

(1) The licensee shall, from the effective date of the license, keep such records as will fully and correctly disclose each importation or exportation of wildlife made by the licensee and the subsequent disposition made by the licensee with respect to such wildlife. The records must include a general description of the form of the wildlife, such as "live," "raw hides," or "fur garments;" the quantity of wildlife, in numbers, weight, or other appropriate measure; the common and scientific names; the country or place of origin of the wildlife, if known; the date and place of import or export; the date of the subsequent disposition of the wildlife; the manner of disposition, whether by sale, barter, consignment, loan, delivery, destruction, or other means; and the name and address of the person who received the wildlife pursuant to such disposition, if applicable;

(2) Licensees shall include and retain in their records copies of all permits required by the laws and regulations of the United States and any country of export or origin;

(3) Licensees shall maintain such books and records for a period of five years;

(4) Subject to applicable limitations of law, licensees must provide duly authorized Service officers at all reasonable times, upon notice, access to the licensee's places of business and give an opportunity to examine the licensee's inventory of imported wildlife and the records required to be kept under paragraph (c)(1) of this section, and give an opportunity to copy such records;

(5) Licensees must, upon written request by the Director, submit within 30 days of such request a report containing the information required to be maintained by paragraph (c)(1) of this section.

(6) An import/export license is only permission to engage in business as an importer or exporter of wildlife. Such a license is in addition to, and does not supersede, any other requirement established by law for the importation or exportation of wildlife.

(7) Licensees agree to pay, as a condition of the license, reasonable user fees for inspections of commercial wildlife

shipments imported or exported under the authorization of the license.

(d) *Duration of license.* Any license issued under this section expires on the date designated on the face of the license. In no case will the license be valid for more than 1 year from the date of issuance.

(e) *Issuance, denial, suspension, revocation, or renewal of license.* Payment of all license and inspection fees shall be a condition of the license. It shall be grounds for suspension or revocation of any license, or for denial or renewal of a license, or of grant of a new import/export license to any person named as the holder, or a principal officer or agent of a holder, of a previous license issued pursuant to this subpart, that any license fees or any fees owing for inspections of wildlife shipments remain unpaid at the time of application for renewal or of new application. Additional provisions governing the issuance, denial, suspension, revocation, and renewal of an import/export license are found in part 13 of this subchapter B.

[45 FR 56673, Aug. 25, 1980, as amended at 50 FR 52890, Dec. 26, 1985; 61 FR 31871, June 21, 1996]

#### § 14.94 What fees apply to me?

(a) *License and inspection fees.* We will impose a yearly fee for a license pursuant to § 14.93. In addition, you must pay an inspection fee for each wildlife shipment imported into or exported from the United States at a designated port. If you import into or export from the United States wildlife shipments meeting the criteria outlined in paragraph (e) of this section, you are exempt from the designated port inspection fee, or nondesignated port administrative fee and hourly minimums, whichever apply. However, you must pay applicable overtime fees and permit fees.

(b) *Designated port overtime fees.* The Service may charge importers or exporters of wildlife, regardless of being licensed as a commercial importer or exporter, a fee for overtime for inspections that begin before normal working hours, that extend beyond normal working hours, or are on a holiday, Saturday, or Sunday if the importer/exporter requested that the inspection be performed outside normal work

hours. Overtime fees consist of an increased hourly rate equal to 1½ times the average hourly rate of a journeyman level wildlife inspector. Overtime fees will be in addition to inspection fees imposed for license holders at designated ports. If an importer/exporter presents a shipment for inspection during normal work hours but the Service cannot perform the inspection during normal work hours on that day, the service will give the importer/exporter the option of performing the inspection later during normal work hours or charging for overtime. The Service's ability to perform inspections during overtime hours will depend on the availability of Service personnel. The Service will use the following parameters when calculating the overtime fee:

(1) Inspection overtime commences when a Service officer departs that officer's residence or official duty station enroute to the inspection site or at the end of normal work hours. Inspection overtime terminates when the officer returns to the point of departure or official duty station or when the inspection is completed, whichever occurs later.

