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.

Upon receipt of a complete application the Director may issue a permit authorizing any activity otherwise prohibited by §17.61, in accordance with the issuance criteria of this section, for scientific purposes or for enhancing the propagation or survival of endangered plants. (See §17.72 for permits for threatened plants.) Such a permit may authorize a single transaction, a series of transactions, or a number of activities over a specified period of time.

(a) Application requirements. A person wishing to get a permit for an activity prohibited by §17.61 submits an application to conduct activities under this paragraph. For interstate commerce activities the seller gets the permit for plants coming from cultivated stock and the buyer gets the permit if the plants are taken from the wild. The Service provides application Form 3–200, or you may submit the general information and certification required by
§ 13.12(a) of this subchapter. Application requirements differ for permits issued for plants taken from the wild (excluding seeds), seeds and cultivated plants, or herbarium specimens. You must attach the following information and any other information requested by the Director.

(1) For activities involving plants obtained from the wild (excluding seeds), provide the following information:
   (i) The scientific names of the plants sought to be covered by the permit;
   (ii) The estimated number of specimens sought to be covered by the permit;
   (iii) The year, country, and approximate place where taking occurred or will occur;
   (iv) If the activities would involve removal and reduction to possession of a plant from an area under Federal jurisdiction, the year, State, county or any other description such as place name, township, and range designation that will precisely place the location where the proposed removal and reduction to possession will occur, the name of the Federal entity having jurisdiction over the area, and the name, title, address, and phone number of the person in charge of the area.
   (v) The name and address of the institution or other facility where the plant sought to be covered by the permit will be used or maintained;
   (vi) A brief description of the applicant’s expertise and facilities as related to the proposed activity;
   (vii) A statement of the applicant’s willingness to participate in a cooperative propagation program, and to maintain or contribute data relating to such efforts; and
   (viii) A statement of the reasons why the applicant is justified in obtaining the permit, including:
      (A) The activities sought to be authorized by the permit and the relationship of such activities to scientific purposes or enhancing the propagation or survival of the species; and
      (B) The planned disposition of such plant upon termination of the activities sought to be authorized.

(2) For activities involving seeds and cultivated plants, provide the following information:
   (i) The scientific names of the plants sought to be covered by the permit;
   (ii) A statement of the applicant’s willingness to participate in a cooperative propagation program, and to maintain or contribute data relating to the success of such efforts;
   (iii) A justification of the activities sought to be authorized by the permit and the relationship of such activities to scientific purposes or enhancing the propagation or survival of the species; and
   (iv) If the activities would involve seeds obtained from the wild, additional information to evaluate the effects of such taking upon the reproductive potential of the species where the taking will occur.
   (v) If the activities would involve removal and reduction to possession of seeds from an area under Federal jurisdiction, the year, State, county or any other description such as place name, township, and range designation that will precisely place the location where the proposed removal and reduction to possession will occur, the name of the Federal entity having jurisdiction over the area and the name, title, address, and phone number of the person in charge of the area.

(3) For importation or exportation involving the non-commercial loan, exchange, or donation of herbarium or other preserved, dried, or embedded museum specimens of any endangered species between scientists or scientific institutions, provide the following information:
   (i) The name and address of the institution or other facility where the plants sought to be covered by the permit will be used or maintained; and
   (ii) A justification of the activities sought to be authorized by the permit and the relationship of such activities to scientific purposes or enhancing the propagation or survival of the species.

(4) When the activity applied for involves a species also regulated by the Convention on International Trade in Endangered Species of Wild Fauna and Flora, additional requirements in part 23 of this subchapter must be met.

(b) Issuance criteria. Upon receiving an application completed in accordance with paragraph (a) of this section, the Director will decide whether or not a
permit should be issued. In making his
decision, the Director shall consider, in
addition to the general criteria in
\( \text{§13.21(b)} \) of this subchapter, the fol-
lowing 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 hav-
ing expertise concerning the plant or
other matters germane to the applica-
tion; and
(4) Whether the expertise, facilities,
or other resources available to the ap-
licant 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 sub-
ject to the following special conditions:

(1) If requested, the permittee shall
submit to the Director a written report
of the activities authorized by the per-
mit. 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 identi-
fication label, which includes the sci-
entific name, the permit number, and a
statement that the plant is of “wild or-
igin” or “cultivated origin” must ac-
company the plant or its container
during the course of any activity sub-
ject 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 her-
barium specimens, or other preserved,
dried or embedded museum specimens
to be imported or exported as a non-
commercial loan, exchange or donation
between scientists or scientific institu-
tions, the names and addresses of the
consignor and consignee must be on
each package or container. A descrip-
tion such as “herbarium specimens”
and the code letters assigned by the
Service to the scientists or scientific
institution must be entered on the Cus-
toms declaration form affixed to each
package or container. If the specimens
are of taxa also regulated by the Con-
vention on International Trade in En-
derangered Species of Wild Fauna and
Flora, specific information must be en-
tered on the Customs declaration label
affixed to the outside of each shipping
container or package. See part 23 of
this subchapter for requirements for
trade in CITES specimens between reg-
istered scientific institutions.

(d) Duration of permit. The duration of
a permit issued under this section shall
be designated on the face of the permit.

§ 17.63 Economic hardship permits.

Upon receipt of a complete applica-
tion, the Director may issue a permit
authorizing any activity otherwise pro-
hibited 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 hard-
ship. No such exemption may be grant-
ed 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 appli-
cation 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 appli-
cation form (Form 3–200) provided by
the Service, or must contain the gen-
eral information and certification re-
quired 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 informa-
tion.

(1) The possible legal or economic al-
ternatives 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