

Title 50: Wildlife and Fisheries

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Section Contents

Subpart A—Introduction and General Provisions

- § 17.1 Purpose of regulations.
- § 17.2 Scope of regulations.
- § 17.3 Definitions.
- § 17.4 Pre-Act wildlife.
- § 17.5 Alaska natives.
- § 17.6 State cooperative agreements. [Reserved]
- § 17.7 Raptor exemption.
- § 17.8 Permit applications and information collection requirements.

Subpart B—Lists

- § 17.11 Endangered and threatened wildlife.
- § 17.12 Endangered and threatened plants.

Subpart C—Endangered Wildlife

- § 17.21 Prohibitions.
- § 17.22 Permits for scientific purposes, enhancement of propagation or survival, or for incidental taking.
- § 17.23 Economic hardship permits.

Subpart D—Threatened Wildlife

- § 17.31 Prohibitions.
- § 17.32 Permits—general.
- § 17.40 Special rules—mammals.
- § 17.41 Special rules—birds.
- § 17.42 Special rules—reptiles.
- § 17.43 Special rules—amphibians.
- § 17.44 Special rules—fishes.
- § 17.45 Special rules—snails and clams. [Reserved]
- § 17.46 Special rules—crustaceans.
- § 17.47 [Reserved]
- § 17.48 Special rules—common sponges and other forms. [Reserved]

Subpart E—Similarity of Appearance

- § 17.50 General.
- § 17.51 Treatment as endangered or threatened.
- § 17.52 Permits—similarity of appearance.

Subpart F—Endangered Plants

- § 17.61 Prohibitions.
- § 17.62 Permits for scientific purposes or for the enhancement of propagation or survival.
- § 17.63 Economic hardship permits.

Subpart G—Threatened Plants

- § 17.71 Prohibitions.
- § 17.72 Permits—general.
- §§ 17.73-17.78 [Reserved]

Subpart H—Experimental Populations

- § 17.80 Definitions.
- § 17.81 Listing.
- § 17.82 Prohibitions.
- § 17.83 Interagency cooperation.
- § 17.84 Special rules—vertebrates.
- § 17.85 Special rules—invertebrates.
- § 17.86 Special rules—plants. [Reserved]

Subpart I—Interagency Cooperation

- § 17.94 Critical habitats.
- § 17.95 Critical habitat—fish and wildlife.

Authority: 16 U.S.C. 1361-1407; 16 U.S.C. 1531-1544; 16 U.S.C. 4201-4245; Pub. L. 99-625, 100 Stat. 3500; unless otherwise noted.
Source: 40 FR 44415, Sept. 26, 1975, unless otherwise noted.

Subpart A—Introduction and General Provisions

top

- § 17.1 Purpose of regulations.

top

(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.

top

(a) The regulations of this part apply only to endangered and threatened

wildlife and plants.

(b) 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.

(c) 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.

(d) 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.

(e) 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]
§ 17.3 Definitions.

top

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 ESA, that a proposed conservation plan has satisfied the permit issuance criteria under section 10(a)(2)(B) of the ESA for the species covered by the plan, and, with respect to unlisted species, that a proposed conservation plan has satisfied the permit issuance criteria under section 10(a)(2)(B) of the ESA that would otherwise apply if the unlisted species covered by the plan were actually listed. For the Services to cover a species under a conservation plan, it must be listed 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;

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;

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 means changes in circumstances affecting a species or geographic area covered by a conservation plan or agreement that can reasonably be anticipated by plan or agreement developers and the Service and that can be planned for (e.g., the listing of new species, or a fire or other natural catastrophic event in areas prone to such 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.

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;

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.

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

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 agreements outlined under §§17.22(c), 17.22(d), 17.32(c), and 17.32(d) means a person with a fee simple, leasehold, or other property interest (including owners of water or other natural resources), or any other entity that may have a property interest, sufficient to carry out the proposed management activities, subject to applicable State law, on non-Federal land.

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]

§ 17.4 Pre-Act wildlife.

top

(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.

top

(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]

top

§ 17.7 Raptor exemption.

top

(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 Permit applications and information collection requirements.

top

(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 Director, U.S. Fish and Wildlife Service, (Attention Office of Management Authority), 4401 N. Fairfax Drive, Room 700, Arlington, VA 22203.

(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 2 1/2 hours per response, including time for reviewing instructions, gathering and maintaining data, and completing and reviewing the forms. Direct comments regarding the burden estimate or any other aspect of these reporting requirements to the Service 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 (1018-0093/0094), Washington, DC 20603.

[63 FR 52635, Oct. 1, 1998]

Subpart B—Lists

top

§ 17.11 Endangered and threatened wildlife.

top

(a) The list in this section contains the names of all species of wildlife which have been determined by the Services to be Endangered or Threatened. It also contains the names of species of wildlife treated as Endangered or Threatened because they are sufficiently similar in appearance to Endangered or Threatened species (see §17.50 et seq.).

(b) The columns entitled "Common Name," "Scientific Name," and "Vertebrate Population Where Endangered or Threatened" define the species of wildlife within the meaning of the Act. Thus, differently classified geographic populations of the same vertebrate subspecies or species shall be

identified by their differing geographic boundaries, even though the other two columns are identical. The term "Entire" means that all populations throughout the present range of a vertebrate species are listed. Although common names are included, they cannot be relied upon for identification of any specimen, since they may vary greatly in local usage. The Services shall use the most recently accepted scientific name. In cases in which confusion might arise, a synonym(s) will be provided in parentheses. The Services shall rely to the extent practicable on the International Code of Zoological Nomenclature.

(c) In the "Status" column the following symbols are used: "E" for Endangered, "T" for Threatened, and "E [or T] (S/A)" for similarity of appearance species.

(d) The other data in the list are nonregulatory in nature and are provided for the information of the reader. In the annual revision and compilation of this title, the following information may be amended without public notice: the spelling of species' names, historical range, footnotes, references to certain other applicable portions of this title, synonyms, and more current names. In any of these revised entries, neither the species, as defined in paragraph (b) of this section, nor its status may be changed without following the procedures of part 424 of this title.

(e) The "historic range" indicates the known general distribution of the species or subspecies as reported in the current scientific literature. The present distribution may be greatly reduced from this historic range. This column does not imply any limitation on the application of the prohibitions in the Act or implementing rules. Such prohibitions apply to all individuals of the species, wherever found.

(f)(1) A footnote to the Federal Register publication(s) listing or reclassifying a species is indicated under the column "When listed." Footnote numbers to §§17.11 and 17.12 are in the same numerical sequence, since plants and animals may be listed in the same Federal Register document. That document, at least since 1973, includes a statement indicating the basis for the listing, as well as the effective date(s) of said listing.

(2) The "Special rules" and "Critical habitat" columns provide a cross reference to other sections in parts 17, 222, 226, or 227. The "Special rules" column will also be used to cite the special rules that describe experimental populations and determine if they are essential or nonessential. Separate listing will be made for experimental populations, and the status column will include the following symbols: "XE" for an essential experimental population and "XN" for a nonessential experimental population. The term "NA" (not applicable) appearing in either of these two columns indicates that there are no special rules and/or critical habitat for that particular species. However, all other appropriate rules in parts 17, 217 through 227, and 402 still apply to that species. In addition, there may be other rules in this title that relate to such wildlife, e.g., port-of-entry requirements. It is not intended that the references in the "Special rules" column list all the regulations of the two Services which might apply to the species or to the regulations of other Federal agencies or State or local governments.

(g) The listing of a particular taxon includes all lower taxonomic units. For example, the genus *Hylobates* (gibbons) is listed as Endangered throughout its entire range (China, India, and SE Asia); consequently, all species, subspecies, and populations of that genus are considered listed as Endangered for the purposes of the Act. In 1978 (43 FR 6230-6233) the species *Haliaeetus leucocephalus* (bald eagle) was listed as Threatened in "USA (WA, OR, MN, WI, MI)" rather than its entire population; thus, all individuals of the bald eagle found in those five States are considered

listed as Threatened for the purposes of the Act.

(h) The "List of Endangered and Threatened Wildlife" is provided below:

SpeciesHistoric RangeVertebrate population where endangered or
threatenedStatusWhen listedCritical habitatSpecial rules

Common nameScientific name

Mammals

AddaxAddax nasomaculatus North AfricaEntireENANA

Anoa, lowlandBubalus depressicornis Indonesia.....doE3NANA

Anoa, mountainBubalus quarlesido.....doE15NANA

Antelope, giant sableHippotragus niger variani Angola.....doE15NANA

Antelope, TibetanPanthalops hodgsonii China, India, Nepal.....doENA

ArgaliOvis ammon Afghanistan, China, India, Kazakhstan, Kyrgyzstan,

Mongolia, Nepal, Pakistan, Russia, Tajikistan, UzbekistanEntire

except Kyrgyzstan, Mongolia, and TajikistanE15, 475NANA

Do.....do.....doKyrgyzstan, Mongolia, and TajikistanT15,

475NA17.40(j)

Armadillo, giantPriodontes maximus Venezuela and Guyana to

ArgentinaEntireE15NANA

Armadillo, pink fairyChlamyphorus truncatus Argentina.....doE3NANA

Ass, African wildEquus asinus Somalia, Sudan, Ethiopia.....doE3,

22NANA

Ass, Asian wildEquus hemionus Southwestern and Central

Asia.....doE3NANA

AvahiAvahi laniger (=entire genus)Malagasy Republic

(=Madagascar).....doE3NANA

Aye-ayeDaubentonia madagascariensisdo.....doE3NANA

BabirusaBabyrousa babyrussa Indonesia.....doE15NANA

Baboon, geladaTheropithecus gelada Ethiopia.....doT16NA17.40(c)

Bandicoot, barredPerameles bougainville Australia.....doE4NANA

Bandicoot, desertPerameles eremianado.....doE6NANA

Bandicoot, lesser rabbitMacrotis leucurado.....doE4NANA

Bandicoot, pig-footedChaeropus ecaudatusdo.....doE4NANA

Bandicoot, rabbitMacrotis lagotisdo.....doE4NANA

BantengBos javanicus Southeast Asia.....doE3NANA

Bat, Bulmer's fruit (flying fox)Aproteles bulmerae Papua New

Guinea.....doE139NANA

Bat, bumblebeeCraseonycteris thonglongyai Thailand.....doE139NANA

Bat, grayMyotis grisescens Central and southeastern

U.S.A.....doE13NANA

Bat, Hawaiian hoaryLasiurus cinereus semotus U.S.A.

(HI).....doE2NANA

Bat, IndianaMyotis sodalis Eastern and Midwestern

U.S.A.....doE117.95(a)NA

Bat, lesser long-nosedLeptonycteris curasoae yerbabuenae U.S.A. (AZ,

NM), Mexico, Central America.....doE336NANA

Bat, little Mariana fruitPteropus tokudae Western Pacific

Ocean-U.S.A. (Guam).....doE156NANA

Fruit Bat, Mariana (=fanihi, Mariana flying fox)Pteropus mariannus

mariannus Western Pacific Ocean-U.S.A. (GU, MP).....doT156Guam

17.95(a)NA

Bat, Mexican long-nosedLeptonycteris nivalis U.S.A. (NM, TX),

Mexico, Central America.....doE336NANA

Bat, Ozark big-earedCorynorhinus (=Plecotus) townsendii ingens

U.S.A. (MO, OK, AR).....doE85NANA

Bat, Rodrigues fruit (flying fox)Pteropus rodricensis Indian

Ocean-Rodrigues Island.....doE139NANA

Bat, Singapore roundleaf horseshoeHipposideros ridleyi

Malaysia.....doE139NANA
Bat, Virginia big-earedCorynorhinus (=Plecotus) townsendii
virginianus U.S.A. (KY, NC, WV, VA).....doE8517.95(a)NA
Bear, American blackUrsus americanus North AmericaU.S.A. (LA, all
counties; MS, TX, only within the historic county range of the
Louisiana black bear)T(S/A)456NA17.40(i)
Bear, BaluchistanUrsus thibetanus gedrosianus Iran,
PakistanEntireE233NANA
Bear, brownUrsus arctos arctos PalearcticItalyE15, 15ANANA
DoUrsus arctos pruinus China (Tibet)EntireE15NANA
Bear, grizzlyUrsus arctos horribilis North AmericaU.S.A.,
conterminous (lower 48) States, except—(1) where listed as an
experimental population; and (2) that portion of Idaho that is east
of Interstate Highway 15 and north of U.S. Highway 30; that portion
of Montana that is east of Interstate Highway 15 and south of
Interstate Highway 90; that portion of Wyoming south of Interstate
Highway 90, west of Interstate Highway 25, Wyoming State Highway
220, and U.S. Highway 287 south of Three Forks (at the 220 and 287
intersection), and north of Interstate Highway 80 and U.S. Highway
30T1, 2D, 9, 759NA17.40(b)
Do.....do.....doU.S.A. (portions of ID and MT, see
17.84(1))XN706NA17.84(1)
Bear, Louisiana blackUrsus americanus luteolus U.S.A. (LA—all
counties; MS—all counties south of or touching a line from
Greenville, Washington County, to Meridian, Lauderdale County;
TX—all counties east of or touching a line from Linden, Cass County,
SW to Bryan, Brazos County, thence SSW to Rockport, Aransas
County)EntireT456NA17.40(i)
Bear, Mexican grizzlyUrsus arctos HolarcticMexicoE3NANA
BeaverCastor fiber birulai MongoliaEntireE15NANA
Bison, woodBison bison athabasca Canada, northwestern
U.S.ACanadaE3NANA
Bobcat, MexicanLynx (=Felis) rufus escuinapae Central
MexicoEntireE15NANA
Bontebok (antelope)Damaliscus pygargus (=dorcus) dorcus South
Africa.....doE15NANA
Camel, BactrianCamelus bactrianus Mongolia, China.....doE15NANA
Caribou, woodlandRangifer tarandus caribou U.S.A. (AK, ID, ME, MI,
MN, MT, NH, VT, WA, WI), CanadaU.S.A. (ID, WA), Canada (that part of
S.E. British Columbia bounded by the U.S.-Can. border, Columbia R.,
Kootenay R., Kootenay L., and Kootenai R.)E128E, 136, 143NANA
Cat, AndeanFelis jacobita Chile, Peru, Bolivia,
ArgentinaEntireE15NANA
Cat, Asian golden (=Temminck's)Catopuma (=Felis) temminckii Nepal,
China, Southeast Asia, Indonesia (Sumatra).....doE15NANA
Cat, black-footedFelis nigripes Southern Africa.....doE15NANA
Cat, flat-headedPrionailurus (=Felis) planiceps Malaysia,
Indonesia.....doE15NANA
Cat, IriomotePrionailurus (=Felis) bengalensis iriomotensis Japan
(Iriomote Island, Ryukyu Islands).....doE50NANA
Cat, leopardPrionailurus (=Felis) bengalensis bengalensis India,
Southeast Asia.....doE15NANA
Cat, marbledPardofelis (=Felis) marmorata Nepal, Southeast Asia,
Indonesia.....doE15NANA
Cat, Pakistan sandFelis margarita scheffeli Pakistan.....doE139NANA
Cat, tigerLeopardus (=Felis) tigrinus Costa Rica to northern
Argentina.....doE5NANA

Chamois, ApennineRupicapra rupicapra ornata Italy.....doE15NANA
 CheetahAcinonyx jubatus Africa to India.....doE3, 5NANA
 ChimpanzeePan troglodytes Africa—see 17.40(c)(3)Wherever found in
 the wildeE16, 376NANA
 Do.....do.....doWherever found in captivityT16, 376NA17.40(c)
 Chimpanzee, pygmyPan paniscus ZaireEntireE16, 376NANA
 ChinchillaChinchilla brevicaudata boliviana Bolivia.....doE15NANA
 Civet, Malabar large-spottedViverra civettina (=megaspila c.)
 India.....doE50NANA
 CochitoPhocoena sinus Mexico (Gulf of California).....doE169NANA
 Deer, BactrianCervus elaphus bactrianus Tajikistan, Uzbekistan,
 Afghanistan.....doE50NANA
 Deer, BarbaryCervus elaphus barbarus Morocco, Tunisia,
 Algeria.....doE50NANA
 Deer, Calamianes (=Philippine)Axis porcinus calamianensis
 Philippines (Calamian Islands).....doE15NANA
 Deer, Cedros Island muleOdocoileus hemionus cedrosensis Mexico
 (Cedros Island).....doE10NANA
 Deer, Columbian white-tailedOdocoileus virginianus leucurus U.S.A.
 (WA, OR)Columbia River (Clark, Cowlitz, Pacific, Skamania, and
 Wahkiakum Counties, WA, and Clatsop, Columbia, and Multnomah
 Counties, OR)E1,738NANA
 Deer, Corsican redCervus elaphus corsicanus Corsica,
 Sardinia.....doE50NANA
 Deer, Eld's brow-antleredCervus eldi India to Southeast
 Asia.....doE3NANA
 Deer, Formosan sikaCervus nippon taiouanus Taiwan.....doE50NANA
 Deer, Indochina hogAxis (=Cervus) porcinus annamiticus Thailand,
 Indochina.....doE15NANA
 Deer, keyOdocoileus virginianus clavium U.S.A. (FL).....doE1NANA
 Deer, Kuhl's (=Bawean)Axis porcinus kuhli Indonesia.....doE3NANA
 Deer, marshBlastocerus dichotomus Argentina, Uruguay, Paraguay,
 Bolivia, Brazil.....doE3NANA
 Deer, McNeill'sCervus elaphus macneilii China (Sinkiang,
 Tibet).....doE3NANA
 Deer, muskMoschus spp. (all species)Central and eastern
 AsiaAfghanistan, Bhutan, Burma, China (Tibet, Yunnan), India, Nepal,
 Pakistan, SikkimE15NANA
 Deer, North China sikaCervus nippon mandarinus China (Shantung and
 Chihli Provinces)EntireE50NANA
 Deer, pampasOzotoceros bezoarticus Brazil, Argentina, Uruguay,
 Bolivia, Paraguay.....doE15NANA
 Deer, Persian fallowDama mesopotamica (=dama m.) Iraq,
 Iran.....doE3NANA
 Deer, Ryukyu sikaCervus nippon keramae Japan (Ryukyu
 Islands).....doE50NANA
 Deer, Shansi sikaCervus nippon grassianus China (Shansi
 Province).....doE50NANA
 Deer, South China sikaCervus nippon kopschi Southern
 China.....doE50NANA
 Deer, swampCervus duvauceli India, Nepal.....doE3NANA
 Deer, VisayanCervus alfredi Philippines.....doE320NANA
 Deer, YarkandCervus elaphus yarkandensis China
 (Sinkiang).....doE50NANA
 DholeCuon alpinus C.I.S., Korea, China, India, Southeast
 Asia.....doE3NANA
 DibblerAntechinus apicalis Australia.....doE4NANA

Dog, African wild *Lycaon pictus* Sub-Saharan Africa.....doE139NANA
 Dolphin, Chinese river *Lipotes vexillifer* China.....doE350NANA
 Dolphin, Indus River *Platanista minor* Pakistan (Indus R. and tributaries).....doE417NANA
 Drill *Mandrillus (=Papio) leucophaeus* Equatorial West Africa.....doE16NANA
 Dugong *Dugong dugon* East Africa to southern Japan, including Palau.....doE4, 740NANA
 Duiker, Jentink's *Cephalophus jentinki* Sierra Leone, Liberia, Ivory Coast.....doE50NANA
 Eland, western giant *Taurotragus derbianus* Senegal to Ivory Coast.....doE50NANA
 Elephant, African *Loxodonta africana* Africa.....doT40NA17.40(e)
 Elephant, Asian *Elephas maximus* South-central and southeastern Asia.....doE15NANA
 Ferret, black-footed *Mustela nigripes* Western U.S.A., Western Canada Entire, except where listed as an experimental population E1, 3, 433, 545, 546, 582, 646, 703, 737NANA
do.....do.....doU.S.A. (specified portions of AZ, CO, MT, SD, UT, and WY, see 17.84(g)(9))XN433, 545, 546, 582, 646, 703, 737NA17.84(g)
 Fox, northern swift *Vulpes velox hebes* U.S.A. (northern plains), Canada CanadaE3NANA
 Fox, San Joaquin kit *Vulpes macrotis mutica* U.S.A. (CA) EntireE1NANA
 Fox, San Miguel Island *Urocyon littoralis littoralis*do.....doE74217.95(a)NA
 Fox, Santa Catalina Island *Urocyon littoralis catalinae*do.....doE74217.95(a)NA
 Fox, Santa Cruz Island *Urocyon littoralis santacruzae*do.....doE74217.95(a)NA
 Fox, Santa Rosa Island *Urocyon littoralis santarosae*do.....doE74217.95(a)NA
 Fox, Simien *Canis simensis* Ethiopia.....doE50NANA
 Gazelle, Arabian *Gazella gazella* Arabian Peninsula, Palestine, Sinai.....doE50NANA
 Gazelle, Clark's *Ammodorcas clarkei* Somalia, Ethiopia.....doE3NANA
 Gazelle, dama *Gazella dama* North Africa.....doE3NANA
 Gazelle, Moroccan *Gazella dorcas massaesyala* Morocco, Algeria, Tunisia.....doE3NANA
 Gazelle, mountain (=Cuvier's) *Gazella cuvieri*do.....doE3NANA
 Gazelle, Pelzeln's *Gazella dorcas pelzelni* Somalia.....doE50NANA
 Gazelle, sand *Gazella subgutturosa marica* Jordan, Arabian Peninsula.....doE50NANA
 Gazelle, Saudi Arabian *Gazella dorcas saudiya* Israel, Iraq, Jordan, Syria, Arabian Peninsula.....doE50NANA
 Gazelle, slender-horned *Gazella leptoceros* Sudan, Egypt, Algeria, Libya.....doE3NANA
 Gibbons *Hylobates* spp. (including *Nomascus*) China, India, Southeast Asia.....doE3, 15NANA
 Goral *Nemorhaedus goral* East Asia.....doE15NANA
 Gorilla *Gorilla gorilla* Central and western Africa.....doE3NANA
 Hare, hispid *Caprolagus hispidus* India, Nepal, Bhutan.....doE15NANA
 Hartebeest, Swayne's *Alcelaphus buselaphus swaynei* Ethiopia, Somalia.....doE3, 50NANA
 Hartebeest, Tora *Alcelaphus buselaphus tora* Ethiopia, Sudan, Egypt.....doE50NANA
 Hog, pygmy *Sus salvanius* India, Nepal, Bhutan, Sikkim.....doE3NANA

Horse, Przewalski's *Equus przewalskii* Mongolia, China.....doE15NANA
 Huemul, north Andean *Hippocamelus antisensis* Ecuador, Peru, Chile,
 Bolivia, Argentina.....doE15NANA
 Huemul, south Andean *Hippocamelus bisulcus* Chile,
 Argentina.....doE15NANA
 Hutia, Cabrera's *Capromys angelcabrerai* Cuba.....doE233NANA
 Hutia, dwarf *Capromys nana*do.....doE233NANA
 Hutia, large-eared *Capromys auritus*do.....doE233NANA
 Hutia, little earth *Capromys sanfelipensis*do.....doE233NANA
 Hyena, Barbary *Hyaena hyaena barbara* Morocco, Algeria,
 Tunisia.....doE3NANA
 Hyena, brown *Parahyaena (=Hyaena) brunnea* Southern
 Africa.....doE3NANA
 Ibex, Pyrenean *Capra pyrenaica pyrenaica* Spain.....doE3NANA
 Ibex, Walia *Capra walie* Ethiopia.....doE3NANA
 Impala, black-faced *Aepyceros melampus petersi* Namibia,
 Angola.....doE3NANA
 Indri *Indri indri* (=entire genus) Malagasy Republic
 (=Madagascar).....doE3NANA
 Jaguar *Panthera onca* U.S.A. (AZ, CA, LA, NM, TX), Mexico, Central and
 South America.....doE5, 622NANA
 Jaguarundi, Guatemalan *Herpailurus (=Felis) yagouaroundi fossata*
 Mexico, Nicaragua.....doE15NANA
 Jaguarundi, Gulf Coast *Herpailurus (=Felis) yagouaroundi cacomitli*
 U.S.A. (TX), Mexico.....doE15NANA
 Jaguarundi, Panamanian *Herpailurus (=Felis) yagouaroundi panamensis*
 Nicaragua, Costa Rica, Panama.....doE15NANA
 Jaguarundi, Sinaloa *Herpailurus (=Felis) yagouaroundi tolteca* U.S.A.
 (AZ), Mexico.....doE15NANA
 Kangaroo rat, Fresno *Dipodomys nitratooides exilis* U.S.A.
 (CA).....doE17017.95(a)NA
 Kangaroo rat, giant *Dipodomys ingens*do.....doE251NANA
 Kangaroo rat, Morro Bay *Dipodomys heermanni morroensis*
do.....doE217.95(a)NA
 Kangaroo rat, San Bernardino Merriam's *Dipodomys merriami parvus*
do.....doE632E, 64517.95(a)NA
 Kangaroo rat, Stephens' *Dipodomys stephensi* (incl. *D. cascus*
).....do.....doE338NANA
 Kangaroo rat, Tipton *Dipodomys nitratooides nitratooides*
do.....doE312NANA
 Kangaroo, Tasmanian forester *Macropus giganteus tasmaniensis*
 Australia (Tasmania).....doE6NANA
 Koala *Phascolarctos cinereus* Australia Australia T698NANA
 Kouprey *Bos sauveli* Vietnam, Laos, Cambodia, Thailand Entire E3NANA
 Langur, capped *Trachypithecus (=Presbytis) pileatus* India, Burma,
 Bangladesh.....doE15NANA
 Langur, Douc *Pygathrix nemaus* Cambodia, Laos, Vietnam.....doE3NANA
 Langur, Francois' *Trachypithecus (=Presbytis) francoisi* China
 (Kwangsi), Indochina.....doE16NANA
 Langur, golden *Trachypithecus (=Presbytis) geei* India (Assam),
 Bhutan.....doE15NANA
 Langur, gray (=entellus) *Semnopithecus (=Presbytis) entellus* China
 (Tibet), India, Pakistan, Kashmir, Sri Lanka, Sikkim,
 Bangladesh.....doE15NANA
 Langur, long-tailed *Presbytis potenzi*
 Indonesia.....doT16NA17.40(c)
 Langur, Pagi Island *Nasalis concolor*do.....doE3NANA

Langur, purple-faced *Presbytis senex* Sri Lanka.....doT16NA17.40(c)
 Lechwe, red *Kobus leche* Southern Africa.....doT3, 15, 106NANA
 Lemurs *Lemuridae* (incl. genera *Lemur*, *Phaner*, *Hapalemur*, *Lepilemur*,
Microcebus, *Allocebus*, *Cheirogaleus*, *Varecia*) Malagasy Republic
 (=Madagascar).....doE3, 15, 15ANANA
 Leopard *Panthera pardus* Africa, Asia Wherever found, except where it
 is listed as Threatened as set forth below E3, 5, 114NANA
 Do.....do.....do In Africa, in the wild, south of, and
 including, the following countries: Gabon, Congo, Zaire, Uganda,
 Kenya T3, 5, 114NA17.40(f)
 Leopard, clouded *Neofelis nebulosa* Southeastern and south-central
 Asia, Taiwan Entire E3, 15NANA
 Leopard, snow *Uncia* (= *Panthera*) *uncia* Central Asia.....doE5NANA
 Linsang, spotted *Prionodon pardicolor* Nepal, Assam, Vietnam,
 Cambodia, Laos, Burma.....doE15NANA
 Lion, Asiatic *Panthera leo persica* Turkey to India.....doE3NANA
 Loris, lesser slow *Nycticebus pygmaeus* Indochina.....doT16NA17.40(c)
 Lynx, Canada *Lynx canadensis* U.S.A. (AK, CO, ID, CO, ID, ME, MI, MN,
 MT, NH, NY, OR, UT, VT, WA, WI, WY), Canada, circumboreal CO, ID, ME,
 MI, MN, MT, NH, NY, OR, UT, VT, WA, WI, WYT69217.95(a)17.40(k)
 Lynx, Spanish *Felis pardina* Spain, Portugal Entire E3NANA
 Macaque, Formosan rock *Macaca cyclopis* Taiwan.....doT16NA17.40(c)
 Macaque, Japanese *Macaca fuscata* Japan (Shikoku, Kyushu and Honshu
 Islands).....doT16NA17.40(c)
 Macaque, lion-tailed *Macaca silenus* India.....doE3NANA
 Macaque, stump-tailed *Macaca arctoides* India (Assam) to southern
 China.....doT16NA17.40(c)
 Macaque, Toque *Macaca sinica* Sri Lanka.....doT16NA17.40(c)
 Manatee, Amazonian *Trichechus inunguis* South America (Amazon R.
 basin).....doE3NANA
 Manatee, West African *Trichechus senegalensis* West Coast of Africa
 from Senegal R. to Cuanza R.....doT52NANA
 Manatee, West Indian *Trichechus manatus* U.S.A. (southeastern),
 Caribbean Sea, South America.....doE1, 317.95(a)17.108(a)
 Mandrill *Mandrillus* (= *Papio*) *sphinx* Equatorial West
 Africa.....doE16NANA
 Mangabey, Tana River *Cercocebus galeritus galeritus*
 Kenya.....doE3NANA
 Mangabey, white-collared *Cercocebus torquatus* Senegal to Ghana;
 Nigeria to Gabon.....doE16NANA
 Margay *Leopardus* (= *Felis*) *wiedii* U.S.A. (TX), Central and South
 America Mexico southward E5NANA
 Markhor, chiltan (=wild goat) *Capra falconeri* (= *aegagrus*)
chiltanensis Chiltan Range of west-central Pakistan Entire E15NANA
 Markhor, Kabul *Capra falconeri megaceros* Afghanistan,
 Pakistan.....doE15NANA
 Markhor, straight-horned *Capra falconeri jerdoni*
do.....doE15NANA
 Marmoset, buff-headed *Callithrix flaviceps* Brazil.....doE139NANA
 Marmoset, cotton-top *Saguinus oedipus* Costa Rica to
 Colombia.....doE16NANA
 Marmoset, Goeldi's *Callimico goeldii* Brazil, Colombia, Ecuador, Peru,
 Bolivia.....doE3NANA
 Marmoset, white-eared (=buffy tufted-ear) *Callithrix aurita* (= *jacchus*
 a.) Brazil.....doE233NANA
 Marmot, Vancouver Island *Marmota vancouverensis* Canada (Vancouver
 Island).....doE139NANA

Marsupial, eastern jerboa *Antechinomys laniger*
 Australia.....doE4NANA
 Marsupial-mouse, large desert *Sminthopsis psammophila*
do.....doE4NANA
 Marsupial-mouse, long-tailed *Sminthopsis longicaudata*
do.....doE4NANA
 Marten, Formosan yellow-throated *Martes flavigula chrysoaspila*
 Taiwan.....doE3NANA
 Monkey, black colobus *Colobus satanas* Equatorial Guinea, People's
 Republic of Congo, Cameroon, Gabon.....doE16NANA
 Monkey, black howler *Alouatta pigra* Mexico, Guatemala,
 Belize.....doT16NA17.40(c)
 Monkey, Diana *Cercopithecus diana* Coastal West Africa.....doE16NANA
 Monkey, Guizhou snub-nosed *Rhinopithecus brelichi*
 China.....doE400NANA
 Monkey, L'hoest's *Cercopithecus lhoesti* Upper eastern Congo R. Basin,
 Cameroon.....doE16NANA
 Monkey, mantled howler *Alouatta palliata* Mexico to South
 America.....doE15NANA
 Monkey, Preuss' red colobus *Procolobus (=Colobus) preussi (=badius*
p.) Cameroon.....doE139NANA
 Monkey, proboscis *Nasalis larvatus* Borneo.....doE15NANA
 Monkey, red-backed squirrel *Saimiri oerstedii* Costa Rica,
 Panama.....doE3NANA
 Monkey, red-bellied *Cercopithecus erythrogaster* Western
 Nigeria.....doE16NANA
 Monkey, red-eared nose-spotted *Cercopithecus erythrotis* Nigeria,
 Cameroon, Fernando Po.....doE16NANA
 Monkey, Sichuan snub-nosed *Rhinopithecus roxellana*
 China.....doE400NANA
 Monkey, spider *Ateles geoffroyi frontatus* Costa Rica,
 Nicaragua.....doE3NANA
 Do *Ateles geoffroyi panamensis* Costa Rica, Panama.....doE3NANA
 Monkey, Tana River red colobus *Procolobus (=Colobus) rufomitratu*
(=badius r.) Kenya.....doE3NANA
 Monkey, Tonkin snub-nosed *Rhinopithecus avunculus* Vietnam.....doE16,
 400NANA
 Monkey, woolly spider *Brachyteles arachnoides* Brazil.....doE3NANA
 Monkey, yellow-tailed woolly *Lagothrix flavicauda* Andes of northern
 Peru.....doE16NANA
 Monkey, Yunnan snub-nosed *Rhinopithecus bieti* China.....doE400NANA
 Monkey, Zanzibar red colobus *Procolobus (=Colobus) pennantii (=kirki)*
kirki Tanzania.....doE3NANA
 Mountain beaver, Point Arena *Aplodontia rufa nigra* U.S.A.
 (CA).....doE454NANA
 Mouse, Alabama beach *Peromyscus polionotus ammobates* U.S.A.
 (AL).....doE18317.95(a)NA
 Mouse, Anastasia Island beach *Peromyscus polionotus phasma* U.S.A.
 (FL).....doE349NANA
 Mouse, Australian native *Notomys aquilo* Australia.....doE15NANA
 Do *Zyzomys pedunculatus*do.....doE15NANA
 Mouse, Choctawhatchee beach *Peromyscus polionotus allophrys* U.S.A.
 (FL).....doE18317.95(a)NA
 Mouse, Field's *Pseudomys fieldi* Australia.....doE4NANA
 Mouse, Gould's *Pseudomys gouldii*do.....doE6NANA
 Mouse, Key Largo cotton *Peromyscus gossypinus allapaticola* U.S.A.
 (FL).....doE131E, 160NANA

Mouse, New Holland *Pseudomys novaehollandiae* Australia.....doE4NANA
 Mouse, Pacific pocket *Perognathus longimembris pacificus* U.S.A.
 (CA).....doE526E, 554NANA
 Mouse, Perdido Key beach *Peromyscus polionotus trissyllepsis* U.S.A.
 (AL, FL).....doE18317.95(a)NA
 Mouse, Preble's meadow jumping *Zapus hudsonius preblei* U.S.A. (CO,
 WY).....doT63617.95(a)17.40(1)
 Mouse, salt marsh harvest *Reithrodontomys raviventris* U.S.A.
 (CA).....doE2NANA
 Mouse, Shark Bay *Pseudomys praeconis* Australia.....doE4NANA
 Mouse, Shortridge's *Pseudomys shortridgei*do.....doE4NANA
 Mouse, smoky *Pseudomys fumeus*do.....doE4NANA
 Mouse, southeastern beach *Peromyscus polionotus niveiventris* U.S.A.
 (FL).....doT349NANA
 Mouse, St. Andrew beach *Peromyscus polionotus peninsularis*
do.....doE65517.95(a)NA
 Mouse, western *Pseudomys occidentalis* Australia.....doE4NANA
 Muntjac, Fea's *Muntiacus feae* Northern Thailand, Burma.....doE50NANA
 Native-cat, eastern *Dasyurus viverrinus* Australia.....doE6NANA
 Numbat *Myrmecobius fasciatus*do.....doE4, 6NANA
 Ocelot *Leopardus (=Felis) pardalis* U.S.A. (AZ, TX) to Central and
 South America.....doE5, 119NANA
 Orangutan *Pongo pygmaeus* Borneo, Sumatra.....doE3NANA
 Oryx, Arabian *Oryx leucoryx* Arabian Peninsula.....doE3NANA
 Oryx, scimitar-horned *Oryx dammah* North Africa.....doENANA
 Otter, Cameroon clawless *Aonyx congicus (=congica) microdon* Cameroon,
 Nigeria.....doE3NANA
 Otter, giant *Pteronura brasiliensis* South America.....doE3NANA
 Otter, long-tailed *Lontra (=Lutra) longicaudis (incl. platensis*
).....do.....doE3, 15NANA
 Otter, marine *Lontra (=Lutra) felina* Peru south to Straits of
 Magellan.....doE15NANA
 Otter, northern sea *Enhydra lutris kenyoni* U.S.A. (AK, WA) Southwest
 Alaska, from Attu Island to Western Cook Inlet, including Bristol
 Bay, the Kodiak Archipelago, and the Barren Islands T NANA
 Otter, southern river *Lontra (=Lutra) provocax* Chile,
 Argentina Entire E15NANA
 Otter, southern sea *Enhydra lutris nereis* West Coast, U.S.A. (CA, OR,
 WA) south to Mexico (Baja California) Entire, except where listed
 below T21, 284NA17.84(d)
 Do.....do.....doAll areas subject to U.S. jurisdiction south
 of Pt. Conception, CA (34°26.9' N. Lat.) [Note—status governed by
 Pub. L. 99-625, 100 Stat. 3500.] XN284NA17.84(d)
 Panda, giant *Ailuropoda melanoleuca* China Entire E139NANA
 Pangolin, Temnick's ground *Manis temmincki* Africa.....doE15NANA
 Panther, Florida *Puma (=Felis) concolor coryi* U.S.A. (LA and AR east
 to SC and FL).....doE1NANA
 Planigale, little *Planigale ingrami subtilissima*
 Australia.....doE4NANA
 Planigale, southern *Planigale tenuirostris*do.....doE4NANA
 Porcupine, thin-spined *Chaetomys subspinosus* Brazil.....doE3NANA
 Possum, Leadbeater's *Gymnobelideus leadbeateri*
 Australia.....doE233NANA
 Possum, mountain pygmy *Burrmys parvus*do.....doE4NANA
 Possum, scaly-tailed *Wyulda squamicaudata*do.....doE4NANA
 Prairie dog, Mexican *Cynomys mexicanus* Mexico.....doE3NANA
 Prairie dog, Utah *Cynomys parvidens* U.S.A. (UT).....doT6,

149NA17.40(g)
 Pronghorn, peninsular *Antilocapra americana peninsularis* Mexico (Baja California).....doE10NANA
 Pronghorn, Sonoran *Antilocapra americana sonoriensis* U.S.A. (AZ), Mexico.....doE1, 3NANA
 Pudu Pudu pudu Southern South America.....doE15NANA
 Puma (=mountain lion) *Puma (=Felis) concolor* (all subsp. except *coryi*) Canada to South America U.S.A. (FL)T(S/A)432NA17.40(h)
 Puma, Costa Rican *Puma (=Felis) concolor costaricensis* Nicaragua, Panama, Costa Rica Entire E15NANA
 Puma (=cougar), eastern *Puma (=Felis) concolor cougar* Eastern North America.....doE6NANA
 Quokka *Setonix brachyurus* Australia.....doE6NANA
 Rabbit, Columbia Basin pygmy *Brachylagus idahoensis* U.S.A. (western conterminous U.S.) U.S.A. (WA—Douglas, Grant, Lincoln, Adams, Benton Counties) ENANA
 Rabbit, Lower Keys *Sylvilagus palustris hefneri* U.S.A. (FL) Entire E390NANA
 Rabbit, riparian brush *Sylvilagus bachmani riparius* U.S.A. (CA).....doE687NANA
 Rabbit, Ryukyu *Pentalagus furnessi* Japan (Ryukyu Islands).....doE50NANA
 Rabbit, volcano *Romerolagus diazi* Mexico.....doE3NANA
 Rat, false water *Xeromys myoides* Australia.....doE4NANA
 Rat, stick-nest *Leporillus conditor*do.....doE6NANA
 Rat-kangaroo, brush-tailed *Bettongia penicillata*do.....doE4NANA
 Rat-kangaroo, desert (=plain) *Caloprymnus campestris*do.....doE4NANA
 Rat-kangaroo, Gaimard's *Bettongia gaimardi*do.....doE6NANA
 Rat-kangaroo, Lesueur's *Bettongia lesueur*do.....doE4NANA
 Rat-kangaroo, Queensland *Bettongia tropica*do.....doE4NANA
 Rhinoceros, black *Diceros bicornis* Sub-Saharan Africa.....doE97NANA
 Rhinoceros, great Indian *Rhinoceros unicornis* India, Nepal.....doE4NANA
 Rhinoceros, Javan *Rhinoceros sondaicus* Indonesia, Indochina, Burma, Thailand, Sikkim, Bangladesh, Malaysia.....doE3NANA
 Rhinoceros, northern white *Ceratotherium simum cottoni* Zaire, Sudan, Uganda, Central African Republic.....doE3NANA
 Rhinoceros, Sumatran *Dicerorhinus sumatrensis* Bangladesh to Vietnam to Indonesia (Borneo).....doE3NANA
 Rice rat *Oryzomys palustris natator* U.S.A. (FL) Lower FL Keys (west of Seven Mile Bridge) E42117.95(a) NA
 Saiga, Mongolian (antelope) *Saiga tatarica mongolica* Mongolia Entire E15NANA
 Saki, southern bearded *Chiropotes satanas satanas* Brazil.....doE233NANA
 Saki, white-nosed *Chiropotes albinus*do.....doE3NANA
 Sea-lion, Steller *Eumetopias jubatus* U.S.A. (AK, CA, OR, WA), Canada, Russia; North Pacific Ocean Entire, except the population segment west of 144° W. Long T384E, 408, 614226.202223.102, 223.202 Do.....do.....do Population segment west of 144° W. Long E384E , 408, 614226.202NA
 Seal, Caribbean monk *Monachus tropicalis* Caribbean Sea, Gulf of Mexico Entire E1, 2D, 45NANA
 Seal, Guadalupe fur *Arctocephalus townsendi* U.S.A. (Farallon Islands of CA) south to Mexico (Islas Revillagigedo).....doT1, 2D,

