530.87, 3350939.91; 453531.03, 3350916.53; 453541.83, 3350896.97; 453550.25, 3350901.06; 453554.18, 3350913.84; 453550.50, 3350934.89; 453541.67, 3350949.48; 453545.40, 3350970.71; 453555.76, 3350988.96; 453555.40, 3351003.60; 453550.66, 3351016.29; 453543.61, 3351036.28; 453531.06, 3351038.01; 453520.97, 3351061.03; 453519.56, 3351075.79; 453527.61, 3351090.83; 453541.93, 3351105.82; 453530.48, 3351123.86; 453526.55, 3351134.75; 453515.81, 3351123.51; 453508.38, 3351126.99; 453502.88, 3351152.55; 453502.62, 3351163.12; 453509.93, 3351167.52; 453529.60, 3351160.46; 453537.21, 3351149.66; 453541.05, 3351142.42; 453555.99, 3351131.79; 453560.54, 3351133.85; 453567.88, 3351137.20; 453589.10, 3351128.92; 453600.02, 3351132.85; 453599.58, 3351151.15; 453581.16, 3351157.60; 453569.70,

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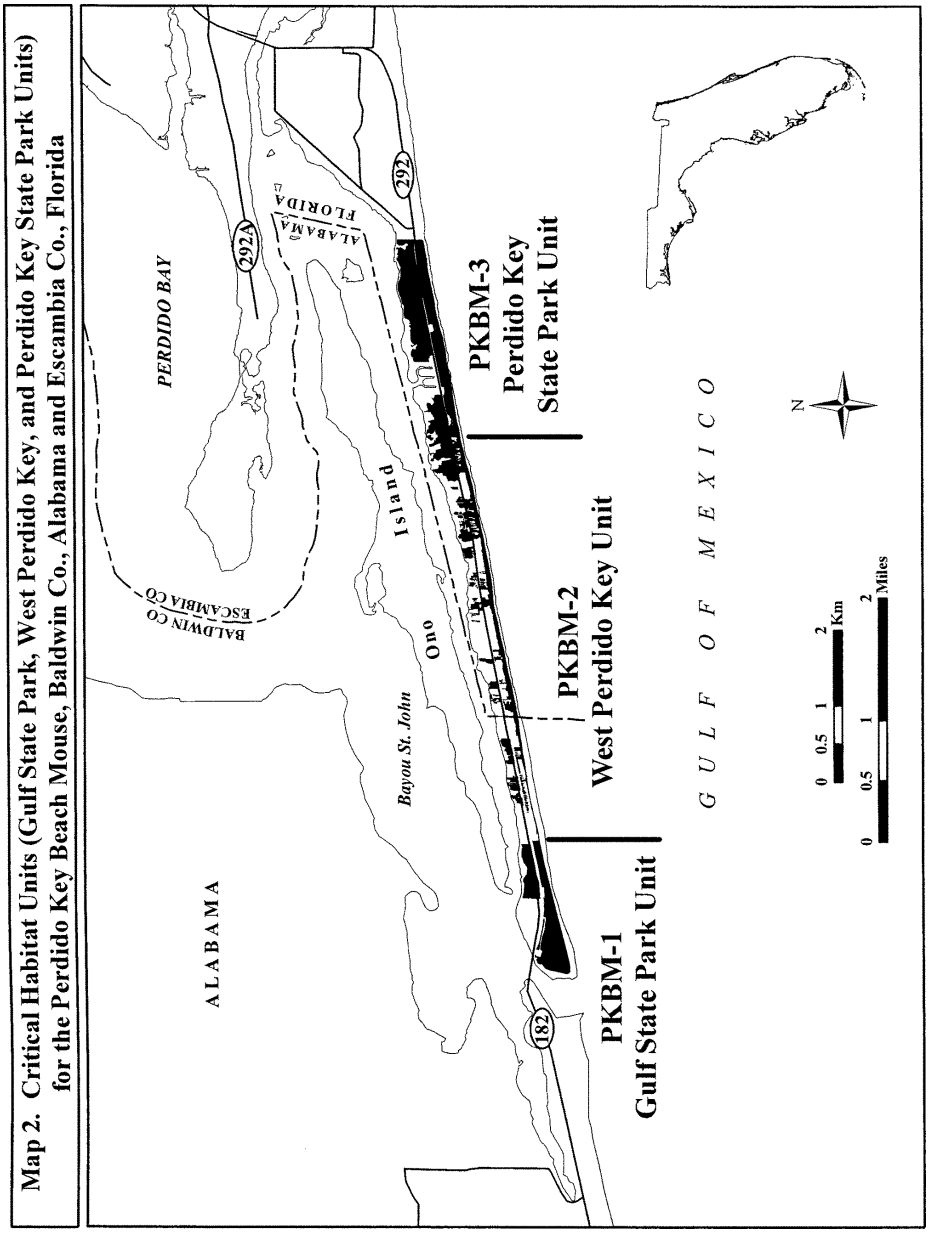
(iii) Note: Map 2, Units 1, 2, and 3 of Perdido Key beach mouse, follows:



(9) PKBM—Unit 4: Gulf Beach Unit, Escambia County, Florida.

(i) *General Description:* This unit includes essential features of beach mouse habitat between Gulf Islands National Seashore and Perdido Key State Park from approximately 4 mi (3.2 km) east of the Alabama-Florida State line to 6 mi (9.6 km) east of the State line and areas from the MHWL north to the seaward extent of human development or maritime forest.

(ii) *Coordinates:* From USGS 1:24,000 quadrangle map Perdido Bay, Florida, land bounded by the following UTM 16 NAD 83 coordinates (E, N): 457418.45, 3351766.05; 456424.33, 3351669.24; 456454.09, 3351669.95; 456460.85, 3351674.93; 456491.64, 3351678.43; 456523.29, 3351684.34; 456532.43, 3351694.62; 456550.37, 3351698.07; 456566.16, 3351685.76; 456578.84, 3351687.26; 456601.78, 3351691.77; 456612.31, 3351687.85; 456622.42, 3351676.01; 456635.18, 3351673.94; 456644.26, 3351676.53; 456637.88, 3351682.12; 456636.62, 3351690.54; 456647.33, 3351685.52; 456648.56, 3351695.66; 456653.70, 3351696.98; 456671.96, 3351681.16; 456634.44, 3351637.87; 456593.26, 3351588.26; 456571.55, 3351609.94; 456551.71, 3351597.83; 456536.99, 3351593.25; 456516.87, 3351592.77; 456495.54, 3351598.60; 456490.42, 3351591.08; 456473.22, 3351601.24; 456469.17, 3351593.74; 456464.83, 3351597.87; 456459.69, 3351591.40; 456455.40, 3351593.41; 456439.82, 3351580.36; 456444.21, 3351574.12; 456438.99, 3351570.82; 456444.42, 3351565.67; 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(10) PKBM—Unit 5: Gulf Islands National Seashore, Escambia County, Florida.

(i) *General Description:* This unit encompasses essential features of beach mouse habitat within the boundary of Gulf Islands National Seashore–Perdido Key Area (also referred to as Johnson Beach) from approximately 6 mi (9.6 km) east of the Alabama-Florida State line to the eastern tip of Perdido Key at Pensacola Bay and the area from the MHWL north to the seaward extent of the maritime forest.

(ii) *Coordinates:* From USGS 1:24,000 quadrangle map Perdido Bay, and Fort Barrancas, Florida, land bounded by the following UTM 16 NAD 83 coordinates (E, N): 464806.54, 3353248.09; 460167.32, 3352161.40; 460112.98, 3352141.46; 460076.54, 3352115.69; 459179.65, 3352106.36; 459192.36, 3352106.66; 459208.29, 3352104.93; 459225.15, 3352108.50; 459239.90, 3352112.03; 459241.87, 3352118.42; 459244.97, 3352121.66; 459255.28, 3352133.54; 459250.89, 3352139.77; 459247.53, 3352147.09; 459233.74, 3352147.82; 459210.40, 3352149.37; 459148.88, 3352152.13; 459134.06, 3352151.77; 459123.42, 3352153.63; 459111.74, 3352154.41; 459103.20, 3352157.37; 459095.76, 3352158.25; 459087.26, 3352159.11; 459073.42, 3352161.94; 459063.84, 3352163.83; 459062.60, 3352171.20; 459069.73, 3352183.00; 459067.49, 3352188.23; 459058.94, 3352191.19; 459057.45, 3352209.13; 459062.52, 3352218.76; 459062.29, 3352228.27; 459055.81, 3352233.40; 459053.13, 3352256.59; 459074.25, 3352259.21; 459084.82, 3352260.52; 459084.03, 3352293.27; 459082.79, 3352300.64; 459089.14, 3352300.79; 459096.58, 3352299.91;

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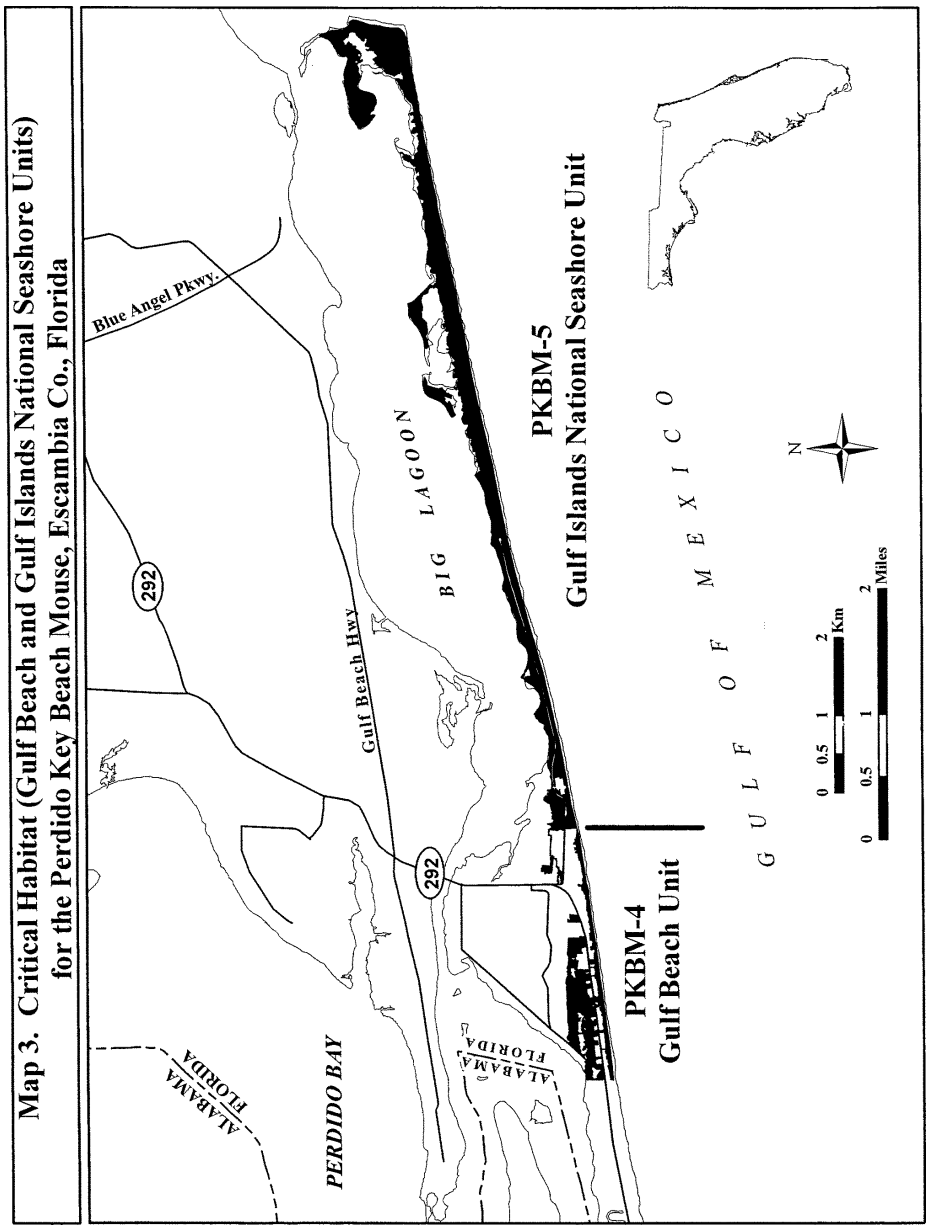
(iii) Note: Map 3, Units 4 and 5 of Perdido Key beach mouse, follows:



PREBLE'S MEADOW JUMPING MOUSE (*Zapus hudsonius preblei*)

(1) Critical habitat units are depicted for Boulder, Broomfield, Douglas, El Paso, Jefferson, Larimer, and Teller Counties in Colorado on the maps below. The maps provided are for informational purposes only.

(2) The primary constituent elements of critical habitat for the Preble's meadow jumping mouse are:

(i) Riparian corridors:

(A) Formed and maintained by normal, dynamic, geomorphological, and hydrological processes that create and maintain river and stream channels, floodplains, and floodplain benches and that promote patterns of vegetation favorable to the Preble's meadow jumping mouse;

(B) Containing dense, riparian vegetation consisting of grasses, forbs, or shrubs, or any combination thereof, in areas along rivers and streams that normally provide open water through the Preble's meadow jumping mouse's active season; and

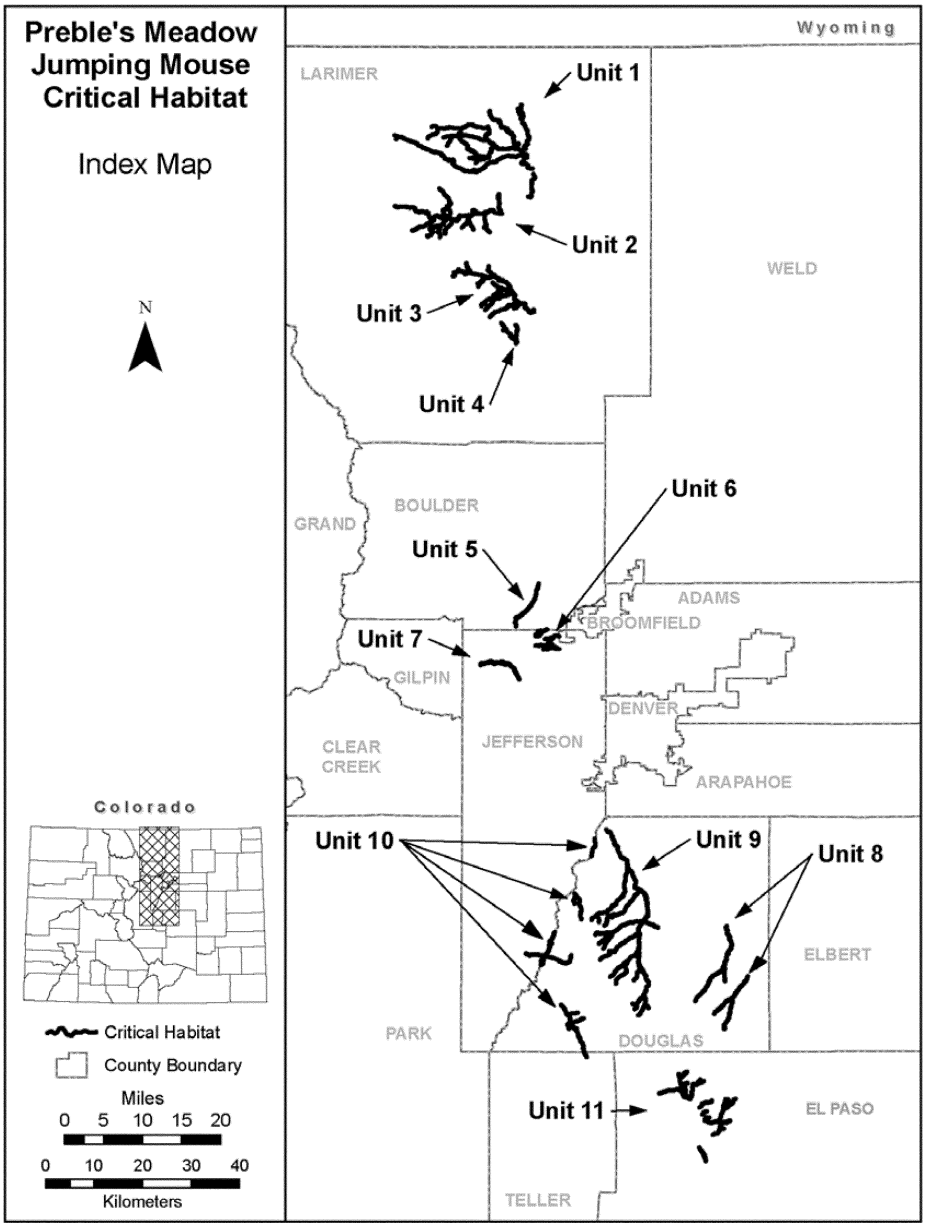
(C) Including specific movement corridors that provide connectivity between and within populations. This may include river and stream reaches with minimal vegetative cover or that are armored for erosion control; travel ways beneath bridges, through culverts, along canals and ditches; and other areas that have experienced substantial human alteration or disturbance.

(ii) Additional adjacent floodplain and upland habitat with limited human disturbance (including hayed fields, grazed pasture, other agricultural lands that are not plowed or disked regularly, areas that have been restored after past aggregate extraction, areas supporting recreational trails, and urban-wildland interfaces).

(3) Critical habitat does not include buildings, roads, parking lots, other paved areas, lawns, other urban and suburban landscaped areas, regularly plowed or disked agricultural areas, and the land on which they are located existing within the legal boundaries on the effective date of this rule.

(4) *Critical habitat map units.* Data layers defining map units were created on a base of USGS digital ortho-photo quarter-quadrangles, and critical habitat units were then mapped using Universal Transverse Mercator (UTM) Zone 15N coordinates.

(5) *Note:* Index map of critical habitat for the Preble's meadow jumping mouse follows:

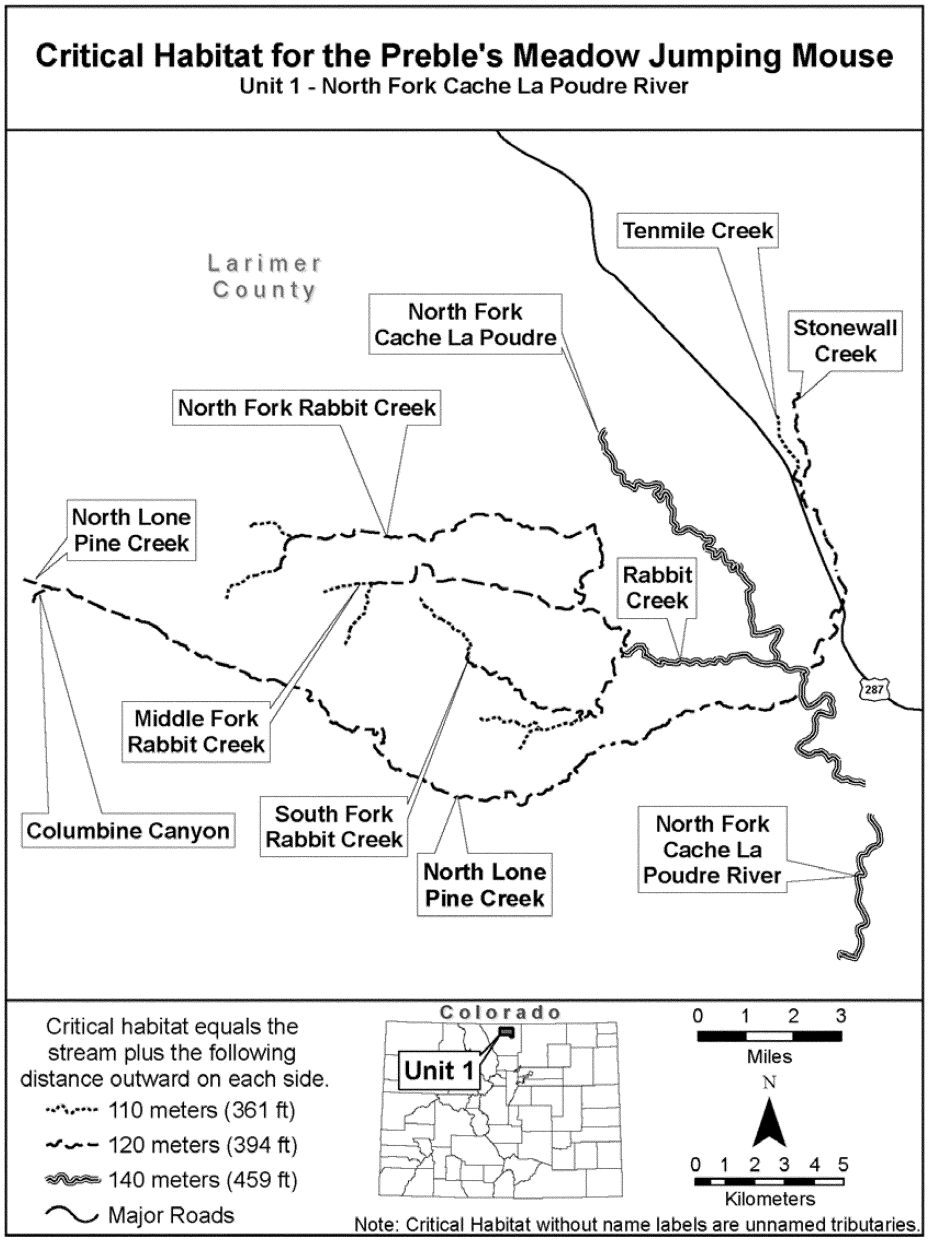


(6) Unit 1: North Fork Cache la Poudre River, Larimer County, Colorado.

(i) This unit consists of 87.2 mi (140.4 km) of streams and rivers. North Fork Cache la Poudre River from Seaman Reservoir (40 43 7N 105 14 32W, T.9N., R.70W., Sec. 28) upstream to Halligan Reservoir spillway (40 52 44N 105 20 15W, T.11N., R.71W., Sec. 34) excluding 1.06 mi (1.71 km) of the North Fork Cache la Poudre River within the Eagles Nest Open Space (from 40 45 44N 105 13 50W, T. 9N, R.70W., Sec. 9 to 40 46 17N 105 13 59W,

T. 9N, R.70W., Sec. 4). Includes Lone Pine Creek from its confluence North Fork Cache la Poudre River (40 47 54N 105 15 30W, T.10N., R.70W., Sec. 32) upstream and continuing upstream into North Lone Pine Creek to 7,600 ft (2,317 m) elevation (40 49 58N 105 34 09W, T.10N., R.73W., Sec. 15). Includes Columbine Canyon from its confluence with North Lone Pine Creek (40 49 47N 105 33 31W, T.10N., R.73W., Sec. 15) upstream to 7,600 ft (2,317 m) elevation (40 49 32N 105 33 58W, T.10N., R.73W., Sec. 15). Also includes Stonewall Creek from its confluence with North Fork Cache la Poudre River (40 48 19N 105 15 21W, T.10N., R.70W., Sec. 29) upstream to (40 53 26N 105 15 40W, T.11N., R.70W., Sec. 29). Includes Tenmile Creek from its confluence with Stonewall Creek (40 51 49N 105 15 32W, T.10N., R.70W., Sec. 5) upstream to Red Mountain Road (40 53 00N 105 16 09W, T.11N., R.70W., Sec. 31). Also includes Rabbit Creek from its confluence with North Fork Cache la Poudre River (40 48 30N 105 16 07W, T.10N., R.70W., Sec. 30) upstream to the confluence with North and Middle Forks of Rabbit Creek (40 49 34N 105 20 49W, T.10N., R 71W., Sec. 21). Also includes South Fork Rabbit Creek from its confluence with Rabbit Creek (40 48 39N 105 19 45W, T.10N., R.71W., Sec. 27) upstream to (40 49 39N 105 24 40W, T.10N., R.72W., north boundary Sec. 24). Includes an unnamed tributary from its confluence with South Fork Rabbit Creek (40 47 28N 105 20 47W, T.10N., R.71W., Sec. 33) upstream to (40 47 28N 105 23 12W, T.10N., R.71W., Sec. 31). Which in turn has an unnamed tributary from their confluence at (40 47 17N 105 21 48W, T.10N., R.71W., east boundary Sec. 32) upstream to (40 46 55N 105 22 16W, T.9N., R.71W., Sec. 5). Also includes Middle Fork Rabbit Creek from its confluence with Rabbit Creek (40 49 34N 105 20 49W, T.10N., R 71W., Sec. 21) upstream to 7,600 ft (2,317 m) elevation (40 49 46N 105 26 59W, T.10N., R.72W., Sec. 15). This includes an unnamed tributary from its confluence with Middle Fork Rabbit Creek (40 49 56N 105 25 51W, T.10N., R.72W., Sec. 14) upstream to 7,600 ft (2,317 m) elevation (40 48 48N 105 26 29W, T.10N., R.72W., Sec. 23). This unit includes North Fork Rabbit Creek from its confluence with Rabbit Creek (40 49 34N 105 20 49W, T.10N., R.71W., Sec. 21) upstream to 7,600 ft (2,317 m) elevation (40 49 38N 105 29 19W, T.10N., R.72W., Sec. 17). Includes an unnamed tributary from its confluence with North Fork Rabbit Creek (40 50 45N 105 27 44W, T.10N., R.72W., Sec. 9) upstream to 7,600 ft (2,317 m) elevation (40 50 57N 105 28 46W, T.10N., R.72W., Sec. 9).

(ii) *Note:* Map of Unit 1 follows:

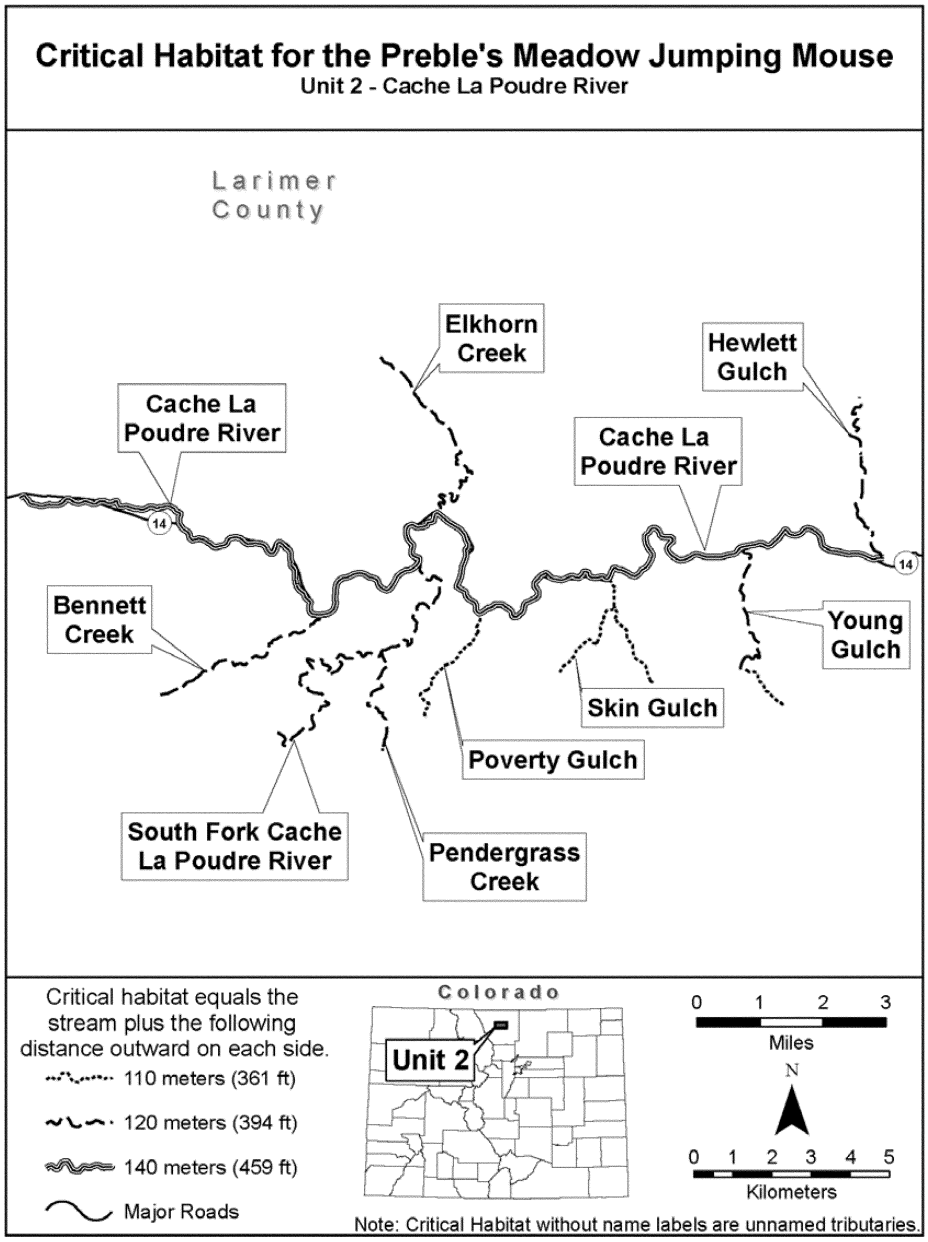


(7) Unit 2: Cache la Poudre River, Larimer County, Colorado.

