

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMERICAN SOCIETY FOR THE)
PREVENTION OF CRUELTY TO)
ANIMALS, <i>et al.</i> ,)
)
Plaintiffs,)
)
v.)
)
RINGLING BROS. AND BARNUM &)
BAILEY CIRCUS, <i>et al.</i> ,)
)
Defendants.)
_____)

Case No. 1:03-cv-02006 (EGS/JMF)

DX 11

**EXHIBIT 11
TO
DEFENDANT’S MOTION FOR SUMMARY JUDGMENT**

ADDRESS ONLY THE DIRECTOR,
FISH AND WILDLIFE SERVICE



United States Department of the Interior

FISH AND WILDLIFE SERVICE
WASHINGTON, D.C. 20240

NOV 5 - 1975
RINGLING BROS.
CORPORATE OFFICE

NOV 04 1975

In Reply Refer To:
FWS/LE PRT 8-205-X

Ringling Brothers &
Barnum & Bailey Shows
1015 - 18th Street, N.W.
Washington, D. C. 20036

Dear Sir:

You requested an Endangered Species Permit to move endangered wildlife in interstate commerce. On September 26, 1975, the revised regulations governing activities with endangered species were published (copy enclosed). In these regulations the definition of "commercial activity" was clarified to mean "the actual or intended transfer of wildlife from one person to another person in the pursuit of gain or profit." The interstate movement of wildlife solely for display or as trained animal act will no longer require a permit. But, if you intend to transfer ownership, other than as a gift, an Endangered Species Permit is required.

Our understanding of your request was that you only wanted to move the animals for show purposes and do not intend to transfer ownership. If this is the correct situation a permit is no longer required. Accordingly, we will consider your application withdrawn, unless you request otherwise within 30 days from the date of this letter.

Also, a new section was added which establishes and defines "Pre-Act" wildlife (see 50 CFR 17.4). This exemption is dependent upon the status of the wildlife on December 28, 1973. If on that date the wildlife



was not held in the course of a commercial activity, as defined above, it is exempt from the prohibitions and provisions included in the Act. The definition of "commercial activity", as already explained, has been clarified and the wildlife you hold may possibly now qualify as exempt animals. If you believe your animals qualify and you desire to engage in activities with them which are prohibited by the Act, you should be prepared to establish this status by having available the information outlined in Section 17.4(b). The key provision of an animal being exempt is that it may be traded, sold or transferred in interstate or foreign commerce without an Endangered Species Permit.

Your continued interest in the conservation of endangered species and your sustained patience while regulations implementing the Act were being prepared are sincerely appreciated. Please let us know if you have further questions about endangered wildlife and regulations governing activities with these species.

Sincerely yours,



C. R. Bavin
Chief, Division of Law Enforcement