

E. Interstate or Foreign Commerce of Live Animals/Samples/or Products (ESA)

General Information

This application covers activities involving interstate or foreign commerce of ESA-listed animal specimens, whether live or dead, including any readily recognizable parts, products, or derivatives.

Interstate commerce permits authorize a 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, one or more of the following otherwise prohibited activities with an ESA-listed animal: deliver, receive, carry, transport or ship in interstate commerce, in the course of a commercial activity; or sell or offer for sale in interstate commerce. For example, the actual or intended transfer of an ESA-listed animal from one person to another person in the pursuit of gain or profit across state lines. All activities require the **buyer** to obtain a permit **prior** to the activity taking place (this includes the offer or advertisement for sale, unless the offer or advertisement for sale 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).

Foreign commerce permits authorize a 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, one or more of the following otherwise prohibited activities with an ESA-listed animal: import; export; deliver, receive, carry, transport or ship in foreign commerce, in the course of a commercial activity; or sell or offer for sale in foreign commerce. For example, the actual or intended transfer of an ESA-listed animal in the pursuit of gain or profit between persons in one or more foreign countries (including transactions involving persons in the U.S. and a foreign country). All activities require a permit **prior** to the activity taking place (this includes any formal financial agreements; this includes the offer or advertisement for sale, unless the offer or advertisement for sale 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).

The ESA, 16 U.S.C. § 1632(2), and implementing regulations, 50 CFR § 17.3, define the term “commercial activity” to mean all activities of the actual or intended transfer of wildlife or plants from one person to another person in the pursuit of gain or profit, including, but not limited to, the buying or selling of commodities and activities conducted for the purpose of facilitating such buying and selling. “Commercial activity” does not include exhibition of commodities by museums or similar cultural or historical organizations. 16 U.S.C. § 1632(2).

The ESA, 16 U.S.C. § 1632(9), defines the term “foreign commerce” to include, among other things, any transaction—(A) between persons within one foreign country; (B) between persons in two or more foreign countries; (C) between a person within the United States and a person in a foreign country; or (D) between persons within the United States, where the fish and wildlife in question are moving in any country or countries outside the United States.

Interstate commerce permits and foreign commerce permits may only be issued for activities that will contribute to enhancing the propagation or survival of that species.

Permits may only be issued for activities determined to be consistent with the purposes of the ESA.

Review this application carefully and **provide complete answers to all of the questions**. If you are applying for multiple species, be sure to indicate which species you are addressing in each response. If a question is not applicable, answer with “N/A.” **If more space is needed, attach a separate sheet with your responses numbered according to the questions.**

Please allow at least 90 days for the application to be processed.

To determine whether an animal species is protected under the ESA, please review the list of [ESA-listed species](#) in the Code of Federal Regulations.

Please be aware that any permit request involving an **ESA endangered species** must be published in the Federal Register for a required 30-day public comment period.

For renewal or amendment of an interstate or foreign commerce permit, use application [3-200-52](#).

If you have any questions regarding an action you are requesting authorization for please contact the Division of Management Authority at managementauthority@fws.gov.

This form should NOT be used for:

- Pre-Convention, antique ([antique exemption criteria](#)) (use application [3-200-23](#))
- Captive Bred Wildlife Registration (use application [3-200-41](#))
- ESA Plants (use application [3-200-36](#))

All applicants must complete

Electronic Information Submission

Electronic submission of inventories, photographs, and receipts: If you wish to provide information electronically, please include a flash drive containing this information with your physical application.

1. Name and address where you wish the permit to be mailed, **if different from page 1**. If you would like expedited shipping, please enclose a self-addressed, pre-paid, computer-generated, courier service airway bill. If unspecified, all documents will be mailed via regular mail through the U.S. Postal Service.
2. Point of contact if we have questions about the application (name, phone number, and email).
3. Have you or any of the owners of the business (if applying as a business, corporation, or institution), been assessed a civil penalty or convicted of any criminal provision of any statute or regulation relating to the activity for which the application is filed; been convicted, or entered a plea of guilty or nolo contendere, for a felony violation of the Lacey Act, the Migratory Bird Treaty Act, or the Bald and Golden Eagle Protection Act; forfeited collateral; OR are currently under charges for any violation of the laws mentioned above?

___ No ___ Yes

If you answered "Yes" to Question 3, provide: a) the individual's name; b) date of charge; c) charge(s); d) location of incident; e) court, and f) action taken for each violation. Please be aware that a "Yes" response does not automatically disqualify you from getting a permit.

PROPOSED ACTIVITY

___ Foreign commerce

- Does your activity also include import or export ?