212NA223.201
Seal, Hawaiian monk *Monachus schauinslandi* U.S.A. (HI).....doE18226.201NA
Seal, Mediterranean monk *Monachus monachus* Mediterranean, Northwest African Coast and Black Sea.....doE3NANA
Seal, Saimaa *Phoca hispida saimensis* Finland (Lake Saimaa).....doE508NANA
Seledang *Bos gaurus* Bangladesh, Southeast Asia, India.....doE3NANA
Serow *Naemorhedus (=Capricornis) sumatraensis* East Asia, Sumatra.....doE15NANA
Serval, Barbary *Leptailurus (=Felis) serval constantina* Algeria.....doE3NANA
Shapo *Ovis vignei* Kashmir.....doE15NANA
Sheep, bighorn *Ovis canadensis* U.S.A. (Western conterminous states), Canada (southwestern), Mexico (northern) U.S.A. (CA) Peninsular Ranges E63417.95(a)NA
Sheep, Sierra Nevada bighorn *Ovis canadensis californiana*doU.S.A. (CA) Sierra Nevada E660E, 675NANA
Shou *Cervus elaphus wallichi* Tibet, Bhutan Entire E3NANA
Shrew, Buena Vista Lake *Sorex ornatus relictus* U.S.A. (CA).....doE72517.95(a)NA
Siamang *Symphalangus syndactylus* Malaysia, Indonesia.....doE15NANA
Sifakas *Propithecus* spp. Malagasy Republic (=Madagascar).....doE4NANA
Sloth, Brazilian three-toed *Bradypus torquatus* Brazil.....doE3NANA
Solenodon, Cuban *Solenodon cubanus* Cuba.....doE3NANA
Solenodon, Haitian *Solenodon paradoxus* Dominican Republic, Haiti.....doE3NANA
Squirrel, Carolina northern flying *Glaucomys sabrinus coloratus* U.S.A. (NC, TN).....doE189NANA
Squirrel, Delmarva Peninsula fox *Sciurus niger cinereus* U.S.A. (Delmarva Peninsula to southeastern PA) Entire, except Sussex Co., DE E1, 161, 168NANA
Do.....do.....doU.S.A. (DE-Sussex Co.) XN161NA17.84(a)
Squirrel, Mount Graham red *Tamiasciurus hudsonicus grahamensis* U.S.A. (AZ) Entire E26817.95(a)NA
Squirrel, northern Idaho ground *Spermophilus brunneus brunneus* U.S.A. (ID).....doT693NANA
Squirrel, Virginia northern flying *Glaucomys sabrinus fuscus* U.S.A. (VA, WV).....doE189NANA
Stag, Barbary *Cervus elaphus barbarus* Tunisia, Algeria.....doE3NANA
Stag, Kashmir *Cervus elaphus hanglu* Kashmir.....doE3NANA
Suni, Zanzibar *Neotragus moschatus moschatus* Zanzibar (and nearby islands).....doE50NANA
Tahr, Arabian *Hemitragus jayakari* Oman.....doE50NANA
Tamaraw *Bubalus mindorensis* Philippines.....doE4NANA
Tamarin, golden-rumped *Leontopithecus* spp. Brazil.....doE3NANA
Tamarin, pied *Saguinus bicolor*do.....doE16NANA
Tamarin, white-footed *Saguinus leucopus* Colombia.....doT16NA17.40(c)
Tapir, Asian *Tapirus indicus* Burma, Laos, Cambodia, Vietnam, Malaysia, Indonesia, Thailand.....doE15NANA
Tapir, Central American *Tapirus bairdii* Southern Mexico to Colombia and Ecuador.....doE3NANA
Tapir, mountain *Tapirus pinchaque* Colombia, Ecuador and possibly Peru and Venezuela.....doE3NANA
Tapir, South American (=Brazilian) *Tapirus terrestris* Colombia and Venezuela south to Paraguay and Argentina.....doE3NANA

Tarsier, Philippine *Tarsius syrichta* Philippines.....doT16NA17.40(c)
 Tiger *Panthera tigris* Temperate and tropical Asia.....doE3, 5NANA
 Tiger, Tasmanian *Thylacinus cynocephalus* Australia.....doE3NANA
 Uakari (all species) *Cacajao* spp. Peru, Brazil, Ecuador, Colombia,
 Venezuela.....doE3NANA
 Urial *Ovis musimon ophion* Cyprus.....doE15NANA
 Vicuña *Vicugna vicugna* Argentina, Bolivia, Chile, Ecuador,
 Peru Entire, except Ecuador T3, 724NA17.40 (m)
 Do.....do.....doEcuadorE3, 724NANA
 Vole, Amargosa *Microtus californicus scirpensis* U.S.A.
 (CA) Entire E16617.95(a) NA
 Vole, Florida salt marsh *Microtus pennsylvanicus dukecampbelli* U.S.A.
 (FL).....doE415NANA
 Vole, Hualapai Mexican *Microtus mexicanus hualpaiensis* U.S.A.
 (AZ).....doE292NANA
 Wallaby, banded hare *Lagostrophus fasciatus* Australia.....doE4NANA
 Wallaby, brindled nail-tailed *Onychogalea fraenata*
do.....doE4NANA
 Wallaby, crescent nail-tailed *Onychogalea lunata*
do.....doE4NANA
 Wallaby, Parma *Macropus parma*do.....doE4NANA
 Wallaby, western hare *Lagorchestes hirsutus*do.....doE4NANA
 Wallaby, yellow-footed rock *Petrogale xanthopus*
do.....doE6NANA
 Whale, blue *Balaenoptera musculus* Oceanic.....doE3NANA
 Whale, bowhead *Balaena mysticetus* Oceanic (north latitudes
 only).....doE3NANA
 Whale, finback *Balaenoptera physalus* Oceanic.....doE3NANA
 Whale, gray *Eschrichtius robustus* North Pacific Ocean-coastal and
 Bering Sea, formerly North Atlantic Ocean Entire, except eastern
 North Pacific Ocean-coastal and Bering, Beaufort, and Chukchi
 Seas E3, 540NANA
 Whale, humpback *Megaptera novaeangliae* Oceanic Entire E3NA224.101,
 224.103
 Whale, killer *Orcinus orca* Pacific Ocean Southern Resident DPS, which
 consists of whales from the J, K, and L pods, wherever they are
 found in the wild E756NANA
 Whale, North Atlantic right *Eubalaena glacialis*
 Oceanic Entire E3226.203224.103
 Whale, North Pacific right *Eubalaena japonica* do.....
 doE3NANA
 Whale, Southern right *Eubalaena australis* do..... doE3NANA
 Whale, Sei *Balaenoptera borealis*do.....doE3NANA
 Whale, sperm *Physeter catodon* (=macrocephalus)do.....doE3NANA
 Wolf, gray *Canis lupus* Holarctic U.S.A., conterminous (lower 48)
 States, except: (1) Where listed as an experimental population
 below; (2) Minnesota, Wisconsin, Michigan, eastern North Dakota
 (that portion north and east of the Missouri River upstream to Lake
 Sakakawea and east of the centerline of Highway 83 from Lake
 Sakakawea to the Canadian border), eastern South Dakota (that
 portion north and east of the Missouri River), northern Iowa,
 northern Illinois, and northern Indiana (those portions of IA, IL,
 and IN north of the centerline of Interstate Highway 80), and
 northwestern Ohio (that portion north of the centerline of
 Interstate Highway 80 and west of the Maumee River at Toledo); and
 (3) Mexico E1, 6, 13, 15, 35, 561, 562, 631, 745NANA
 Do.....do.....doU.S.A. (WY and portions of ID and MT—see 17.84(i))

and (n)XN561, 562, 745NA17.84(i)
17.84(n)
Do.....do.....doU.S.A. (portions of AZ, NM, and TX—see
17.84(k))XN631NA17.84(k)
Wolf, manedChrysocyon brachyurus Argentina, Bolivia, Brazil,
Paraguay, UruguayEntireE4NANA
Wolf, redCanis rufus U.S.A. (SE U.S.A., west to central TX)Entire,
except where listed as experimental populations belowE1, 248, 449,
579NANA
Do.....do.....doU.S.A. (portions of NC and TN—see
17.84(c)(9))XN248, 449, 579NA17.84(c)
Wombat, Queensland hairy-nosed (incl. Barnard's)Lasiiorhinus krefftii
(formerly L. barnardi and L. gillespiei)AustraliaEntireE4, 6NANA
Woodrat, Key LargoNeotoma floridana smalli U.S.A. (FL).....doE131E,
160NANA
Woodrat, riparian (San Joaquin Valley)Neotoma fuscipes riparia
U.S.A. (CA).....doE687NANA
Yak, wildBos mutus (=grunniens m.) China (Tibet),
India.....doE3NANA
Zebra, Grevy'sEquus grevyi Kenya, Ethiopia, Somalia.....doT54NANA
Zebra, Hartmann's mountainEquus zebra hartmannae Namibia,
Angola.....doT54, 111NANA
Zebra, mountainEquus zebra zebra South Africa.....doE15, 111NANA
Birds
'Akepa, Hawaii (honeycreeper)Loxops coccineus coccineus U.S.A.
(HI).....doE2NANA
'Akepa, Maui (honeycreeper)Loxops coccineus ochraceus
.....do.....doE2NANA
'Akialoa, Kauai (honeycreeper)Hemignathus procerus
.....do.....doE1NANA
'Akiapola'au (honeycreeper)Hemignathus munroido.....doE1NANA
Albatross, AmsterdamDiomedea amsterdamensis Indian Ocean—Amsterdam
Island.....doE571NANA
Albatross, short-tailedPhoebastria (=Diomedea) albatrus North
Pacific Ocean and Bering Sea—Canada, China, Japan, Mexico, Russia,
Taiwan, U.S.A. (AK, CA, HI, OR, WA).....doE3, 700NANA
Alethe, ThyoloAlethe choloensis Malawi, Mozambique.....doE571NANA
Blackbird, yellow-shoulderedAgelaius xanthomus U.S.A.
(PR).....doE1717.95(b)NA
Bobwhite, masked (quail)Colinus virginianus ridgwayi U.S.A. (AZ),
Mexico (Sonora).....doE1, 3NANA
Booby, Abbott'sPapasula (=Sula) abbotti Indian Ocean—Christmas
Island.....doE15NANA
Bristlebird, westernDasyornis longirostris (=brachypterus l.)
Australia.....doE3NANA
Bristlebird, western rufousDasyornis broadbenti littoralis
.....do.....doE15NANA
Bulbul, Mauritius olivaceousHypsipetes borbonicus olivaceus Indian
Ocean—Mauritius.....doE3NANA
Bullfinch, Sao Miguel (finch)Pyrrhula pyrrhula murina Eastern
Atlantic Ocean—Azores.....doE3NANA
Bush-shrike, UluguraMalaconotus alius Tanzania.....doT571NANA
Bushwren, New ZealandXenicus longipes New Zealand.....doE3NANA
Bustard, great IndianArdeotis (=Choriotis) nigriceps India,
Pakistan.....doE3NANA
CahowPterodroma cahow North Atlantic Ocean—Bermuda.....doE3NANA
Caracara, Audubon's crestedPolyborus plancus audubonii U.S.A. (AZ,

FL, LA, NM, TX) south to Panama; Cuba U.S.A. (FL) T280 NANA
 Condor, Andean *Vultur gryphus* Colombia to Chile and
 Argentina Entire E4 NANA
 Condor, California *Gymnogyps californianus* U.S.A. (AZ, CA, OR),
 Mexico (Baja California) U.S.A. only, except where listed as an
 experimental population below E1, 59717.95(b) NA
 Do.....do.....do U.S.A. (specific portions of Arizona, Nevada,
 and Utah) XN597NA17.84(j)
 Coot, Hawaiian *Fulica americana alai* U.S.A. (HI) Entire E2 NANA
 Cotinga, banded *Cotinga maculata* Brazil.....do E15 NANA
 Cotinga, white-winged *Xipholena atropurpurea*do.....do E15 NANA
 Crane, black-necked *Grus nigricollis* China (Tibet).....do E15 NANA
 Crane, Cuba sandhill *Grus canadensis nesiotis* West
 Indies-Cuba.....do E15 NANA
 Crane, hooded *Grus monacha* Japan, Russia.....do E4 NANA
 Crane, Japanese *Grus japonensis* China, Japan, Korea,
 Russia.....do E3 NANA
 Crane, Mississippi sandhill *Grus canadensis pulla* U.S.A.
 (MS).....do E617.95(b) NA
 Crane, Siberian white *Grus leucogeranus* C.I.S. (Siberia) to India,
 including Iran and China.....do E4 NANA
 Crane, white-naped *Grus vipio* Mongolia.....do E15 NANA
 Crane, whooping *Grus americana* Canada, U.S.A. (Rocky Mountains east
 to Carolinas), Mexico Entire, except where listed as an experimental
 population E1, 317.95(b) NA
 Do.....do.....do 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, WY) XN487,
 621, 710NA17.84(h)
 Creeper, Hawaii *Oreomyza mana* U.S.A. (HI) Entire E10 NANA
 Creeper, Molokai *Paroreomyza flammea*do.....do E2 NANA
 Creeper, Oahu *Paroreomyza maculata*do.....do E2 NANA
 Crow, Hawaiian *Corvus hawaiiensis*do.....do E1 NANA
 Crow, Mariana *Corvus kubaryi* Western Pacific Ocean USA (Guam,
 Rota).....do E15617.95(b) NA
 Crow, white-necked *Corvus leucognaphalus* U.S.A. (PR), Dominican
 Republic, Haiti.....do E419 NANA
 Cuckoo-shrike, Mauritius *Coquus typicus* Indian
 Ocean-Mauritius.....do E3 NANA
 Cuckoo-shrike, Reunion *Coquus newtoni* Indian
 Ocean-Reunion.....do E3 NANA
 Curassow, razor-billed *Mitu mitu mitu* Brazil (Eastern).....do E15 NANA
 Curassow, red-billed *Crax blumenbachii* Brazil.....do E4 NANA
 Curassow, Trinidad white-headed *Pipile pipile pipile* West
 Indies-Trinidad.....do E3 NANA
 Curlew, Eskimo *Numenius borealis* Alaska and northern Canada to
 Argentina.....do E1, 3 NANA
 Dove, cloven-feathered *Drepanoptila holosericea* Southwest Pacific
 Ocean-New Caledonia.....do E3 NANA
 Dove, Grenada gray-fronted *Leptotila rufaxilla wellsii* West
 Indies-Grenada.....do E3 NANA
 Duck, Hawaiian *Anas wyvilliana* U.S.A. (HI).....do E1 NANA
 Duck, Laysan *Anas laysanensis*do.....do E1 NANA
 Duck, pink-headed *Rhodonessa caryophyllacea* India.....do E15 NANA
 Duck, white-winged wood *Cairina scutulata* India, Malaysia, Indonesia,
 Thailand.....do E3 NANA
 Eagle, bald *Haliaeetus leucocephalus* North America south to northern
 Mexico U.S.A., conterminous (lower 48) States. T1, 34, 580NA17.41(a)

Eagle, Greenland white-tailed *Haliaeetus albicilla groenlandicus*
 Greenland and adjacent Atlantic islands Entire E15 NANA
 Eagle, harpy *Harpia harpyja* Mexico south to Argentina.....do E15 NANA
 Eagle, Madagascar sea *Haliaeetus vociferoides*
 Madagascar.....do E571 NANA
 Eagle, Madagascar serpent *Eutriorchis astur*do.....do E571 NANA
 Eagle, Philippine *Pithecophaga jefferyi* Philippines.....do E3 NANA
 Eagle, Spanish imperial *Aquila heliaca adalberti* Spain, Morocco,
 Algeria.....do E3 NANA
 Egret, Chinese *Egretta eulophotes* China, Korea.....do E3 NANA
 Eider, spectacled *Somateria fischeri* U.S.A. (AK),
 Russia.....do T50317.95(b) NA
 Eider, Steller's *Polysticta stelleri* USA (AK); Russia U.S.A. (AK
 breeding population only) T61617.95(b) NA
 Elepaio, Oahu *Chasiempis sandwichensis ibidis* (*Chasiempis*
sandwichensis gayi) U.S.A. (HI) Entire E69617.95(b) NA
 Falcon, Eurasian peregrine *Falco peregrinus peregrinus* Europe,
 Eurasia south to Africa and Mideast.....do E15 NANA
 Falcon, northern aplomado *Falco femoralis septentrionalis* U.S.A. (AZ,
 NM, TX), Mexico, Guatemala Entire, except where listed as an
 experimental population E216 NANA
 Falcon, northern aplomado *Falco femoralis septentrionalis*
do U.S.A. (AZ, NM) XN758 NA 17.84(p)
 Finch, Laysan (honeycreeper) *Telespyza cantans* U.S.A.
 (HI) Entire E1 NANA
 Finch, Nihoa (honeycreeper) *Telespyza ultima*do.....do E1 NANA
 Flycatcher, Euler's *Empidonax euleri johnstonei* West
 Indies-Grenada.....do E3 NANA
 Flycatcher, Seychelles paradise *Terpsiphone corvina* Indian
 Ocean-Seychelles.....do E3 NANA
 Flycatcher, southwestern willow *Empidonax traillii extimus* U.S.A.
 (AZ, CA, CO, NM, TX, UT), Mexico.....do E57717.95(b) NA
 Flycatcher, Tahiti *Pomarea nigra* South Pacific
 Ocean-Tahiti.....do E3 NANA
 Fody, Mauritius *Foudia rubra* Indian Ocean-Mauritius.....do E571 NANA
 Fody, Rodrigues *Foudia flavicans* Indian Ocean-Rodrigues Island
 (Mauritius).....do E571 NANA
 Fody, Seychelles (weaver-finch) *Foudia sechellarum* Indian
 Ocean-Seychelles.....do E3 NANA
 Francolin, Djibouti *Francolinus ochropectus* Djibouti.....do E571 NANA
 Frigatebird, Andrew's *Fregata andrewsi* East Indian
 Ocean.....do E15 NANA
 Gnatcatcher, coastal California *Polioptila californica californica*
 U.S.A. (CA), Mexico.....do T49617.95(b) 17.41 (b)
 Goose, Hawaiian *Branta (=Nesochen) sandvicensis* U.S.A.
 (HI).....do E1 NANA
 Goshawk, Christmas Island *Accipiter fasciatus natalis* Indian
 Ocean-Christmas Island.....do E3 NANA
 Grackle, slender-billed *Quiscalus palustris* Mexico.....do E3 NANA
 Grasswren, Eyrean (flycatcher) *Amytornis goyderi*
 Australia.....do E3 NANA
 Grebe, Alaotra *Tachybaptus rufiflavatus* Madagascar.....do E571 NANA
 Grebe, Atitlan *Podilymbus gigas* Guatemala.....do E3 NANA
 Greenshank, Nordmann's *Tringa guttifer* Russia, Japan, south to
 Malaya, Borneo.....do E15 NANA
 Guan, horned *Oreophasis derbianus* Guatemala, Mexico.....do E3 NANA
 Guan, white-winged *Penelope albipennis* Peru.....do E401 NANA

Guineafowl, white-breasted *Agelastes meleagrides* West Africa.....doT571NANA
 Gull, Audouin's *Larus audouinii* Mediterranean Sea.....doE3NANA
 Gull, relict *Larus relictus* India, China.....doE15NANA
 Hawk, Galapagos *Buteo galapagoensis* Ecuador (Galapagos Islands).....doE3NANA
 Hawk, Hawaiian *Buteo solitarius* U.S.A. (HI).....doE1NANA
 Hawk, Puerto Rican broad-winged *Buteo platypterus brunnescens* U.S.A. (PR).....doE550NANA
 Hawk, Puerto Rican sharp-shinned *Accipiter striatus venator*do.....doE550NANA
 Hermit, hook-billed (hummingbird) *Ramphodon (=Glaucis) dohrnii* Brazil.....doE15NANA
 Honeycreeper, crested *Palmeria dolei* U.S.A. (HI).....doE1NANA
 Honeyeater, helmeted *Lichenostomus melanops cassidix (=Meliphaga c.)* Australia.....doE4NANA
 Hornbill, helmeted *Buceros (=Rhinoplax) vigil* Thailand, Malaysia.....doE15NANA
 Ibis, Japanese crested *Nipponia nippon* China, Japan, Russia, Korea.....doE3NANA
 Ibis, northern bald *Geronticus eremita* Southern Europe, southwestern Asia, northern Africa.....doE401NANA
 Kagu *Rhynchoceros jubatus* South Pacific Ocean—New Caledonia.....doE3NANA
 Kakapo *Strigops habroptilus* New Zealand.....doE3NANA
 Kestrel, Mauritius *Falco punctatus* Indian Ocean—Mauritius.....doE3NANA
 Kestrel, Seychelles *Falco araea* Indian Ocean—Seychelles Islands.....doE3NANA
 Kingfisher, Guam Micronesian *Halcyon cinnamomina cinnamomina* Western Pacific Ocean USA (Guam).....doE15617.95(b)NA
 Kite, Cuba hook-billed *Chondrohierax uncinatus wilsonii* West Indies—Cuba.....doE3NANA
 Kite, Everglade snail *Rostrhamus sociabilis plumbeus* U.S.A. (FL), Cuba U.S.A. (FL)E117.95(b)NA
 Kite, Grenada hook-billed *Chondrohierax uncinatus mirus* West Indies—Grenada Entire E3NANA
 Kokako (wattlebird) *Callaeas cinerea* New Zealand.....doE3NANA
 Lark, Raso *Alauda razae* Atlantic Ocean—Raso Island (Cape Verde).....doE571NANA
 Macaw, glaucous *Anodorhynchus glaucus* Paraguay, Uruguay, Brazil.....doE15NANA
 Macaw, indigo *Anodorhynchus leari* Brazil.....doE15NANA
 Macaw, little blue *Cyanopsitta spixii*do.....doE15NANA
 Magpie-robin, Seychelles (thrush) *Copsychus sechellarum* Indian Ocean—Seychelles Islands.....doE3NANA
 Malimbe, Ibadan *Malimbus ibadanensis* Nigeria.....doE571NANA
 Malkoha, red-faced (cuckoo) *Phaenicophaeus pyrrhocephalus* Sri Lanka (=Ceylon).....doE3NANA
 Megapode, Maleo *Macrocephalon maleo* Indonesia (Celebes).....doE3NANA
 Megapode, Micronesian (=La Perouse's) *Megapodius laperouse* West Pacific Ocean—Palau Islands, U.S.A. (Mariana Islands).....doE3NANA
 Millerbird, Nihoa (old world warbler) *Acrocephalus familiaris kingi* U.S.A. (HI).....doE1NANA
 Moorhen, Hawaiian common *Gallinula chloropus sandvicensis* U.S.A. (HI).....doE1NANA
 Moorhen, Mariana common *Gallinula chloropus guami* West Pacific

Ocean—U.S.A. (Guam, Tinian, Saipan, Pagan).....doE156NANA
Murrelet, marbledBrachyramphus marmoratus marmoratus U.S.A. (AK, CA,
OR, WA), Canada (B.C.)U.S.A. (CA, OR, WA)T47917.95(b)NA
Nightjar, Puerto RicanCaprimulgus noctitherus U.S.A.
(PR)EntireE6NANA
Nukupu`u (honeycreeper)Hemignathus lucidus U.S.A. (HI).....doE1,
2NANA
Nuthatch, AlgerianSitta ledanti Algeria.....doE571NANA
`O`o, Kauai (honeyeater)Moho braccatus U.S.A. (HI).....doE1NANA
Ostrich, ArabianStruthio camelus syriacus Jordan, Saudi
Arabia.....doE3NANA
Ostrich, West AfricanStruthio camelus spatzi Spanish
Sahara.....doE3NANA
`O`u (honeycreeper)Psittirostra psittacea U.S.A. (HI).....doE1NANA
Owl, Anjouan scopsOtus rutilus capnodes Indian Ocean—Comoro
Island.....doE3NANA
Owl, giant scopsMimizuku (=Otus) gurneyi Philippines—Marinduque and
Mindanao Island.....doE15NANA
Owl, Madagascar redTyto soumagnei Madagascar.....doE401NANA
Owl, Mexican spottedStrix occidentalis lucida U.S.A. (AZ, CO, NM,
TX, UT), Mexico.....doT49417.95(b)NA
Owl, northern spottedStrix occidentalis caurina U.S.A. (CA, OR, WA),
Canada (B.C.).....doT39317.95(b)NA
Owl, Seychelles scopsOtus magicus (=insularis) insularis Indian
Ocean—Seychelles Islands.....doE3NANA
Owlet, Morden'sOtus ireneae Kenya.....doE3NANA
Oystercatcher, Canarian blackHaematopus meadewaldoi Atlantic
Ocean—Canary Islands.....doE571NANA
Palila (honeycreeper)Loxioides bailleui U.S.A.
(HI).....doE117.95(b)NA
Parakeet, blue-throated (=ochre-marked)Pyrrhura cruentata
Brazil.....doE3NANA
Parakeet, Forbes'Cyanoramphus auriceps forbesi New
Zealand.....doE3NANA
Parakeet, goldenAratinga guarouba Brazil.....doE15NANA
Parakeet, golden-shoulderedPsephotus chrysopterygius
Australia.....doE3NANA
Parakeet, MauritiusPsittacula echo Indian
Ocean—Mauritius.....doE3NANA
Parakeet, Norfolk IslandCyanoramphus cookii (=novaezelandiae c.)
Australia (Norfolk Island).....doE401NANA
Parakeet, orange-belliedNeophema chrysogaster
Australia.....doE4NANA
Parakeet, paradisePsephotus pulcherrimusdo.....doE4NANA
Parakeet, scarlet-chestedNeophema splendidado.....doE4NANA
Parakeet, turquoiseNeophema pulchellado.....doE3NANA
Parrot, Bahaman or CubanAmazona leucocephala West Indies—Cuba,
Bahamas, Caymans.....doE3, 15NANA
Parrot, groundPezoporus wallicus Australia.....doE6NANA
Parrot, imperialAmazona imperialis West
Indies—Dominica.....doE3NANA
Parrot, night (=Australian)Geopsittacus occidentalis
Australia.....doE3NANA
Parrot, Puerto RicanAmazona vittata U.S.A. (PR).....doE1NANA
Parrot, red-browedAmazona rhodocorytha Brazil.....doE3NANA
Parrot, red-cappedPionopsitta pileatado.....doE15NANA
Parrot, red-neckedAmazona arausiaca West

Indies-Dominica.....doE50NANA
 Parrot, red-spectacledAmazona pretrei pretrei Brazil,
 Argentina.....doE15NANA
 Parrot, red-tailedAmazona brasiliensis Brazil.....doE401NANA
 Parrot, Seychelles lesser vasaCoracopsis nigra barklyi Indian
 Ocean-Seychelles (Praslin Island).....doE571NANA
 Parrot, St. VincentAmazona guildingii West Indies-St.
 Vincent.....doE3NANA
 Parrot, St. LuciaAmazona versicolor West Indies-St.
 Lucia.....doE3NANA
 Parrot, thick-billedRhynchopsitta pachyrhyncha Mexico, U.S.A. (AZ,
 NM)MexicoE3NANA
 Parrot, vinaceous-breastedAmazona vinacea BrazilEntireE15NANA
 Parrotbill, Maui (honeycreeper)Pseudonestor xanthophrys U.S.A.
 (HI).....doE1NANA
 Pelican, brownPelecanus occidentalis U.S.A (Carolinas to TX, CA, OR,
 WA), West Indies, coastal Central and South AmericaEntire, except
 U.S. Atlantic coast, FL, ALE2, 3, 171NANA
 Penguin, GalapagosSpheniscus mendiculus Ecuador (Galapagos
 Islands)EntireE3NANA
 Petrel, Hawaiian dark-rumpedPterodroma phaeopygia sandwichensis
 U.S.A. (HI).....doE1NANA
 Petrel, MadeiraPterodroma madeira Atlantic Ocean-Madeira
 Island.....doE571NANA
 Petrel, Mascarene blackPterodroma aterrima Indian Ocean-Mauritius
 (Reunion Island).....doE571NANA
 Pheasant, bar-tailedSyrmaticus humaie Burma, China.....doE3NANA
 Pheasant, Blyth's tragopanTragopan blythii Burma, China,
 India.....doE3NANA
 Pheasant, brown earedCrossoptilon mantchuricum China.....doE3NANA
 Pheasant, Cabot's tragopanTragopan cabotidoE3NANA
 Pheasant, cheerCatreus wallichii India, Nepal,
 Pakistan.....doE401NANA
 Pheasant, Chinese monalLophophorus lhuysii China.....doE3NANA
 Pheasant, Edward'sLophura edwardsi Vietnam.....doE3NANA
 Pheasant, Elliot'sSyrmaticus ellioti China.....doE15NANA
 Pheasant, imperialLophura imperialis Vietnam.....doE3NANA
 Pheasant, MikadoSyrmaticus mikado Taiwan.....doE3NANA
 Pheasant, Palawan peacockPolyplectron emphanum
 Philippines.....doE3NANA
 Pheasant, Sclater's monalLophophorus sclateri Burma, China,
 India.....doE3NANA
 Pheasant, Swinhoe'sLophura swinhoii Taiwan.....doE3NANA
 Pheasant, western tragopanTragopan melanocephalus India,
 Pakistan.....doE3NANA
 Pheasant, white earedCrossoptilon crossoptilon China (Tibet),
 India.....doE4NANA
 Pigeon, Azores woodColumba palumbus azorica East Atlantic
 Ocean-Azores.....doE3NANA
 Pigeon, Chatham IslandHemiphaga novaeseelandiae chathamensis New
 Zealand.....doE3NANA
 Pigeon, Mindoro imperial (=zone-tailed)Ducula mindorensis
 Philippines.....doE15NANA
 Pigeon, pinkColumba mayeri Indian Ocean-Mauritius.....doE571NANA
 Pigeon, Puerto Rican plainColumba inornata wetmorei U.S.A.
 (PR).....doE2NANA
 Pigeon, white-tailed laurelColumba junoniae Atlantic Ocean-Canary

Islands.....doT571NANA
 Piping-guan, black-frontedPipile jacutinga Argentina.....doE15NANA
 Pitta, Koch'sPitta kochi Philippines.....doE15NANA
 Plover, New Zealand shoreThinornis novaeseelandiae New
 Zealand.....doE3NANA
 Plover, pipingCharadrius melodus U.S.A. (Great Lakes, northern Great
 Plains, Atlantic and Gulf Coasts, PR, VI) Canada, Mexico, Bahamas,
 West IndiesGreat Lakes, watershed in States of IL, IN, MI, MN, NY,
 OH, PA, and WI and Canada (Ont.)E21117.95(b)NA
 Plover, pipingCharadrius melodus U.S.A. (Great Lakes, northern Great
 Plains, Atlantic and Gulf Coasts, PR, VI) Canada, Mexico, Bahamas,
 West IndiesNorthern Great Plains in States of MN, MT, ND, NE, and
 SDT21117.95(b)NA
 Do.....do.....doEntire, except those areas where listed as
 endangered aboveT211NANA
 Plover, western snowyCharadrius alexandrinus nivosus U.S.A. (AZ, CA,
 CO, KS, NM, NV, OK, OR, TX, UT, WA), MexicoU.S.A. (CA, OR, WA),
 Mexico (within 50 miles of Pacific coast)T49317.95(b)NA
 Pochard, MadagascarAythya innotata MadagascarEntireE571NANA
 Po'ouli (honeycreeper)Melamprosops phaeosoma U.S.A.
 (HI).....doE10NANA
 Prairie-chicken, Attwater's greaterTympanuchus cupido attwateri
 U.S.A. (TX).....doE1NANA
 Quail, Merriam's MontezumaCyrtonyx montezumae merriami Mexico (Vera
 Cruz).....doE15NANA
 Quetzal, resplendentPharomachrus mocinno Mexico to
 Panama.....doE15NANA
 Rail, Auckland IslandRallus pectoralis muelleri New
 Zealand.....doE3NANA
 Rail, California clapperRallus longirostris obsoletus U.S.A.
 (CA).....doE2NANA
 Rail, GuamRallus owstoni Western Pacific Ocean-U.S.A. (Guam)Entire,
 except RotaE146E, 156, 371NANA
 Do.....do.....doRotaXN371NA17.84(f)
 Rail, light-footed clapperRallus longirostris levipes U.S.A. (CA),
 Mexico (Baja California)U.S.A. onlyE2NANA
 Rail, Lord Howe woodGallirallus (=Tricholimnas) sylvestris Australia
 (Lord Howe Island)EntireE15NANA
 Rail, Yuma clapperRallus longirostris yumanensis Mexico, U.S.A. (AZ,
 CA)U.S.A. onlyE1NANA
 Rhea, lesser (incl. Darwin's)Rhea (=Pterocnemia) pennata Argentina,
 Bolivia, Peru, UruguayEntireE3NANA
 Robin, Chatham IslandPetroica traversi New Zealand.....doE3NANA
 Robin, dappled mountainArcanator orostruthus Mozambique,
 Tanzania.....doT571NANA
 Robin, scarlet-breasted (flycatcher)Petroica multicolor multicolor
 Australia (Norfolk Island).....doE3NANA
 Rockfowl, grey-neckedPicathartes oreas Cameroon, Gabon.....doE3NANA
 Rockfowl, white-neckedPicathartes gymnocephalus Africa-Togo to
 Sierra Leone.....doE3NANA
 Roller, long-tailed groundUratelornis chimaera Malagasy Republic
 (=Madagascar).....doE3NANA
 Scrub-bird, noisyAtrichornis clamosus Australia.....doE3NANA
 Scrub-jay, FloridaAphelocoma coerulescens U.S.A.
 (FL).....doT267NANA
 Shama, Cebu black (thrush)Copsychus niger cebuensis
 Philippines.....doE3NANA

Shearwater, Newell's Townsend's *Puffinus auricularis newelli* U.S.A. (HI).....doT10NANA
 Shrike, San Clemente loggerhead *Lanius ludovicianus mearnsi* U.S.A. (CA).....doE26NANA
 Siskin, red *Carduelis cucullata* South America.....doE15NANA
 Sparrow, Cape Sable seaside *Ammodramus maritimus mirabilis* U.S.A. (FL).....doE117.95(b)NA
 Sparrow, Florida grasshopper *Ammodramus savannarum floridanus*do.....doE239NANA
 Sparrow, San Clemente sage *Amphispiza belli clementeae* U.S.A. (CA).....doT26NANA
 Sparrowhawk, Anjouan Island *Accipiter francesii pusillus* Indian Ocean-Comoro Islands.....doE3NANA
 Starling, Ponape mountain *Aplonis pelzelni* West Pacific Ocean-Federated States of Micronesia.....doE3NANA
 Starling, Rothschild's (mya) *Leucopsar rothschildi* Indonesia (Bali).....doE3NANA
 Stilt, Hawaiian *Himantopus mexicanus (=himantopus) knudseni* U.S.A. (HI).....doE2NANA
 Stork, oriental white *Ciconia boyciana (=ciconia b.)* China, Japan, Korea, Russia.....doE3NANA
 Stork, wood *Mycteria americana* U.S.A., (CA, AZ, TX, to Carolinas), Mexico, C. and S. America U.S.A. (AL, FL, GA, SC)E142NANA
 Sunbird, Marungu *Nectarinia prigoginei* ZaireEntireE571NANA
 Swiftlet, Mariana gray *Aerodramus vanikorensis bartschi* Western Pacific Ocean-U.S.A. (Guam, Rota, Tinian, Saipan, Agiguan).....doE156NANA
 Teal, Campbell Island flightless *Anas aucklandica nesiotis* New Zealand (Campbell Island).....doE15NANA
 Tern, California least *Sterna antillarum browni* Mexico, U.S.A. (CA).....doE2, 3NANA
 Tern, least *Sterna antillarum* U.S.A. (Atlantic and Gulf coasts, Miss. R. Basin, CA), Greater and Lesser Antilles, Bahamas, Mexico; winters Central America, northern South America U.S.A. (AR, CO, IA, IL, IN, KS, KY, LA-Miss. R. and tribs. N of Baton Rouge, MS-Miss. R., MO, MT, ND, NE, NM, OK, SD, TN, TX-except within 50 miles of coast)E182NANA
 Tern, roseate *Sterna dougallii dougallii* Tropical and temperate coasts of Atlantic Basin and East Africa U.S.A. (Atlantic Coast south to NC), Canada (Newf., N.S, Que.), BermudaE296NANA
 Do.....do.....doWestern Hemisphere and adjacent oceans, incl. U.S.A. (FL, PR, VI), where not listed as endangeredT296NANA
 Thrasher, white-breasted *Ramphocinclus brachyurus* West Indies-St. Lucia, MartiniqueEntireE3NANA
 Thrush, large Kauai *Myadestes myadestinus* U.S.A. (HI).....doE2NANA
 Thrush, Molokai *Myadestes lanaiensis rutha*do.....doE2NANA
 Thrush, New Zealand (wattlebird) *Turnagra capensis* New Zealand.....doE3NANA
 Thrush, small Kauai *Myadestes palmeri* U.S.A. (HI).....doE1NANA
 Thrush, Taita *Turdus olivaceous helleri* Kenya.....doE571NANA
 Tinamou, solitary *Tinamus solitarius* Brazil, Paraguay, Argentina.....doE15NANA
 Towhee, Inyo California *Pipilo crissalis eremophilus* U.S.A. (CA).....doT28217.95(b)NA
 Trembler, Martinique (thrasher) *Cinclocerthia ruficauda gutturalis* West Indies-Martinique.....doE3NANA
 Turaco, Bannerman's *Tauraco bannermani* Cameroon.....doE571NANA

Turtle-dove, Seychelles *Streptopelia picturata rostrata* Indian Ocean-Seychelles.....doE571NANA
 Vanga, Pollen's *Xenopirostris polleni* Madagascar.....doT571NANA
 Vanga, Van Dam's *Xenopirostris damii*do.....doT571NANA
 Vireo, black-capped *Vireo atricapillus* U.S.A. (KS, LA, NE, OK, TX), Mexico.....doE294NANA
 Vireo, least Bell's *Vireo bellii pusillus* U.S.A. (CA), Mexico.....doE22817.95(b)NA
 Wanderer, plain (collared-hemipode) *Pedionomus torquatus* Australia.....doE6NANA
 Warbler, Aldabra (old world warbler) *Nesillas alabranus* Indian Ocean-Seychelles (Aldabra Island).....doE571NANA
 Warbler (wood), Bachman's *Vermivora bachmanii* U.S.A. (Southeastern), Cuba.....doE1, 3NANA
 Warbler (wood), Barbados yellow *Dendroica petechia petechia* West Indies-Barbados.....doE3NANA
 Warbler (wood), golden-cheeked *Dendroica chrysoparia* U.S.A. (TX), Mexico, Guatemala, Honduras, Nicaragua, Belize.....doE387E, 411NANA
 Warbler (wood), Kirtland's *Dendroica kirtlandii* U.S.A. (principally MI), Canada, West Indies-Bahama Islands.....doE1, 3NANA
 Warbler, nightingale reed, (old world warbler) *Acrocephalus luscinius* West Pacific Ocean-U.S.A. (Guam, Alamagan, Saipan).....doE3, 4NANA
 Warbler, Rodrigues (old world warbler) *Bebrornis rodericanus* Mauritius (Rodrigues Islands).....doE3NANA
 Warbler (wood), Semper's *Leucopeza semperi* West Indies-St. Lucia.....doE3NANA
 Warbler, Seychelles (old world warbler) *Bebrornis sechellensis* Indian Ocean-Seychelles Island.....doE3NANA
 Wattle-eye, banded *Platysteira laticincta* Cameroon.....doE571NANA
 Weaver, Clarke's *Ploceus golangi* Kenya.....doE571NANA
 Whipbird, western *Psophodes nigrogularis* Australia.....doE3NANA
 White-eye, bridled *Zosterops conspicillatus conspicillatus* Western Pacific Ocean-U.S.A. (Guam).....doE156NANA
 White-eye, Norfolk Island *Zosterops albogularis* Indian Ocean-Norfolk Islands.....doE15NANA
 White-eye, Ponape greater *Rukia longirostra* West Pacific Ocean-Federated States of Micronesia.....doE3NANA
 White-eye, Rota bridled *Zosterops rotensis* Western Pacific Ocean-U.S.A (Commonwealth of the Northern Mariana Islands).....doE74117.95(b)NA
 White-eye, Seychelles *Zosterops modesta* Indian Ocean-Seychelles.....doE3NANA
 Woodpecker, imperial *Campephilus imperialis* Mexico.....doE3NANA
 Woodpecker, ivory-billed *Campephilus principalis* U.S.A. (southcentral and southeastern), Cuba.....doE1, 3NANA
 Woodpecker, red-cockaded *Picoides borealis* U.S.A. (southcentral and southeastern).....doE2NANA
 Woodpecker, Tristram's *Dryocopus javensis richardsi* Korea.....doE3NANA
 Wren, Guadeloupe house *Troglodytes aedon guadeloupensis* West Indies-Guadeloupe.....doE3NANA
 Wren, St. Lucia house *Troglodytes aedon mesoleucus* West Indies-St. Lucia.....doE3NANA
 Reptiles
 Alligator, American *Alligator mississippiensis* Southeastern U.S.A.....doT(S/A)1, 11, 20, 51, 60, 113, 134, 186, 269NA17.42(a)
 Alligator, Chinese *Alligator sinensis* China.....doE15NANA