(i) This unit consists of 50.8 mi (81.7 km) of streams and rivers. Cache la Poudre River from Poudre Park (40 41 16N 10 18 2W, T.8N., R.71W., Sec. 2) upstream to (40 42 02N 105 34 04W, T.9N., R.73W., west boundary Sec. 34). Includes Hewlett Gulch from its confluence with Cache la Poudre River (40 41 16N 105 18 24W, T.8N., R.71W., Sec. 2) upstream to the

boundary of Arapahoe-Roosevelt National Forest (40 43 29N 105 18 51W, T.9N., R.71W., Sec. 23). Also includes Young Gulch from its confluence with Cache la Poudre River (40 41 25N 105 20 57W, T.8N., R.71W., Sec. 4) upstream to (40 39 14N 105 20 13W, T.8N., R.71W., south boundary Sec. 15). Also includes an unnamed tributary from its confluence with Cache la Poudre River at Stove Prairie Landing (40 40 58N 105 23 23W, T.8N., R.71W., Sec. 6) upstream to (40 39 31N 105 22 34W, T.8N., R.71W., Sec. 17). Includes Skin Gulch from its confluence with the aforementioned unnamed tributary at (40 40 33N 105 23 16W, T.8N., R.71W., Sec. 7) upstream to (40 39 40N 105 24 16W, T.8N., R.72W., Sec. 13). Unit 2 also includes Poverty Gulch from its confluence with Cache la Poudre River (40 40 28N 105 25 44W, T.8N., R.72W., Sec. 11) upstream to 7,600 ft (2,317 m) elevation (40 39 01N 105 26 40W, T.8N., R.72W., Sec. 22). Also includes Elkhorn Creek from its confluence with Cache la Poudre River (40 41 50N 105 26 24W, T.9N., R.72W., Sec. 34) upstream to (40 44 03N 105 27 34W, T.9N., R.72W., Sec. 21). Also includes South Fork Cache la Poudre River from its confluence with Cache la Poudre River (40 41 11N 105 26 50W, T.8N., R.72W., Sec. 3) upstream to 7,600 ft (2,317 m) elevation (40 38 48N 105 29 22W, T.8N., R.72W., Sec. 20). Includes Pendergrass Creek from its confluence with South Fork Cache la Poudre River (40 39 56N 105 27 30W, T.8N., R.72W., Sec. 15) upstream to 7,600 ft (2,317 m) elevation (40 38 34N 105 27 28W, T.8N., R.72W., Sec. 22). Also included in the unit is Bennett Creek from its confluence with Cache la Poudre River (40 40 26N 105 28 41W, T.8N., R.72W., Sec. 9) upstream to 7,600 ft (2,317 m) elevation (40 39 19N 105 31 29W, T.8N., R.73W., Sec. 13).

(ii) *Note:* Map of Unit 2 follows:

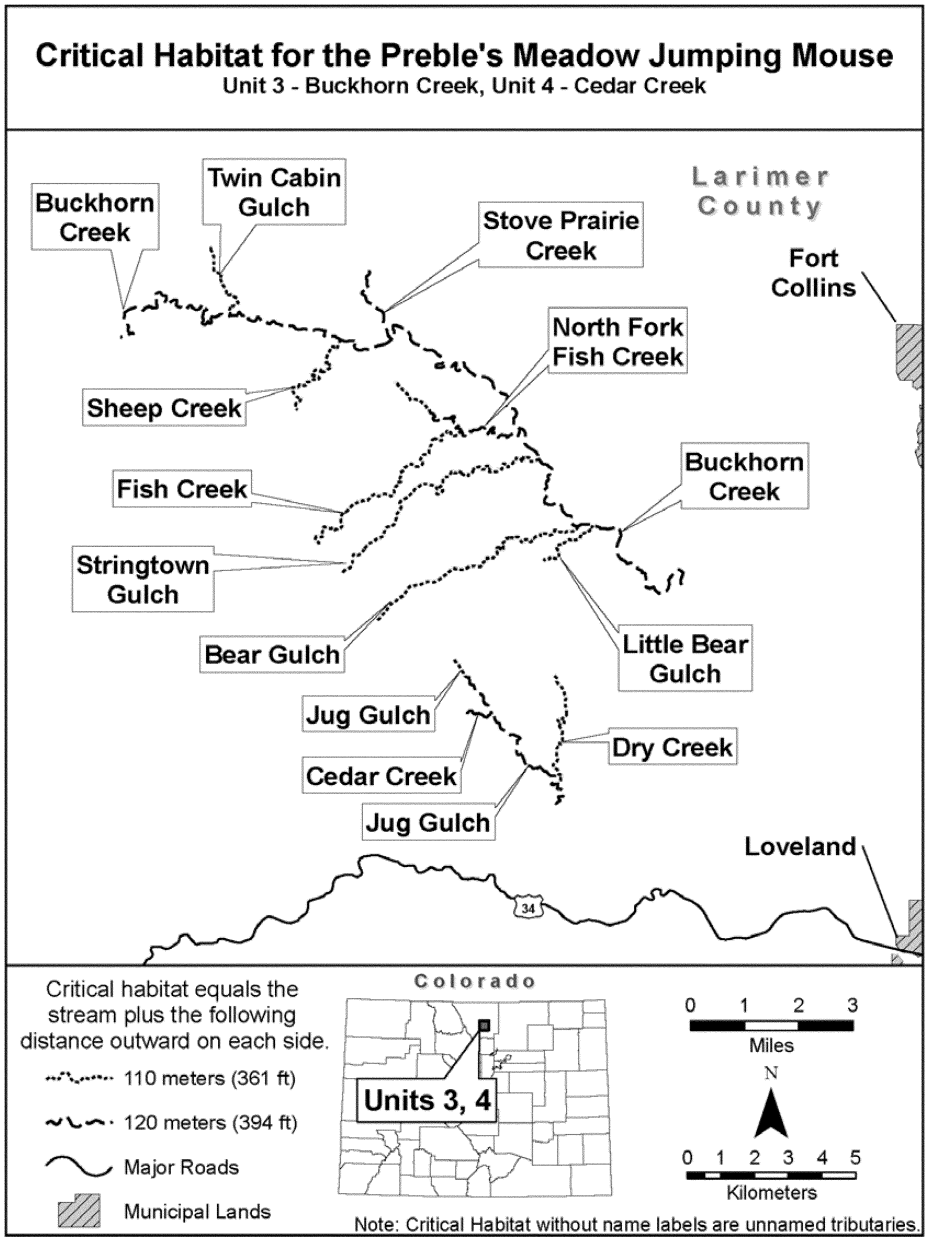


(8) Unit 3: Buckhorn Creek, Larimer County, Colorado.

(i) This unit consists of 45.5 mi (73.2 km) of streams. Buckhorn Creek from (40 30 20N 105 13 39W, T.6N., R.70W., east boundary Sec. 9) upstream to 7,600 ft (2,317 m) elevation (40 34 17N 105 25 31W, T.7N., R.72W., Sec. 14). Includes Little Bear Gulch from its confluence with Buckhorn Creek (40 31 17N 105 15 33W, T.6N., R.70W., Sec. 5) upstream to (40 30 43N

105 16 35W, T.6N., R.70W., Sec. 6). Also includes Bear Gulch from its confluence with Buckhorn Creek (40 31 16N 105 15 52W, T.6N., R.70W., Sec. 5) upstream to 7,600 ft (2,317 m) elevation (40 29 45N 105 20 4W, T.6N., R.71W., Sec. 10). Also includes Stringtown Gulch from its confluence with Buckhorn Creek (40 32 21N 105 16 42W, T.7N., R.70W., Sec. 30) upstream to 7,600 ft (2,317 m) elevation (40 30 30N 105 20 50W, T.6N., R.71W., Sec. 4). Also includes Fish Creek from its confluence with Buckhorn Creek (40 32 48N 105 18 20W, T.7N., R.70W., Sec. 30) upstream to 7,600 ft (2,317 m) elevation (40 30 56N 105 21 20W, T.6N., R.71W., Sec. 4). Includes North Fork Fish Creek from its confluence with Fish Creek (40 32 48N 105 18 20W, T.7N., R.71W., west boundary Sec. 25) upstream and following the first unnamed tributary northwest to (40 33 34N 105 19 45W, T.7N., R.71W., Sec. 22). Also includes Stove Prairie Creek from its confluence with Buckhorn Creek (40 34 16N 105 19 48W, T.7N., R.71W., Sec. 15) upstream to the dirt road crossing at (40 35 22N 105 20 17W, T.7N., R.71W., Sec. 10). Also includes Sheep Creek from its confluence with Buckhorn Creek (40 34 15N 105 20 53W, T.7N., R.71W., Sec. 16) upstream to 7,600 ft (2,317 m) elevation (40 33 08N 105 21 47W, T.7N., R.71W., Sec. 20). Also includes Twin Cabin Gulch from its confluence with Buckhorn Creek (40 34 38N 105 23 13W, T.7N., R.71W., Sec. 18) upstream to 7,600 ft (2,317 m) elevation (40 35 45N 105 23 36W, T.7N., R.71W., Sec. 6).

(ii) NOTE: Map of Units 3 and 4 follows:



(9) Unit 4: Cedar Creek, Larimer County, Colorado.

(i) This unit consists of 7.5 mi (12.1 km) of streams. Cedar Creek from the boundary of Federal land (40 26 46N 105 16 17W, T.6N., R.70W., Sec. 31) upstream to the boundary of Federal land (40 28 15N 105 18 11W, T.6N., R.71W., Sec. 24). Includes Dry Creek from its confluence with Cedar Creek (40 27 07N 105 16 16W, T.6N., R.70W., Sec. 30) upstream to the

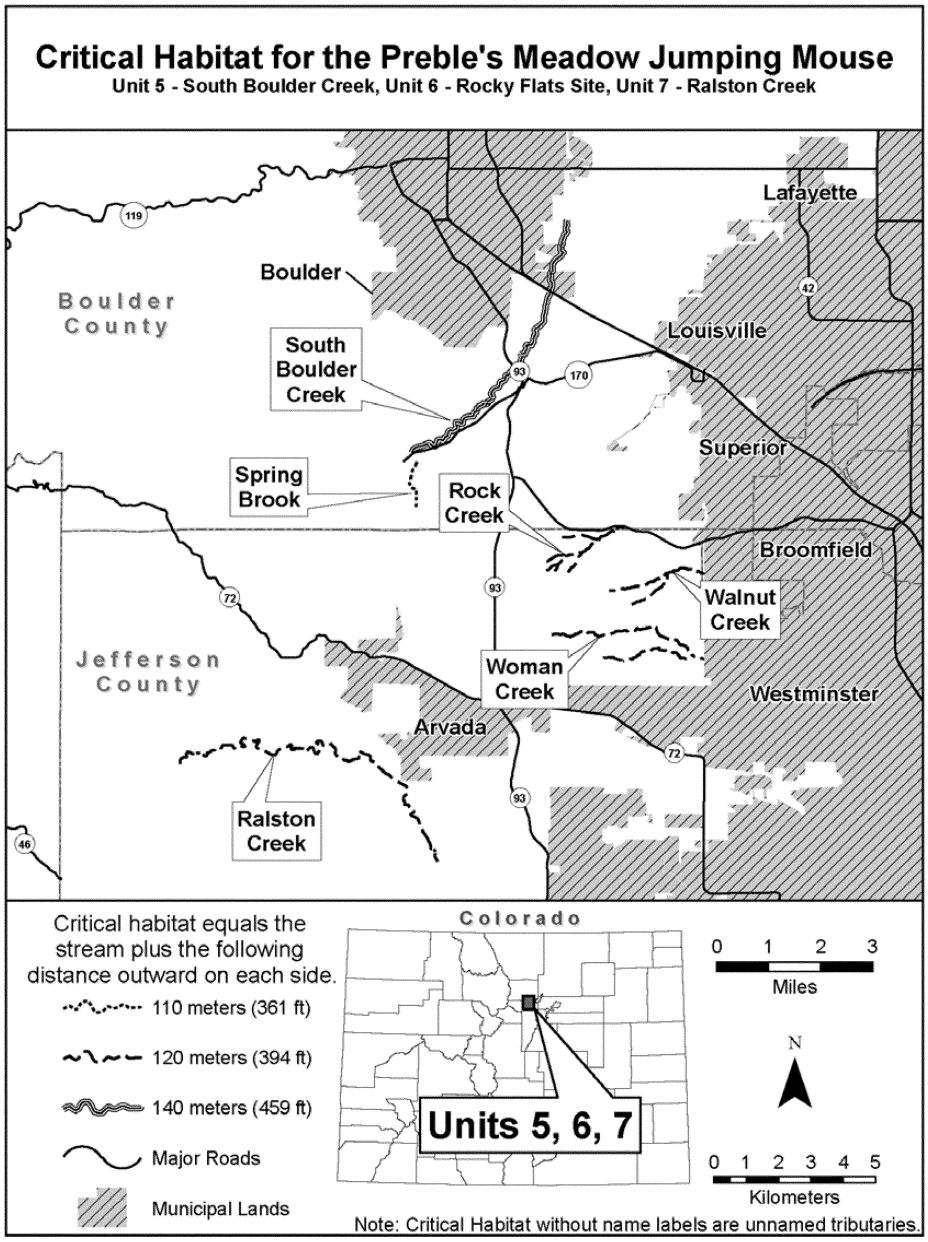
boundary of Federal land (40 28 52N 105 16 21W, T.6N., R.70W., Sec. 18). Also includes Jug Gulch from its confluence with Cedar Creek (40 28 15N 105 17 41W, T.6N., R.71W., Sec. 24) upstream to the boundary of Federal land (40 29 07N 105 18 28W, T.6N., R.71W., Sec. 14).

(ii) NOTE: Map of Unit 4 appears at paragraph (8)(ii) of this entry.

(10) Unit 5: South Boulder Creek, Boulder County, Colorado.

(i) This unit consists of 7.6 mi (12.2 km) of streams. Including South Boulder Creek from Baseline Road (40 0 0N 105 12 55W, T.1S., R.70W., Sec. 3) upstream to near Eldorado Springs, Colorado (39 56 7N 105 16 16W, T.1S., R.70W., Sec. 30). Unit 5 also includes Spring Brook from the Community Ditch near Eldorado Springs (39 55 59N 105 16 10W, T.1S., R.70W., Sec. 30) upstream to the Denver Water boundary at the South Boulder Diversion Canal (39 55 13N 105 16 12W, T.1S., R.70W., Sec. 31).

(ii) NOTE: Map of Units 5, 6, and 7 follows:



(11) Unit 6: Rocky Flats Site, Jefferson County and Broomfield Counties, Colorado.

(i) This unit consists of three subunits including 12.5 mi (20.1 km) of streams as follows:

(A) The Woman Creek Subunit from Indiana Street (39 52 40N 105 9 55W, T.2S., R.70W., east boundary Sec. 13) upstream to (39 53 3N 105 13 20W, T.2S., R.70W., west boundary Sec.

15). Includes unnamed tributary from confluence with Woman Creek (39 52 43N 105 10 11W, T.2S., R.70W., Sec. 13) upstream to (39 52 39N 105 12 11W, T.2S., R.70W., west boundary Sec. 14).

(B) The Walnut Creek Subunit from Indiana Street (39 54 5N 105 9 55W, T.2S., R.70W., east boundary Sec. 1) upstream to (39 53 49N 105 11 59W, T.2S., R.70W., Sec. 11). Includes unnamed tributary from its confluence with Walnut Creek (39 54 6N 105 10 42W, T.2S., R.70W., Sec. 1) upstream to (39 53 35N 105 11 29W, T.2S., R.70W., Sec. 11).

(C) The Rock Creek Subunit from State Highway 128 (39 54 53N 105 11 40W, T.1S., R.70W., Sec. 35) upstream to (39 54 17N 105 13 20W, T.2S., R.70W., west boundary Sec. 3). Includes an unnamed tributary from its confluence with Rock Creek (39 54 40N 105 12 11W, T.2S., R.70W., east boundary Sec. 3) upstream to (39 54 42 N 105 13 00W, T.2S., R.70W., Sec. 3). Also includes an unnamed tributary from its confluence with Rock Creek at (39 54 26N 105 12 34W, T.2S., R.70W., Sec. 3) upstream to (39 54 7N 105 12 52W, T.2S., R.70W., Sec. 3). Includes another unnamed tributary from its confluence with Rock Creek at (39 54 23N 105 12 56W, T.2S., R.70W., Sec. 3) upstream to (39 54 8N 105 13 20W, T.2S., R.70W., west boundary Sec. 3. Includes another unnamed tributary from its confluence with Rock Creek at (39 54 15N 105 13 5W, T.2S., R.70W., Sec. 3) upstream to (39 54 08N 105 13 09W, T.2S., R.70W., Sec. 3).

(ii) NOTE: Map of Unit 6 appears at paragraph (10)(ii) of this entry.

(12) Unit 7: Ralston Creek, Jefferson County, Colorado.

(i) This unit consists of 8.5 mi (13.7 km) of streams. Ralston Creek from 6,065 ft (1,849 m) elevation at the northern edge of Denver Water property just upstream of Ralston Reservoir (39 49 12N 105 15 35W, T.3S., R.70W., Sec. 6) upstream into Golden Gate Canyon State Park to 7,600 ft (2,300 m) elevation (39 50 53 105 21 16W, T.2S., R.71W., Sec. 29).

(ii) NOTE: Map of Unit 7 appears at paragraph (10)(ii) of this entry.

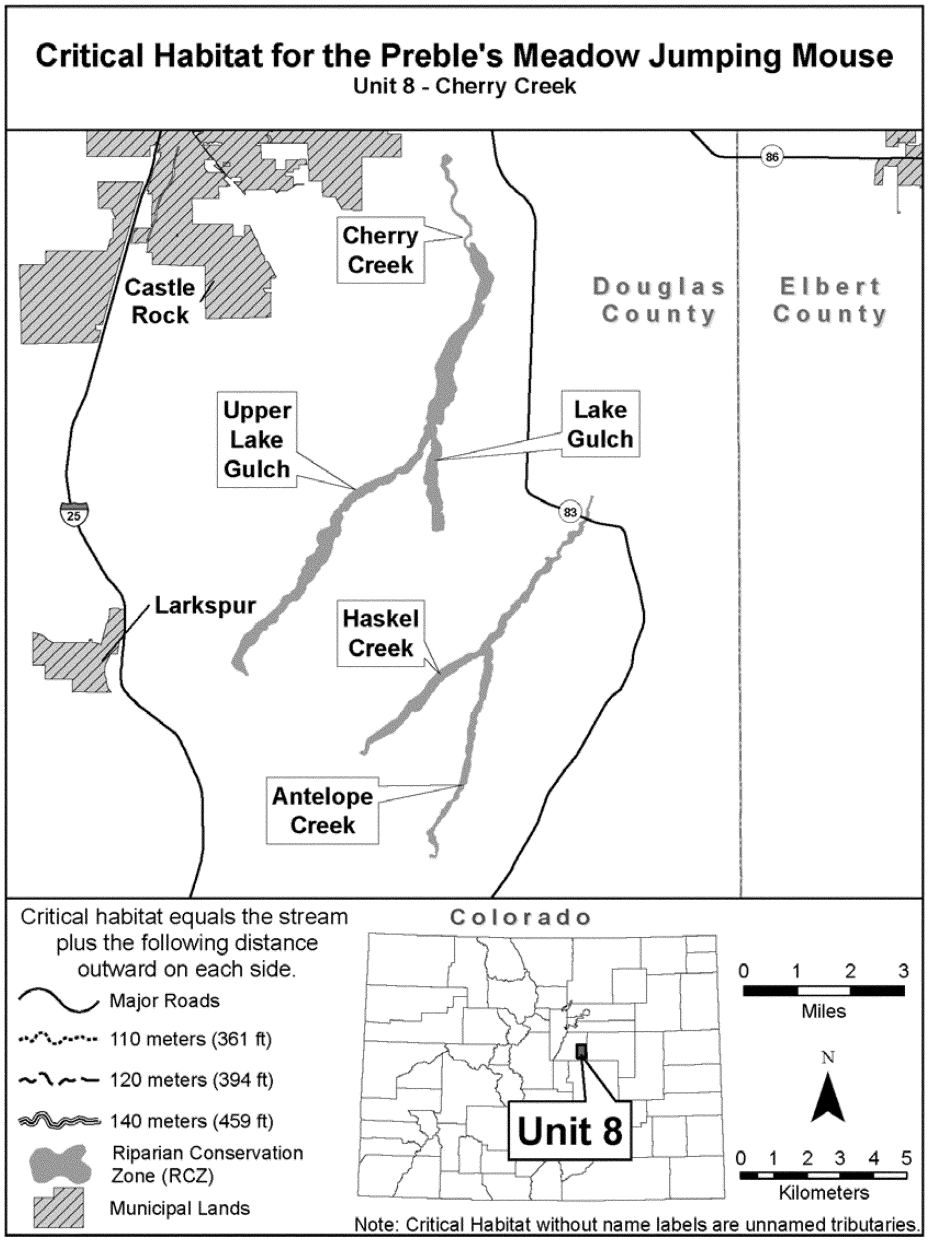
(13) Unit 8: Cherry Creek, Douglas County, Colorado.

(i) This unit consists of two subunits including 29.8 mi (47.9 km) of streams as follows:

(A) The Lake Gulch Subunit including Cherry Creek from the northern boundary of Castlewood Canyon State Recreation Area (39 21 44N 104 45 39W, T.8S., R.66W., south boundary Sec. 10) upstream to the confluence with Lake Gulch (39 20 24N 104 45 36W, T.8S., R.66W., Sec. 23). Lake Gulch from the aforementioned confluence upstream to (39 15 37N 104 46 05W, T.9S., R.66W., south boundary Sec. 15). Includes Upper Lake Gulch from its confluence with Lake Gulch (39 17 24N 104 46 11W, T.9S., R.66W., Sec. 3) upstream to (39 13 24N 104 50 21W, T.9S., R.67W., mid-point Sec. 36).

(B) The Antelope Creek Subunit from its confluence with West Cherry Creek (39 16 11N 104 42 49W, T.9S R.65W., S18) upstream to the Franktown Parker Reservoir (39 10 20N 104 46 16W, T.10S R.66W., S22). It also includes Haskel Creek from its confluence with Antelope Creek (39 13 43N, 104 45 5W, T.9S R.66W., S35) upstream to the Haskel Creek Spring Pond at 7,000 ft (2,134 m) elevation (39 11 60N 104 47 40N, T.10S R.66W., S8).

(ii) NOTE: Map of Unit 8 follows:

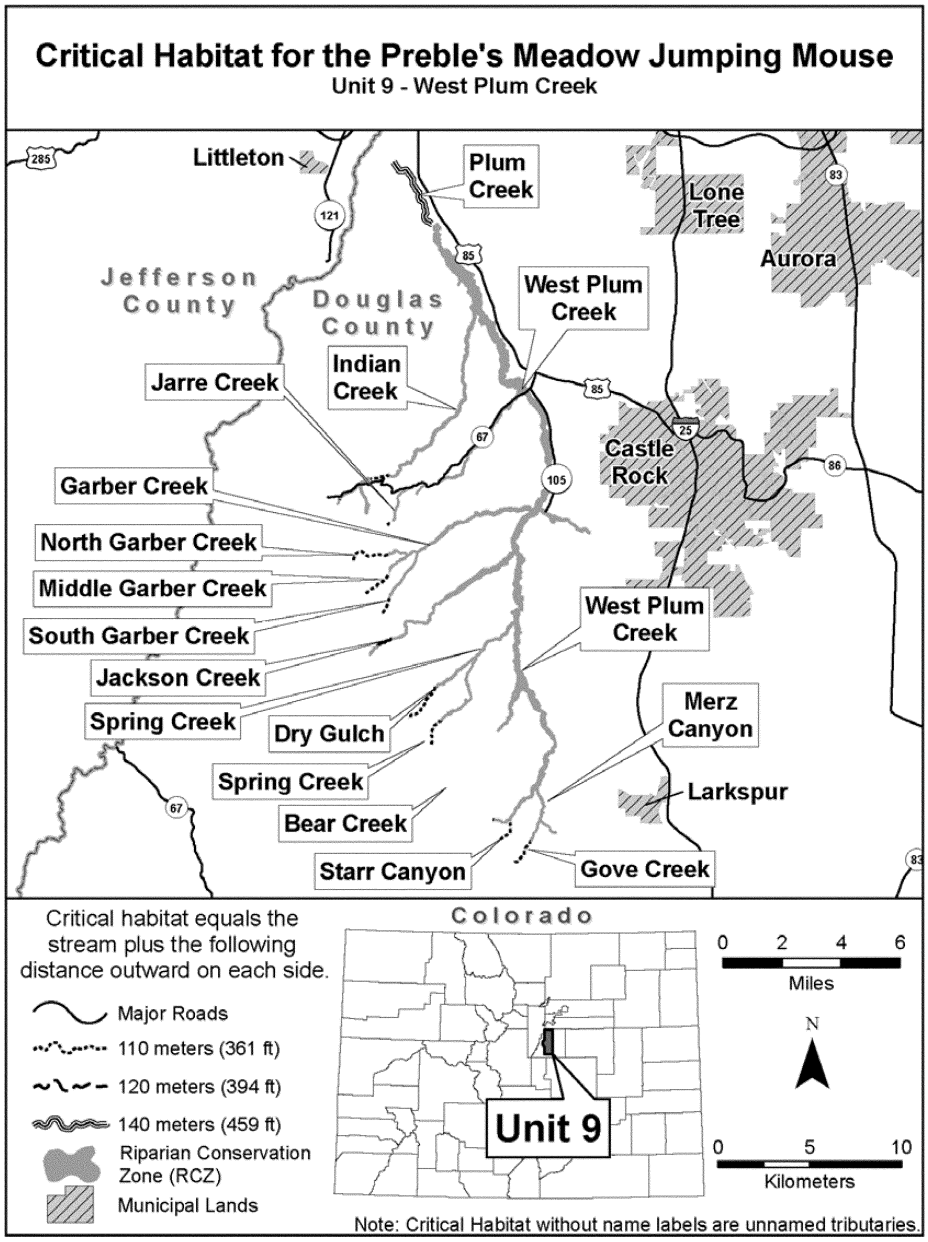


(14) Unit 9: West Plum Creek, Douglas County, Colorado.

(i) This unit consists of 90.3 mi (145.3 km) of streams. Plum Creek from Chatfield Lake (39 32 35N 105 03 07W, T.6S., R.68W., Sec. 7) upstream to its confluence with West Plum Creek and East Plum Creek (39 25 49N 104 58 8W, T.7S., R.68W., Sec. 23), excluding 0.14 mi (0.23 km) of Plum Creek owned by Denver

Water at the Highline Canal crossing (excluding from 39 30 44N 105 01 41W, T.6S., R.68W., Sec. 20 downstream to 39 30 41N 105 01 32W, T.6S., R.68W., Sec. 20). West Plum Creek from the aforementioned confluence (39 25 49N 104 58 8W, T.7S., R.68W., Sec. 23) upstream to the boundary of Pike-San Isabel National Forest and 7,600 ft (2,317 m) elevation (39 13 07N 104 59 20W, T.9S., R.68W., Sec. 34). Includes Indian Creek from its confluence with Plum Creek (39 28 22N 104 59 57W, T.7S., R.68W., Sec. 4) upstream to Silver State Youth Camp (39 22 24N 105 05 13W, T.8S., R.69W., Sec. 11). Indian Creek includes an unnamed tributary from its confluence with Indian Creek at Pine Nook (39 23 01N 105 04 24W, T.8S., R.69W., Sec. 2) upstream to (39 22 10N 105 04 08W, T.8S., R.69W., Sec. 12). Also includes Jarre Creek from its confluence with Plum Creek (39 25 50N 104 58 15W, T.7S., R.68W., Sec. 23) upstream to 7,600 ft (2,317 m) elevation (39 21 50N 105 03 20W, T.8S., R.69W., Sec. 12). Jarre Creek includes an unnamed tributary from its confluence with Jarre Creek (39 22 58N 105 01 52W, T.8S., R.68W., Sec. 5) upstream to (39 22 44N 105 02 14W, T.8S., R.68W., Sec. 8). Also includes an unnamed tributary from its confluence with West Plum Creek (39 22 20N 104 57 39W, T.8S., R.68W., Sec. 11) upstream to (39 21 36N 104 55 40W, T.8S, R67W., Sec.18). Unit 9 also includes Garber Creek from its confluence with Plum Creek (39 22 10N 104 57 49W, T.8S., R.68W., Sec. 11) upstream to its confluence with South Garber Creek and Middle Garber Creek (39 21 02N 105 02 13W, T.8S., R.68W., Sec. 18). Including South Garber Creek from its confluence with Garber Creek (39 21 02N 105 02 13W, T.8S., R.68W., Sec. 18) upstream to 7,600 ft (2,317 m) elevation (39 19 14N 105 03 13W, T.8S., R.69W., Sec. 25). Including Middle Garber Creek from its confluence with Garber Creek (39 20 55N 105 02 35W, T.8S., R.68W., Sec. 18) upstream to (39 19 48N 105 04 09W, T.8S., R.69W., west boundary Sec. 25). Including North Garber Creek from its confluence with Middle Garber Creek (39 20 55N 105 02 35W, T.8S., R.68W., Sec. 18) upstream to 7,600 ft (2,317 m) elevation (39 20 47N 105 04 37W, T.8S., R.69W., Sec. 23). Includes Jackson Creek from its confluence with Plum Creek (39 21 02N 104 58 30W, T.8S., R.68W., Sec. 14) upstream to 7,600 ft (2,317 m) elevation (39 17 59N 105 03 57W, T.9S., R.69W., Sec. 1). Includes Spring Creek from its confluence with West Plum Creek at (39 19 04N 104 58 26W, T.8S., R.68W., Sec. 35) upstream to (39 15 21N 105 01 40W, T.9S., R.68W., Sec. 20). Including Dry Gulch from its confluence with Spring Creek (39 17 54N 104 59 58W, T.9S., R.68W., Sec. 4) upstream to 7,600 ft (2,317 m) elevation (39 16 07N 105 02 33W, T.9S., R.68W., Sec. 18). Including Bear Creek from its confluence with West Plum Creek (39 17 30N 104 58 25W, T.9S., R.68W., Sec. 2) upstream to the base of the Waconda Lake dam (39 15 43 N, 104 59 09 W, T.9S, R.68W, Sec.15). Including Gove Creek from its confluence with West Plum Creek (39 14 07N 104 57 42W, T.9S., R.68W., Sec. 26) upstream to 7,600 ft (2,317 m) elevation (39 11 50N 104 58 32W, T.10S., R.68W., Sec. 11). Includes Merz Canyon stream from its confluence with Gove Creek (39 13 05N 104 57 33W, T.9S., R.68W., Sec. 36) upstream to (39 12 39N 104 57 04 W, T.10S., R.68W., Sec.1). Includes Starr Canyon stream from its confluence with West Plum Creek (39 13 07N 104 58 41W, T.9S., R.68W., Sec. 35) upstream to 7,600 ft (2,317 m) elevation (39 12 32N 104 59 01W, T.10S., R.68W., Sec. 3).

