

Title 50: Wildlife and Fisheries

PART 23—ENDANGERED SPECIES CONVENTION

Subpart A—Introduction

§ 23.1 Purpose of regulations.

(a) *The regulations in this part implement the Convention on International Trade in Endangered Species of Wild Fauna and Flora, TIAS 8249.*

(b) *The regulations identify those species of wildlife and plants included in appendix I, II or III to the Convention.*

§ 23.2 Scope of regulations.

(a) *The regulations of this part apply only to wildlife and plants listed in appendix I, II or III to the Convention, listed herein in §23.23 for the convenience of the public. It should be noted that many species listed in appendix I, II or III are also listed in part 17 (endangered and threatened species) or part 18 (marine mammals), and are subject to additional regulations in those parts or in part 216 (marine mammals) or parts 217–225 (endangered and threatened species) for species under jurisdiction of the National Marine Fisheries Service.*

(b) *[Reserved]*

§ 23.3 Definitions.

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

Appendix I means the list of wildlife and plants called “Appendix I” and attached to the Convention (see §23.23 for the list).

Appendix II means the list of wildlife and plants called “Appendix II” and attached to the Convention (see §23.23 for the list).

Appendix III means the list of wildlife and plants called “Appendix III” and attached to the Convention (see §23.23 for the list).

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

Management Authority means a national management authority officially designated by a party to implement the present Convention, including the granting of permits or certificates for Convention purposes on behalf of the party.

Party means a country for which the Convention has entered into force, by virtue of ratification or accession.

Re-export means export of wildlife or plants that have previously been imported.

United States means all of the several states, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, and the Trust Territory of the Pacific Islands.

§ 23.4 Parties to the Convention.

The following countries are currently parties to the Convention. The name and address of the management authority is included under the name of each country. This list is for the convenience of the public, and does not preclude the application of regulations in this part 23 to importation, exportation or re-exportation to or from other countries.

Australia

The Bureau of Customs, Department of Business and Consumer Affairs, Canberra, Act 2600, Australia.

Brazil

Instituto Brasileiro de Desenvolvimento, Florestal (IBDF) do Ministério da Agricultura, Palácio do Desenvolvimento, Setor Bancário Norte, 13º andar, 70000 Brasília—DF Brazil.

Canada

The Administrator, Convention on International Trade in Endangered Species, Canadian Wildlife Service, Department of the Environment, Ottawa, Ontario, K1A 0H3, Canada.

Chile

Servicio Agrícola y Ganadero (SAG), Ministerio de Agricultura, Santiago, Chile.

Costa Rica

Departamento de Pesca Continental y Vida Silvestre, Ministerio de Agricultura y Ganadería, San Jose, Costa Rica.

Cyprus

Ministry of Agriculture and Natural Resources, Nicosia, Cyprus.

Ecuador

Ministerio de Agricultura y Ganadería, Quito, Ecuador.

Federal Republic of Germany

Bundesminister für Ernährung Landwirtschaft und Forsten, Rochusstrasse 1, 5300 Bonn-Duisdorf, Federal Republic of Germany.

Finland

Maa—ja Metsätalousministerio, Ministry of Agriculture and Forestry, Bureau of Natural Resources, Hallituskatu 3 A, 00170 Helsinki 3 A, Finland.

German Democratic Republic

Ministerium für Land, Forst und Nahrungsgüterwirtschaft, der Deutschen Demokratischen Republik, DDR—1157 Berlin, German Democratic Republic.

Ghana

Department of Game and Wildlife, P.O. Box M 239, Accra, Ghana.

India

The Director of Wildlife Preservation, Government of India, Ministry of Agriculture and Irrigation, Department of Agriculture, Krishi Bhaven, New Delhi—110001, India.

Iran

Department of the Environment, P.O. Box 1430, Tehran, Iran.

Malagasy Republic

Direction des Eaux et Forêts et de la Conservation des Sols, B.P. 243, Tananarive.

Mauritius

The Conservator of Forests, Forest Service, Curepipe, Mauritius.

Morocco

Comité National de l'Environnement, Direction de l'Environnement, Ministère de l'Urbanisme, de l'Habitat, du Tourisme et de l'Environnement, Rabat, Morocco.

Nepal

Not available.

Niger

Ministère de l'Economie rurale, et du Climat, Niamey, Niger.

Nigeria

Not available.

Norway

The Royal Ministry of Environment, Myntgaten 2, P.O. Box 8012 Oslo-Dep., N—Oslo 1, Norway.

Pakistan

Mr. A.M. Khattak, Inspector General of Forests/Member Secretary, Government of Pakistan, Ministry of Food, Agriculture, Cooperatives, Under-Developed Areas and Land Reforms (Food and Agriculture Division), National Council for Conservation of Wildlife, Bungalow No.: 4–G, St. No.: 51, F.6/Islamabad, Pakistan.

Papua New Guinea

The Conservator of Fauna, Department of Natural Resources, P.O. Box 2585, Konedobu, Papua, New Guinea.

Paraguay

Not available.

Peru

Direccion General Forestal y de Fauna, Natalio Sánchez 220, 3er. piso, Jesús María, Lima, Peru.

South Africa

The Secretary, Department of Planning and the Environment, Private Bag X 213, Pretoria 0001, South Africa.

Sweden

Lantbruksstyrelsen, Vallgatan 6, S–551 83 Jonkoping, Sweden.

Switzerland

Office veterinaire federal, Thunstrasse 17, 3005 Berne 6, Switzerland.

Tunisia

Direction des Forets, 36, rue Alain Savary, Tunis, Tunisia.

Union of Soviet Socialist Republics

Not available.

United Arab Emirates

Not available.

United Kingdom of Great Britain and Northern Ireland

Department of the Environment, 17/19 Rochester Row, London SW1P 1LN, England.

United States of America

Chief, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, U.S. Department of the Interior, 18th and C Streets NW., Washington, DC 20240 U.S.A.

Uruguay

Presidente del Instituto Nacional para le Preservacion del Medio Ambiente, Ministerio de Education y Cultura, Sarandi 444, Montevideo, Uruguay.

