

Frequently Asked Questions

Final Rule Listing Two Subspecies of Lion under the Endangered Species Act

About the Decision

What action is the U.S. Fish and Wildlife Service taking?

Following review of the best available scientific and commercial information, the U.S. Fish and Wildlife (Service) is listing the two subspecies of lion under the Endangered Species Act (ESA), *Panthera leo leo*, located in India and western and central Africa, as an endangered species and *Panthera leo melanochaita*, located in eastern and southern Africa, as a threatened species.

The Service is also finalizing a rule under section 4(d) of the ESA for *P. l. melanochaita*. The 4(d) rule will provide conservation measures for this subspecies by establishing a permitting mechanism for the importation of sport-hunted *P. l. melanochaita* trophies that will ensure hunting contributes to the survival of the species in the wild. The Service found that sport-hunting may provide a benefit to the subspecies if well managed, however, recent information received during the public comment period indicates that not all trophy hunting programs are providing benefits to the subspecies. The Service wants to ensure that U.S. trophy imports originate from countries with a scientifically sound management program and provide funds that further lion conservation.

With an endangered listing, all imports of *P. l. leo* will be generally prohibited, except when it can be found that the import will have a benefit to the species.

The final lion rule will publish in the *Federal Register* on December 23, 2015, and will go into effect 30 days after publication on January 22, 2016. For more information on the two subspecies of lion, including a copy of the final rule, please visit: <http://www.fws.gov/endangered/what-we-do/lion.html>.

What is different between the proposed and final rule to list lions?

The Service received new information from the International Union for Conservation of Nature (IUCN) that the western and central populations of lions are genetically closely related to the currently endangered Asiatic lion (formerly the endangered *Panthera leo persica*), and the IUCN has named this subspecies *Panthera leo leo*. The IUCN also found that the southern and eastern populations of lions are now their own subspecies, *Panthera leo melanochaita*. The Service has determined the two subspecies of lion qualify for different statuses under the ESA.

About Lions: Range and Population

Why is the Service proposing to list one subspecies, *P. l. leo*, as endangered and the other subspecies, *P. l. melanochaita*, as threatened?

The Service received new information on population numbers for both subspecies. There are only a total of about 1,423 *P. l. leo* left: 900 in 14 populations in western and central Africa, and only 523 in India. Conversely, there are approximately 17,000-19,000 *P. l. melanochaita* found in southern and eastern Africa.

After reviewing the best scientific and commercial data available, the Service found the lion is impacted by a number of factors actively contributing to its population decline throughout Africa and Asia. The three main threats are habitat loss (fragmentation and degradation), loss of prey base and

human-lion conflict. The Service found that the only population of this subspecies found in India, though currently stable, is still facing threats and is highly vulnerable to stochastic (random) events, such as weather, fire, disease and other potentially devastating forces. If regional trends continue at its current rate, western and central Africa will likely lose a third of its population in five years and half the population in 10 years. Given the threats are acting on such a small number of *P. l. leo* the Service has determined that this subspecies meets the definition of an endangered species under the ESA.

Between 1993 and 2014, the population of *P. l. melanochaita* in eastern Africa declined by 59 percent. In southern Africa the lion population increased by 8 percent during the same time period; however, one of the largest populations, Okavango, and 6 unfenced reserves in Botswana, Namibia and Zimbabwe declined. However, eastern Africa is likely to lose a third of its population in 20 years and half the population in 30 years. Many of the increasing southern African populations are in small, fenced and intensely managed areas that have already reached carrying capacity.

Additionally, the human population, and thus negative impacts to lion associated with it, is expected to increase substantially by 2050; impacts of climate change are projected to manifest as early as 2040. Due to a larger population and greater number of populations, the Service believes this subspecies is less vulnerable to threats and is not currently in danger of extinction. However, the Service found that this subspecies is likely to become endangered within the foreseeable future. Therefore, the agency is listing *P. l. melanochaita* as threatened.

About the 4(d) Rule

Why does *P. l. melanochaita* need a 4(d) rule?

