

Travel Rules for Protected Species and Musical Instruments

May 7, 2024

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00:02:07.440 --> 00:02:31.029

Heather Noonan, (she/hers) League of American Orchestras: Good afternoon, everyone, and welcome to today's webinar. I'm Heather Noonan, the Vice President for Advocacy for the League of American Orchestras, and we are so glad that you all are joining us for this webinar on travel rules for protected species and musical instruments. We wanted to share with you a few quick technical notes to make sure that you can access all aspects of this webinar.

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00:02:31.797 --> 00:02:55.409

Heather Noonan, (she/hers) League of American Orchestras: We'd just like to remind you that we do have a chat feature, and if you'd like to introduce yourself to your fellow participants, you can see each other there. Feel welcome to drop your name and organization into the chat box and we'll share a community together through this topic.

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00:02:55.710 --> 00:03:20.319

Heather Noonan, (she/hers) League of American Orchestras: Also, we want to make sure that you're aware that there's a separate Q&A Box, so please just post any questions you have along the way there. I'll be keeping an eye on them. And after we've gone through some of the core material that our presenters are providing, we will be turning to your questions. Any questions that we don't get to by the end of this webinar we'll be sure to address in our ongoing resources.

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00:03:20.320 --> 00:03:35.099

Heather Noonan, (she/hers) League of American Orchestras: So please feel free to just put anything in that Q&A box that you think might be helpful to follow up on. We also want to make sure you're aware that you can find the close captioning for the Live transcript option through the icon in the Zoom toolbar.

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00:03:35.540 --> 00:04:00.279

Heather Noonan, (she/hers) League of American Orchestras: And then finally, we wanted to make sure to let you know that all of the Powerpoint slides will be made available to you, as will a recording of this webinar and a transcript, so feel welcome to just follow along, knowing that you'll have that information afterwards.

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00:04:00.280 --> 00:04:23.440

Heather Noonan, (she/hers) League of American Orchestras: The League partners on an ongoing basis with a range of other national music-related organizations on this topic, both in providing technical assistance like this webinar, and also on keeping an eye on any changes and policies that impact musicians and music stakeholders. And so we're really grateful for our partners, and also for all of you who've joined us through any number of these organizations.

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Heather Noonan, (she/hers) League of American Orchestras: Our partnership includes the American Federation of Musicians of the United States and Canada, the American Federation of Violin and Bowmakers, Chamber Music America, the Folk Alliance International, International Alliance of Violin and Bowmakers for Endangered Species.

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Heather Noonan, (she/hers) League of American Orchestras: NAMM, the National Association of Music Merchants, and the Recording Academy. Together, our organizations are committed to supporting action by the music sector that ensures the sustainability of the materials used in musical instruments, and we also do our part to help use music to advance conservation efforts. So just one important step in supporting sustainability is to be

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Heather Noonan, (she/hers) League of American Orchestras: really well-informed of how to comply with the current rules for international travel with musical instruments, as most of you know already, by being here. Very many musical instruments have been made over a long period of time with materials that may now be under protected status, and also the range of species that are listed for protection continues to grow.

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00:05:28.000 --> 00:05:52.229

Heather Noonan, (she/hers) League of American Orchestras: So we're really happy that we can once again partner with the US Fish and Wildlife Service on a webinar of this kind. The last one we provided was in 2016. I know it was frequently referenced ever since then, but there have been some updates to policies that are really important to keep up with and we're just super grateful for this ongoing collaboration with the Federal agencies that help enforce these rules.

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00:05:52.600 --> 00:06:08.020

Heather Noonan, (she/hers) League of American Orchestras: But, more importantly, help guide you through them as you attempt compliance. So with that, I'm really pleased to hand this over to Heather Downing, who's the permit biologist with U.S. Fish and Wildlife, and will take over for our first section.

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00:06:11.010 --> 00:06:28.699

Heather D: Hello, everyone big thank you to the League of American Orchestras and Partners for hosting this webinar today. As Heather Noonan said, my name is Heather Downey, and I am a permits biologist with the U.S. Fish and Wildlife Service Division of Management Authority and our International Affairs program.

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Heather D: And I'll be presenting the Permits 101 portion of the webinar today. My colleagues Amneris Siaca and Sally Jung will be joining us today from the Division of Management Authority as well.