Zaire

Le Commissaire d'Etat a l'Environment, Conservation de la Nature et Tourisme Boite Postale 12348, Kinshasa/Gombe, Zaire.

Subpart B—Prohibitions, Permits and Exceptions

§ 23.11 Prohibitions.

(a) *Unless the requirements in this part 23 are met, or one of the exceptions in this part 23 is applicable, it is unlawful for any person subject to the jurisdiction of the United States to commit, attempt to commit, solicit another to commit, or cause to be committed any of the acts described in paragraphs (b) through (d) of this section.*

(b) *Import. (1) It is unlawful to import into the United States any wildlife or plant listed in appendix I, II or III (see §23.23) from any foreign country.*

(2) *It is unlawful to import directly into the United States any wildlife or plant listed in appendix I or II (see §23.23) taken from the sea beyond the jurisdiction of any country.*

(c) *Export. It is unlawful to export from the United States any wildlife or plant listed in appendix I, II or III (see §23.23).*

(d) *Re-export. It is unlawful to re-export from the United States any wildlife or plant listed in appendix I, II or III (see §23.23).*

(e) *Possession. It is unlawful for any person subject to the jurisdiction of the United States to possess any wildlife or plant listed in appendix I, II or III imported into the United States, or exported or re-exported from the United States contrary to the provisions of the Convention or this part 23.*

§ 23.12 Requirements.

(a) *Import—(1) Appendix I. (i) In order to import into the United States any wildlife or plant listed in Appendix I from any foreign country, a United States import permit, issued pursuant to §23.15, and a valid foreign export permit issued by the country of origin or a valid foreign re-export certificate issued by the country of re-export must be obtained prior to such importation.*

(ii) In order to import directly into the United States any wildlife or plant listed in appendix I taken from the sea beyond the jurisdiction of any country, a United States import permit issued pursuant to §23.15 must be obtained prior to such importation.

(2) Appendix II. (i) In order to import into the United States any wildlife or plant listed in appendix II from any foreign country, a valid foreign export permit issued by the country of origin, or a valid foreign re-export certificate issued by the country of re-export, must be obtained prior to such importation.

(ii) In order to import directly into the United States any wildlife or plant listed in Appendix II taken from the sea beyond the jurisdiction of any country, a United States import permit issued pursuant to §23.15, must be obtained prior to such importation.

(3) Appendix III. (i) In order to import into the United States any wildlife or plant listed in appendix III from a foreign country that has listed such animal or plant in appendix III, a valid foreign export permit or re-export certificate issued by such country must be obtained prior to such importation.

(ii) In order to import into the United States any wildlife or plant listed in appendix III from a foreign country that has not listed such wildlife or plant in appendix III, a valid foreign certificate of origin or foreign re-export certificate must be obtained prior to such importation.

(b) Export or re-export—(1) Appendices I and II. In order to export or re-export from the United States any wildlife or plant listed in appendix I or II, a United States export permit or re-export certificate, issued pursuant to §23.15, must be obtained prior to such exportation or re-exportation.

(2) Appendix III. (i) In order to export or re-export from the United States any wildlife or plant listed in appendix III by the United States, a United States export permit or re-export certificate issued pursuant to §23.15, must be obtained prior to such exportation or re-exportation.

(ii) In order to export or re-export from the United States any wildlife or plant listed in appendix III that has not been listed by the United States, a re-export certificate or certificate of origin, issued pursuant to §23.15, must be obtained prior to such exportation or re-exportation.

§ 23.13 Exceptions.

(a) If any wildlife or plant listed in appendix I, II or III is also subject to the regulations in part 17 or part 18 of this subchapter, the prohibitions and exceptions in those parts and in part 23 shall apply. Exceptions in one part cannot be invoked to allow activities prohibited in another part.

(b) The prohibitions in §23.11 (b) through (d) concerning importation, exportation and re-exportation shall not apply to wildlife or plant listed in appendix I, II or III that are being transshipped through the United States provided such wildlife or plants remain in Customs custody.

(c) The prohibitions in §23.11 (b) through (d) concerning importation, exportation and re-exportation shall not apply to wildlife or plants when a certificate has been issued by the management authority of the country of origin or the country of re-export to the effect that the wildlife or plant was acquired prior to the date the Convention applied to it. See §23.15 for rules on the issuance of such certificates.

(d) The prohibitions in §23.11 (b) through (d) concerning importation, exportation and re-exportation shall not apply to wildlife or plants that are accompanying personal baggage or part of a shipment of the household

effects of persons moving their residences to or from the United States: Provided, That this exception shall not apply to:

(1) Importation by U.S. residents of wildlife or plants listed in appendix I that were acquired outside the United States; or

(2) Importation by U.S. residents of wildlife or plants listed in appendix II that were taken from the wild in a foreign country, if that country requires export permits.

(e) Wildlife or plants listed in appendix I that have been bred in captivity or artificially propagated, for commercial activities, shall be treated as if listed in appendix II.

(f) The prohibitions in §23.11 (b) through (d) concerning importation, exportation and re-exportation shall not apply to wildlife or plants when a certificate has been issued by the management authority of the country of export to the effect that the wildlife or plant was bred in captivity or artificially propagated, or was part of or derived therefrom. See §23.15 for rules on the issuance of such certificates.

(g) The prohibitions in §23.11 (b) through (d) concerning importation, exportation and re-exportation shall not apply to herbarium specimens, other preserved, dried or embedded museum specimens, and live plant material when they are imported, exported or re-exported as a non-commercial loan, donation or exchange between scientists or scientific institutions that have been registered by a management authority of their country, and when a label issued or approved by such management authority is clearly affixed to the package or container. See §23.15 for rules on registration and issuance or approval of labels.

§ 23.14 Foreign documentation.

(a) Party countries. Only export permits, re-export certificates, certificates of origin, or other certificates issued and signed by a management authority will be accepted as a valid foreign document from a country that is a party to the Convention.