Anole, Culebra Island giant *Anolis roosevelti* U.S.A. (PR-Culebra Island).....doE2517.95(c)NA
 Boa, Jamaican *Epicrates subflavus* Jamaica.....doE3NANA
 Boa, Mona *Epicrates monensis monensis* U.S.A.
 (PR).....doT3317.95(c)NA
 Boa, Puerto Rican *Epicrates inornatus*do.....doE2NANA
 Boa, Round Island [unnamed] *Bolyeria multocarinata* Indian Ocean-Mauritius.....doE88NANA
 Do *Casarea dussumieri*do.....doE88NANA
 Boa, Virgin Islands tree *Epicrates monensis granti* U.S.A. (PR), British Virgin Islands.....doE2, 86NANA
 Caiman, Apaporis River *Caiman crocodilus apaporiensis* Colombia.....doE15NANA
 Caiman, black *Melanosuchus niger* Amazon basin.....doE15NANA
 Caiman, broad-snouted *Caiman latirostris* Brazil, Argentina, Paraguay, Uruguay.....doE15NANA
 Caiman, brown *Caiman crocodilus fuscus* (includes *Caiman crocodilus chiapasius*) Mexico, Central America, Colombia, Ecuador, Venezuela, Peru.....doT(S/A)695NA17.42(g)
 Caiman, common *Caiman crocodilus crocodilus* Brazil, Colombia, Ecuador, French Guiana, Guyana, Suriname, Venezuela, Bolivia, Peru.....doT(S/A)695NA17.42(g)
 Caiman, yacare *Caiman yacare* Argentina, Bolivia, Brazil, Paraguay.....doT3, 695NA17.42(g)
 Chuckwalla, San Esteban Island *Sauromalus varius*
 Mexico.....doE88NANA
 Crocodile, African dwarf *Osteolaemus tetraspis tetraspis* West Africa.....doE15, 15ANANA
 Crocodile, African slender-snouted *Crocodylus cataphractus* Western and central Africa.....doE5NANA
 Crocodile, American *Crocodylus acutus* U.S.A. (FL), Mexico, Caribbean, Central and South America Entire, except in U.S.A. (FL)E87NANA
 Do.....do.....doU.S.A. (FL)T1017.95(c)NA
 Crocodile, American *Crocodylus acutus* U.S.A. (FL), Mexico, Caribbean, Central and South America EntireE10, 8717.95(c)NA
 Crocodile, Ceylon mugger *Crocodylus palustris kimbula* Sri Lanka.....doE15NANA
 Crocodile, Congo dwarf *Osteolaemus tetraspis osborni* Congo R. drainage.....doE15NANA
 Crocodile, Cuban *Crocodylus rhombifer* Cuba.....doE3NANA
 Crocodile, Morelet's *Crocodylus moreletii* Mexico, Belize, Guatemala.....doE3NANA
 Crocodile, mugger *Crocodylus palustris palustris* India, Pakistan, Iran, Bangladesh.....doE15NANA
 Crocodile, Nile *Crocodylus niloticus* Africa, Middle East.....doT3, 279, 334, 514, 585NA17.42(c)
 Crocodile, Orinoco *Crocodylus intermedius* South America-Orinoco R. basin.....doE3NANA
 Crocodile, Philippine *Crocodylus novaeguineae mindorensis* Philippine Islands.....doE15NANA
 Crocodile, saltwater *Crocodylus porosus* Southeast Asia, Australia, Papua New Guinea, Islands of the West Pacific Ocean Entire, except Papua New Guinea and AustraliaE87, 585NANA
 Do.....do.....doAustraliaT87, 585NA17.42(c)
 Crocodile, Siamese *Crocodylus siamensis* Southeast Asia, Malay Peninsula EntireE15NANA
 Gavial *Gavialis gangeticus* Pakistan, Burma, Bangladesh, India,

Nepal.....doE3NANA
 Gecko, dayPhelsuma edwardnewtoni Indian
 Ocean-Mauritius.....doE3NANA
 Gecko, MonitoSphaerodactylus micropithecus U.S.A.
 (PR).....doE12517.95(c)NA
 Gecko, Round Island dayPhelsuma guentheri Indian
 Ocean-Mauritius.....doE3NANA
 Gecko, Serpent IslandCyrtodactylus serpensinsula
do.....doT129NANA
 Iguana, Acklins groundCyclura rileyi nuchalis West
 Indies-Bahamas.....doT129NANA
 Iguana, Allen's CayCyclura cyclura inornata
do.....doT129NANA
 Iguana, Andros Island groundCyclura cyclura cyclura
do.....doT129NANA
 Iguana, Anegada groundCyclura pinguis West Indies-British Virgin
 Islands (Anegada Island).....doE3NANA
 Iguana, Barrington landConolophus pallidus Ecuador (Galapagos
 Islands).....doE3NANA
 Iguana, Cayman Brac groundCyclura nubila caymanensis West
 Indies-Cayman Islands.....doT129NANA
 Iguana, Cuban groundCyclura nubila nubila Cuba.....doT129NANA
 Iguana, Exuma IslandCyclura cyclura figginsi West
 Indies-Bahamas.....doT129NANA
 Iguana, Fiji bandedBrachylophus fasciatus Pacific-Fiji,
 Tonga.....doE88NANA
 Iguana, Fiji crestedBrachylophus vitiensis
 Pacific-Fiji.....doE88NANA
 Iguana, Grand Cayman groundCyclura nubila lewisi West Indies-Cayman
 Islands.....doE129NANA
 Iguana, JamaicanCyclura collei West Indies-Jamaica.....doE129NANA
 Iguana, MayaguanaCyclura carinata bartschi West
 Indies-Bahamas.....doT129NANA
 Iguana, Mona groundCyclura stejnegeri U.S.A. (PR-Mona
 Island).....doT3317.95(c)NA
 Iguana, Turks and CaicosCyclura carinata carinata West Indies-Turks
 and Caicos Islands.....doT129NANA
 Iguana, Watling Island groundCyclura rileyi rileyi West
 Indies-Bahamas.....doE129NANA
 Iguana, White Cay groundCyclura rileyi cristata
do.....doT129NANA
 Lizard, blunt-nosed leopardGambelia silus U.S.A. (CA).....doE1NANA
 Lizard, Coachella Valley fringe-toedUma inornata
do.....doT10517.95(c)NA
 Lizard, Hierro giantGallotia simonyi simonyi Spain (Canary
 Islands).....doE144NANA
 Lizard, Ibiza wallPodarcis pityusensis Spain (Balearic
 Islands).....doT144NANA
 Lizard, Island nightXantusia riversiana U.S.A. (CA).....doT26NANA
 Lizard, Maria Island groundCnemidophorus vanzoi West Indies-St.
 Lucia (Maria Islands).....doE443NANA
 Lizard, St. Croix groundAmeiva polops U.S.A.
 (VI).....doE2417.95(c)NA
 Monitor, desertVaranus griseus North Africa to Aral Sea, through
 Central Asia to Pakistan, Northwest India.....doE15NANA
 Monitor, Indian (=Bengal)Varanus bengalensis Iran, Iraq, India, Sri
 Lanka, Malaysia, Afghanistan, Burma, Vietnam,

Thailand.....doE15NANA

Monitor, Komodo Island *Varanus komodoensis* Indonesia (Komodo, Rintja, Padar, and western Flores Island).....doE15NANA

Monitor, yellow *Varanus flavescens* West Pakistan through India to Bangladesh.....doE15NANA

Python, Indian *Python molurus molurus* Sri Lanka and India.....doE15NANA

Rattlesnake, Aruba Island *Crotalus unicolor* Aruba Island (Netherland Antilles).....doT129NANA

Rattlesnake, New Mexican ridge-nosed *Crotalus willardi obscurus* U.S.A. (AZ, NM), Mexico.....doT4317.95(c)NA

Sea turtle, green *Chelonia mydas* Circumglobal in tropical and temperate seas and oceans Breeding colony populations in FL and on Pacific coast of Mexico E42NA224.104

Do.....do.....do Wherever found except where listed as endangered T42226.20817.42(b), 223.205, 223.206, 223.207

Sea turtle, hawksbill *Eretmochelys imbricata* Tropical seas Entire E317.95(c), 226.209224.104

Sea turtle, Kemp's ridley *Lepidochelys kempii* Tropical and temperate seas in Atlantic Basin, incl. Gulf of Mexico.....doE4NA224.104

Sea turtle, leatherback *Dermochelys coriacea* Tropical, temperate, and subpolar seas.....doE317.95(c), 226.207224.104

Sea turtle, loggerhead *Caretta caretta* Circumglobal in tropical and temperate seas and oceans.....doT42NA17.42(b), 223.205, 223.206, 223.207

Sea turtle, olive ridley *Lepidochelys olivacea* Circumglobal in tropical and temperate seas Wherever found except where listed as endangered below T42NA17.42(b), 223.205, 223.206, 223.207

Do.....do.....do Breeding colony populations on Pacific coast of Mexico E42NA224.104

Skink, bluetail mole *Eumeces egregius lividus* U.S.A. (FL) Entire T299NA17.42(d)

Skink, Round Island *Leiolopisma telfairi* Indian Ocean-Mauritius.....doT129NANA

Skink, sand *Neoseps reynoldsi* U.S.A. (FL).....doT299NA17.42(d)

Snake, Atlantic salt marsh *Nerodia clarkii taeniata*do.....doT30NANA

Snake, Concho water *Nerodia paucimaculata* U.S.A. (TX).....doT24117.95(c)NA

Snake, copperbelly water *Nerodia erythrogaster neglecta* U.S.A. (IL, IN, KY, MI, OH) IN north of 40° N. Lat., MI, OHT607NANA

Snake, eastern indigo *Drymarchon corais couperi* U.S.A. (AL, FL, GA, MS, SC) Entire T32NANA

Snake, giant garter *Thamnophis gigas* U.S.A. (CA).....doT522NANA

Snake, Lake Erie water *Nerodia sipedon insularum* U.S.A. (OH), Canada (Ont.) Lake Erie offshore islands and their adjacent waters (located more than 1 mile from mainland)-U.S.A. (OH), Canada (Ont.) T665NANA

Snake, Maria Island *Liophus ornatus* West Indies-St. Lucia (Maria Islands) Entire E443NANA

Snake, San Francisco garter *Thamnophis sirtalis tetrataenia* U.S.A. (CA).....doE1NANA

Tartaruga *Podocnemis expansa* South America-Orinoco R. and Amazon R. basins.....doE3NANA

Terrapin, river *Batagur baska* Malaysia, Bangladesh, Burma, India, Indonesia.....doE3NANA

Tomistoma *Tomistoma schlegelii* Malaysia, Indonesia.....doE15NANA

Tortoise, angulated *Geochelone yniphora* Malagasy Republic

(=Madagascar).....doE15NANA
Tortoise, BolsonGopherus flavomarginatus Mexico.....doE46NANA
Tortoise, desertGopherus agassizii U.S.A. (AZ, CA, NV, UT),
MexicoEntire, except AZ south and east of Colorado R., and
MexicoT103, 357E, 37817.95(c)NA
Do.....do.....doAZ south and east of Colorado R., and Mexico,
when found outside of Mexico or said range in AZT(S/A)378NA17.42(e)
Tortoise, GalapagosGeochelone nigra (=elephantopus) Ecuador
(Galapagos Islands)EntireE3NANA
Tortoise, gopherGopherus polyphemus U.S.A. (AL, FL, GA, LA, MS,
SC)Wherever found west of Mobile and Tombigbee Rivers in AL, MS, and
LAT281NANA
Tortoise, Madagascar radiatedGeochelone radiata Malagasy Republic
(=Madagascar)EntireE3NANA
TracajaPodocnemis unifilis South America—Orinoco R. and Amazon R.
basins.....doE3NANA
TuataraSphenodon punctatus New Zealand.....doE3, 630NANA
Tuatara, Brother's IslandSphenodon guntheri New Zealand (N.
Brother's Island).....doE3, 630NANA
Turtle, Alabama redbellyPseudemys alabamensis U.S.A.
(AL).....doE278NANA
Turtle, aquatic boxTerrapene coahuila Mexico.....doE6NANA
Turtle, black softshellTrionyx nigricans Bangladesh.....doE15NANA
Turtle, bog (=Muhlenberg)Clemmys muhlenbergii U.S.A. (CT, DE, GA,
MA, MD, NC, NJ, NY, PA, SC, TN, VA)Entire, except GA, NC, SC, TN,
VAT626NANA
Do.....do.....doU.S.A. (GA, NC, SC, TN, VA)T(S/A)626NA17.42(f)
Turtle, Brazilian sideneckPhrynops hoguei BrazilEntireE443NANA
Turtle, Burmese peacockMorenia ocellata Burma.....doE15NANA
Turtle, Cat IslandTrachemys terrapen West Indies—Jamaica, BahamasCat
Island in the BahamasE443NANA
Turtle, Central American riverDermatemys mawii Mexico, Belize,
GuatemalaEntireE129NANA
Turtle, Cuatro Ciénegas softshellTrionyx ater Mexico.....doE15NANA
Turtle, flattened muskSternotherus depressus U.S.A. (AL)Black
Warrior R. system upstream from Bankhead DamT272NANA
Turtle, geometricPsammobates geometricus South AfricaEntireE15NANA
Turtle, Inagua IslandTrachemys stejnegeri malonei West
Indies—Bahamas (Great Inagua Island).....doE443NANA
Turtle, Indian sawbackKachuga tecta tecta India.....doE15NANA
Turtle, Indian softshellTrionyx gangeticus Pakistan,
India.....doE15NANA
Turtle, peacock softshellTrionyx hurum India,
Bangladesh.....doE15NANA
Turtle, Plymouth redbellyPseudemys rubriventris bangsi U.S.A.
(MA).....doE9017.95(c)NA
Turtle, ringed mapGraptemys oculifera U.S.A. (LA,
MS).....doT250NANA
Turtle, short-necked or western swampPseudemydura umbrina
Australia.....doE3NANA
Turtle, South American red-linedTrachemys scripta callirostris
Colombia, Venezuela.....doE443NANA
Turtle, spotted pondGeoclemys hamiltonii North India,
Pakistan.....doE15NANA
Turtle, three-keeled AsianMelanochelys tricarinata Central India to
Bangladesh and Burma.....doE15NANA
Turtle, yellow-blotched mapGraptemys flavimaculata U.S.A.

(MS).....doT416NANA
Viper, Lar Valley *Vipera latifii* Iran.....doE129NANA
Whipsnake, Alameda (=striped racer) *Masticophis lateralis euryxanthus*
U.S.A. (CA).....doT62817.95(c)NA
Amphibians
Coqui, golden *Eleutherodactylus jasperi* U.S.A.
(PR).....doT2917.95(d)NA
Frog, California red-legged *Rana aurora draytonii* U.S.A. (CA),
Mexico.....doT58317.95(d)17.43
Frog, Chiricahua leopard *Rana chiricahuensis* U.S.A. (AZ, NM),
Mexico.....doT726NA§17.43(b)
Frog, Goliath *Conraua goliath* Cameroon, Equatorial Guinea,
Gabon.....doT566NANA
Frog, Israel painted *Discoglossus nigriventer* Israel.....doE3NANA
Frog, Mississippi gopher *Rana capitol sevosa* U.S.A. (AL, FL, LA,
MS) Wherever found west of Mobile and Tombigbee Rivers in AL, MS, and
LA E718NANA
Frog, mountain yellow-legged (southern California DPS) *Rana muscosa*
U.S.A. (California, Nevada) U.S.A., southern California E72817.95(d)NA
Frog, Panamanian golden *Atelopus varius zeteki* Panama Entire E15NANA
Frog, Stephen Island *Leiopelma hamiltoni* New Zealand.....doE3NANA
Guajón *Eleutherodactylus cooki* U.S.A. (PR).....doT617NANA
Salamander, Barton Springs *Eurycea sosorum* U.S.A.
(TX).....doE612NANA
Salamander, California tiger *Ambystoma californiense* U.S.A.
(CA) U.S.A. (CA-California) T667E, 702, 744 17.95(d)17.43(c)
Salamander, Cheat Mountain *Plethodon nettingi* U.S.A.
(WV) Entire T358NANA
Salamander, Chinese giant *Andrias davidianus* (=davidianus d.) Western
China.....doE15NANA
Salamander, desert slender *Batrachoseps aridus* U.S.A.
(CA).....doE6NANA
Salamander, flatwoods *Ambystoma cingulatum* U.S.A. (AL, FL, GA,
SC).....doT658NANA
Salamander, Japanese giant *Andrias japonicus* (=davidianus j.)
Japan.....doE15NANA
Salamander, Red Hills *Phaeognathus hubrichti* U.S.A.
(AL).....doT19NANA
Salamander, San Marcos *Eurycea nana* U.S.A.
(TX).....doT9817.95(d)17.43(a)
Salamander, Santa Cruz long-toed *Ambystoma macrodactylum croceum*
U.S.A. (CA).....doE1NANA
Salamander, Shenandoah *Plethodon shenandoah* U.S.A.
(VA).....doE358NANA
Salamander, Sonoran tiger *Ambystoma tigrinum stebbinsi* U.S.A. (AZ),
Mexico.....doE600NANA
Salamander, Texas blind *Typhlomolge rathbuni* U.S.A.
(TX).....doE1NANA
Toad, arroyo (=arroyo southwestern) *Bufo californicus* U.S.A. (CA),
Mexico.....doE56817.95(d)NA
Toad, Cameroon *Bufo superciliaris* Equatorial Africa.....doE15NANA
Toad, Houston *Bufo houstonensis* U.S.A. (TX).....doE217.95(d)NA
Toad, Monte Verde golden *Bufo periglenes* Costa Rica.....doE15NANA
Toad, Puerto Rican crested *Peltophryne lemur* U.S.A. (PR), British
Virgin Islands.....doT283NANA
Toad, Wyoming *Bufo hemiophrys baxteri* U.S.A. (WY).....doE138NANA
Toads, African viviparous *Nectophrynoides* spp. Tanzania, Guinea, Ivory

Coast, Cameroon, Liberia, Ethiopia.....doE15NANA
Fishes
Ala Balik (trout)Salmo platycephalus Turkey.....doE3NANA
Ayumodoki (loach)Hymenophysa curta Japan.....doE3NANA
Blindcat, Mexican (catfish)Prietella phreatophila
Mexico.....doE3NANA
Bonytongue, AsianScleropages formosus Thailand, Indonesia,
Malaysia.....doE15NANA
CatfishPangasius sanitwongsei Thailand.....doE3NANA
Catfish, Thailand giantPangasianodon gigasdo.....doE3NANA
Catfish, YaquiIctalurus pricei U.S.A. (AZ),
Mexico.....doT15717.95(e)17.44(h)
Cavefish, AlabamaSpeoplatyrhinus poulsoni U.S.A. (AL).....doE28,
32817.95(e)NA
Cavefish, OzarkAmblyopsis rosae U.S.A. (AR, MO, OK).....doT164NANA
Chub, bonytailGila elegans U.S.A. (AZ, CA, CO, NV, UT,
WY).....doE9217.95(e)NA
Chub, Borax LakeGila boraxobius U.S.A. (OR).....doE94E,
12417.95(e)NA
Chub, ChihuahuaGila nigrescens U.S.A. (NM), Mexico
(Chihuahua).....doT132NA17.44(g)
Chub, GilaGila intermedia U.S.A. (AZ, NM),
Mexico.....doE75517.95(e)NA
Chub, humpbackGila cypha U.S.A. (AZ, CO, UT, WY).....doE117.95(e)NA
Chub, Hutton tuiGila bicolor ssp. U.S.A. (OR).....doT174NA17.44(j)
Chub, Mohave tuiGila bicolor mohavensis U.S.A. (CA).....doE2NANA
Chub, OregonOregonichthys crameri U.S.A. (OR).....doE520NANA
Chub, Owens tuiGila bicolor snyderi U.S.A.
(CA).....doE19517.95(e)NA
Chub, Pahrangat roundtailGila robusta jordani U.S.A.
(NV).....doE2NANA
Chub, slenderErimystax cahni U.S.A. (TN,
VA).....doT2817.95(e)17.44(c)
Chub, SonoraGila ditaenia U.S.A. (AZ),
Mexico.....doT22717.95(e)17.44(o)
Chub, spotfin (=turquoise shiner)Erimonax monachus U.S.A. (AL, GA,
NC, TN, VA)Entire, except where listed as an experimental
populationT28, 73217.95(e)17.44(c)
Do.....do.....doTellico River, from the backwaters of the
Tellico Reservoir (about Tellico River mile 19 (30 km)) upstream to
Tellico River mile 33 (53 km), in Monroe County, TNXN732NA17.84(m)
Do.....do.....doShoal 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 reachXN747NA17.84(o)
Chub, Virgin RiverGila robusta semidnuda U.S.A. (AZ, NV,
UT)EntireE36117.95(e)NA
Chub, YaquiGila purpurea U.S.A. (AZ), Mexico.....doE15717.95(e)NA
Cicek (minnow)Acanthorutilus handlirschi Turkey.....doE3NANA
Cui-uiChasmistes cujus U.S.A. (NV).....doE1NANA
Dace, Ash Meadows speckledRhinichthys osculus nevadensis
.....do.....doE117E, 127E, 13017.95(e)NA
Dace, blacksidePhoxinus cumberlandensis U.S.A. (KY,
TN).....doT273NANA
Dace, Clover Valley speckledRhinichthys osculus oligoporus U.S.A.
(NV).....doE370NANA

Dace, desertEremichthys acrosdo.....doT1, 2D,
21017.95(e)17.44(m)
Dace, Foskett speckledRhinichthys osculus ssp.U.S.A.
(OR).....doT174NA17.44(j)
Dace, Independence Valley speckledRhinichthys osculus lethoporus
U.S.A. (NV).....doE370, 372NANA
Dace, Kendall Warm SpringsRhinichthys osculus thermalis U.S.A.
(WY).....doE2NANA
Dace, MoapaMoapa coriacea U.S.A. (NV).....doE1NANA
Darter, amberPercina antesella U.S.A. (AL, GA,
TN).....doE19617.95(e)NA
Darter, bayouEtheostoma rubrum U.S.A. (MS).....doT10NA17.44(b)
Darter, bluemaskEtheostoma sp.U.S.A. (TN).....doE525NANA
Darter, boulderEtheostoma wapiti U.S.A. (AL, TN)Entire, except where
listed as an experimental populationE322NANA
Do.....do.....doShoal 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 reachXN747NA17.84(o)
Darter, CherokeeEtheostoma scotti U.S.A. (GA)EntireT569NANA
Darter, duskytailEtheostoma percnurum U.S.A. (TN, VA)Entire, except
where listed as an experimental populationE502, 732NANA
Do.....do.....doTellico River, from the backwaters of the
Tellico Reservoir (about Tellico River mile 19 [30.4 km]) upstream
to Tellico River mile 33 (52.8 km), in Monroe County,
TNXN732NA17.84(m)
Darter, EtowahEtheostoma etowahae U.S.A. (GA)EntireE569NANA
Darter, fountainEtheostoma fonticola U.S.A. (TX).....doE217.95(e)NA
Darter, goldlinePercina aurolineata U.S.A. (AL, GA,
TN).....doT462NANA
Darter, leopardPercina pantherina U.S.A. (AR,
OK).....doT3117.95(e)17.44(d)
Darter, MarylandEtheostoma sellare U.S.A. (MD).....doE117.95(e)NA
Darter, NianguaEtheostoma nianguae U.S.A.
(MO).....doT18517.95(e)17.44(k)
Darter, OkaloosaEtheostoma okaloosae U.S.A. (FL).....doE6NANA
Darter, relictEtheostoma chienense U.S.A. (KY).....doE525NANA
Darter, slackwaterEtheostoma boschungii U.S.A. (AL,
TN).....doT2817.95(e)17.44(c)
Darter, snailPercina tanasi U.S.A. (AL, GA, TN).....doT12, 150NANA
Darter vermilionEtheostoma chermockii U.S.A. (AL).....doE715NANA
Darter, watercressEtheostoma nuchaledo.....doE2NANA
Gambusia, Big BendGambusia gaigei U.S.A. (TX).....doE1NANA
Gambusia, Clear CreekGambusia heterochirdo.....doE1NANA
Gambusia, PecosGambusia nobilis U.S.A. (NM, TX).....doE2NANA
Gambusia, San MarcosGambusia georgei U.S.A.
(TX).....doE9817.95(e)NA
Goby, tidewaterEucyclogobius newberryi U.S.A.
(CA).....doE52717.95(e)NA
Logperch, ConasaugaPercina jenkinsi U.S.A. (GA,
TN).....doE19617.95(e)NA
Logperch, RoanokePercina rex U.S.A. (VA).....doE359NANA
Madtom, NeoshoNoturus placidus U.S.A. (KS, MO, OK).....doT388NANA
Madtom, pygmyNoturus stanauli U.S.A. (TN).....doE502NANA
Madtom, SciotoNoturus trautmani U.S.A. (OH).....doE10NANA
Madtom, smokyNoturus baileyi U.S.A. (TN)Entire, except where listed

as an experimental populationE163, 73217.95(e)NA

Do.....do.....doTellico River, from the backwaters of the Tellico Reservoir (about Tellico River mile 19 [30.4 km]) upstream to Tellico River mile 33 (52.8 km), in Monroe County, TNXN732NA17.84(m)

Madtom, yellowfinNoturus flavipinnis U.S.A. (TN, VA)Entire, except where listed as an experimental populationT28, 317, 73217.95(e)17.44(c)

Do.....do.....doN. Fork Holston River Watershed, VA, TN; S. Fork Holston R., up-stream to Ft. Patrick Henry Dam, TN; Holston R. down-stream to John Sevier Detention Lake Dam, TN; and all tributaries theretoXN317NA17.84(e)

Do.....do.....doTellico River, from the backwaters of the Tellico Reservoir (about Tellico River mile 19 [30.4 km]) upstream to Tellico River mile 33 (52.8 km), in Monroe County, TNXN732NA17.84(e)

Minnow, Devils RiverDionda diaboli U.S.A. (TX), MexicoEntireT669NANA

Minnow, loachRhinichthys cobitis U.S.A. (AZ, NM), Mexico.....doT24717.95(e)17.44(q)

Minnow, Rio Grande silveryHybognathus amarus U.S.A. (NM, TX), Mexico.....doE54317.95(e)NA

Nekogigi (catfish)Coreobagrus ichikawai Japan.....doE3NANA

Pikeminnow (=squawfish), ColoradoPtychocheilus lucius U.S.A. (AZ, CA, CO, NM, NV, UT, WY), MexicoEntire, except Salt and Verde R. drainages, AZE1, 19317.95(e)NA

Do.....do.....doSalt and Verde R. drainages, AZXN193NA17.84(b)

Poolfish, PahumpEmpetrichthys latos U.S.A. (NV)EntireE1NANA

Pupfish, Ash Meadows AmargosaCyprinodon nevadensis mionectesdo.....doE117E, 127E, 13017.95(e)NA

Pupfish, Comanche SpringsCyprinodon elegans U.S.A.

(TX).....doE1NANA

Pupfish, desertCyprinodon macularius U.S.A. (AZ, CA)

Mexico.....doE22217.95(e)NA

Pupfish, Devils HoleCyprinodon diabolis U.S.A. (NV).....doE1NANA

Pupfish, Leon SpringsCyprinodon bovinus U.S.A.

(TX).....doE10217.95(e)NA

Pupfish, OwensCyprinodon radiosus U.S.A. (CA).....doE1NANA

Pupfish, Warm SpringsCyprinodon nevadensis pectoralis U.S.A.

(NV).....doE2NANA

Salmon, AtlanticSalmo salar U.S.A., Canada, Greenland, western EuropeU.S.A., ME Gulf of Maine Atlantic Salmon Distinct Population Segment, which includes all naturally reproducing wild populations and those river-specific hatchery populations of Atlantic salmon having historical, river-specific characteristics found north of and including tributaries of the lower Kennebec River to, but not including, the mouth of the St. Croix River at the U.S.-Canada border. To date, the Services have determined that these populations are found in the Dennys, East Machias, Machias, Pleasant, Narraguagus, Sheepscot, and Ducktrap Rivers and in Cove Brook, Maine.E705NANA

Salmon, chinookOncorhynchus (=Salmo) tshawytscha North America from Ventura R. in California to Point Hope, Alaska, and the Mackenzie R. area in Canada; Northeast Asia from Hokkaido, Japan, to the Anadyr R., RussiaSacramento R. (U.S.A.-CA) winter run, wherever foundE383E, 407, 534226.204NA

Do.....do.....doSnake R. (U.S.A.-ID, OR, WA) mainstem and the following subbasins-Tucannon R., Grande Ronde R., Imnaha R., Salmon

R, and Clearwater R.; fall run, natural population(s), wherever foundT516, 557E226.205NA

Do.....do.....doSnake R. (U.S.A.—ID,OR,WA) mainstem and the following subbasins—Tucannon R., Grande Ronde R., Imnaha R., and Salmon R.; spring/summer run, natural population(s), wherever foundT516, 557E226.205NA

Do.....do.....doU.S.A.(OR, WA) all naturally spawned populations from the Columbia R. and its tributaries upstream from its mouth to a point east of the Hood R. and White Salmon R. to Willamette Falls in Oregon, excluding the spring run in the Clackamas R.T664226.212223.203

Do.....do.....doU.S.A.(WA) all naturally spawned populations in the Columbia R. tributaries upstream of Rock Island Dam and downstream of Chief Joseph Dam, excluding the Okanogan R., and the Columbia R. from a line between the west end of Clatsop jetty, OR, and the west end of Peacock jetty, WA, upstream to Chief Joseph Dam, including spring-run hatchery stocks (and their progeny) in Chiwawa R., Methow R., Twisp R., Chewuch R., White R. and Nason CreekT664226.212NA

Do.....do.....doU.S.A.(CA) from Redwood Creek south to Russian R., inclusive, all naturally spawned populations in mainstems and tributariesT674226.212NA

Do.....do.....doU.S.A.(CA) all naturally spawned spring-run populations from the Sacramento San Joaquin R. mainstem and its tributariesT674226.212NA

Do.....do.....doU.S.A.(OR) all naturally spawned populations in the Clackamas R. and the Willamette R. and its tributaries above Willamette FallsT664226.212223.203

Do.....do.....doU.S.A.(WA) all naturally spawned populations from rivers and streams flowing into Puget Sound, including the Straits of Juan De Fuca from the Elwha R. eastward, and Hood Canal, South Sound, North Sound and the Strait of GeorgiaT664226.212223.203 Salmon, chumOncorhynchus (=Salmo) keta North Pacific Rim from Korea and the Japanese Island of Honshu east to Monterey Bay California; Arctic Ocean from the Laptev Sea in Russia to Mackenzie R. in CanadaU.S.A. (OR, WA) all naturally spawned populations in the Columbia R. and its tributariesT664226.212223.203

Do.....do.....doU.S.A. (WA) all naturally spawned summer-run populations in Hood Canal and its tributaries and Olympic Peninsula rivers between Hood Canal and Dungeness BayT664226.212223.203 Salmon, cohoOncorhynchus (=Salmo) kisutch North Pacific Basin from U.S.A. (CA to AK) to Russia and JapanU.S.A. (CA), naturally spawning populations in streams between Punta Gorda, Humboldt Co., CA and the San Lorenzo River, Santa Cruz, Co., CAT598NANA

Do.....do.....doU.S.A. (natural populations in river basins between Cape Blanco in Curry County, OR and Punta Gorda in Humboldt Co., CA)T618226.212NA

Salmon, sockeyeOncorhynchus (=Salmo) nerka North Pacific Basin from U.S.A. (CA) to RussiaU.S.A. (Snake River, ID stock wherever found.)E455226.205NA

Do.....do.....doU.S.A. (WA) all naturally spawned populations in Ozette Lake and its tributary streamsT664226.212223.203

Sawfish, smalltoothPristis pectinata North Atlantic (Mediterranean, U.S. Atlantic and Gulf of Mexico) and the Southwest AtlanticU.S.A. (Gulf of Mexico from Texas to Florida and along the east coast from Florida to Cape Hatteras)E748NANA

Sculpin, pygmyCottus pygmaeus U.S.A. (AL)EntireT365NA17.44(u)

Shiner, Arkansas River *Notropis girardi* U.S.A. (AR, KS, NM, OK, TX) Arkansas River Basin (AR, KS, NM, OK, TX) T65317.95(e) NA

Shiner, beautiful *Cyprinella formosa* U.S.A. (AZ, NM), Mexico Entire T15717.95(e) 17.44(h)

Shiner, blue *Cyprinella caerulea* U.S.A. (AL, GA, TN)do T462 NANA

Shiner, Cahaba *Notropis cahabae* U.S.A. (AL)do E405 NANA

Shiner, Cape Fear *Notropis mekistocholas* U.S.A. (NC)do E290 17.95(e) NA

Shiner, pale zone *Notropis albizonatus*. U.S.A. (AL, KY, TN)do E502 NANA

Shiner, Pecos blunt nose *Notropis simus pecosensis* U.S.A. (NM)do T258 17.95(e) 17.44(r)

Shiner, Topeka (*Notropis topeka* = *tristis*) U.S.A. (IA, KS, MN, MO, NE, SD)do E654 17.95(e) NA

Silverside, Waccamaw *Menidia extensa* U.S.A. (NC)do T265 17.95(e) 17.44(s)

Smelt, delta *Hypomesus transpacificus* U.S.A. (CA)do T492 17.95(e) NA

Spikedace *Meda fulgida* U.S.A. (AZ, NM), Mexicodo T236 17.95(e) 17.44(p)

Spinedace, Big Spring *Lepidomeda mollispinis pratensis* U.S.A. (NV)do T173 17.95(e) 17.44(i)

Spinedace, Little Colorado *Lepidomeda vittata* U.S.A. (AZ)do T1, 2D, 287 17.95(e) 17.44(t)

Spinedace, White River *Lepidomeda albivallis* U.S.A. (NV)do E203 17.95(e) NA

Springfish, Hiko White River *Crenichthys baileyi grandis* U.S.A. (NV)do E206 17.95(e) NA

Springfish, Railroad Valley *Crenichthys nevadae*dodo T224 17.95(e) 17.44(n)

Springfish, White River *Crenichthys baileyi baileyi*dodo E206 17.95(e) NA

Steelhead *Oncorhynchus* (= *Salmo*) *mykiss* North Pacific Ocean from the Kamchatka Peninsula in Asia to the northern Baja Peninsula All naturally spawned populations (and their progeny) in rivers from the Santa Maria R., San Luis Obispo County, CA (inclusive) to Malibu Cr., Los Angeles County, CA (inclusive) E638226.212NA

Dododo All naturally spawned populations (and their progeny) in the Upper Columbia R. Basin upstream from the Yakima R., WA, to the U.S./Canada border, and also including the Wells Hatchery stock E638226.212NA

Dododo All naturally spawned populations (and their progeny) in streams from the Russian R. to Aptos Cr., Santa Cruz County, CA (inclusive), and the drainages of San Francisco and San Pablo Bays eastward to the Napa R. (inclusive), Napa County, CA, excluding the Sacramento-San Joaquin R. Basin of the Central Valley of CAT638226.212223.203

Dododo All naturally spawned populations (and their progeny) in streams from the Pajaro R. (inclusive) located in Santa Cruz County, CA, to (but not including) the Santa Maria RT638226.212223.203

Dododo All naturally spawned populations (and their progeny) in streams in the Snake R. Basin of southeast WA, northeast OR, and ID T638226.212223.203

Dododo All naturally spawned populations (and their progeny) in streams and tributaries to the Columbia R. between the Cowlitz and Wind Rivers, WA, inclusive, and the Willamette and Hood

Rivers, OR, inclusive, excluding the Upper Willamette River Basin above Willamette Falls and excluding the Little and Big White Salmon Rivers in WAT638226.212223.203

Do.....do.....doAll naturally spawned populations (and their progeny) in the Sacramento and San Joaquin Rivers and their tributaries, excluding San Francisco and San Pablo Bays and their tributariesT638226.212223.203

Do.....do.....doU.S.A. (OR, WA) All naturally spawned populations in streams above and excluding the Wind R. in Washington, and the Hood R. in Oregon, upstream to, and including, the Yakima R. Excluded are steelhead from the Snake R. Basin.T664226.212223.203

Do.....do.....doU.S.A. (OR) All naturally spawned winter-run populations in the Willamette R. and its tributaries from Willamette Falls to the Calapooia R., inclusiveT664226.212223.203

Do.....do.....doAll naturally spawned populations (and their progeny) in river basins from Redwood Creek in Humboldt County, CA, to the Gualala River, in Mendocino County, CA (inclusive)T701NANA Stickleback, unarmored threespineGasterosteus aculeatus williamsoni U.S.A. (CA)EntireE2NANA

Sturgeon, AlabamaScaphirhynchus suttkusi U.S.A. (AL, MS).....doE697NANA

Sturgeon, belugaHuso huso Azerbaijan, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Georgia, Hungary, Islamic Republic of Iran, Italy, Kazakhstan, Republic of Moldova, Romania, Russian Federation, Serbia and Montenegro, Turkey, Turkmenistan, Ukraine.....doT743NA17.44 (y)

Sturgeon, GulfAcipenser oxyrinchus (=oxyrhynchus) desotoi U.S.A. (AL, FL, GA, LA, MS).....doT44417.95(e), 226.21417.44(v)

Sturgeon, North America greenAcipenser medirostris U.S.A. (CA)U.S.A. (CA) Southern Distinct Population Segment, which includes all spawning populations south of the Eel River (exclusive), principally including the Sacramento River spawning populationT756NANA

Sturgeon, pallidScaphirhynchus albus U.S.A. (AR, IA, IL, KS, KY, LA, MO, MS, MT, ND, NE, SD, TN)EntireE399NANA

Sturgeon, shortnoseAcipenser brevirostrum U.S.A. and Canada (Atlantic Coast).....doE1NANA

Sturgeon, whiteAcipenser transmontanus U.S.A. (AK, CA, ID, MT, OR, WA), Canada (BC)U.S.A. (ID, MT), Canada (BC), (Kootenai R. system)E54917.95(e)NA

Sucker, JuneChasmistes liorus U.S.A. (UT)EntireE22317.95(e)NA

Sucker, Lost RiverDeltistes luxatus U.S.A. (CA, OR).....doE313NANA

Sucker, ModocCatostomus microps U.S.A. (CA).....doE18417.95(e)NA

Sucker, razorbackXyrauchen texanus U.S.A. (AZ, CA, CO, NM, NV, UT, WY), Mexico.....doE44717.95(e)NA

Sucker, Santa Ana(Catostomus santaanae)U.S.A. (CA)Los Angeles River basin, San Gabriel River basin, Santa Ana River basinT69417.95(e)NA

Sucker, shortnoseChasmistes brevirostris U.S.A. (CA, OR)EntireE313NANA

Sucker, WarnerCatostomus warnerensis U.S.A. (OR).....doT20517.95(e)17.44(1)

Tango, Miyako (Tokyo bitterling)Tanakia tanago Japan.....doE3NANA

Temoleh, Ikan (minnow)Probarbus jullieni Thailand, Cambodia, Vietnam, Malaysia, Laos.....doE15NANA

Topminnow, Gila (incl. Yaqui)Poeciliopsis occidentalis U.S.A. (AZ, NM), MexicoU.S.A. onlyE1NANA

Totoaba (seatrout or weakfish)*Cynoscion macdonaldi* Mexico (Gulf of California)EntireE48NANA

Trout, Apache*Oncorhynchus apache* U.S.A. (AZ).....doT1, 8NA17.44(a)

Trout, bull*Salvelinus confluentus* U.S.A. (AK, Pacific NW into CA, ID, NV, MT), Canada (NW Territories)U.S.A, coterminous (lower 48 states)T637, 639E, 659, 67017.95(e)17.44(w), 17.44(x)

Trout, Gila*Oncorhynchus gilae* U.S.A. (AZ, NM)EntireT1, 757NA17.44(z)

Trout, greenback cutthroat*Oncorhynchus clarki stomias* U.S.A. (CO).....doT1, 38NA17.44(f)

Trout, Lahontan cutthroat*Oncorhynchus clarki henshawi* U.S.A. (CA, NV, OR, UT).....doT2, 8NA17.44(a)

Trout, Little Kern golden*Oncorhynchus aguabonita whitei* U.S.A. (CA).....doT3717.95(e)17.44(e)

Trout, Paiute cutthroat*Oncorhynchus clarki seleniris*do.....doT1, 8NA17.44(a)

Woundfin*Plagopterus argentissimus* U.S.A. (AZ, NV, UT)Entire, except Gila R. drainage, AZ, NME2, 19317.95(e)NA
Do.....do.....doGila R. drainage, AZ, NMXN193NA17.84(b)

Clams

Abalone, white*Haliotis sorenseni* North America (West coast from Point Conception, CA, U.S.A., to Punta Abreojos, Baja California, Mexico)NAE748NANA

Acornshell, southern*Epioblasma othcaloogensis* U.S.A. (AL, GA, TN)NAE49517.95 (f)NA

Bankclimber, purple (mussel)*Elliptoideus sloatianus* U.S.A. (AL, GA, FL)EntireT633NANA

Bean, Cumberland (pearlymussel)*Villosa trabalis* U.S.A. (AL, KY, TN, VA)NAE15NANA
Do.....do.....doU.S.A. (AL—The free-flowing reach of the Tennessee R. from the base of Wilson Dam downstream to the backwaters of Pickwick Reservoir [about 12 RM (19 km)] and the lower 5 RM [8 km] of all tributaries to this reach in Colbert and Lauderdale Cos., see 17.85(a))XN709NA17.85(a)

Bean, Purple*Villosa perpurpurea* U.S.A. (TN, VA)NAE60217.95 (f)NA

Blossom, green (pearlymussel)*Epioblasma torulosa gubernaculum*doEntireE15NANA

Blossom, tuberoled (pearlmyussel)*Epioblasma torulosa torulosa* U.S.A. (AL, IL, IN, KY, TN, WV)NAE15NANA
Do.....do.....doU.S.A. (AL—The free-flowing reach of the Tennessee R. from the base of Wilson Dam downstream to the backwaters of Pickwick Reservoir [about 12 RM (19 km)] and the lower 5 RM [8 km] of all tributaries to this reach in Colbert and Lauderdale Cos., see 17.85(a))XN709NA17.85(a)

