

DIRECTOR'S ORDER NO.: 224

Subject: Procedures Intended to Improve the Efficiency of Processing CITES Permits

Sec. 1 What is the purpose of this Order? The purpose of this Order is to designate five procedures that are intended to improve the efficiency of the activities conducted by the staff of the U.S. Fish and Wildlife Service's (Service) Office of International Affairs, Division of Management Authority (DMA) and Division of Scientific Authority (DSA). The implementation of these procedures is intended to reduce the time needed to process applications for Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) import, export, and re-export permits, while maintaining the integrity of the process for issuing permits. The deployment of these strategies will remove overly burdensome processes for permit types of low complexity and increase staff time to address the processing of permits of greater complexity, which is intended to increase the efficiency of permit processing for a significant percentage of the permit applications that DMA processes.

Sec. 2 What are the legal authorities for this Order?

a. The Endangered Species Act (ESA), including these sections:

(1) 16 U.S.C. 1537a.

(2) 16 U.S.C. 1538(c).

b. Regulations Implementing the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) at 50 CFR part 23.

Sec. 3 What terms do you need to know related to the Service's CITES permitting processes to understand the procedures described in Section 4 of this Order?

a. **Annexes:** An annex to a CITES document, such as a permit, can be an attached inventory, conditions, or continuation pages of the CITES document. The page number, document number, and date of issue on each page of an annex is attached as an integral part of the CITES document. An authorized signature and ink stamp or seal, preferably embossed, of the Management Authority issuing the CITES document must also be included on each page of the annex. The CITES document must indicate an attached annex and the total number of pages. See 50 CFR 23.23(e)(1).

b. **Artificially propagated plant species:** The DMA receives many applications for the commercial export of artificially propagated plants of exotic (non-native) Appendix-II orchid taxa. DSA makes determinations that exotic CITES taxa meet the criteria of CITES Resolution Conf. 11.11 (Rev. CoP18) as artificially propagated. DSA uses the

Service's regulatory definitions and regulatory factors. See 50 CFR 23.5, 23.64. After doing so, DSA continually monitors, verifies, and updates these determinations in response to and based on the best scientific and trade data available, and documents these continual monitoring efforts. As information becomes available that would change the conservation status of the species, or if DSA finds there is illegal trade or changes in the propagation of the plant species, DSA re-evaluates its determinations and makes any needed additions of new plant species or changes to existing plant species.

c. Master Files and Associated Single-Use Permits: Applying for a Master File allows applicants, typically plant exporters and biomedical companies, to obtain permits through a streamlined process, without having to submit a separate application for each single-use permit associated with the Master File. DMA establishes a Master File for an applicant after evaluating and approving information in the application for a Master File (such as the origin and legal acquisition of the specimens). After a Master File has been established, the Service may issue multiple single-use permits to the Master File holder based on the information, and the Master File holder may request additional single-use permits. The main differences between each of the single-use permits are the permit number, the information that the Master File holder is required to complete as identified on the face of the permit (such as the recipient and the quantity), and the Master File holder's signature. See 50 CFR 23.51.

d. Pre-Convention plant products: Pre-Convention plant products are plant products that meet the CITES requirements for a Pre-Convention specimen. See 50 CFR 23.5 (*Pre-Convention* means a specimen that was acquired (removed from the wild or born or propagated in a controlled environment) before the date the provisions of the Convention first applied to the species and that meets the criteria in § 23.45, and any product (including a manufactured item) or derivative made from such specimen.).

Sec. 4. What procedures should Service personnel implement to increase the efficiency of permit processing?

a. DMA:

(1) Collation of Pages of Single-Use Permits. All pages of a single-use permit must be collated prior to use, regardless of whether Branch of Permits (BoP) staff or the permittee collate the pages. To increase efficiency for the applicants and BoP, BoP staff should no longer collate the pages of the CITES single-use permits associated with Master Files:

(a) Prior to adoption of this process, when issuing single-use permits with multiple pages to holders of Master Files, BoP staff collated the pages of each of the permits before mailing them to the Master File holder.

(b) With this change in process, Master File holders collate the pages of the single-use permits associated with their Master Files prior to use.

- (2) **Identification Numbers.** For issuing CITES re-export certificates for animal parts and products and for live animals, BoP staff should only include animal identification numbers in circumstances where it would serve an important purpose, such as, but not limited to:
- (a) To distinguish specimens for which a permit is granted from specimens for which a permit has been denied, when an application has been granted-in-part and denied-in-part;
 - (b) When an exporter requests the inclusion of the animal identification numbers on the face of a permit for the purpose of demonstrating to a foreign country that specific specimens are authorized under the permit, either because it facilitates the trade or because it is necessary for compliance with the importing country's stricter requirements; and
 - (c) When otherwise required by law or regulation.
- (3) **CITES Tag numbers.** Federal regulations, including 50 CFR 23.69(d) and 50 CFR 23.70(g) require that all information from CITES tags be included on the face of the permit or in permit annexes. As part of the permitting process, this required information can be entered by either the BoP staff or by the applicant. BoP staff members should make it possible for applicants to provide information from tags to develop the annexes for CITES permits for the commercial export of skins of six native species (i.e., bobcat, lynx, river otter, Alaskan brown bear, gray wolf, and American alligator). If this information is entered by the applicant, staff may provide applicants with an electronic copy of the necessary annex page or pages in draft form to complete and return to the Service for incorporation into the permit. BoP staff must ensure this requirement is met, regardless of whether the information is entered by staff or the applicant.
- (4) **Duration of Approval of CITES Master Files for re-export of pre-Convention plant products:** BoP staff generally issue Master Files for re-export of pre-Convention plant products for a 3-year duration. Under appropriate circumstances, BoP staff may extend the validity date, on a case-by-case basis, for new and existing Master Files applicable for re-export of pre-Convention plant products from a 3-year to a 5-year duration. All applicable recordkeeping, reporting, and other legal and regulatory requirements will remain the same.

b. DSA: Staff may utilize appropriate determinations that exotic CITES species that are commonly cultivated for export by nurseries and hobbyists in the U.S. meet the criteria of CITES Resolution Conf. 11.11 (Rev. CoP18) as artificially propagated plant

species, as a component of their reviews of applications that address those plant species.

Sec. 5 Does this Order affect legal requirements? Nothing in this Order affects legal requirements associated with permitting. DMA and DSA staff must follow all applicable laws and regulations in carrying out their duties.

Sec. 6 When is this Order effective? This Order is effective immediately. It remains in effect until we incorporate it into the Fish and Wildlife Service Manual or until we amend, extend, supersede, or revoke it, whichever comes first. If we do not amend, extend, supersede, or revoke it, the provisions of this Order will terminate 18 months from the date of signature.

Aurelia Skipwith
Director
U.S. Fish and Wildlife Service