(ii) NOTE: Map of Unit 9 follows:



(15) Unit 10: Upper South Platte River, Douglas, Jefferson, and Teller Counties, Colorado.

(i) This unit consists of four subunits including 33.6 mi (54.1 km) of rivers and streams as follows:

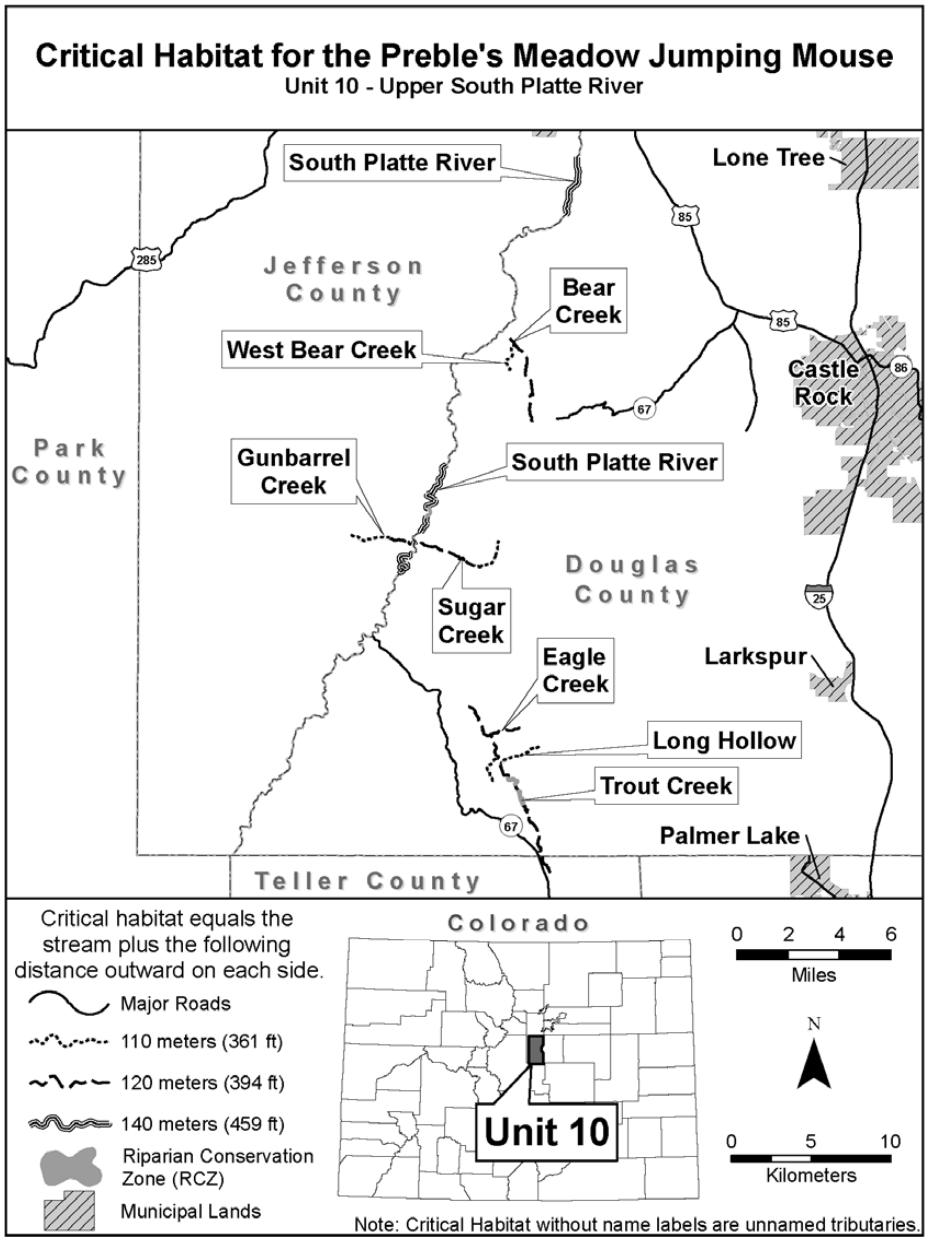
(A) The Chatfield Subunit, on the border of Jefferson County and Douglas County entirely within Chatfield State Park from Chatfield Lake (39 31 32N 105 04 45W, T.6S., R.69W., Sec. 14) upstream to the northern boundary of the Kassler Center land owned by Denver Water (39 29 35N 105 05 14W, T.6S., R.69W., Sec. 26).

(B) The Bear Creek Subunit, Douglas County from Pike–San Isabel National Forest boundary (39 25 27N 105 07 40W, T.7S., R.69W., west boundary Sec. 21) upstream to (39 22 32N 105 06 40W, T.8S., R.69W., south boundary Sec. 4). Includes West Bear Creek from its confluence with Bear Creek (39 25 15N 105 07 30W, T.7S., R.69W., Sec. 21) upstream to a confluence with an unnamed tributary (39 24 17N 105 07 38W, T.7S., R.69W., Sec. 33).

(C) The South Platte River Subunit, on the border of Jefferson County and Douglas County from the southern boundary of Denver Water land near Nighthawk (39 21 04N 105 10 28W, T.8S., R.70W., Sec. 13) upstream to the north eastern boundary of Denver Water land at (39 18 47N 105 11 33W, T.8S., R.70W., Sec. 35), excluding Denver Water lands along this stretch (39 19 10N 105 11 17W, T.8S., R.70W., Sec. 26), and utilizing the Douglas County Riparian Conservation Zones on non-Federal lands. Also included in this subunit from the southwestern boundary of Denver Water property at (39 18 04N 105 12 03W, T.9S., R.70W., Sec. 2) to the north eastern boundary of Denver Water property at (39 17 27N 105 12 24W, T.9S., R.70W., Sec. 3). Includes Sugar Creek, within Douglas County from the eastern boundary of Denver Water land near Oxyoke (39 18 24N 105 11 32W, T.8S., R.70W., Sec. 35) upstream to 7,600 ft (2,317 m) elevation (39 18 31N 105 08 09W, T.8S., R.69W., Sec. 32). Includes Gunbarrel Creek, within Jefferson County from the western boundary of Denver Water land near Oxyoke (39 18 27N 105 12 06W, T.8S., R.70W., Sec. 34) upstream to (39 18 41N 105 14 36W, T.8S., R.70W., Sec. 32).

(D) The Trout Creek Subunit, Douglas County upstream into Teller County from (39 13 02N 105 09 31W, T.9S., R.69W., Sec. 31) upstream to 7,600 ft (2,317 m) elevation which is 0.8 mi (1.3 km) into Teller County (39 07 13N 105 05 49W, T.11S., R.69W., Sec. 3). Includes Eagle Creek from its confluence with Trout Creek (39 11 52N 105 08 27W, T.10S., R.69W., Sec. 8) upstream to 7,600 ft (2,317 m) elevation (39 12 06N 105 07 12W, T.10S., R.69W., Sec. 9). Also including an unnamed tributary from its confluence with Trout Creek (39 11 07N 105 08 05W, T.10S., R.69W., Sec. 17) upstream to (39 10 18N 105 08 23W, T.10S., R.69W., Sec. 20). Also including Long Hollow from its confluence with Trout Creek (39 10 56N 105 08 01W, T.10S., R.69W., Sec. 17) upstream to 7,600 ft (2,317 m) elevation (39 11 30N 105 06 19W, T.10S., R.69W., Sec. 10).

(ii) NOTE: Map of Unit 10 follows:

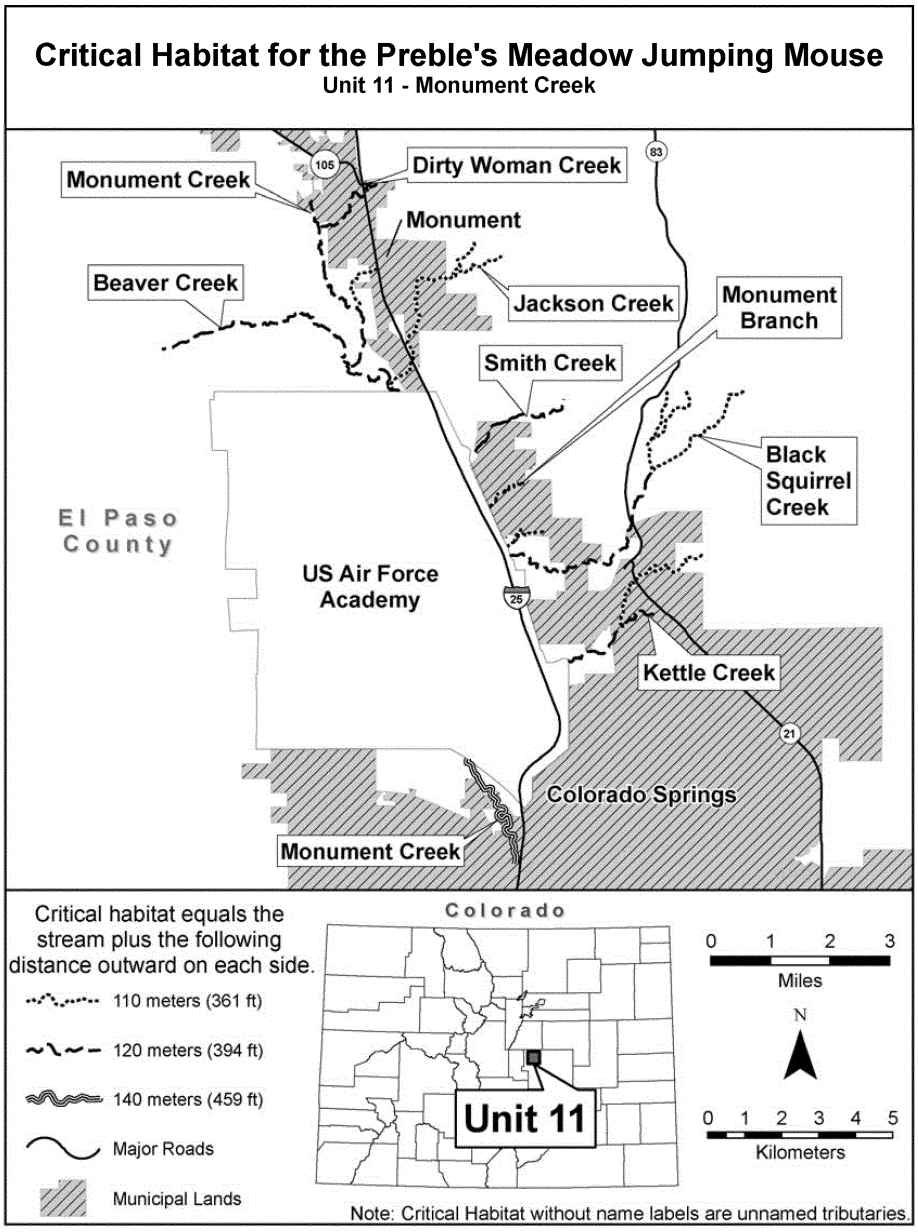


(16) Unit 11: Monument Creek, El Paso County, Colorado.

(i) This unit consists of 38.0 mi (61.1 km) of streams. Monument Creek from its confluence with Cottonwood Creek (38 55 36N 104 48 55W, T.13S., R66W., Sec. 7) upstream to the southern property boundary of the U.S. Air Force Academy (38 57 08N 104 49 49W, T.13S., R.66W., Sec. 6), excluding 0.82 ac (0.33 ha) on the Dahle property (38 56 56N 104 49 39W,

T.13S., R66W., Sec. 6). Then Monument Creek from the northern property boundary of the U.S. Air Force Academy (39 02 31N 104 51 05W, T.12S., R.67W., north boundary Sec. 2) upstream to Monument Lake (39 05 19N 104 52 43W, T.11S., R.67W., Sec. 15). Includes Kettle Creek from the property boundary of the U.S. Air Force Academy (38 58 33N 104 47 55W, T.12S., R.66W., Sec. 29) upstream to its intersection with a road at (39 00 07N 104 45 24W, T.12S., R.66W., east boundary Sec. 15). Which includes an unnamed tributary from its confluence with Kettle Creek (38 59 06N 104 46 55W, T.12S., R.66W., Sec. 21) upstream to (38 59 14N 104 46 19W, T.12S., R.66W., Sec. 22). Also includes Black Squirrel Creek from the property boundary of the U.S. Air Force Academy (39 00 06N 104 49 00W, T.12S., R.66W., Sec. 18) upstream to (39 02 30N 104 44 38W, T.12S., R.66W., north boundary Sec. 2). Including an unnamed tributary from its confluence with Black Squirrel Creek (39 01 19N 104 46 21W, T.12S., R.66W., Sec. 10) upstream to (39 02 30N 104 45 42W, T.12S., R.66W., north boundary Sec. 3). Which includes another unnamed tributary from (39 01 50N 104 46 20W, T.12S., R.66W., Sec. 3) upstream to (39 02 30N 104 46 03W, T.12S., R.66W., north boundary Sec. 3), excluding approximately 5 ac (2 ha) on the Lefever property (39 00 57N 104 46 33W, T.12S., R.66W., Sec. 9). Also includes an unnamed tributary from the property boundary of the U.S. Air Force Academy (39 00 14N 104 49 3W, T.12S., R.66W., Sec. 18) upstream to 6,700 ft (2,043 m) elevation (39 0 29N 104 48 24W, T.12S., R.66W., Sec. 17). Including an unnamed tributary from (39 0 19N 104 48 55W, T. 12S., R.66W., Sec. 18) upstream to (39 0 30N 104 48 48N, T. 12S., R.66W., Sec. 18). Unit 11 also includes Monument Branch from the property boundary of the U.S. Air Force Academy (39 00 50N 104 49 24W, T.12S., R.66W., Sec. 7) upstream to (39 01 10N 104 48 45W, T.12S., R.66W., east boundary Sec. 7). Also includes Smith Creek from the property boundary of the U.S. Air Force Academy (39 01 36N 104 49 46W, T.12S., R.66W., Sec. 7) upstream to (39 02 24N 104 48 00W, T.12S., R.66W., Sec. 5). Also includes Jackson Creek from its confluence with Monument Creek (39 02 33N 104 51 13W, T.11S., R.67W., Sec. 35) upstream to (39 04 30N 104 49 10W, T.11S., R.66W., Sec. 19). Includes an unnamed tributary from its confluence with Jackson Creek (39 04 12N 104 50 05W, T.11S., R.67W., Sec. 25) upstream to Higby Road (39 04 42N 104 49 40W, T.11S., R.66W., Sec. 19). Also includes Beaver Creek from its confluence with Monument Creek (39 02 52N 104 52 02W, T.11S., R.67W., Sec. 35) upstream to 7,600 ft (2,317 m) elevation (39 03 08N 104 55 32W, T.11S., R.67W., Sec. 31). Also includes Teachout Creek from its confluence with Monument Creek (39 03 44N 104 51 53W, T.11S., R.67W., Sec. 26) upstream to Interstate 25 (39 04 19N 104 51 29W, T.11S., R.67W., Sec. 23). Also includes Dirty Woman Creek from its confluence with Monument Creek (39 04 55N 104 52 34W, T.11S., R.67W., Sec. 22) upstream to Highway 105 (39 05 35N 104 51 28 W, T.11S., R.67W., Sec. 14).

(ii) Note: Map of Unit 11 follows:



ST. ANDREW BEACH MOUSE (*Peromyscus polionotus peninsularis*)

(1) Critical habitat units are depicted for Bay and Gulf Counties, Florida, on the maps below.

(2) The primary constituent elements of critical habitat for the St. Andrew beach mouse are the habitat components that provide:

(i) A contiguous mosaic of primary, secondary, and scrub vegetation and dune structure, with a balanced level of competition and predation and few or no competitive or predaceous nonnative species present, that collectively provide foraging opportunities, cover, and burrow sites;

(ii) Primary and secondary dunes, generally dominated by sea oats (*Uniola paniculata*), that despite occasional temporary impacts and reconfiguration from tropical storms and hurricanes, provide abundant food resources, burrow sites, and protection from predators;

(iii) Scrub dunes, generally dominated by scrub oaks (*Quercus* spp.), that provide food resources and burrow sites, and provide elevated refugia during and after intense flooding due to rainfall and/or hurricane-induced storm surge;

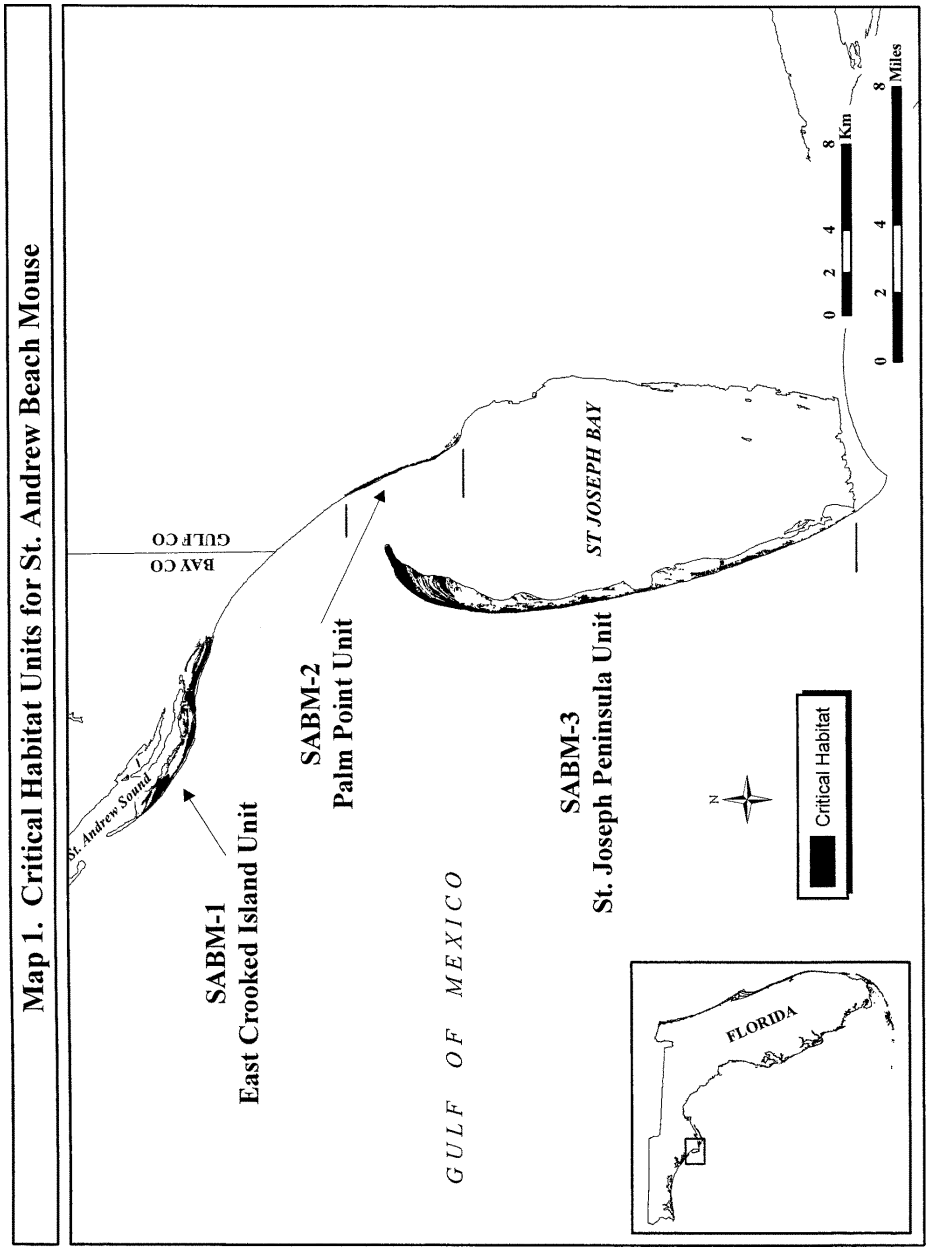
(iv) Functional, unobstructed habitat connections that facilitate genetic exchange, dispersal, natural exploratory movements, and re-colonization of locally extirpated areas; and

(v) A natural light regime within the coastal dune ecosystem, compatible with the nocturnal activity of beach mice, necessary for normal behavior, growth, and viability of all life stages.

(3) Critical habitat does not include manmade structures existing on the effective date of this rule and not containing one or more of the primary constituent elements, such as buildings, aqueducts, airports, driveways, and roads, and the land on which such structures are located.

(4) *Critical Habitat Map Units.* Data layers defining map units were created by delineating habitats that contained one or more of the primary constituent elements defined in paragraph (2) of this entry over 1999 and 2004 digital ortho photography at a scale of at least 1:4000.

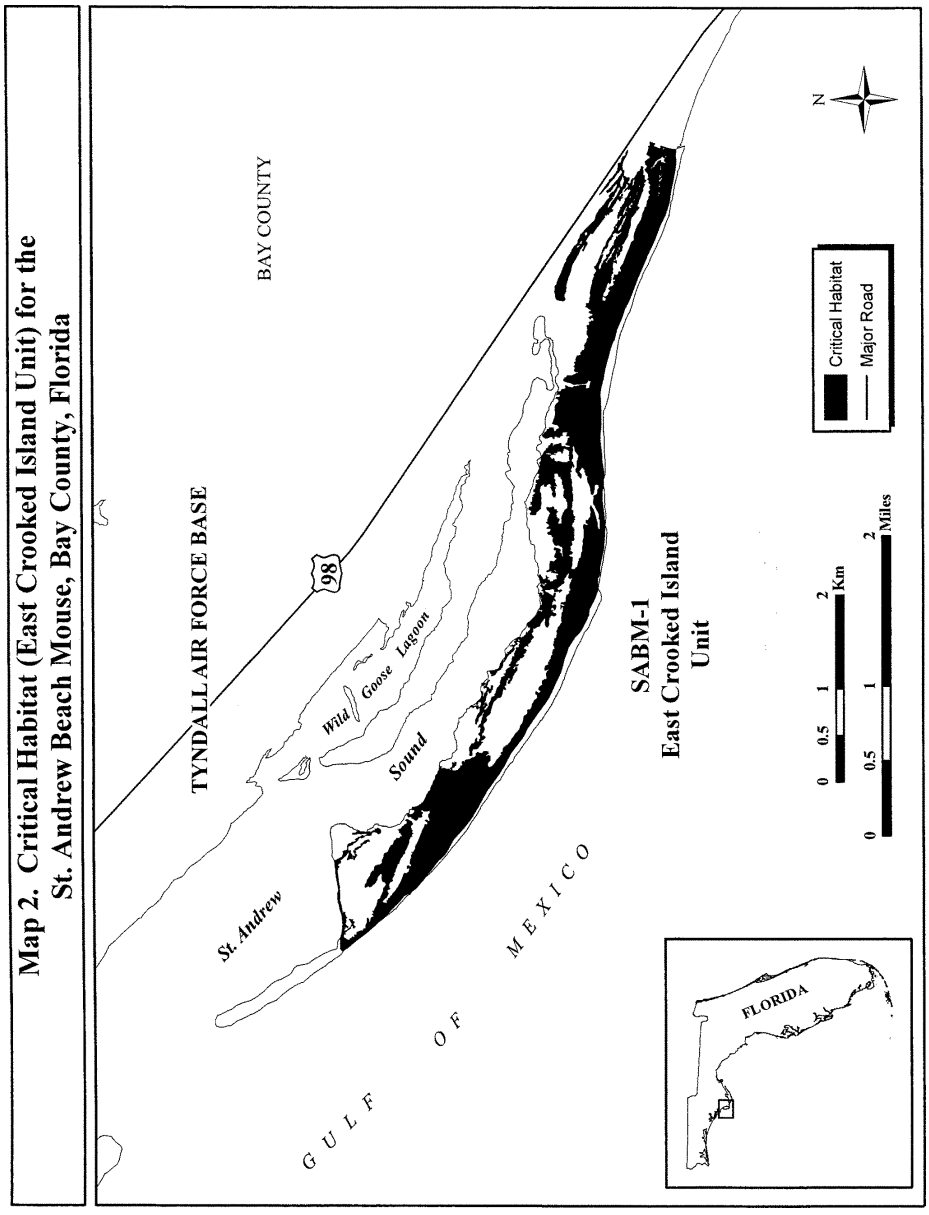
(5) Note: Map 1, Index Map of Critical Habitat Units for the St. Andrew beach mouse, follows:



(6) SABM—Unit 1: East Crooked Island, Gulf County, Florida.

(i) *General Description:* This unit encompasses essential features of beach mouse habitat on East Crooked Island from the entrance of St. Andrew Sound to 1 mi west of Mexico Beach, not including Raffield Peninsula, and the area from the mean high water level (MHWL) to the seaward extent of the maritime forest.

(ii) Map 2, Unit 1 of St. Andrew beach mouse, follows:



(7) SABM—Unit 2: Palm Point Unit, Gulf County, Florida.

(i) *General Description:* This unit encompasses habitat from Palm Point 1.25 mi

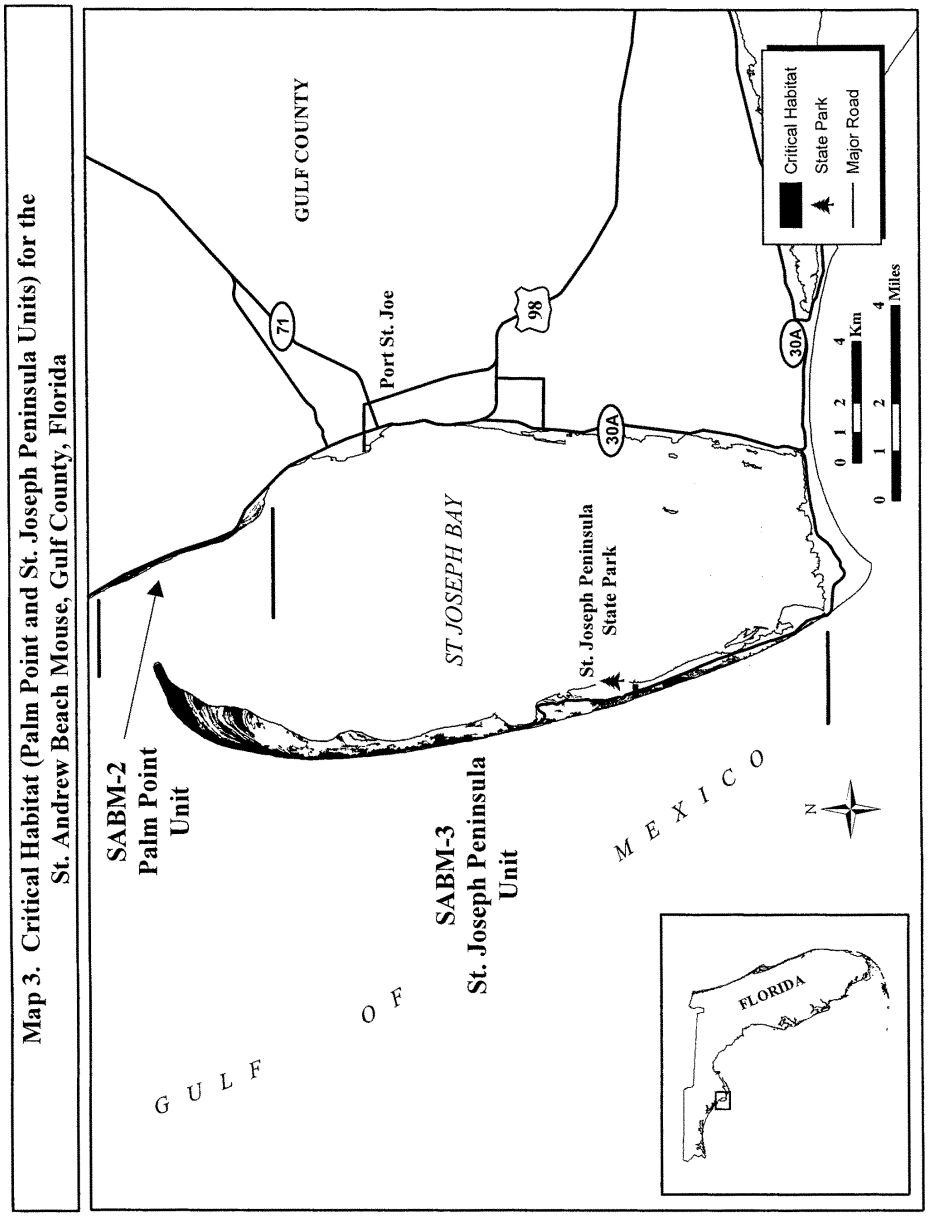
northwest of the inlet of the Gulf County Canal to St. Joe Beach and the area from the MHWL to the seaward extent of the maritime forest.

(ii) Map of SABM—Unit 2 is provided at paragraph (8)(ii) of this entry.

(8) SABM—Unit 3: St. Joseph Peninsula, Gulf County, Florida.

(i) *General Description:* This unit encompasses essential features of beach mouse habitat within the boundary of St. Joseph Peninsula State Park (Park) as well as south of the Park to the peninsula's constriction north of Cape San Blas (also known as the ''stumphole'' region) and area from the MHWL to the seaward extent of the maritime forest.