The Service is adding a 4(d) rule for *P. l. melanochaita* in order to create a permitting mechanism. During the public comment period the Service found that not all trophy hunting programs are scientifically based or managed in a sustainable way. This 4(d) rule creates a permitting mechanism to regulate the import of all *P. l. melanochaita* parts and products, including live animals and sport-hunted trophies, into the United States to ensure that imported specimens are legally obtained in a manner that is consistent with the purposes of the ESA and the conservation of the subspecies in the wild. It will allow for the importation of *P. l. melanochaita* provided they are permitted by the Service as originating from countries with effective lion conservation programs.

This 4(d) rule is intended to promote additional conservation efforts by authorizing only activities that would provide a direct or indirect benefit to lions in the wild. By providing incentives through the permitting process to countries and individuals who are actively contributing to lion conservation, the agency will be able to leverage a greater level of conservation than might otherwise be available.

The 4(d) rule will supersede the import exemption found in 50 CFR 17.8 for threatened wildlife listed in Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), such that a threatened species import permit under 50 CFR 17.32 is now required for the importation of all *P. l. melanochaita* specimens.

Therefore, section 9(c)(2) of the ESA for the otherwise lawful importation of wildlife listed in Appendix II of CITES that is not an endangered species does not apply to this subspecies. Under this 4(d) rule, all otherwise prohibited activities, including all imports of *P. l. melanochaita* specimens, require prior authorization or permits under the ESA.

Will a permit be required to import a sport-hunted *P. l. melanochaita* trophy?

Yes. While there is evidence that many of the range countries have implemented or will implement best management practices, the Service wants to promote those practices to the extent it can. By requiring import permits, the agency can ensure these imports enhance the conservation of this lion subspecies in the range countries by supporting well-managed, scientifically based conservation programs that include trophy hunting of lions. For additional information on importing sport-hunted trophies, please visit <http://www.fws.gov/international/permits/by-activity/sport-hunted-trophies.html>.

African lions (includes all lions in Africa under the taxonomic classification currently used by CITES) are also listed in Appendix II of CITES. As such, a CITES export permit is required from the country where the trophy was taken. Contact the CITES authorities in that country for additional information and instruction. Click [here](#) for a list of national CITES contacts.

If I hunt a lion in Africa between December 23, 2015, the date the lion listing was published in the *Federal Register*, and January 22, 2016, when the listing goes into effect, do I need to obtain an import permit when I bring the trophy into the United States?

No. Lions hunted in Africa before the effective date of January 22, 2016, would be considered to be “pre-Act” and exempt from the permitting requirements, regardless when it was imported into the United States. It is important, however, that you provide appropriate documentation establishing when the lion was hunted to the U.S. Fish and Wildlife Service Wildlife Inspector at the time of import.

What criteria must be met for the Service to consider issuing a permit for the import of a sport-hunted *P. l. melanochaita* trophy?

The permitting program would allow importation of sport-hunted *P. l. melanochaita* trophies only from range countries that have management programs that are based on scientifically sound data and are being implemented to address the threats that are facing lions within that country.

Such management programs would be expected to address, but are not limited to: evaluating population levels and trends; the biological needs of the species; quotas; management practices; legal protection; local community involvement; and use of hunting fees for conservation. In evaluating these factors, the Service will work closely with the range countries and interested parties to obtain the best available scientific and commercial data. By allowing entry into the United States of *P. l. melanochaita* sport-hunted trophies from range countries that have scientifically based management programs, the range countries would be encouraged to adopt and financially support the sustainable management of lions that benefits both the species and local communities.

Is the Service allowing hunting of threatened *P. l. melanochaita*?

The 4(d) rule does not regulate hunting of *P. l. melanochaita*, but rather prohibits imports of sport-hunted *P. l. melanochaita*. Hunting, or take, of a wholly foreign species in its native country is not regulated by the ESA because the action is not subject to the jurisdiction of the United States. Regardless of U.S. import regulations, sport hunters are able to participate in *P. l. melanochaita* hunts in countries that allow it. However, many lions are taken by U.S. hunters, and conditioning the continued importation of sport-hunted trophies upon a demonstration that they originate from a country with a scientifically sound management program will encourage effective management for the species in the wild. In addition, a scientifically based management program that includes sport hunting can provide economic incentives for the range country and local communities to protect and expand lion populations and habitat.

What measures are in place to ensure that *P. l. melanochaita* sport-hunted trophies would not enter into illegal trade?

