

**Importation of Elephants from Swaziland
January 21, 2016**

Questions and Answers

What is the status of the application to import elephants from Swaziland?

The U.S. Fish and Wildlife Service has determined that an application submitted by the Dallas Zoo (on behalf of the Dallas Zoo in Dallas, Texas, the Sedgwick County Zoo in Wichita, Kansas, and the Henry Doorly Zoo in Omaha, Nebraska) to import up to 18 elephants from Swaziland to the United States meets regulatory requirements. The Service therefore has approved the permit request. Our ability to act in this case is limited by the narrow authority granted to us by federal law and current regulations. We are taking every step possible to ensure the transport of these elephants is humane and does not place them at undue risk or endanger their health. We continue to work with countries throughout Africa to conserve and restore populations of elephants to ensure their survival for future generations.

Why did the Service authorize the import of live African elephants from Swaziland to U.S. zoos?

The Service authorized the import of live African elephants from Swaziland because regulatory requirements under the Endangered Species Act (ESA) and the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) were met.

The African elephant is listed under the ESA as a threatened species with a rule under section 4(d), which allows for the import of live African elephants without an ESA import permit provided all criteria under 50 CFR part 13 (general permitting) and 50 CFR part 23 (CITES) are met. The Swaziland population of elephants is included in CITES Appendix I.

Lawful imports of CITES Appendix-I species must be accompanied by the appropriate CITES permit or certificates. For species listed in Appendix I of CITES, both the importing and exporting countries must make legal and scientific findings to ensure that permit issuance criteria are met.

For live Appendix-I animals, the exporting country must determine that:

- the export is not detrimental to the survival of the species,
- the animal was legally acquired,
- the animal will be prepared and shipped so as to minimize the risk of injury, damage to health or cruel treatment, and
- the importing country has issued an import permit for the animal.

The importing country must determine that:

- the import is for purposes that are not detrimental to the survival of the species,
- the proposed recipient is suitably equipped to house and care for the animal, and
- the animal is not to be used for primarily commercial purposes.

How did the Service determine that the import is not for primarily commercial purposes?

The factors considered in making a finding of not for commercial purposes are outlined in our CITES regulations at [50 CFR 23.62](#). In making this determination, we look at all aspects of the intended use of the specimen. If the noncommercial aspects do not clearly predominate, we will consider the import to be for primarily commercial purposes.

What factors did the Service consider to determine if the import will be for purposes that are not detrimental to the survival of the species?

The factors considered in making non-detriment findings are outlined in our CITES regulations at [50 CFR 23.61](#). Before we issue a CITES Appendix I import permit, we must find that a proposed import is for purposes that would not be detrimental to the survival of the species. Detrimental purposes could include, among other things, any activities that could pose a net harm to the status of the species in the wild, use or removal from the wild that results in habitat loss or destruction, interference with recovery efforts for a species, or stimulation of further trade.

How did the Service determine if the zoos are suitably equipped to house and care for wild elephants?

The factors considered in making a finding that an applicant is suitably equipped to house and care for live specimens are outlined in our CITES regulations at [50 CFR 23.65](#). Generally, before we issue a CITES Appendix I import permit, we must find that the applicant has facilities that would provide proper housing to maintain the animals for the intended purposes and the expertise to provide proper care and husbandry.

Why did the Service write an Environmental Assessment (EA) under the National Environmental Policy Act (NEPA) for this application?

The Service does not typically complete an EA while processing permit applications because, under Department of the Interior policy, most permit applications are categorically excluded from the requirement to complete an EA or Environmental Impact Statement (EIS) under the provisions of NEPA. The Service maintains the view that issuance of a permit in this case is categorically excluded from requiring completion of an EA or EIS under NEPA. However, in this case the Service took the extra step in preparing an EA to help ensure we have conducted a thorough review of all relevant factors and potential impacts on the quality of the human environment as envisioned under NEPA. The Service completed an EA for a similar application in 2003, which was also for the import of elephants from Swaziland.

What is the outcome of the Environmental Assessment review?

We announced the availability of the draft EA in a notice published in the Federal Register on October 22, 2015 (80 FR 64008, available from <https://www.gpo.gov/fdsys/pkg/FR-2015-10-22/pdf/2015-26834.pdf>). The EA considered the direct, indirect, and cumulative effects of the importation of up to 18 live elephants from Swaziland, including the measures that would be implemented to minimize and mitigate the impacts of the importation and housing of these animals. We received more than 8,000

comments on the draft EA; they may be found at <http://www.regulations.gov> in Docket No. FWS–HQ–IA–2015–0157.