(ii) Map 3, Units 2 and 3 of St. Andrew beach mouse, follows:



NORTHERN SEA OTTER (*Enhydra lutris kenyoni*), SOUTHWEST ALASKA DISTINCT POPULATION SEGMENT:

(1) Critical habitat units are in Alaska, as described below. The index map provided is for informational purposes only.

(2) The primary constituent elements of critical habitat for the southwest Alaska distinct population segment (DPS) of the northern sea otter are:

(i) Shallow, rocky areas where marine predators are less likely to forage, which are in waters less than 2 m (6.6 ft) in depth;

(ii) Nearshore waters within 100 m (328.1 ft) from the mean high tide line;

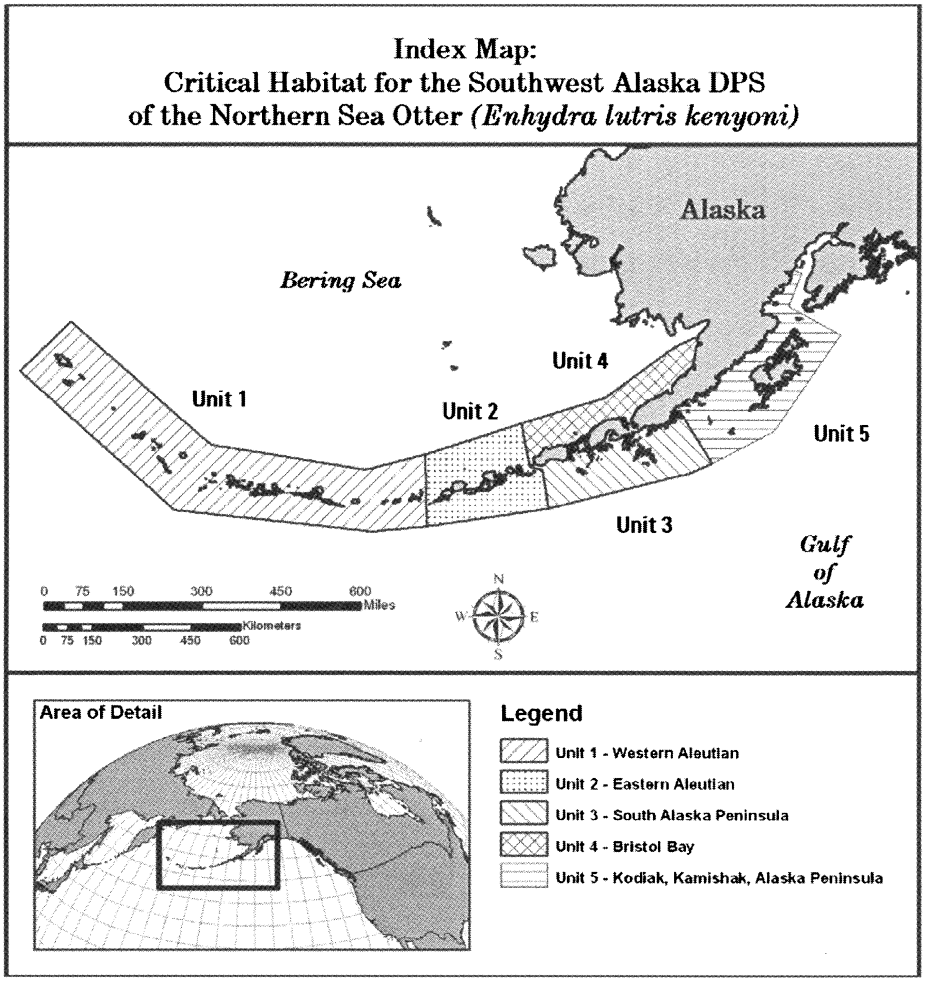
(iii) Kelp forests, which occur in waters less than 20 m (65.6 ft) in depth; and

(iv) Prey resources within the areas identified in paragraphs (2)(i), (2)(ii), and (2)(iii) of this entry that are present in sufficient quantity and quality to support the energetic requirements of the species.

(3) Critical habitat does not include manmade structures (including, but not limited to, docks, seawalls, pipelines, or other structures) and the land on which they are located existing within the boundaries on the effective date of this rule.

(4) Critical habitat map units. Boundaries of critical habitat were derived from GIS data layers of hydrographic survey data developed by the National Oceanic and Atmospheric Administration. To estimate the size of each critical habitat unit, the data were projected into Alaska Standard Albers Conical Equal Area on the North American Datum of 1983. Given the large geographic range of this DPS, some two-dimensional areas appear as one-dimensional features at these map scales.

(5) Note: Index map of critical habitat for the southwest Alaska DPS of the northern sea otter follows:



(6) Unit 1: Western Aleutian. All contiguous waters from the mean high tide line to the 20-m (65.6-ft) depth contour as well as waters within 100 m (328.1 ft) of the mean high tide line that occur adjacent to the following islands: Adak, Agattu, Alaid, Amatignak, Amchitka, Amlia, Amukta, Anagaksik, Asuksak, Atka, Attu, Aziak, Bobrof, Buldir, Carlisle, Chagula, Chuginadak, Chugul, Crone, Davidof, Elf, Gareloi, Great Sitkin, Herbert, Igitkin, Ilak, Kagalaska, Kagamil, Kanaga, Kanu, Kasatochi, Kavalga, Khvostof, Kiska, Koniuji, Little Kiska, Little Sitkin, Little Tanaga, Nizki, Ogliuga, Oglodak, Rat, Sadatanak, Sagchudak, Salt, Seguam, Segula, Semisopochnoi, Shemya, Skagul, Tagadak, Tagalak, Tanaga, Tanaklak, and Ulak.

(7) Unit 2: Eastern Aleutian. All contiguous waters from the mean high tide line to the 20-m (65.6-ft) depth contour as well as waters within 100 m (328.1 ft) of the mean high tide line that occur adjacent to the following islands: Aiktak, Akutan, Amaknak, Arangula, Atka, Avatanak, Baby Islands, Bogoslof, Egg, Hog, Kaligagan, Rootok, Samalga, Sedanka, Tigalda, Ugamak, Umnak, Unalaska, Unalga, and Vsevidof.

(8) Unit 3: South Alaska Peninsula. All contiguous waters from the mean high tide line to the 20-m (65.6-ft) depth contour as well as waters within 100 m (328.1 ft) of the mean high tide line that occur adjacent to the Alaska Peninsula from False Pass (54.242° N, 163.363° W) to Castle Cape (56.242° N, 158.117° W), and adjacent to the following islands: Andronica, Atkins, Big Koniuji, Bird, Brother, Caton, Chankliut, Chernabura, Cherni, Chiachi, Deer, Dolgoi, Egg, Goloi, Guillemot, Inner Iliask, Jacob, Karpof, Korovin, Little Koniuji, Mitrofania, Nagai, Near, Outer Iliask, Paul, Peninsula, Pinusuk, Poperechnoi, Popof, Road, Sanak, Shapka, Simeonof, Spectacle, Spitz, Turner, Ukolnoi, Ukolnoi, Unga, and Unimak Island from Scotch Cap (54.390° N, 164.745° W) to False Pass.

(9) Unit 4: Bristol Bay. This unit contains three subunits:

(i) Subunit 4a: Amak Island. All contiguous waters from the mean high tide line to the 20-m (65.6-ft) depth contour as well as waters within 100 m (328.1 ft) of the mean high tide line that occur adjacent to Amak Island.

(ii) Subunit 4b: Izembek Lagoon. All waters from mean high tide line that occur within the polygon bounded by Glen, Operl, and Neumann Islands to the north and the Alaska Peninsula to the south, and further defined by the following latitude/longitude coordinates: 55.249° N, 162.990° W; 55.255° N, 162.984° W from Cape Glazenap to Glen Island; 55.324° N, 162.901° W; 55.333° N, 162.888° W from Glen Island to Operl Island; 55.409° N, 162.683° W; 55.408° N, 162.621° W from Operl Island to Neumann Island; and 55.447° N, 162.582° W; 55.447° N, 162.577° W from Neumann Island to Moffet Point.

(iii) Subunit 4c: Port Moller/Herendeen Bay. All waters from mean high tide line that occur within the polygon bounded by Walrus Island to the north and the Alaska Peninsula to the south, and further defined by the following latitude/longitude coordinates: 56.000° N, 160.877° W; 56.020° N, 160.854° W from Point Edward to Walrus Island; and 56.020° N, 160.805° W; 55.979° N, 160.584° W from Wolf Point to Entrance Point.

(10) Unit 5: Kodiak, Kamishak, Alaska Peninsula. All contiguous waters from the mean high tide line to the 20-m (65.6-ft) depth contour as well as waters within 100 m (328.1 ft) of the mean high tide line that occur adjacent to the Alaska Peninsula from Castle Cape (56° 14.5' N, 158° 7.0' W) eastward to Cape Douglas (58.852° N, 153.250° W), and northward in Cook Inlet to Redoubt Point (60.285° N, 152.417° W), and adjacent to the following islands: Afognak, Aghik, Aghiyuk, Aiaktalik, Akhiok, Aliksemit, Amook, Anowik, Ashiak, Atkulik, Augustine, Ban, Bare, Bear, Central, Chirikof, Chisik, Chowiet, Dark, David, Derickson, Dry Spruce, Eagle, East Amatuli, East Channel, Garden, Geese, Hartman, Harvester, Hydra, Kak, Kateekuk, Kiliktagik, Kiukpalik, Kodiak, Kumlik, Long, Marmot, Miller, Nakchamik, Ninagiak, Nord, Nordyke, Poltava, Raspberry, Sally, Shaw, Shuyak, Sitkalidak, Sitkanak, Spruce, Sud, Sugarloaf, Suklik, Sundstrom, Sutwick, Takli, Terrace, Tugidak, Twoheaded, Ugak, Ugalushik, Uganik, Unavikshak, Ushagat, West Amatuli, West Augustine, West Channel, Whale, and Woody.

OLYMPIA POCKET GOPHER (*Thomomys mazama pugetensis*)

(1) Critical habitat for the Olympia pocket gopher in Thurston County, Washington, is depicted on the map below.

(2) Within this area, the primary constituent elements of the physical or biological features essential to the conservation of the Olympia pocket gopher consist of two components:

(i) Friable, loamy, and deep soils, some with relatively greater content of sand, gravel, or silt, all generally on slopes less than 15 percent in the following soil series or soil series complex:

(A) Alderwood;
(B) Cagey;
(C) Everett;
(D) Godfrey;
(E) Indianola;
(F) Kapowsin;
(G) McKenna;
(H) Nisqually;
(I) Norma;
(J) Spana;

(K) Spanaway;
(L) Spanaway-Nisqually complex; and
(M) Yelm.

(ii) Areas equal to or larger than 50 ac (20 ha) in size that provide for breeding, foraging, and dispersal activities, found in the soil series listed in paragraph (2)(i) of this entry that have:

(A) Less than 10 percent woody vegetation cover;

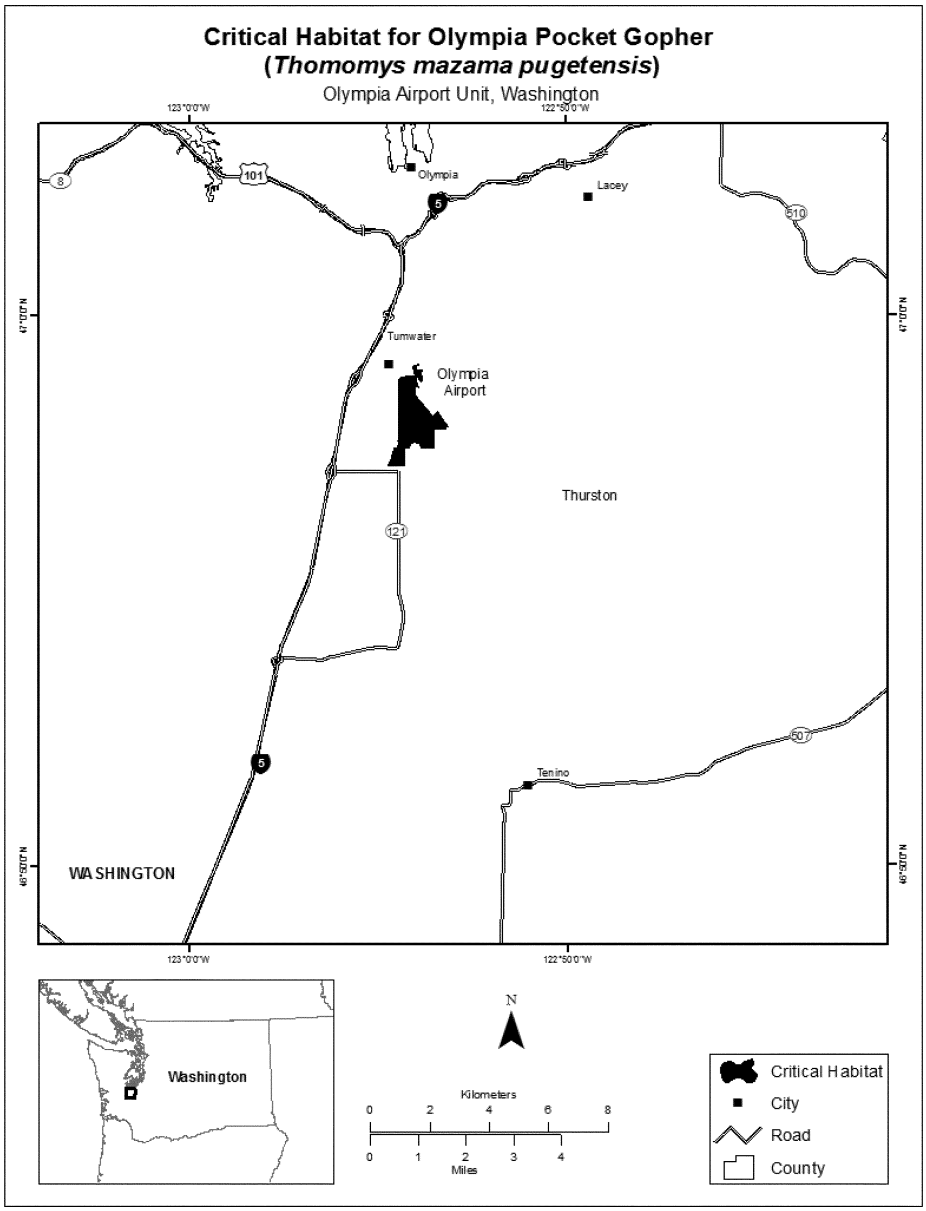
(B) Vegetative cover suitable for foraging by gophers. Pocket gophers' diets include a wide variety of plant material, including leafy vegetation, succulent roots, shoots, tubers, and grasses. Forbs and grasses that Mazama pocket gophers eat are known to include, but are not limited to: *Achillea millefolium* (common yarrow), *Agoseris* spp. (agoseris), *Cirsium* spp. (thistle), *Bromus* spp. (brome), *Camassia* spp. (camas), *Collomia linearis* (tiny trumpet), *Epilobium spp.* (several willowherb spp.), *Eriophyllum lanatum* (woolly sunflower), *Gayophytum diffusum* (groundsmoke), *Hypochaeris radicata* (hairy cat's ear), *Lathyrus* spp. (peavine), *Lupinus* spp. (lupine), *Microsteris gracilis* (slender phlox), *Penstemon* spp. (penstemon), *Perideridia gairdneri* (Gairdner's yampah), *Phacelia heterophylla* (varileaf phacelia), *Polygonum douglasii* (knotweed), *Potentilla* spp. (cinquefoil), *Pteridium aquilinum* (bracken fern), *Taraxacum officinale* (common dandelion), *Trifolium* spp. (clover), and *Viola* spp. (violet); and

(C) Few, if any, barriers to dispersal. Barriers to dispersal may include, but are not limited to, forest edges, roads (paved and unpaved), abrupt elevation changes, Scot's broom thickets, highly cultivated lawns, inhospitable soil types or substrates, development and buildings, slopes greater than 35 percent, and open water.

(3) Critical habitat does not include manmade structures (such as buildings, aqueducts, runways, roads, railroad tracks, and other paved areas) and the land on which they are located existing within the legal boundaries on May 9, 2014.

(4) *Critical habitat map unit.* Data layers defining map units were created on 2010 aerial photography from U.S. Department of Agriculture, National Agriculture Imagery Program base maps using ArcMap (Environmental Systems Research Institute, Inc.), a computer geographic information system (GIS) program. The map in this entry, as modified by any accompanying regulatory text, establishes the boundaries of the critical habitat designation. The coordinates or plot points or both on which the map is based are available to the public at the Service's Internet site at *http://www.fws.gov/wafwo/mpg.html*, at *http://www.regulations.gov* (Docket No. FWS–R1–ES–2013–0021), and at the field office responsible for this designation. You may obtain field office location information by contacting one of the Service regional offices, the addresses of which are listed at 50 CFR 2.2.

(5) Olympia Airport Unit, Thurston County, Washington. Map follows:



TENINO POCKET GOPHER (*Thomomys mazama tumuli*)

(1) Critical habitat for the Tenino pocket gopher in Thurston County, Washington, is depicted on the map below.

(2) Within this area, the primary constituent elements of the physical or biological features essential to the conservation of Tenino pocket gopher consist of two components:

(i) Friable, loamy, and deep soils, some with relatively greater content of sand, gravel, or silt, all generally on slopes less than 15 percent in the following soil series or soil series complex:

(A) Alderwood;
(B) Cagey;
(C) Everett;
(D) Indianola;
(E) Kapowsin;
(F) Nisqually;
(G) Norma;
(H) Spanaway;
(I) Spanaway-Nisqually complex; and
(J) Yelm.

(ii) Areas equal to or larger than 50 ac (20 ha) in size that provide for breeding, foraging, and dispersal activities, found in the soil series listed in paragraph (2)(i) of this entry that have:

(A) Less than 10 percent woody vegetation cover;

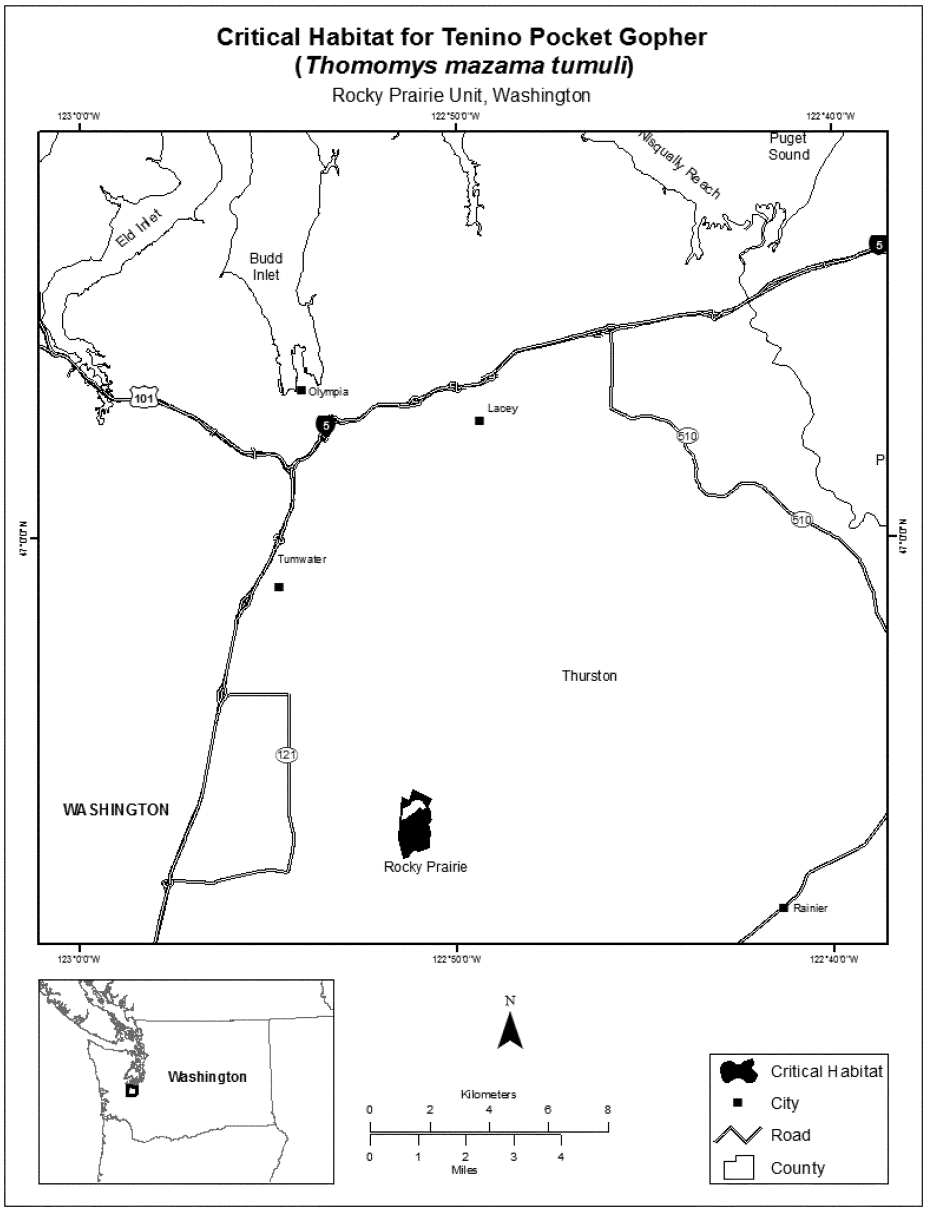
(B) Vegetative cover suitable for foraging by gophers. Pocket gophers' diets include a wide variety of plant material, including leafy vegetation, succulent roots, shoots, tubers, and grasses. Forbs and grasses that Mazama pocket gophers are known to eat include, but are not limited to: *Achillea millefolium* (common yarrow), *Agoseris* spp. (agoseris), *Cirsium* spp. (thistle), *Bromus* spp. (brome), *Camassia* spp. (camas), *Collomia linearis* (tiny trumpet), *Epilobium spp*. (several willowherb spp.), *Eriophyllum lanatum* (woolly sunflower), *Gayophytum diffusum* (groundsmoke), *Hypochaeris radicata* (hairy cat's ear), *Lathyrus* spp. (peavine), *Lupinus* spp. (lupine), *Microsteris gracilis* (slender phlox), *Penstemon* spp. (penstemon), *Perideridia gairdneri* (Gairdner's yampah), *Phacelia heterophylla* (varileaf phacelia), *Polygonum douglasii* (knotweed), *Potentilla* spp. (cinquefoil), *Pteridium aquilinum* (bracken fern), *Taraxacum officinale* (common dandelion), *Trifolium* spp. (clover), and *Viola* spp. (violet); and

(C) Few, if any, barriers to dispersal. Barriers to dispersal may include, but are not limited to, forest edges, roads (paved and unpaved), abrupt elevation changes, Scot's broom thickets, highly cultivated lawns, inhospitable soil types or substrates, development and buildings, slopes greater than 35 percent, and open water.

(3) Critical habitat does not include manmade structures (such as buildings, aqueducts, runways, roads, and other paved areas) and the land on which they are located existing within the legal boundaries on May 9, 2014.

(4) *Critical habitat map unit.* Data layers defining the map unit were created on 2010 aerial photography from U.S. Department of Agriculture, National Agriculture Imagery Program base maps using ArcMap (Environmental Systems Research Institute, Inc.), a computer geographic information system (GIS) program. The map in this entry establishes the boundaries of the critical habitat designation. The coordinates or plot points or both on which the map is based are available to the public at the Service's Internet site at *http://www.fws.gov/wafwo/*, at *http://www.regulations.gov* (Docket No. FWS–R1–ES–2013–0021), and at the field office responsible for this designation. You may obtain field office location information by contacting one of the Service regional offices, the addresses of which are listed at 50 CFR 2.2.

(5) Rocky Prairie Unit, Thurston County, Washington. Map follows:



YELM POCKET GOPHER (*Thomomys mazama yelmensis*)

(1) Critical habitat for the Yelm pocket gopher in Thurston County, Washington, is depicted on the map below.

(2) Within these areas, the primary constituent elements of the physical or biological features essential to the conservation of the Yelm pocket gopher consist of two components:

(i) Friable, loamy, and deep soils, some with relatively greater content of sand, gravel, or silt, all generally on slopes less than 15 percent in the following soil series or soils series complex:
(A) Alderwood;
(B) Cagey;
(C) Everett;
(D) Godfrey;
(E) Indianola;
(F) Kapowsin;
(G) McKenna;
(H) Nisqually;
(I) Norma;
(J) Spanaway;
(K) Spanaway-Nisqually complex; and
(L) Yelm.

(ii) Areas equal to or larger than 50 ac (20 ha) in size that provide for breeding, foraging, and dispersal activities, found in the soil series listed in paragraph (2)(i) of this entry that have:

(A) Less than 10 percent woody vegetation cover;

(B) Vegetative cover suitable for foraging by gophers. Pocket gophers' diets include a wide variety of plant material, including leafy vegetation, succulent roots, shoots, tubers, and grasses. Forbs and grasses that Mazama pocket gophers are known to eat include, but are not limited to: *Achillea millefolium* (common yarrow), *Agoseris* spp. (agoseris), *Cirsium* spp. (thistle), *Bromus* spp. (brome), *Camassia* spp. (camas), *Collomia linearis* (tiny trumpet), *Epilobium spp.* (several willowherb spp.), *Eriophyllum lanatum* (woolly sunflower), *Gayophytum diffusum* (groundsmoke), *Hypochaeris radicata* (hairy cat's ear), *Lathyrus* spp. (peavine), *Lupinus* spp. (lupine), *Microsteris gracilis* (slender phlox), *Penstemon* spp. (penstemon), *Perideridia gairdneri* (Gairdner's yampah), *Phacelia heterophylla* (varileaf phacelia), *Polygonum douglasii* (knotweed), *Potentilla* spp. (cinquefoil), *Pteridium aquilinum* (bracken fern), *Taraxacum officinale* (common dandelion), *Trifolium* spp. (clover), and *Viola* spp. (violet); and

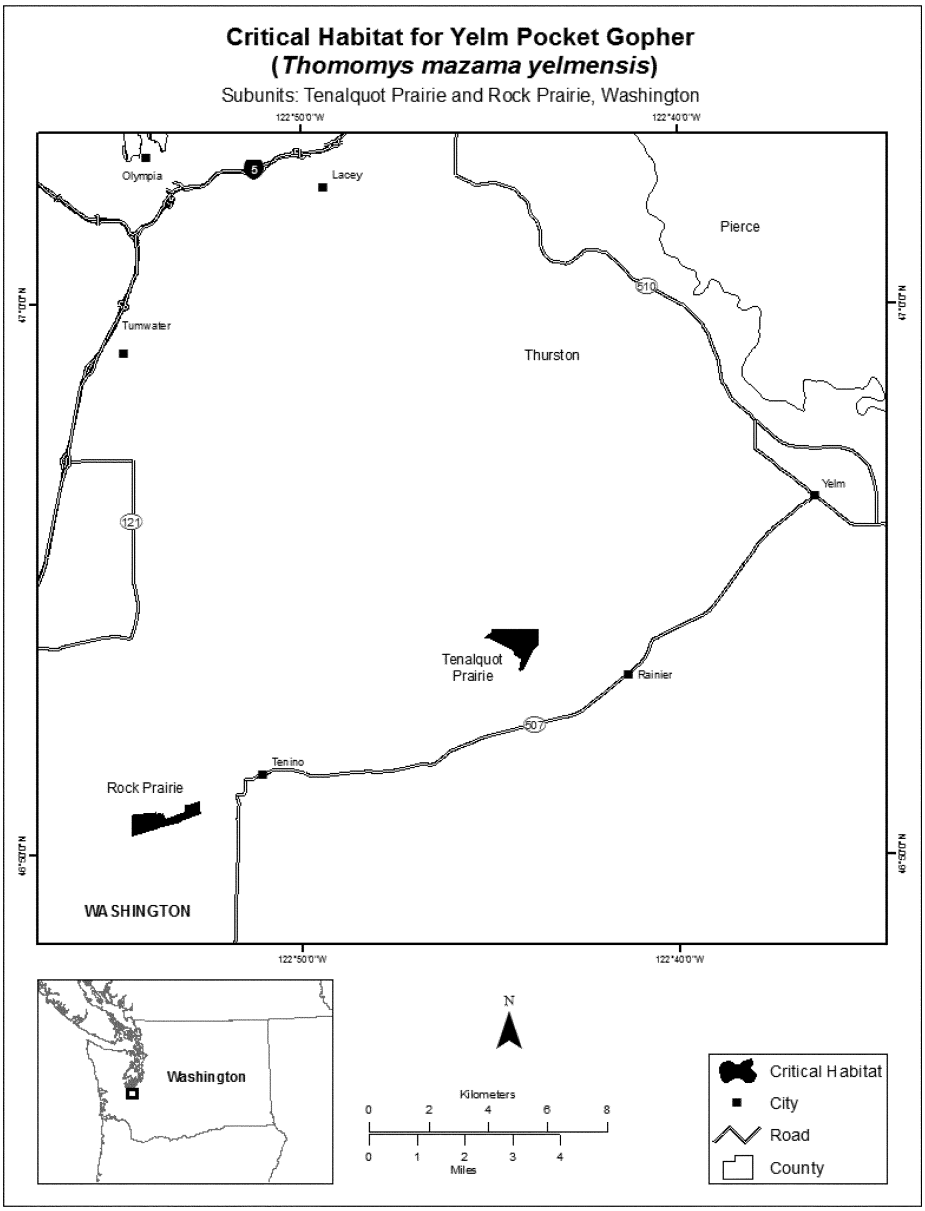
(C) Few, if any, barriers to dispersal. Barriers to dispersal may include, but are not limited to, forest edges, roads (paved and unpaved), abrupt elevation changes, Scot's broom thickets, highly cultivated lawns, inhospitable soil types or substrates, development and buildings, slopes greater than 35 percent, and open water.