In the United States, CITES-implementing regulations clearly state that an Appendix-II, threatened species sport-hunted trophy may only be used for non-commercial purposes. Selling such a trophy after import constitutes a violation of the ESA. Import, export, re-export and foreign and interstate commerce of lions is prohibited without a permit to ensure that any lions or their parts or products, including hunting trophies, do not illegally enter into commerce. ESA violations carry a maximum penalty of one year in prison and a \$100,000 fine; conviction under the Lacey Act is punishable by a prison term of up to five years and a \$250,000 fine.

What does the Service consider in making enhancement findings for the import of sport-hunted trophies?

To determine whether to allow such imports, the Service considers factors such as the biological needs of the species; possible threats to the populations; current population estimates; management programs; legal protection (for sport-hunted trophies this includes hunting regulations and any applicable quotas); local community involvement; and, if any funds are generated by the import, how those funds are used for conservation. This rigorous evaluation process ensures that sport hunting is part of an overall conservation program supported by strong governance and management practices. By allowing imports from countries that are making strong efforts to conserve their lions, the Service will promote these countries' programs over those less willing to address long-term lion conservation.

How long will it take to process an application for the import of a sport-hunted *P. l. melanochaita* trophy?

Although the issuance of permits may initially be delayed because the Service lacks the necessary information on which to judge whether a country's management program for lions provides sufficient enhancement, we are already seeking information on *P. l. melanochaita* management programs of the range countries and will strive to make the required determinations as quickly as possible. If the agency has the necessary information from the range country where the hunting will occur, we are generally able to process permits within 45 to 60 days from the time of application.

About the Director's Order

Concurrent with this listing rule, to protect lions and other foreign and domestic wildlife from criminal activity, Service Director Dan Ashe is issuing a Director's Order to strengthen enforcement of wildlife permitting requirements. The order will ensure that violators of wildlife laws are not subsequently granted permits for future wildlife-related activities, including the import of sport-hunted trophies.

On February 11, 2014, President Obama issued the first [National Strategy for Combating Wildlife Trafficking](#). One of the three strategic priorities of the strategy is to strengthen domestic and global enforcement, including assessing related laws, regulations, and enforcement tools.

This order, consistent with the strategy, establishes policy and procedure for Service employees to assert full legal and regulatory authority to deny wildlife violators the ability to obtain wildlife permits, certificates and licenses issued under 50 CFR part 13.

The Service will consider all relevant facts or information available, including relevant violations of a federal, state, foreign or tribal law or regulation related to or governing the activity for which they are applying, and may make independent inquiry or investigation to verify information or substantiate qualifications asserted by the applicant.

The Service's general permitting regulations 50 CFR part 13 state, in part, in 50 CFR 13.21(b), that upon receipt of a properly executed application for a permit, the Director shall issue the appropriate permit unless:

- 1) The applicant has 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, if such assessment or conviction evidences a lack of responsibility;
- 2) The applicant has failed to disclose material information required, or has made false statements as to any material fact, in connection with his application;
- 3) The applicant has failed to demonstrate a valid justification for the permit and a showing of responsibility;
- 4) The authorization requested potentially threatens a wildlife or plant population; or
- 5) The Director finds through further inquiry or investigation, or otherwise, that the applicant is not qualified.

In addition, 50 CFR 13.21(c) states in part, in 50 CFR 13.21(c)(1), a person is disqualified from receiving or exercising the privileges of a permit under 50 CFR part 13 if there has been a conviction, or entry of a plea of guilty or declining to contend, for a felony violation of the Lacey Act, the Migratory Bird Treaty Act or the Bald and Golden Eagle Protection Act, unless such disqualification has been expressly waived by the Director in response to a written petition.

The Service will strictly implement and enforce all criteria under the general permitting requirements in 50 CFR part 13, particularly the sections referenced above, and with special emphasis on permitting associated with species listed as endangered or threatened under the Endangered Species Act or in Appendix I of CITES.

For a copy of the Director's Order, please visit: <http://www.fws.gov/policy/do212.html>. This order is effective immediately as of December 9, 2015.

About Permitting: Import, Export and Interstate Movement

Does the United States issue permits for the import of other sport-hunted trophies of endangered or threatened species?

Yes. Under the ESA, otherwise prohibited activities may be permitted if the Service finds that the activity will enhance the propagation or survival of the affected species and is found to be consistent with the purpose of the law. The Service has found that the import of trophies of bontebok, an endangered antelope from South Africa, and black rhinoceros from Namibia, also listed as endangered, as well as African elephants, leopards and straight-horned markhor – all threatened species – can benefit those species by supporting the overall species management programs established within the species' native range. As a result, the Service has issued import permits for these species.