Blossom, turgid (pearlymussel)*Epioblasma turgidula* U.S.A. (AL, TN)NAE15NANA
Do.....do.....doU.S.A. (AL—The free-flowing reach of the Tennessee R. from the base of Wilson Dam downstream to the backwaters of Pickwick Reservoir [about 12 RM (19 km)] and the lower 5 RM [8 km] of all tributaries to this reach in Colbert and Lauderdale Cos., see 17.85(a))XN709NA17.85(a)

Blossom, yellow (pearlymussel)*Epioblasma florentina florentina*doNAE15NANA
Do.....do.....doU.S.A. (AL—The free-flowing reach of the Tennessee R. from the base of Wilson Dam downstream to the backwaters of Pickwick Reservoir [about 12 RM (19 km)] and the lower 5 RM [8 km] of all tributaries to this reach in Colbert and Lauderdale Cos., see 17.85(a))XN709NA17.85(a)

Catspaw, (=purple cat's paw pearlymussel)*Epioblasma* U.S.A. (AL, IL, IN, KY, OH, TN)NAE394NANA
Do.....do.....doU.S.A. (AL—The free-flowing reach of the Tennessee R. from the base of Wilson Dam downstream to the backwaters of Pickwick Reservoir [about 12 RM (19 km)] and the lower 5 RM [8 km] of all tributaries to this reach in Colbert and Lauderdale Cos., see 17.85(a))XN709NA17.85(a)
Catspaw, white (pearlymussel)*Epioblasma obliquata perobliqua* U.S.A. (IN, MI, OH)EntireE15NANA
Clubshell*Pleurobema clava* U.S.A. (AL, IL, IN, KY, MI, OH, PA, TN, WV)NAE488NANA
Do.....do.....doU.S.A. (AL—The free-flowing reach of the Tennessee R. from the base of Wilson Dam downstream to the backwaters of Pickwick Reservoir [about 12 RM (19 km)] and the lower 5 RM [8 km] of all tributaries to this reach in Colbert and Lauderdale Cos., see 17.85(a))XN709NA17.85(a)
Clubshell, black*Pleurobema curtum* U.S.A. (AL, MS)EntireE262NANA
Clubshell, ovate*Pleurobema perovatum* U.S.A. (AL, TN, GA, MS)NAE49517.95 (f)NA
Clubshell, southern*Pleurobema decisum*doNAE49517.95 (f)NA
Combshell, Cumberlandian*Epioblasma brevidens* U.S.A. (AL, KY, MS, TN, VA)NAE60217.95 (f)NA
Combshell, southern*Epioblasma* (=Dysnomia) *penita* U.S.A. (AL, MS)EntireE262NANA
Combshell, upland*Epioblasma metastriata* U.S.A. (AL, GA, TN)NAE49517.95 (f)NA
Elktoe, Appalachian*Alasmidonta raveneliana* U.S.A. (NC, TN)EntireE56317.95(f)NA
Elktoe, Cumberland*Alasmidonta atropurpurea* U.S.A. (KY, TN)NAE60217.95(f)NA
Fanshell*Cyprogenia stegaria* (=irrorata) U.S.A. (AL, IL, IN, KY, OH, PA, TN, VA, WV)EntireE391NANA
Fatmucket, Arkansas*Lampsilis powelli* U.S.A. (AR).....doT382NANA
Heelsplitter, Alabama (=inflated)*Potamilus inflatus* U.S.A. (AL, LA, MS).....doT404NANA
Heelsplitter, Carolina*Lasmigona decorata* U.S.A. (NC, SC).....doE50517.95(f)NA
Higgins eye (pearlymussel)*Lampsilis higginsii* U.S.A. (IA, IL, MN, MO, NE, WI).....doE15NANA
Kidneyshell, triangular*Ptychobranthus greenii* U.S.A. (AL, GA, TN)NAE49517.95 (f)NA
Lampmussel, Alabama*Lampsilis virescens* U.S.A. (AL, TN)NAE15NANA
Do.....do.....doU.S.A. (AL—The free-flowing reach of the Tennessee R. from the base of Wilson Dam downstream to the backwaters of Pickwick Reservoir [about 12 RM (19 km)] and the lower 5 RM [8 km] of all tributaries to this reach in Colbert and Lauderdale Cos., see 17.85(a))XN709NA17.85(a)
Lilliput, pale (pearlymussel)*Toxolasma cylindrellus*doEntireE15NANA
Mapleleaf, winged (mussel)*Quadrula fragosa* U.S.A. (AL, IA, IL, IN, KY, MN, MO, NE, OH, OK, TN, WI)NAE426NANA
Do.....do.....doU.S.A. (AL—The free-flowing reach of the Tennessee R. from the base of Wilson Dam downstream to the backwaters of Pickwick Reservoir [about 12 RM (19 km)] and the lower 5 RM [8 km] of all tributaries to this reach in Colbert and Lauderdale Cos., see 17.85(a))XN709NA17.85(a)
Moccasinshell, Alabama*Medionidus acutissimus* U.S.A. (AL, GA,

MS)NAT49517.95 (f)NA
Moccasinshell, Coosa*Medionidus parvulus* U.S.A. (AL, GA,
TN)NAE49517.95 (f)NA
Moccasinshell, Gulf*Medionidus penicillatus* U.S.A. (AL, FL,
GA)EntireE633NANA
Moccasinshell, Ochlockonee*Medionidus simpsonianus* U.S.A. (FL,
GA).....doE633NANA
Monkeyface, Appalachian (pearlymussel)*Quadrula sparsa* U.S.A. (TN,
VA).....doE15NANA
Monkeyface, Cumberland (pearlymussel)*Quadrula intermedia* U.S.A. (AL,
TN, VA)NAE15NANA
Do.....do.....doU.S.A. (AL—The free-flowing reach of the Tennessee
R. from the base of Wilson Dam downstream to the backwaters of
Pickwick Reservoir [about 12 RM (19 km)] and the lower 5 RM [8 km]
of all tributaries to this reach in Colbert and Lauderdale Cos., see
17.85(a))XN709NA17.85(a)
Mucket, orange-nacre*Lampsilis perovalis* U.S.A. (AL, MS)NAT49517.95
(f)NA
Mucket, pink (pearlymussel)*Lampsilis abrupta* U.S.A. (AL, AR, IL, IN,
KY, LA, MO, OH, PA, TN, VA, WV)EntireE15NANA
Mussel, oyster*Epioblasma capsaeformis* U.S.A. (AL, GA, KY, MS, NC,
TN, VA)NAE60217.95(f)NA
Mussel, scaleshell*Leptodea leptodon* U.S.A. (AL, AR, IA, IL, IN, KY,
MN, MO, OH, OK, SD, TN, WI)NAE714NANA
Pearlshell, Louisiana*Margaritifera hembeli* U.S.A. (LA)EntireT304,
518NANA
Pearlymussel, birdwing*Conradilla caelata* U.S.A. (AL, TN,
VA)NAE15NANA
Do.....do.....doU.S.A. (AL—The free-flowing reach of the Tennessee
R. from the base of Wilson Dam downstream to the backwaters of
Pickwick Reservoir [about 12 RM (19 km)] and the lower 5 RM [8 km]
of all tributaries to this reach in Colbert and Lauderdale Cos., see
17.85(a))XN709NA17.85(a)
Pearlymussel, cracking*Hemistena lata* U.S.A. (AL, IL, IN, KY, OH, TN,
VA)NAE366NANA
Do.....do.....doU.S.A. (AL—The free-flowing reach of the Tennessee
R. from the base of Wilson Dam downstream to the backwaters of
Pickwick Reservoir [about 12 RM (19 km)] and the lower 5 RM [8 km]
of all tributaries to this reach in Colbert and Lauderdale Cos., see
17.85(a))XN709NA17.85(a)
Pearlymussel, Curtis*Epioblasma florentina curtisii* U.S.A. (AR,
MO)EntireE15NANA
Pearlymussel, dromedary*Dromus dromas* U.S.A. (AL, KY, TN,
VA)NAE15NANA
Do.....do.....doU.S.A. (AL—The free-flowing reach of the Tennessee
R. from the base of Wilson Dam downstream to the backwaters of
Pickwick Reservoir [about 12 RM (19 km)] and the lower 5 RM [8 km]
of all tributaries to this reach in Colbert and Lauderdale Cos., see
17.85(a))XN709NA17.85(a)
Pearlymussel, little-wing*Pegias fabula* U.S.A. (AL, KY, NC, TN,
VA)EntireE342NANA
Pearlymussel, Nicklin's*Megaloniais nicklineana* Mexico.....doE15NANA
Pearlymussel, Tampico*Cyrtonaias tampicoensis tecomatensis*
.....do.....doE15NANA
Pigtoe, Cumberland*Pleurobema gibberum* U.S.A. (TN).....doE423NANA
Pigtoe, dark*Pleurobema furvum* U.S.A. (AL)NAE49517.95 (f)NA
Pigtoe, fine-rayed*Fusconaia cuneolus* U.S.A. (AL, TN, VA)NAE15NANA

Do.....do.....doU.S.A. (AL—The free-flowing reach of the Tennessee R. from the base of Wilson Dam downstream to the backwaters of Pickwick Reservoir [about 12 RM (19 km)] and the lower 5 RM [8 km] of all tributaries to this reach in Colbert and Lauderdale Cos., see 17.85(a))XN709NA17.85(a)

Pigtoe, flatPleurobema marshalli U.S.A. (AL, MS)EntireE262NANA

Pigtoe, heavyPleurobema taitianumdo.....doE262NANA

Pigtoe, ovalPleurobema pyriforme U.S.A. (AL, FL, GA).....doE633NANA

Pigtoe, roughPleurobema plenum U.S.A. (AL, IN, KY, PA, TN, VA).....doE15NANA

Pigtoe, shinyFusconaia cor U.S.A. (AL, TN, VA)NAE15NANA

Do.....do.....doU.S.A. (AL—The free-flowing reach of the Tennessee R. from the base of Wilson Dam downstream to the backwaters of Pickwick Reservoir [about 12 RM (19 km)] and the lower 5 RM [8 km] of all tributaries to this reach in Colbert and Lauderdale Cos., see 17.85(a))XN709NA17.85(a)

Pigtoe, southernPleurobema georgianum U.S.A. (AL, GA, TN)NAE49517.95 (f)NA

Pimpleback, orangefoot (pearlymussel)Plethobasus cooperianus U.S.A. (AL, IA, IL, IN, KY, OH, PA, TN)EntireE15NANA

Pocketbook, fatPotamilus capax U.S.A. (AR, IA, IL, IN, KY, MO, MS, OH).....doE15NANA

Pocketbook, fine-linedLampsilis altilisU.S.A. (AL, GA)NAT49517.95 (f)NA

Rock-pocketbook, OuachitaArkansia wheeleri U.S.A. (AR, OK)EntireE446NANA

Pocketbook, shinyrayedLampsilis subangulata U.S.A. (AL, FL, GA).....doE633NANA

Pocketbook, speckledLampsilis streckeri U.S.A. (AR).....doE345NANA

Rabbitsfoot, roughQuadrula cylindrica strigillata U.S.A. (TN, VA)NAE60217.95(f)NA

Riffleshell, northernEpioblasma torulosa rangiana U.S.A. (IL, IN, KY, MI, OH, PA, WV), Canada (Ont.)EntireE488NANA

Riffleshell, tanEpioblasma florentina walkeri (=E. walkeri) U.S.A. (AL, KY, NC, TN, VA).....doE27NANA

Pink, ring (mussel)Obovaria retusa U.S.A. (AL, IL, IN, KY, OH, PA, TN, WV).....doE369NANA

Slabshell, ChipolaElliptio chipolaensis U.S.A. (AL, FL).....doT633NANA

Spiny mussel, JamesPleurobema collina U.S.A. (VA, WV).....doE316NANA

Spiny mussel, Tar RiverElliptio steinstansana U.S.A. (NC).....doE188NANA

StirrupshellQuadrula stapes U.S.A. (AL, MS).....doE262NANA

Three-ridge, fat (mussel)Amblema neislerii U.S.A. (FL, GA).....doE633NANA

Wartyback, white (pearlymussel)Plethobasus cicatricosus U.S.A. (AL, IL, IN, KY, TN).....doE15NANA

Wedgemussel, dwarfAlasmidonta heterodon U.S.A. (CT, DC, DE, MA, MD, NC, NH, NJ, NY, PA, VA, VT), Canada (N.B.).....doE377NANA

Snails

Ambersnail, KanabOxyloma haydeni kanabensis U.S.A. (AZ, UT).....doE431E, 459, 477NANA

Campeloma, slenderCampeloma decampi U.S.A. (AL).....doE688NANA

Cavesnail, Tumbling CreekAntrobia culveri U.S.A. (MO)NAE731NANA

Elimia, lacy (snail)Elimia crenatella U.S.A.(AL)EntireT651NANA

Limpet, Banbury SpringsLanx sp.U.S.A. (ID).....doE485NANA

Lioplax, cylindrical (snail)Lioplax cyclostomaformis U.S.A. (AL,

GA).....doE651NANA
 Marstonia (snail), royalPyrgulopsis ogmorhapse U.S.A.
 (TN).....doE538NANA
 Pebblesnail, flatLeptyrium showalteri U.S.A. (AL).....doE651NANA
 Pecos assimineaAssiminea pecos U.S.A. (NM, TX)NAE17.95(f)NA
 Riversnail, Anthony'sAthearnia anthonyi U.S.A. (AL, GA,
 TN)NAE538NANA
 Do.....do.....doU.S.A. (AL—The free-flowing reach of the Tennessee
 R. from the base of Wilson Dam downstream to the backwaters of
 Pickwick Reservoir [about 12 RM (19 km)] and the lower 5 RM [8 km]
 of all tributaries to this reach in Colbert and Lauderdale Cos., see
 17.85(a))XN709NA17.85(a)
 Rocksnail, paintedLeptoxis taeniata U.S.A. (AL)EntireT651NANA
 Rocksnail, plicateLeptoxis plicatado.....doE651NANA
 Rocksnail, roundLeptoxis amplado.....doT651NANA
 Shagreen, Magazine MountainMesodon magazinensis U.S.A.
 (AR).....doT348NANA
 Snail, armoredPyrgulopsis (=Marstonia) pachyta U.S.A.
 (AL).....doE688NANA
 Snail, Bliss RapidsTaylorconcha serpenticola U.S.A.
 (ID).....doT485NANA
 Snail, Chittenango ovate amberSuccinea chittenangoensis U.S.A.
 (NY).....doT41NANA
 Snail, flat-spined three-toothedTriodopsis platysayoides U.S.A.
 (WV).....doT41NANA
 Snail, Iowa PleistoceneDiscus macclintocki U.S.A. (IA,
 IL).....doE41NANA
 Snail, Manus Island treePapustyla pulcherrima Pacific
 Ocean—Admiralty Is. (Manus Is.).....doE3NANA
 Snail, Morro shoulderband (=Banded dune)Helminthoglypta walkeriana
 U.S.A. (CA)NAE56717.95(f)NA
 Snail, Newcomb'sErinna newcombi U.S.A. (HI)EntireT68017.95(f)NA
 Snail, noondayMesodon clarki nantahala U.S.A. (NC).....doT41NANA
 Snail, painted snake coiled forestAnguispira picta U.S.A.
 (TN).....doT41NANA
 Snail, Snake River physaPhysa natricina U.S.A. (ID).....doE485NANA
 Snail, Stock Island treeOrthalicus reses (not incl. nesodryas
)U.S.A. (FL).....doT41NANA
 Snail, tulotomaTulotoma magnifica U.S.A. (AL).....doE412NANA
 Snail, Utah valvataValvata utahensis U.S.A. (ID).....doE485NANA
 Snail, Virginia fringed mountainPolygyriscus virginianus U.S.A.
 (VA).....doE41NANA
 Snails, Oahu treeAchatinella spp.U.S.A. (HI).....doE108, 112NANA
 Springsnail, AlamosaTryonia alamosae U.S.A. (NM).....doE442NANA
 Springsnail, Bruneau HotPyrgulopsis bruneauensis U.S.A.
 (ID).....doE489NANA
 Springsnail, IdahoFontelicella idahoensisdo.....doE485NANA
 Springsnail, Koster'sJuturnia kosteria U.S.A. (NM)NAENANA
 Springsnail, RoswellPyrgulopsis roswellensisdoNAENANA
 Springsnail, SocorroPyrgulopsis neomexicanado.....doE442NANA
 Insects
 Beetle, American buryingNicrophorus americanus U.S.A. (eastern
 States south to FL, west to SD and TX), eastern
 Canada.....doE351NANA
 Beetle, Coffin Cave moldBatrisodes texanus U.S.A. (TX).....doE327,
 513NANA
 Beetle, Comal Springs dryopidStygoparnus comalensis

.....do.....doE629NANA
Beetle, Comal Springs riffleHeterelmis comalensis
.....do.....doE629NANA
Beetle, delta green groundElaphrus viridis U.S.A.
(CA).....doT10017.95(i)NA
Beetle, Helotes moldBatrisodes venyivi U.S.A. (TX)NAE70617.95(i)NA
Beetle, Hungerford's crawling waterBrychius hungerfordi U.S.A. (MI,
Canada).....doE533NANA
Beetle, Kretschmarr Cave moldTexamaurops reddelli U.S.A.
(TX).....doE327, 513NANA
Beetle, Mount Hermon JunePolyphylla barbata U.S.A.
(CA).....doE605NANA
Beetle, [no common name]Rhadine exilis U.S.A. (TX)NAE70617.95(i)NA
Beetle, [no common name]Rhadine infernalisdoNAE70617.95(i)NA
Beetle, northeastern beach tigerCicindela dorsalis dorsalis U.S.A.
(CT, MA, MD, NJ, NY, PA, RI, VA).....doT396NANA
Beetle, Ohlone tigerCicindela ohlone (CA) U.S.A. (CA)NAE713NANA
Beetle, Puritan tigerCicindela puritana U.S.A. (CT, MA, MD, NH,
VT)EntireT396NANA
Beetle, Salt Creek tigerCicindela nevadica lincolniana U.S.A.
(NE).....doE754NANA
Beetle, Tooth Cave groundRhadine persephone U.S.A.
(TX).....doE327NANA
Beetle, valley elderberry longhornDesmocerus californicus dimorphus
U.S.A. (CA).....doT9917.95(i)NA
Butterfly, bay checkerspotEuphydryas editha bayensis
.....do.....doT28817.95(i)NA
Butterfly, Behren's silverspotSpeyeria zerene behrensii
.....do.....doE628NANA
Butterfly, callippe silverspotSpeyeria callippe callippe
.....do.....doE628NANA
Butterfly, Corsican swallowtailPapilio hospiton Corsica,
Sardinia.....doE486NANA
Butterfly, El Segundo blueEuphilotes battoides allyni U.S.A.
(CA).....doE14NANA
Butterfly, Fender's blueIcaricia icarioides fenderi U.S.A.
(OR)NAE67917.95(i)NA
Butterfly, Homerus swallowtailPapilio homerus JamaicaEntireE486NANA
Butterfly, Karner blueLycaeides melissa samuelis U.S.A. (IL, IN, MA,
MI, MN, NH, NY, OH, PA, WI), Canada (Ont.).....doE484NANA
Butterfly, Lange's metalmarkApodemia mormo langei U.S.A.
(CA).....doE14NANA
Butterfly, lotis blueLycaeides argyrognomon lotis
.....do.....doE14NANA
Butterfly, Luzon peacock swallowtailPapilio chikae
Philippines.....doE486NANA
Butterfly, mission blueIcaricia icarioides missionensis U.S.A.
(CA).....doE14NANA
Butterfly, Mitchell's satyrNeonympha mitchellii mitchellii U.S.A.
(IN, MI, NJ, OH).....doE428E, 469NANA
Butterfly, Myrtle's silverspotSpeyeria zerene myrtleae U.S.A.
(CA).....doE472NANA
Butterfly, Oregon silverspotSpeyeria zerene hippolyta U.S.A. (CA,
OR, WA).....doT9517.95(i)NA
Butterfly, Palos Verdes blueGlaucopsyche lygdamus palosverdesensis
U.S.A. (CA).....doE9617.95(i)NA
Butterfly, Queen Alexandra's birdwingTroides alexandrae Papua New

Guinea.....doE364NANA
 Butterfly, Quino checkerspotEuphydryas edith quino U.S.A. (CA),
 Mexico.....doE60417.95(i)NA
 Butterfly, Saint Francis' satyrNeonympha mitchellii francisci U.S.A.
 (NC).....doE539E, 574NANA
 Butterfly, San Bruno elfinCallophrys mossii bayensis U.S.A.
 (CA).....doE14NANA
 Butterfly, Schaus swallowtailHeraclides aristodemus ponceanus U.S.A.
 (FL).....doE13, 159NANA
 Butterfly, Smith's blueEuphilotes enoptes smithi U.S.A.
 (CA).....doE14NANA
 Butterfly, Uncompahgre fritillaryBoloria acrocneuma U.S.A.
 (CO).....doE427NANA
 Dragonfly, Hine's emeraldSomatochlora hineana U.S.A. (IL, IN, OH,
 WI).....doE573NANA
 Fly, Delhi Sands flower-lovingRhaphiomidas terminatus abdominalis
 U.S.A. (CA).....doE517NANA
 Fly, Hawaiian picture-wingDrosophila aglaia U.S.A. (HI)NAE756NANA
 Fly, Hawaiian picture-wingDrosophila differensdoNAE756NANA
 Fly, Hawaiian picture-wingDrosophila hemipezadoNAE756NANA
 Fly, Hawaiian picture-wingDrosophila heteroneuradoNAE756NANA
 Fly, Hawaiian picture-wingDrosophila montgomeryidoNAE756NANA
 Fly, Hawaiian picture-wingDrosophila mullidoNAT756NANA
 Fly, Hawaiian picture-wingDrosophila musaphiliadoNAE756NANA
 Fly, Hawaiian picture-wingDrosophila neoclavisetae
doNAE756NANA
 Fly, Hawaiian picture-wingDrosophila obataidoNAE756NANA
 Fly, Hawaiian picture-wingDrosophila ochrobasisdoNAE756NANA
 Fly, Hawaiian picture-wingDrosophila substenoptera
doNAE756NANA
 Fly, Hawaiian picture-wingDrosophila tarphytrichia
doNAE756NANA
 Grasshopper, Zayante band-wingedTrimerotropis infantilis U.S.A.
 (CA)NAE60517.95(i)NA
 Moth, Blackburn's sphinxManduca blackburni U.S.A.
 (HI)NAE68217.95(i)NA
 Moth, Kern primrose sphinxEuproserpinus euterpe U.S.A.
 (CA).....doT91NANA
 Naucorid, Ash MeadowsAmbrysus amargosus U.S.A.
 (NV).....doT18117.95(i)NA
 Skipper, Carson wanderingPseudocopaeodes eunus obscurus U.S.A. (CA,
 NV)U.S.A., (Lassen County, CA; Washoe County, NV)E730NANA
 Skipper, Laguna MountainsPyrgus ruralis lagunae U.S.A.
 (CA)EntireE60417.95(i)NA
 Skipper, Pawnee montaneHesperia leonardus montana U.S.A.
 (CO).....doT289NANA
 Arachnids
 Harvestman, Bee Creek CaveTexella reddelli U.S.A. (TX).....doE327,
 513NANA
 Harvestman, Bone CaveTexella reyesido.....doE327, 513NANA
 Harvestman, Cokendolpher caveTexella cokendolpheri
doNAE70617.95(g)NA
 Meshweaver, Braken Bat CaveCircurina veniidoNAE70617.95(g)NA
 Meshweaver, Government Canyon Bat CaveCircurina vespera
doNAE706NANA
 Meshweaver, Madla CaveCicurina madladoNAE70617.95(g)NA
 Meshweaver, Robber Baron CaveCicurina baronia

.....doNAE70617.95(g)NA
 Pseudoscorpion, Tooth CaveTartarocreagris texana
do.....doE327NANA
 Spider, Government Canyon Bat CaveNeoleptoneta microps
doNAE706NANA
 Spider, Kauai cave wolfAdelocosa anops U.S.A. (HI)NAE67617.95(g)NA
 Spider, spruce-fir mossMicrohexura montivaga U.S.A. (NC,
 TN)NAE57617.95(g)NA
 Spider, Tooth CaveNeoleptoneta myopica U.S.A. (TX)EntireE327NANA
 Crustaceans
 Amphipod, Hay's SpringStygobromus hayi U.S.A. (DC).....doE115NANA
 Amphipod, Illinois caveGammarus acherondytes U.S.A.
 (IL).....doE642NANA
 Amphipod, Kauai caveSpelaeorchestia koloana U.S.A.
 (HI)NAE67617.95(h)NA
 Amphipod, Noel'sGammarus desperatus U.S.A. (NM)NAENANA
 Amphipod, Peck's caveStygobromus (=Stygonectes) pecki U.S.A.
 (TX)EntireE629NANA
 Crayfish, caveCambarus aculabrum U.S.A. (AR).....doE499NANA
 DoCambarus zophonastesdo.....doE263NANA
 Crayfish, NashvilleOrconectes shoupi U.S.A. (TN).....doE242NANA
 Crayfish, ShastaPacifastacus fortis U.S.A. (CA).....doE337NANA
 Fairy shrimp, ConservancyBranchinecta conservatio
do.....doE55217.95(h)NA
 Fairy shrimp, longhornBranchinecta longiantenna
do.....doE55217.95(h)NA
 Fairy shrimp, RiversideStreptocephalus woottoni
do.....doE51217.95(h)NA
 Fairy shrimp, San DiegoBranchinecta sandiegonensis
doNAE60817.95(h)NA
 Fairy shrimp, vernal poolBranchinecta lynchi U.S.A. (CA,
 OR)EntireE55217.95(h)NA
 Isopod, Lee County caveLirceus usdagalun U.S.A. (VA).....doE483NANA
 Isopod, Madison CaveAntrolana lirado.....doT123NA17.46(a)
 Isopod, SocorroThermosphaeroma thermophilus U.S.A.
 (NM).....doE36NANA
 Shrimp, Alabama cavePalaemonias alabamae U.S.A. (AL).....doE323NANA
 Shrimp, California freshwaterSyncaris pacifica U.S.A.
 (CA).....doE340NANA
 Shrimp, Kentucky cavePalaemonias ganteri U.S.A.
 (KY).....doE13517.95(h)NA
 Shrimp, Squirrel Chimney CavePalaemonetes cummingi U.S.A.
 (FL).....doT390NANA
 Tadpole shrimp, vernal poolLepidurus packardi U.S.A.
 (CA).....doE55217.95(h)NA
 Corals
 Coral, elkhornAcropora palmata U.S.A. (FL, PR, VI, Navassa); and
 wider Caribbean-Belize, Colombia, Costa Rica, Guatemala, Honduras,
 Mexico, Nicaragua, Panama, Venezuela, and all the islands of the
 West IndiesN/AT756NANA
 Coral, staghornAcropora cervicornis U.S.A. (FL, PR, VI, Navassa);
 and wider Caribbean-Belize, Colombia, Costa Rica, Guatemala,
 Honduras, Mexico, Nicaragua, Panama, Venezuela, and all the islands
 of the West IndiesN/AT756NANA

Symbols used in the four left columns:

" Do..." or ".....do..."-(Ditto) indicates the entry is the same as

the column entry directly above.

Symbols used in the "When listed" column:

A-Indicates a correction to the publication with the same "When listed" number.

D-Indicates FR where species was Delisted; relisting of the species is indicated by subsequent number(s).

E-Indicated Emergency rule publication (see FR document for effective dates); subsequent number(s) indicate FR final rule, if applicable, under "When listed".

1-32 FR 4001; March 11, 1967.
2-35 FR 16047; October 13, 1970.
3-35 FR 8495; June 2, 1970.
4-35 FR 18320; December 2, 1970.
5-37 FR 6176; March 28, 1972.
6-38 FR 14678; June 4, 1973.
7-39 FR 44991; December 30, 1974.
8-40 FR 29864; July 16, 1975.
9-40 FR 31736; July 28, 1975.
10-40 FR 44151; September 25, 1975.
11-40 FR 44418; September 26, 1975.
12-40 FR 47506; October 9, 1975.
13-41 FR 17740; April 28, 1976.
14-41 FR 22044; June 1, 1976.
15-41 FR 24064; June 14, 1976.
15A-41 FR 26019; June 24, 1976.
16-41 FR 45993; October 19, 1976.
17-41 FR 51021; November 19, 1976.
18-41 FR 51612; November 23, 1976.
19-41 FR 53034; December 3, 1976.
20-42 FR 2076; January 10, 1977.
21-42 FR 2968; January 14, 1977.
22-42 FR 15971; March 24, 1977.
24-42 FR 28545; June 3, 1977.
25-42 FR 37373; July 21, 1977.
26-42 FR 40685; August 11, 1977.
27-42 FR 42353; August 23, 1977.
28-42 FR 45528; September 9, 1977.
29-42 FR 58757; November 11, 1977.
30-42 FR 60745; November 29, 1977.
31-43 FR 3715; January 27, 1978.
32-43 FR 4028; January 31, 1978.
33-43 FR 4621; February 3, 1978.
34-43 FR 6233; February 14, 1978.
35-43 FR 9612; March 9, 1978.
36-43 FR 12691; March 27, 1978.
37-43 FR 15429; April 13, 1978.
38-43 FR 16345; April 18, 1978.
40-43 FR 20504; May 12, 1978.
41-43 FR 28932; July 3, 1978.
42-43 FR 32808; July 28, 1978.
43-43 FR 34480; August 4, 1978.
45-44 FR 21289; April 10, 1979.
46-44 FR 23064; April 17, 1979.
48-44 FR 29480; May 21, 1979.
50-44 FR 37126; June 25, 1979.
51-44 FR 37132; June 25, 1979.
52-44 FR 42911; July 20, 1979.

54-44 FR 49220; August 21, 1979.
60-44 FR 59084; October 12, 1979.
85-44 FR 69208; November 30, 1979.
86-44 FR 70677; December 7, 1979.
87-44 FR 75076; December 18, 1979.
88-45 FR 18010; March 20, 1980.
90-45 FR 21833; April 2, 1980.
91-45 FR 24090; April 8, 1980.
92-45 FR 27713; April 23, 1980.
93-45 FR 28722; April 30, 1980.
94-45 FR 35823; May 28, 1980.
95-45 FR 44938; July 2, 1980.
96-45 FR 44942; July 2, 1980.
97-45 FR 47353; July 14, 1980.
98-45 FR 47363; July 14, 1980.
99-45 FR 52806; August 8, 1980.
100-45 FR 52810; August 8, 1980.
102-45 FR 54680; August 15, 1980.
103-45 FR 55666; August 20, 1980.
105-45 FR 63820; September 25, 1980.
106-45 FR 65134; October 1, 1980.
108-46 FR 3182; January 13, 1981.
111-46 FR 11665; February 10, 1981.
112-46 FR 40025; August 6, 1981.
113-46 FR 40669; August 10, 1981.
114-47 FR 4211; January 28, 1982.
115-47 FR 5427; February 5, 1982.
117-47 FR 19999; May 10, 1982.
119-47 FR 31672; July 21, 1982.
123-47 FR 43701; October 4, 1982.
124-47 FR 43962; October 5, 1982.
125-47 FR 46093; October 15, 1982.
127-48 FR 612; January 5, 1983.
128-48 FR 1726; January 14, 1983.
129-48 FR 28464; June 22, 1983.
130-48 FR 40184; September 2, 1983.
131-48 FR 43043; September 21, 1983.
132-48 FR 46057; October 11, 1983.
134-48 FR 46336; October 12, 1983.
135-48 FR 46341; October 12, 1983.
136-48 FR 49249; October 25, 1983.
138-49 FR 1994; January 17, 1984.
139-49 FR 2783; January 23, 1984.
142-49 FR 7335; February 28, 1984.
143-49 FR 7394; February 29, 1984.
144-49 FR 7398; February 29, 1984.
145-49 FR 10526; March 20, 1984.
146-49 FR 14356; April 11, 1984.
149-49 FR 22330; May 29, 1984.
150-49 FR 27514; July 5, 1984.
156-49 FR 33885; August 27, 1984.
157-49 FR 34494; August 31, 1984.
159-49 FR 34504; August 31, 1984.
160-49 FR 34510; August 31, 1984.
161-49 FR 35954; September 13, 1984.
163-49 FR 43069; October 26, 1984.
164-49 FR 43969; November 1, 1984.

166-49 FR 45163; November 15, 1984.
168-49 FR 49639; December 21, 1984.
169-50 FR 1056; January 9, 1985.
170-50 FR 4226; January 30, 1985.
171-50 FR 4945; February 4, 1985.
173-50 FR 12302; March 28, 1985.
174-50 FR 12305; March 28, 1985.
181-50 FR 20786; May 20, 1985.
182-50 FR 21792; May 28, 1985.
183-50 FR 23884; June 6, 1985.
184-50 FR 24530; June 11, 1985.
185-50 FR 24653; June 12, 1985.
186-50 FR 25678; June 20, 1985.
188-50 FR 26575; June 27, 1985.
189-50 FR 27002; July 1, 1985.
193-50 FR 30194; July 24, 1985.
195-50 FR 31596; August 5, 1985.
196-50 FR 31603; August 5, 1985.
203-50 FR 37198; September 12, 1985.
205-50 FR 39117; September 27, 1985.
206-50 FR 39123; September 27, 1985.
210-50 FR 50308; December 10, 1985.
211-50 FR 50733; December 11, 1985.
212-50 FR 51252; December 16, 1985.
216-51 FR 6690; February 25, 1986.
222-51 FR 10850; March 31, 1986.
223-51 FR 10857; March 31, 1986.
224-51 FR 10864; March 31, 1986.
227-51 FR 16047; April 30, 1986.
228-51 FR 16482; May 2, 1986.
233-51 FR 17980; May 16, 1986.
236-51 FR 23781; July 1, 1986.
239-51 FR 27495; July 31, 1986.
241-51 FR 31422; September 3, 1986.
242-51 FR 34412; September 26, 1986.
246-51 FR 34425; September 26, 1986.
247-51 FR 39478; October 28, 1986.
248-51 FR 41796; November 19, 1986.
250-51 FR 45910; December 23, 1986.
251-52 FR 28; January 5, 1987.
258-52 FR 5302; February 20, 1987.
262-52 FR 11169; April 7, 1987.
263-52 FR 11172; April 7, 1987.
265-52 FR 11286; April 8, 1987.
267-52 FR 20719; June 3, 1987.
268-52 FR 20999; June 3, 1987.
269-52 FR 21063; June 4, 1987.
272-52 FR 22430; June 11, 1987.
273-52 FR 22585; June 12, 1987.
278-52 FR 22943; June 16, 1987.
279-52 FR 23151; June 17, 1987.
280-52 FR 25232; July 6, 1987.
281-52 FR 25380; July 7, 1987.
282-52 FR 28785; August 3, 1987.
283-52 FR 28831; August 4, 1987.
284-52 FR 29780; August 11, 1987.
287-52 FR 35040; September 16, 1987.

288-52 FR 35378; September 18, 1987.
289-52 FR 36180; September 25, 1987.
290-52 FR 36038; September 25, 1987.
292-52 FR 36779; October 1, 1987.
294-52 FR 37423; October 6, 1987.
296-52 FR 42068; November 2, 1987.
299-52 FR 42662; November 6, 1987.
304-53 FR 3570; February 5, 1988.
312-53 FR 25611; July 8, 1988.
313-53 FR 27134; July 18, 1988.
316-53 FR 27693; July 22, 1988.
317-53 FR 29337; August 4, 1988.
320-53 FR 33992; September 1, 1988.
322-53 FR 33998; September 1, 1988.
323-53 FR 34698; September 7, 1988.
327-53 FR 36033; September 16, 1988.
328-53 FR 37970; September 28, 1988.
334-53 FR 38453; September 30, 1988.
336-53 FR 38460; September 30, 1988.
337-53 FR 38465; September 30, 1988.
338-53 FR 38469; September 30, 1988.
340-53 FR 43889; October 31, 1988.
342-53 FR 45865; November 14, 1988.
345-54 FR 8341; February 28, 1989.
348-54 FR 15208; April 17, 1989.
349-54 FR 20602; May 12, 1989.
350-54 FR 22906; May 30, 1989.
351-54 FR 29655; July 13, 1989.
357-54 FR 32331; August 4, 1989.
358-54 FR 34468; August 18, 1989.
359-54 FR 34472; August 18, 1989.
361-54 FR 35311; August 24, 1989.
364-54 FR 38951; September 21, 1989.
365-54 FR 39849; September 28, 1989.
366-54 FR 39853; September 28, 1989.
369-54 FR 40112; September 29, 1989.
370-54 FR 41453; October 10, 1989.
371-54 FR 43969; October 30, 1989.
372-54 FR 47861; November 17, 1989.
376-55 FR 9136; March 12, 1990.
377-55 FR 9451; March 14, 1990.
378-55 FR 12191; April 2, 1990.
382-55 FR 12801; April 5, 1990.
383-55 FR 12832; April 6, 1990.
384-55 FR 13488; April 10, 1990.
387-55 FR 18845; May 4, 1990.
388-55 FR 21153; May 22, 1990.
390-55 FR 25591; June 21, 1990.
391-55 FR 25595; June 21, 1990.
393-55 FR 26194; June 26, 1990.
394-55 FR 28213; July 10, 1990.
396-55 FR 32094; August 7, 1990.
399-55 FR 36647; September 6, 1990.
400-55 FR 39416; September 27, 1990.
401-55 FR 39860; September 28, 1990.
404-55 FR 39872; September 28, 1990.
405-55 FR 42966; October 25, 1990.

407-55 FR 49623; November 30, 1990.
408-55 FR 50006; December 4, 1990.
410-55 FR 51112; December 12, 1990.
411-55 FR 53160; December 27, 1990.
412-56 FR 800; January 9, 1991.
415-56 FR 1459; January 14, 1991.
416-56 FR 1463; January 14, 1991.
417-56 FR 1463; January 14, 1991.
419-56 FR 13600; April 3, 1991.
421-56 FR 19814; April 30, 1991.
423-56 FR 21087; May 7, 1991.
426-56 FR 28349; June 20, 1991.
427-56 FR 28717; June 24, 1991.
428-56 FR 28828; June 25, 1991.
431-56 FR 37671; August 8, 1991.
432-56 FR 40267; August 14, 1991.
433-56 FR 41488; August 21, 1991.
442-56 FR 49649; September 30, 1991.
443-56 FR 49653; September 30, 1991.
444-56 FR 49658; September 30, 1991.
446-56 FR 54957; October 23, 1991.
447-56 FR 54967; October 23, 1991.
449-56 FR 56333; November 4, 1991.
454-56 FR 64723; December 12, 1991.
455-57 FR 213; January 3, 1992.
456-57 FR 594; January 7, 1992.
459-57 FR 13661; April 17, 1992.
462-57 FR 14790; April 22, 1992.
469-57 FR 21569; May 20, 1992.
472-57 FR 27858; June 22, 1992.
475-57 FR 28024; June 23, 1992.
477-57 FR 44340; September 25, 1992.
479-57 FR 45337; October 1, 1992.
483-57 FR 54726; November 20, 1992.
484-57 FR 59244; December 14, 1992.
485-57 FR 59257; December 14, 1992.
486-58 FR 4359; January 14, 1993.
487-58 FR 5657; January 22, 1993.
488-58 FR 5642; January 22, 1993.
489-58 FR 5946; January 25, 1993.
492-58 FR 12863; March 5, 1993.
493-58 FR 12874; March 5, 1993.
494-58 FR 14271; March 16, 1993.
495-58 FR 14339; March 17, 1993.
496-58 FR 16757; March 30, 1993.
499-58 FR 25746; April 27, 1993.
502-58 FR 25763; April 27, 1993.
503-58 FR 27480; May 10, 1993.
505-58 FR 34931; June 30, 1993.
508-58 FR 40538; July 28, 1993.
512-58 FR 41391; August 3, 1993.
513-58 FR 43819; August 18, 1993.
514-58 FR 49874; September 23, 1993.
516-58 FR 49880; September 23, 1993.
517-58 FR 49887; September 23, 1993.
518-58 FR 49937; September 24, 1993.
520-58 FR 53804; October 18, 1993.

522-58 FR 54065; October 20, 1993.
525-58 FR 68486; December 27, 1993.
526-59 FR 5310; February 3, 1994.
527-59 FR 5498; February 4, 1994.
533-59 FR 10584; March 7, 1994.
534-59 FR 13836; March 23, 1994.
538-59 FR 17998; April 15, 1994.
539-59 FR 18327; April 18, 1994.
540-59 FR 31095; June 16, 1994.
543-59 FR 36995; July 20, 1994.
545-59 FR 42691; August 18, 1994.
546-59 FR 42711; August 18, 1994.
549-59 FR 46002; September 6, 1994.
550-59 FR 46715; September 9, 1994.
552-59 FR 48153; September 19, 1994.
554-59 FR 49764; September 29, 1994.
557-59 FR 54841; November 2, 1994.
561-59 FR 60264; November 22, 1994.
562-59 FR 60279; November 22, 1994.
563-59 FR 60334; November 23, 1994.
566-59 FR 63264; December 8, 1994.
567-59 FR 64623; December 15, 1994.
568-59 FR 64866; December 16, 1994.
569-59 FR 65512; December 20, 1994.
571-60 FR 2903; January 12, 1995.
573-60 FR 5273; January 26, 1995.
574-60 FR 5267; January 26, 1995.
576-60 FR 6974; February 6, 1995.
577-60 FR 10715; February 27, 1995.
579-60 FR 18947; April 13, 1995.
580-60 FR 36010; July 12, 1995.
582-61 FR 11332; March 20, 1996.
583-61 FR 25832; May 23, 1996.
585-61 FR 32366; June 24, 1996.
588-61 FR 48413; September 13, 1996.
597-61 FR 54056; October 16, 1996.
598-61 FR 59028; November 20, 1996.
600-62 FR 689; January 6, 1997.
602-62 FR 1657; January 10, 1997.
604-62 FR 2322; January 16, 1997.
605-62 FR 3628; January 24, 1997.
607-62 FR 4191; January 29, 1997.
608-62 FR 4939; February 3, 1997.
610-62 FR 10746; March 10, 1997.
612-62 FR 23392; April 30, 1997.
614-62 FR 30772; June 5, 1997.
616-62 FR 31757; June 11, 1997.
617-62 FR 31761; June 11, 1997.
618-62 FR 33038; June 18, 1997.
621-62 FR 38939; July 21, 1997.
622-62 FR 39157; July 22, 1997.
626-62 FR 59622; November 4, 1997.
628-62 FR 64320; December 5, 1997.
629-62 FR 66303; December 18, 1997.
630-63 FR 694; January 7, 1998.
631-63 FR 1763; January 12, 1998.
632-63 FR 3843; January 27, 1998.