(b) Countries that are not parties. The requirements in this part 23 apply to all wildlife and plants listed in appendix I, II or III to the Convention, whether the shipment is to or from a country that is party to the Convention, or to or from any other country. In the case of a shipment from a country not party to the Convention, documents containing information corresponding to that required by the regulations in this part 23 may be accepted. Such documents may be in the form of an export or import permit, a letter from the proper authority, or any other form that clearly indicates the nature of the document. Such documents must:

(1) Be issued by an official of the country responsible for authorizing the export of such wildlife or plants;

(2) Specify the species (or taxa to the rank listed in appendix I, II or III) and give the numbers of wildlife or plants covered by the document; and

(3) Contain the following statement or its equivalent:

I, _____ (Signing official), hereby certify that the shipment of wildlife or plants covered by this document is in accordance with the laws of _____ (Country), will not be detrimental to the survival of the species in the wild, and, if living, will be transported in a manner which will minimize the risk of injury, damage to health, or cruel treatment.

§ 23.15 Permits and certificates.

(a) In order to import, export or re-export wildlife or plants listed in appendix I, II or III that are also listed as endangered or threatened and subject to regulations in part 17 of this subchapter, the requirements in both part 17 and part 23 must be met. A single application meeting the appropriate application requirements in part 17 will also meet the application requirements in part 23.

(b) In order to import wildlife listed in appendix I, II or III that are marine mammals subject to regulations in part 18 of this subchapter, the requirements in both part 18 and part 23 must be met. A single application meeting the application requirements in part 18 will also meet the application requirements in part 23.

(c) Application requirements for permits or certificates to import, export or reexport wildlife or plants listed in appendix I, II or III that are not subject to the regulations in part 17 or part 18 of this subchapter. Any person subject to the jurisdiction of the United States who wishes to get such a permit or certificate submits an application under this section to the Director, U.S. Fish and Wildlife Service, (Attention: Office of Management Authority), 4401 N. Fairfax Drive, Room 700, Arlington, VA 22203 by any person subject to the jurisdiction of the United States who wishes to get a permit for the activity. The Service provides Form 3-200 for the application to which as much of the following information relating to the purpose of the permit or certificate must be attached.

(1) The scientific and common names of the species (or taxa to the rank listed in appendix I, II or III) sought to be covered by the permit, the number of wildlife or plants, and the activity sought to be authorized (such as importing, exporting, re-exporting, etc.);

(2) A statement as to whether the wildlife or plant, at the time of application, (i) is living in the wild, (ii) is living but is not in the wild, or (iii) is dead;

(3) A description of the wildlife or plant, including (i) size, (ii) sex (if known), and (iii) type of goods, if it is a part or derivative;

(4) In the case of living wildlife or plants, (i) a description of the type, size and construction of any container the wildlife or plant will be placed in during transportation; and (ii) the arrangements for watering and otherwise caring for the wildlife or plant during transportation;

(5) The name and address of the person in a foreign country to whom the wildlife or plant is to be exported from the United States, or from whom the wildlife or plant is to be imported into the United States;

(6) The country and place where the wildlife or plant was or is to be taken from the wild;

(7) In the case of wildlife or plants listed in appendix I to be imported into the United States, (i) a statement of the purposes and details of the activities for which the wildlife or plant is to be imported; (ii) a brief resume of the technical expertise of the applicant or other persons who will care for the wildlife or plant; (iii) the name, address and a description, including diagrams or photographs, of the facility where the wildlife or plant will be maintained; and (iv) a description of all mortalities, in the two years preceding the date of this application, involving any wildlife species covered in the application (or any species of the same genus or family) held by the applicant, including the causes and steps taken to avoid such mortalities; and

(8) Copies of documents, sworn affidavits or other evidence showing that either (i) the wildlife or plant was acquired prior to the date the Convention applied to it, or (ii) the wildlife or plant was bred in captivity or

artificially propagated, or was part of or derived therefrom, or (iii) the wildlife or plant is an herbarium specimen, other preserved, dried or embedded museum specimen or live plant material to be imported, exported or re-exported as a non-commercial loan, donation or exchange between scientists or scientific institutions.

(d) Issuance criteria. Upon receiving an application completed in accordance with paragraph (a), (b) or (c) of this section, the Director will decide whether or not a permit or certificate 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 proposed import, export or re-export would be detrimental to the survival of the species;

(2) Whether the wildlife or plant was acquired lawfully;

(3) Whether any living wildlife or plant to be exported or re-exported will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment;

(4) Whether any living wildlife or plant to be imported directly into the United States from the sea beyond the jurisdiction of any country will be so handled as to minimize the risk of injury, damage to health or cruel treatment;

(5) Whether an import permit has been granted by a foreign country, in the case of proposed export or re-export from the United States of any wildlife or plant listed in Appendix I;

(6) Whether the proposed recipient of any living wildlife or plant listed in Appendix I to be imported into the United States is suitably equipped to house and care for such wildlife or plant;

(7) Whether any wildlife or plant listed in appendix I to be imported into the United States is to be used for primarily commercial activities; and

(8) Whether the evidence submitted is sufficient to justify an exception, in the case of (i) wildlife or plants that were acquired prior to the date the Convention applied to them; (ii) wildlife or plants that were bred in captivity or artificially propagated, or were part of or derived there from; or (iii) wildlife or plants that are herbarium specimens; other preserved, dried or embedded museum specimens, or live plant material to be imported, exported or re-exported as a noncommercial loan, donation or exchange between scientists or scientific institutions.

(9) Whether in the case of wildlife or plants listed in Appendix II, they are the subject of a large volume of trade and are not necessarily threatened with extinction.

(e) Permit or certificate conditions. In addition to the general criteria set forth in part 13 of this subchapter, permits or certificates issued under this section shall be subject to the following special conditions:

(1) Any permit must be presented to a Service agent at a designated port of entry upon importation into the United States or prior to exportation or re-exportation from the United States:

(2) Where appropriate and feasible, the Service may require that an identifying mark be affixed upon any wildlife or plant;

(3) In the case of wildlife or plants that are herbarium specimens, other preserved, dried or embedded museum

specimens, or live plant material to be imported, exported or re-exported as a non-commercial loan, donation or exchange between scientists or scientific institutions, the names and addresses of the consignor and consignee must be on each package or container. The letters "CITES" (acronym for the Convention), 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.