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Heather D: We have a lot to cover in a short time, so we'll go ahead and get started. If anyone has questions you can add them in the Q and A Box and save them for the end, during our scheduled Q and A portion.

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Heather D: and you can go ahead and flip to the next slide.

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00:06:58.590 --> 00:06:59.320

Heather D: Thanks.

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00:07:00.514 --> 00:07:21.800

Heather D: So what is the purpose of this webinar today? For this session, we are hoping that you'll learn about the major laws governing permit applications for wildlife and plants that our branch of permits reviews, and the resources available to you. We hope that what you'll take away from this presentation is greater familiarity with how

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Heather D: many plant and wildlife conservation laws and treaties affect permit requirements, and the resources available to you in determining whether your instrument may need a permit.

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Heather D: So let's move on to what the outline for today looks like.

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Heather D: So first, we would like to give a brief outline of this presentation. We're going to be dividing our presentation into 5 major topics.

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00:07:42.150 --> 00:07:57.790

Heather D: The first topic will provide an overview of why the service requires permits and what those permits are used for. We will then move into providing background on CITES, an international plant and wildlife treaty and the permitting requirements under this treaty.

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00:07:57.820 --> 00:08:11.689

Heather D: Our third topic will help you determine whether a permit is required for your proposed activity and our fourth topic will cover the practical area of permitting - how somebody traveling with importing or exporting their instrument can obtain a permit if required.

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Heather D: and then, finally, we'll review some of the relevant updates from the most recent CITES conference of the parties which may affect those with musical instruments.

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Heather D: next slide.

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Heather D: So why do we require permits. Next slide.

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Heather D: Our office largely regulates international exchange of both foreign and domestic species. Therefore our permitting process has been put in place to document and monitor legal wildlife trade to clearly identify and prevent illegal wildlife trade.

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Heather D: The conservation threats of illegal wildlife trade are increasing as economies are growing worldwide.

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Heather D: Certain wildlife and wildlife products are considered cultural symbols of wealth, health, and social status which cause demand for these naturally resource products to increase.

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Heather D: It's estimated that the black market for wildlife products is only rivaled in size by the black market for arms and drugs. So we know wildlife trade impacts common species as well as those that are threatened and endangered. So monitoring legal trade helps us prevent the future decline of all species, including those whose populations are currently at sustainable levels.

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Heather D: We want to note that not all wildlife trade is inherently bad. It simply becomes a concern when it threatens the sustainability of the populations.

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Heather D: Therefore one of the only clear ways to know if an animal or wildlife product being imported or exported, was taken illegally, is to first establish a legal permitting system that requires individuals to gain authorizations for certain activities through the issuance of permits.

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Heather D: So what is a permit

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Heather D: next slide, please?

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Heather D: So it's important to remember that a permit's not just something we can order from a catalog. It's a document giving a specific authorization for an activity that would otherwise be considered unlawful

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Heather D: Generally activities with protected species, such as import, export, interstate commerce, are prohibited, but where certain criteria are met, the Fish and Wildlife Service can grant prior authorization in the form of a permit certificate or registration.

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Heather D: Ultimately we need permits to help us provide a means to balance use and conservation of wildlife species.

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Heather D: This is important, since the U.S is one of the world's largest importers and exporters of wildlife and wildlife products.

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Heather D: So how can you help? One way is just to be an informed consumer. It's important to be aware of what type of plant or animal species might be a part of your musical instrument, and when and where those species were harvested, so be diligent. Ensure you have an appraised instrument and documentation that attests to the manufacturer date, the origin of the materials the instrument is made of. If you decide to sell your instrument,

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Heather D: be sure to pass those documents on to the purchaser as well.

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Heather D: The League of American Orchestras has recently launched a Know Your Bow campaign as an example, and it provides documents containing tips for owners and users of bows which details how to properly catalog the legality and provenance of your bow.

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Heather D: And, the website for that will be a part of the resources at the end of this presentation.

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Heather D: Next slide, please.

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Heather D: Here's a list of the various Federal wildlife laws that you may need to be aware of. I know there's a lot of them.

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Heather D: But please note that some of the regulations included here are implemented by other service offices or government agencies. So, we have the Lacey Act, Migratory Bird Treaty Act, Marine Mammal Protection Act. I'm sure you've heard of the ESA, the African Elephant Conservation Act and the Wild Bird Conservation Act. It's also important to be aware of any state, local, and tribal laws which might regulate your proposed activities.