___ Interstate commerce

4. The **current** location of the animals/samples/parts:

Name:

Address:

City:

State/Province:

Postal Code:

Country:

5. Provide name and **physical address** of the seller:

Name:

Address:

City:

State/Province:

Postal Code:

Country:

6. For **each live animal** involved in the interstate or foreign commerce, provide:

- a. Scientific name (genus, species, and *if applicable*, subspecies)
- b. Common name
- c. Approximate or actual birth/hatch date (mm/dd/yyyy)
- d. Wild or captive-born
- e. Quantity
- f. Sex (males.females.unknown sex, 10.2.3)
- g. Permanent markings and/or identification information (microchip #, leg band #, tattoos, studbook #).

a. Scientific name (genus, species, and <i>if applicable</i> , subspecies)	b. Common Name	c. Approximate or Actual Birth/Hatch Date (mm/dd/yyyy)	d. Wild (W) or Captive-born (C)	e. Quantity	f. Sex (male. female. unknown sex)	g. Permanent markings/ ID information (e.g., microchip #, leg band #, tattoo, studbook #, etc.)
EXAMPLE: <i>Pan troglodytes</i>	Chimpanzee	08/01/2006	C	1	1.0.0 OR male	Studbook# 152; Microchip# 00056321-00

7. For **biological samples** involved in the interstate/foreign commerce provide for **each species** (you may use the table located below):

- a. Scientific name (genus, species, and, if applicable, subspecies);
- b. Common name;
- c. Number and type of sample(s) (e.g. 10 blood samples, ear clips, etc.)
- d. Source (wild or captive-born)
- e. Approximate date of collection (MM/YYYY)
- f. Description of packaging (vials, slides, envelopes, etc.)
- g. Total # of all samples.

a. Scientific name (genus, species, and, if applicable, subspecies)	b. Common Name	c. Number & type of sample/part	d. Wild or Captive born	e. Appx date of collection (mm/yyyy)	f. Description of packaging (vials, slides, envelopes, etc)
EXAMPLE: <i>Pan troglodytes</i>	Chimpanzee	10 blood samples; 4 hair samples	W	08/2015	Vial Envelope
				g. TOTAL # of all samples:	

8. For **parts or products** involved in the interstate/foreign commerce, provide for each species (you may use the table below):

- a. Scientific name (genus, species, and, if applicable, subspecies)
- b. Common name
- c. Source (wild or captive-born)
- d. Date removed from the wild or born/hatched in captivity
- e. Number and description of part(s)/product(s) (e.g., 1 handbag, 3 rugs, etc.)
- f. Attach copies of receipts or other documentation demonstrating the history of ownership/transactions.

a. Scientific name	b. Common name	c. Source (W or C)	d. Date removed from the wild or born/hatched in captivity	e. Number and description of part(s)/product(s)	f. Evidence of history of ownership?
EXAMPLE: <i>Panthera tigris</i>	Tiger	W	1900	1 tanned rug	<input checked="" type="checkbox"/> Yes
					<input type="checkbox"/> Yes
					<input type="checkbox"/> Yes

9. For each **each live animal, biological sample, and part(s) or product(s)** previously imported into the United States from another country, provide:

- a. All copies of the CITES export or re-export document issued by the appropriate CITES office in the country from which the wildlife was imported (this document is **stamped cancelled** by USFWS Office of Law Enforcement upon import inspection); and
- b. All copies of your Declaration for Importation or Exportation of Fish or Wildlife (Form 3-177) **cleared** by USFWS Office of Law Enforcement.
- c. If you did not make the original import, provide documentation outlining chain-of-ownership since import, including:
 1. A copy of the importer's clearance documents (a, b & c above) and,
 2. Subsequent invoices (or other documentation) showing the history of transactions leading to your ownership of the animals after import (chain of custody).

SOURCE OF SPECIMEN

10. For **each captive-born animal(s)** provide a **signed and dated** statement from the breeder or appropriate documentation (e.g. Species 360 report) that includes the following:

- a. Scientific name (genus, species, and *if applicable*, subspecies),
- b. Common name,
- c. Name and address of the facility where the animal was bred and born,
- d. Birth/hatch date (mm/dd/yyyy),
- e. Identification information (studbook, ID #, microchip or leg band#, etc.),
- f. Location (name of facility, address, city, State, postal code) of parental stock; and

- g. a statement that the animal was bred and born at the breeder's facility (including the facility's name and address), and
- h. Documentation demonstrating the history of transactions (e.g., chain of custody or ownership of the animal, *if applicable*).

11. For **each wild animal(s)**, provide the following:

- a. Scientific name (genus, species, and *if applicable*, subspecies),
- b. Common name,
- c. Specific location (name and address) where the animal(s)/samples were taken from the wild,
- d. The name of the individual(s) who collected the animal/samples and their authorization to do so, including copies of foreign and domestic (Federal, State, and/or Tribal) government collecting permits, licenses, contracts and/or agreements.
- e. Method of collection including: sampling protocol, approximate length of time animal was held in captivity, injury and mortality rates experienced during collection, transport, or holding, and whether animals were returned to the wild after sampling;
- f. Whether any remuneration, either financial or in-kind was provided for acquiring the animal(s)/sample(s)
- g. Efforts to use captive specimens (e.g., captive-born, captive-held), or parts thereof, in lieu of taking animals from the wild.