(f) *Duration of permits or certificates.* The duration of permits or certificates issued under this section shall be designated on the face of the permit or certificate, but in no case will export permits be valid for longer than six months.

(g) *Information collection requirements.* The Office of Management and Budget approved the information collection requirements contained in this part 23 under 44 U.S.C. 3507 and assigned OMB Control Number 1018-0093. The Service may not conduct or sponsor, and you are not required to respond to, a collection of information unless it displays a currently valid OMB control number. We are collecting this information to provide information necessary to evaluate permit applications. We will use this information to review permit applications and make decisions, according to criteria established in various Federal wildlife conservation statutes and regulations, on the issuance, suspension, revocation, or denial of permits. You must respond to obtain or retain a permit. We estimate the public reporting burden for these reporting requirements to vary from 20 minutes to 2 hours per response, with an average of 1 hour per response, including time for reviewing instructions, gathering and maintaining data, and completing and reviewing the forms. Direct comments regarding the burden estimate or any other aspect of these reporting requirements to the Service Information Collection Control Officer, MS-222 ARLSQ, U.S. Fish and Wildlife Service, Washington, DC 20240, or the Office of Management and Budget, Paperwork Reduction Project (1018-0093), Washington, DC 20603.

[42 FR 10465, Feb. 22, 1977, as amended at 63 FR 52638, Oct. 1, 1998]

Subpart C—Appendices I, II and III to the Convention on International Trade in Endangered Species of Wild Fauna and Flora

§ 23.21 Criteria for listing species. [Reserved]

§ 23.22 Procedures for amending the appendices. [Reserved]

§ 23.23 Species listed in Appendices I, II, and III.

(a) *The list in this section includes species of wildlife and plants placed in Appendix I, II or III in accordance with the provisions of Articles XV and XVI of the Convention.*

The list of species is organized as follows:

Major group	Subgroups
Mammals.....	Orders, in taxonomic sequence.
Birds.....	Orders, in taxonomic sequence.
Reptiles.....	Orders, in taxonomic sequence.
Amphibians.....	Orders, in taxonomic sequence.
Fishes.....	Orders, in taxonomic sequence.
Molluscs.....	Classes.
Arthropods.....	Classes.

Plants..... Families, in alphabetical
sequence.

Within each Subgroup, lower taxonomic units (mainly genera, but sometimes families or subfamilies) are listed in alphabetical sequence. Within genera, the scientific names of the species are listed in alphabetical sequence. The scientific name takes precedence over the common name in determining if a species is listed.

(b) The appendix column of the list includes the annotation “pe” (=possibly extinct) for certain species. It also contains the names of Parties including species in Appendix III.

(c) For purposes of issuing United States certificates of exemption under Article VII(3), the date when the Convention applies to a species is the date when the inclusion of that species in the appendices enters into force under the terms of Article XV or XVI of the Convention. The date of first listing is retained if a species is transferred from one appendix to another or if a listed species is subsequently included with other species in the listing of a taxon above the species level. Such species are shown separately in this publication of the appendices. The date of a subsequent listing is used only if a species is entirely deleted from the appendices and is subsequently reincluded after an intervening period of time.

(d) Subject to the regulations of this part are all living or dead animals or plants in Appendix I, II or III, and all their readily recognizable parts and derivatives except for specified parts or derivatives of particular Appendix III animal species as excluded in the particular listing and the following categorically excluded or exempted parts or derivatives of certain plants:

(1) For Appendix II and Appendix III plants and artificially propagated hybrids of Appendix I plants: Seedling or tissue cultures obtained in vitro, in solid or liquid media, transported in sterile containers; and

(2) For Appendix II and Appendix III plants: Seeds (other than the seeds of Mexican Cactaceae originating from Mexico, which are included in the Appendices), spores, pollen (including pollinia), and artificially propagated cut flowers; and

(3) For artificially propagated hybrids of Appendix I plants: seeds and pollen (including pollinia) and cut flowers; and

(4) For artificially propagated or naturalized Appendix II Cactaceae species: fruits and their parts and derivatives; for *Opuntia* subgenus *Opuntia* species, separate stem joints (pads) and their parts and derivatives.

(5) For Orchidaceae species: in Appendix I, seedling or tissue cultures obtained in vitro, in solid or liquid media, transported in sterile containers; in Appendix II, for artificially propagated *Vanilla* species, the fruits and their parts and derivatives.

(e) The list of species set out in subsection (f) is informational and not regulatory in nature. It is solely intended as a convenience to the public. The official list of species included in Appendices I, II, and III is the one maintained by the CITES Secretariat based on the decisions of the Parties to the Convention.

(f) The list of species in the Appendices to the Convention on International Trade in Endangered Species of Wild Fauna and Flora is provided below:

*******TABLE NOT INCLUDED*******

[60 FR 52450, Oct. 6, 1995, as amended at 61 FR 6795, Feb. 22, 1996; 63 FR 26740, May 14, 1998; 63 FR 58327, Oct. 30, 1998; 63 FR 63212, 63214, Nov. 12, 1998; 64 FR 31991, June 15, 1999; 66 FR 27610, May 18, 2001; 70 FR 74711, Dec. 16, 2005]

Subpart D—Public Participation in the Development of Negotiating Positions for Meetings of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora; Federal Agency Consultation

Source: 45 FR 83238, Dec. 18, 1980, unless otherwise noted.

§ 23.31 Purpose of regulations.

The regulation contained in this subpart sets out procedures for participation of the public and consultation with appropriate Federal agencies in the Service's process of developing negotiating positions to be used by the representative of the United States to meetings of the Conference of the Parties to the Convention provided for by Article XI of the Convention.