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Heather D: So first, we're going to cover the most frequently encountered of these, probably, which is CITES

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Heather D: next slide, please.

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Heather D: So we'll briefly go over some of the implementation and criteria of CITES. next one.

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Heather D: CITES is an acronym for the Convention on International Trade and Endangered Species of Wild Fauna and Flora.

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Heather D: This is an international treaty whose aim is to ensure that international trade in specimens of wild animals and plants does not threaten their survival. The treaty was open for signature in 1973, and entered into force on July 1, 1975. As of today, there are currently 184 parties that have ratified it. The Treaty regulates international trade by classifying species under 3 different appendices

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Heather D: based on the level of protection the species needs.

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Heather D: Each party to the convention designates one or more management authorities, which is in charge of administering the permitting system, and then one or more scientific authorities, who advises them on the effects of trade on the status of the species.

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00:12:54.480 --> 00:13:21.760

Heather D: and there's some common misconceptions about CITES we wanted to make sure to clarify. One myth is that CITES addresses all aspects of wildlife conservation. However, CITES deals only with international trade of species included in its appendices. And, another myth that we hear about CITES is that it bans trade of species included in the appendices. However, CITES only regulates international trade in those species, and this goes back to those permits that we were talking about before.

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Heather D: next slide, please.

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Heather D: So next, let's briefly go over those 3 Appendices that are under CITES.

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Heather D: At the time of this presentation there are approximately 1,100 species, 700 fauna and 400 flora that have been designated in Appendix 1 protection under CITES, which is the highest protection.

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Heather D: These are typically species that are threatened with extinction, and no commercial trade is allowed in these species.

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Heather D: CITES permits are required for both import and export. These species are in Appendix 2, which is the largest chunk of species. 5,400 fauna and 34,000 flora have been designated under Appendix 2 protection, the second highest protection.

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00:14:06.180 --> 00:14:19.519

Heather D: and these are typically species vulnerable to over exploitation, but would be threatened if trade is not regulated. Commercial and non-commercial trade can be authorized, and CITES permits are only required for export, not import.

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Heather D: Although CITES does not require an import permit for Appendix 2 species, we just wanted to note that some parties do have additional stricter domestic measures that may require an import permit. For example, the European Union does have stricter domestic measures that require CITES import permits, even for Appendix 2 species where one may not otherwise be required.

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Heather D: So we always recommend that you check with the management authority of the importing country before exporting.

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Heather D: And then there is Appendix 3. There's approximately 500 species that have been designated an Appendix 3 protection under CITES, and these species are protected by at least one CITES member country who's requested assistance and help in regulating their trade. So if you're in that listing country, an export permit would be required for export

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Heather D: for all other countries. A certificate of origin would be required, and, like Appendix 2 species, one would only need to work with the CITES management authority of the exporting country

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Heather D: next slide, please.

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00:15:26.940 --> 00:15:34.220

Heather D: So how is CITES updated? Approximately every 2 to 3 years CITES holds its conference of the parties or CoP,

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Heather D: and during this time member countries review the conservation of species already listed under CITES protection, and propose amendments to species listings. So inclusion, uplisting, downlisting, and removal happens at the Conference of the Parties.

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00:15:47.770 --> 00:15:55.869

Heather D: Species can only be proposed for Appendix 1 and 2 listing during a CoP, and must gain a two-thirds vote of Party support to be listed.

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Heather D: Species can be listed under CITES Appendix, 3 at any time, and not necessarily at a CoP.

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Heather D: Parties also discuss annotations to listings, which we'll go over,

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Heather D: and policy changes that need to be implemented to improve the effectiveness of the convention

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Heather D: next slide, please.

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Heather D: So how is CITES implemented in the United States? CITES is implemented in the U.S. through the authority of the Endangered Species Act.

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Heather D: and there are implementing regulations in our CFR that define how we implement

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00:16:28.433 --> 00:16:41.159

Heather D: ESA is what establishes a management authority and a scientific authority. A permit is issued only if the management or scientific authorities determine that trade is legal and doesn't threaten the species' survival in the wild

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00:16:41.648 --> 00:16:47.370

Heather D: and then issue those permits that facilitate lawful import, export, and re-export of listed specimens.