633-63 FR 12687; March 16, 1998.
634-63 FR 13150; March 18, 1998.
636-63 FR 26530; May 13, 1998.
637-63 FR 31674; June 10, 1998.
638-63 FR 32997; June 17, 1998.
639-63 FR 42762; August 11, 1998.
642-63 FR 46909; September 3, 1998.
645-63 FR 51016; September 24, 1998.
646-63 FR 52837; October 1, 1998.
651-63 FR 57619; October 28, 1998.
653-63 FR 64799; November 23, 1998.
654-63 FR 69021; December 15, 1998.
655-63 FR 70062; December 18, 1998.
656-64 FR 5981; February 8, 1999.
658-64 FR 15704; April 1, 1999.
659-64 FR 17124; April 8, 1999.
660-64 FR 19308; April 20, 1999.
664-64 FR 41836; August 2, 1999.
665-64 FR 47134; August 30, 1999.
669-64 FR 56608; October 20, 1999.
670-64 FR 58932; November 1, 1999.
674-64 FR 72960; December 29, 1999.
675-65 FR 30; January 3, 2000.
676-65 FR 2357; January 14, 2000.
677-65 FR 3109; January 19, 2000.
679-65 FR 3890; January 25, 2000.
680-65 FR 4169; January 26, 2000.
682-65 FR 4779; February 1, 2000.
687-65 FR 8889; February 23, 2000.
688-65 FR 10039; February 25, 2000.
692-65 FR 16085; March 24, 2000.
693-65 FR 17786; April 5, 2000.
694-65 FR 19698; April 12, 2000.
695-65 FR 25879; May 4, 2000.
696-65 FR 20769; April 18, 2000.
697-65 FR 26461; May 5, 2000.
698-65 FR 26771; May 9, 2000.
700-65 FR 46654; July 31, 2000.
701-65 FR 51478; September 7, 2000.
702-65 FR 57264; September 21, 2000.
703-65 FR 60885; October 13, 2000.
705-65 FR 69481; November 17, 2000.
706-65 FR 69637; November 17, 2000.
707-65 FR 81433; December 26, 2000.
709-66 FR 32257; June 14, 2001.
710-66 FR 33915; June 26, 2001.
713-66 FR 50350; October 3, 2001.
714-66 FR 51339; October 9, 2001.
715-66 FR 59373; November 28, 2001.
716-66 FR 59545; November 29, 2001.
718-66 FR 63002; December 4, 2001.
719-66 FR 66811; December 27, 2001.
724-67 FR 37721; May 30, 2002.
725-70 FR 3459; January 24, 2005.
726-67 FR 40811; June 13, 2002.
728-67 FR 44392; July 2, 2002.
729-67 FR 47739; July 22, 2002.

730-67 FR 51129; August 7, 2002.
731-67 FR 52889; August 14, 2002.
732-67 FR 52426; August 12, 2002.
734-68 FR 13520; March 19, 2003.
735-68 FR 15872; April 1, 2003.
738-68 FR 43658; July 24, 2003.
740-69 FR 70190; December 17, 2003.
741-69 FR 3028; January 22, 2004.
742-70 FR 67928; November 9, 2005.
743-70 FR 10485; March 4, 2005.
744-69 FR 47248; August 4, 2004.
745-70 FR 1285; January 6, 2005.
747-70 FR 17916; April 8, 2005.
748-70 FR 69465; November 16, 2005.
754-70 FR 58350; October 6, 2005.
755-70 FR 66706; November 2, 2005.
756-71 FR 26851; May 9, 2006.
757-71 FR 40673; July 18, 2006.
758-71 FR 42314; July 26, 2006.

Editorial Note: 1. For Federal Register citations affecting the table in §17.11(h), see the listing above.

Editorial Note: 2. 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 on GPO Access.

§ 17.12 Endangered and threatened plants.

top

(a) The list in this section contains the names of all species of plants which have been determined by the Services to be Endangered or Threatened. It also contains the names of species of plants treated as Endangered or Threatened because they are sufficiently similar in appearance to Endangered or Threatened species (see §17.50 et seq.).

(b) The columns entitled "Scientific name" and "Common name" define the species of plant within the meaning of the Act. Although common names are included, they cannot be relied upon for identification of any specimen, since they may vary greatly in local usage. The Services shall use the most recently accepted scientific name. In cases in which confusion might arise, a synonym(s) will be provided in parentheses. The Services shall rely to the extent practicable on the International Code of Botanical Nomenclature.

(c) In the "Status" column the following symbols are used: "E" for Endangered, "T" for Threatened, and "E [or T] (S/A)" for similarity of appearance species.

(d) The other data in the list are nonregulatory in nature and are provided for the information of the reader. In the annual revision and compilation of this title, the following information may be amended without public notice: the spelling of species' names, historical range, footnotes, references to certain other applicable portions of this title, synonyms, and more current names. In any of these revised entries, neither the species, as defined in paragraph (b) of this section, nor its status may be changed without following the procedures of part 424 of this title.

(e) The "Historic range" indicates the known general distribution of the species or subspecies as reported in the current scientific literature. The present distribution may be greatly reduced from this historic range. This column does not imply any limitation on the application of the prohibitions in the Act or implementing rules. Such prohibitions apply to all individuals of the plant species, wherever found.

(f)(1) A footnote to the Federal Register publication(s) listing or

reclassifying a species is indicated under the column "When listed." Footnote numbers to §§17.11 and 17.12 are in the same numerical sequence, since plants and animals may be listed in the same Federal Register document. That document, at least since 1973, includes a statement indicating the basis for the listing, as well as the effective date(s) of said listing.

(2) The "Special rules" and "Critical habitat" columns provide a cross reference to other sections in parts 17, 222, 226, or 227. The "Special rules" column will also be used to cite the special rules which describe experimental populations and determine if they are essential or nonessential. Separate listings will be made for experimental populations, and the status column will include the following symbols: "XE" for an essential experimental population and "XN" for a nonessential experimental population. The term "NA" (not applicable) appearing in either of these two columns indicates that there are no special rules and/or critical habitat for that particular species. However, all other appropriate rules in parts 17, 217 through 227, and 402 still apply to that species. In addition, there may be other rules in this title that relate to such plants, e.g., port-of-entry requirements. It is not intended that the references in the "Special rules" column list all the regulations of the two Services which might apply to the species or to the regulations of other Federal agencies or State or local governments.

(g) The listing of a particular taxon includes all lower taxonomic units (see §17.11(g) for examples).

(h) The "List of Endangered and Threatened Plants" is provided below:

Species	Historic range	Family	Status	When listed	Critical habitat	Special rules
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Scientific name	Common name
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Flowering Plants

<i>Abronia macrocarpa</i>	Large-fruited sand-verbena	U.S.A.
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(TX)	Nyctaginaceae	E331	NANA
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<i>Abutilon eremitopetalum</i>	None	U.S.A. (HI)	Malvaceae	E435	NANA
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<i>Abutilon menziesii</i>	Ko'oloa'ulado.....do	E243	NANA
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<i>Abutilon sandwicense</i>	Nonedo.....do	E448	17.99(i)	NA
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<i>Acaena exigua</i>	Liliwaido	Rosaceae	E467	NANA
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<i>Acanthomintha ilicifolia</i>	San Diego thornmint	U.S.A. (CA),
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Mexico	Lamiaceae	T649	NANA
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<i>Acanthomintha obovata</i> ssp. <i>duttonii</i>	San Mateo thornmint	U.S.A.
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(CA)do	E204	NANA
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<i>Achyranthes mutica</i>	None	U.S.A (HI)	Amaranthaceae	E592	17.99(k)	NA
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<i>Achyranthes splendens</i> var. <i>rotundata</i>	Round-leaved
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chaff-flowerdo.....do	E220	NANA
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<i>Aconitum noveboracense</i>	Northern wild monkshood	U.S.A. (IA, NY, OH,
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WI)	Ranunculaceae	T39	NANA
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<i>Aeschynomene virginica</i>	Sensitive joint-vetch	U.S.A. (DE, MD, NC, NJ,
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PA, VA)	Fabaceae	T470	NANA
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<i>Agalinis acuta</i>	Sandplain gerardia	U.S.A. (CT, MA, MD, NY,
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RI)	Scrophulariaceae	E325	NANA
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<i>Alectryon macrococcus</i>	Mahoe	U.S.A. (HI)	Sapindaceae	E467	17.99(a)(1),
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(c), (e)(1), and (i)	NA
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<i>Allium munzii</i>	Munz's onion	U.S.A. (CA)	Liliaceae-Lily	E650	17.96(a)	NA
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<i>Alopecurus aequalis</i> var. <i>sonomensis</i>	Sonoma
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<i>alopecurus</i>do	Poaceae	E625	NANA
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<i>Alsinidendron lychnoides</i>	Kuawawaenohu	U.S.A.
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(HI)	Caryophyllaceae	E590	17.99(a)(1)	NA
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<i>Alsinidendron obovatum</i>	Nonedo.....do	E448	17.99(i)	NA
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<i>Alsinidendron trinerve</i>do.....do.....do	E448	17.99(i)	NA
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Alsinidendron viscosumdo.....do.....doE59017.99(a)(1)NA
 Amaranthus browniido.....doAmaranthaceaeE58717.99(g)NA
 Amaranthus pumilus Seabeach amaranthU.S.A. (DE, MA, MD, NC, NJ, NY,
 RI, SC, VA).....doT498NANA
 Ambrosia cheiranthifolia South Texas ambrosiaU.S.A.
 (TX)AsteraceaeE547NANA
 Ambrosia pumila San Diego ambrosiaU.S.A. (CA) Mexico.....doE727NANA
 Amorpha crenulata Crenulate lead-plantU.S.A. (FL)FabaceaeE192NANA
 Amphianthus pusillus Little amphianthusU.S.A. (AL, GA,
 SC)ScrophulariaceaeT302NANA
 Amsinckia grandiflora Large-flowered fiddleneckU.S.A.
 (CA)BoraginaceaeE17917.96(a)NA
 Amsonia kearneyana Kearney's blue-starU.S.A. (AZ)ApocynaceaeE343NANA
 Ancistrocactus tobuschii Tobusch fishhook cactusU.S.A.
 (TX)CactaceaeE80NANA
 Apios priceana Price's potato-beanU.S.A. (AL, IL, KY, MS,
 TN)FabaceaeT373NANA
 Arabis hoffmannii Hoffmann's rock-cressU.S.A.
 (CA)BrassicaceaeE623NANA
 Arabis mcdonaldiana McDonald's rock-cress.....do.....doE44NANA
 Arabis perstellata Braun's Rock-cressU.S.A. (KY,
 TN).....doE57017.96(a)NA
 Arabis serotina Shale barren rock-cressU.S.A. (VA,
 WV).....doE352NANA
 Arctomecon humilis Dwarf bear-poppyU.S.A. (UT)PapaveraceaeE78NANA
 Arctostaphylos confertiflora Santa Rosa Island manzanitaU.S.A.
 (CA)EricaceaeE623NANA
 Arctostaphylos glandulosa ssp. crassifolia Del Mar manzanitaU.S.A.
 (CA), Mexico.....doE589NANA
 Arctostaphylos hookeri var. ravenii Presidio manzanitaU.S.A.
 (CA).....doE65NANA
 Arctostaphylos morroensis Morro manzanita.....do.....doT567NANA
 Arctostaphylos myrtifolia Ione manzanita.....do.....doT661NANA
 Arctostaphylos pallida Pallid manzanita.....do.....doT635NANA
 Arenaria cumberlandensis Cumberland sandwortU.S.A. (KY,
 TN)CaryophyllaceaeE311NANA
 Arenaria paludicola Marsh sandwortU.S.A. (CA,OR,WA).....doE511NANA
 Arenaria ursina Bear Valley sandwortU.S.A. (CA).....doT644NANA
 Argemone pleiakantha ssp. pinnatisecta Sacramento
 prickly-poppyU.S.A. (NM)PapaveraceaeE360NANA
 Argyroxiphium kauense Mauna Loa silverswordU.S.A.
 (HI)AsteraceaeE49717.99(k)NA
 Argyroxiphium sandwicense ssp. macrocephalum
 `Ahinahina.....do.....doT46717.99(e)(1)NA
 Argyroxiphium sandwicense ssp. sandwicense
 `Ahinahina.....do.....doE219NANA
 Aristida chaseae NoneU.S.A. (PR)PoaceaeE501NANA
 Aristida portoricensis Pelos del diablo.....do.....doE398NANA
 Asclepias meadii Mead's milkweedU.S.A. (IA, IL, IN, KS, MO,
 WI)AsclepiadaceaeT321NANA
 Asclepias welshii Welsh's milkweedU.S.A. (AZ,
 UT).....doT29517.96(a)NA
 Asimina tetramera Four-petal pawpawU.S.A. (FL)AnnonaceaeE244NANA
 Astragalus albens Cushenbury milk-vetchU.S.A.
 (CA)FabaceaeE54817.96(a)NA
 Astragalus ampullarioides Shivwits milk-vetchU.S.A.
 (UT).....doE71117.96(a)NA

Astragalus applegatei Applegate's milk-vetch U.S.A.
 (OR).....doE510NANA
Astragalus bibullatus Guthrie's (=Pyne's) ground-plum U.S.A.
 (TN).....doE437NANA
Astragalus brauntonii Braunton's milk-vetch U.S.A.
 (CA).....doE60617.96(a)NA
Astragalus clarianus Clara Hunt's milk-vetch.....do.....doE625NANA
Astragalus cremnophylax var. *cremnophylax* Sentry milk-vetch U.S.A.
 (AZ).....doE409NANA
Astragalus desereticus Deseret milk-vetch U.S.A. (UT).....doT668NANA
Astragalus holmgreniorum Holmgren milk-vetch U.S.A. (UT,
 AZ).....doE71117.96(a)NA
Astragalus humillimus Mancos milk-vetch U.S.A. (CO,
 NM).....doE187NANA
Astragalus jaegerianus Lane Mountain milk-vetch U.S.A.
 (CA) Fabaceae—Pea E64717.96(a)NA
Astragalus lentiginosus var. *coachellae* Coachella Valley
 milk-vetch.....do Fabaceae E64717.96(a) (No areas designated)NA
Astragalus lentiginosus var. *piscinensis* Fish Slough
 milk-vetch.....do.....doT64717.96(a)NA
Astragalus magdalenae var. *peirsonii* Peirson's
 milk-vetch.....do Fabaceae—Pea T64717.96(a)NA
Astragalus montii Heliotrope milk-vetch U.S.A.
 (UT) Fabaceae T29817.96(a)NA
Astragalus osterhoutii Osterhout milk-vetch U.S.A.
 (CO).....doE353NANA
Astragalus phoenix Ash Meadows milk-vetch U.S.A.
 (NV).....doT18117.96(a)NA
Astragalus pycnostachyus var. *lanosissimus* Ventura Marsh
 milk-vetch U.S.A. (CA) Fabaceae—Pea Family E70817.96(a)NA
Astragalus robbinsii var. *jesupi* Jesup's milk-vetch U.S.A. (NH,
 VT) Fabaceae E271NANA
Astragalus tener var. *titi* Coastal dunes milk-vetch U.S.A.
 (CA).....doE640NANA
Astragalus tricarinatus Triple-ribbed
 milk-vetch.....do.....doE647NANA
Astrophytum asterias Star cactus U.S.A. (TX), Mexico Cactaceae E521NANA
Atriplex coronata var. *notatior* San Jacinto Valley crowscale U.S.A.
 (CA) Chenopodiaceae—Goosefoot Family E65017.96 (a) (No areas
 designated)NA
Auerodendron pauciflorum None U.S.A. (PR) Rhamnaceae E531NANA
Ayenia limitaris Texas ayenia U.S.A. (TX),
 Mexico Sterculiaceae E547NANA
Baccharis vanessae Encinitas baccharis U.S.A. (CA) Asteraceae T589NANA
Banara vanderbiltii Palo de Ramón U.S.A. (PR) Flacourtiaceae E255NANA
Baptisia arachnifera Hairy rattleweed U.S.A. (GA) Fabaceae E39NANA
Berberis nevinii Nevin's barberry U.S.A. (CA) Berberidaceae E648NANA
Berberis pinnata ssp. *insularis* Island
 barberry.....do.....doE623NANA
Betula uber Virginia round-leaf birch U.S.A. (VA) Betulaceae T39,
 560NANA
Bidens micrantha ssp. *kalealaha* Kookoolau U.S.A.
 (HI) Asteraceae E46717.96(b) and 17.99(e)(1)NA
Bidens wiebkeido.....do.....doE48017.99(c)NA
Blennosperma bakeri Sonoma sunshine U.S.A. (CA).....doE453NANA
Boltonia decurrens Decurrent false aster U.S.A. (IL,
 MO).....doT341NANA

Bonamia grandiflora Florida *bonamia*U.S.A. (FL)ConvolvulaceaeT297NANA
Bonamia menziesii NoneU.S.A. (HI).....doE55917.99(a)(1), (e)(1),
(i), and (k)NA
Brighamia insignis Olulu.....doCampanulaceaeE53017.99(a)(1) and
(a)(2)NA
Brighamia rockii Pua ala.....do.....doE48017.99(c) and (e)(1)NA
Brodiaea filifolia Thread-leaved *brodiaea*U.S.A.
(CA)Liliaceae-LilyT65017.96(a)NA
Brodiaea pallida Chinese Camp *brodiaea*.....doLiliaceaeT643NANA
Buxus vahlii Vahl's boxwoodU.S.A. (PR, VI)BuxaceaeE197NANA
Caesalpinia kavaiense UhiuhiU.S.A. (HI)FabaceaeE238NANA
Callicarpa ampla Capá rosaU.S.A. (PR)VerbenaceaeE461NANA
Callirhoe scabriuscula Texas poppy-mallowU.S.A. (TX)MalvaceaeE109,
112NANA
Calochortus tiburonensis Tiburon *mariposa lily*U.S.A.
(CA)LiliaceaeT575NANA
Calypttranthes thomasiana NoneU.S.A. (PR, VI) British
VIMyraceaeE529NANA
Calyptridium pulchellum Mariposa *pussypaws*U.S.A.
(CA)PortulacaceaeT643NANA
Calyptronoma rivalis Palma de manacaU.S.A. (PR)ArecaceaeT375NANA
Calystegia stebbinsii Stebbins' morning-gloryU.S.A.
(CA)ConvolvulaceaeE596NANA
Camissonia benitensis San Benito
evening-primrose.....doOnagraceaeT172NANA
Campanula robinsiae Brooksville *bellflower*U.S.A.
(FL)CampanulaceaeE356NANA
Canavalia molokaiensis AwikiwikiU.S.A. (HI)FabaceaeE48017.99(c)NA
Cardamine micranthera Small-anthered bittercressU.S.A. (NC,
VA)BrassicaceaeE363NANA
Carex albida White sedgeU.S.A. (CA)CyperaceaeE625NANA
Carex lutea Golden sedgeU.S.A. (NC).....doE721NANA
Carex specuicola Navajo sedgeU.S.A. (AZ, UT).....doT17817.96(a)NA
Castilleja affinis ssp. *neglecta* Tiburon *paintbrush*U.S.A.
(CA)ScrophulariaceaeE575NANA
Castilleja campestris ssp. *succulenta* Fleshy
owl's-clover.....do.....doT61117.96(a)NA
Castilleja cinerea Ash-gray Indian
paintbrush.....do.....doT643NANA
Castilleja grisea San Clemente Island Indian
paintbrush.....do.....doE26NANA
Castilleja levisecta Golden *paintbrush*U.S.A. (OR, WA), Canada
(B.C.).....doT615NANA
Castilleja mollis Soft-leaved *paintbrush*U.S.A. (CA).....doE623NANA
Catesbaea melanocarpa NoneU.S.A. (PR, VI), Antigua, Barbuda,
GuadalupeRubiaceaeE657NANA
Caulanthus californicus California *jewelflower*U.S.A.
(CA)BrassicaceaeE395NANA
Ceanothus ferrisiae Coyote *ceanothus*.....doRhamnaceaeE575NANA
Ceanothus ophiochilus Vail Lake *ceanothus*.....do.....doT648NANA
Ceanothus roderickii Pine Hill *ceanothus*.....do.....doE596NANA
Cenchrus agrimonioides KamanomanoU.S.A. (HI)PoaceaeE59217.99(e)(1)
and (i)NA
Centaurium namophilum Spring-loving *centaury*U.S.A. (CA,
NV)GentianaceaeT18117.96(a)NA
Centaurium sebaeoides AwiwiU.S.A. (HI).....doE44817.99(a)(1), (c),
(e)(1), and (i)NA

Cercocarpus traskiae Catalina Island mountain-mahoganyU.S.A.
 (CA)RosaceaeE624NANA
Cereus eriophorus var. *fragrans* Fragrant prickly-appleU.S.A.
 (FL)CactaceaeE208NANA
Chamaecrista glandulosa var. *mirabilis* NoneU.S.A.
 (PR)FabaceaeE379NANA
Chamaesyce celastroides var. *kaenana* AkokoU.S.A.
 (HI)EuphorbiaceaeE44817.99(i)NA
Chamaesyce deltoidea ssp. *deltoidea* Deltoid spurgeU.S.A.
 (FL).....doE192NANA
Chamaesyce deppeana AkokoU.S.A. (HI).....doE53617.99(i)NA
Chamaesyce garberi Garber's spurgeU.S.A. (FL).....doT192NANA
Chamaesyce halemanui NoneU.S.A. (HI).....doE46417.99(a)(1)NA
Chamaesyce herbstii Akoko.....do.....doE59117.99(i)NA
Chamaesyce hooveri Hoover's spurgeU.S.A. (CA).....doT61117.96(a)NA
Chamaesyce kuwaleana AkokoU.S.A. (HI).....doE44817.99(i)NA
Chamaesyce rockiido.....do.....doE59117.99(i)NA
Chamaesyce skottsbergii var. *kalaeloana* 'Ewa Plains
 'akoko.....do.....doE120NANA
Chionanthus pygmaeus Pygmy fringe-treeU.S.A. (FL)OleaceaeE256NANA
Chlorogalum purpureum Purple amole (Camatta Canyon amole)U.S.A.
 (CA)Liliaceae-LilyT68917.96(a)NA
Chorizanthe howellii Howell's
 spineflower.....doPolygonaceaeE472NANA
Chorizanthe orcuttiana Orcutt's spineflower.....do.....doE589NANA
Chorizanthe pungens var. *hartwegiana* Ben Lomond
 spineflower.....do.....doE528NANA
Chorizanthe pungens var. *pungens* Monterey
 Spineflower.....doPolygonaceae-BuckwheatT52817.96(a)NA
Chorizanthe robusta var. *hartwegii* Scotts Valley
 spineflower.....do.....doE52817.96(a)NA
Chorizanthe robusta var. *robusta* Robust
 Spineflower.....do.....doE52817.96(b)NA
Chorizanthe valida Sonoma spineflower.....doPolygonaceaeE472NANA
Chrysopsis floridana Florida golden asterU.S.A.
 (FL)AsteraceaeE232NANA
Cirsium fontinale var. *fontinale* Fountain thistleU.S.A.
 (CA).....doE575NANA
Cirsium fontinale var. *obispoense* Chorro Creek bog
 thistle.....do.....doE567NANA
Cirsium hydrophilum var. *hydrophilum* Suisun
 thistle.....do.....doE62717.96 (a)NA
Cirsium loncholepis La Graciosa
 thistle.....doAsteraceae-SunflowerE69117.96(a)NA
Cirsium pitcheri Pitcher's thistleU.S.A. (IL, IN, MI, WI), Canada
 (Ont.)AsteraceaeT315NANA
Cirsium vinaceum Sacramento Mountains thistleU.S.A.
 (NM).....doT276NANA
Clarkia franciscana Presidio clarkiaU.S.A. (CA)OnagraceaeE575NANA
Clarkia imbricata Vine Hill clarkia.....do.....doE625NANA
Clarkia speciosa ssp. *immaculata* Pismo
 clarkia.....do.....doE567NANA
Clarkia springvillensis Springville clarkia.....do.....doT643NANA
Clematis morefieldii Morefield's leather-flowerU.S.A.
 (AL)RanunculaceaeE468NANA
Clematis socialis Alabama leather-flower.....do.....doE245NANA
Clermontia drepanomorpha Oha waiU.S.A.

(HI)CampanulaceaeE59517.99(k)NA
Clermontia lindseyanado.....do.....doE53217.99(e)(1) and
(k)NA
Clermontia oblongifolia ssp. brevipes Oha
wai.....do.....doE48017.99(c)NA
Clermontia oblongifolia ssp. mauiensis
.....do.....do.....doE46717.99(e)(1)NA
Clermontia peleanado.....do.....doE53217.99(k)NA
Clermontia pyrulariado.....do.....doE53217.99(k)NA
Clermontia samueliido.....do.....doE66617.99(e)(1)NA
Clitoria fragrans Pigeon wingsU.S.A. (FL)FabaceaeT500NANA
Colubrina oppositifolia KauilaU.S.A. (HI)RhamnaceaeE53217.99(e)(1),
(i), and (k)NA
Conradina brevifolia Short-leaved rosemaryU.S.A.
(FL)LamiaceaeE507NANA
Conradina etonia Etonia rosemary.....do.....doE507NANA
Conradina glabra Apalachicola rosemary.....do.....doE507NANA
Conradina verticillata Cumberland rosemaryU.S.A. (KY,
TN).....doT452NANA
Cordia bellonis NoneU.S.A. (PR)BoraginaceaeE601NANA
Cordylanthus maritimus ssp. maritimus Salt marsh bird's-beakU.S.A.
(CA), Mexico (Baja California)ScrophulariaceaeE44NANA
Cordylanthus mollis ssp. mollis Soft bird's-beakU.S.A.
(CA).....doE62717.96 (a)NA
Cordylanthus palmatus Palmate-bracted
bird's-beak.....do.....doE235NANA
Cordylanthus tenuis ssp. capillaris Pennell's
bird's-beak.....do.....doE575NANA
Cornutia obovata Palo de niguaU.S.A. (PR)VerbenaceaeE307NANA
Coryphantha minima Nellie cory cactusU.S.A. (TX)CactaceaeE81NANA
Coryphantha ramillosa Bunched cory cactusU.S.A. (TX), Mexico
(Coahuila).....doT77NANA
Coryphantha robbinsorum Cochise pincushion cactusU.S.A. (AZ), Mexico
(Sonora).....doT214NANA
Coryphantha scheeri var. robustispina Pima pineapple
cactus.....do.....doE515NANA
Coryphantha sneedii var. leei Lee pincushion cactusU.S.A.
(NM).....doT61NANA
Coryphantha sneedii var. sneedii Sneed pincushion cactusU.S.A. (NM,
TX).....doE82NANA
Cranichis ricartii NoneU.S.A. (PR)OrchidaceaeE451NANA
Crescentia portoricensis Higuero de
Sierra.....doBignoniaceaeE301NANA
Crotalaria avonensis Avon Park harebellsU.S.A. (FL)FabaceaeE500NANA
Cryptantha crassipes Terlingua Creek cats-eyeU.S.A.
(TX)BoraginaceaeE439NANA
Cucurbita okeechobeensis ssp. okeechobeensis Okeechobee gourdU.S.A.
(FL)CucurbitaceaeE507NANA
Cyanea acuminata HaHaU.S.A. (HI)CampanulaceaeE59117.99(i)NA
Cyanea asarifoliado.....do.....doE53017.99(a)(1)NA
Cyanea copelandii ssp. copelandiido.....do.....doE532NANA
Cyanea copelandii ssp. haleakalaensis
.....do.....do.....doE66617.99(e)(1)NA
Cyanea (=Rollandia) crispa None.....do.....doE53617.99(i)NA
Cyanea dunbarii Haha.....do.....doE59417.99(c)NA
Cyanea glabrado.....do.....doE66617.99(e)(1)NA
Cyanea grimesiana ssp. grimesiana

.....do.....do.....doE59217.99(c), (e)(1), and (i)NA
Cyanea grimesiana ssp. obataedo.....do.....doE54117.99(i)NA
Cyanea hamatiflora ssp. carlsonii
.....do.....do.....doE53217.99(k)NA
Cyanea hamatiflora ssp. hamatiflora
.....do.....do.....doE66617.99(e)(1)NA
Cyanea humboltianado.....do.....doE59117.99(i)NA
Cyanea koolauensisdo.....do.....doE59117.99(i)NA
Cyanea lobatado.....do.....doE46717.99(e)(1)NA
Cyanea longiflorado.....do.....doE59117.99(i)NA
Cyanea macrostegia ssp. gibsonii None.....do.....doE435NANA
Cyanea mannii Haha.....do.....doE48017.99(c)NA
Cyanea mceldowneyido.....do.....doE46717.99(e)(1)NA
Cyanea pinnatifidado.....do.....doE44817.99(i)NA
Cyanea platyphyllado.....do.....doE59517.99(k)NA
Cyanea procerado.....do.....doE48017.99(c)NA
Cyanea rectado.....do.....doT59017.99(a)(1)NA
Cyanea remyido.....do.....doE59017.99(a)(1)NA
Cyanea shipmaniido.....do.....doE53217.99(k)NA
Cyanea st.-johniido.....do.....doE59117.99(i)NA
Cyanea stictophyllado.....do.....doE53217.99(k)NA
Cyanea superba None.....do.....doE43417.99(i)NA
Cyanea truncata Haha.....do.....doE53617.99(i)NA
Cyanea undulata None.....do.....doE43617.99(a)(1)NA
Cycladenia humilis var. jonesii Jones cycladeniaU.S.A. (AZ,
UT)ApocynaceaeT229NANA
Cyperus trachysanthos PuukaaU.S.A. (HI)CyperaceaeE59217.99(a)(1) and
(i)NA
Cyrtandra crenata Ha'iwale.....doGesneriaceaeE536NANA
Cyrtandra cyaneoides Mapele.....do.....doE59017.99(a)(1)NA
Cyrtandra dentata Haiwale.....do.....doE59117.99(i)NA
Cyrtandra giffardiido.....do.....doE53217.99(k)NA
Cyrtandra limahuliensisdo.....do.....doT53017.99(a)(1)NA
Cyrtandra munroido.....do.....doE46717.99(e)(1)NA
Cyrtandra polyanthado.....do.....doE53617.99(i)NA
Cyrtandra subumbellatado.....do.....doE59117.99(i)NA
Cyrtandra tintinnabulado.....do.....doE53217.99(k)NA
Cyrtandra viridiflorado.....do.....doE59117.99(i)NA
Dalea foliosa Leafy prairie-cloverU.S.A. (AL, IL,
TN)FabaceaeE422NANA
Daphnopsis hellerana NoneU.S.A. (PR)ThymelaeaceaeE309NANA
Deeringothamnus pulchellus Beautiful pawpawU.S.A.
(FL)AnnonaceaeE244NANA
Deeringothamnus rugelii Rugel's pawpaw.....do.....doE244NANA
Deinandra (= Hemizonia) conjugens Otay tarplantU.S.A. (CA),
MexicoAsteraceae-SunflowerT64917.96(a)NA
Deinandra increscens ssp. villosa Gaviota tarplantU.S.A.
(CA).....doE69117.96(a)NA
Delissea rhytidosperra NoneU.S.A. (HI)CampanulaceaeE53017.99(a)(1)NA
Delissea rivularis Oha.....do.....doE59017.99(a)(1)NA
Delissea subcordatado.....do.....doE59117.99(i)NA
Delissea undulata None.....do.....doE59317.99(a)(1) and (k)NA
Delphinium bakeri Baker's larkspurU.S.A.
(CA)RanunculaceaeE68117.96(a)NA
Delphinium luteum Yellow larkspur.....do.....doE68117.96(a)NA
Delphinium variegatum ssp. kinkiense San Clemente Island
larkspur.....do.....doE26NANA

Dicerandra christmanii Garrett's mint U.S.A. (FL) Lamiaceae E207, 362 NANA
Dicerandra cornutissima Longspurred mintdo.....do E207 NANA
Dicerandra frutescens Scrub mintdo.....do E207, 362 NANA
Dicerandra immaculata Lakela's mintdo.....do E180 NANA
Dodecahema leptoceras Slender-horned spineflower U.S.A. (CA) Polygonaceae E291 NANA
Dubautia herbstobatae Naenae U.S.A. (HI) Asteraceae E448 17.99(i) NA
Dubautia latifoliado.....do.....do E464 17.99(a)(1) NA
Dubautia pauciflorulado.....do.....do E436 17.99(a)(1) NA
Dubautia plantaginea ssp. *humilis*do.....do E666 17.99(e)(1) NA
Dudleya abramsii ssp. *parva* Conejo dudleya U.S.A. (CA) Crassulaceae T606 NANA
Dudleya cymosa ssp. *marcescens* Marcescent dudleyado.....do T606 NANA
Dudleya cymosa ssp. *ovatifolia* Santa Monica Mountains dudleyado.....do T606 NANA
Dudleya nesiotica Santa Cruz Island dudleyado.....do T623 NANA
Dudleya setchellii Santa Clara Valley dudleyado.....do E575 NANA
Dudleya stolonifera Laguna Beach liveforeverdo.....do T649 NANA
Dudleya traskiae Santa Barbara Island liveforeverdo.....do E39 NANA
Dudleya verityi Verity's dudleyado.....do T606 NANA
Echinacea laevigata Smooth coneflower U.S.A. (GA, MD, NC, PA, SC, VA) Asteraceae E481 NANA
Echinacea tennesseensis Tennessee purple coneflower U.S.A. (TN)do E49 NANA
Echinocactus horizonthalonius var. *nicholii* Nichol's Turk's head cactus U.S.A. (AZ) Cactaceae E71 NANA
Echinocereus chisoensis var. *chisoensis* Chisos Mountain hedgehog cactus U.S.A. (TX)do T335 NANA
Echinocereus fendleri var. *kuenzleri* Kuenzler hedgehog cactus U.S.A. (NM)do E70 NANA
Echinocereus reichenbachii var. *albertii* Black lace cactus U.S.A. (TX)do E68 NANA
Echinocereus triglochidiatus var. *arizonicus* Arizona hedgehog cactus U.S.A. (AZ)do E62 NANA
Echinocereus viridiflorus var. *davisii* Davis' green pitaya U.S.A. (TX)do E81 NANA
Echinomastus mariposensis Lloyd's Mariposa cactus U.S.A. (TX), Mexico (Coahuila)do T77 NANA
Enceliopsis nudicaulis var. *corrugata* Ash Meadows sunray U.S.A. (NV) Asteraceae T181 17.96(a) NA
Eragrostis fosbergii Fosberg's love grass U.S.A. (HI) Poaceae E591 17.99(i) NA
Eremalche kernensis Kern mallow U.S.A. (CA) Malvaceae E395 NANA
Eriastrum densifolium ssp. *sanctorum* Santa Ana River woolly-stardo Polemoniaceae E291 NANA
Erigeron decumbens var. *decumbens* Willamette daisy U.S.A. (OR) Asteraceae—Aster family E679 17.96 NA
Erigeron maguirei Maguire daisy U.S.A. (UT) Asteraceae T202, 584 NANA
Erigeron parishii Parish's daisy U.S.A. (CA)do T548 17.96(a) NA
Erigeron rhizomatus Zuni fleabane U.S.A. (NM)do T177 NANA
Eriodictyon altissimum Indian Knob mountain balm U.S.A. (CA) Hydrophyllaceae E567 NANA

Eriodictyon capitatum Lompoc yerba
 santa.....doHydrophyllaceae-WaterleafE69117.96(a)NA
Eriogonum apricum (incl. var. *prostratum*) Ione (incl. Irish Hill)
 buckwheat.....doPolygonaceaeE661NANA
Eriogonum gypsophilum Gypsum wild-buckwheatU.S.A. (NM).....doT110,
 11217.96(a)NA
Eriogonum kennedyi var. *austromontanum* Southern mountain
 wild-buckwheatU.S.A. (CA).....doT644NANA
Eriogonum longifolium var. *gnaphalifolium* Scrub buckwheatU.S.A.
 (FL).....doT500NANA
Eriogonum ovalifolium var. *vineum* Cushenbury buckwheatU.S.A.
 (CA).....doE54817.96(a)NA
Eriogonum ovalifolium var. *williamsiae* Steamboat buckwheatU.S.A.
 (NV).....doE237NANA
Eriogonum pelinophilum Clay-loving wild-buckwheatU.S.A.
 (CO).....doE15117.96(a)NA
Eriophyllum latilobum San Mateo woolly sunflowerU.S.A.
 (CA)AsteraceaeE575NANA
Eryngium aristulatum var. *parishii* San Diego
 button-celery.....doApiaceaeE512NANA
Eryngium constancei Loch Lomond coyote-thistle.....do.....doE194E,
 249NANA
Eryngium cuneifolium SnakerootU.S.A. (FL).....doE256NANA
Erysimum capitatum var. *angustatum* Contra Costa wallflowerU.S.A.
 (CA)BrassicaceaeE3917.96(a)NA
Erysimum menziesii Menzies' wallflower.....do.....doE472NANA
Erysimum teretifolium Ben Lomond wallflower.....do.....doE528NANA
Erythronium propullans Minnesota dwarf trout lilyU.S.A.
 (MN)LiliaceaeE221NANA
Eugenia haematocarpa UvilloU.S.A. (PR)MyrtaceaeE564NANA
Eugenia koolauensis NioiU.S.A. (HI).....doE53617.99(c) and (i)NA
Eugenia woodburyana NoneU.S.A. (PR).....doE551NANA
Euphorbia haeleeleana AkokoU.S.A. (HI)EuphorbiaceaeE59217.99(a)(1)
 and (i)NA
Euphorbia telephioides Telephus spurgeU.S.A. (FL).....doT463NANA
Eutrema penlandii Penland alpine fen mustardU.S.A.
 (CO)BrassicaceaeT509NANA
Exocarpos luteolus HeauU.S.A. (HI)SantalaceaeE53017.99(a)(1)NA
Flueggea neowawraea Mehamehame.....doEuphorbiaceaeE55917.99(a)(1),
 (c), (e)(1), (i) and (k)NA
Frankenia johnstonii Johnston's frankeniaU.S.A. (TX), Mexico (Nuevo
 Leon)FrankeniaceaeE155NANA
Fremontodendron californicum ssp. *decumbens* Pine Hill
 flannelbushU.S.A. (CA)SterculiaceaeE596NANA
Fremontodendron mexicanum Mexican flannelbushU.S.A. (CA),
 Mexico.....doE648NANA
Fritillaria gentneri Gentner's fritillaryU.S.A.
 (OR)LiliaceaeE672NANA
Gahnia lanaiensis NoneU.S.A. (HI)CyperaceaeE435NANA
Galactia smallii Small's milkpeaU.S.A. (FL)FabaceaeE192NANA
Galium buxifolium Island bedstrawU.S.A. (CA)RubiaceaeE623NANA
Galium californicum ssp. *sierrae* El Dorado
 bedstraw.....do.....doE596NANA
Gardenia brighamii Hawaiian gardenia (Na'u)U.S.A.
 (HI).....doE198NANA
Gardenia mannii Nanu.....do.....doE59117.99(i)NA
Gaura neomexicana ssp. *coloradensis* Colorado butterfly plantU.S.A.