(3) Critical habitat does not include manmade structures (such as buildings, aqueducts, runways, roads, and other paved areas) and the land on which they are located existing within the legal boundaries on May 9, 2014.

(4) *Critical habitat map units.* Data layers defining the map units were created on 2010 aerial photography from U.S. Department of Agriculture, National Agriculture Imagery Program base maps using ArcMap (Environmental Systems Research Institute, Inc.), a computer geographic information system (GIS) program. The map in this entry establishes the boundaries of the critical habitat designation. The coordinates or plot points or both on which the map is based are available to the public at the Service's Internet site at *http://www.fws.gov/wafwo/*, at *http://www.regulations.gov* (Docket No. FWS–R1–ES–2013–0021), and at the field office responsible for this designation. You may obtain field office location information by contacting one of the Service regional offices, the addresses of which are listed at 50 CFR 2.2.

(5) Tenalquot Prairie and Rock Prairie Subunits, Thurston County, Washington.

Map follows:

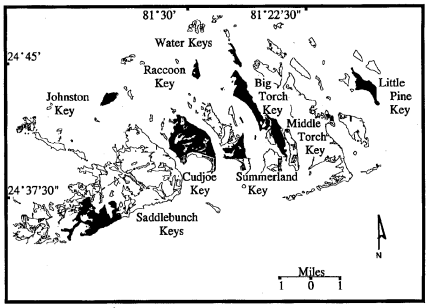


SILVER RICE RAT (*Oryzomys palustris natator* (=*O. argentatus*)).

Monroe County, Florida: Little Pine Key, Water Keys, Big Torch Key, Middle Torch Key, Summerland Key north of U.S. Highway 1, Cudjoe Key north of U.S. Highway 1, Johnston Key, Raccoon Key, and Lower Saddlebunch Keys, south of U.S. Highway 1 but not including lands in T. 67 S., R. 27 E., Section 8 and north ⅛ of Section 17. Included are all lands and waters above mean low tide.

Within these areas the major constituent elements that are known to require special management considerations or protection are mangrove swamps containing red (*Rhizophora mangle*), black (*Avicennia germinans*), and white (*Laguncularia racemosa*) mangroves, and buttonwood (*Conocarpus erectus*); salt marshes, swales, and adjacent transitional wetlands containing saltwort (*Batis maritima*), perennial glasswort (*Salicornia virginica*), saltgrass (*Distichlis spicata*), sea ox-eye (*Borrichia frutescens*), keygrass (*Monanthochloe littoralis*), and coastal dropseed (*Sporobolus virginicus*); and fresh water marshes containing cattails (*Typha domingensis*), sawgrass (*Cladium jamaicense*), and cordgrass (*Spartina* spp.).

NOTE: The map provided is for informational purposes only. Map follows:



(CRITICAL HABITAT MAP)

PENINSULAR BIGHORN SHEEP, A DISTINCT POPULATION SEGMENT OF DESERT BIGHORN SHEEP (*Ovis canadensis nelsoni*)

(1) Critical habitat units are depicted for Riverside, San Diego, and Imperial Counties, California, on the maps below.

(2) The primary constituent elements of critical habitat for the Peninsular bighorn sheep are:

(i) Moderate to steep, open slopes (20 to 60 percent) and canyons, with canopy cover of 30 percent or less (below 4,600 ft (1,402 m) elevation in Peninsular Ranges) that provide space for sheltering, predator detection, rearing of young, foraging and watering, mating, and movement within and between ewe groups;

(ii) Presence of a variety of forage plants, indicated by the presence of shrubs (e.g., *Ambrosia* spp., *Caesalpinia* spp., *Hyptis* spp., *Sphaeralcea* spp., *Simmondsia* spp.), that provide a primary food source year round, grasses (e.g., *Aristida* spp., *Bromus* spp.) and cacti (e.g., *Opuntia* spp.) that provide a source of forage in the fall, and forbs (e.g., *Plantago* spp., *Ditaxis* spp.) that provide a source of forage in the spring;

(iii) Steep, rugged slopes (60 percent slope or greater) (below 4,600 ft (1,402 m) elevation in Peninsular Ranges) that provide secluded space for lambing and terrain for predator evasion;

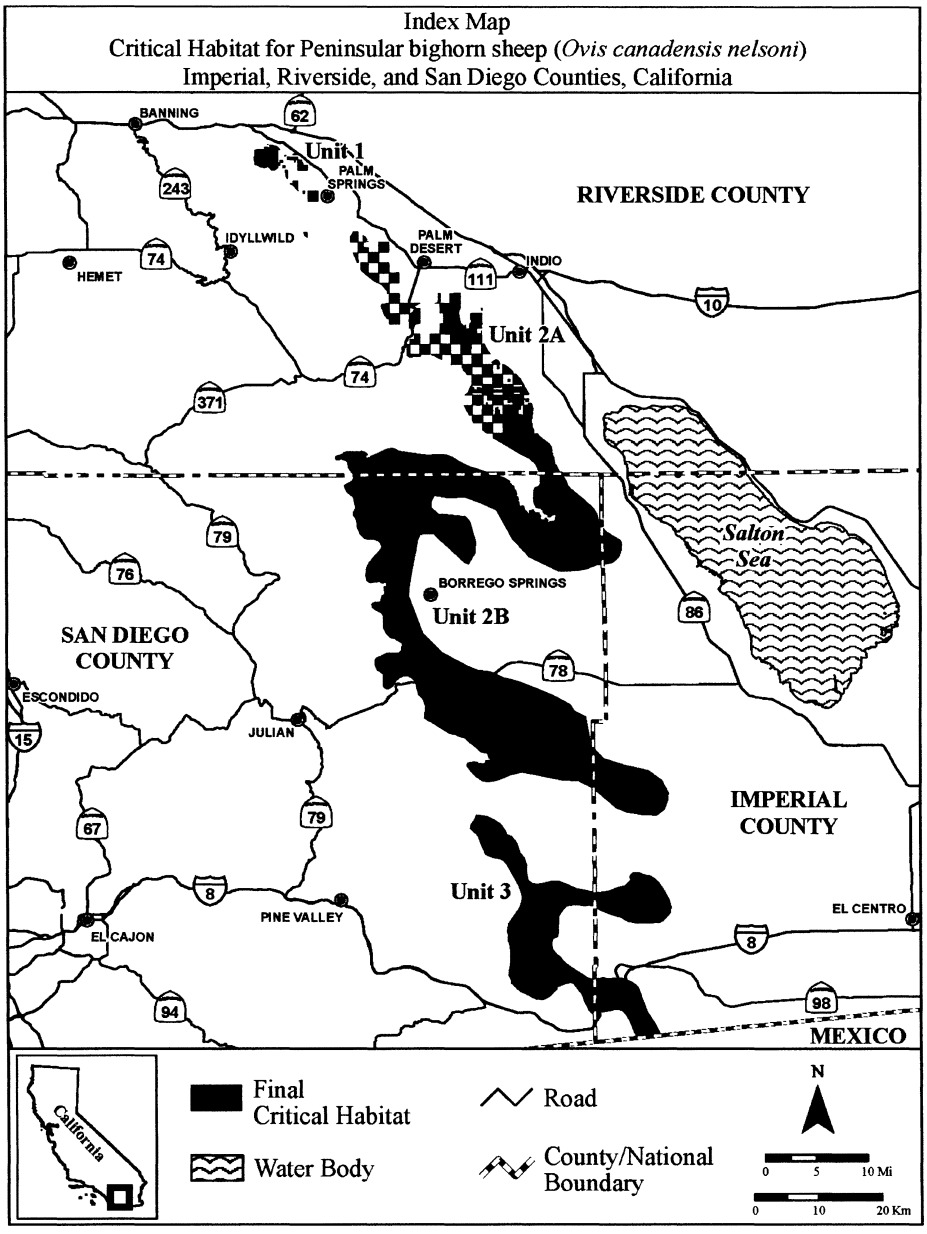
(iv) Alluvial fans, washes, and valley bottoms that provide important foraging areas where nutritious and digestible plants can be more readily found during times of drought and lactation, and that provide and maintain habitat connectivity by serving as travel routes between and within ewe groups, adjacent mountain ranges, and important resource areas (e.g., foraging areas and escape terrain); and

(v) Intermittent and permanent water sources that are available during extended dry periods and provide relatively nutritious plants and drinking water.

(3) Critical habitat does not include manmade structures (such as buildings, aqueducts, roads, and other paved areas) and the land on which they are located existing within the legal boundaries on the effective date of this rule.

(4) Critical habitat map units. Data layers defining map units were created on a base of USGS 1:24,000 maps, and critical habitat units were then mapped using Universal Transverse Mercator (UTM) coordinates.

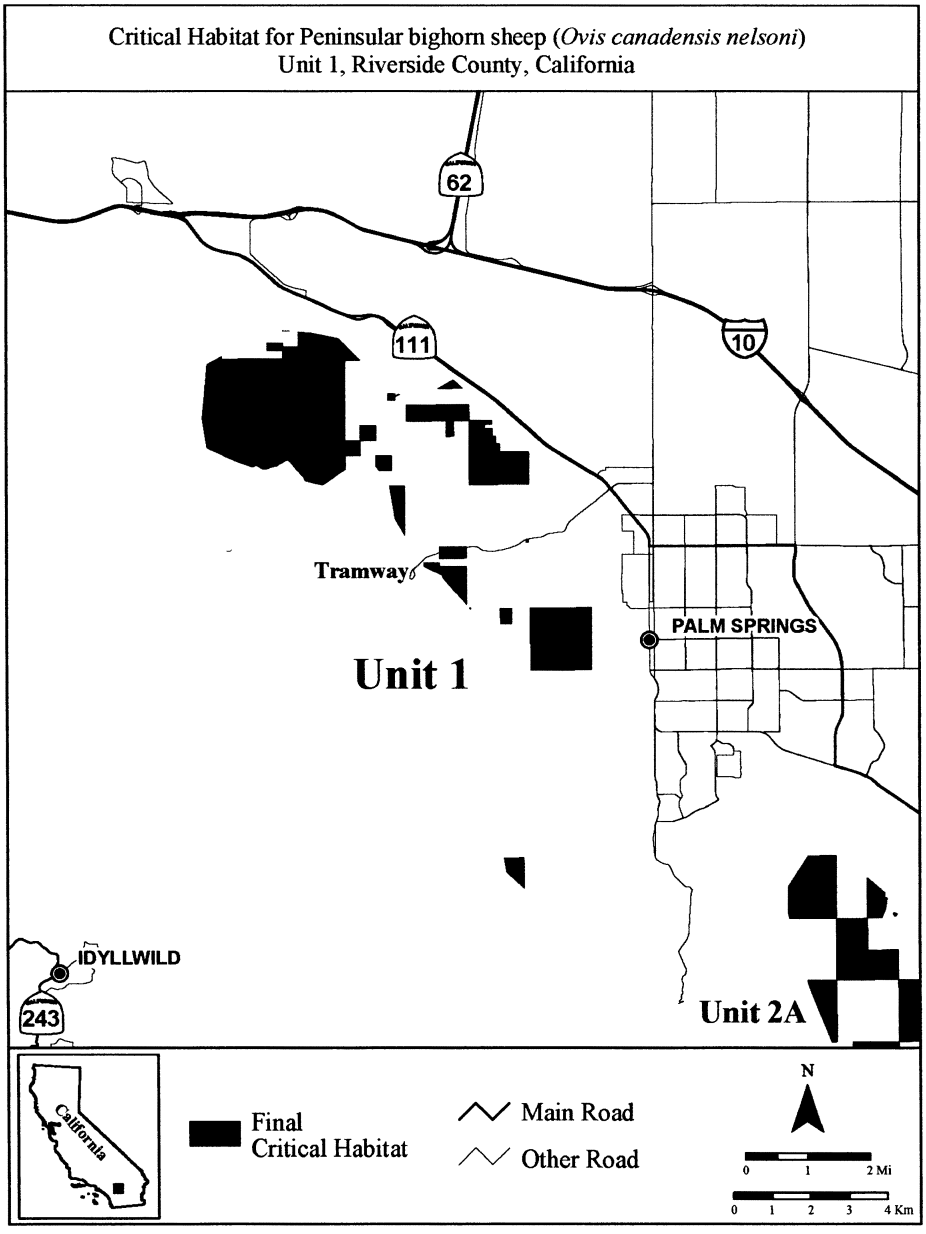
(5) Note: Index map of critical habitat units for the Peninsular bighorn sheep follows:



(6) Unit 1: San Jacinto Mountains, Riverside County, California.

(i) [Reserved]

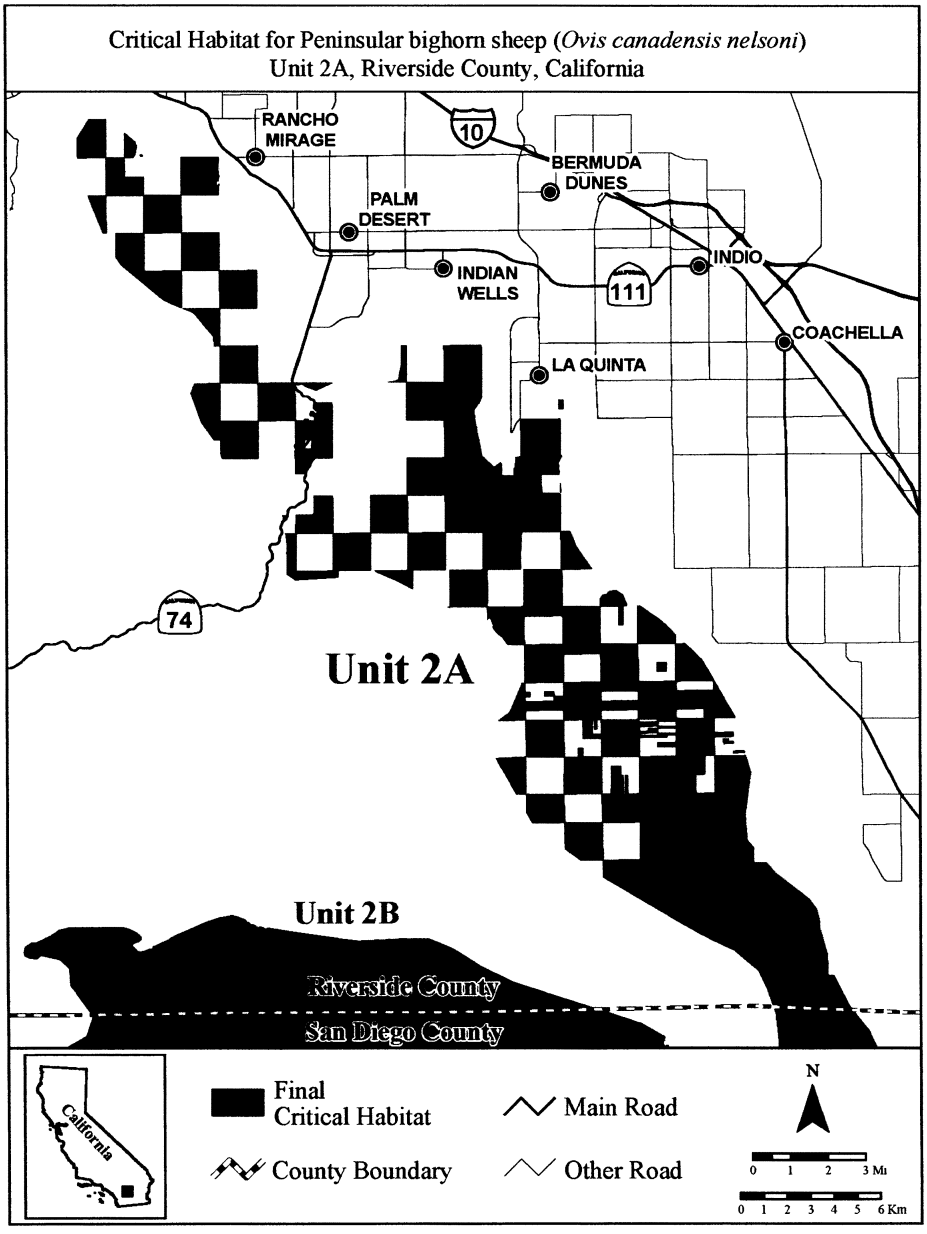
(ii) Map of Unit 1, San Jacinto Mountains (Map 2) follows:



(7) Unit 2A: North Santa Rosa Mountains, Riverside County, California.

(i) [Reserved]

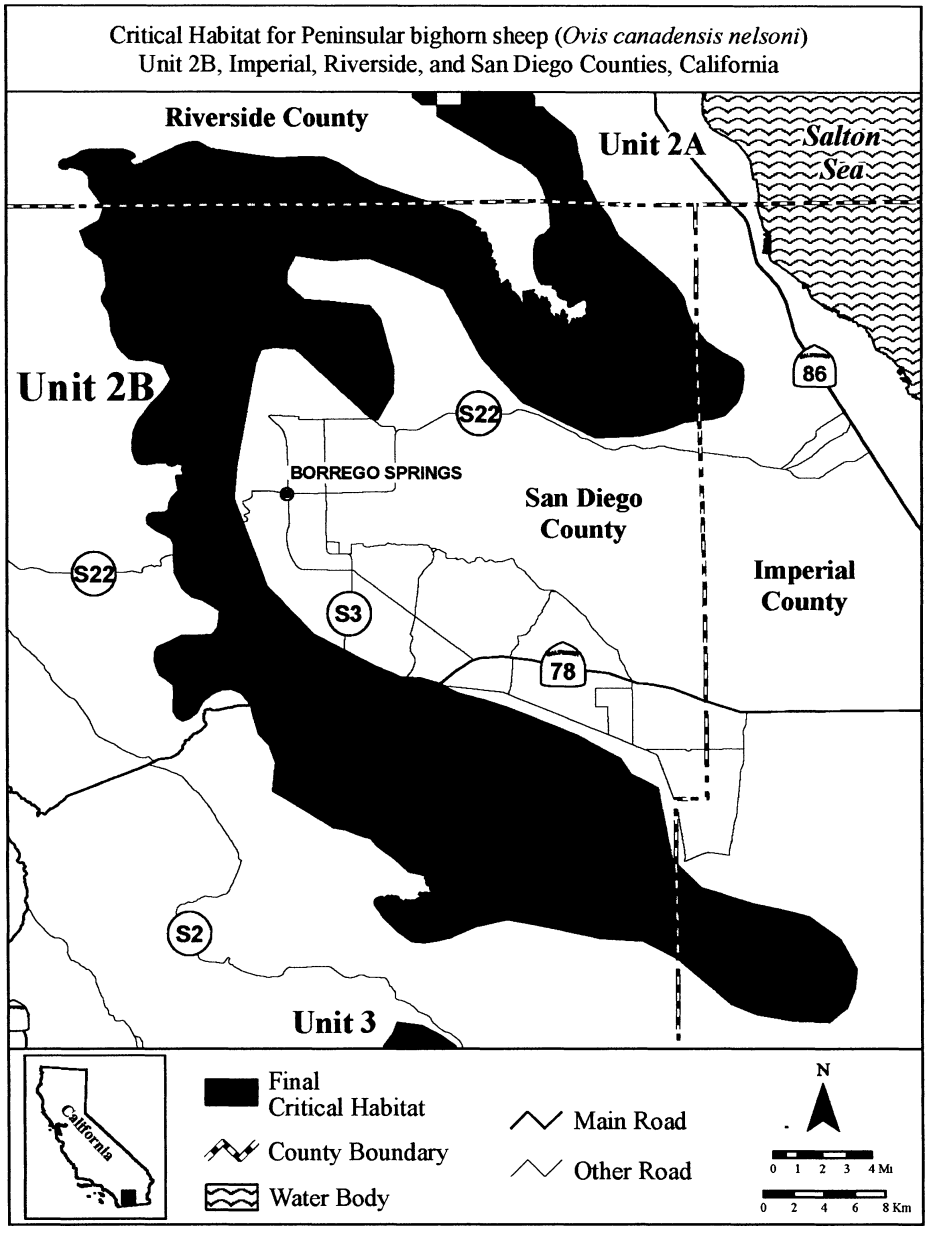
(ii) Map of Unit 2A, North Santa Rosa Mountains follows:



(8) Unit 2B: South Santa Rosa Mountains south to Vallecito Mountains, Riverside, San Diego, and Imperial Counties, California.

(i) [Reserved]

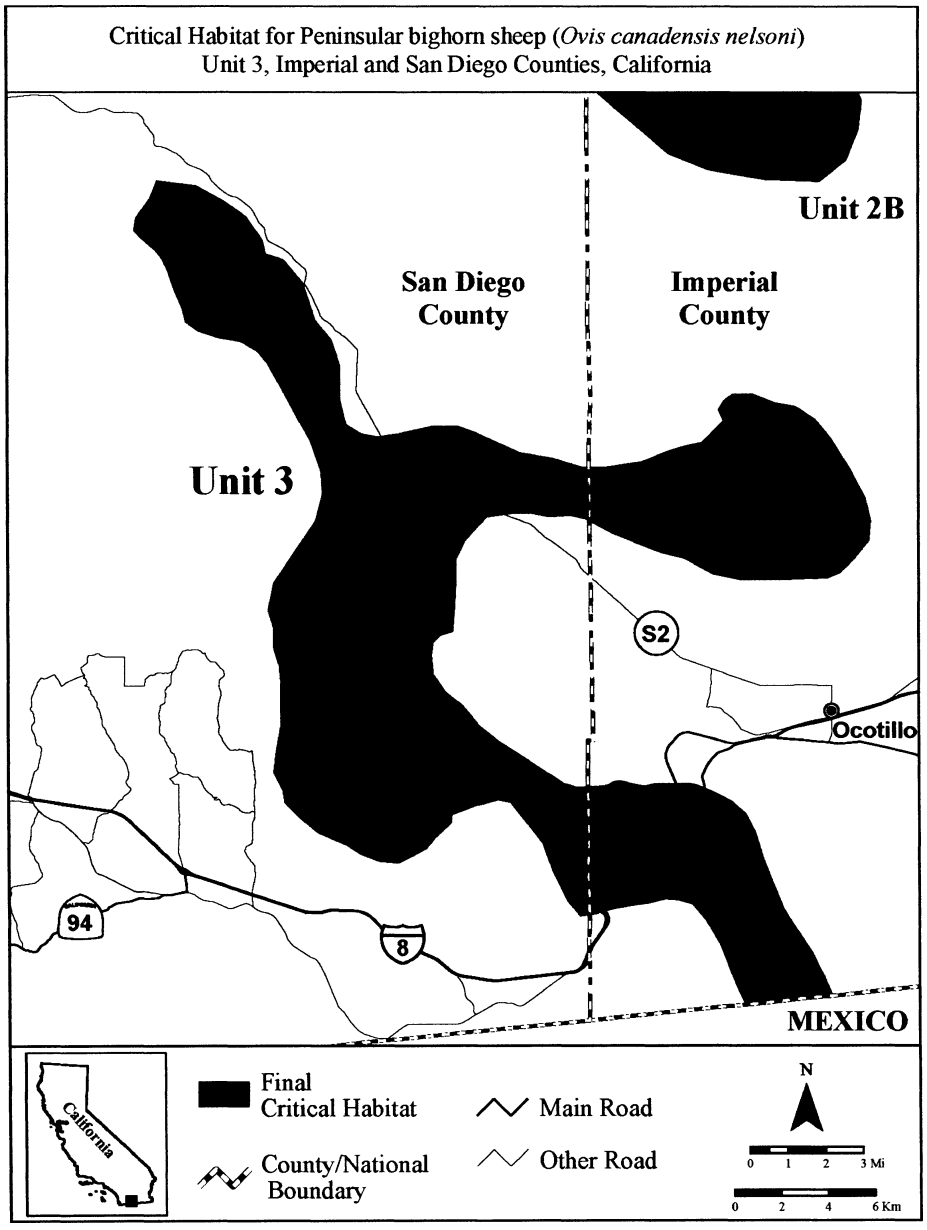
(ii) Map of Unit 2B, South Santa Rosa Mountains south to Vallecito Mountains follows:



(9) Unit 3: Carrizo Canyon, San Diego and Imperial Counties, California.

(i) [Reserved]

(ii) Map of Unit 3, Carrizo Canyon follows:



SIERRA NEVADA BIGHORN SHEEP (*Ovis canadensis sierrae*)

(1) Critical habitat units are depicted for Mono, Fresno, Inyo, Tulare, and Tuolumne Counties, California, on the maps below.

(2) The primary constituent elements of critical habitat for the Sierra Nevada bighorn sheep are the habitat components that provide:

(i) Non-forested habitats or forest openings within the Sierra Nevada from 4,000 ft (1,219

m) to 14,500 ft (4,420 m) in elevation with steep (greater than or equal to 60 percent slope), rocky slopes that provide for foraging, mating, lambing, predator avoidance, and bedding and that allow for seasonal elevational movements between these areas.

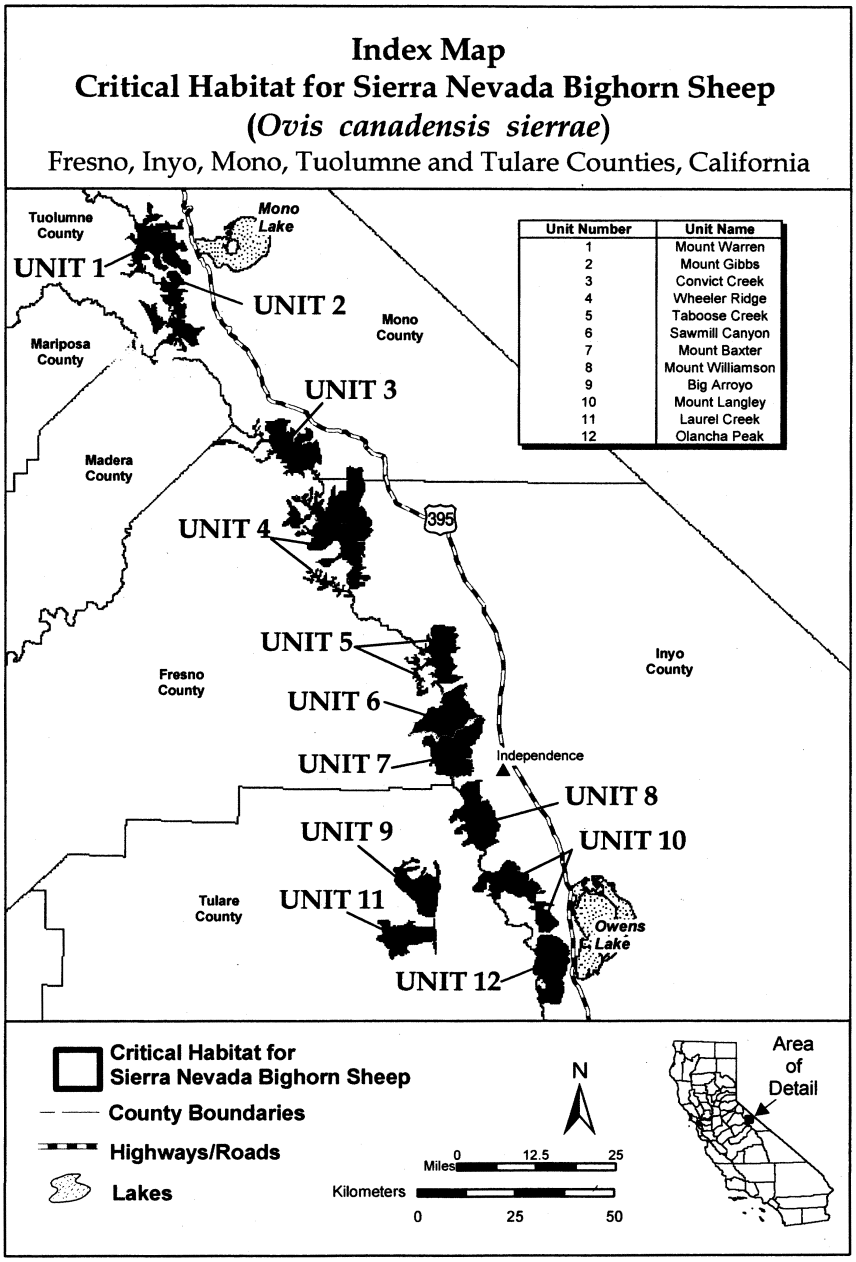
(ii) Presence of a variety of forage plants as indicated by the presence of grasses (e.g., *Achnanthera* spp.; *Elymus* spp.) and browse (e.g., *Ribes* spp.; *Artemisia* spp., *Purshia* spp.) in winter, and grasses, browse, sedges (e.g., *Carex* spp.) and forbs (e.g., *Eriogonum* spp.) in summer.

(iii) Presence of granite outcroppings containing minerals such as sodium, calcium, iron, and phosphorus that could be used as mineral licks in order to meet nutritional needs.

(3) Critical habitat does not include manmade structures, such as buildings, aqueducts, airports, roads, and other paved areas, and the land on which they are located, existing on the effective date of this rule and not containing one or more of the primary constituent elements.

(4) *Critical Habitat Map Units*—Boundaries of designated critical habitat were derived from Sierra Nevada Bighorn Sheep Herd Units developed by the California Department of Fish and Game for the final Sierra Nevada Bighorn Sheep recovery plan. The designated critical habitat unit boundaries differ from Sierra Nevada bighorn sheep Herd Unit polygons by the removal of developed areas and private parcels that are unlikely to contain the primary constituent elements. The data were projected to Universal Transverse Mercator (UTM), zone 11, on the North American Datum of 1983.

