MISSION STATEMENT

- Working with others to conserve, protect, and enhance fish, wildlife, and plants and their habitats for the continuing benefit of the American people
WILDLIFE INSPECTORS: OUR ROLE

- Regulate the multi-billion dollar international wildlife trade
- Interdict and investigate illegal wildlife importation and exportation
- Review and inspect wildlife shipments
- Enforce US and foreign wildlife import/export laws
- Identify thousands of species of wildlife – whole and parts
WHAT IS WILDLIFE?

• *Fish or wildlife* is any wild animal, whether alive or dead, whether or not bred in captivity, and including any part, product, egg, or offspring, thereof.
Fashion Industry
Jewelry
Live Animals
HOW DO I DECLARE?

- File a Declaration with the Service Office of Law Enforcement at the Port of Activity upon import or prior to export.
- Declarations can be filed electronically (eDecs) or a manual Declaration Form 3-177 can be downloaded from Service website.
- Supply the inspectors all necessary accompanying shipping documents including:
  - Complete Form 3-177 with correct scientific names
  - Bill of Ladings
  - Invoices/Packing Lists
  - Color Photographs
  - Required Permits
  - CBP Form 3461
  - Required Fees

All wildlife is required to be declared, not just wildlife that requires a permit.
# 2015 USFWS Inspection Fees

**Designated Ports**

## Fee Descriptions

<table>
<thead>
<tr>
<th>Fee Description</th>
<th>Fee</th>
<th>Fee Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inspection Fee</td>
<td>$93.00</td>
<td>Protected Species Fee</td>
<td>$93.00</td>
</tr>
<tr>
<td>Overtime Fee</td>
<td>$105.00</td>
<td>Live Species Fee</td>
<td>$93.00</td>
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</tbody>
</table>

## Fees Per Shipment

<table>
<thead>
<tr>
<th></th>
<th>Commercial Shipment</th>
<th>Non-Commercial Shipment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Fees</td>
<td>w/Overtime</td>
<td>Total Fees</td>
</tr>
<tr>
<td>Regular Inspection</td>
<td>$93.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>+ Protected Species</td>
<td>$186.00</td>
<td>$93.00</td>
</tr>
<tr>
<td>+ Live Species</td>
<td>$186.00</td>
<td>$93.00</td>
</tr>
<tr>
<td>+ Protected &amp; Live</td>
<td>$279.00</td>
<td>$186.00</td>
</tr>
</tbody>
</table>
What is a Permit?

A permit is a document that demonstrates the conducted activity qualified for and was granted an exemption (i.e., Possession permit, Import/Export license, Certificate of origin).

The Service has permit biologist and legal examiners to determine if the wildlife specimens or activity involving wildlife qualifies for an exemption.

*A person must obtain a valid permit before commencing an activity for which the permit is required.*
CITES

• An international agreement between foreign governments

• Worldwide cooperation to prevent over-exploitation of wild animals and plants

• Established to allow utilization and trade to continue at sustainable levels.
<table>
<thead>
<tr>
<th>APPENDIX</th>
<th>Permit(s) Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>Import &amp; Export CITES Document</td>
</tr>
<tr>
<td>II</td>
<td>Export or Re-export CITES Document</td>
</tr>
<tr>
<td>III</td>
<td>Export CITES document or Certificate of Origin</td>
</tr>
</tbody>
</table>

Refer to www.cites.org for the most current listing information.
Pre-Convention Certificates

- Pre-convention:
  - Exemption for specimens acquired prior to the first CITES listing date
  - Pre-Convention certificate is issued from the exporting country
  - On the document must indicate that the specimen is pre-convention and display a circa date, to establish age of specimen

[Image of a document with a circa date highlighted]
## CITES PERMIT VALIDATION

(Quantity, Stamp and Signature of Inspection Authority on Certificate)

### Table

<table>
<thead>
<tr>
<th>Column</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>B 1</td>
<td>Scientific Name</td>
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<tr>
<td>B 2</td>
<td>Common Name</td>
</tr>
<tr>
<td>B 3</td>
<td>Appendix 1</td>
</tr>
<tr>
<td>B 4</td>
<td>Source 1</td>
</tr>
<tr>
<td>B 5</td>
<td>Purpose 1</td>
</tr>
<tr>
<td>B 6</td>
<td>Description of Specimen</td>
</tr>
<tr>
<td>B 7</td>
<td>Country of Origin</td>
</tr>
<tr>
<td>B 8</td>
<td>Number of CITES Permit</td>
</tr>
<tr>
<td>B 9</td>
<td>Date of Issue</td>
</tr>
</tbody>
</table>

#### Special Conditions
For live animals, this permit is only valid if the transport conditions conform to the Guidelines for Transport of Live Animals or, in the case of air transport, to the IATA Live Animals Regulations.

### Additional Information

- **A.** Quantity actually exported:
  - 01.10.2008
  - 31.03.2009

- **B.** Permit/Certificate Number:
  - CH073973

- **C.** Signature of the Management Authority:
Travelling Exhibition

Travelling Exhibitions 50 CFR 23.49

- The Management Authority where the travelling exhibition originated must issues the CITES document.
- Travelling exhibition CITES document are valid for no more than three (3) years and is good for multiple border crossings.
- The certificate must indicate the wildlife is part of a travelling exhibition and is treated like a passport for export, import and re-export.