(WY, NE, CO)Onagraceae-Evening PrimroseT70417.96(a)NA
Geocarpum minimum NoneU.S.A. (AR, LA, MO)CaryophyllaceaeT275NANA
Geranium arboreum Hawaiian red-flowered geraniumU.S.A.
(HI)GeraniaceaeE46517.99(e)(1)NA
Geranium multiflorum Nohoanu.....do.....doE46717.99(e)(1)NA
Gesneria pauciflora NoneU.S.A. (PR)GesneriaceaeT578NANA
Geum radiatum Spreading avensU.S.A. (NC, TN)RosaceaeE381NANA
Gilia tenuiflora ssp. arenaria Monterey giliaU.S.A.
(CA)PolemoniaceaeE472NANA
Gilia tenuiflora ssp. hoffmannii Hoffmann's slender-flowered
gilia.....do.....doE623NANA
Goetzea elegans Beautiful goetzea or matabueyU.S.A.
(PR)SolanaceaeE176NANA
Gouania hillebrandii NoneU.S.A. (HI)RhamnaceaeE16517.96(a)NA
Gouania meyeniido.....do.....doE44817.99(a)(1) and (i)NA
Gouania vitifoliado.....do.....doE54117.99(e)(1), and (k)NA
Grindelia fraxino-pratensis Ash Meadows gumplantU.S.A. (CA,
NV)AsteraceaeT18117.96(a)NA
Hackelia venusta Showy stickseedU.S.A.
(WA)Boraginaceae-BorageE722NANA
Halophila johnsonii Johnson's seagrassU.S.A.
(FL)HydrocharitaceaeT663226.213NA
Haplostachys haplostachya NoneU.S.A. (HI)LamiaceaeE73NANA
Harperocallis flava Harper's beautyU.S.A. (FL)LiliaceaeE57NANA
Harrisia portoricensis Higo chumboU.S.A. (PR)CactaceaeT397NANA
Hedeoma todsenii Todsens pennyroyalU.S.A. (NM)LamiaceaeE110,
11217.96(a)NA
Hedyotis cookiana AwiwiU.S.A. (HI)RubiaceaeE53017.99(a)(1)NA
Hedyotis coriacea Kioele.....do.....doE46717.99(e)(1) and (i)NA
Hedyotis degeneri None.....do.....doE44817.99(i)NA
Hedyotis mannii Pilo.....do.....doE48017.99(e)(1)NA
Hedyotis parvula None.....do.....doE44817.99(i)NA
Hedyotis purpurea var. montana Roan Mountain bluetU.S.A. (NC,
TN).....doE381NANA
Hedyotis schlechtendahliana var. remyi KopaU.S.A.
(HI).....doE666NANA
Hedyotis st.-johnii Na Pali beach
hedyotis.....do.....doE44117.99(a)(1)NA
Helenium virginicum Virginia sneezeweedU.S.A. (MO,
VA)AsteraceaeT652NANA
Helianthemum greenii Island rush-roseU.S.A. (CA)CistaceaeT623NANA
Helianthus paradoxus Pecos (=puzzle, =paradox) sunflowerU.S.A. (NM,
TX)AsteraceaeT667NANA
Helianthus schweinitzii Schweinitz's sunflowerU.S.A. (NC,
SC).....doE424NANA
Helonias bullata Swamp pinkU.S.A. (DE, GA, MD, NC, NJ, NY, SC,
VA)LiliaceaeT326NANA
Hesperolinon congestum Marin dwarf-flaxU.S.A. (CA)LinaceaeT575NANA
Hesperomannia arborescens NoneU.S.A. (HI)AsteraceaeE53617.99(c) and
(i)NA
Hesperomannia arbusculado.....do.....doE44817.99(e)(1) and
(i)NA
Hesperomannia lydgateido.....do.....doE43617.99(a)(1)NA
Hexastylis naniflora Dwarf-flowered heartleafU.S.A. (NC,
SC)AristolochiaceaeT347NANA
Hibiscadelphus distans Kauai hau kuahiwiU.S.A. (HI)MalvaceaeE225NANA
Hibiscadelphus giffardianus Hau

kuahiwi.....do.....doE59517.99(k)NA
 Hibiscadelphus hualalaiensisdo.....do.....doE59517.99(k)NA
 Hibiscadelphus woodiido.....do.....doE59017.99(a)(1)NA
 Hibiscus arnottianus ssp. immaculatus Kokio
 keokeo.....do.....doE48017.99(c)NA
 Hibiscus brackenridgei Mao hau hele.....do.....doE55917.99(c),
 (e)(1), (i), and (k)NA
 Hibiscus clayi Clay's hibiscus.....do.....doE53017.99(a)(1)NA
 Hibiscus waimeae ssp. hannerae Kokio
 keokeo.....do.....doE59017.99(a)(1)NA
 Hoffmannseggia tenella Slender rush-peaU.S.A. (TX)FabaceaeE209NANA
 Holocarpa macradenia Santa Cruz tarplantU.S.A.
 (CA)Asteraceae-SunflowerT69017.96(a)NA
 Howellia aquatilis Water howelliaU.S.A. (CA, ID, MT, OR,
 WA)CampanulaceaeT542NANA
 Hudsonia montana Mountain golden heatherU.S.A.
 (NC)CistaceaeT10717.96(a)NA
 Hymenoxys herbacea Lakeside daisyU.S.A. (IL, MI, OH), Canada
 (Ont.)AsteraceaeT310NANA
 Hymenoxys texana Texas prairie dawn-flowerU.S.A.
 (TX).....doE218NANA
 Hypericum cumulicola Highlands scrub hypericumU.S.A.
 (FL)HypericaceaeE256NANA
 Ilex cookii Cook's hollyU.S.A. (PR)AquifoliaceaeE277NANA
 Ilex sintenisii None.....do.....doE461NANA
 Iliamna corei Peter's Mountain mallowU.S.A. (VA)MalvaceaeE230NANA
 Ipomopsis sancti-spiritus Holy Ghost ipomopsisU.S.A.
 (NM)PolemoniaceaeE535NANA
 Iris lacustris Dwarf lake irisU.S.A. (MI, WI), Canada
 (Ont.)IridaceaeT330NANA
 Ischaemum byrone Hilo ischaemumU.S.A. (HI)PoaceaeE53217.99(a)(1),
 (c), (e)(1), and (k)NA
 Isodendrion hosakae Aupaka.....doViolaceaeT41417.99(k)NA
 Isodendrion laurifoliumdo.....do.....doE59217.99(a)(1) and
 (i)NA
 Isodendrion longifoliumdo.....do.....doT59217.99(a)(1) and
 (i)NA
 Isodendrion pyriformis Wahine noho kula.....do.....doE53217.99(c),
 (e)(1), and (i)NA
 Isotria medeoloides Small whorled pogoniaU.S.A. (CT, DC, DE, GA, IL,
 MA, MD, ME, MI, MO, NC, NH, NJ, NY, PA, RI, SC, TN, VA, VT,WV),
 Canada (Ont.)OrchidaceaeT122, 556NANA
 Ivesia kingii var. eremica Ash Meadows ivesiaU.S.A.
 (NV)RosaceaeT18117.96(a)NA
 Jacquemontia reclinata Beach jacquemontiaU.S.A.
 (FL)ConvolvulaceaeE523NANA
 Jatropha costaricensis Costa Rican jatrophaCosta
 RicaEuphorbiaceaeE154NANA
 Juglans jamaicensis Nogal or West Indian walnutU.S.A. (PR), Cuba,
 HispaniolaJuglandaceaeE603NANA
 Justicia cooleyi Cooley's water-willowU.S.A. (FL)AcanthaceaeE356NANA
 Kanaloa kahoolawensis Kohe malama malama o kanaloaU.S.A.
 (HI)FabaceaeE66617.99(e)(2)NA
 Kokia cookei Cooke's koki'o.....doMalvaceaeE74NANA
 Kokia drynarioides Koki'o.....do.....doE16717.96(a)NA
 Kokia kauaiensisdo.....do.....doE59017.99(a)(1)NA
 Labordia cyrtandrae Kamakahala.....doLoganiaceaeE59117.99(i)NA

Labordia lydgateido.....do.....doE43617.99(a)(1)NA
Labordia tinifolia var. *lanaiensis*do.....do.....doE666NANA
Labordia tinifolia var. *wahiawaensis*
.....do.....do.....doE59017.99(a)(1)NA
Labordia triflorado.....do.....doE66617.99(c)NA
Lasthenia burkei Burke's goldfieldsU.S.A. (CA)AsteraceaeE453NANA
Lasthenia conjugens Contra Costa
goldfields.....do.....doE61917.96(a)NA
Layia carnosa Beach layia.....do.....doE472NANA
Lembertia congdonii San Joaquin
wooly-threads.....do.....doE395NANA
Lepanthes eltoroensis NoneU.S.A. (PR)OrchidaceaeE451NANA
Lepidium arbuscula AnaunauU.S.A. (HI)BrassicaceaeE59117.99(i)NA
Lepidium barnebyanum Barneby ridge-cressU.S.A. (UT).....doE402NANA
Leptocereus grantianus NoneU.S.A. (PR)CactaceaeE491NANA
Lespedeza leptostachya Prairie bush-cloverU.S.A. (IA, IL, MN,
WI)FabaceaeT254NANA
Lesquerella congesta Dudley Bluffs bladderpodU.S.A.
(CO)BrassicaceaeT374NANA
Lesquerella filiformis Missouri bladderpodU.S.A. (AR,
MO).....doT253, 739NANA
Lesquerella kingii ssp. *bernardina* San Bernardino Mountains
bladderpodU.S.A. (CA).....doE54817.96(a)NA
Lesquerella lyrata Lyrate bladderpodU.S.A. (AL).....doT403NANA
Lesquerella pallida White bladderpodU.S.A. (TX).....doE260NANA
Lesquerella perforata Spring Creek bladderpodU.S.A.
(TN).....doE599NANA
Lesquerella thamnophila Zapata bladderpodU.S.A. (TX),
Mexico.....doE67117.96(a)NA
Lesquerella tumulosa Kodachrome bladderpodU.S.A.
(UT).....doE519NANA
Lessingia germanorum (=L. g. var. *germanorum*) San Francisco
*lessingia*U.S.A. (CA)AsteraceaeE620NANA
Liatris helleri Heller's blazingstarU.S.A. (NC).....doT300NANA
Liatris ohlingerae Scrub blazingstarU.S.A. (FL).....doE356NANA
Lilaeopsis schaffneriana var. *recurva* Huachuca water-umbelU.S.A.
(AZ), MexicoApiaceaeE60017.96(a)NA
Lilium occidentale Western lilyU.S.A. (OR, CA)LiliaceaeE544NANA
Lilium pardalinum ssp. *pitkinense* Pitkin Marsh lilyU.S.A.
(CA).....doE625NANA
Limnanthes floccosa ssp. *californica* Butte County
meadowfoam.....doLimnanthaceaeE47117.96(a)NA
Limnanthes floccosa ssp. *grandiflora* large-flowered woolly
meadowfoamU.S.A. (OR).....doE733NANA
Limnanthes vinculans Sebastopol meadowfoamU.S.A.
(CA).....doE453NANA
Lindera melissifolia PondberryU.S.A. (AL, AR, FL, GA, LA, MO, MS,
NC, SC)LauraceaeE240NANA
Lipochaeta fauriei NeheU.S.A. (HI)AsteraceaeE53017.99(a)(1)NA
Lipochaeta kamolensisdo.....do.....doE46717.99(e)(1)NA
Lipochaeta lobata var. *leptophylla*
.....do.....do.....doE44817.99(i)NA
Lipochaeta micranthado.....do.....doE53017.99(a)(1)NA
Lipochaeta tenuifoliado.....do.....doE44817.99(i)NA
Lipochaeta venosa None.....do.....doE73NANA
Lipochaeta waimeaensis Nehe.....do.....doE53017.99(a)(1)NA
Lithophragma maximum San Clemente Island woodland-starU.S.A.

(CA)SaxifragaceaeE624NANA
Lobelia gaudichaudii ssp. *koolauensis* NoneU.S.A.
(HI)CampanulaceaeE59117.99(i)NA
Lobelia monostachyado.....do.....doE59117.99(i)NA
Lobelia niihauensisdo.....do.....doE44817.99(i)NA
Lobelia oahuensisdo.....do.....doE53617.99(i)NA
Lomatium bradshawii Bradshaw's desert-parsleyU.S.A.
(OR,WA)ApiaceaeE333NANA
Lomatium cookii Cook's *lomatium*U.S.A. (OR).....doE733NANA
Lotus dendroideus ssp. *traskiae* San Clemente Island broomU.S.A.
(CA)FabaceaeE26NANA
Lupinus aridorum Scrub lupineU.S.A. (FL).....doE264NANA
Lupinus nipomensis Nipomo Mesa lupineU.S.A. (CA).....doE691NANA
Lupinus sulphureus ssp. *kincaidii* Kincaid's lupineU.S.A (OR,
WA)Fabaceae–Pea familyT67917.96NA
Lupinus tidestromii Clover lupineU.S.A. (CA)FabaceaeE472NANA
Lyonia truncata var. *proctorii* NoneU.S.A. (PR)EricaceaeE501NANA
Lysimachia asperulaefolia Rough-leaved loosestrifeU.S.A. (NC,
SC)PrimulaceaeE274NANA
Lysimachia filifolia NoneU.S.A. (HI).....doE53017.99(a)(1) and
(i)NA
Lysimachia lydgateido.....do.....doE46717.99(e)(1)NA
Lysimachia maximado.....do.....doE59417.99(c)NA
Macbridea alba White birds-in-a-nestU.S.A. (FL)LamiaceaeT463NANA
Malacothamnus clementinus San Clemente Island bush-mallowU.S.A.
(CA)MalvaceaeE26NANA
Malacothamnus fasciculatus var. *nesioticus* Santa Cruz Island
bushmallow.....do.....doE623NANA
Malacothrix indecora Santa Cruz Island
malocothrix.....doAsteraceaeE623NANA
Malacothrix squalida Island malacothrix.....do.....doE623NANA
Manihot walkerae Walker's maniocU.S.A. (TX),
MexicoEuphorbiaceaeE445NANA
Mariscus fauriei NoneU.S.A (HI)CyperaceaeE53217.99(c) and (k)NA
Mariscus pennatifoliusdo.....do.....doE55917.99(a)(1),
(e)(1), (g), and (i)NA
Marshallia mohrii Mohr's Barbara's buttonsU.S.A. (AL,
GA)AsteraceaeT324NANA
Melicope adscendens AlaniU.S.A. (HI)RutaceaeE56517.99(e)(1)NA
Melicope ballouido.....do.....doE56517.99(e)(1)NA
Melicope haupuensisdo.....do.....doE53017.99(a)(1)NA
Melicope knudsenii.....do.....do.....doE53017.99(a)(1) and
(e)(1)NA
Melicope lydgateido.....do.....doE53617.99(i)NA
Melicope mucronulatado.....do.....doE46717.99(c) and
(e)(1)NA
Melicope munroido.....do.....doE666NANA
Melicope ovalisdo.....do.....doE56517.99(e)(1)NA
Melicope pallidado.....do.....doE53017.99(a)(1) and (i)NA
Melicope quadrangularisdo.....do.....doE530NANA
Melicope reflexado.....do.....doE48017.99(c)NA
Melicope saint-johniido.....do.....doE59117.99(i)NA
Melicope zahlbrucknerido.....do.....doE59517.99(k)NA
Mentzelia leucophylla Ash Meadows blazing-starU.S.A.
(NV)LoasaceaeT18117.96(a)NA
Mimulus glabratus var. *michiganensis* Michigan monkey-flowerU.S.A.
(MI)ScrophulariaceaeE392NANA

Mirabilis macfarlanei MacFarlane's four-o'clock U.S.A. (ID, OR) Nyctaginaceae T66, 581 NANA
Mitracarpus maxwelliae None U.S.A. (PR) Rubiaceae E551 NANA
Mitracarpus polycladusdo U.S.A. (PR), Saba.....do E551 NANA
Monardella linoides ssp. *viminea* Willowy monardella U.S.A. (CA), Mexico Lamiaceae E649 17.96(a) NA
Munroidendron racemosum None U.S.A. (HI) Araliaceae E530 17.99(a)(1) NA
Myrcia paganiido U.S.A. (PR) Myrtaceae E529 NANA
Myrsine juddii Kolea U.S.A. (HI) Myrsinaceae E591 17.99(i) NA
Myrsine linearifoliado.....do.....do T590 17.99(a)(1) NA
Navarretia fossalis Spreading navarretia U.S.A. (CA), Mexico (Baja California) Polemoniaceae T650 17.96(a) NA
Navarretia leucocephala ssp. *pauciflora* (=N. *pauciflora*) Few-flowered navarretia U.S.A. (CA).....do E619 NANA
Navarretia leucocephala ssp. *plieantha* Many-flowered navarretia.....do.....do E619 NANA
Neostapfia colusana Colusa grass.....do Poaceae T611 17.96(a) NA
Neraudia angulata None U.S.A. (HI) Urticaceae E448 17.99(i) NA
Neraudia ovatado.....do.....do E595 17.99(k) NA
Neraudia sericeado.....do.....do E559 17.99(c) and (e)(1) NA
Nesogenes rotensis None Western Pacific Ocean—U.S.A. (Commonwealth of the Northern Mariana Islands) Verbenaceae—Verbena family E742 NANA
Nitrophila mohavensis Amargosa niterwort U.S.A. (CA, NV) Chenopodiaceae E181 17.96(a) NA
Nolina brittoniana Britton's beargrass U.S.A. (FL) Agavaceae E500 NANA
Nothocestrum breviflorum Aiea U.S.A. (HI) Solanaceae E532 17.99(k) NA
Nothocestrum peltatumdo.....do.....do E530 17.99(a)(1) NA
Nototrichium humile Kului.....do Amaranthaceae E448 17.99(e)(1) and (i) NA
Ochrosia kilaueaensis Holei.....do Apocynaceae E532 NANA
Oenothera avita ssp. *eurekaensis* Eureka Valley evening-primrose U.S.A. (CA) Onagraceae E39 NANA
Oenothera deltoides ssp. *howellii* Antioch Dunes evening-primrose.....do.....do E39 17.96(a) NA
Opuntia treleasei Bakersfield cactus.....do Cactaceae E395 NANA
Orcuttia californica California Orcutt grass.....do Poaceae E512 NANA
Orcuttia inaequalis San Joaquin Valley Orcutt grass.....do.....do T611 17.96(a) NA
Orcuttia pilosa Hairy Orcutt grass.....do.....do T611 17.96(a) NA
Orcuttia tenuis Slender Orcutt grass.....do.....do T611 17.96(a) NA
Orcuttia viscida Sacramento Orcutt grass.....do.....do T611 17.96(a) NA
Osmoxylon mariannense None Western Pacific Ocean—U.S.A. (Commonwealth of the Northern Mariana Islands) Araliaceae—Ginseng family E742 NANA
Ottoschulzia rhodoxylon Palo de rosa U.S.A. (PR), Dominican Republic Icacinaceae E385 NANA
Oxypolis canbyi Canby's dropwort U.S.A. (DE, GA, MD, NC, SC) Apiaceae E217 NANA
Oxytheca parishii var. *goodmaniana* Cushenbury oxytheca U.S.A. (CA) Polygonaceae E548 17.96(a) NA
Oxytropis campestris var. *chartacea* Fassett's locoweed U.S.A. (WI) Fabaceae T329 NANA
Panicum fauriei var. *carteri* Carter's panicgrass U.S.A. (HI) Poaceae E133 17.96(a) NA
Panicum niihauense Lau ehu.....do.....do E592 17.99(a)(1) NA
Paronychia chartacea Papery whitlow-wort U.S.A. (FL) Caryophyllaceae T256 NANA

Parvisedum leiocarpum Lake County stonecropU.S.A.
 (CA)CrassulaceaeE619NANA
 Pedicularis furbishiae Furbish lousewortU.S.A. (ME), Canada
 (N.B.)ScrophulariaceaeE39NANA
 Pediocactus bradyi Brady pincushion cactusU.S.A.
 (AZ)CactaceaeE63NANA
 Pediocactus despainii San Rafael cactusU.S.A. (UT).....doE286NANA
 Pediocactus knowltonii Knowlton cactusU.S.A. (CO, NM).....doE72NANA
 Pediocactus peeblesianus var. peeblesianus Peebles Navajo
 cactusU.S.A. (AZ).....doE69NANA
 Pediocactus sileri Siler pincushion cactusU.S.A. (AZ,
 UT).....doT64, 524NANA
 Pediocactus winkleri Winkler cactusU.S.A. (UT).....doT641NANA
 Penstemon haydenii Blowout penstemonU.S.A.
 (NE)ScrophulariaceaeE285NANA
 Penstemon penlandii Penland beardtongueU.S.A. (CO).....doE353NANA
 Pentachaeta bellidiflora White-rayed pentachaetaU.S.A.
 (CA)AsteraceaeE575NANA
 Pentachaeta lyonii Lyon's pentachaeta.....do.....doE60617.96(a)NA
 Peperomia wheeleri Wheeler's peperomiaU.S.A. (PR)PiperaceaeE255NANA
 Peucedanum sandwicense MakouU.S.A. (HI)ApiaceaeT53017.99(a)(1), (c),
 (e)(1), and (i)NA
 Phacelia argillacea Clay phaceliaU.S.A. (UT)HydrophyllaceaeE44NANA
 Phacelia formosula North Park phaceliaU.S.A. (CO).....doE121NANA
 Phacelia insularis ssp. insularis Island phaceliaU.S.A.
 (CA).....doE623NANA
 Phlox hirsuta Yreka phlox.....doPolemoniaceaeE683NANA
 Phlox nivalis ssp. texensis Texas trailing phloxU.S.A.
 (TX).....doE440NANA
 Phyllostegia glabra var. lanaiensis NoneU.S.A. (HI)LamiaceaeE435NANA
 Phyllostegia hirsutado.....do.....doE59117.99(i)NA
 Phyllostegia kaalaensisdo.....do.....doE59117.99(i)NA
 Phyllostegia knudseniido.....do.....doE59017.99(a)(1)NA
 Phyllostegia manniido.....do.....doE48017.99(c) and
 (e)(1)NA
 Phyllostegia mollisdo.....do.....doE44817.99(e)(1) and
 (i)NA
 Phyllostegia parviflorado.....do.....doE59217.99(i)NA
 Phyllostegia racemosa Kiponapona.....do.....doE59517.99(k)NA
 Phyllostegia velutina None.....do.....doE59517.99(k)NA
 Phyllostegia waimeaedo.....do.....doE53017.99(a)(1)NA
 Phyllostegia warshauerido.....do.....doE59517.99(k)NA
 Phyllostegia wawranado.....do.....doE59 017.99(a)(1)NA
 Physaria obcordata Dudley Bluffs twinpodU.S.A.
 (CO)BrassicaceaeT374NANA
 Pilosocereus robinii Key tree-cactusU.S.A. (FL),
 CubaCactaceaeE153NANA
 Pinguicula ionantha Godfrey's butterwortU.S.A.
 (FL)LentibulariaceaeT507NANA
 Piperia yadonii Yadon's piperiaU.S.A. (CA)OrchidaceaeE640NANA
 Pityopsis ruthii Ruth's golden asterU.S.A. (TN)AsteraceaeE191NANA
 Plagiobothrys hirtus Rough popcornflowerU.S.A.
 (OR)BoraginaceaeE678NANA
 Plagiobothrys strictus Calistoga allocaryaU.S.A.
 (CA).....doE625NANA
 Plantago hawaiensis Laukahi kuahiwiU.S.A
 (HI)PlantaginaceaeE53217.99(k)NA

Plantago princepsdo.....do.....doE55917.99(a)(1), (c),
(e)(1), and (i)NA
Platanthera holochila None.....doOrchidaceaeE59217.99(a)(1),
(e)(1), and (i)NA
Platanthera leucophaea Eastern prairie fringed orchidU.S.A. (AR, IA,
IL, IN, ME, MI, MO, NE, NJ, NY, OH, OK, PA, VA, WI), Canada (Ont.,
N.B.).....doT368NANA
Platanthera praeclara Western prairie fringed orchidU.S.A. (IA, KS,
MN, MO, ND, NE, OK, SD), Canada (Man.).....doT368NANA
Pleodendron macranthum ChupacallosU.S.A. (PR)CanellaceaeE564NANA
Pleomele hawaiiensis Hala pepeU.S.A (HI)LiliaceaeE59517.99(k)NA
Poa atropurpurea San Bernardino bluegrassU.S.A. (CA)PoaceaeE644NANA
Poa mannii Mann's bluegrassU.S.A. (HI).....doE55817.99(a)(1)NA
Poa napensis Napa bluegrassU.S.A. (CA).....doE625NANA
Poa sandvicensis Hawaiian bluegrassU.S.A.
(HI).....doE46417.99(a)(1)NA
Poa siphonoglossa None.....do.....doE46417.99(a)(1)NA
Pogogyne abramsii San Diego mesa mintU.S.A. (CA)LamiaceaeE44NANA
Pogogyne nudiuscula Otay mesa mintU.S.A. (CA), Mexico (Baja
California).....doE512NANA
Polygala lewtonii Lewton's polygalaU.S.A. (FL)PolygalaceaeE500NANA
Polygala smallii Tiny polygala.....do.....doE192NANA
Polygonella basiramia Wireweed.....doPolygonaceaeE256NANA
Polygonella myriophylla Sandlace.....do.....doE500NANA
Polygonum hickmanii Scotts Valley polygonumU.S.A.
(CA).....doE73617.96(a)NA
Portulaca sclerocarpa PoeU.S.A (HI)PortulacaceaeE53217.96(b) and
17.99(k)NA
Potamogeton clystocarpus Little Aguja pondweedU.S.A.
(TX)PotamogetonaceaeE450NANA
Potentilla hickmanii Hickman's potentillaU.S.A. (CA)RosaceaeE640NANA
Primula maguirei Maguire primroseU.S.A. (UT)PrimulaceaeT199NANA
Pritchardia affinis LouluU.S.A. (HI)ArecaceaeE532NANA
Pritchardia aylmer-robinsonii Wahane.....do.....doE586NANA
Pritchardia kaalae Loulu.....do.....doE591NANA
Pritchardia munroido.....do.....doE480NANA
Pritchardia napaliensisdo.....do.....doE590NANA
Pritchardia remotado.....do.....doE58717.99(g)NA
Pritchardia schattauerido.....do.....doE595NANA
Pritchardia viscosado.....do.....doE590NANA
Prunus geniculata Scrub plumU.S.A. (FL)RosaceaeE256NANA
Pseudobahia bahiifolia Hartweg's golden sunburstU.S.A.
(CA)AsteraceaeE609NANA
Pseudobahia San Joaquin adobe sunburst.....do.....doT609NANA
Pteralyxia kauaiensis KauluU.S.A. (HI)ApocynaceaeE53017.99(a)(1)NA
Ptilimnium nodosum HarperellaU.S.A. (AL, AR, GA, MD, NC, SC,
WV)ApiaceaeE332NANA
Purshia subintegra Arizona cliffroseU.S.A. (AZ)RosaceaeE148NANA
Quercus hinckleyi Hinckley's oakU.S.A. (TX)FagaceaeT318NANA
Ranunculus acriformis var. *aestivalis* Autumn buttercupU.S.A.
(UT)RanunculaceaeE355NANA
Remya kauaiensis NoneU.S.A. (HI)AsteraceaeE41317.99(a)(1)NA
Remya mauiensis Maui remya.....do.....doE41317.99(e)(1)NA
Remya montgomeryi None.....do.....doE41317.99(a)(1)NA
Rhododendron chapmanii Chapman rhododendronU.S.A.
(FL)EricaceaeE47NANA
Rhus michauxii Michaux's sumacU.S.A. (GA, NC, SC,

VA)AnacardiaceaeE367NANA
 Rhynchospora knieskernii Knieskern's beaked-rushU.S.A. (DE,
 NJ)CyperaceaeT429NANA
 Ribes echinellum Miccosukee gooseberryU.S.A. (FL,
 SC)SaxifragaceaeT190NANA
 Rorippa gambellii Gambel's watercressU.S.A. (CA)BrassicaceaeE511NANA
 Sagittaria fasciculata Bunched arrowheadU.S.A. (NC,
 SC)AlismataceaeE53NANA
 Sagittaria secundifolia Kral's water-plantainU.S.A. (AL,
 GA).....doT386NANA
 Sanicula mariversa NoneU.S.A. (HI)ApiaceaeE44817.99(i)NA
 Sanicula purpureado.....do.....doE59217.99(e)(1) and (i)NA
 Santalum freycinetianum var. lanaiense Lanai sandalwood
 (= `iliahi).....doSantalaceaeE215NANA
 Sarracenia oreophila Green pitcher-plantU.S.A. (AL, GA, NC,
 TN)SarraceniaceaeE56, 89NANA
 Sarracenia rubra ssp. alabamensis Alabama canebrake
 pitcher-plantU.S.A. (AL).....doE346NANA
 Sarracenia rubra ssp. jonesii Mountain sweet pitcher-plantU.S.A.
 (NC, SC).....doE339NANA
 Scaevola coriacea Dwarf naupakaU.S.A. (HI)GoodeniaceaeE231NANA
 Schiedea adamantis Diamond Head
 schiedea.....doCaryophyllaceaeE141NANA
 Schiedea apokremnos Maolioli.....do.....doE44117.99(a)(1)NA
 Schiedea haleakalensis None.....do.....doE46717.99(e)(1)NA
 Schiedea hellerido.....do.....doE59017.99(a)(1)NA
 Schiedea hookerido.....do.....doE59217.99(i)NA
 Schiedea kaalaedo.....do.....doE44817.99(i)NA
 Schiedea kauaiensisdo.....do.....doE59217.99(a)(1)NA
 Schiedea kealiae Maolioli.....do.....doE59117.99(i)NA
 Schiedea lydgatei None.....do.....doE48017.99(c)NA
 Schiedea membranaceado.....do.....doE59017.99(a)(1)NA
 Schiedea nuttalliido.....do.....doE59217.99(a)(1), (c), and
 (i)NA
 Schiedea sarmentosado.....do.....doE59417.99(c)NA
 Schiedea spergulina var. leiopoda
do.....do.....doE53017.99(a)(1)NA
 Schiedea spergulina var. spergulina
do.....do.....doT53017.99(a)(1)NA
 Schiedea stellarioides Laulihilihi
 (=Maolioli).....do.....doE59017.99(a)(1)NA
 Schiedea verticillata None.....do.....doE58717.99(g)NA
 Schoenocrambe argillacea Clay reed-mustardU.S.A.
 (UT)BrassicaceaeT457NANA
 Schoenocrambe barnebyi Barneby reed-mustard.....do.....doE457NANA
 Schoenocrambe suffrutescens Shrubby
 reed-mustard.....do.....doE293NANA
 Schoepfia arenaria NoneU.S.A. (PR)OlacaceaeT420NANA
 Schwalbea americana American chaffseedU.S.A. (AL, CT, DE, FL, GA,
 LA, MA, MD, MI, MS, NC, NJ, NY, SC, TN, VA)ScrophulariaceaeE478NANA
 Scirpus ancistrochaetus Northeastern bulrushU.S.A. (MA, MD, NH, NY,
 PA, VA, VT, WV)CyperaceaeE425NANA
 Sclerocactus glaucus Uinta Basin hookless cactusU.S.A. (CO,
 UT)CactaceaeT59NANA
 Sclerocactus mesae-verdae Mesa Verde cactusU.S.A. (CO,
 NM).....doT75NANA
 Sclerocactus wrightiae Wright fishhook cactusU.S.A.

(UT).....doE58NANA
Scutellaria floridana Florida skullcapU.S.A. (FL)LamiaceaeT463NANA
Scutellaria montana Large-flowered skullcapU.S.A. (GA,
TN).....doT234, 720NANA
Sedum integrifolium ssp. *leedyi* Leedy's roserootU.S.A. (MN,
NY)CrassulaceaeT460NANA
Senecio franciscanus San Francisco Peaks groundselU.S.A.
(AZ)AsteraceaeT13717.96(a)NA
Senecio layneae Layne's butterweedU.S.A. (CA).....doT596NANA
Serianthes nelsonii Hayun lagu (Guam), Tronkon guafi (Rota)Western
Pacific Ocean-U.S.A. (GU, MP-Rota)FabaceaeE257, 259NANA
Sesbania tomentosa OhaiU.S.A (HI).....doE55917.99(a)(1), (c),
(e)(1), (g), (i), and (k)NA
Sibara filifolia Santa Cruz Island rock-cressU.S.A.
(CA)BrassicaceaeE624NANA
Sicyos alba AnunuU.S.A (HI)CucurbitaceaeE59517.99(k)NA
Sidalcea keckii Keck's checkermallowU.S.A.
(CA)Malvaceae-MallowE68517.96(a)NA
Sidalcea nelsoniana Nelson's checker-mallowU.S.A. (OR,
WA)MalvaceaeT490NANA
Sidalcea oregana var. *calva* Wenatchee Mountains checker-mallowU.S.A.
(WA)Malvaceae-MallowE67317.96(a)NA
Sidalcea oregana ssp. *valida* Kenwood Marsh checker-mallowU.S.A.
(CA).....doE625NANA
Sidalcea pedata Pedate checker-mallow.....do.....doE158NANA
Silene alexandri NoneU.S.A. (HI)CaryophyllaceaeE48017.99(c)NA
Silene hawaiiensisdo.....do.....doT53217.99(k)NA
Silene lanceolatado.....do.....doE48017.99(c) and (i)NA
Silene perlmaniido.....do.....doE44817.99(i)NA
Silene polypetala Fringed campionU.S.A. (FL, GA).....doE418NANA
Silene spaldingii Spalding's catchflyU.S.A. (OR, ID, MT, WA), Canada
(B.C.).....doT712NANA
Sisyrinchium dichotomum White irisetteU.S.A. (NC)IridaceaeE438NANA
Solanum dryophilum ErubiaU.S.A. (PR)SolanaceaeE319NANA
Solanum incompletum Popolo ku maiU.S.A (HI).....doE55917.99(k)NA
Solanum sandwicense Aiakeakua, popolo.....do.....doE53017.99(a)(1)
and (i)NA
Solidago albopilosa White-haired goldenrodU.S.A.
(KY)AsteraceaeT308NANA
Solidago houghtonii Houghton's goldenrodU.S.A. (MI), Canada
(Ont.).....doT314NANA
Solidago shortii Short's goldenrodU.S.A. (KY).....doE201NANA
Solidago spithamea Blue Ridge goldenrodU.S.A. (NC,
TN).....doT175NANA
Spermolepis hawaiiensis NoneU.S.A. (HI)ApiaceaeE55917.99(a)(1), (c),
(e)(1), and (i)NA
Spigelia gentianoides Gentian pinkrootU.S.A. (AL,
FL)LoganiaceaeE406NANA
Spiraea virginiana Virginia spiraeaU.S.A. (GA, KY, NC, OH, PA, TN,
VA, WV)RosaceaeT389NANA
Spiranthes delitescens Canelo Hills ladies'-tressesU.S.A.
(AZ)OrchidaceaeE600NANA
Spiranthes diluvialis Ute ladies'-tressesU.S.A. (CO, ID, MT, NE, NV,
UT, WA, WY).....doT458NANA
Spiranthes parksii Navasota ladies'-tressesU.S.A.
(TX).....doE116NANA
Stahlia monosperma Cóbana negraU.S.A. (PR), Dominican

RepublicFabaceaeT380NANA
 Stenogyne angustifolia var. angustifolia NoneU.S.A.
 (HI)LamiaceaeE73NANA
 Stenogyne bifidado.....do.....doE48017.99(c)NA
 Stenogyne campanulatado.....do.....doE46417.99(a)(1)NA
 Stenogyne kanehoanado.....do.....doE46617.99(i)NA
 Stephanomeria malheurensis Malheur wire-lettuceU.S.A.
 (OR)AsteraceaeE12617.96(a)NA
 Streptanthus albidus ssp. albidus Metcalf Canyon jewelflowerU.S.A.
 (CA)BrassicaceaeE575NANA
 Streptanthus niger Tiburon jewelflower.....do.....doE575NANA
 Styrax portoricensis Palo de jazmfnU.S.A. (PR)StyracaceaeE461NANA
 Styrax texanus Texas snowbellsU.S.A. (TX).....doE162NANA
 Suaeda californica Seablite, CaliforniaU.S.A.
 (CA)ChenopodiaceaeE567NANA
 Swallenia alexandrae Eureka Dune grass.....doPoaceaeE39NANA
 Taraxacum californicum California
 taraxacum.....doAsteraceaeE644NANA
 Ternstroemia luquillensis Palo coloradoU.S.A. (PR)TheaceaeE461NANA
 Ternstroemia subsessilis None.....do.....doE461NANA
 Tetramolopium arenariumdoU.S.A. (HI)AsteraceaeE532NANA
 Tetramolopium capillare Pamakani.....do.....doE55517.99(e)(1)NA
 Tetramolopium filiforme None.....do.....doE44817.99(i)NA
 Tetramolopium lepidotum ssp. lepidotum
do.....do.....doE44817.99(i)NA
 Tetramolopium remyido.....do.....doE43517.96(b) and
 17.99(e)(1)NA
 Tetramolopium rockiido.....do.....doT48017.99(c)NA
 Tetraplasandra gymnocarpa Oheohe.....doAraliaceaeE53617.99(i)NA
 Thalictrum cooleyi Cooley's meadowrueU.S.A. (FL,
 NC)RanunculaceaeE344NANA
 Thelypodium howellii ssp. spectabilis Howell's spectacular
 thelypodyU.S.A. (OR)BrassicaceaeT662NANA
 Thelypodium stenopetalum Slender-petaled mustardU.S.A.
 (CA).....doE158NANA
 Thlaspi californicum Kneeland Prairie
 penny-cress.....doBrassicaceae-
 MustardeE68417.96(a)NA
 Thymophylla tephroleuca Ashy dogweedU.S.A. (TX)AsteraceaeE152NANA
 Thysanocarpus conchuliferus Santa Cruz Island fringe-podU.S.A.
 (CA)BrassicaceaeE623NANA
 Townsendia aprica Last Chance townsendiaU.S.A.
 (UT)AsteraceaeT200NANA
 Trematolobelia singularis NoneU.S.A. (HI)CampanulaceaeE59117.99(i)NA
 Trichilia triacantha BariacoU.S.A. (PR)MeliaceaeE303NANA
 Trichostema austromontanum ssp. compactum Hidden Lake
 bluecurlsU.S.A. (CA)LamiaceaeT644NANA
 Trifolium amoenum Showy Indian clover.....doFabaceaeE625NANA
 Trifolium stoloniferum Running buffalo cloverU.S.A. (AR, IL, IN, KS,
 KY, MO, OH, WV).....doE270NANA
 Trifolium trichocalyx Monterey cloverU.S.A. (CA).....doE640NANA
 Trillium persistens Persistent trilliumU.S.A. (GA,
 SC)LiliaceaeE39NANA
 Trillium reliquum Relict trilliumU.S.A. (AL, GA, SC).....doE306NANA
 Tuctoria greenei Greene's tuctoriaU.S.A. (CA)PoaceaeT61117.96(a)NA
 Tuctoria mucronata Solano grass.....do.....doT4417.96(a)NA
 Urera kaalae OpuheU.S.A. (HI)UrticaceaeE44817.99(i)NA

Verbena californica Red Hills vervain U.S.A. (CA) Verbenaceae T644 NANA
Verbesina dissita Big-leaved crownbeard U.S.A. (CA),
Mexico. Asteraceae T589 NANA
Vernonia proctorii None U.S.A. (PR)do E501 NANA
Vicia menziesii Hawaiian vetch U.S.A. (HI) Fabaceae E39 NANA
Vigna o-wahuensis Nonedodo E559 17.99(e)(1), (i), and

(k) NA

Viola chamissoniana ssp. chamissoniana
Pamakanido Violaceae E448 17.99(i) NA
Viola helenae Nonedodo E436 17.99(a)(1) NA
Viola kauaiensis var. wahiawaensis Nani
waialealedodo E590 17.99(a)(1) NA
Viola lanaiensis Nonedodo E435 NANA
Viola oahuensisdododo E591 17.99(i) NA
Warea amplexifolia Wide-leaf warea U.S.A. (FL) Brassicaceae E266 NANA
Warea carteri Carter's mustarddodo E256 NANA
Wilkesia hobyi Dwarf filia U.S.A. (HI) Asteraceae E473 17.99(a)(1) NA
Xylosma crenatum Nonedo Flacourtiaceae E464 17.99(a)(1) NA
Xyris tennesseensis Tennessee yellow-eyed grass U.S.A. (AL, GA,
TN) Xyridaceae E430 NANA
Yermo xanthocephalus Desert yellowhead U.S.A.
(WY) Asteraceae—Sunflower T723 17.96(a) NA
Zanthoxylum dipetalum var. tomentosum Ae U.S.A
(HI) Rutaceae E595 17.99(k) NA
Zanthoxylum hawaiiensedododo E532 17.99(a)(1), (c),
and (e)(1) NA
Zanthoxylum thomasianum St. Thomas prickly-ash U.S.A. (PR,
VI)do E213 NANA
Zizania texana Texas wild-rice U.S.A. (TX) Poaceae E39 17.96(a) NA
Ziziphus celata Florida ziziphus U.S.A. (FL) Rhamnaceae E356 NANA
Conifers
Abies guatemalensis Guatemalan fir (=pinabete) Mexico, Guatemala,
Honduras, El Salvador Pinaceae T84 NANA
Cupressus abramsiana Santa Cruz cypress U.S.A.
(CA) Cupressaceae E252 NANA
Cupressus goveniana ssp. goveniana Gowen
cypressdodo T640 NANA
Fitzroya cupressoides Alerce or Chilean false larch Chile,
Argentinado T79 NANA
Torreya taxifolia Florida torreya U.S.A. (FL, GA) Taxaceae E140 NANA
Ferns and Allies
Adenophorus periens Pendent kihi fern U.S.A
(HI) Grammitidaceae E559 17.99(a)(1), (c), (i), and (k) NA
Adiantum vivesii None U.S.A. (PR) Adiantaceae E504 NANA
Asplenium fragile var. insularedo U.S.A
(HI) Aspleniaceae E553 17.99(e)(1) and (k) NA
Asplenium scolopendrium var. americanum American hart's-tongue
fern U.S.A. (AL, MI, NY, TN), Canada (Ont.)do T354 NANA
Ctenitis squamigera Pauoa U.S.A. (HI)do E553 17.99(a)(1), (c),
(e)(1), and (i) NA
Cyathea dryopteroides Elfin tree fern U.S.A. (PR) Cyatheaceae E277 NANA
Diellia erecta Asplenium-leaved diellia U.S.A
(HI) Aspleniaceae E559 17.99(a)(1), (c), (e)(1), (i), and (k) NA
Diellia falcata Nonedodo E448 17.99(i) NA
Diellia pallidadododo E530 17.99(a)(1) NA
Diellia unisoradododo E541 17.99(i) NA
Diplazium molokaiensedododo E553 17.99(a)(1), (c),

(e)(1), and (i)NA
 Elaphoglossum serpensdoU.S.A. (PR)LomariopsidaceaeE504NANA
 Huperzia (=Phlegmariurus, =Lycopodium) mannii Wawae'ioleU.S.A.
 (HI)LycopodiaceaeE467NANA
 Isoetes louisianensis Louisiana quillwortU.S.A. (LA,
 MS)IsoetaceaeE482NANA
 Isoetes melanospora Black-spored quillwortU.S.A. (GA,
 SC).....doE302NANA
 Isoetes tegetiformans Mat-forming quillwortU.S.A.
 (GA).....doE302NANA
 Marsilea villosa IhiihiU.S.A. (HI)MarsileaceaeE47417.99(i)NA
 Phlegmariurus (= Lycopodium, = Huperzia) mannii
 Wawaeiole.....doLycopodiaceaeE46717.99(e)(1)NA
 Phlegmariurus nutansdo.....do.....doE53617.99(a)(1) and
 (i)NA
 Polystichum aleuticum Aleutian shield-fernU.S.A.
 (AK)DryopteridaceaeE305NANA
 Polystichum calderonense NoneU.S.A. (PR).....doE504NANA
 Pteris lidgatei None.....doAdiantaceaeE55317.99(c), (e)(1), and
 (i)NA
 Tectaria estremeranado.....doDryopteridaceaeE504NANA
 Thelypteris inabonensisdo.....doThelypteridaceaeE506NANA
 Thelypteris pilosa var. alabamensis Alabama streak-sorus fernU.S.A.
 (AL).....doT476NANA
 Thelypteris verecunda NoneU.S.A. (PR).....doE506NANA
 Thelypteris yaucoensisdo.....doE506NANA
 Lichens
 Cladonia perforata Florida perforate cladoniaU.S.A.
 (FL)CladoniaceaeE500NANA
 Gymnoderma lineare Rock gnome lichenU.S.A. (NC,TN).....doE572NANA

Symbols used in the "when listed" column:

- D-Indicates FR where species was Delisted; relisting of the species is indicated by subsequent number(s).
 E-Indicates Emergency rule publication (see FR document for effective dates); subsequent number(s) indicate FR final rule, if applicable, under "When listed".
- 26-42 FR 40685; August 11, 1977.
 - 39-43 FR 17916; April 26, 1978.
 - 44-43 FR 44811; September 28, 1978.
 - 47-44 FR 24250; April 24, 1979.
 - 49-44 FR 32605; June 6, 1979.
 - 53-44 FR 43701; July 25, 1979.
 - 56-44 FR 54923; September 21, 1979.
 - 57-44 FR 56863; October 2, 1979.
 - 58-44 FR 58868; October 11, 1979.
 - 59-44 FR 58870; October 11, 1979.
 - 61-44 FR 61556; October 25, 1979.
 - 62-44 FR 61558; October 25, 1979.
 - 63-44 FR 61786; October 26, 1979.
 - 64-44 FR 61788; October 26, 1979.
 - 65-44 FR 61911; October 26, 1979.
 - 66-44 FR 61913; October 26, 1979.
 - 67-44 FR 61917; October 26, 1979.
 - 68-44 FR 61920; October 26, 1979.
 - 69-44 FR 61924; October 26, 1979.
 - 70-44 FR 61927; October 26, 1979.