(5) Note: Index map of Sierra Nevada bighorn sheep critical habitat follows:

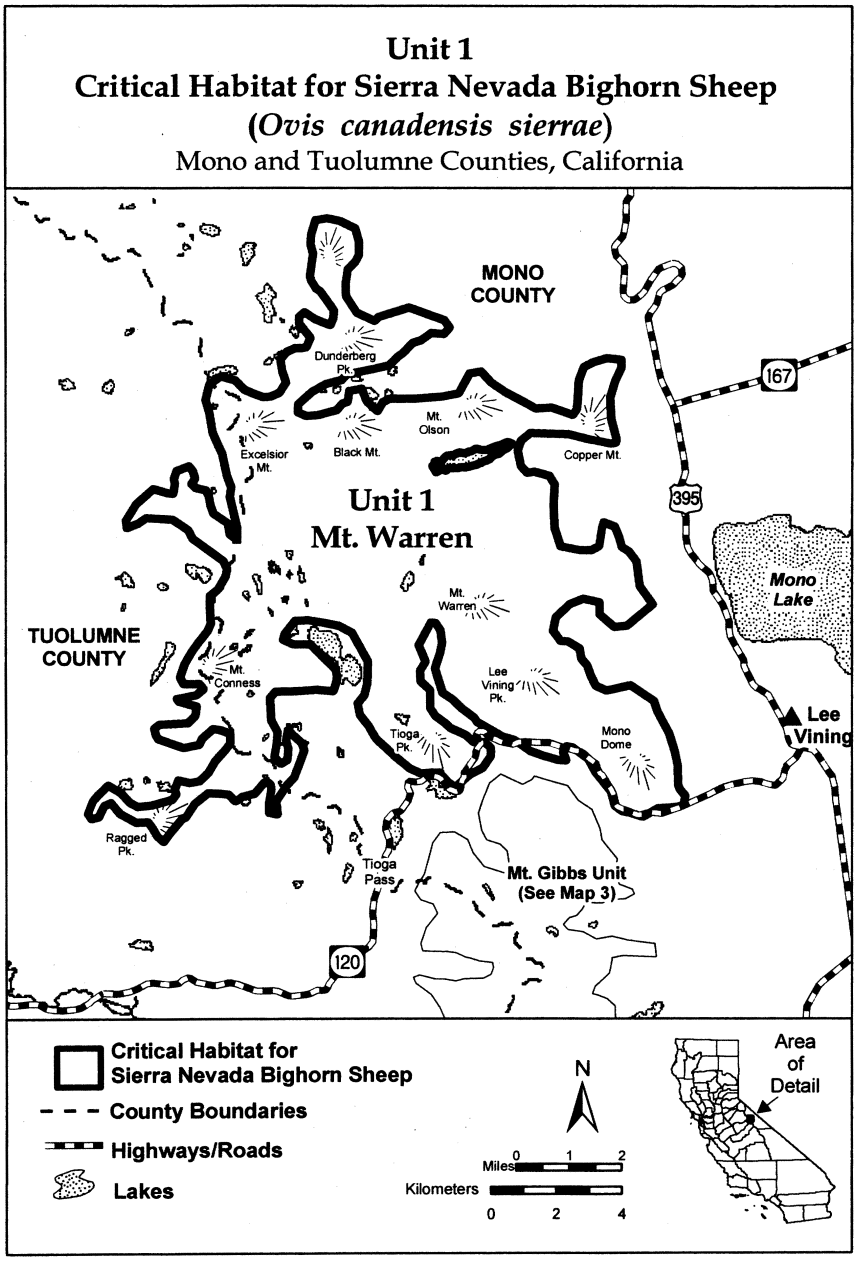


(6) Unit 1 (Mount Warren); Mono and Tuolumne Counties, California.

(i) Unit 1 is shown on the map in paragraph (6)(ii) of this entry, excluding land bounded by 304870, 4211718; 304755, 4211663; 304590, 4211666; 304426, 4211699; 304273, 4211615; 304237, 4211614; 304100, 4211575; 304119, 4211576; 304068, 4211562; 304036, 4211567; 303925, 4211593; 303824,

4211552; 303714, 4211495; 303668, 4211501; 303558, 4211486; 303473, 4211423; 303421, 4211366; 303381, 4211308; 303223, 4211322; 303176, 4211295; 303181, 4211202; 303103, 4211161; 303208, 4210962; 303418, 4211073; 303481, 4211022; 303500, 4211020; 303617, 4211098; 303675, 4211109; 303894, 4211096; 303983, 4211127; 304053, 4211125; 304053, 4211124; 304106, 4211121; 304460, 4211207; 304518, 4211250; 304590, 4211261; 304644, 4211303; 304747, 4211336; 304863, 4211395; 304882, 4211457; 305018, 4211524; 305128, 4211543; 305289, 4211677; 305397, 4211739; 305477, 4211807; 305515, 4211863; 305405, 4211903; 305374, 4211907; 305176, 4211813; 305029, 4211770; returning to 304870, 4211718.

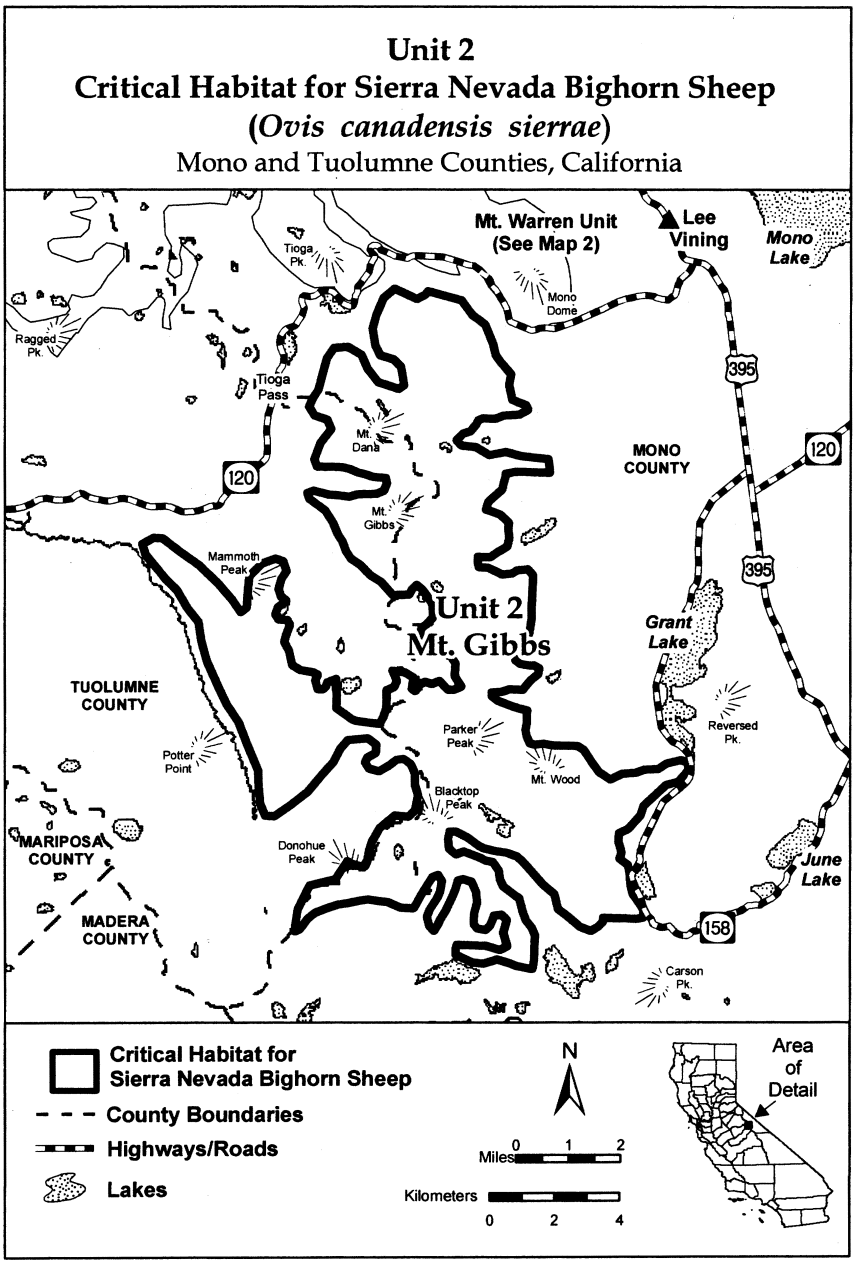
(ii) Map of Unit 1 Mount Warren for Sierra Nevada bighorn sheep follows:



(7) Unit 2 (Mount Gibbs); Mono and Tuolumne Counties, California.

(i) [Reserved]

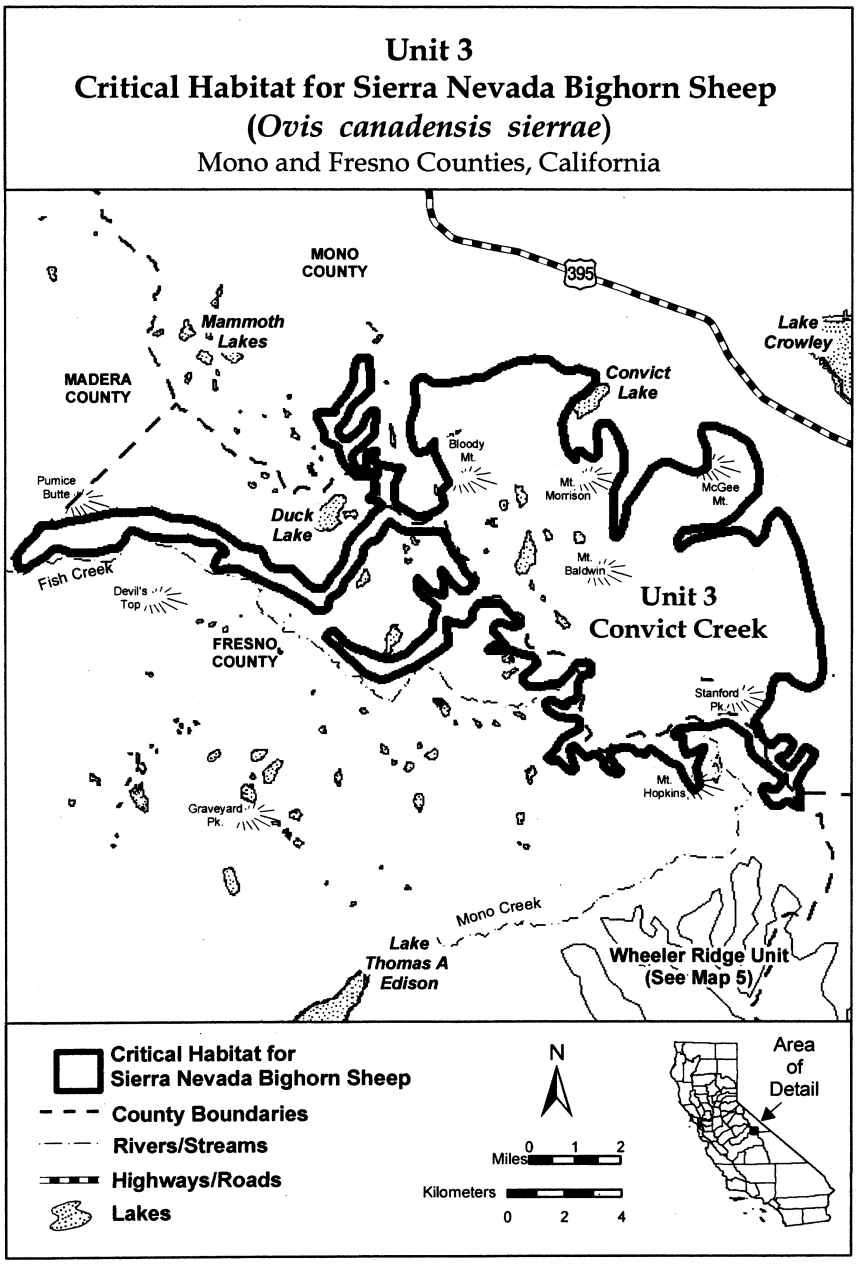
(ii) Map of Unit 2 (Mount Gibbs) for Sierra Nevada bighorn sheep follows:



(8) Unit 3 (Convict Creek); Fresno and Mono Counties, California.

(i) [Reserved]

(ii) Map of Unit 3 (Convict Creek) for Sierra Nevada bighorn sheep follows:



(9) Unit 4 (Wheeler Ridge); Fresno, Inyo and Mono Counties, California.

(i) Unit 4 is shown on the map in paragraph (9)(ii) of this entry, excluding

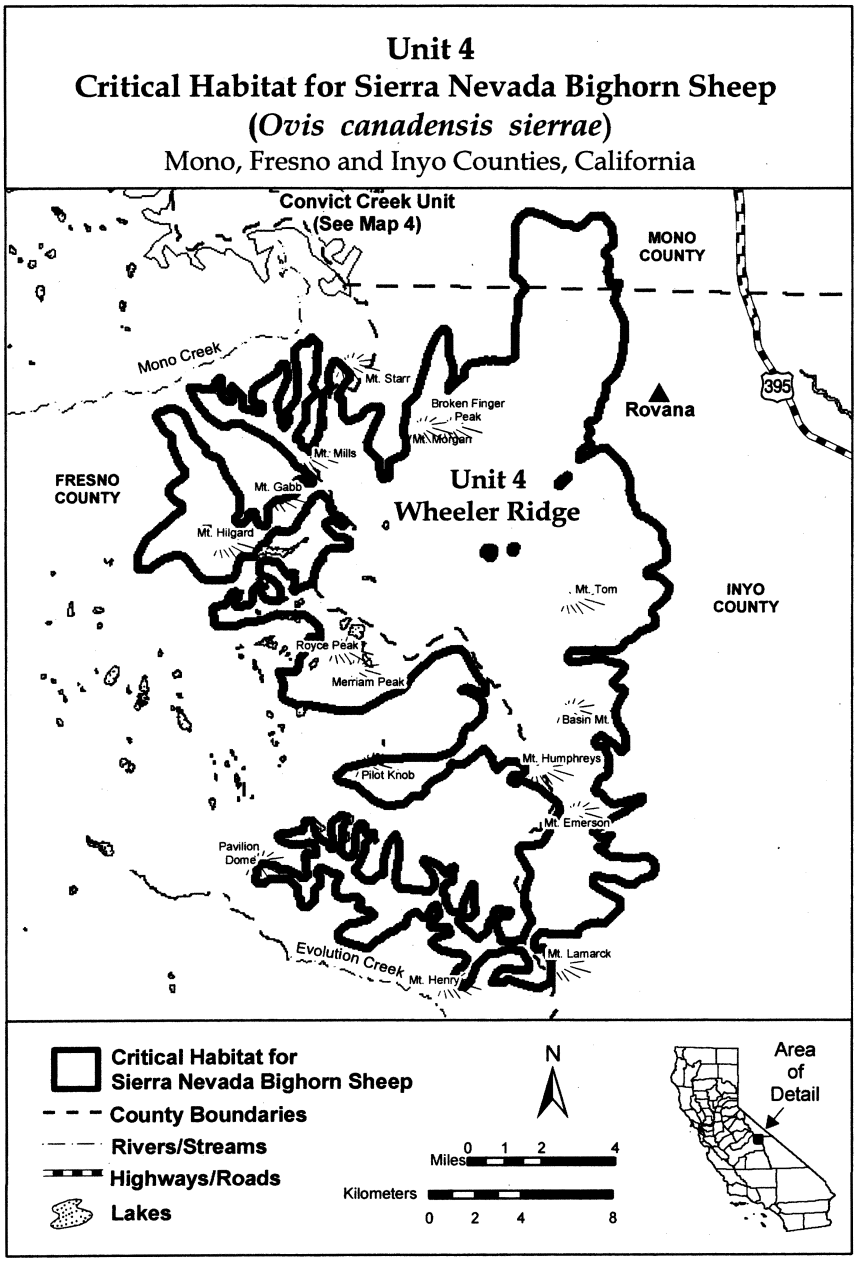
(A) Land bounded by 352666, 4139452; 352330, 4139197; 352261, 4139018; 352280, 4139004; 352300, 4138988; 352332, 4138964; 352634, 4139235; 352732, 4139417; 352718, 4139424; 352718, 4139425; 352694,

4139437; 352694, 4139437; 352690, 4139439; 352687, 4139441; 352687, 4139441; returning to 352666, 4139452;

(B) Land bounded by 350254, 4136280; 350216, 4136187; 350216, 4136187; 350178, 4136094; 350363, 4136018; 350402, 4136111; 350402, 4136111; 350440, 4136204; 350478, 4136296; 350305, 4136368; 350300, 4136361; 350295, 4136351; 350293, 4136348; 350287, 4136341; 350283, 4136338; 350280, 4136335; 350276, 4136333; 350276, 4136333; returning to 350254, 4136280; and

(C) Land bounded by 349527, 4136002; 349500, 4136201; 349450, 4136194; 349408, 4136200; 349404, 4136201; 349391, 4136206; 349321, 4136238; 349317, 4136223; 349126, 4136278; 349099, 4136181; 349045, 4135990; 349139, 4135963; 349138, 4135962; 349235, 4135934; 349212, 4135851; 349308, 4135823; 349406, 4135799; 349478, 4135988; 349478, 4135995; returning to 349527, 4136002.

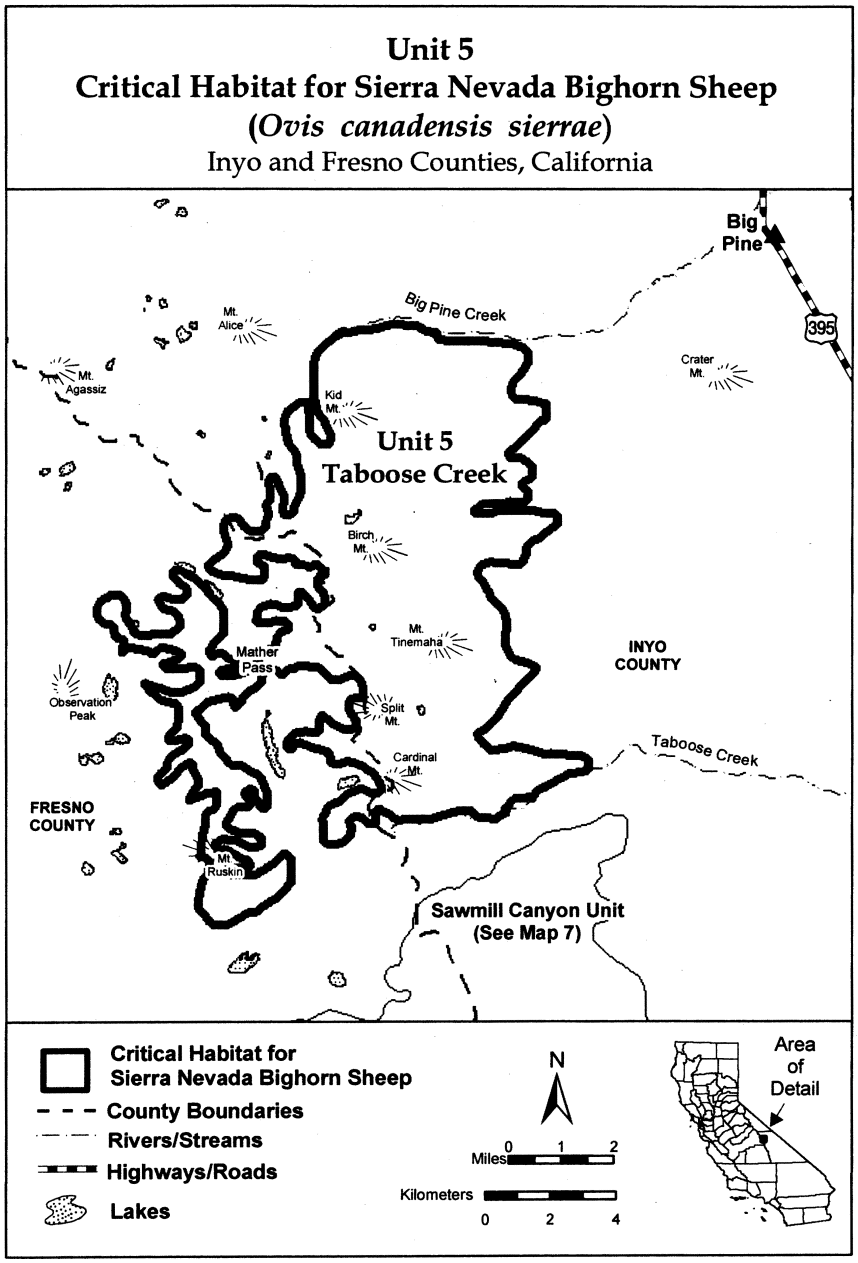
(ii) Map of Unit 4 (Wheeler Ridge) for Sierra Nevada bighorn sheep follows:



(10) Unit 5 (Taboose Creek); Fresno and Inyo Counties, California.

(i) [Reserved]

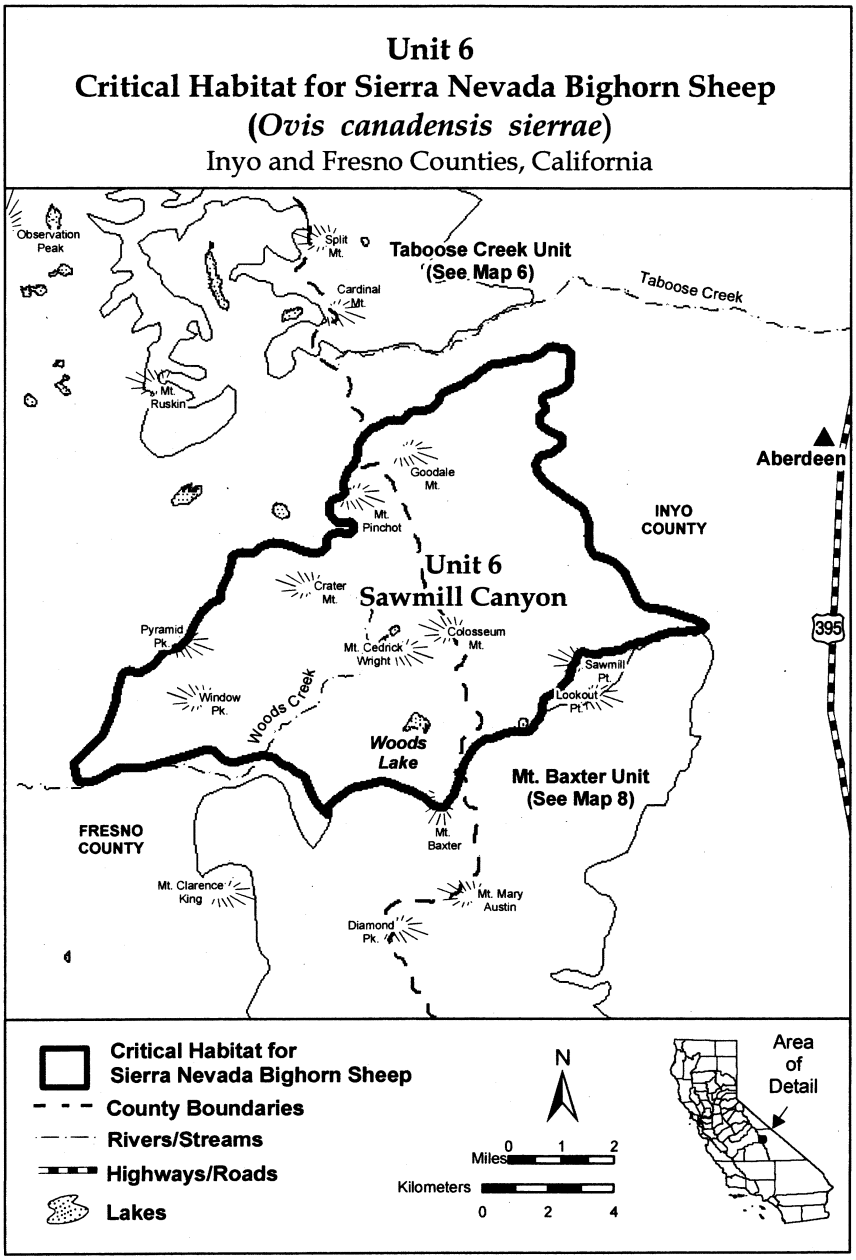
(ii) Map of Unit 5 (Taboose Creek) for Sierra Nevada bighorn sheep follows:



(11) Unit 6 (Sawmill Canyon); Fresno and Inyo Counties, California.

(i) [Reserved]

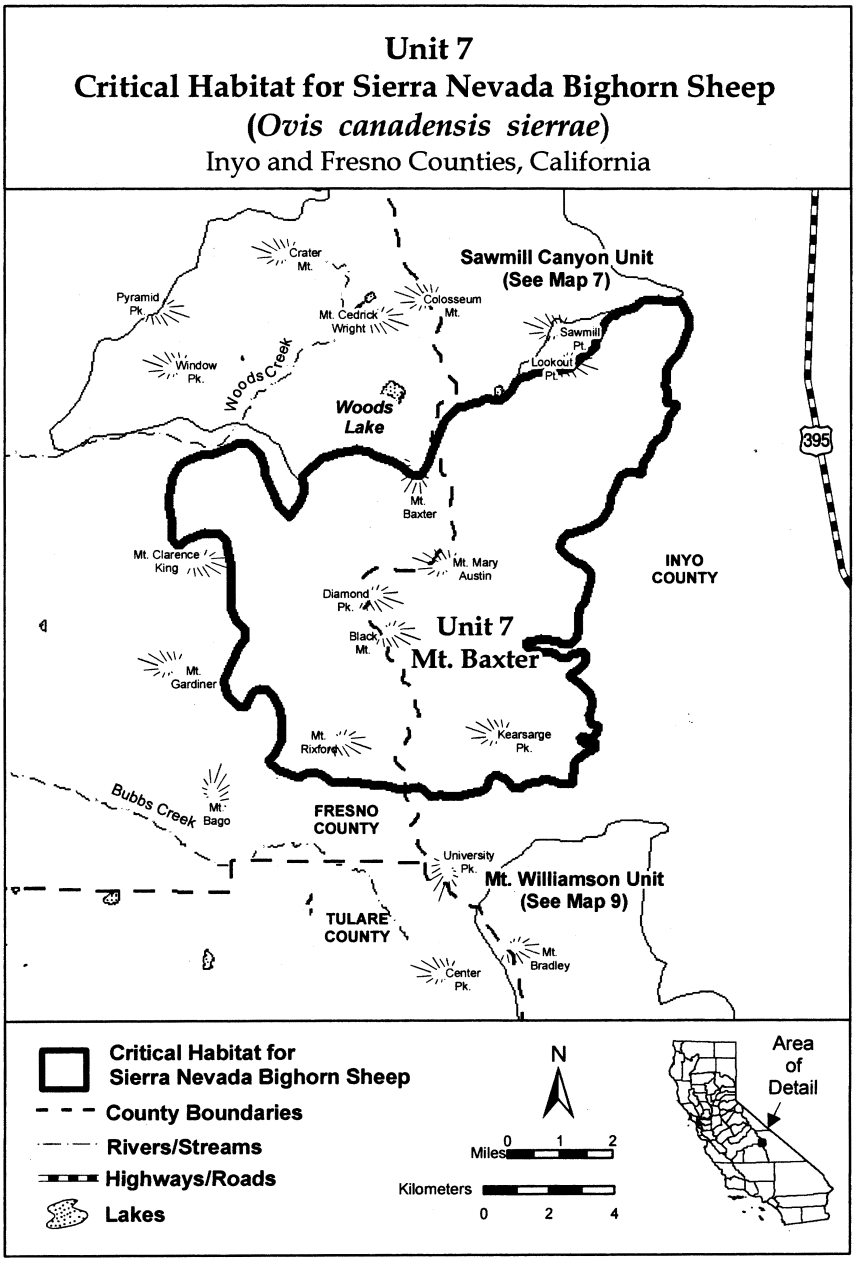
(ii) Map of Unit 6 (Sawmill Canyon) for Sierra Nevada bighorn sheep follows:



(12) Unit 7 (Mount Baxter); Fresno and Inyo Counties, California.