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Heather D: and that standardized permit form allows inspection officials at ports of export and import to verify legal trade.

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Heather D: For animal species, that would be our colleagues at the Office of Law Enforcement for animal species. That would be USDA APHIS for plant species. If it's a combination of the two, typically Office of Law Enforcement would be the inspection official.

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00:17:07.740 --> 00:17:09.099

Heather D: and next slide, please.

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00:17:10.819 --> 00:17:29.640

Heather D: Alright. So there are a lot of different stakeholder groups that request permits from our office of international affairs, including yourselves, museums, the biomedical industry, scientific researchers, zoos, commercial dealers, plant nurseries, and a lot more. So, there are a lot of different types of permits that you can apply for.

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Heather D: There are also a number of certificates that you can apply for in lieu of an export or import permit, depending on your request, and even exemptions and exceptions, if you qualify for them. So

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Heather D: how can you, as an individual, or an ensemble, or a business, determine whether you need a permit. And what type of permit do you need?

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Heather D: So together, I'm hoping that we'll be able to review how to determine whether the species on your instrument is included in the CITES Appendices, or listed under the Endangered Species Act. And we'll review exceptions for CITES pre-convention, pre-act

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00:18:06.370 --> 00:18:30.140

Heather D: ESA antique specimens, what annotations are, and how they affect how a species is listed, and personal and household effect exemptions. Many of those who have traveled internationally with musical instruments before know well that there are a number of exemptions and exceptions to navigate, so we hope the next few slides will be helpful on how to determine permitting requirements for your future travels.

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00:18:30.740 --> 00:18:31.730

Heather D: So

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Heather D: there are a number of available resources to verify whether the species on your instrument's protected under CITES or the ESA.

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Heather D: To determine whether a species is included in the CITES Appendices, you can visit the CITES website or speciesplus.net.

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00:18:47.140 --> 00:19:07.990

Heather D: And to determine whether a species is included in the Endangered Species Act, you can visit fws.gov, and we provide these resources to you. Please note that although speciesplus is a great tool, please be sure to check the official checklist of species on the CITES website to confirm the most current listing of the species.

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00:19:09.040 --> 00:19:11.260

Heather D: For

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Heather D: our purposes today, we're going to be showing you an example through speciesplus as many are going to find this site a lot more simple and accessible.

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Heather D: So, for example, let's say you have a violin bow. You've gotten it appraised, and you're aware that it contains water monitor lizard skin as a leather binding, something that's kind of common.

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Heather D: The scientific name for that species is *Varanus salvator*, as you can see here. You can use the CITES website or speciesplus.net to check whether the species is included in the CITES appendices

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Heather D: next slide, please.

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00:19:46.823 --> 00:19:51.830

Heather D: And, as you can see here, the species is included in Appendix 2 of CITES.

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Heather D: The next slide.

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Heather D: Additionally, you can see on the next column

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Heather D: that the date *Varanus salvator* was included in the CITES appendices was July 1, 1975.

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00:20:06.400 --> 00:20:15.200

Heather D: If an instrument was manufactured before this date, or material used in the manufacturing process for your instrument was removed from the wild before this date,

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00:20:15.660 --> 00:20:18.840

Heather D: your specimen is considered pre-convention.

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Heather D: Preconvention means a specimen that was acquired before the date the provisions in CITES applied to it.

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00:20:25.870 --> 00:20:36.090

Heather D: And although that's not a full exemption under CITES - meaning international movements still require documents - there are fewer issuance criteria to meet to obtain a CITES document.

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00:20:36.270 --> 00:20:48.729

Heather D: So individuals can apply for preconvention certificates, musical instrument certificates, or traveling exhibition certificates in lieu of a CITES export permit or re-export certificate when this criteria is met.

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00:20:49.260 --> 00:21:01.399

Heather D: In addition to having fewer issuance criteria, preconvention items do not require import permits from the foreign country, even if they're Appendix 1, unless that country has stricter domestic measures that require it.

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00:21:02.480 --> 00:21:03.950

Heather D: Next slide, please.

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00:21:05.240 --> 00:21:23.429

Heather D: There are separate criteria that must be met on our own stricter domestic measures. For example, although *Varanus salvator* is not protected under the Endangered Species Act some species, such as the Hawksbill Sea turtle, which are also occasionally found on musical instruments, are.