71-44 FR 61929; October 26, 1979.
72-44 FR 62246; October 29, 1979.
73-44 FR 62469; October 30, 1979.
74-44 FR 62471; October 30, 1979.
75-44 FR 62474; October 30, 1979.
76-44 FR 64247; November 6, 1979.
77-44 FR 64250; November 6, 1979.
78-44 FR 64252; November 6, 1979.
79-44 FR 64733; November 7, 1979.
80-44 FR 64738; November 7, 1979.
81-44 FR 64740; November 7, 1979.
82-44 FR 64734; November 7, 1979.
83-44 FR 64746; November 7, 1979.
84-44 FR 65005; November 8, 1979.
89-45 FR 18929; March 24, 1980.
101-45 FR 53969; August 13, 1980.
104-45 FR 61947; September 17, 1980.
107-45 FR 69362; October 20, 1980.
109-46 FR 3186; January 13, 1981.
110-46 FR 5733; January 19, 1981.
112-46 FR 40025; August 6, 1981.
116-47 FR 19542; May 6, 1982.
118-47 FR 30443; July 13, 1982.
120-47 FR 36849; August 24, 1982.
121-47 FR 38540; September 1, 1982.
122-47 FR 38927; September 9, 1982.
126-47 FR 50885; November 10, 1982.
133-48 FR 46331; October 12, 1983.
137-48 FR 52747; November 22, 1983.
140-49 FR 2786; January 23, 1984.
141-49 FR 6102; February 17, 1984.
147-49 FR 21058; May 18, 1984.
148-49 FR 22329; May 29, 1984.
151-49 FR 28565; July 13, 1984.
152-49 FR 29234; July 19, 1984.
153-49 FR 29237; July 19, 1984.
154-49 FR 30201; July 27, 1984.
155-49 FR 31421; August 7, 1984.
158-49 FR 34500; August 31, 1984.
162-49 FR 40038; October 12, 1984.
165-49 FR 44756; November 9, 1984.
167-49 FR 47400; December 4, 1984.
172-50 FR 5758; February 12, 1985.
175-50 FR 12309; March 28, 1985.
176-50 FR 15567; April 19, 1985.
177-50 FR 16682; April 26, 1985.
178-50 FR 19373; May 8, 1985.
179-50 FR 19377; May 8, 1985.
180-50 FR 20214; May 15, 1985.
181-50 FR 20786; May 20, 1985.
187-50 FR 26572; June 27, 1985.
190-50 FR 29341; July 18, 1985.
191-50 FR 29344; July 18, 1985.
192-50 FR 29349; July 18, 1985.
194-50 FR 31190; August 1, 1985.
197-50 FR 32575; August 13, 1985.
198-50 FR 33731; August 21, 1985.

199-50 FR 33734; August 21, 1985.
200-50 FR 33737; August 21, 1985.
201-50 FR 36089; September 5, 1985.
202-50 FR 36091; September 5, 1985.
204-50 FR 37863; September 18, 1985.
207-50 FR 45624; November 1, 1985.
208-50 FR 45621; November 1, 1985.
209-50 FR 45624; November 1, 1985.
213-50 FR 51870; December 20, 1985.
214-51 FR 956; January 9, 1986.
215-51 FR 3185; January 24, 1986.
217-51 FR 6693; February 25, 1986.
218-51 FR 8683; March 13, 1986.
219-51 FR 9820; March 21, 1986.
220-51 FR 10521; March 26, 1986.
221-51 FR 10523; March 26, 1986.
225-51 FR 15906; April 29, 1986.
226-51 FR 15911; April 29, 1986.
229-51 FR 16530; May 5, 1986.
230-51 FR 17346; May 12, 1986.
231-51 FR 17974; May 16, 1986.
232-51 FR 17977; May 16, 1986.
234-51 FR 22524; June 20, 1986.
235-51 FR 23769; July 1, 1986.
237-51 FR 24672; July 8, 1986.
238-51 FR 24675; July 8, 1986.
240-51 FR 27500; July 31, 1986.
243-51 FR 34415; September 26, 1986.
244-51 FR 34419; September 26, 1986.
245-51 FR 34422; September 26, 1986.
249-51 FR 45907; December 23, 1986.
252-52 FR 679; January 8, 1987.
253-52 FR 682; January 8, 1987.
254-52 FR 784; January 9, 1987.
255-52 FR 1462; January 14, 1987.
256-52 FR 2234; January 21, 1987.
257-52 FR 4910; February 18, 1987.
259-52 FR 6651; March 4, 1987.
260-52 FR 7426; March 11, 1987.
264-52 FR 11175; April 7, 1987.
266-52 FR 15505; April 29, 1987.
270-52 FR 21480; June 5, 1987.
271-52 FR 21484; June 5, 1987.
274-52 FR 22589; June 12, 1987.
275-52 FR 22933; June 16, 1987.
276-52 FR 22936; June 16, 1987.
277-52 FR 22939; June 16, 1987.
285-52 FR 32929; September 1, 1987.
286-52 FR 34917; September 16, 1987.
291-52 FR 36270; September 28, 1987.
293-52 FR 37420; October 6, 1987.
295-52 FR 41440; October 28, 1987.
297-52 FR 42071; November 2, 1987.
298-52 FR 42657; November 6, 1987.
300-52 FR 44401; November 19, 1987.
301-52 FR 46087; December 4, 1987.
302-53 FR 3565; February 5, 1988.

303-53 FR 3567; February 5, 1988.
305-53 FR 4629; February 17, 1988.
306-53 FR 10884; April 4, 1988.
307-53 FR 11612; April 7, 1988.
308-53 FR 11615; April 7, 1988.
309-53 FR 23742; June 23, 1988.
310-53 FR 23745; June 23, 1988.
311-53 FR 23748; June 23, 1988.
314-53 FR 27137; July 18, 1988.
315-53 FR 27141; July 18, 1988.
318-53 FR 32827; August 26, 1988.
319-53 FR 32830; August 26, 1988.
321-53 FR 33996; September 1, 1988.
324-53 FR 34701; September 7, 1988.
325-53 FR 34705; September 7, 1988.
326-53 FR 35080; September 9, 1988.
329-53 FR 37972; September 28, 1988.
330-53 FR 37975; September 28, 1988.
331-53 FR 37978; September 28, 1988.
332-53 FR 37982; September 28, 1988.
333-53 FR 38451; September 30, 1988.
335-53 FR 38456; September 30, 1988.
339-53 FR 38474; September 30, 1988.
341-53 FR 45861; November 14, 1988.
343-54 FR 2134; January 19, 1989.
344-54 FR 5938; February 7, 1989.
346-54 FR 10154; March 10, 1989.
347-54 FR 14967; April 14, 1989.
352-54 FR 29658; July 13, 1989.
353-54 FR 29663; July 13, 1989.
354-54 FR 29730; July 14, 1989.
355-54 FR 30554; July 21, 1989.
356-54 FR 31196; July 27, 1989.
360-54 FR 35305; August 24, 1989.
362-54 FR 38947; September 21, 1989.
363-54 FR 38950; September 21, 1989.
367-54 FR 39857; September 28, 1989.
368-54 FR 39863; September 28, 1989.
373-55 FR 433; January 5, 1990.
374-55 FR 4157; February 6, 1990.
375-55 FR 4159; February 6, 1990.
379-55 FR 12790; April 5, 1990.
380-55 FR 12793; April 5, 1990.
381-55 FR 12797; April 5, 1990.
385-55 FR 13491; April 10, 1990.
386-55 FR 13911; April 13, 1990.
389-55 FR 24246; June 15, 1990.
392-55 FR 25599; June 21, 1990.
395-55 FR 29370; July 19, 1990.
397-55 FR 32255; August 8, 1990.
398-55 FR 32257; August 8, 1990.
402-55 FR 39864; September 28, 1990.
403-55 FR 39867; September 28, 1990.
406-55 FR 49050; November 26, 1990.
409-55 FR 50187; December 5, 1990.
413-56 FR 1454; January 14, 1991.
414-56 FR 1457; January 14, 1991.

418-56 FR 1936; January 18, 1991.
420-56 FR 16024; April 19, 1991.
422-56 FR 19959; May 1, 1991.
424-56 FR 21091; May 7, 1991.
425-56 FR 21096; May 7, 1991.
429-56 FR 32983; July 18, 1991.
430-56 FR 34154; July 26, 1991.
434-56 FR 46239; September 11, 1991.
435-56 FR 47694; September 20, 1991.
436-56 FR 47699; September 20, 1991.
437-56 FR 48751; September 26, 1991.
438-56 FR 48755; September 26, 1991.
439-56 FR 49636; September 30, 1991.
440-56 FR 49639; September 30, 1991.
441-56 FR 49643; September 30, 1991.
445-56 FR 49853; October 2, 1991.
448-56 FR 55785; October 29, 1991.
450-56 FR 57849; November 14, 1991.
451-56 FR 60937; November 29, 1991.
452-56 FR 60940; November 29, 1991.
453-56 FR 61182; December 2, 1991.
457-57 FR 1403; January 14, 1992.
458-57 FR 2053; January 17, 1992.
460-57 FR 14653; April 22, 1992.
461-57 FR 14785; April 22, 1992.
463-57 FR 19819; May 8, 1992.
464-57 FR 20588; May 13, 1992.
465-57 FR 20592; May 13, 1992.
466-57 FR 20595; May 13, 1992.
467-57 FR 20787; May 15, 1992.
468-57 FR 21564; May 20, 1992.
470-57 FR 21574; May 20, 1992.
471-57 FR 24199; June 8, 1992.
472-57 FR 27858; June 22, 1992.
473-57 FR 27863; June 22, 1992.
474-57 FR 27867; June 22, 1992.
476-57 FR 30168; July 8, 1992.
478-57 FR 44708; September 29, 1992.
480-57 FR 46339; October 8, 1992.
481-57 FR 46344; October 8, 1992.
482-57 FR 48747; October 28, 1992.
490-58 FR 8242; February 12, 1993.
491-58 FR 11552; February 26, 1993.
497-58 FR 18035; April 7, 1993.
498-58 FR 18041; April 7, 1993.
500-58 FR 25754; April 27, 1993.
501-58 FR 25758; April 27, 1993.
504-58 FR 32311; June 9, 1993.
506-58 FR 35891; July 2, 1993.
507-58 FR 37443; July 12, 1993.
509-58 FR 40547; July 28, 1993.
510-58 FR 40551; July 28, 1993.
511-58 FR 41383; August 3, 1993.
512-58 FR 41391; August 3, 1993.
515-58 FR 49879; September 23, 1993.
519-58 FR 52030; October 6, 1993.
521-58 FR 53807; October 18, 1993.

523-58 FR 62050; November 24, 1993.
524-58 FR 68480; December 27, 1993.
528-59 FR 5510; February 4, 1994.
529-59 FR 8141; February 18, 1994.
530-59 FR 9327; February 25, 1994.
531-59 FR 9937; March 2, 1994.
532-59 FR 10324; March 4, 1994.
535-59 FR 13840; March 23, 1994.
536-59 FR 14493; March 28, 1994.
541-59 FR 32937; June 27, 1994.
542-59 FR 35864; July 14, 1994.
544-59 FR 42176; August 17, 1994.
547-59 FR 43652; August 24, 1994.
548-59 FR 43664; August 24, 1994.
551-59 FR 46718; September 9, 1994.
553-59 FR 49031; September 26, 1994.
555-59 FR 49863; September 30, 1994.
556-59 FR 50857; October 6, 1994.
558-59 FR 56333; November 10, 1994.
559-59 FR 56350; November 10, 1994.
560-59 FR 59177; November 16, 1994.
564-59 FR 60568; November 25, 1994.
565-59 FR 62352; December 05, 1994.
567-59 FR 64623; December 15, 1994.
570-60 FR 61; January 3, 1995.
572-60 FR 3562; January 18, 1995.
575-60 FR 6684; February 3, 1995.
578-60 FR 12486; March 7, 1995.
581-61 FR 10697; March 15, 1996.
584-61 FR 31058; June 19, 1996.
586-61 FR 41023; August 7, 1996.
587-61 FR 43184; August 21, 1996.
589-61 FR 52384; October 7, 1996.
590-61 FR 53088; October 10, 1996.
591-61 FR 53107; October 10, 1996.
592-61 FR 53123; October 10, 1996.
593-61 FR 53130; October 10, 1996.
594-61 FR 53137; October 10, 1996.
595-61 FR 53152; October 10, 1996.
596-61 FR 54358; October 18, 1996.
599-61 FR 67497; December 23, 1996.
600-62 FR 689; January 6, 1997.
601-62 FR 1647; January 10, 1997.
603-62 FR 1694; January 13, 1997.
606-62 FR 4182; January 29, 1997.
609-62 FR 5551; February 6, 1997.
611-62 FR 14351; March 26, 1997.
615-62 FR 31748; June 11, 1997.
619-62 FR 33037; June 18, 1997.
620-62 FR 33373; June 19, 1997.
623-62 FR 40973; July 31, 1997.
624-62 FR 42702; August 8, 1997.
625-62 FR 54807; October 22, 1997.
627-62 FR 61925; November 20, 1997.
635-63 FR 19849; April 22, 1998.
640-63 FR 43115; August 12, 1998.
641-63 FR 44594; August 20, 1998.

643-63 FR 49034; September 14, 1998.
644-63 FR 49021; September 14, 1998.
647-63 FR 53615; October 6, 1998.
648-63 FR 54970; October 13, 1998.
649-63 FR 54956; October 13, 1998.
650-63 FR 54994; October 13, 1998.
652-63 FR 59244; November 3, 1998.
657-64 FR 13120; March 17, 1999.
661-64 FR 28412; May 26, 1999.
662-64 FR 28403; May 26, 1999.
663-64 FR 28392; May 26, 1999.
666-64 FR 48323; September 3, 1999.
667-64 FR 56590; October 20, 1999.
668-64 FR 56596; October 20, 1999.
671-64 FR 63752; November 22, 1999.
672-64 FR 69203; December 10, 1999.
673-64 FR 71687; December 22, 1999.
678-65 FR 3875; January 25, 2000.
679-65 FR 3890; January 25, 2000.
681-65 FR 4162; January 26, 2000.
683-65 FR 5275; February 3, 2000.
684-65 FR 6338; February 9, 2000.
685-65 FR 7764; February 16, 2000.
689-65 FR 14887; March 20, 2000.
690-65 FR 14909; March 20, 2000.
691-65 FR 14897; March 20, 2000.
704-65 FR 62310; October 18, 2000.
708-66 FR 27908; May 21, 2001.
711-66 FR 49567; September 28, 2001.
712-66 FR 51606; October 10, 2001.
720-67 FR 1668; January 14, 2002.
721-67 FR 3125; January 23, 2002.
722-67 FR 5525; February 6, 2002.
723-67 FR 11449; March 14, 2002.
727-67 FR 44382; July 2, 2002.
733-67 FR 68015; November 7, 2002.
736-68 FR 16988; April 8, 2003.
739-68 FR 59344; October 15, 2003.
742-69 FR 18506, April 8, 2004.

Editorial Note 1: For Federal Register citations affecting the table in §17.12(h), see the listing above.

Editorial Note 2: 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 on GPO Access.

Subpart C—Endangered Wildlife

top

§ 17.21 Prohibitions.

top

(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 shall be 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 his 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 his agency for such purposes, may, when acting in the course of his 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 which may be useful for scientific study; or

(iv) Remove specimens which 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 a remote area.

(4) Any taking under paragraphs (c)(2) and (3) of this section must be reported in writing to the U.S. Fish and Wildlife Service, Office of Law Enforcement, 4401 North Fairfax Drive, LE-3000, Arlington, VA 22203, within five 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 which is a party to 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 those endangered species which 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 §21.31 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:

(i) Notifies the issuing Migratory Bird Permit Office immediately upon receipt of such bird (contact information for your issuing office is listed on your permit and on the Internet at <http://offices.fws.gov>); and

(ii) Disposes of or transfers such birds, or their parts or feathers, as directed by the Migratory Bird Permit Office.

(7) Notwithstanding paragraph (c)(1) of this section, persons exempt from the permit requirements of §21.12(c) and (d) of this subchapter may take sick and injured endangered migratory birds without an endangered species permit in performing the activities authorized under §21.12(c) and (d).

(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 which was taken in violation of paragraph (c) of this section.

Example A person captures a whooping crane in Texas and gives it to a second person, who puts it in a closed van and drives thirty 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 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 §21.31 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:

(i) Notifies the issuing Migratory Bird Permit Office immediately upon receipt of such bird (contact information for your issuing office is listed on your permit and on the Internet at <http://offices.fws.gov>); and
(ii) Disposes of or transfers such birds, or their parts or feathers, as directed by the Migratory Bird Permit Office.

(4) Notwithstanding paragraph (d)(1) of this section, persons exempt from the permit requirements of §21.12(c) and (d) 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(c) and (d).

(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 (Office of Management Authority, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, Arlington, Virginia 22203). 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 receiving a complete application, the Director will decide whether or not the registration will be approved. 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. 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. Each person registered must 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) 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 bar-tailed pheasant (*Syrnaticus 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*); parakeets of the species *Neophema pulchella* and *N. splendida*; the Laysan duck (*Anas laysanensis*); the white-winged wood duck (*Cairina scutulata*); and the inter-subspecific crossed or "generic" tiger (*Panthera tigris*) (i e . , specimens not identified or identifiable as members of the Bengal, Sumatran, Siberian or Indochinese subspecies (*Panthera tigris tigris*, *P.t. sumatrae*, *P.t. altaica* and *P.t. corbetti*, respectively) provided:

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

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

(iii) Each specimen 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 of the specimen from the United States;

(iv) No specimens of the taxa in this paragraph (g)(6) 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 only be met by wild specimens, that suitable foreign-bred, captive individuals are unavailable, and that wild populations can sustain limited taking, and an import permit is issued under §17.22;

(v) Any permanent exports of such specimens meet the requirements of paragraph (g)(4) of this section; and

(vi) 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.

(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]

§ 17.22 Permits for scientific purposes, enhancement of propagation or survival, or for incidental taking.

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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 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 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 permits for incidental taking. A

person wishing to get a permit for an activity prohibited by §17.21(c) 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 attached:

(i) A complete description of the activity sought to be authorized;

(ii) 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, if known;

(iii) A conservation plan that specifies:

(A) The impact that will likely result from such taking;

(B) What steps the applicant will take to monitor, minimize, and mitigate such impacts, the funding that will be available to implement such steps, and the procedures to be used to deal with unforeseen circumstances;

(C) What alternative actions to such taking the applicant considered and the reasons why such alternatives are not proposed to be utilized; and

(D) Such other measures that the Director may require as being necessary or appropriate for purposes of the plan;

(2) Issuance criteria. (i) Upon receiving an application completed in accordance with paragraph (b)(1) of this section, the Director will decide whether or not a permit should be issued. The Director shall consider the general issuance criteria in §13.21(b) of this subchapter, except for §13.21(b)(4), and shall issue the permit if he or she finds that:

(A) The taking will be incidental;

(B) The applicant will, to the maximum extent practicable, minimize and mitigate the impacts of such takings;

(C) The applicant will ensure that adequate funding for the conservation plan and procedures to deal with unforeseen circumstances will be

provided;

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

(E) The measures, if any, required under paragraph (b)(1)(iii)(D) of this section will be met; and

(F) He or she has received such other assurances as he or she may require that the plan will be implemented.

(ii) In making his or her decision, the Director shall also consider the anticipated duration and geographic scope of the applicant's planned activities, including the amount of listed species habitat that is involved and the degree to which listed species and their habitats are affected.

(3) Permit conditions. In addition to the general conditions set forth in part 13 of this subchapter, every permit issued under this paragraph shall contain such terms and conditions as the Director deems necessary or appropriate to carry out the purposes of the permit and the conservation plan including, but not limited to, monitoring and reporting requirements deemed necessary for determining whether such terms and conditions are being complied with. The Director shall rely upon existing reporting requirements to the maximum extent practicable.

(4) Duration of permits. The duration of permits issued under this paragraph shall be sufficient to provide adequate assurances to the permittee to commit funding necessary for the activities authorized by the permit, including conservation activities and land use restrictions. In determining the duration of a permit, the Director shall consider the duration of the planned activities, as well as the possible positive and negative effects associated with permits of the proposed duration on listed species, including the extent to which the conservation plan will enhance the habitat of listed species and increase the long-term survivability of such species.

(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 apply only with respect to species adequately covered by the conservation plan. These assurances cannot be provided to Federal agencies. This rule does not apply 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 as a result of this rulemaking.

(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 such measures 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 plan is being properly implemented.

(iii) Unforeseen circumstances. (A) In negotiating 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 are limited to modifications within conserved habitat areas, if any, or to the conservation plan's operating conservation program for the affected species, and maintain the original terms of the conservation plan to the maximum extent possible. 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 Director will consider, but not be limited to, the following factors:

- (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) Nothing in this rule 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 its own expense to protect or conserve a species included in a conservation plan.

(7) 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, habitat conservation plan, or permit even after surrendering the permit to the Service pursuant to §13.26 of this subchapter. The permit shall be deemed canceled only upon a determination by the Service that such minimization and mitigation measures have been implemented. Upon surrender of the permit, no further take shall be authorized under the terms of the surrendered permit.

(8) Criteria for revocation. A permit issued under paragraph (b) of this section may not be revoked for any reason except those set forth in §13.28(a)(1) through (4) of this subchapter or unless 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 permits for the enhancement of survival through Safe Harbor Agreements. The applicant must submit an application for a permit under this paragraph (c) to the appropriate Regional Director, U.S. Fish and Wildlife Service, for the Region where the applicant resides or where the proposed activity is to occur (for appropriate addresses, see 50 CFR 10.22), if the applicant wishes to engage in any activity prohibited by §17.21. The applicant must submit an official Service application form (3-200.54) that includes the following information:

(i) The common and scientific names of the listed species for which the applicant requests incidental take authorization;

(ii) A description of how incidental take of the listed species pursuant to the Safe Harbor Agreement is likely to occur, both as a result of management activities and as a result of the return to baseline; and

(iii) A Safe Harbor Agreement that complies with the requirements of the Safe Harbor policy available from the Service.

(2) Issuance criteria. Upon receiving an application completed in accordance with paragraph (c)(1) of this section, the Director will decide whether or not to issue a permit. The Director shall consider the general issuance criteria in §13.21(b) of this subchapter, except for §13.21(b)(4), and may issue the permit if he or she finds:

(i) The take will be incidental to an otherwise lawful activity and will be in accordance with the terms of the Safe Harbor Agreement;

(ii) The implementation of the terms of the Safe Harbor Agreement is reasonably expected to provide a net conservation benefit to the affected listed species by contributing to the recovery of listed species included in the permit, and the Safe Harbor Agreement otherwise complies with the Safe Harbor policy available from the Service;

(iii) The probable direct and indirect effects of any authorized take will not appreciably reduce the likelihood of survival and recovery in the wild of any listed species;

(iv) Implementation of the terms of the Safe Harbor Agreement is consistent with applicable Federal, State, and Tribal laws and

regulations;

(v) Implementation of the terms of the Safe Harbor Agreement will not be

in conflict with any ongoing conservation or recovery programs for listed species covered by the permit; and

(vi) The applicant has shown capability for and commitment to implementing all of the terms of the Safe Harbor 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) A requirement for the participating property owner to notify the Service of any transfer of lands subject to a Safe Harbor Agreement;

(ii) When appropriate, a requirement for the permittee to give the Service reasonable advance notice (generally at least 30 days) of when he or she expects to incidentally take any listed species covered under the permit. Such notification will provide the Service with an opportunity to relocate affected individuals of the species, if possible and appropriate; and

(iii) Any additional requirements or conditions the Director deems necessary or appropriate to carry out the purposes of the permit and the Safe Harbor Agreement.

(4) Permit effective date. Permits issued under this paragraph (c) become effective the day of issuance for species covered by the Safe Harbor Agreement.

(5) Assurances provided to permittee. (i) The assurances in paragraph (c)(5) (ii) of this section (c)(5) apply only to Safe Harbor permits issued in accordance with paragraph (c)(2) of this section where the Safe Harbor Agreement is being properly implemented, and apply only with respect to species covered by the Agreement and permit. These assurances cannot be provided to Federal agencies. The assurances provided in this section apply only to Safe Harbor permits issued after July 19, 1999.

(ii) The Director and the permittee may agree to revise or modify the management measures set forth in a Safe Harbor Agreement if the Director determines that such revisions or modifications do not change the Director's prior determination that the Safe Harbor Agreement is reasonably expected to provide a net conservation benefit to the listed species. However, the Director may not require additional or different management activities to be undertaken by a permittee without the consent of the permittee.

(6) Additional actions. Nothing in this rule 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 its own expense to protect or conserve a species included in a Safe Harbor Agreement.

(7) Criteria for revocation. The Director may not revoke a permit issued under paragraph (c) of this section except as provided in this paragraph. 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 permitted activity would either appreciably reduce the likelihood of survival and recovery in the wild of any listed species or directly or indirectly alter designated critical habitat such that it appreciably diminishes the value of that critical habitat for both the survival and recovery of a listed species. Before revoking a permit for either of the latter two reasons, 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 landowner 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.

(8) Duration of permits. The duration of permits issued under this

paragraph (c) must be sufficient to provide a net conservation benefit to species covered in the enhancement of survival permit. In determining the duration of a permit, the Director will consider the duration of the planned activities, as well as the positive and negative effects associated with permits of the proposed duration on covered species, including the extent to which the conservation activities included in the Safe Harbor Agreement will enhance the survival and contribute to the recovery of listed species included in the permit.

(d)(1) Application requirements for permits for the enhancement of survival through Candidate Conservation Agreements with Assurances. The applicant must submit an application for a permit under this paragraph (d) to the appropriate Regional Director, U.S. Fish and Wildlife Service, for the Region where the applicant resides or where the proposed activity is to occur (for appropriate addresses, see 50 CFR 10.22). When a species covered by a Candidate Conservation Agreement with Assurances is listed as endangered and the applicant wishes to engage in activities identified in the Agreement and otherwise prohibited by §17.31, the applicant must apply for an enhancement of survival permit for species covered by the Agreement. The permit will become valid if and when covered proposed, candidate or other unlisted species is listed as an endangered species. The applicant must submit an official Service application form (3-200.54) that includes the following information:

(i) The common and scientific names of the species for which the applicant requests incidental take authorization;

(ii) A description of the land use or water management activity for which the applicant requests incidental take authorization; and

(iii) A Candidate Conservation Agreement that complies with the requirements of the Candidate Conservation Agreement with Assurances policy available from the Service.

(2) Issuance criteria. Upon receiving an application completed in accordance with paragraph (d)(1) of this section, the Director will decide whether or not to issue a permit. The Director shall consider the general issuance criteria in §13.21(b) of this subchapter, except for §13.21(b)(4), and may issue the permit if he or she finds:

(i) The take will be incidental to an otherwise lawful activity and will be in accordance with the terms of the Candidate Conservation Agreement;

(ii) The Candidate Conservation Agreement complies with the requirements of the Candidate Conservation Agreement with Assurances policy available from the Service;

(iii) The probable direct and indirect effects of any authorized take will not appreciably reduce the likelihood of survival and recovery in the wild of any species;

(iv) Implementation of the terms of the Candidate Conservation Agreement is consistent with applicable Federal, State, and Tribal laws and regulations;

(v) Implementation of the terms of the Candidate Conservation Agreement will not be in conflict with any ongoing conservation programs for species covered by the permit; and

(vi) The applicant has shown capability for and commitment to implementing all of the terms of the Candidate Conservation 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 (d) is subject to the following special conditions:

(i) A requirement for the property owner to notify the Service of any transfer of lands subject to a Candidate Conservation Agreement;

(ii) When appropriate, a requirement for the permittee to give the Service reasonable advance notice (generally at least 30 days) of when he or she

expects to incidentally take any listed species covered under the permit. Such notification will provide the Service with an opportunity to relocate affected individuals of the species, if possible and appropriate; and (iii) Any additional requirements or conditions the Director deems necessary or appropriate to carry out the purposes of the permit and the Candidate Conservation Agreement.

(4) Permit effective date. Permits issued under this paragraph (d) become effective for a species covered by a Candidate Conservation Agreement on the effective date of a final rule that lists a covered species as endangered.

(5) Assurances provided to permittee in case of changed or unforeseen circumstances. The assurances in this paragraph (d)(5) apply only to permits issued in accordance with paragraph (d)(2) where the Candidate Conservation with Assurances Agreement is being properly implemented, and apply only with respect to species adequately covered by the Candidate Conservation with Assurances Agreement. These assurances cannot be provided to Federal agencies.

(i) Changed circumstances provided for in the Agreement. If the Director determines that additional conservation measures are necessary to respond to changed circumstances and these measures were set forth in the Agreement, the permittee will implement the measures specified in the Agreement.

(ii) Changed circumstances not provided for in the Agreement. If the Director determines that additional conservation measures not provided for in the Agreement are necessary to respond to changed circumstances, the Director will not require any conservation measures in addition to those provided for in the Agreement without the consent of the permittee, provided the Agreement is being properly implemented.

(iii) Unforeseen circumstances. (A) In negotiating 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 Agreement without the consent of the permittee.

(B) If the Director determines additional conservation measures are necessary to respond to unforeseen circumstances, the Director may require additional measures of the permittee where the Agreement is being properly implemented, but only if such measures maintain the original terms of the Agreement to the maximum extent possible. Additional conservation 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 Agreement 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 Director will consider, but not be limited to, the following factors:

- (1) Size of the current range of the affected species;
- (2) Percentage of range adversely affected by the Agreement;
- (3) Percentage of range conserved by the Agreement;
- (4) Ecological significance of that portion of the range affected by the Agreement;
- (5) Level of knowledge about the affected species and the degree of specificity of the species' conservation program under the Agreement; 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 rule 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 its own expense to protect or conserve a species included in a Candidate Conservation with Assurances Agreement.

(7) Criteria for revocation. The Director may not revoke a permit issued under paragraph (d) of this section except as provided in this paragraph. 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 permitted activity would either appreciably reduce the likelihood of survival and recovery in the wild of any listed species or directly or indirectly alter designated critical habitat such that it appreciably diminishes the value of that critical habitat for both the survival and recovery of a listed species. Before revoking a permit for either of the latter two reasons, 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 landowner 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.

(8) Duration of the Candidate Conservation Agreement. The duration of a Candidate Conservation Agreement covered by a permit issued under this paragraph (d) must be sufficient to enable the Director to determine that the benefits of the conservation measures in the Agreement, when combined with those benefits that would be achieved if it is assumed that the conservation measures would also be implemented on other necessary properties, would preclude or remove any need to list the species covered by the Agreement.

(e) 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 shall be made for each permit application. Such a request shall specify the Service's permit application number and state the reasons why that party believes the applicant does not meet the issuance criteria contained in §§13.21 and 17.22 of this subchapter or other reasons why the permit should not be issued.

(2) If the Service decides to issue a permit contrary to objections received pursuant to paragraph (c)(1) of this section, then the Service shall, at least ten 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 (c)(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 it 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 (c)(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 (c)(2) of this section, it will include its reasons therefore 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]

§ 17.23 Economic hardship permits.

top

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

top

§ 17.31 Prohibitions.

top

(a) Except as provided in subpart A of this part, or in a permit issued under this subpart, all of the provisions in §17.21 shall apply to threatened wildlife, except §17.21(c)(5).

(b) In addition to any other provisions of this part 17, any employee or agent of the Service, of the National Marine Fisheries Service, or of a State conservation agency which 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 agency for such purposes, may, when acting in the course of his official duties, take those threatened species of wildlife which are covered by an approved cooperative agreement to carry out conservation programs.

(c) Whenever a special rule in §§17.40 to 17.48 applies to a threatened species, none of the provisions of paragraphs (a) and (b) of this section will apply. The special rule will contain all the applicable prohibitions

and exceptions.

[43 FR 18181, Apr. 28, 1978, as amended at 44 FR 31580, May 31, 1979; 70 FR 10503, Mar. 4, 2005]

§ 17.32 Permits—general.

top

Upon receipt of a complete application the Director may issue a permit for any activity otherwise prohibited with regard to threatened wildlife. Such permit shall be governed by the provisions of this section unless a special rule applicable to the wildlife, appearing in §§17.40 to 17.48, of this part provides otherwise. Permits 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 permits 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 permits for incidental taking. (i) A person wishing to get a permit for an activity prohibited by §17.31 submits an application for activities under this paragraph.

(ii) 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.

(iii) Each application must be submitted on an official application (Form 3-200) provided by the Service, and must include as an attachment, all of the following information:

(A) A complete description of the activity sought to be authorized;

(B) 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, if known;

(C) A conservation plan that specifies:

(1) The impact that will likely result from such taking;

(2) What steps the applicant will take to monitor, minimize, and mitigate such impacts, the funding that will be available to implement such steps, and the procedures to be used to deal with unforeseen circumstances;

(3) What alternative actions to such taking the applicant considered and the reasons why such alternatives are not proposed to be utilized; and

(4) Such other measures that the Director may require as being necessary or appropriate for purposes of the plan.

(2) Issuance criteria. (i) Upon receiving an application completed in accordance with paragraph (b)(1) of this section, the Director will decide whether or not a permit should be issued. The Director shall consider the general issuance criteria in 13.21(b) of this subchapter, except for 13.21(b)(4), and shall issue the permit if he or she finds that:

(A) The taking will be incidental;

(B) The applicant will, to the maximum extent practicable, minimize and

mitigate the impacts of such takings;

(C) The applicant will ensure that adequate funding for the conservation plan and procedures to deal with unforeseen circumstances will be provided;

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

(E) The measures, if any, required under paragraph (b)(1)(iii)(D) of this section will be met; and

(F) He or she has received such other assurances as he or she may require that the plan will be implemented.

(ii) In making his or her decision, the Director shall also consider the anticipated duration and geographic scope of the applicant's planned activities, including the amount of listed species habitat that is involved and the degree to which listed species and their habitats are affected.

(3) Permit conditions. In addition to the general conditions set forth in part 13 of this subchapter, every permit issued under this paragraph shall contain such terms and conditions as the Director deems necessary or appropriate to carry out the purposes of the permit and the conservation plan including, but not limited to, monitoring and reporting requirements deemed necessary for determining whether such terms and conditions are being complied with. The Director shall rely upon existing reporting requirements to the maximum extent practicable.

(4) Duration of permits. The duration of permits issued under this paragraph shall be sufficient to provide adequate assurances to the permittee to commit funding necessary for the activities authorized by the permit, including conservation activities and land use restrictions. In determining the duration of a permit, the Director shall consider the duration of the planned activities, as well as the possible positive and negative effects associated with permits of the proposed duration on listed species, including the extent to which the conservation plan will enhance the habitat of listed species and increase the long-term survivability of such species.

(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 apply only with respect to species adequately covered by the conservation plan. These assurances cannot be provided to Federal agencies. This rule does not apply 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 as a result of this rulemaking.

(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 such measures 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 plan is being properly implemented.

(iii) Unforeseen circumstances. (A) In negotiating 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 are limited to modifications within conserved habitat areas, if any, or to the conservation plan's operating conservation program for the affected species, and maintain the original terms of the conservation plan to the maximum extent possible. 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 such 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 Director will consider, but not be limited to, the following factors:

- (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) Nothing in this rule 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 its own expense to protect or conserve a species included in a conservation plan.

(7) 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, habitat conservation plan, or permit even after surrendering the permit to the Service pursuant to §13.26 of this subchapter. The permit shall be deemed canceled only upon a determination by the Service that such minimization and mitigation measures have been implemented. Upon surrender of the permit, no further take shall be authorized under the terms of the surrendered permit.

(8) Criteria for revocation. A permit issued under paragraph (b) of this section may not be revoked for any reason except those set forth in §13.28(a)(1) through (4) of this subchapter or unless 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 permits for the enhancement of survival through Safe Harbor Agreements. The applicant must submit an

application for a permit under this paragraph (c) to the appropriate Regional Director, U.S. Fish and Wildlife Service, for the Region where the applicant resides or where the proposed action is to occur (for appropriate addresses, see 50 CFR 10.22), if the applicant wishes to engage in any activity prohibited by §17.31. The applicant must submit an official Service application form (3-200.54) that includes the following information:

- (i) The common and scientific names of the listed species for which the applicant requests incidental take authorization;
- (ii) A description of how incidental take of the covered species pursuant to the Safe Harbor Agreement is likely to occur, both as a result of management activities and as a result of the return to baseline;
- (iii) A Safe Harbor Agreement that complies with the requirements of the Safe Harbor policy available from the Service; and
- (iv) The Director must publish notice in the Federal Register of each application for a permit that is made under this paragraph (c). Each notice must 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 procedures included in §17.22(e) for permit objection apply to any notice published by the Director under this paragraph (c).

(2) Issuance criteria. Upon receiving an application completed in accordance with paragraph (c)(1) of this section, the Director will decide whether or not to issue a permit. The Director shall consider the general issuance criteria in §13.21(b) of this subchapter, except for §13.21(b)(4), and may issue the permit if he or she finds:

- (i) The take will be incidental to an otherwise lawful activity and will be in accordance with the terms of the Safe Harbor Agreement;
- (ii) The implementation of the terms of the Safe Harbor Agreement is reasonably expected to provide a net conservation benefit to the affected listed species by contributing to the recovery of listed species included in the permit, and the Safe Harbor Agreement otherwise complies with the Safe Harbor policy available from the Service;
- (iii) The probable direct and indirect effects of any authorized take will not appreciably reduce the likelihood of survival and recovery in the wild of any listed species;
- (iv) Implementation of the terms of the Safe Harbor Agreement is consistent with applicable Federal, State, and Tribal laws and

regulations;

- (v) Implementation of the terms of the Safe Harbor Agreement will not be in conflict with any ongoing conservation or recovery programs for listed species covered by the permit; and
- (vi) The applicant has shown capability for and commitment to implementing all of the terms of the Safe Harbor 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) A requirement for the participating property owner to notify the Service of any transfer of lands subject to a Safe Harbor Agreement;
- (ii) When appropriate, a requirement for the permittee to give the Service reasonable advance notice (generally at least 30 days) of when he or she expects to incidentally take any listed species covered under the permit. Such notification will provide the Service with an opportunity to relocate affected individuals of the species, if possible and appropriate; and
- (iii) Any additional requirements or conditions the Director deems necessary or appropriate to carry out the purposes of the permit and the Safe Harbor Agreement.

(4) Permit effective date. Permits issued under this paragraph (c) become effective the day of issuance for species covered by the Safe Harbor Agreement.

(5) Assurances provided to permittee. (i) The assurances in subparagraph (ii) of this paragraph (c)(5) apply only to Safe Harbor permits issued in accordance with paragraph (c)(2) of this section where the Safe Harbor Agreement is being properly implemented, and apply only with respect to species covered by the Agreement and permit. These assurances cannot be provided to Federal agencies. The assurances provided in this section apply only to Safe Harbor permits issued after July 19, 1999.

(ii) The Director and the permittee may agree to revise or modify the management measures set forth in a Safe Harbor Agreement if the Director determines that such revisions or modifications do not change the Director's prior determination that the Safe Harbor Agreement is reasonably expected to provide a net conservation benefit to the listed species. However, the Director may not require additional or different management activities to be undertaken by a permittee without the consent of the permittee.

(6) Additional actions. Nothing in this rule 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 its own expense to protect or conserve a species included in a Safe Harbor Agreement.