Will a permit be required for the import of *P. l. melanochaita* for zoological or scientific purposes? What about personal effects made of lion products?

Yes. Under this 4(d) rule any person wishing to import *P. l. melanochaita* specimens, including live animals, parts and products, for any purpose, must first obtain a permit under the Service's regulations for threatened species, 50 CFR 17.32. Permits or authorization to carry out an otherwise prohibited activity could be issued for scientific purposes, the enhancement of propagation or survival of the species, economic hardship, zoological exhibitions, educational

purposes, or special purposes consistent with the purposes of the Act.

Will activities with *P. l. melanochaita* other than import require a permit?

Yes. Under this 4(d) rule, a permit under the ESA must be obtained from the Service's Division of Management Authority to conduct the following activities:

- import into the United States,
- export from the United States,
- take within the United States, and
- interstate and foreign commerce.

Under the Service's regulations for threatened species, 50 CFR 17.32, permits or authorization to carry out an otherwise prohibited activity could be issued for scientific purposes, the enhancement of propagation or survival of the species, economic hardship, zoological exhibitions, educational purposes, or special purposes consistent with the purposes of the Act.

What activities with *P. l. leo* will require a permit?

For foreign endangered species, a permit under the ESA must be obtained from the Service's Division of Management Authority to conduct any activities prohibited under the ESA. This includes:

- import into the United States,
- export from the United States,
- take within the United States, and
- interstate and foreign commerce.

Permits for endangered species may be issued only for scientific purposes that benefit the species in the wild, or to enhance the propagation or survival of the affected species. Beneficial actions that have been shown to support or enhance survival of *P. l. leo* include habitat restoration and research on the subspecies in the wild that contributes to improved management and recovery.

How do I apply for a permit for an exception to conduct otherwise prohibited activities with *P. l. leo* or *P. l. melanochaita* for purposes consistent with the ESA?

For import, export, interstate and foreign commerce and take, submit application 3-200-37 to the Division of Management Authority (address below), available from <http://www.fws.gov/forms/3-200-37.pdf>.

For import of a *P. l. melanochaita* sport-hunted trophy, submit application 3-200-20 to the Division of Management Authority (address below), available from <http://www.fws.gov/forms/3-200-20.pdf>.

Will interstate movement of lions require a permit?

The ESA does not regulate the non-commercial movement (e.g., loans, transfers, donations) of lawfully acquired ESA-listed species from one state to another. However, a prior authorization in the form of a permit now will be required if interstate movement will take place in the course of interstate commerce (selling a lion or their parts or products across state lines or to a resident of another state).

Captive-Bred Wildlife Registration

What is a Captive-Bred Wildlife (CBW) registration?

CBW registration holders are authorized by the general permit at 50 CFR 17.21(g) to conduct recurring interstate commerce and take activities that would otherwise be prohibited under the ESA with living, exotic wildlife born and held in captivity in the United States for conservation breeding purposes consistent with the ESA. The program was developed to streamline federal permit requirements for eligible activities.

A CBW registration may be issued only when applicants demonstrate activities with covered wildlife will serve the principal purpose of enhancing the propagation or survival of the species, particularly through conservation breeding, and that they have appropriate qualifications, experience, facilities and sufficient space. This includes those holding surplus stock as part of a Species Survival Plan or other bona fide conservation breeding program. Authorized activities may be conducted only with other registrants who are authorized for the same species. Registrants must report activities and current ESA-listed inventory to the Service each year.

For more information, see the Service's fact sheet on CBW registration:

<http://www.fws.gov/international/pdf/factsheet-captive-bred-wildlife-and-endangered-species-act.pdf>.

What about zoos, sanctuaries and other facilities that hold lions? Will they need a permit to continue to hold these animals?

Permits are not required to hold legally acquired lions in captivity or for normal husbandry practices for maintaining the health of the animal. However, if a facility wishes to engage in interstate or foreign commerce, take (such as research activities that may harass or harm the animal), or import or export activities with lions, a prior authorization in the form of a permit will be required (see below). Facilities seeking to engage in interstate commerce for the purpose of conservation breeding may meet the criteria for a CBW registration.