§ 23.32 Notice of meeting of Conference of the Parties to the Convention.

(a) Upon receipt of a notice of a meeting to the Conference of the Parties to the Convention, the director shall publish in the Federal Register a notice setting forth the time and place of the meeting, and the proposed agenda, and inviting the public to comment and provide information on agenda items including, when appropriate, suggestions for additional agenda items.

(b) Upon receipt from the CITES Secretariat of a notice of additional agenda items, the Director shall publish in the Federal Register a notice inviting the public to comment and provide information on such items.

§ 23.33 Notice of proposed negotiating positions.

Subsequent to the comment period of the notice of meeting of the Conference of the Parties to the Convention, the Director shall publish in the Federal Register a notice of proposed negotiating positions setting forth a summary of the information and comments received in response to any of the notices mentioned in §23.33, the negotiating positions which the Service proposes to use at the meetings of the Conference of the Parties to the Convention,

and the basis thereof, and inviting information and comments on the proposed negotiating positions. The notice will also set forth the time and place of at least one public meeting to provide information and comments on the proposed negotiating positions of the Service.

§ 23.34 Public meetings.

The Service shall hold at least one public meeting to enable interested persons to provide information and comments on the proposed agenda and at least one such public meeting on the proposed negotiating positions of the Service. Written statements may be submitted to the Service before and at the meeting. Appointments to speak at the meetings may be made with the Federal Wildlife Permit Office, Washington, DC 20240 (703/235–2418). Participants without prior appointments will be given an opportunity to speak to the extent time allows following speakers with appointments.

§ 23.35 Notice of negotiating positions.

Subsequent to the comment period of the notice of proposed negotiating positions, and after all associated public meetings have been held, the Director shall publish in the Federal Register a notice setting forth (a) a summary of the information and comments received in response to the notice of proposed negotiating positions, (b) a summary of negotiating positions of the Service to be used by the representative of the United States to the meeting of the Conference of the Parties to the Convention, and (c) the basis of such negotiating positions.

§ 23.36 Schedule of public meetings and notices.

The Director shall publish in the Federal Register a schedule, subject to change and modification, of all public meetings and notices related to preparation of negotiating positions for meetings of the Conference of the Parties to the Convention.

§ 23.37 Federal agency consultation.

The Service shall consult with appropriate Federal agencies in the development of negotiating positions.

§ 23.38 Modifications of procedures and negotiating positions.

(a) Any of the procedures in §§23.32 through 23.36 may be modified or suspended by the Director on notice published in the Federal Register where to follow the procedures would interfere with the timely or appropriate development of negotiating positions.

(b) Any of the negotiating positions set forth in a notice of negotiating positions may be modified, reversed or abandoned by the United States representative to a meeting of the Conference of the Parties to the Convention where to do so would be in the best interests of the United States.

§ 23.39 Notice of availability of official report.

After any meeting of the Conference of the Parties to the Convention attended by a United States representative, the Service shall publish a notice of availability of the official report of such representative and set forth how and where copies of such report can be obtained.

Subpart E—Scientific Authority Advice [Reserved]

Subpart F—Export of Certain Species

Source: 45 FR 80446, Dec. 4, 1980, unless otherwise noted.

§ 23.51 American ginseng (*Panax quinquefolius*).

State populations for which the export of the indicated season's harvest may be permitted under §23.15 of this part:

(a) 1978 Harvest: Arkansas, Georgia, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Missouri, New York, North Carolina, Pennsylvania, Tennessee, Virginia, West Virginia, and Wisconsin.

Conditions on findings: Roots must be documented as to state of origin and season of collecting.

For further information see: 43 FR 29469, July 7, 1978; 43 FR 35013, Aug. 7, 1978; 43 FR 36293, Aug. 16, 1978; and 43 FR 39305, Sept. 1, 1978.

(b) 1979 Harvest: Arkansas, Georgia, Illinois, Iowa, Kentucky, Maryland, Minnesota, Missouri, North Carolina, Ohio, Tennessee, Virginia, West Virginia, and Wisconsin.

Conditions on findings: Roots must be documented as to state of origin and season of collecting. Wild roots must be certified by the state as legally collected. For further information see: 44 FR 25384, Apr. 30, 1979; 44 FR 3107, June 1, 1979; and 44 FR 47912, Aug. 15, 1979.

(c) 1980 Harvest: Arkansas, Georgia, Illinois, Indiana, Iowa, Kentucky, Maryland, Minnesota, Missouri, New York, North Carolina, Ohio, Tennessee, Virginia, West Virginia, and Wisconsin.

Conditions on findings: Roots must be documented as to state or origin and season of collecting. Wild and cultivated roots must be certified by the state as legally collected, and such certification must be presented upon export.

(d) 1981 Harvest: Arkansas, Georgia, Illinois, Indiana, Iowa, Kentucky, Maryland, Minnesota, Missouri, North Carolina, Ohio, Tennessee, Vermont (artificially propagated ginseng only), Virginia, West Virginia, Wisconsin.

Condition on findings: Roots must be documented as to state of origin and season of collecting. Wild and cultivated roots must be certified by the state as legally collected and such certification must be presented

 X: Export approval granted for wild and cultivated ginseng harvested in State indicated.
 _: Export not requested or not granted.
 a: Export approval only for artificially propagated (cultivated) ginseng harvested in State indicated.

(2) Conditions on export: All plants and roots must be documented as to State of origin, season of collection, and dry or green (fresh) weight. The State must certify whether roots and plants originated in that State, are wild or cultivated (artificially propagated) specimens, and were legally obtained in a particular season. Such State certification, a current Federal export document, an executed dealer or exporter's invoice, and the ginseng must be presented upon export. All other export procedures must be followed as described by the Service in this rule. The State must maintain ginseng management and harvest programs, as described by the Service in this rule, and annual ginseng program data for the preceding harvest season should be available to the Office of Management Authority by May 31 of each year. Export procedures must be completed as outlined and discussed in this paragraph.