(7) Criteria for revocation. The Director may not revoke a permit issued under paragraph (c) of this section except as provided in this paragraph. 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 permitted activity would either appreciably reduce the likelihood of survival and recovery in the wild of any listed species or directly or indirectly alter designated critical habitat such that it appreciably diminishes the value of that critical habitat for both the survival and recovery of a listed species. Before revoking a permit for either of the latter two reasons, 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 landowner 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.

(8) Duration of permits. The duration of permits issued under this paragraph (c) must be sufficient to provide a net conservation benefit to species covered in the enhancement of survival permit. In determining the duration of a permit, the Director will consider the duration of the planned activities, as well as the positive and negative effects associated with permits of the proposed duration on covered species, including the extent to which the conservation activities included in the Safe Harbor Agreement will enhance the survival and contribute to the recovery of listed species included in the permit.

(d)(1) Application requirements for permits for the enhancement of survival through Candidate Conservation Agreements with Assurances. The applicant must submit an application for a permit under this paragraph (d) to the appropriate Regional Director, U.S. Fish and Wildlife Service, for the Region where the applicant resides or where the proposed activity is to occur (for appropriate addresses, see 50 CFR 10.22). When a species covered by a Candidate Conservation Agreement with Assurances is listed as threatened and the applicant wishes to engage in activities identified in the Agreement and otherwise prohibited by §17.31, the applicant must apply

for an enhancement of survival permit for species covered by the Agreement. The permit will become valid if and when covered proposed, candidate or other unlisted species is listed as a threatened species. The applicant must submit an official Service application form (3-200.54) that includes the following information:

(i) The common and scientific names of the species for which the applicant requests incidental take authorization;

(ii) A description of the land use or water management activity for which the applicant requests incidental take authorization; and

(iii) A Candidate Conservation Agreement that complies with the requirements of the Candidate Conservation Agreement with Assurances policy available from the Service.

(iv) The Director must publish notice in the Federal Register of each application for a permit that is made under this paragraph (d). Each notice must 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 procedures included in §17.22(e) for permit objection apply to any notice published by the Director under this paragraph (d).

(2) Issuance criteria. Upon receiving an application completed in accordance with paragraph (d)(1) of this section, the Director will decide whether or not to issue a permit. The Director shall consider the general issuance criteria in §13.21(b) of this subchapter, except for §13.21(b)(4), and may issue the permit if he or she finds:

(i) The take will be incidental to an otherwise lawful activity and will be in accordance with the terms of the Candidate Conservation Agreement;

(ii) The Candidate Conservation Agreement complies with the requirements of the Candidate Conservation Agreement with Assurances policy available from the Service;

(iii) The probable direct and indirect effects of any authorized take will not appreciably reduce the likelihood of survival and recovery in the wild of any species;

(iv) Implementation of the terms of the Candidate Conservation Agreement is consistent with applicable Federal, State, and Tribal laws and regulations;

(v) Implementation of the terms of the Candidate Conservation Agreement will not be in conflict with any ongoing conservation programs for species covered by the permit; and

(vi) The applicant has shown capability for and commitment to implementing all of the terms of the Candidate Conservation 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 (d) is subject to the following special conditions:

(i) A requirement for the property owner to notify the Service of any transfer of lands subject to a Candidate Conservation Agreement;

(ii) When appropriate, a requirement for the permittee to give the Service reasonable advance notice (generally at least 30 days) of when he or she expects to incidentally take any listed species covered under the permit. Such notification will provide the Service with an opportunity to relocate affected individuals of the species, if possible and appropriate; and

(iii) Any additional requirements or conditions the Director deems necessary or appropriate to carry out the purposes of the permit and the Candidate Conservation Agreement.

(4) Permit effective date. Permits issued under this paragraph (d) become effective for a species covered by a Candidate Conservation Agreement on the effective date of a final rule that lists a covered species as threatened.

(5) Assurances provided to permittee in case of changed or unforeseen circumstances. The assurances in this paragraph (d)(5) apply only to permits issued in accordance with paragraph (d)(2) where the Candidate Conservation with Assurances Agreement is being properly implemented, and apply only with respect to species adequately covered by the Candidate Conservation with Assurances Agreement. These assurances cannot be provided to Federal agencies.

(i) Changed circumstances provided for in the Agreement. If the Director determines that additional conservation measures are necessary to respond to changed circumstances and these measures were set forth in the Agreement, the permittee will implement the measures specified in the Agreement.

(ii) Changed circumstances not provided for in the Agreement. If the Director determines that additional conservation measures not provided for in the Agreement are necessary to respond to changed circumstances, the Director will not require any conservation measures in addition to those provided for in the Agreement without the consent of the permittee, provided the Agreement is being properly implemented.

(iii) Unforeseen circumstances. (A) In negotiating 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 Agreement without the consent of the permittee.

(B) If the Director determines additional conservation measures are necessary to respond to unforeseen circumstances, the Director may require additional measures of the permittee where the Agreement is being properly implemented, but only if such measures maintain the original terms of the Agreement to the maximum extent possible. Additional conservation 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 Agreement 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 Director will consider, but not be limited to, the following factors:

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

(2) Percentage of range adversely affected by the Agreement;

(3) Percentage of range conserved by the Agreement;

(4) Ecological significance of that portion of the range affected by the Agreement;

(5) Level of knowledge about the affected species and the degree of specificity of the species' conservation program under the Agreement; 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 rule 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 its own expense to protect or conserve a species included in a Candidate Conservation with Assurances Agreement.

(7) Criteria for revocation. The Director may not revoke a permit issued under paragraph (d) of this section except as provided in this paragraph. 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 permitted activity would either appreciably reduce the likelihood of survival and recovery in the wild of any listed species or directly or indirectly alter designated critical habitat such that it appreciably diminishes the value of that critical habitat for both the survival and recovery of a listed species. Before revoking a permit for either of the latter two reasons, 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 landowner 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.

(8) Duration of the Candidate Conservation Agreement. The duration of a Candidate Conservation Agreement covered by a permit issued under this paragraph (d) must be sufficient to enable the Director to determine that the benefits of the conservation measures in the Agreement, when combined with those benefits that would be achieved if it is assumed that the conservation measures would also be implemented on other necessary properties, would preclude or remove any need to list the species covered by the Agreement.

[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]

§ 17.40 Special rules—mammals.

top

(a) [Reserved]

(b) Grizzly bear (*Ursus arctos*)—(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, within 5 days of occurrence, to the Assistant Regional Director, Division of Law Enforcement, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225 (303/236-7540 or FTS 776-7540), if occurring in Montana or Wyoming, or to the Assistant Regional Director, Division of Law Enforcement, U.S. Fish and Wildlife Service, Lloyd 500 Building, Suite 1490, 500 Northeast Multnomah Street, Portland, Oregon 97232 (503/231-6125 or FTS 429-6125), if occurring in Idaho or Washington, and to appropriate State and Indian Reservation Tribal authorities. Grizzly bears or their parts taken in self-defense or in defense of others 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 constituting 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 Assistant Regional Director, Division of Law Enforcement, U.S. Fish and Wildlife Service, 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 Assistant Regional Director, Division of Law Enforcement, U.S. Fish and Wildlife Service, 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 Assistant Regional Director, Division of Law Enforcement, U.S. Fish and Wildlife Service, 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* 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.

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(c) Primates. (1) Except as noted in paragraphs (c)(2) and (c)(3) of this section, all provisions of §17.31 shall 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* ; purple-faced langur, *Presbytis senex* ; Tonkin snub-nosed langur, *Pygathrix (Rhinopithecus) avunculus* ; and, in captivity only, chimpanzee, *Pan troglodytes*.

(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.

(3) The provisions of §§17.21, 17.22, and 17.23 shall apply to any individual chimpanzee (*Pan troglodytes*) within the historic range of the species, regardless of whether in the wild or captivity, and also shall apply to any individual chimpanzee not within this range, but which has originated within this range after the effective date of these regulations, and also shall apply to the progeny of any such chimpanzee, other than to the progeny of animals legally imported into the United States after the effective date of these regulations. For the purposes of this paragraph, the historic range of the chimpanzee shall consist of the following countries: Angola, Benin, Burkina Faso, Burundi, Cameroon, Central African Republic, Congo, Cote d'Ivoire, Equatorial Guinea, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Nigeria, Rwanda, Senegal, Sierra Leone, Sudan, Tanzania, Togo, Uganda, and Zaire.

(d) [Reserved]

(e) African elephant (*Loxodonta africana*)—(1) Definitions. For the purposes of this paragraph (e):

(i) African elephant shall mean any member of the species *Loxodonta*

africana, whether live or dead, and any part or product thereof.

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

(iii) Worked ivory means any African elephant tusk, and any piece thereof, which is not raw ivory.

(iv) Lip mark area means that area of a whole African elephant tusk where the tusk emerges from the skull and which is usually denoted by a prominent ring of staining on the tusk in its natural state.

(2) Prohibitions. Except as provided in the exceptions in paragraph (e)(3) of this section, it shall be unlawful for any person to:

(i) Import or export any African elephant,

(ii) Possess, sell or offer for sale, receive, deliver, transport ship, or export any African elephant which was illegally imported into the United States,

(iii) Sell or offer for sale any sport-hunted trophy imported into the United States in violation of permit conditions.

(3) Exceptions. (i) African elephants, other than sport-hunted trophies and raw and worked ivory, may be imported or exported provided all permit requirements of 50 CFR parts 13 and 23 have been complied with.

(ii) Ivory. (A) Raw or worked ivory (other than sport-hunted trophies) may be imported only if:

(1) It is a bona fide antique of greater than 100 years of age on the day of import, or

(2) It was exported from the United States after being registered with the U.S. Fish and Wildlife Service.

(B) Worked ivory may be exported in accordance with the permit requirements of 50 CFR parts 13 and 23.

(C) Raw ivory may not be exported from the United States for commercial purposes under any circumstances.

(iii) Sport-hunted trophies may be imported into the United States provided:

(A) The trophy originates in a country for which the Service has received notice of that country's African elephant ivory quota for the year of export;

(B) All of the permit requirements of 50 CFR parts 13 and 23 have been complied with;

(C) A determination is made that the killing of the animal whose trophy is intended for import would enhance survival of the species; and

(D) The trophy is legibly marked by means of punch-dies, under a marking and registration system established by the country of origin, that

includes the following information: Country of origin represented by the two-letter code established by the International Organization for

Standardization (see appendix A to chapter I) followed by the registration number assigned to the last two digits of the year of registration and the

weight of raw ivory to the nearest kilogram. Any mark must be placed on the lip mark area and indicated by a flash of color which serves as a background for such mark.

(f) Leopard. (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 paragraph (g)(2) of this section, all prohibitions of 50 CFR 17.31 (a) and (b), and exemptions of 50 CFR 17.32 shall apply to the Utah prairie dog.

(2) A Utah prairie dog may be taken on private land throughout its range under a permit issued by the Utah Division of Wildlife Resources, in accordance with the laws of the State of Utah, provided that such taking does not exceed 6,000 animals annually and that such taking is confined to the period from June 1 to December 31. Records on permitted take maintained by the State shall be made available to the U.S. Fish and Wildlife Service on request.

(3) If the Service receives substantive evidence that takings pursuant to paragraph (g)(2) of this section are having an effect that is inconsistent with the conservation of the Utah prairie dog, the Service may immediately prohibit or restrict such taking as appropriate for the conservation of the species.

(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, Division of Law Enforcement, P.O. Box 3247, Arlington, Virginia 22203, within 5 days. The specimen may only be retained, disposed of, or salvaged in accordance with directions from the Service.

(i) Louisiana black bear (*Ursus americanus luteolus*). (1) Except as noted in paragraph (i)(2) of this section, all prohibitions of §17.31 and exemptions of §17.32 shall apply to any black bear within the historic range of the Louisiana black bear (Texas, Louisiana and Mississippi).

(2) Subsection 17.40(i)(1) and §17.31 shall not prohibit effects incidental to normal forest management activities within the historic range of the Louisiana black bear except for activities causing damage to or loss of den trees, den tree sites or candidate den trees. For purposes of this exemption, normal forest management activities are defined as those activities that support a sustained yield of timber products and wildlife habitats, thereby maintaining forestland conditions in occupied habitat. For purposes of this special rule, candidate den trees are considered to be bald cypress and tupelo gum with visible cavities, having a minimum diameter at breast height (DBH) of 36 inches, and occurring in or along rivers, lakes, streams, bayous, sloughs, or other water bodies.

(3) This express exemption for normal forest management activities

provided by this special rule is subject to modification or withdrawal if the Service determines that this provision fails to further the conservation of the Louisiana black bear.

(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

(1)(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 1/4 mile of riparian shrub habitat per linear mile of ditch, including burning of ditches that results in the annual loss of no more than 1/4 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 (1)(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 1/4 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 (1)(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. This paragraph (m) applies to the threatened 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, you must not import, export, or re-export, or present for export or re-export without valid CITES permits vicuña or vicuña parts and products originating from populations listed in Appendix II of CITES.

(iii) Commercial activity. Except as provided in paragraph (m)(2) of this section, you must not sell or offer for sale, deliver, receive, carry, transport, or ship in interstate or foreign commerce in the course of a commercial activity vicuña or vicuña parts and products from populations listed in Appendix II of CITES.

(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 place in interstate or foreign commerce, vicuña products, consisting of either raw fiber or items and cloth made, or partially made, from vicuña fiber, without a threatened species permit issued according to §17.32 only when the provisions in parts 13, 14, and 23 of this chapter and the requirements of the applicable subparagraphs of this paragraph (m)(2) have been met:

(i) Import, export, or re-export. You may import, export, or re-export into or from the United States vicuña products, consisting of either raw fiber or items and cloth made, or partially made, from vicuña fiber originating in a country authorized under paragraph (m)(4) of this section, provided the following conditions are met:

(A) The vicuña product must comply with all CITES product annotations as given in the CITES Secretariat's official list of the CITES Appendices, and all imports, exports, and re-exports of vicuña products (including raw fiber re-exported from, or products manufactured in, intermediary countries) must be identified as follows:

(1) Cloth, cloth products, and other finished products (including luxury handicrafts and knitted articles not produced in the country of origin): The reverse side of cloth, cloth products, and other finished products (including luxury handicrafts and knitted articles not produced in the country of origin), and samples of any of these items, must bear the logo adopted by countries signatory to the "Convenio para la Conservación y Manejo de la Vicuña" and the words "VICUÑA-(Country of Origin)," where country of origin is the name of the country where the vicuña fiber in the products originated, either Argentina, Bolivia, Chile, or Peru. The logo and words may be woven into the item, or may be on a label sewn into the item.

(2) Luxury handicrafts and knitted articles produced in the country of origin: The luxury handicraft or knitted article must bear the logo adopted by countries signatory to the "Convenio para la Conservación y Manejo de la Vicuña" and the words "VICUÑA-(Country of Origin)-ARTESANIA," where country of origin is the name of the country where the vicuña fiber in the products, and the products themselves, originated, either Argentina, Bolivia, Chile, or Peru. The logo and words may be woven into the item, or may be on a label sewn into the item.

(3) Bulk shipments of raw fiber: The bulk shipment of raw fiber must be sealed with a tamper-proof seal and have the following:

(i) An identification tag with a code identifying the country of origin of the vicuña fiber and the CITES export permit number; and

(ii) The logo adopted by countries signatory to the "Convenio para la Conservación y Manejo de la Vicuña" and the words "VICUÑA-(Country of Origin)," where country of origin is the name of the original exporting country where the vicuña fiber in the products originated, either Argentina, Bolivia, Chile, or Peru.

(B) The shipment must be accompanied by a CITES permit or certificate that contains the following information:

(1) The country of origin, its export permit number, and date of issuance.

(2) If re-export, the country of re-export, its certificate number, and date of issuance.

(3) If applicable, the country of last re-export, its certificate number, and date of issuance.

(C) At the time of import, for each shipment covered by this exception, the country of origin and each country of re-export 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. A listing of all countries that have not designated both a Management Authority and Scientific Authority, or that have been identified as a country from which Parties should not accept permits is available by writing: The Division of Management Authority, ARLSQ Room 700, 4401 N. Fairfax Drive, U.S. Fish and Wildlife Service, Arlington, VA 22203. The list is also on our website (<http://international.fws.gov>).

(ii) Noncommercial accompanying baggage. The conditions described in paragraph (m)(2)(i) of this section also apply to noncommercial personal effects in accompanying baggage or household effects from Appendix II populations. Such items are treated the same as Appendix II commercial shipments, and must comply with the same documentary requirements. All other noncommercial personal effects in accompanying baggage or household effects require both a CITES Appendix I permit and a permit as described in §17.32.

(iii) Embryos, gametes, blood, other tissue samples, and live animals. This special rule does not apply to embryos, gametes, blood, or other tissue samples of vicuña, or to live vicuña. Import of such specimens requires an import permit as described in §17.32 in addition to CITES Appendix I import and export permits, and will be issued only for bona fide scientific research contributing to conservation of the species in the wild.

(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 an information notice 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 listed in a Notification to the Parties by the CITES Secretariat as lacking a designated Management or Scientific Authority that issues CITES documents or their equivalent.

(ii) 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.

(iii) 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.

(iv) A listing of all countries that have not designated both a Management Authority and Scientific Authority, or that have been identified as a country from which Parties should not accept permits is available by writing: The Division of Management Authority, ARLSQ Room 700, 4401 N. Fairfax Drive, U.S. Fish and Wildlife Service, Arlington, VA 22203. The list is also on our website (<http://international.fws.gov>).

(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)-(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.

[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 on GPO Access.

§ 17.41 Special rules—birds.

top

(a) Bald eagles (*Haliaeetus leucocephalus*) wherever listed as threatened under §17.11(h).

(1) Applicable provisions. All prohibitions and measures of §§17.31 and 17.32 shall apply to any threatened bald eagle, except that any permit issued under §21.22 or part 22 of this chapter shall be deemed to satisfy all requirements of §§17.31 and 17.32 for that authorized activity, and a second permit shall not be required under §17.32. A permit is required under §17.32 for any activity not covered by any permit issued under §21.22 or part 22 of this chapter.

(2) [Reserved]

(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.

[43 FR 6233, Feb. 14, 1978, as amended at 58 FR 65095, Dec. 10, 1993; 60 FR 36010, July 12, 1995]

§ 17.42 Special rules—reptiles.

top

(a) American alligator (*Alligator mississippiensis*)—(1) Definitions. For purpose of this paragraph (a): "American alligator" shall mean any member of the species *Alligator mississippiensis*, whether alive or dead, and any part, product, egg, or offspring thereof found in captivity or the wild.

(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 hide of such alligator may be sold or otherwise transferred only in compliance with paragraph (a)(2)(ii)(C) of this section;

(B) Any hide, meat or other part may be sold or otherwise transferred only in accordance with the laws and regulations of the State in which the taking occurs and the State in which the sale or transfer occurs;

(C) The State of taking requires hides to be tagged by State officials, or under State supervision, with a Service approved tag, a sample of which must be on file in the Federal Wildlife Permit Office (FWPO), that:

(1) Is made of permanent material,

(2) Shows State of origin, year of take, species, and is serially unique, and

(3) Cannot be opened and reused once attached to the hide.

(iii) Import/Export. Any person may import or export hides, manufactured products, meat or other parts in accordance with part 23 of this chapter.

(iv) Recordkeeping

(A) Any person not holding an import/export license issued by the Service under §14.91 and who imports, exports, or obtains permits under part 23 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 §14.93(d). Such records shall be maintained as in the normal course of business, reproducible in the English language, and retained available for Service inspection for 5 years from the date of each transaction.

(B) Subject to applicable limitations of law, duly authorized Service officers at all reasonable time shall, upon notice, be afforded access to examine such records required to be kept under paragraph (a)(2)(iv)(A)(1) 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 crocodylians. This paragraph applies to the following species: Saltwater crocodile (*Crocodylus porosus*) originating in Australia (also referred to as Australian saltwater crocodile) and Nile crocodile (*Crocodylus niloticus*) populations listed in Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES or Convention).

(1) Definitions of terms for purposes of this paragraph (c) –(i) Crocodylian skins means whole or partial skins, flanks, and bellies (whether salted, crusted, tanned, partially tanned, or otherwise processed).

(ii) Crocodylian parts means meat and body parts with or without skin attached (including tails, throats, feet, and backstrips and other parts), except skulls.

(iii) Country of re-export means those intermediary countries that import and re-export crocodylian skins, parts, and/or products, except that those countries through which crocodylian skins, parts, and/or products are transhipped while remaining under Customs control will not be considered to be a country of re-export.

(iv) Tagging resolution shall mean the CITES resolution entitled "Universal Tagging System for the Identification of Crocodylian Skins" and numbered Conf. 9.22 and any subsequent revisions.

(2) Prohibitions. All provisions of §17.31 (a) and (b) and §17.32 apply to Nile crocodile populations listed in Appendix I of CITES. The following prohibitions apply to saltwater crocodiles (*Crocodylus porosus*) originating in Australia and to all Nile crocodile (*Crocodylus niloticus*) populations in Appendix II of CITES:

(i) Import, export, and re-export. Except as provided in paragraph (c)(3) of this section, it is unlawful to import, export, re-export, or present for export or re-export any Nile crocodile (*Crocodylus niloticus*) or Australian saltwater crocodile (*Crocodylus porosus*) or their skins, other parts or products, without valid permits required under 50 CFR parts 17 and 23.

(ii) 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 Nile or saltwater crocodile, crocodilian skins, or other parts or products.

(iii) 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)-(iii) of this section.

(3) Exceptions. The import, export, or re-export of, or interstate or foreign commerce in live crocodiles, crocodilian skins, meat, skulls, and other parts or products may be allowed without a threatened species permit issued pursuant to 50 CFR 17.32 when the provisions in 50 CFR parts 13, 14, and 23, and the applicable paragraphs set out below have been met.

(i) Import, export, or re-export of crocodilian skins and parts. The import, export, or re-export into/from the United States of crocodilian skins and parts of Nile crocodiles listed in Appendix II of the Convention, and of saltwater crocodiles originating in Australia must meet the following conditions:

(A) All crocodilian parts must be in a transparent, sealed container, and each container imported into or presented for export or re-export from the United States after July 24, 1997,

(1) Must have a parts tag attached in such a way that opening of the container will preclude reuse of an undamaged tag,

(2) This parts tag must contain a description of the contents and total weight of the container, and

(3) This parts tag must reference the number of the CITES permit issued to allow the export or re-export of the container;

(B) Each crocodilian skin and each belly skin piece wider than 35 cm. imported into or presented for export or re-export from the United States after July 24, 1996, must bear: either an intact, uncut tag from the country of origin meeting all the requirements of the CITES tagging resolution, or an intact, uncut tag from the country of re-export where the original tags have been lost or removed from raw, tanned, and/or finished skins. The replacement tags must meet all the requirements of the CITES tagging resolution, except showing the country of re-export in place of the country of origin, provided those re-exporting countries have implemented an administrative system for the effective matching of imports and re-exports consistent with the tagging resolution. Clearance of any shipment with more than 25 percent replacement tags requires prior consultation with the U.S. Office of Management Authority by the re-exporting country to determine whether the requirements of the tagging resolution have been observed;

(C) The same information that is on the tags must be given on the export permit for all skins or re-export certificate for whole skins and belly skin pieces wider than 35 cm or on a separate sheet, which will be considered an integral part of the document, carry the same permit or certificate number, and be validated by the government authority designated by the CITES-document issuing authority;

(D) The Convention permit or certificate must contain the following information:

(1) The country of origin, its export permit number, and date of issuance;

(2) If re-export, the country of re-export, its certificate number, and date of issuance; and

(3) If applicable, the country of last re-export, its certificate number, and date of issuance;

(E) The country of origin and any intermediary country(s) must be effectively implementing the tagging resolution for this exception to

apply. If the Service receives substantial evidence from the CITES Secretariat or other reliable sources that the tagging resolution is not being effectively implemented by a specific country, the Service will prohibit or restrict imports from such country(s) as appropriate for the conservation of the species.

(F) At the time of import, for each shipment covered by this exception, the country of origin and each country of re-export involved in the trade of a particular shipment is not subject to a Schedule III Notice of Information pertaining to all wildlife or any members of the Order Crocodylia that may prohibit or restrict imports. A listing of all countries that are subject to such a Schedule III Notice of Information will be available by writing: The Office of Management Authority, ARLSQ Room 430, 4401 N. Fairfax Drive, U.S. Fish and Wildlife Service, Arlington, Virginia, 22203.

(ii) Import, export or re-export of crocodylian products. Import, export, or re-export into or from the United States of crocodylian products of Nile crocodiles listed in Appendix II of the Convention, and saltwater crocodiles originating in Australia will be allowed without permits required by 50 CFR part 17 provided the following conditions are met:

(A) The Convention permit or certificate must contain the following information:

(1) The country of origin, its export permit number, and date of issuance;

(2) If re-export, the country of re-export, its certificate number, and date of issuance; and

(3) If applicable, the country of previous re-export, its certificate number, and date of issuance;

(B) The country of origin and any intermediary country(s) must be effectively implementing the tagging resolution for this exception to apply. If the Service receives substantial evidence from the CITES Secretariat or other reliable sources that the tagging resolution is not being effectively implemented by a specific country, the Service will prohibit or restrict imports from such countries as appropriate for the conservation of the species.

(C) At the time of import, for each shipment covered by this exception, the country of origin and each country of re-export involved in the trade of a particular shipment is not subject to a Schedule III Notice of Information pertaining to all wildlife or any member of the Order Crocodylia that may prohibit or restrict imports. A listing of all countries that are subject to such a Schedule III Notice of Information will be available by writing: The Office of Management Authority, ARLSQ Room 430, 4401 N. Fairfax Drive, U.S. Fish and Wildlife Service, Arlington, Virginia, 22203.

(iii) Shipments of eggs, skulls, meat, scientific specimens and live specimens. The import/re-export into/from the United States of eggs, skulls, meat, scientific specimens and live specimens of Nile crocodile populations listed in Appendix II of CITES or Australian saltwater crocodile will be allowed without permits otherwise required by 50 CFR part 17, provided the requirements of part 23 are met.

(iv) Noncommercial accompanying baggage. The conditions of paragraphs (c)(3)(i) and (ii) for skins tagged in accordance with the tagging resolution, skulls, meat, other parts, and products made of specimens of Nile crocodile populations on CITES Appendix II or of Australian saltwater crocodile do not apply to noncommercial accompanying personal baggage or household effects.

(v) Personal sport-hunted trophies. The import of personal sport-hunted trophies, including skulls, of Nile crocodile or saltwater crocodile from

Appendix II populations will be allowed from country of origin and intermediary countries into the United States without permits required by 50 CFR part 17, provided that unmounted skins bear an intact, uncut tag from the country of origin or such a tag accompanies mounted specimens in accordance with the tagging resolution.

(4) Notice of Information. Except in rare cases involving extenuating circumstances that do not adversely affect the conservation of the species, the Service will issue a Schedule III Notice of Information banning or restricting trade in specimens of crocodylians addressed in this paragraph (c) if any of the following criteria are met:

(i) The country is listed in a Notification to the Parties by the CITES Secretariat as lacking designated Management and Scientific Authorities that issue CITES documents or their equivalent.

(ii) The country is identified in any action adopted by the Parties to the Convention, the Convention's Standing Committee, or in a Notification issued by the CITES Secretariat, whereby Parties are asked to not accept shipments of specimens of CITES-listed Species from the country in question.

(iii) The Service determines, based on information from the CITES Secretariat or other reliable sources that the country is not effectively implementing the tagging resolution.

(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 (*Clemmys 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) Threatened caiman. This paragraph applies to the following species: Yacare caiman (*Caiman yacare*), the common caiman (*Caiman crocodilus crocodilus*), and the brown caiman (*Caiman crocodilus fuscus* including *Caiman crocodilus chiapasius*). These taxa will be collectively referred to as "caiman."

(1) What are the definitions of terms used in this paragraph (g)? (i) Caiman skins means whole or partial skins, flanks, chalecos, and bellies (whether these are salted, crusted, tanned, partially tanned, or otherwise processed).

(ii) Caiman parts means body parts with or without skin attached (including tails, throats, feet, and other parts, but excluding meat and skulls) and small cut skins pieces.

(iii) Caiman product means any processed or manufactured product items (including curios and souvenirs) that are ready for retail sale, and composed, totally or in part, of yacare caiman, brown caiman, or common caiman.

(iv) Country of re-export means those intermediary countries that import and re-export caiman skins, parts, and/or products. However, we will not consider intermediary countries those through which caiman skins, parts, and/or products are shipped while remaining under Customs control.

(v) Universal Tagging System Resolution means the CITES (Convention on International Trade in Endangered Species of Wild Fauna and Flora) resolution entitled "Universal Tagging System for the Identification of Crocodilian Skins" and numbered Conf. 9.22, and any subsequent revisions.

(2) What activities involving yacare caiman (*Caiman yacare*), the common caiman (*Caiman crocodilus crocodilus*), and the brown caiman (*Caiman crocodilus fuscus*) are prohibited by this rule? (i) Import, export, and re-export. Except for the activities described in paragraph (g)(3) of this section, it is unlawful to import, export, re-export, or present for export or re-export without valid permits (as required under 50 CFR parts 17 and 23) any caiman or their skins, other parts or products.

(ii) Commercial activity. Except as described in paragraph (g)(3) of this section, it is unlawful to sell or offer for sale, deliver, receive, carry, transport, or ship in interstate or foreign commerce any caiman or their skins, other parts, or products.

(iii) 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 (g)(2)(i) and (ii) of this section.

(3) What activities involving yacare caiman (*Caiman yacare*), the common caiman (*Caiman crocodilus crocodilus*), and the brown caiman (*Caiman crocodilus fuscus*) are allowed by this rule? The import/export/re-export of, or the interstate/foreign commerce in caiman skins, other parts, or products may be allowed without a threatened species permit (issued according to 50 CFR 17.32) only when the provisions in 50 CFR parts 13, 14, and 23, and the requirements of the applicable paragraphs below have been met.

(i) Import, export, or re-export. The import, export, or re-export into/from the United States of caiman skins, parts, or products may be allowed provided the following conditions are met:

(A) Each caiman skin imported into or exported or re-exported from the United States after the effective date of the final rule must bear either:

(1) An intact, uncut tag from the country of origin meeting all the requirements of the CITES Universal Tagging System Resolution, or

(2) An intact, uncut replacement tag from the country of re-export where the original tags were lost or removed from raw, tanned, and/or processed skins. These replacement tags must meet all the requirements of the CITES Universal Tagging System Resolution, except showing the country of re-export instead of the country of origin, provided those re-exporting countries have implemented an administrative system for the effective matching of imports and re-exports consistent with the CITES Universal Tagging System Resolution. If a shipment contains more than 25 percent replacement tags, the Management Authority of the re-exporting country must consult with the U.S. Office of Management Authority before clearance of the shipment. Such shipments may be seized if we determine that the requirements of the CITES Universal Tagging System Resolution have not been met.

(B) In accordance with the CITES Universal Tagging System Resolution, all caiman parts must be placed in a transparent, sealed container. Each container imported, exported, or re-exported into/from the United States after the effective date of the rule:

(1) Must have a parts tag attached in such a way that opening of the container will prevent later reuse of such tag; and

(2) The parts tag must contain a description of the contents plus total weight of the container and its contents.

(C) The information on the export permit or re-export certificate must be the same as that on the skin and part tags, carry the same permit or certificate number, and be validated by the government authority designated as the CITES document-issuing authority.

(D) The CITES permit or certificate accompanying shipments of caiman skins, parts, or products must contain the following information:

(1) The country of origin, its export permit number, and date of issuance;

(2) If re-export, the country of re-export, its certificate number, and date of issuance; and

(3) If applicable, the country of previous re-export, its certificate number, and date of issuance.

(E) The country of origin and any intermediary country(s) must be effectively implementing the CITES Universal Tagging System Resolution. If we receive persuasive information from the CITES Secretariat or other reliable sources that a specific country is not effectively implementing the CITES Universal Tagging System Resolution, we will prohibit or restrict imports from such country(s) as appropriate for the conservation of the species.

(F) At the time of import, for each shipment covered by this exception, the country of origin and each country of re-export involved in the trade of a particular shipment must not be subject to a Schedule III Notice of Information (see paragraph (g)(4) of this section) prohibiting or restricting imports of all wildlife or any members of the Order Crocodylia. A listing of all countries subject to such a Schedule III Notice of Information is available by writing to: Office of Management Authority, U.S. Fish and Wildlife Service, Mail Stop ARLSQ-700, Washington, DC 20240, or via e-mail at r9oma@fws.gov.

(ii) Shipment of skulls, processed meat, and scientific specimens. The import, export, and re-export into/from the United States of skulls, processed meat, and scientific specimens of caiman is allowed without permits otherwise required by 50 CFR part 17, provided the requirements of part 23 are met.

(iii) Noncommercial accompanying baggage. The conditions described in

paragraphs (g)(3)(i) and (ii) for skins, skulls, meat, other parts, and products made of specimens of caiman do not apply to non-commercial personal effects in accompanying baggage or household effects.

(iv) Eggs and live specimens. This special rule does not apply to live specimens or eggs of caiman. Import of such specimens requires an import permit as described in 50 CFR 17.32.

(4) When and how will we inform you of additional restrictions in trade of yacare caiman (*Caiman yacare*), the common caiman (*Caiman crocodilus crocodilus*), and the brown caiman (*Caiman crocodilus fuscus*)? Except in rare cases involving extenuating circumstances that do not adversely affect the conservation of the species, the Service will issue a Notice of Information announcing additional CITES restrictions in trade in specimens of caiman dealt with in this paragraph (g) 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 that issue CITES documents or their equivalent.

(ii) 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 or of any crocodylian 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 CITES Universal Tagging System Resolution.

(5) What are the approved information collection requirements in this rule? The Office of Management and Budget approved the information collection requirements contained in this special rule under the Paperwork Reduction Act and assigned clearance number 1018-0093 as part of the permit requirements contained in Part 23 of Title 50. We 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. The collection of information under this rule is done 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.

[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]

§ 17.43 Special rules—amphibians.

top

(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 (*Rana 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.

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§ 17.44 Special rules—fishes.

top

(a) Lahontan cutthroat trout, Paiute cutthroat trout, and Arizona trout (*Salmo clarki henshawi*, *Salmo clarki seleniris*, and *Salmo apache*). (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 boschungii*), 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) and Foskett speckled dace (*Rhinichthys osculus* subspecies). (1) No person shall take these 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 these 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 (1) (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) Spikedace, *Meda fulgida*. (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 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 (p) (1) through (3) of this section.

(q) Loach minnow, *Rhinichthys (=Tiaroga) cobitis* (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 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 (q) (1) through (3) of this paragraph.

(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 . This paragraph applies to the threatened 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) Except for caviar contained in cosmetics, any beluga caviar must comply with all CITES labeling requirements, as defined in relevant Resolutions or Decisions of the Conference of the Parties, including beluga caviar in interstate commerce in the United States. All individuals or businesses in the United States wishing to engage in domestic interstate commerce of beluga sturgeon caviar must follow the CITES caviar-labeling requirements.

(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) Import and re-export of non-commercial personal or household effects. You may import, export or re-export, or conduct interstate or foreign commerce in beluga sturgeon personal or household effects without a threatened species permit issued according to §17.32. Also, for CITES permits, Article VII.3. of CITES recognizes a limited exemption for the international movement of personal and household effects, including specimens of beluga sturgeon.

(A) Stricter national measures. The exemption for personal and household effects does not apply if a country prohibits or restricts the import, export, or re-export of the item.

(1) You or your shipment must be accompanied by any document required by a country under its stricter national measures.

(2) In the United States, you must obtain any permission needed under other regulations in this subchapter.

(B) Required CITES documents. You must obtain a CITES document for personal or household effects and meet the requirements of this part if one of the following applies:

(1) The Management Authority of the importing, exporting, or re-exporting country requires a CITES document.

(2) You or your shipment does not meet all of the conditions for an exemption as provided in paragraphs (y)(3)(ii)(C) and (D) of this section.

(3) The personal or household effect exceeds 250 grams of beluga caviar. To import, export, or re-export more than 250 grams, you must have a valid CITES document for the entire quantity.

(C) Personal effects. You do not need a CITES document to import, export, or re-export any part, product, derivative, or manufactured article of a legally acquired beluga sturgeon specimen to or from the United States if all of the following conditions are met:

(1) No living beluga sturgeon is included.

(2) You personally own and possess the item for non-commercial purposes, including any item intended as a personal gift.

(3) The item and quantity of items are reasonably necessary or appropriate for the nature of your trip or stay.

(4) You are either wearing the item as clothing or an accessory or taking it as part of your personal baggage, which is being carried by you or checked as baggage on the same plane, boat, car, or train as you.

(5) The item was not mailed or shipped separately.

(D) Household effects. You do not need a CITES document to import, export, or re-export any part, product, derivative, or manufactured article of a legally acquired beluga sturgeon specimen that is part of a shipment of your household effects when moving your residence to or from the United States, if all of the following conditions are met:

(1) No living beluga sturgeon is included.

(2) You personally own the item and are moving it for non-commercial purposes.

(3) The item and quantity of items are reasonably necessary or appropriate for household use.

(4) You import, export, or re-export your household effects within 1 year of changing your residence from one country to another.

(5) The shipment, or shipments if you cannot move all of your household effects at one time, contains only items purchased, inherited, or otherwise acquired before you moved your residence.

(E) Trade restrictions. Regardless of the provisions above for personal and household effects, any trade suspension or trade restriction administratively imposed by the Service under paragraphs (y)(6) or (7) of this section could also apply to personal and household effects of beluga 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) Caviar labeling. All caviar shipments imported into the United States must follow the CITES caviar-labeling requirements as agreed to in

the relevant Resolutions and Decisions of the CITES Parties. Current labeling requirements can be obtained by contacting the Division of Management Authority, Branch of Permits-International, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Room 700, Arlington, VA 22203.

(iv) CITES compliance. Except as provided in paragraph (y)(3)(ii) of this section, all shipments of beluga sturgeon specimens, including those exempted from threatened species permits under this special rule, will require accompanying valid CITES permits and certificates upon import, export, or re-export.

(v) 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.

(vi) 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, Branch of Permits-International, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, Room 700, Arlington, VA 22203, and provide to the Service's Division of Scientific Authority, in Room 750 at the same address, 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 an information 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: Division of Management Authority, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, Room 700, Arlington, Virginia 22203.

(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.

[40 FR 44415, Sept. 26, 1975]

Editorial Note: For Federal Register citations to §17.44, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

§ 17.45 Special rules—snails and clams. [Reserved]

top

§ 17.46 Special rules—crustaceans.

top

(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) [Reserved]

[47 FR 43701, Oct. 4, 1982]

§ 17.47 [Reserved]

top

§ 17.48 Special rules—common sponges and other forms. [Reserved]

top

Subpart E—Similarity of Appearance

top

Source: 42 FR 32377, June 24, 1977, unless otherwise noted.

§ 17.50 General.

top

(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.

Example 1. The ABC sparrow is Endangered wildlife. The ABD sparrow is a subspecies that is so similar to the ABC sparrow that when found outside their normal habitat, the two cannot readily be distinguished by law

enforcement personnel. The ABD sparrow is listed in §17.11, after following the proper procedures as follows:

Species and Range

Common name	Scientific name	Population	Known distribution	Portion of range where endangered or threatened	Status	When listed	Special rules
ABC sparrow	ABCus	NA	North America	Entire	E	7	NA
ABD sparrow	ABDus	NA	.....do	NA	E(S/A)	7	NA

Example 2. Suppose the ABC sparrow is listed as Endangered in only a portion of its range. Within the meaning of the Act, the ABC sparrow as defined by geographic boundaries is a species. The ABC sparrow which occurs beyond those boundaries is a different species, even though it is identical, except in location, to the listed species. If the criteria of this section were met, the two species would be listed as follows:

Species and Range

Common name	Scientific name	Population	Known distribution	Portion of range where endangered or threatened	Status	When listed	Special rules
ABC sparrow	ABCus	Idaho	Idaho	Entire	E	7	NA
Do.....do	NA	United States	NA	E(S/A)	7	NA	

Example 3. The XY cactus has been determined to be an Endangered species. The XZ cactus so closely resembles the XY cactus that enforcement personnel cannot distinguish between the two. The Endangered XY cactus could be illegally sold as the non-endangered XZ species, thus posing an additional threat to the Endangered species. After following the proper procedures, the XZ cactus would be placed on the list and treated as though it was an Endangered species. This entry would appear as follows:

Species and Range

Common name	Scientific name	Population	Known distribution	Portion of range where endangered or threatened	Status	When listed	Special rules
XY um	XY cactus	Arizona	Entire	E	7	NA	
XZ um	.....do	Arizona and Mexico	NA	E(S/A)	8	NA	

§ 17.51 Treatment as endangered or threatened.

top

- (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.

top

Upon receipt of a complete application and unless otherwise indicated in a special rule, 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.

Subpart F—Endangered Plants

top

§ 17.61 Prohibitions.

top

(a) 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.

(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 that 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 which 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 U.S. Fish and Wildlife Service, Division of Law Enforcement, P.O. Box 28006, Washington, DC 20005, within 5 days. The specimen may only be retained, disposed of, or salvaged in accordance with written directions from the Service.

(4) Notwithstanding paragraph (c)(1) of this section, any qualified

employee or agent 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 and reduce to possession from areas under Federal jurisdiction those endangered plants which 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]
§ 17.62 Permits for scientific purposes or for the enhancement of propagation or survival.

top

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 of §23.15(c) of this subchapter must be met. For your convenience, §23.15(c) is repeated here.

Application requirements for permits or certificates to import, export or re-export 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. 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 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 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, including 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, or live plant material to be imported, exported, or re-exported as a noncommercial loan, donation, or exchange between scientists or scientific institutions.

(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, the letters "CITES" (acronym for the Convention) also must be entered on the Customs declaration form, as indicated in §23.15(e)(3) of this subchapter.

(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]

§ 17.63 Economic hardship permits.

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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]