

# United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Washington D.C. 20240

**Subject:** Using Available Legal and Regulatory Authority to Deny Wildlife Violators from Obtaining Federal Wildlife-Related Permits and Licenses

## Sec. 1 What is the purpose of this Order?

a. The United States released the first “National Strategy for Combating Wildlife Trafficking” on February 11, 2014. One of the three strategic priorities of the strategy is to strengthen domestic and global enforcement, including assessing related laws, regulations, and enforcement tools.

b. This Order establishes policy and procedure for U.S. Fish and Wildlife Service (Service) employees to assert our full legal and regulatory authority to deny wildlife violators the ability to obtain wildlife permits, certificates, and licenses.

## Sec. 2 What do the Service’s regulations say about issuing permits as stated in 50 CFR subchapter B to applicants who have a previous violation of a Federal or State law or regulation related to or governing the activity for which they are applying?

a. The Service’s general permitting regulations in [50 CFR part 13](#) state, in part, in [50 CFR 13.21](#)(b), that:

“Upon receipt of a properly executed application for a permit, the Director shall issue the appropriate permit unless:

- (1) The applicant has been assessed a civil penalty or convicted of any criminal provision of any statute or regulation relating to the activity for which the application is filed, if such assessment or conviction evidences a lack of responsibility;
- (2) The applicant has failed to disclose material information required, or has made false statements as to any material fact, in connection with his application;
- (3) The applicant has failed to demonstrate a valid justification for the permit and a showing of responsibility;
- (4) The authorization requested potentially threatens a wildlife or plant population; or
- (5) The Director finds through further inquiry or investigation, or otherwise, that the applicant is not qualified.”

b. In addition, 50 CFR 13.21(c) states in part, in 50 CFR 13.21(c)(1), that a person is disqualified from receiving permits issued under 50 CFR part 13 as follows:

“A conviction, or entry of a plea of guilty or nolo contendere, for a felony violation of the Lacey Act, the Migratory Bird Treaty Act, or the Bald and Golden Eagle Protection Act disqualifies any such person from receiving or exercising the privileges of a permit, unless such disqualification has been expressly waived by the Director in response to a written petition.”

c. In addition, 50 CFR 13.21(d) states that:

“The issuing officer, in making a determination under this subsection, may use any information available that is relevant to the issue. This may include any prior conviction, or entry of a plea of guilty or nolo contendere, or assessment of civil or criminal penalty for a violation of any Federal or State law or regulation governing the permitted activity. It may also include any prior permit revocations or suspensions, or any reports of State or local officials. The issuing officer shall consider all relevant facts or information available, and may make independent inquiry or investigation to verify information or substantiate qualifications asserted by the applicant.”

**Sec. 3 What must Service employees do to ensure we meet the requirements in these regulations?** Employees must strictly implement and enforce all criteria under the general permitting requirements in 50 CFR part 13, particularly the sections referenced above, and with special emphasis on permitting associated with species listed as endangered or threatened under the Endangered Species Act or in Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). This means employees shall:

a. Deny permits, certificates, and licenses issued under 50 CFR part 13, to any person we determine is disqualified under 50 CFR 13.21(c)(1), unless an express waiver or variation issued by the Director applies;

b. Consider all relevant facts or information available, including relevant violations of a Federal or State law or regulation related to or governing the activity for which they are applying, consistent with 50 CFR 13.21(b) and 13.21(d), in making a determination whether to issue permits, certificates, or licenses issued under 50 CFR part 13; and

c. Implement and enforce all other provisions of 50 CFR part 13, as applicable.

**Sec. 4 Does this Order affect other legal requirements?** Nothing in this Order affects other legal requirements associated with permitting, licensing, or authorizing otherwise prohibited activities.

**Sec. 5. When is this Order effective?** This Order is effective immediately. It remains in effect until incorporated into the Service Manual or until amended, superseded, or revoked, whichever comes first. If we do not amend, supersede, or revoke it, the Order will terminate in 18 months.

/sgd/ Stephen Guertin  
Deputy Director

Date: December 9, 2015

*For more information about this policy, contact the Division of Management Authority in the Office of International Affairs. For more information about this Web site, contact [Krista Bibb](#) in the Policy and Regulations Branch (PRB), Division of Policy, Economics, Risk Management, and Analytics.*

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