

## **Questions and Answers**

### **U.S. Captive-bred Inter-subspecific Crossed or Generic Tigers Proposed Rule**

September 27, 2011

**Q: What is a generic tiger?**

**A:** Inter-subspecific crossed or “generic” tigers are of unknown genetic origin and are typically not maintained in a manner to ensure that inbreeding or other inappropriate matings of animals do not occur.

**Q: What is the Captive-bred Wildlife Registration Program?**

**A:** In 1979, the U.S. Fish and Wildlife (Service) published the Captive-bred Wildlife (CBW) regulations to reduce federal permitting requirements and facilitate the breeding of endangered and threatened species for conservation purposes by establishing a registration program. Under the CBW program, otherwise prohibited activities, such as interstate commerce, are authorized, but only when the activities can be shown to enhance the propagation or survival of the species. Registrants of the CBW program must provide a written annual report with information on activities including births, deaths, and transfers of specimens.

**Q: Why were generic tigers exempted from the CBW?**

**A:** In 1998, the Service amended the CBW program regulations to delete the requirement to register under the CBW program for holders of inter-subspecific crossed or generic tigers. This exemption was based on the alleged lack of conservation value of these specimens due to their mixed or unknown genetic composition. The intention behind the exemption was for the Service to focus its oversight on populations of “purebred” animals of the various tiger subspecies to further their conservation in the wild. Despite this exemption, inter-subspecific crossed or generic tigers are still protected under the ESA.

**Q: Why should generic tigers now be included in the CBW?**

**A:** By exempting holders of inter-subspecific crossed or generic tigers from the CBW registration process in 1998, the Service may have inadvertently suggested that the breeding of inter-subspecific crossed or generic tigers qualifies as conservation. By removing the CBW exemption, the Service can reinforce the value of conservation breeding of individual tiger subspecies and discourage the breeding of inter-subspecific crossed or generic tigers. The Service is proposing this change to the regulations to ensure the agency can maintain strict oversight of captive tigers in the United States.

Withdrawing the CBW exemption for generic tigers would also close a loophole in current federal and state regulations that could allow for the use of captive U.S. tigers in trade. It places the United States in a stronger position in international negotiations regarding commercial tiger breeding farms in Asia and trade in tiger parts.

**Q: How will removal of the generic tiger exemption from the CBW regulations impact current owners of generic tigers?**

**A:** Removing the CBW exemption for generic tigers will not result in control of private ownership, sale within their state of residence (intrastate commerce), or non-commercial movement across state

lines. However, other activities, such as the sale of animals across state lines (interstate commerce), would require authorization from the Service before such actions could be taken.

**Q: Would all private owners have to apply for a permit before breeding their tigers?**

**A:** Private owners would still be able to breed generic tigers, without a permit, for sale or commercial purposes within their state or for non-commercial movement across state lines.

**Q: I own a male and female tiger and would like to breed them so that I can give a cub to my daughter. Would I need to apply for a permit under this new regulation?**

**A:** If you plan to give the cub away as opposed to selling it, you would not need to apply for a permit, regardless of the recipient's state. If you have additional cubs in the litter, you could sell them within your state to someone else who resides in the same state or donate them to sanctuaries or others, either inside or outside of your state.

**Q: I'm a private owner of tigers and I often display them at fairs and festivals in other states. Would the new regulation prohibit me from doing this?**

**A:** The new regulation would still allow generic tigers to cross state lines for exhibition purposes, as long as the tigers are not to be sold or offered for sale.

**Q: What will the economic impact be on the public and small businesses?**

**A:** The regulatory change is not major in scope and would create only a modest financial or paperwork burden on the affected members of the general public.

This rule would not have a significant economic effect. If individuals or breeding operations wish to carry out an otherwise prohibited activity, such as interstate commerce, it would require that a permit application be submitted to the Service at a cost of \$100-\$200 per application. Submission of an application, however, would not be a guarantee that authorization will be granted.

**Q: Are comments being accepted?**

Written comments and information concerning this proposal can be submitted by one of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments to Docket No. [FWS-R9-IA-2011-0027]; or
- U.S. mail or hand-delivery: Public Comments Processing, Attn: [FWS-R9-IA-2011-0027]; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, MS 2042-PDM; Arlington, VA 22203.

Comments must be received within 30 days, on or before October 21, 2011. The Service will post all comments on <http://www.regulations.gov>. This generally means the agency will post any personal information provided through the process. The Service is not able to accept email or faxes.

**Q: Where can more information be found?**

**A:** To learn more about the Service's International Affairs program, visit: <http://www.fws.gov/international/>.