Note. American ginseng purchased from non-export approved States by State-registered ginseng dealers for domestic use and commerce must be reported to the State of registration, along with all other ginseng commerce. Such ginseng is not eligible for export from the United States and must be dealer-maintained physically separated from that ginseng eligible for export from this country so that there is no chance of intermingling the specimens.

[45 FR 80446, Dec. 4, 1980, as amended at 46 FR 50777, Oct. 14, 1981; 49 FR 34023, Aug. 24, 1984; 50 FR 39696, Sept. 30, 1985; 50 FR 42027, Oct. 17, 1985; 53 FR 33819, Sept. 1, 1988; 56 FR 41810, Aug. 23, 1991; 63 FR 63212, Nov. 12, 1998]

§ 23.52 Bobcat (*Lynx rufus*).

States for which the export of the indicated season's harvest may be permitted under §23.15 of this part:

(a) States and Harvest Seasons Approved for Export of Bobcat From the United States.

1983 and 1980-81	1987 and 1981-82	1988 and 1982-83	subsequent	1977-78 subsequent	1978-79 subsequent	1979-80
Alabama.....				+	+	+
+	+	+	+	+	+	
Arizona.....				+	+	+
+	+	+	+	+	+	
Arkansas.....				+	+	+
+	+	+	+	+	+	

California.....					+		+		+
+ + + +					+		+		
Colorado.....					+		+		+
+ + + +					+		+		
Florida.....					+		+		E
+ + + +					+		+		
Georgia.....					+		+		+
+ + + +					+		+		
Idaho.....					+		+		+
+ + + +					+		+		
Kansas.....					+		+		+
+ + + +					+		+		
Kentucky.....					-		-		-
- - - -					+		+		
Klamath Tribe.....					-		-		-
- + + +					+		+		
Louisiana.....					+		+		+
+ + + +					+		+		
Maine.....					+		+		+
+ + + +					+		+		
Massachusetts.....					+		+		E
+ + + +					+		+		
Michigan.....					+		+		+
+ + + +					+		+		
Minnesota.....					+		+		+
+ + + +					+		+		
Mississippi.....					+		+		+
+ + + +					+		+		
Missouri.....					-		-		-
+ + + +					+		+		
Montana.....					+		+		+
+ + + +					+		+		
Navajo Nation.....					+		+		+
+ + + +					+		+		
Nebraska.....					+		+		+
+ + + +					+		+		
Nevada.....					+		+		+
+ + + +					+		+		
New Hampshire.....					-		-		-
+ + + +					+		+		
New Mexico.....					+		+		E
+ + + +					+		+		
New York.....					+		+		+
+ + + +					+		+		
North Carolina.....					+		+		+
+ + + +					+		+		
North Dakota.....					+		+		E
+ + + +					+		+		
Oklahoma.....					-		-		+
+ + + +					+		+		
Oregon.....					+		+		E(1)
+ + + +					+		+		
Penobscot Nation.....					-		-		-
- - - +					+		+		
South Carolina.....					+		+		+
+ + + +					+		+		

South Dakota.....					+		+		+
+ + + + +									
Tennessee.....					+		+		+
+ + + + +									
Texas.....					+		+		E(2)
+ + + + +									
Utah.....						-		-	+
+ + + + +									
Vermont.....					+		+		+
+ + + + +									
Virginia.....					+		+		+
+ + + + +									
Washington.....					+		+		+
+ + + + +									
West Virginia.....					+		+		+
+ + + + +									
Wisconsin.....						+		E	+
+ + + + +									
White Mt Tribe.....					-		+	-	-
- - - - -									
Wind River Reservation.....					-		+	-	-
- - - - -									
Wisconsin.....					+		+		E
+ + + + +									
Wyoming.....					+		+		+
+ + + + +									

+ Export approval.

- Export not approved.

E 1979-80 bobcat export enjoined by U.S. District Court, District of Columbia.

E(1) As above but for eastern portion of State.

E(2) As above but for high plains ecological area.

(b) *Condition on export:* Each pelt must be clearly identified as to species; State, Indian Tribe, or Indian Nation of origin; and season of taking by a permanently attached, serially numbered tag of a type approved by and attached under conditions established by the Service. Exception to tagging requirement: finished furs and fully manufactured fur products may only be exported from the United States when the State, Indian Tribe, or Indian Nation export tags, removed from the hides used to manufacture the product being exported, are surrendered to the Service at the time of export. Such tags must be removed by cutting the tag strap on the female side next to the locking socket of the tag so the locking socket and locking tip remain joined.

[45 FR 80446, Dec. 4, 1980, as amended at 54 FR 985, Jan. 11, 1989]

§ 23.53 River otter (*Lontra canadensis*).

States for which we permit the export of the indicated season's take under §23.15 of this part:

(a) *States and Indian Nations, and Seasons Approved for Export of River Otter From the*

United States:

1983-84	1995-96	1996-98	1977-78	1978-79	1979-80	
1981-82	1982-83	and future	1998-99	\2\	\3\	1980-81

			\1\ and future	and future	and future	

Alabama.....			Q	+	+	+
+	+	+	+	+		+
Alaska.....			+	+	+	+
+	+	+	+	+		+
Arkansas.....			Q	+	+	+
+	+	+	+	+		+
Connecticut.....			Q	+	+	+
+	+	+	+	+		+
Delaware.....			Q	+	+	+
+	+	+	+	+		+
Florida.....			Q	+	+	+
+	+	+	+	+		+
Georgia.....			Q	+	+	+
+	+	+	+	+		+
Louisiana.....			Q	+	+	+
+	+	+	+	+		+
Maine.....			Q	+	+	+
+	+	+	+	+		+
Maryland.....			Q	+	+	+
+	+	+	+	+		+
Massachusetts.....			Q	+	+	+
+	+	+	+	+		+
Michigan.....			Q	+	+	+
+	+	+	+	+		+
Minnesota.....			Q	+	+	+
+	+	+	+	+		+
Mississippi.....			Q	+	+	+
+	+	+	+	+		+
Missouri.....			-	-	-	-
-	-	-	+ \5\ and future	+		-
Montana.....			Q	+	+	+
+	+	+	+	+		+
New Hampshire.....			Q	+	+	+
+	+	+	+	+		+
New Jersey.....			-	-	-	-
+	+	+	+	+		-
New York.....			Q	+	+	+
+	+	+	+	+		+
North Carolina.....			Q	+	+	+
+	+	+	+	+		+
Oregon.....			Q	+	+	+
+	+	+	+	+		+
Penobscot Nation.....			-	-	-	-
-	+	+	+		-