(2) For an inspection at a designated port beginning less than 1 hour before normal work hours, the Service will charge 1 hour of time, at an hourly rate of 1½ times the average hourly rate of a journeyman level Wildlife Inspector. For all other overtime inspections at a designated port the Service will charge a minimum of 2 hours of time, at an hourly rate of 1½ times the average hourly rate of a journeyman level Wildlife Inspector, *except* that for all inspections performed on a federal holiday the Service will charge a minimum of 2 hours at twice the average hourly rate of a journeyman level Wildlife Inspector.

(3) The Service will charge any inspection time in excess of the 2-hour minimum in quarter hour increments at the same hourly rate as the first 2 hours. The Service will round up inspection time of 10 minutes or more to the next quarter hour and will disregard any time less than 10 minutes.

(4) The fee schedule will apply to all inspections regardless of importer/exporter of record, *except*, that the Serv-

ice will charge multiple shipments consigned to the same importer/exporter and inspected at one location one 2-hour minimum or actual time, whichever is greater.

(c) *Nondesignated port fees.* The Service will charge permittees issued permits under subpart C of this part, and licensed commercial importers and exporters a fee for inspections at nondesignated ports. The fees consist of a flat administrative fee plus a minimum of two hours of time at staffed nondesignated ports. The Service will use the following parameters when calculating fees:

(1) During normal working hours the Service will charge permittees issued permits under subpart C of this part, regardless of being licensed as a commercial importer or exporter, an administrative fee plus a minimum of 2 hours of time at the average hourly rate of a journeyman level wildlife inspector. The Service will charge permittees requesting clearance outside normal working hours, including Saturday and Sunday, an administrative fee plus a minimum of 2 hours of time at 1½ times the average hourly rate of a journeyman level wildlife inspector, *except* that for all inspections performed on a federal holiday the Service will charge a minimum of 2 hours at twice the average hourly rate of a journeyman level wildlife inspector.

(2) The Service will charge any inspection time in excess of the 2-hour minimum in quarter hour increments at the same hourly rate as the first 2 hours. The Service will round up inspection time of 10 minutes or more to the next quarter hour and will disregard any time less than 10 minutes.

(3) The Service will not charge importers or exporters who are not required to have a permit under subpart C of this part, *except* that the Service will charge licensed importers or exporters an administrative fee only during normal working hours, and overtime hourly rates and minimums will apply outside normal working hours.

(4) For inspections performed under a permit issued under subpart C of this part at nondesignated ports with no permanent Service law enforcement staff, the Service will charge all costs

**U.S. Fish and Wildlife Serv., Interior**

**§ 14.94**

associated with inspection and clearance, including, salary, travel and transportation costs, and per diem. (d) *Schedule.*

General Fees	
Import/Export license fee .....	\$50 per year.
Inspection fee .....	\$55 per shipment.
Inspection Fee Schedule	
Designated ports: Licensees:	
Inspections during normal work hours .....	\$55 Inspection fee.
Inspections beginning less than 1 hour before normal work hours .....	\$55 Inspection fee plus \$30.
Inspections beginning more than 1 hour before normal work hours .....	\$55 Inspection fee plus 2 hour minimum at \$30/hr.
Inspections after normal work hours (including Saturdays and Sundays) .....	\$55 Inspection fee plus 2 hour minimum at \$30/hr.
Inspections on federal holidays .....	\$55 Inspection fee plus 2 hour minimum at \$40/hr.
Designated ports: Nonlicensees:	
Inspection during normal work hours .....	No charge.
Inspections beginning outside normal work hours .....	2 hour minimum at \$30/hr.
Staffed nondesignated ports: Subpart C permit holders, regardless of license status:	
Inspections during normal work hours .....	\$55 Administrative fee plus 2 hour minimum at \$20/hr.
Inspections beginning outside normal work hours (including Saturdays and Sundays).	\$55 Administrative fee plus 2 hour minimum at \$30/hr.
Inspections on federal holidays .....	\$55 Administrative fee plus 2 hour minimum at \$40/hr.
Nonstaffed nondesignated ports: .....	\$55 Administrative fee plus all costs associated with inspection and clearance.
Staffed nondesignated ports: No subpart C permit required (Border/Special Ports):	
Import/export license holders .....	\$55 Administrative fee.
All others .....	No charge.

(1) The Service will not refund any fee or any portion of any license or inspection fee or excuse payment of any fee because importation or clearance of wildlife shipment is refused for any reason.