(i) [Reserved]

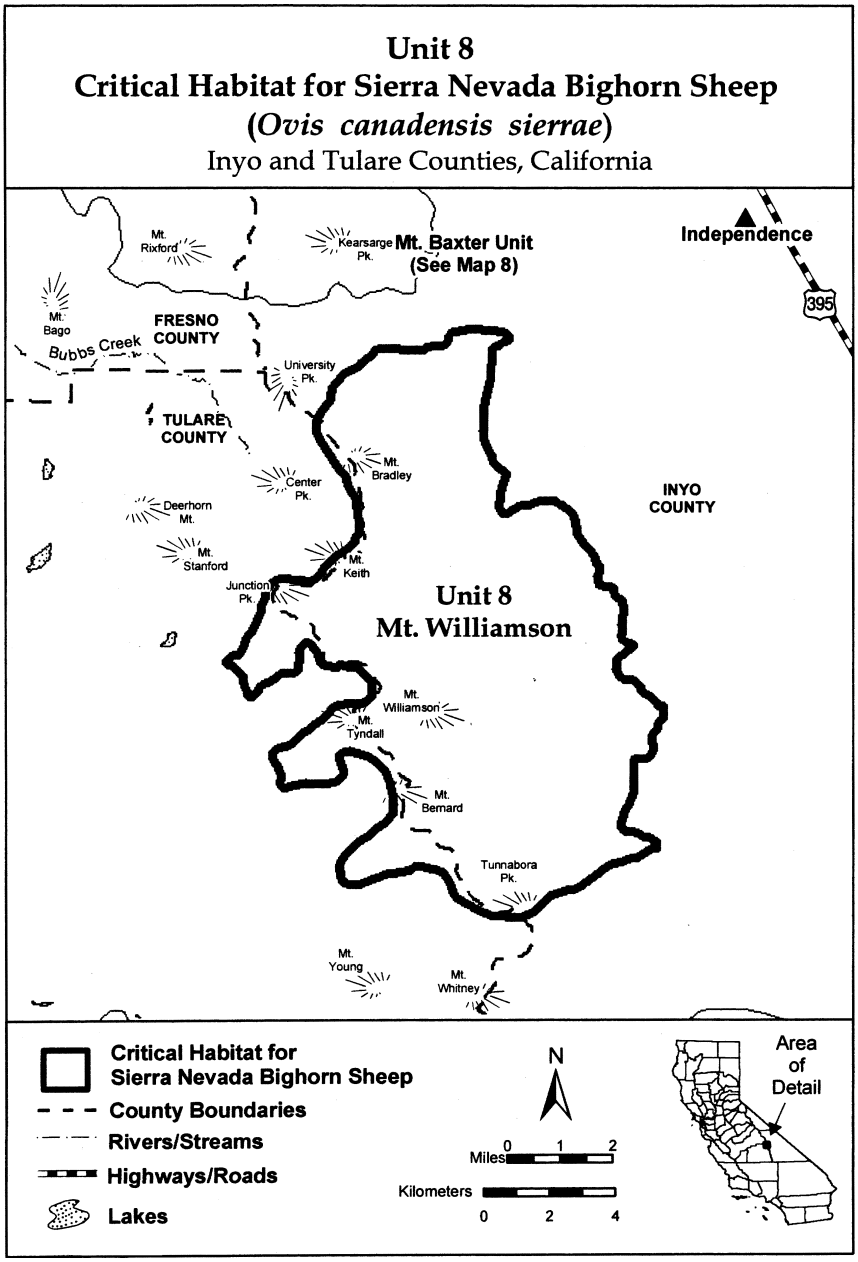
(ii) Map of Unit 7 (Mount Baxter) for Sierra Nevada bighorn sheep follows:



(13) Unit 8 (Mount Williamson); Inyo and Tulare Counties, California.

(i) [Reserved]

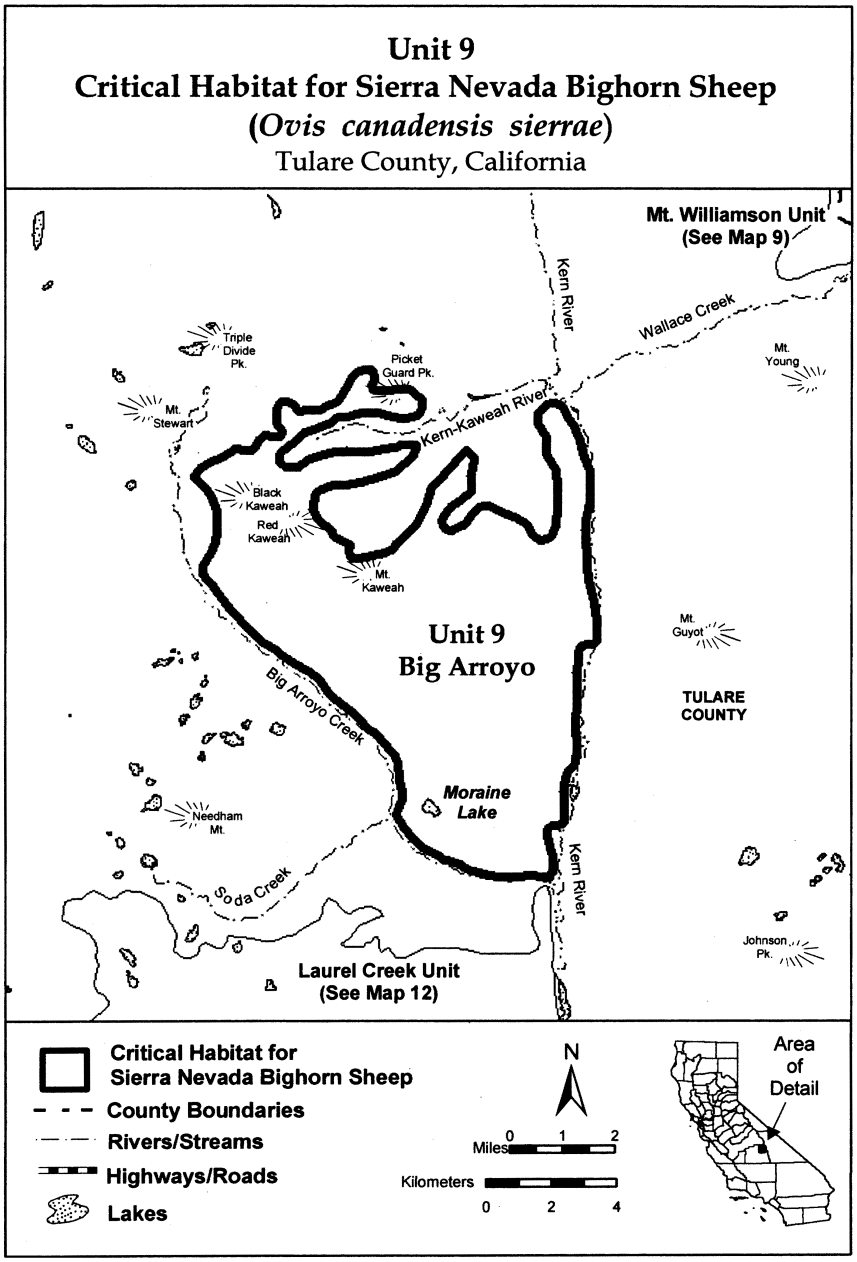
(ii) Map of Unit 8 (Mount Williamson) for Sierra Nevada bighorn sheep follows:



(14) Unit 9 (Big Arroyo); Tulare County, California.

(i) [Reserved]

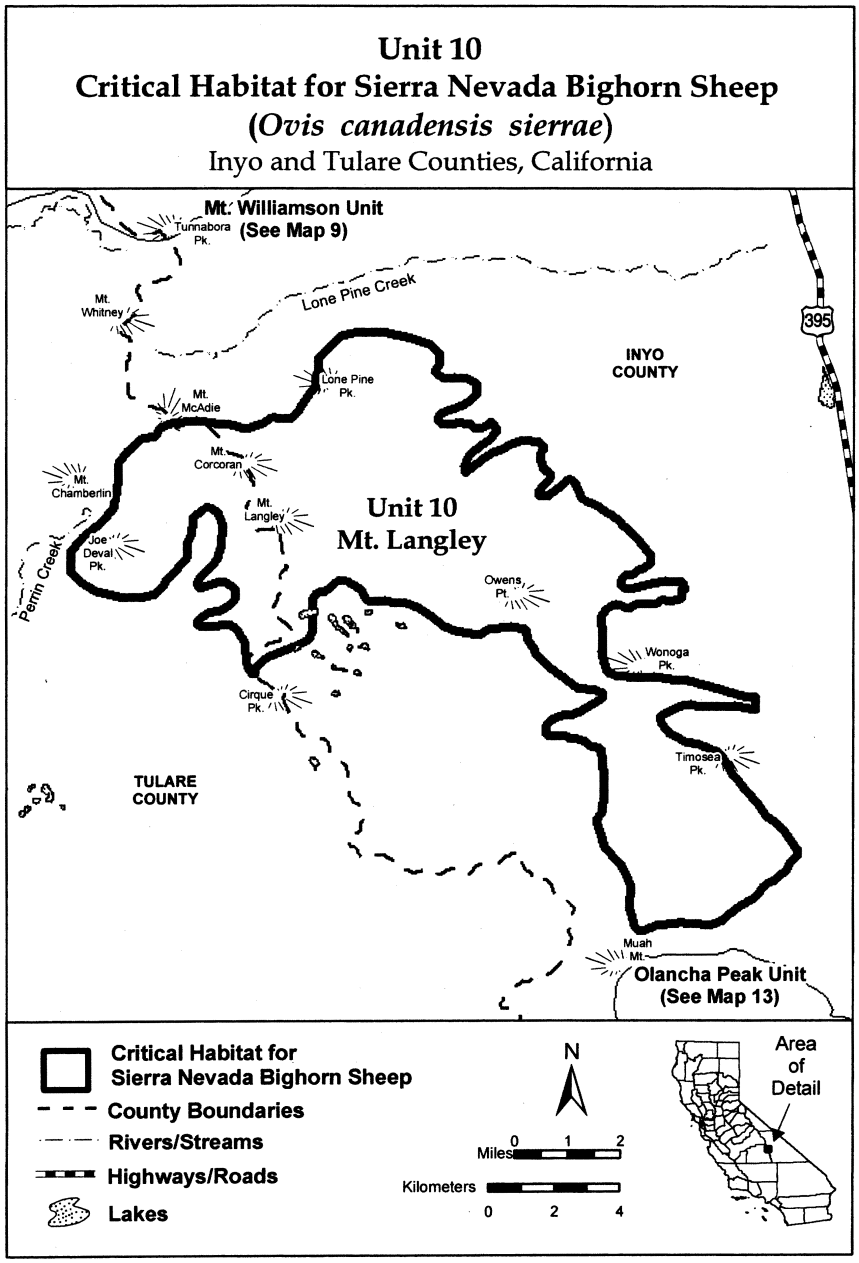
(ii) Map of Unit 9 (Big Arroyo) for Sierra Nevada bighorn sheep follows:



(15) Unit 10 (Mount Langley); Inyo and Tulare Counties, California.

(i) [Reserved]

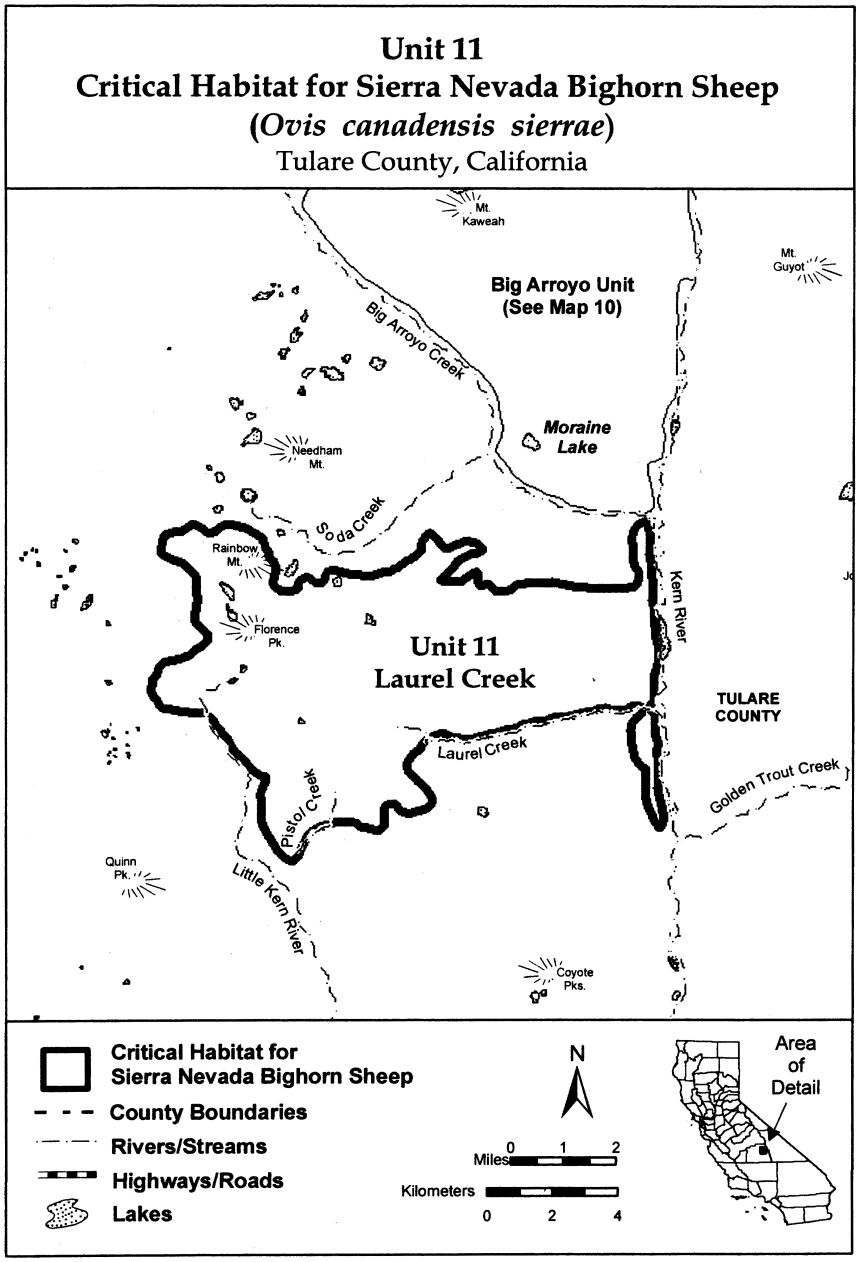
(ii) Map of Unit 10 (Mount Langley) for Sierra Nevada bighorn sheep follows:



(16) Unit 11 (Laurel Creek); Tulare County, California.

(i) [Reserved]

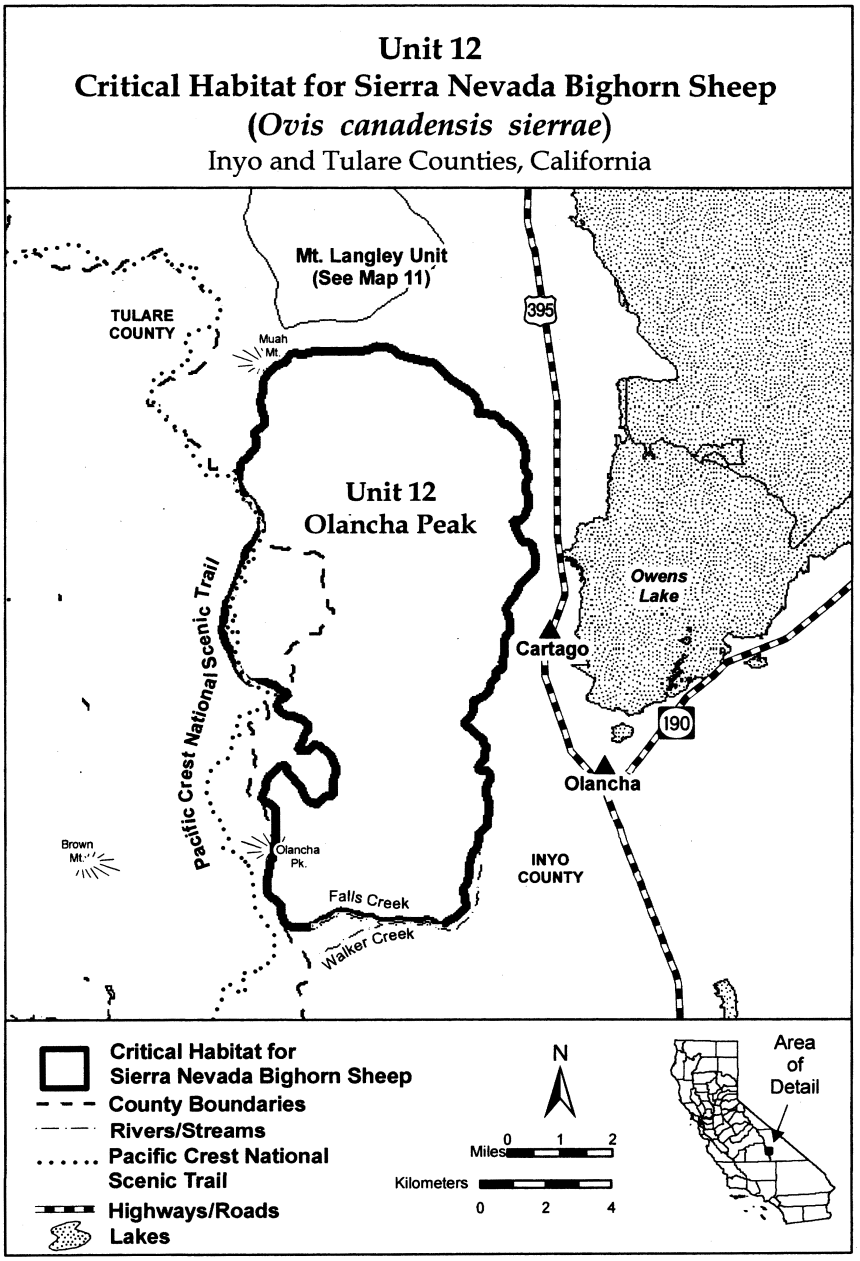
(ii) Map of Unit 11 (Laurel Creek) for Sierra Nevada bighorn sheep follows:



(17) Unit 12 (Olancha Peak); Inyo and Tulare Counties, California.

(i) [Reserved]

(ii) Map of Unit 12 (Olancha Peak) for Sierra Nevada bighorn sheep follows:


Unit 12
Critical Habitat for Sierra Nevada Bighorn Sheep
(Ovis canadensis sierrae)
Inyo and Tulare Counties, California
Mt. Langley Unit
(See Map 11)
TULARE
COUNTY
Muah
Mt.
Unit 12
Olancha Peak
Pacific Crest National Scenic Trail
395
Owens
Lake
Cartago
190
Olancha
Brown
Mt.
Olancha
Pk.
INYO
COUNTY
Falls Creek
Walker Creek
Critical Habitat for
Sierra Nevada Bighorn Sheep
County Boundaries
Rivers/Streams
Pacific Crest National
Scenic Trail
Highways/Roads
Lakes
N
0 1 2
Miles
Kilometers
0 2 4
Area
of
Detail

BUENA VISTA LAKE SHREW (*Sorex ornatus relictus*)

(1) Critical habitat units are depicted for Kings and Kern Counties, California, on the maps below.

(2) Within these areas, the primary constituent elements of the physical or biological features essential to the conservation of the Buena Vista Lake shrew consist of permanent and intermittent riparian or wetland communities that contain:

(i) A complex vegetative structure with a thick cover of leaf litter or dense mats of low-lying vegetation. Associated plant species can include, but are not limited to, Fremont cottonwoods, willows, glasswort, wildrye grass, and rush grass. Although moist soil in areas with an overstory of willows or cottonwoods appears to be favored, such overstory may not be essential.

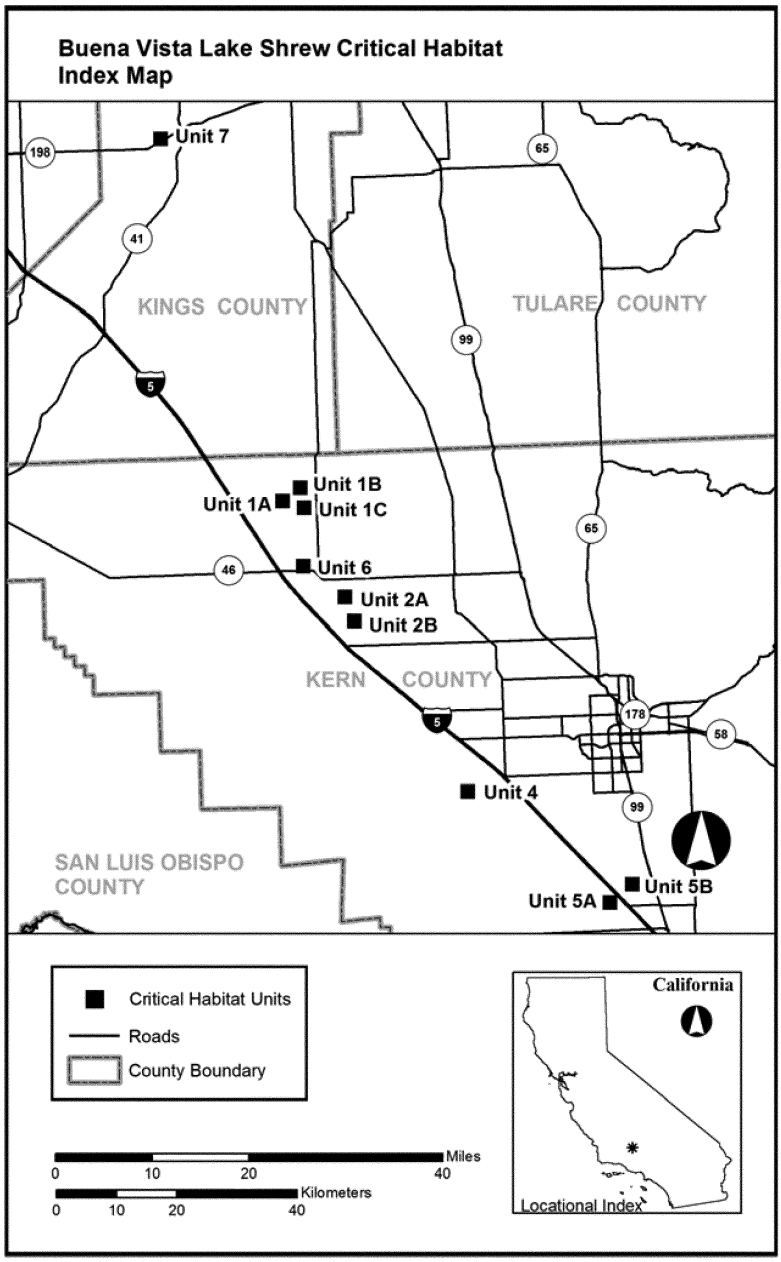
(ii) Suitable moisture supplied by a shallow water table, irrigation, or proximity to permanent or semipermanent water.

(iii) A consistent and diverse supply of prey. Although the specific prey species used by the Buena Vista Lake shrew have not been identified, ornate shrews are known to eat a variety of terrestrial and aquatic invertebrates, including amphipods, slugs, and insects.

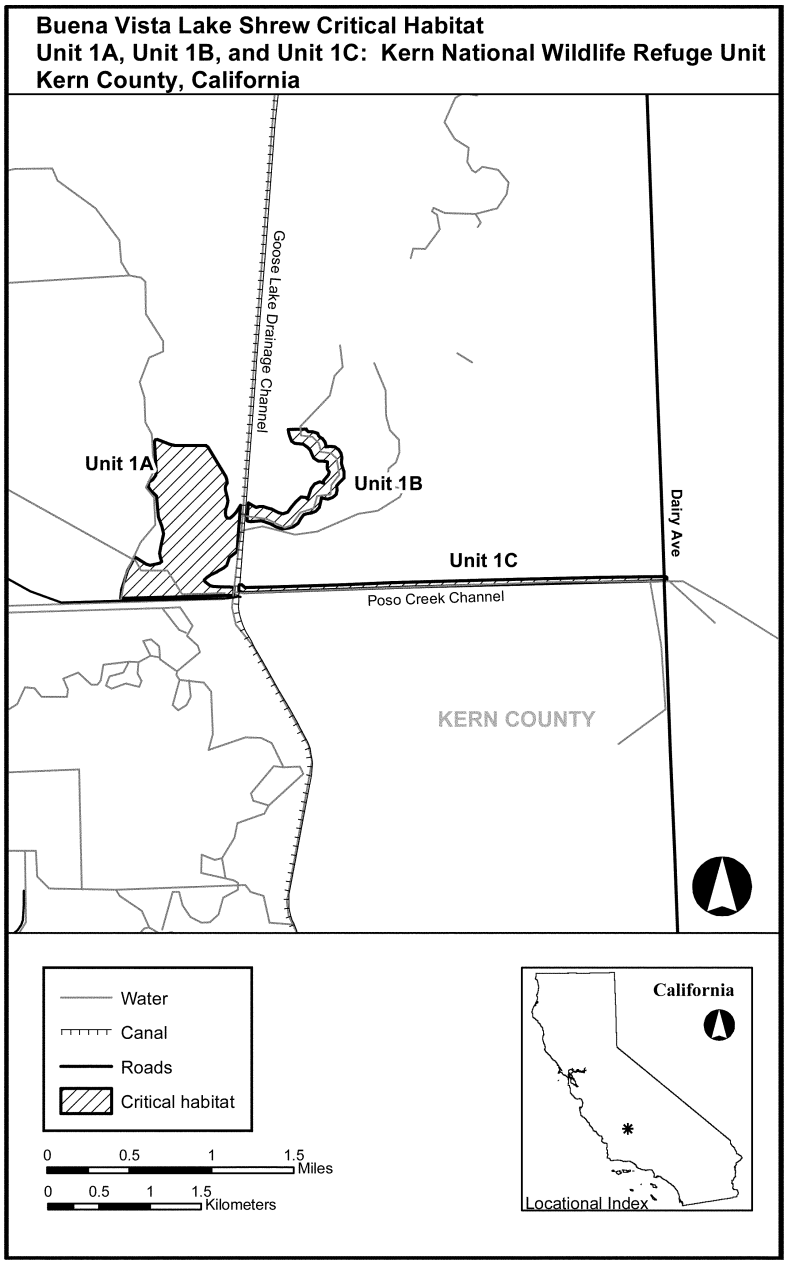
(3) Critical habitat does not include manmade structures (such as buildings, aqueducts, runways, roads, and other paved areas) and the land on which they are located existing within the legal boundaries on the effective date of this rule.

(4) *Critical habitat map units.* Data layers defining map units were created on a base of USGS 7.5′ quadrangles, and critical habitat units were then mapped using Universal Transverse Mercator (UTM) coordinates. The maps in this entry, as modified by any accompanying regulatory text, establish the boundaries of the critical habitat designation. The coordinates or plot points or both on which each map is based are available to the public at *http://criticalhabitat.fws.gov/crithab/,* and at *http://www.regulations.gov* at Docket No. FWS–R8–ES–2009–0062, and at the field office responsible for this designation. You may obtain field office location information by contacting one of our regional offices, the addresses of which are listed at 50 CFR 2.2.