JUSTIFICATION FOR REQUESTED ACTIVITY

12. Please provide a detailed description on how the proposed activities will enhance or **benefit the wild population within its native range** (e.g., direct or indirect **conservation efforts**) and provide documentation (e.g., signed memorandums of understanding) demonstrating your commitment to supporting specific programs and how these programs contributes directly to the species identified in your application.

TECHNICAL EXPERTISE & FACILITIES INVOLVING LIVE ANIMALS

Provide the following information for **the buyer (you)**:

13. CV or resume outlining your technical experience working with, maintaining, and/or propagating live specimens of the species, including experience with other similar species.
14. If **live animals** are to be held in captivity as part of the proposed activity provide:
- a. Current inventory of the species at the facility (males.females.unknown sex, 10.2.0),
 - b. Number of years the species has been maintained at the facility (*if applicable*),
 - c. Number of species births per year over the last 5 years (*if applicable*),
 - d. Number of species (or similar species) mortalities per year over the last 5 years and steps taken to avoid or decrease such mortalities,
 - e. A detailed description, including diagrams, and photos clearly depicting the existing facilities **where the wildlife will be maintained** including: dimensions, construction materials, and protection from the elements. Do not provide blueprints;
 - f. Approximate carrying capacity for the species at your facility.

TRANSPORT/SHIPMENT OF LIVE ANIMALS

15. The transport conditions for live animals must comply with the CITES Guidelines for Transport of Live Animals. All air transport must also comply with the International Air Transport Association (IATA) live animal regulations (contact airline for information). As such, describe:
- a. The type, size, and construction of any shipping container; and
 - b. The arrangements for watering or otherwise caring for the wildlife during transport.

All international shipment(s) must be through a designated port. A [list of designated ports](#) (where an inspector is posted) is available. If you wish to use a port not listed, please contact the Office of Law Enforcement for a Designated Port Exemption Permit (form 3-200-2).

NOTICES

PRIVACY ACT STATEMENT

Authority: The information requested is authorized by the following: the Bald and Golden Eagle Protection Act (16 U.S.C. 668), 50 CFR 22; the Endangered Species Act (16 U.S.C. 1531-1544), 50 CFR 17; the Migratory Bird Treaty Act (16 U.S.C. 703-712), 50 CFR 21; the Marine Mammal Protection Act (16 U.S.C. 1361, et seq.), 50 CFR 18; the Wild Bird Conservation Act (16 U.S.C. 4901-4916), 50 CFR 15; the Lacey Act: Injurious Wildlife (18 U.S.C. 42), 50 CFR 16; Convention on International Trade in Endangered Species of Wild Fauna and Flora (TIAS 8249), 50 CFR 23; General Provisions, 50 CFR 10; General Permit Procedures, 50 CFR 13; and Wildlife Provisions (Import/export/transport), 50 CFR 14.

Purpose: The collection of contact information is to verify the individual has an eligible permit to conduct activities which affect protected species. This helps FWS monitor and report on protected species and assess the impact of permitted activities on the conservation and management of species and their habitats.

Routine Uses: The collected information may be used to verify an applicant's eligibility for a permit to conduct activities with protected wildlife; to provide the public and the permittees with permit related information; to monitor activities under a permit; to analyze data and produce reports to monitor the use of protected wildlife; to assess the impact of permitted activities on the conservation and management of protected species and their habitats; and to evaluate the effectiveness of the permit programs. More information about routine uses can be found in the System of Records Notice, Permits System, FWS-21.

Disclosure: The information requested in this form is voluntary. However, submission of requested information is required to process applications for permits authorized under the listed authorities. Failure to provide the requested information may be sufficient cause for the U.S. Fish & Wildlife Service to deny the request.

PAPERWORK REDUCTION ACT STATEMENT

We are collecting this information subject to the Paperwork Reduction Act (44 U.S.C. 3501) in order provide the U.S. Fish and Wildlife Service the information necessary, under the applicable laws governing the requested activity, for which a permit is requested. Information requested in this form is purely voluntary. However, submission of requested information is required in order to process applications for permits authorized under the applicable laws. Failure to provide all requested information may be sufficient cause for the U.S. Fish and Wildlife Service to deny the request. According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. OMB has approved this collection of information and assigned Control No. 1018-0093.

ESTIMATED BURDEN STATEMENT

We estimate public reporting for this collection of information averages:

Original submission - paper-based: 2 hours
Amended submission - paper-based: 1 hour 45 minutes
Original submission - electronic: 1 hour 45 minutes
Amended submission - electronic: 1 hour 30 minutes

These estimates include time for reviewing instructions, gathering and maintaining data and completing and reviewing the form. Direct comments regarding the burden estimate or any other aspect of the form to the Service Information Clearance Officer, Fish and Wildlife Service, U.S. Department of the Interior, 5275 Leesburg Pike, MS: PRB/PERMA (JAO), Falls Church, VA 22041-3803, or via email at Info_Coll@fws.gov. Please do not send your completed form to this address.