How do I apply for CBW registration?

Submit application form 3-200-41, available from <http://www.fws.gov/forms/3-200-41.pdf>, with the processing fee. Instructions are on the form.

Should CBW registrants who hold lions apply to amend their CBW registration?

Some CBW holders have already been authorized for *Felidae*, which would include both subspecies *P. l. leo* and *P. l. melanochaita*. If your CBW already authorizes *Felidae*, you do not need to amend your CBW at this time. You will however need to include all activities carried out with lions, such as births, deaths and transfers, on your annual report.

CBW registrants who currently hold lions but are not authorized for *Felidae* and intend to conduct interstate commerce (e.g., buy or sell lions) should apply to amend their CBW registrations by submitting application form 3-200-41 (see above) prior to the effective date of the ruling. Applicants should provide documentation that demonstrates the lions in their collection meet the criteria for CBW registration, and their staff expertise and facilities are appropriate for lion conservation breeding. Applicants do not need to submit information about other species already authorized under their CBW registration, however they may apply to add species beyond the lions on the same amendment application. Wildlife must meet the criteria for the CBW program.

Applicants should not use form 3-200-52 to amend a CBW registration.

How do I apply for a permit and who do I contact for questions regarding permits?

Permit applications may be obtained from the Service's website or by contacting the Service's Division of Management Authority. Applicants should allow at least 45 days for processing of any application involving a threatened species and 90 days for any application involving an endangered species.

For additional information on permits, or to submit an application, please contact:

U.S. Fish and Wildlife Service
Division of Management Authority
5275 Leesburg Pike
Falls Church, Virginia 22041
Phone: 703-358-2104 or 1-800-358-2104
Fax: 703-358-2281
Email: managementauthority@fws.gov
<http://international.fws.gov>

About Conservation Efforts

Why are foreign species listed under the ESA?

The ESA requires the Service to list species as endangered if they are in danger of extinction and as threatened if they are likely to become endangered in the foreseeable future, regardless of the country where the species is found.

For additional information on listing foreign species under the ESA, please see the Ecological Services program's Branch of Foreign Species fact sheet at: http://www.fws.gov/endangered/esa-library/pdf/foreign_species.pdf.

How does the ESA protect foreign species?

By regulating the activities of U.S. citizens and residents with regard to listed species whose native range is outside the United States, the ESA helps ensure people under U.S. jurisdiction do not contribute to the further decline of these species. Except by permit for specific purposes consistent with the ESA, it is unlawful for any person subject to the jurisdiction of the United

States to:

- import into and export from the United States any listed species or its parts or products;
- take (harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect or to attempt any of these activities) listed species within the United States, its territorial waters, or on the high seas;
- deliver, receive, carry, transport or ship listed species in interstate or foreign commerce in the course of commercial activity;
- sell or offer for sale in interstate or foreign commerce; or possess, sell, deliver, carry, transport or ship listed species taken in violation of the ESA.

What additional benefits does listing under the ESA afford a species?

In addition to the prohibitions on certain activities, the ESA authorizes the provisions of targeted financial assistance for the development and management of programs necessary or useful to the conservation of listed species in foreign countries. The ESA encourages conservation programs that

benefit foreign-listed species and may provide assistance through training or personnel. The ESA also encourages international conservation of foreign listed species through its enhancement permits provision.

What is the Service doing to help conserve wild populations of wild lions?

The Service is working on multiple levels to protect and restore lion populations across their range through collaborative efforts. Since 2003, the Service has awarded five grants through its [International Affairs program](#), totaling \$166,956, matched by \$230,903 in leveraged funds, towards conservation efforts to protect lions. Field projects were supported in four countries. These projects include:

- Establishing a training program for specialized “lion” guards to help stabilize and protect the remaining lions and large carnivore populations in Cameroon in partnership with the Leo Foundation.
- Supporting lion conservation in Cameroon in partnership with the Wildlife Conservation Research Unit of the University of Oxford to address the threats of poaching of lions and their prey, human-lion conflict, the trade in cubs and lion products and problems with legal hunting.
- Strengthening wildlife protection and law enforcement measures in the Democratic Republic of Congo in partnership with the African Wildlife Foundation to support lion conservation and other species to mitigate the impacts of poaching, bushmeat trade, mining and civil conflict.