Rhode Island.....	Q		+		-	-	-
-	-	-	-	-	-	-	-
South Carolina.....	Q		+		+	+	+
+ + +			+		+		
Tennessee.....	-		-		-	-	-
- - + \4\			+		+		
Vermont.....	Q		+		+	+	+
+ + +			+		+		
Virginia.....	Q		+		+	+	+
+ + +			+		+		
Washington.....	Q		+		+	+	+
+ + +			+		+		
Wisconsin.....	Q		+		+	+	+
+ + +			+		+		

\1\ For further information, see 42 FR 43729, Aug. 30, 1977; 43 FR 11081, Mar. 16, 1978; and 43 FR 29469, July 7, 1978.

\2\ For further information, see 43 FR 11096, Mar. 16, 1978; 43 FR 13913, Apr. 3, 1978; 43 FR 15097, Apr. 10, 1978; 43 FR 29469, July 7, 1978; 43 FR 35013, Aug. 7, 1978; 43 FR 36293, Aug. 16, 1978; and 43 FR 39305, Sept. 1, 1978.

\3\ For further information, see 44 FR 25383, Apr. 30, 1979; 44 FR 31583, May 31, 1979; 44 FR 40842, July 12, 1979; 44 FR 52289, Sept. 7, 1979; and 44 FR 55540, Sept. 26, 1979.

\4\ Export for 1994-95 approved administratively (for Tennessee).

\5\ Export for 1996-97 and 1997-98 approved administratively (for Missouri).

Q Export approved with quota.

+ Export approved.

- Export not approved.

(b) Condition on export: Exporters must clearly identify each pelt as to species, State or Indian Nation of origin, and season of taking by permanently attaching a serially numbered tag of a type approved and provided by the Service and attached under conditions established by the Service. Exception to the tagging requirement: We will allow the export of fully manufactured fur or hide products from the United States only when the CITES export tags removed from the hides prior to manufacture are surrendered to us prior to export. Such tags must be removed by cutting the tag straps on the side next to the locking socket of the tag, so that the locking socket and locking tip remain joined.

[64 FR 774, Jan. 6, 1999]

§ 23.54 Lynx (*Lynx canadensis*).

States for which the export of the indicated season's harvest may be permitted under §23.15 of this part:

(a) 1977-78 Harvest: Alaska (open), Idaho (Quota 25), Minnesota (Q 25), Montana (Q 200), Washington (Q 35).

For further information: See 42 FR 43729, Aug. 30, 1977; 43 FR 11081, Mar. 16, 1978; and 43 FR 29469, July 7, 1978.

(b) 1978–79 Harvest: Alaska, Idaho, Minnesota, Montana, Washington.

Condition on findings: Pelts must be clearly identified as to state of origin and season of taking.

For further information: See 43 FR 11096, Mar. 16, 1978; 43 FR 13913, Apr. 3, 1978, 43 FR 15097, Apr. 10, 1978; 43 FR 29469, July 7, 1978; 43 FR 35013, Aug. 7, 1978; 43 FR 36293, Aug. 16, 1978, and 43 FR 39305, Sept. 1, 1978.

(c) 1979–80 Harvest: Alaska, Idaho, Minnesota, Montana, Washington.

Conditions on findings: Pelts must be clearly identified as to state of origin and state of taking, including tagging according to standards and conditions established by the Service.

For further information: See 44 FR 25383, Apr. 30, 1979; 44 FR 31585, May 31, 1979; 44 FR 40842, July 12, 1979; 44 FR 52289, Sept. 7, 1979; and 44 FR 55540, Sept. 26, 1979.

(d) 1980–81 Harvest: Alaska, Minnesota, Montana.

Condition on finding: Pelts must be clearly identified as to state of origin and season of taking, including tagging according to conditions established by the Service.

(e) 1981–82 Harvest: Alaska, Idaho, Minnesota, Montana, Washington.

Condition on findings: Pelts must be clearly identified as to state of origin and season of taking, including tagging according to conditions established by the Service.

(f) 1982–83 Harvest: Alaska, Idaho, Minnesota, Montana, and Washington.

Condition on export: Each pelt must be clearly identified as to state of origin and season of taking by a permanently attached state tag of a type approved by the Service and attached under conditions established by the Service.

(g) 1983–84 and Subsequent Harvests: Alaska, Idaho, Minnesota, Montana, and Washington.

Condition on export: Each pelt must be clearly identified as to species, State of origin and season of taking by a permanently attached, serially numbered tag of a type approved by the Service and attached under conditions established by the Service. Exception to tagging requirement: for the 1983-84 and previous seasons, finished furs and fully manufactured fur products may be exported from the U.S. when accompanied by the State tags removed in a manner described by the Service from pelts contained in the products, such tags must be removed by cutting the tag strap on the female side next to the locking socket of the tag so that the locking socket and locking tip remain joined, and such tags must be surrendered to the Service prior to export.

[45 FR 80446, Dec. 4, 1980, as amended at 46 FR 50777, Oct. 14, 1981; 47 FR 54970, Dec. 7, 1982; 49 FR 594, Jan. 5, 1984]

§ 23.55 Gray wolf (*Canis lupus*).

State for which the export of the indicated season's harvest may be permitted under §23.15 of this part:

(a) 1977–78 Harvest: Alaska.

Condition on findings: Pelts must be tagged as required by the state of Alaska.

(b) 1978–79 Harvest: Alaska.

Condition on findings: Pelts must be tagged as required by the state of Alaska.

