

Captive Breeding of Three Foreign Antelope Species Under the Endangered Species Act Background and Q&As

Background:

In 2005, the U.S. Fish and Wildlife Service added three species of African antelopes (scimitar-horned oryx, addax, and dama gazelle) to the Federal List of Endangered and Threatened Wildlife under the Endangered Species Act (ESA). However, with the listing of all three species as endangered, the Service published a rule excluding these species from permit requirements for activities within the United States, as well as export, for any specimens that had been captive-bred in the United States (50 CFR 17.21(h)). This rule allowed ranches that held these species to continue carrying out activities, such as hunting on a private ranch or game operation, which might not otherwise be allowed under the ESA without a permit.

The exemption was challenged in Federal District Court by Friends of Animals and other groups. In 2009, the court remanded the regulations back to the Service, directing the agency to provide opportunities for the public to review and comment on activities that the Service might authorize with these species. The Service is now proposing to remove the exemption.

What protections are afforded to foreign species under the ESA?

In general, as for any listed species, the ESA prohibits the import or export of any listed species, or its parts or products, as well as sale in interstate or foreign commerce, without a permit. The take prohibition applies as well, subject to generally accepted animal husbandry practices and other activities outlined in the Service definition of “harassment”.

What changes are being proposed in how these three antelope species will be regulated under the Endangered Species Act?

This action is a proposed rule that would revoke the regulation codified at 50 CFR 17.21(h). If the proposal is finalized, individuals who maintain these species could apply to receive a permit under Section 10 of the Endangered Species Act (50 CFR 17.22 and 17.32) to carry out activities that would otherwise be prohibited, such as interstate commerce, export and take. The issuance of Section 10 permits is the manner in which these activities are authorized for similar species listed under the Act, including other deer and antelopes.

What did the exemption provide?

The exemption provided an exclusion of U.S. captive-bred specimens of these species from requirements for individual permits, based on the valuable role captive breeding has played in the continued existence of the species. The exclusion did not exempt captive-bred antelopes from the specific permit requirements of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) or apply to antelopes bred in captivity in other countries. It also did not apply to any animal taken from the wild.

Why was the exemption put in place?

Existing U.S. captive-breeding programs have been so successful that the Service decided to ease the permit requirement to ensure captive-bred antelopes will be available to use in efforts to

conserve their wild kin. In many cases, captive breeding in the United States has contributed to the survival of the scimitar-horned oryx, addax, and dama gazelle worldwide by rescuing these species from near extinction and providing the founder stock necessary for reintroduction efforts.

Many U.S. captive-breeding facilities, such as zoos and ranches, are working with countries such as Tunisia and Morocco to breed and reintroduce the antelopes in the arid North African habitat they historically occupied. As additional opportunities arise for reintroduction, captive-breeding programs will provide genetically diverse and otherwise suitable animals. Ranches and large captive wildlife parks for non-native populations offer large areas of land that simulate the species' native habitat and can accommodate a larger number of animals than can most urban zoos; they also provide opportunities for studying, breeding, and preparing antelopes for eventual reintroduction into the wild in North Africa.

Why are the regulations being changed?

The Court's ruling remanded the rule back to the Service, with instructions to offer opportunities for public notice and comment on a case-by-case basis whenever otherwise prohibited activities with endangered species are authorized. Although the Service had excluded these animals from regulation, they are still listed as endangered. In order to best comply with the ruling, the Service decided to propose to revoke the exemption in deference to the existing permitting regulations.