Based on a review and evaluation of the information contained in the EA, it is the Service's determination that the issuance of a permit authorizing the import of up to 18 African elephants from Swaziland will not have a significant effect on the quality of the human environment under the meaning of section 102(2)(c) of the National Environmental Policy Act of 1969 (as amended). As such, further review under NEPA through an Environmental Impact Statement is not required.

Can wild elephants be safely shipped from Africa to the United States?

Wild elephants have been successfully shipped from Swaziland to the United States in the past. Guidelines and standards for safe international air transport are set by the International Air Transport Association (IATA). CITES requires that the exporting country determine whether the animal will be prepared and shipped so as to minimize the risk of injury, damage to health or cruel treatment. The Service has consulted with the Swaziland CITES Management Authority and the applicant to ensure that IATA standards will be met.

The health and safety of the elephants is the legal responsibility of the exporter (the Swaziland Government) until the animals arrive in the United States. Upon arrival in the United States, the health and safety of the elephants becomes the responsibility of the importer (the Dallas Zoo).

Wildlife must be imported into a Designated Port for Wildlife. Upon import, wildlife must be declared to the Service's Office of Law Enforcement and presented for inspection. If the Service determines that regulatory criteria, including IATA transport standards, are met, the wildlife will be cleared for import and released to the importer. The welfare of live animals in the United States is regulated under the Animal Welfare Act (AWA), which is implemented by the United States Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS).

Please contact APHIS with questions about the AWA.

<https://www.aphis.usda.gov/wps/portal/aphis/home/>

What is the status of Swaziland's elephants?

Swaziland is a very small land-locked country (about 6,704 mi², a little bigger than Connecticut) that is bordered to the north, west, and south by South Africa and by Mozambique to the east. Elephants were extirpated from Swaziland by the late 1940s due to unsustainable harvest. Elephants were reintroduced to Swaziland between 1987 and 1994. According to the applicant, the re-introduced elephants were never intended to be managed as part of the broader South Africa elephant meta-population, therefore no additional elephants were re-introduced into Swaziland after 1994.

Since their reintroduction, Swaziland's elephants have been restricted to fenced areas and isolated from other elephant populations in southern Africa. As of 2014, according to the applicant there were 25 elephants in the 4.6 mi² (2944 acres) Hlane Royal National Park and 14 elephants in the 18.9 mi² (12,096 acres) Mkhaya Game Reserve, a total of 39 elephants in 23.5 mi² (15,040 acres) of habitat.

The information provided in the permit application establishes that the high density of elephants in the fenced enclosures in Hlane Royal National Park and Mkhaya Game Reserve is having a destructive impact on the habitat, including destruction of most large trees, which forces the elephants to forage on less nutritious browse and grasses. According to the applicant, Swaziland's elephant herds have grown beyond existing space limitations and present a significant risk to maintaining biodiversity in the parks.

Would the U.S. Fish and Wildlife Service consider a permit for the import of other wild-caught elephants in the future?

Import of live elephants into the United States is regulated under the ESA and CITES. The Service could authorize the import of additional wild-caught elephants if these regulatory requirements were met. Import requirements are different for Asian and African elephants and for certain African elephant populations because their status under the ESA and CITES is different.

The African elephant is listed under the ESA as a threatened species with a rule under section 4(d), which allows import of live African elephants without an ESA import permit provided all permit requirements under 50 CFR part 13 (general permitting) and 50 CFR part 23 (CITES) have been met. African elephant populations in Botswana, Namibia, South Africa and Zimbabwe are listed in CITES Appendix II, with an annotation that allows export of live animals under certain conditions. All other populations of African elephants are included in CITES Appendix I, which affords the highest degree of protection. Both CITES and ESA permitting requirements must be met for import into the United States.

The Asian elephant is listed under the ESA as an endangered species, which affords the species the highest level of protection. Import of endangered species, including live animals, is only allowed where the import is for scientific purposes or for enhancement of propagation or survival of the species. The Asian elephant is also listed in CITES Appendix I.

For more information:

FWS regulations can be found on the website <http://www.ecfr.gov/>.

- ESA regulations are found in 50 CFR part 17
- CITES regulations are found in 50 CFR part 23
- FWS general permit procedures are found in 50 CFR part 13.