(c) 1979–80 Harvest: Alaska.

Condition on findings: Pelts must be tagged as required by the state of Alaska.

For further information: See 44 FR 25383, Apr. 30, 1979; 44 FR 31583, May 31, 1979; 44 FR 40842, July 12, 1979; 44 FR 52289, Sept. 7, 1979; and 44 FR 55540, Sept. 26, 1979.

(d) 1980–81 Harvest: Alaska.

Condition on findings: Pelts must be tagged as required by the state of Alaska.

(e) 1981–82 Harvest: Alaska.

Condition on findings: Pelts must be tagged as required by the State of Alaska.

(f) 1982–83 Harvest: Alaska.

Condition on export: Each pelt must be clearly identified as to state of origin and season of taking by a permanently attached state tag of a type approved by the Service and attached under conditions established by the Service.

(g) 1983–84 and Subsequent Harvests: Alaska.

Condition on export: Each pelt must be clearly identified as to species, State of origin and season of taking by a permanently attached, serially numbered State tag of a type approved and attached under conditions established by the Service. Exception to tagging requirement: for the 1983–84 and previous seasons, finished furs and fully manufactured fur products may be exported from the U.S. when accompanied by the State tags removed in a manner described by the Service from pelts contained in the products, such tags must be removed by cutting the tag strap on the female side next to the locking socket of the tag so that the locking socket and locking tip remain joined, and such tags must be surrendered to the Service prior to export.

[45 FR 80446, Dec. 4, 1980, as amended at 46 FR 50777, Oct. 14, 1981; 47 FR 54970, Dec. 7, 1982; 49 FR 594, Jan. 5, 1984]

§ 23.56 Brown bear (*Ursus arctos*).

State for which the export of the indicated season's harvest may be permitted under §23.15

of this part:

(a) 1977–78 Harvest: Alaska.

Condition on findings: Pelts must be tagged as required by the state of Alaska.

(b) 1978–79 Harvest: Alaska.

Condition on findings: Pelts must be tagged as required by the state of Alaska.

(c) 1979–80 Harvest: Alaska.

Condition on findings: Pelts must be tagged as required by the state of Alaska.

For further information: See 44 FR 25383, Apr. 30, 1979; 44 FR 31583, May 31, 1979; 44 FR 40842, July 12, 1979; 44 FR 52289, Sept. 7, 1979; and 44 FR 55540, Sept. 26, 1979.

(d) 1980–81 Harvest: Alaska.

Condition on findings: Pelts must be tagged as required by the state of Alaska.

(e) 1981–82 Harvest: Alaska.

Condition on findings: Pelts must be tagged as required by the State of Alaska.

(f) 1982–83 Harvest: Alaska.

Condition on export: Each pelt must be clearly identified as to state of origin and season of taking by a permanently attached state tag of a type approved by the Service and attached under conditions established by the Service.

(g) 1983–84 and Subsequent Harvests: Alaska.

Condition on export: Each pelt must be clearly identified as to species, State of origin and season of taking by a permanently attached, serially numbered State tag of a type approved by the Service and attached under conditions established by the Service.

[45 FR 80446, Dec. 4, 1980, as amended at 46 FR 50777, Oct. 14, 1981; 47 FR 54971, Dec. 7, 1982; 49 FR 595, Jan. 5, 1984]

§ 23.57 American alligator (*Alligator mississippiensis*).

States for which the export of the indicated season's harvest may be permitted under §23.15 of this part:

(a) 1979–1997 harvests (wild and farm-raised for each year unless noted).

MS	SC	TX	AL	AR	FL	GA	LA
1979	-	-	-	-	+	-	+
1980	-	-	-	-	+	-	+
1981	-	-	-	-	+	-	+
1982	-	-	-	-	+	-	+
1983	-	-	-	-	+	-	+
1984	-	+	-	-	+	-	+
1985	-	+	-	-	+	-	+
1986	-	+	-	-	+	-	+
1987	-	+	-	-	+	-	+
1988	+	+	-	-	+	+	+
1989	+	+	+	-	+	+	+
1990	+	+	+	-	+	+	+
1991	+	+	+	-	+	+	+
1992	+	+	+	-	+	+	+
1993	+	+	+	-	+	+	+
1994	+	+	+	F	+	+	+
1995	+	+	+	F	+	+	+
1996	+	+	+	F	+	+	+
1997	+	+	+	F	+	+	+

+ = export approved.
 F = export approved for farm-raised only.
 - = export not approved.

(b) *Condition on initial export from the United States.* (1) Each hide (full skin) must be clearly identified by a durable, permanently locking Convention export tag bearing a legend showing the US-CITES logo, State of origin, species, year of take, and a unique serial number. The tag must be inserted through the hide and permanently locked in place using the locking mechanism of the tag and in accordance with State requirements. Hides with

broken tags may not be exported. Prior to export and upon submission of documentation to show legality of the hide, broken tags may be replaced with CITES replacement tags. Hides with valid CITES replacement tags are eligible for export.

(2) US-CITES export tags that were removed from the hides used to manufacture products to be exported must be surrendered to the Service prior to the export of those products.

(3) Meat from legally harvested and tagged alligators shall be packed in State-uniform containers, permanently sealed and labeled as required by State law. Bulk meat containers shall be marked with a State “parts tag” or “bulk meat tag” permanently attached indicating, at a minimum, State of origin, year of take, species, original hide export tag number, weight of meat in the container, and identification of State licensed processor or packer.

(4) Small parts such as tails, throats, feet, or backstrips shall be packed in transparent, sealed containers clearly marked with a parts tag. Parts tags shall supply at a minimum the State of origin, species, original hide export tag number, and weight of the parts in the container.

(5) American alligator skulls shall be marked as required by State law. This marking shall include, at a minimum, reference to a valid US-CITES tag number.

[53 FR 30683, Aug. 15, 1988, as amended at 54 FR 33233, Aug. 14, 1989; 57 FR 21899, May 26, 1992; 60 FR 43407, 43408, Aug. 21, 1995]