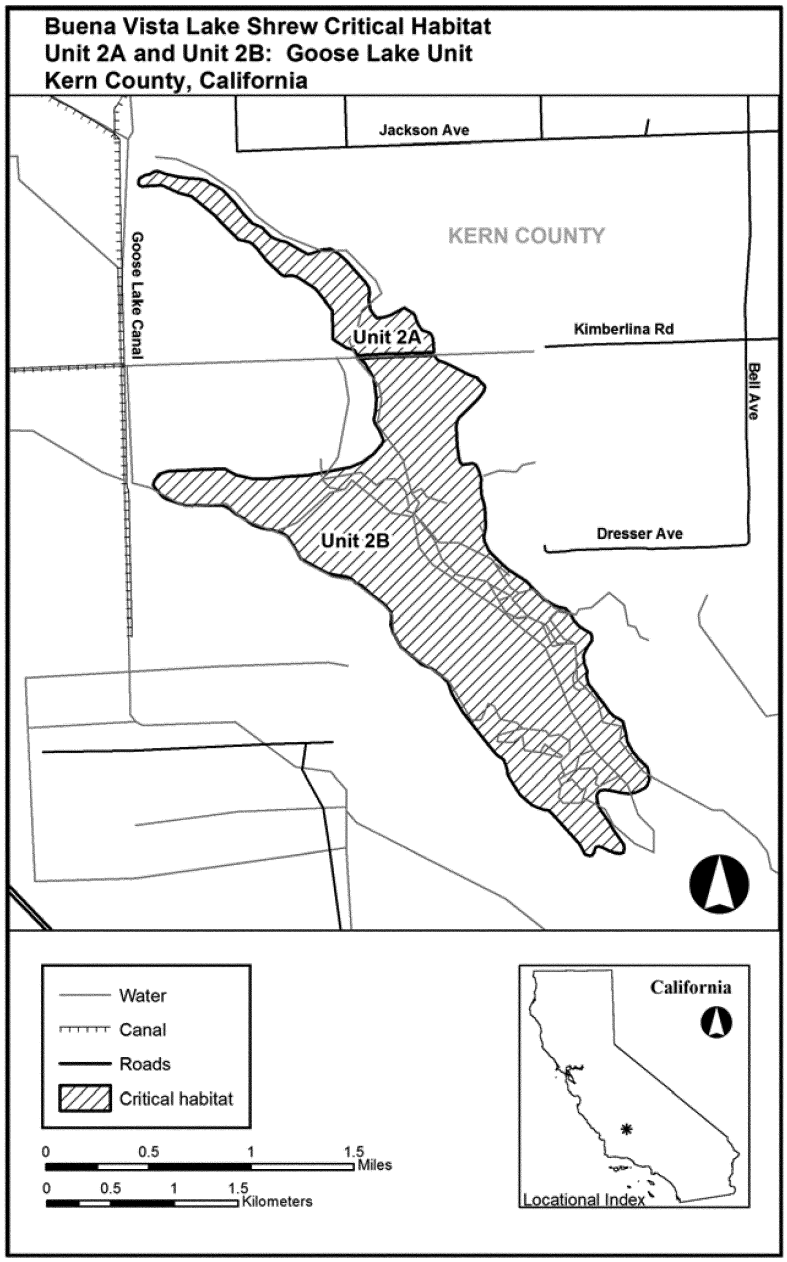
(5) Index map of Buena Vista Lake shrew critical habitat units follows:



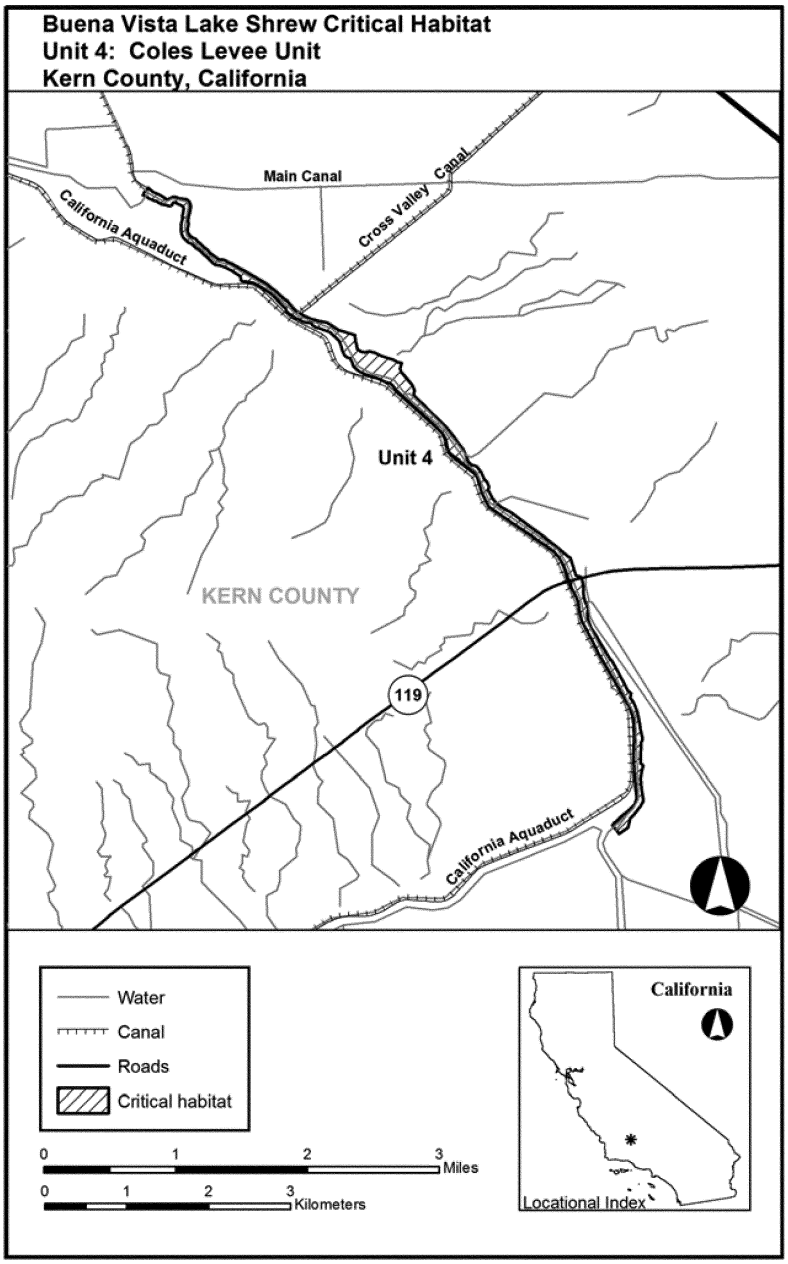
(6) Unit 1: Kern National Wildlife Refuge Unit, Kern County, California. Note: Map of Unit 1, Kern National Wildlife Refuge Unit, follows:



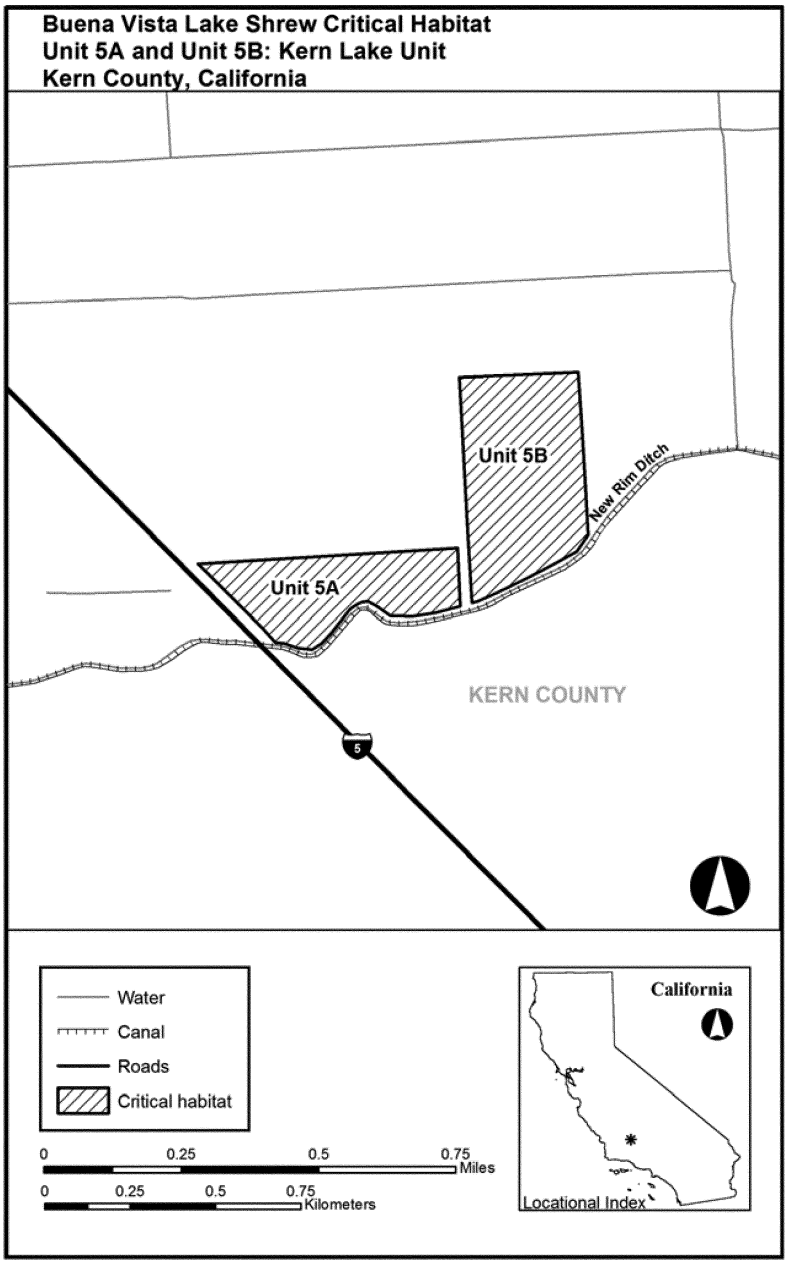
(7) Unit 2: Goose Lake Unit, Kern County, California. Note: Map of Unit 2, Goose Lake Unit, follows:



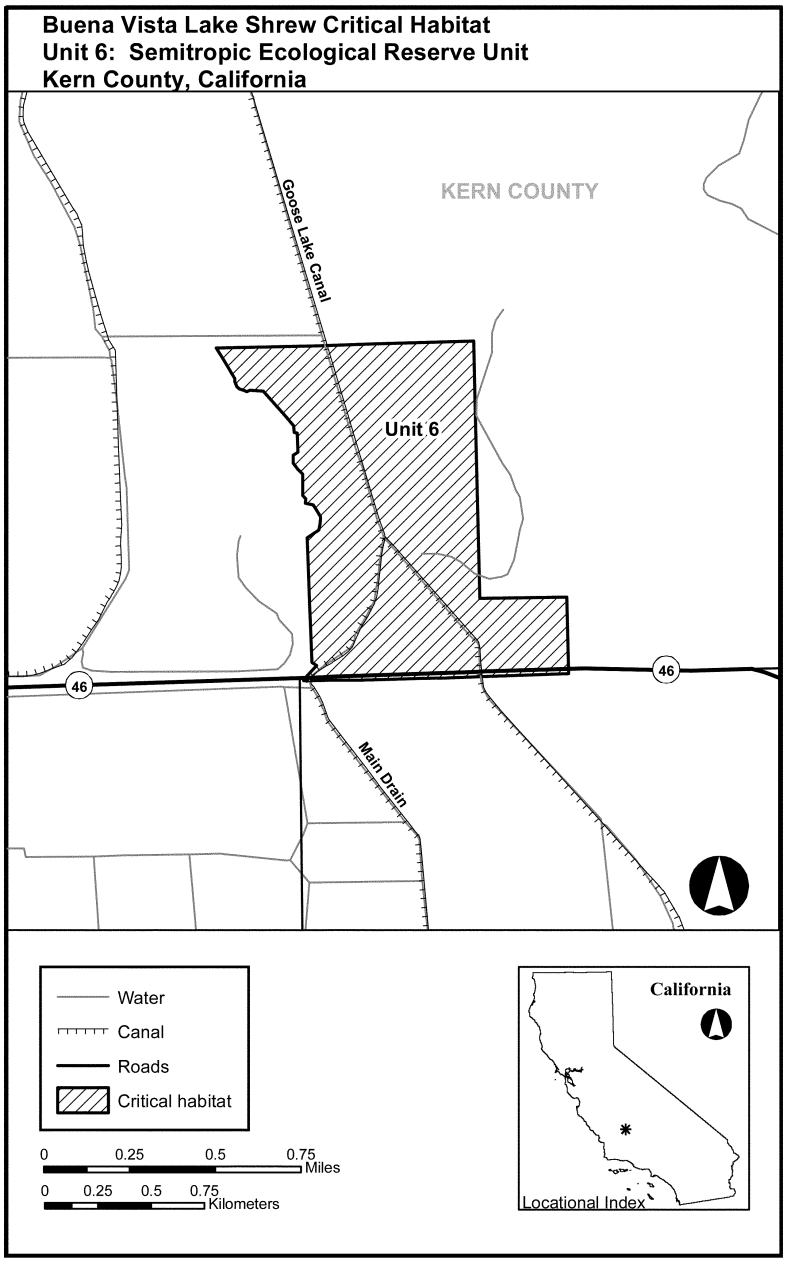
(8) Unit 4: Coles Levee Unit, Kern County, California. Note: Map of Unit 4, Coles Levee Unit, follows:



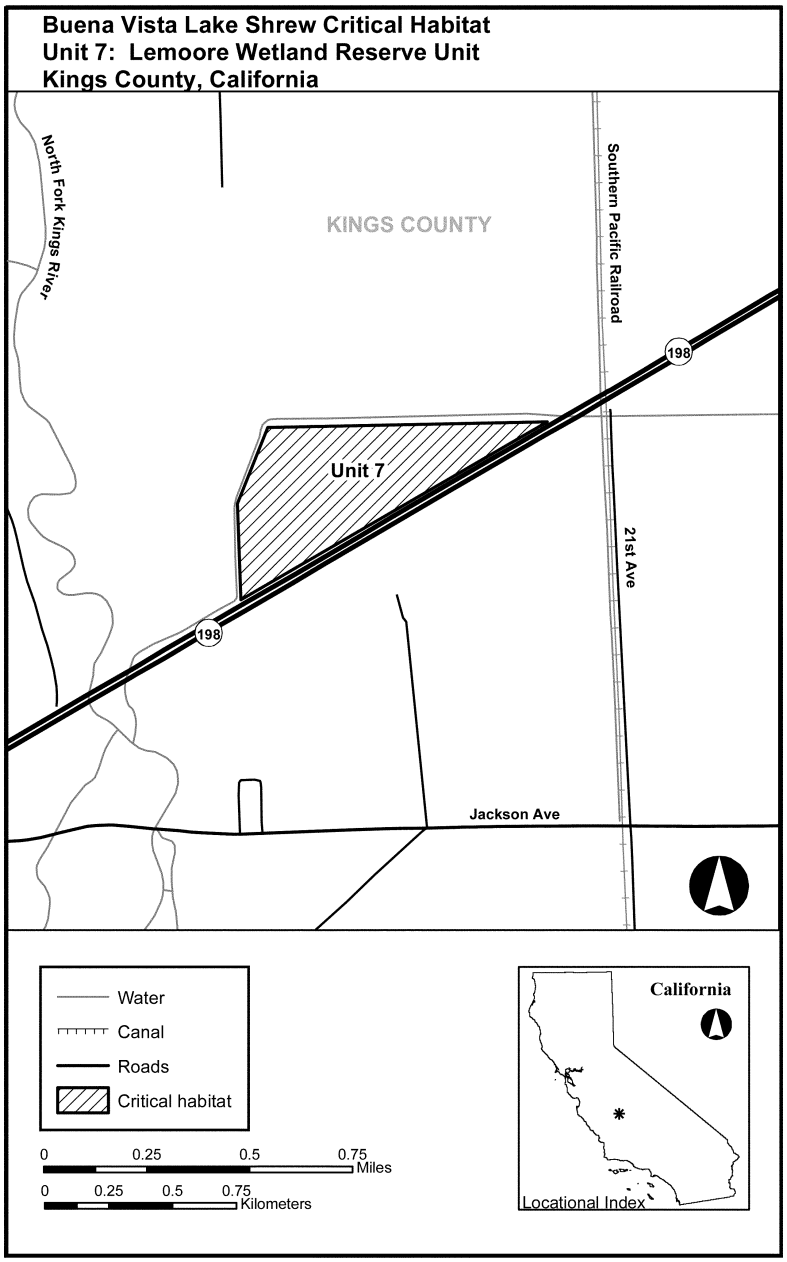
(9) Unit 5: Kern Lake Unit, Kern County, California. Note: Map of Unit 5, Kern Lake Unit, follows:



(10) Unit 6: Semitropic Ecological Reserve Unit, Kern County, California. Note: Map of Unit 6, Semitropic Ecological Reserve Unit, follows:



(11) Unit 7: Lemoore Wetland Reserve Unit, Kings County, California. Note: Map of Unit 7, Lemoore Wetland Reserve Unit, follows:



MOUNT GRAHAM RED SQUIRREL (*Tamiasciurus fremonti grahamensis*)

Arizona. Areas of land, water, and airspace in the Coronado National Forest, T. 8 S., R. 24 E., and T. 9 S., R. 24 E. (Gila and Salt River Meridian), Graham County, with the following components:

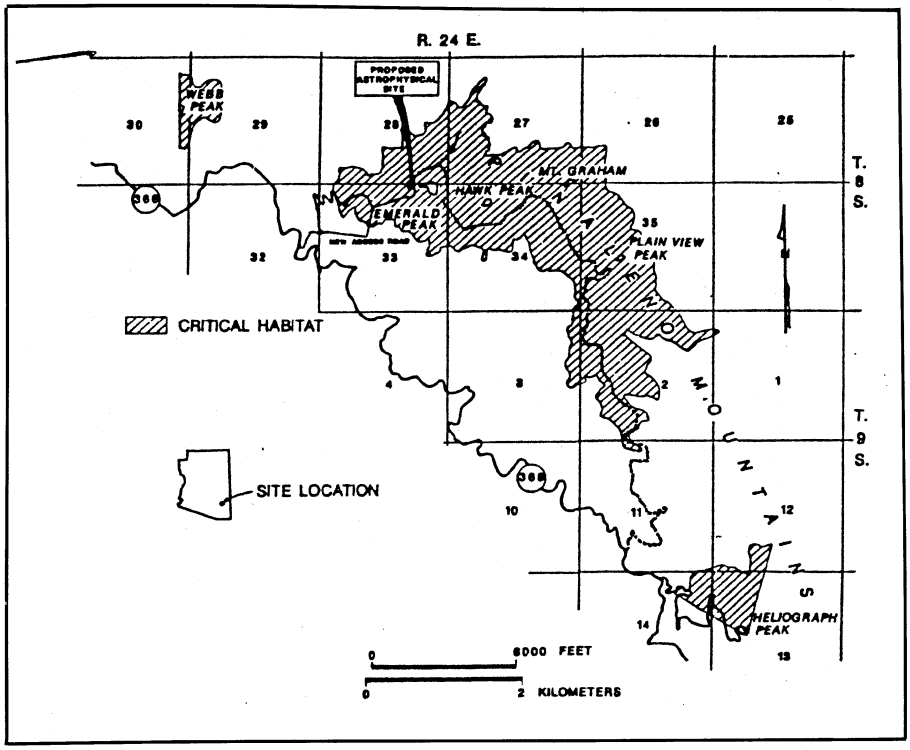
1. *Hawk Peak-Mount Graham Area*. The area above the 10,000-foot (3,048-meter) contour surrounding Hawk Peak and Plain View Peak, plus the area above the 9,800-foot (2,987-meter) contour that is south of lines extending from the highest point of Plain View Peak eastward at 90° (from true north) and southwestward at 225° (from true north).

2. *Heliograph Peak Area*. The area on the north-facing slope of Heliograph Peak that is above the 9,200-foot (2,804-meter) contour surrounding Heliograph Peak and that is between a line extending at 15° (from true north) from a point 160 feet (49 meters) due south of the horizontal control station on Heliograph Peak and a line extending northwestward at 300° (from true north) from that same point.

3. *Webb Peak Area*. The area on the east-facing slope of Webb Peak that is above the 9,700-foot (2,957-meter) contour surrounding Webb Peak and that is east of a line extending due north and south through a point 160 feet (49 meters) due west of the horizontal control station on Webb Peak.

The major constituent element is dense stands of mature spruce-fir forest.

NOTE: The map provided is for informational purposes only. Map follows:

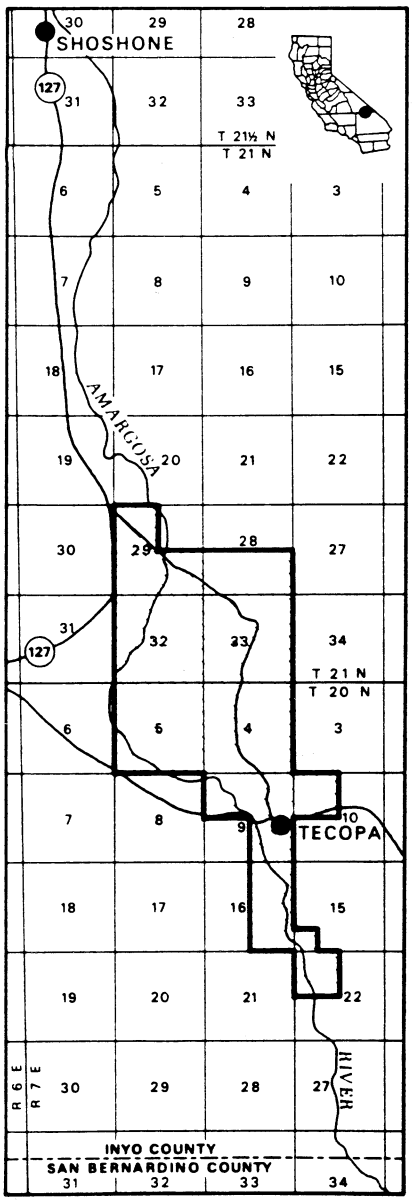


AMARGOSA VOLE (*Microtus californicus scirpensis*)

California. Marshes and associated land and water in the following areas of Inyo County (San Bernardino Meridian): T20N R7E Sec. 4, 5, N½ and SE¼ Sec. 9, NW¼ Sec. 10, SW¼SW¼ Sec. 15, E½ Sec. 16, NW¼ Sec. 22; T21N R7E S½ Sec. 28, S½ and NW¼ Sec. 29, Sec. 32, 33.

Within these areas, the major constituent elements that are known to require special management considerations or protection are marsh vegetation (primarily bulrushes of the genus *Scirpus*), springs, and some open water along the Amargosa River, which provide escape cover and an adequate food supply.

NOTE: The map provided is for informational purposes only. Map follows:



GRAY WOLF (CANIS LUPUS)

Michigan. Isle Royale National Park.

Minnesota. Areas of land, water, and airspace in Beltrami, Cook, Itasca, Koochiching, Lake, Lake of the Woods, Roseau, and St. Louis Counties, with boundaries (4th and 5th Principal meridians) identical to those of zones 1, 2, and 3, as delineated in 50 CFR 17.40(d)(1).

[42 FR 47840, Sept. 22, 1977]

EDITORIAL NOTES: 1. For FEDERAL REGISTER citations affecting §17.95, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at *www.govinfo.gov*.

2. The remainder of §17.95 appears in 50 Part 17, §17.95(b), 50 Part 17, §17.95(c) to §17.95(e), and 50 Part 17, §17.95(f) to end of §17.95.

FINDING AIDS

A list of CFR titles, subtitles, chapters, subchapters and parts and an alphabetical list of agencies publishing in the CFR are included in the CFR Index and Finding Aids volume to the Code of Federal Regulations which is published separately and revised annually.

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Alphabetical List of Agencies Appearing in the CFR
List of CFR Sections Affected

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II Office of the Federal Register (Parts 50—299)
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VI National Capital Planning Commission (Parts 600—699)

Title 2—Federal Financial Assistance

SUBTITLE A—OFFICE OF MANAGEMENT AND BUDGET GUIDANCE FOR FEDERAL FINANCIAL ASSISTANCE
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SUBTITLE B—FEDERAL AGENCY REGULATIONS FOR GRANTS AND AGREEMENTS
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X Department of the Treasury (Parts 1000—1099)
XI Department of Defense (Parts 1100—1199)
XII Department of Transportation (Parts 1200—1299)
XIII Department of Commerce (Parts 1300—1399)
XIV Department of the Interior (Parts 1400—1499)
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XVI U.S. International Development Finance Corporation (Parts 1600—1699)
XVIII National Aeronautics and Space Administration (Parts 1800—1899)
XIX U.S. Agency for Global Media (Parts 1900—1999)
XX United States Nuclear Regulatory Commission (Parts 2000—2099)
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XXIII Social Security Administration (Parts 2300—2399)

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XXV National Science Foundation (Parts 2500—2599)
XXVI National Archives and Records Administration (Parts 2600—2699)
XXVII Small Business Administration (Parts 2700—2799)
XXVIII Department of Justice (Parts 2800—2899)
XXIX Department of Labor (Parts 2900—2999)
XXX Department of Homeland Security (Parts 3000—3099)
XXXI Institute of Museum and Library Services (Parts 3100—3199)
XXXII National Endowment for the Arts (Parts 3200—3299)
XXXIII National Endowment for the Humanities (Parts 3300—3399)
XXXIV Department of Education (Parts 3400—3499)
XXXV Export-Import Bank of the United States (Parts 3500—3599)
XXXVI Office of National Drug Control Policy, Executive Office of the President (Parts 3600—3699)
XXXVII Peace Corps (Parts 3700—3799)
LVIII Election Assistance Commission (Parts 5800—5899)
LIX Gulf Coast Ecosystem Restoration Council (Parts 5900—5999)
LX Federal Communications Commission (Parts 6000—6099)

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Title 4—Accounts

I Government Accountability Office (Parts 1—199)

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IV Office of Personnel Management and Office of the Director of National Intelligence (Parts 1400—1499)
V The International Organizations Employees Loyalty Board (Parts 1500—1599)
VI Federal Retirement Thrift Investment Board (Parts 1600—1699)
VIII Office of Special Counsel (Parts 1800—1899)
IX Appalachian Regional Commission (Parts 1900—1999)
XI Armed Forces Retirement Home (Parts 2100—2199)
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XXVI	Department of Defense (Parts 3600—3699)
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XXX	Farm Credit System Insurance Corporation (Parts 4000—4099)
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LXXI Consumer Product Safety Commission (Parts 8100—8199)

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List of CFR Sections Affected

All changes in this volume of the Code of Federal Regulations (CFR) that were made by documents published in the FEDERAL REGISTER since January 1, 2020 are enumerated in the following list. Entries indicate the nature of the changes effected. Page numbers refer to FEDERAL REGISTER pages. The user should consult the entries for chapters, parts and subparts as well as sections for revisions.

For changes to this volume of the CFR prior to this listing, consult the annual edition of the monthly List of CFR Sections Affected (LSA). The LSA is available at *www.govinfo.gov*. For changes to this volume of the CFR prior to 2001, see the ''List of CFR Sections Affected, 1949–1963, 1964–1972, 1973–1985, and 1986–2000'' published in 11 separate volumes. The ''List of CFR Sections Affected 1986–2000'' is available at *www.govinfo.gov*.

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(h) table amended; eff. 10–30–20 ..... 61618, 61631
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17.11 (h) table amended; eff. 10-8-21 50281
17.12 (h) table amended 13215, 31858, 31972, 31986, 43117, 45698, 48568, 67359
17.42 (f) introductory text amended 57376
17.43 (f) added 30728
17.44 (cc) added 211
17.44 (dd) added 57609
17.45 Revised 64034
17.47 (e) added 72427
17.73 Added 48568
17.84 (i) added 15621
17.94 (b) table amended 38576
17.95 (a) amended 38571
17.95 (a) and (g) amended 67360
17.95 Regulation at 86 FR 4844 withdrawn 62606
17.95 Table amended 62659, 64035

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17 Technical correction 5737
17 Notification 66093, 80080

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17.11 (h) table amended 576, 6077, 8964, 8980, 8982, 11216, 14690, 15145, 20348, 26142, 40134, 51928, 60313, 64720, 67395, 68382, 72753, 73503, 73678, 73993, 76125
17.12 (h) table amended 6063, 18738, 35456, 36245, 40114, 51932
17.21 (c)(6) introductory text and (d)(3) introductory text amended 880
17.40 (t) added 8980
17.40 (o) removed 73504
17.41 (a) revised 21811
17.41 (m) added 64720
17.41 (g) through (k) added 72753
17.41 Correction: Amended 73971
17.44 (ee) added 67396
17.45 (b) added 6077
17.46 (b) added 576
17.47 (f) and (g) added 73678
17.73 (b) added 18738
17.73 (f) added 40114
17.84 (k)(1), (9)(iii), and (10) revised; (k)(7)(iv)(C)(*1*), (*2*), and (v)(A)(*1*), (*2*), (7)(vi)(E), and (9)(v) added 39372
17.85 (a) introductory text and (b) introductory text amended 8965
17.85 (a) introductory text table amended 15145
17.90 (Subpart I) Removed 43447
17.94—17.99 (Subpart J) Redesignated as Subpart I 43447
17.94—17.99 (Subpart I) Redesignated from Subpart J 43447
17.95 (i) amended 73678

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17 Notification 19549
17.11 (h) table amended 2025, 4792, 6191, 7142, 13065, 14838, 15938, 19017, 19893, 20426, 25537, 33220, 41757, 41854, 46949, 49354, 56487, 59725, 69071, 71672, 75508, 77035, 83771, 89626
17.11 Regulation at 87 FR 72753 eff. date delayed to 3-27-23 4087
17.11 Regulation at 87 FR 73503 eff. date delayed to 3-31-23 4908
17.11 Regulation at 78 FR 7142 withdrawn in part 24712
17.11 (h) table amended; eff. 12-19-23 64830

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17.11 (h) table revised; eff. 10-27-23 66295
17.12 (h) table amended 2026, 4792, 7144, 12592, 21866, 25238, 25557, 28905, 30057, 46110, 57209, 69095, 71504, 74906, 76696
17.40 (d) added 75509
17.40 (u) added 83772
17.41 Regulation at 87 FR 72753 eff. date delayed to 3-27-23 4087
17.41 (l) added 46949
17.42 (j) through (l) added 19017
17.43 (g) added 59725
17.44 (ff) added 13065
17.44 (bb) removed 41854
17.44 (gg) and (hh) added; eff. 10-27-23 66295
17.45 (c) and (d) added 14839
17.45 (f) added 41757
17.46 (c) added 25538
17.47 (f) added 2026
17.73 (h) added 21866
17.73 (c) added 25238
17.73 (d) added 30057
17.73 (j) added 57209
17.73 (i) added 74906
17.80 (a) revised 42651
17.81 Undesignated text following (b)(4) removed; (d) through (f) redesignated as (e) through (g); (b)(5) and new (d) added; (a), (b) introductory text, (3), (4), (c)(3), new (e), new (f), and new (g) revised 42651
17.82 Revised 42652
17.83 (b) revised; (c) added 42652
17.84 (f) introductory text amended 7146
17.84 (a) added 19894
17.84 Heading revised; (l)(1), (16), and (x)(8) amended 42652
17.84 (n) added 77036
17.84 (g)(1), (6)(iv), (9)(iv), and (g)(12) Map 4 revised 69071
17.85 Heading and (a)(2)(i) revised 42652
17.85 (a) introductory text and (1)(i) through (iii) amended 71672
17.86 Removed 42652
17.95 (a) amended 75512

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17 Actions on petitions 81388
17.2 (a) revised; (b) through (e) redesignated as (c) through (f); new (b) added 26094
17.3 Amended 23938, 26094
17.8 (a) and (b) introductory text revised 23938
17.11 (h) table amended 11771, 16668, 17955, 37021, 43768, 46609, 48099, 55112, 57235, 61049, 65553, 73310, 85337, 99137, 99683, 104895
17.11 (h) table added 53528
17.11 (h) table amended; eff. 10-7-24 72757
17.11 CFR correction: (h) table amended 75976
17.11 Correction: (h) table amended 104453
17.12 (h) table amended 15779, 17955, 73310, 86695, 96616
17.21 (c) and (d) revised 23938
17.22 Heading and (b) through (d) revised; (e) removed 26095
17.31 Revised 23939
17.32 Introductory text revised 23939
17.32 Heading, (b), and (c) revised; (d) removed 26098
17.40 Heading revised 23940
17.40 (e) introductory text amended; (e)(1), (2), and (6)(i)(D) revised; (e)(6)(ii) and (iii) redesignated as (e)(6)(iii) and (iv); new (e)(6)(ii), (10), and (11) added 22553
17.41 Heading revised 23940
17.41 (i) added 55113
17.41 (h) added 85337
17.42 Heading revised 23940

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17.42 (k) added 53528
17.42 (m) and (n) added 57236
17.42 Correction: Second (m)(2)(ii) and (iii) redesignated as (m)(2)(iii) and (iv) 65225
17.43 Heading revised 23940
17.44 Heading revised 23940
17.44 (a) heading revised; eff. 10-7-24 72757
17.45 Heading revised 23940
17.45 (c) added 48099
17.46 Heading revised 23940
17.47 (h) added 11772
17.47 Heading revised 23940
17.48 Removed 23940
17.61 (a) through (c) revised 23940
17.71 Revised 23940
17.72 Introductory text revised 23941
17.73 Heading revised 23941
17.74 Heading revised 23941
17.84 (l) introductory text and (1) revised; (y) added 37021
17.95 (a) table amended 16668, 46610, 46823, 99683

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17 Notification 11674, 43395
17 Determination 23446
17.11 (h) table amended 34384
17.12 (h) table amended 22670, 30018