*A travelling exhibition document is for the international travel of bred in captivity, artificially propagated or pre-Convention specimens. The certificates restricts the sale or transfer the specimens while travelling abroad.*
Travelling Exhibition CITES Document
Validated at each Border Crossing
Directors Order’s #210

- African Elephant Conservation Act Moratoria
- Strict Enforcement of the Endangered Species Act
African Elephant Conservation Act (AECA) Moratoria

- Prohibits the importation of African Elephant ivory into the United States.
- Exemptions for Federal, State, tribal government agencies for law enforcement purposes, genuine scientific research, Inheritance, household moves, musical instruments and traveling exhibitions.
- Musical Instrument and travelling exhibitions, must be pre-Convention specimens, accompanied by a CITES passport like document, and not purchased after February, 25 2014.
Endangered Species Act

As it Applies to the Office of Law Enforcement

- Prohibits the import or export of listed species
- Prohibits the take of any listed species
- Prohibits the possession, sale, delivery, transport if any listed species illegally taken
- Prohibits the sale or offer for sale of any listed species in interstate or foreign commerce

Any person claiming an exemption to the regulations shall have the burden of proving that the exemption or permit is applicable, has been granted, and was valid and in force at the time of the alleged violation.
Pre-Act Specimens

- Exemption for ESA listed wildlife held in a controlled environment prior to December 28, 1973.

Providing:
- The wildlife was not held in the course of commercial activity
- Importer or Exporter provides sufficient evidence the specimen was held in a controlled environment and the wildlife has not been held in commercial activity AND completes a pre-Act affidavit
- Evidence: letter of inheritance, museum records and archives, photographs, provenance
Antique Exemption

- Over 100 years in age
- Composed in whole or in part of any endangered or threatened species
- Article has not been modified with any endangered or threatened species on or after December 28, 1973.
- Article has entered through a ESA Antique Port

ESA Antiques are exempt from the ESA Import/Export permit requirement.
U.S. Customs and Border Protection (CBP) designated 13 ports for the entry of antiques made of ESA-listed species on September 22, 1982 (19 C.F.R. 12.26). The following ports are authorized: Boston, Massachusetts; New York, New York; Baltimore, Maryland, Philadelphia, Pennsylvania; Miami, Florida; San Juan, Puerto Rico; New Orleans, Louisiana; Houston, Texas; Los Angeles, California; San Francisco, California; Anchorage, Alaska, Honolulu, Hawaii; and Chicago, Illinois.

ESA Antiques imported prior to 09/22/1982, or created in the U.S. and never left are able to qualify for the ESA Antique exemption provided all other criteria are met.
Documentation Requirement

- Documentation must definitively prove the identity of the species and the age of item (i.e. DNA analysis, qualified appraisals, detailed provenance)

Qualified appraisals:

1. Obtained from an uninterested party to the importation/exportation
2. Include the appraisers’ education and experience in assessing age and species identification
3. The scientific method in detail used to determine the age and species identification.
4. A description that is detailed and fluid enough to follow along with how the determination was made
5. Includes a description and/or photograph of the item being appraised.
Migratory Bird Treaty Act (MBTA)

- Prohibits the pursue, hunt, take, attempt to take, sell, offer for sale, barter, purchase, deliver for shipment, transport, possess, ship, export or import any migratory bird, any part, nest or egg.

Modern Art has been known to use exotic wildlife parts including migratory birds.

List of federally protected migratory birds is found in 50 CFR 10.13
Inspection at the Port

- Schedule the shipment to arrive M-F early in the day (before 2pm)
- Overtime is available at the availability of a Service Officer
- Inspectors review declaration and shipping documents for accuracy and completeness
- Physical inspections will be conducted as soon as can be arraigned
Refused Shipments

- Refused shipments are denied entry into the United States due to a violation or failing to prove the shipment qualifies for an applicable exemption

  - Re-export (returned to foreign supplier)
  - Seizure (retained by Service, CAFRA)
  - Nothing (CBP General Order)

The Service send the importer and foreign exporter a Notice of Seizure and Proposed Forfeiture in the event of a seizure.
UNITED STATES: STRICTER NATIONAL LAWS

- Lacey Act
- Migratory Bird Treaty Act
- Bald & Golden Eagle Protection Act
- Endangered Species Act
- African Elephant Conservation Act
- Wild Exotic Bird Conservation Act
- Marine Mammal Protection Act
- Rhino-Tiger Conservation Act
PORT OF NY - CONTACTS

USFWS Office of Law Enforcement
70 East Sunrise Highway, Suite 419
Valley Stream, NY 11581

PHONE: (516) 825-3950
FAX: (516) 825-1929
EMAIL: PermitR5LE@fws.gov
EMAIL: Fwsole_jfk@fws.gov

- Dispatch Ext. 224 (General questions; inspection coordination)
- Front Window Ext. 221 (Questions about OT submissions)
- Danny Ocampo Ext: 236 (CITES Applications, DPEP)
- Cathyan Traynor Ext: 234 (I/E License Renewal)
- Naimah Aziz – Ext. 252 (Problem Resolution)
- Curtis Knights – Ext. 235 (Outreach/Broker Training)
- Colleen Sorbera – Ext. 245 (Outreach/Broker Training)
PORT OF NJ - CONTACTS

USFWS Office of Law Enforcement
1219 Corbin Street
Elizabeth, NJ 07201

SWI Leilani Sanchez
PHONE: (973) 645-6171
FAX: (908) 787-1334
ADMINISTRATIVE CONTACTS

Division of Management Authority (DMA)
Arlington, VA
(800) 358- 2104 or
(703) 358- 2095

USFWS LEMIS Help Desk
(303) 275-2355 or
(970) 325-7270 (5am - 5pm MT)

Migratory Bird Permit Office
Hadley, MA
(413) 253-8641
WEBSITES

USFWS - http://www.fws.gov

USFWS OLE - http://www.fws.gov/le/

CITES - http://www.cites.org

Electronic Declarations - https://edecs.fws.gov/

USFWS Public Bulletins
  http://www.fws.gov/le/PubBulletins/PublicBulletin.htm

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