(2) [Reserved]

(e) Your wildlife shipments meeting all of the following criteria are exempt from the designated port inspection fee or nondesignated port administrative fee and hourly minimums:

(1) The wildlife you are shipping does not require permits under parts 16, 17, 18, 21, 22, or 23 of this subchapter;

(2) You are importing or exporting wildlife between the United States and Canada or Mexico;

(3) The wildlife you are shipping consists of raw fur, raw, salted, or crusted hides or skins, or separate parts there-

of, lawfully taken from the wild in the United States, Canada, or Mexico;

(4) You, as the importer or exporter of record, or a member of your immediate family (your spouse, parents, siblings, and children), took the wildlife from the wild;

(5) You are licensed in accordance with §14.91;

(6) You have not previously bought or sold the wildlife or any part thereof being shipped;

(7) Your shipment does not exceed 100 raw furs, raw, salted, or crusted hides or skins, or separate parts thereof;

(8) Your shipment does not contain any manufactured products or live animals.

§ 14.101

50 CFR Ch. I (10-1-07 Edition)

(9) You certify that your shipment meets the criteria in this paragraph.

[61 FR 31871, June 21, 1996, as amended at 64 FR 23025, Apr. 29, 1999]

**Subpart J—Standards for the Humane and Healthful Transport of Wild Mammals and Birds to the United States**

SOURCE: 57 FR 27108, June 17, 1992, unless otherwise noted.

**§ 14.101 Purposes.**

The purpose of this subpart is to prescribe requirements necessary to ensure that live wild mammals and birds shipped to the United States arrive alive, healthy, and uninjured, and that transportation of such animals occurs under humane and healthful conditions. These regulations implement section 9(d) of the Lacey Act Amendments of 1981.

**§ 14.102 Definitions.**

In addition to the definitions contained in part 10 of subchapter B of this chapter, in this subpart—

*Ambient air temperature* means the temperature of the air surrounding a primary enclosure containing a wild mammal or bird.

*Auxiliary ventilation* means cooling or air circulation provided by such means as vents, fans, blowers, or air conditioning.

*Carrier* means any person operating an airline, railroad, motor carrier, shipping line, or other enterprise engaged in the business of transporting any wild mammal or bird for any purpose including exhibition and for any person, including itself.

*Communicable disease* means any contagious, infectious, or transmissible disease of wild mammals or birds.

*Conveyance* means any vehicle, vessel, or aircraft employed to transport an animal between its origin and destination.

*Do not tip* means do not excessively rock or otherwise move from a vertical to a slanting position, knock over, or upset.

*Handle* means feed, manipulate, crate, shift, transfer, immobilize, restrain, treat, or otherwise control the

movement or activities of any wild mammal or bird.

*Holding area* means a designated area at or within a terminal facility that has been specially prepared to provide shelter and other requirements of wild mammals or birds being transported to the United States and in which such mammals or birds are maintained prior to, during, or following such shipment.

*Kept clean* means maintained free from dirt, trash, refuse, excreta, remains from other cargo, and impurities of any type.

*Marine mammal* means an individual of a species of the orders Cetacea, Pinnipedia, or Sirenia, or a polar bear (*Ursus maritimus*) or sea otter (*Enhydra lutris*).

*Noncompatible* means not capable of existing together in harmony.

*Nonhuman primate* means any nonhuman member of the order Primates.

*Normal rigors of transportation* means the stress that a wild animal can be expected to experience as a result of exposure to unaccustomed surroundings, unfamiliar confinement, caging, unfamiliar sounds, motion, and other conditions commonly encountered during transport.

*Primary enclosure* means any structure used to restrict a mammal or bird to a limited amount of space, such as a cage, room, pen, run, stall, pool, or hutch.

*Professionally accepted standards* means a level of practice established as acceptable by a body of qualified persons of the veterinary medical profession.

*Psychological trauma* means an episode of exposure to stressful conditions resulting in significant behavioral abnormality including, but not limited to, manifestations of unaccustomed aggressiveness, self-mutilation, or refusal of food or water.

*Raptor* means a live migratory bird of the order Falconiformes or the order Strigiformes.

*Sanitize* means to make physically clean and, as far as possible, free of toxic or infectious agents injurious to the health of wild mammals or birds.

*Scheduled departure time* means the time listed on a timetable of departures and arrivals or, in the absence of