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00:21:23.590 --> 00:21:34.789

Heather D: and if your instrument, or the specimen on your instrument meets either of these criteria, you may still qualify for an exception from meeting separate issuance criteria under the Endangered Species Act.

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Heather D: The first of the 2

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00:21:36.810 --> 00:21:48.020

Heather D: is meeting the definition of antique. An antique is a specimen at least 100 years old that hasn't been repaired or modified on or after the date, the species is listed under the ESA

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00:21:48.080 --> 00:21:57.479

Heather D: that's either been entered through a designated port for ESA antiques, or there's documented proof that it was in the U.S. prior to September 20, 1982.

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00:21:58.380 --> 00:22:07.810

Heather D: If the specimen is ESA-listed and does not meet that antique definition, they must meet the pre-Act definition to meet the ESA pre-Act criteria.

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00:22:08.030 --> 00:22:18.479

Heather D: and a pre-Act specimen is one that was held in a controlled environment on or before the date the species was listed under ESA, and the holding wasn't in use in the course of a commercial activity.

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00:22:19.230 --> 00:22:28.479

Heather D: The exception to this is African elephant ivory, which has an exemption for musical instruments, which only need to meet the pre-convention criteria under CITES.

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Heather D: next slide, please.

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00:22:31.970 --> 00:22:51.020

Heather D: Alright. So annotations, which we had alluded to previously. When deciding whether permits are required for species on your instrument, pay attention to the annotation associated with the species. Some plant listings will include or exclude certain parts or products from CITES, controls

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00:22:51.749 --> 00:23:02.890

Heather D: and if the species your instrument is manufactured with is excluded from the listing, it's exempt, and that doesn't require CITES documents from the management authority at all.

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00:23:03.280 --> 00:23:21.810

Heather D: For example, if your bow, which contained the lizard skin, is also made from Dalbergia, latifolia, or Indian rosewood, you may notice that when you search for the species you can conclude that it is included, and Appendix 2 of CITES. However, you'll also notice there's a linked note on the side.

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00:23:22.456 --> 00:23:34.040

Heather D: And any linked numbered note is considered an annotation to the species listing. So when you click on where it says, Cop 18 number 15, you can read the annotation

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00:23:34.440 --> 00:23:35.740

Heather D: next slide, please.

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00:23:37.080 --> 00:23:49.290

Heather D: So this is what will pop up when you click on that linked note. You can see here that all parts and derivatives of this plan are included under CITES controls except for the following.

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00:23:49.990 --> 00:23:57.590

Heather D: as you can see here, this excludes finished musical instruments, finished musical instrument parts and finished musical instrument accessories.

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00:23:57.660 --> 00:24:01.830

Heather D: Therefore, CITES documents are not required for this species for your bow

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Heather D: next slide, please.

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00:24:05.610 --> 00:24:16.680

Heather D: So, annotations that we had mentioned in the previous slide. They're an example of a full exemption from the need to obtain CITES documents. Another example of this, if you qualify, is through personal and household effects.

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00:24:16.740 --> 00:24:28.540

Heather D: Personal effects and household effects are only for Appendix 2 and 3 species. The quantity has to be reasonable for the trip that you're making -- either a residential move or travel.

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00:24:28.620 --> 00:24:42.799

Heather D: For personal effects, it has to be part of your personal baggage or on your person during travel. For household effects, that's not necessarily the case, but it does need to move with your residence within a year of changing residence.

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00:24:43.750 --> 00:24:45.230

Heather D: Next slide, please.

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00:24:48.980 --> 00:25:06.990

Heather D: You just want to note again that not all CITES parties recognize the personal and household effects exemption. So please check with the management authority of the importing country before you leave to verify whether they would accept a personal or household effect exemption, otherwise a permit would be required from our office.

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00:25:07.990 --> 00:25:09.340

Heather D: Next slide, please.

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00:25:11.443 --> 00:25:30.779

Heather D: So once you've determined the specimen on your instrument or instruments are protected and require a permit or other CITES document, which application forms do you use to apply? Of the 85 applications on our E- permits webpage, only about 3 will apply for the purposes of traveling with your musical instrument. Next slide, please.

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00:25:33.106 --> 00:25:45.470

Heather D: So here's a nice table. If you're not sure which one to apply for we have 3 different application forms. One is 3-200-23. 3-200-88,

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Heather D: 23, and 32 are both for single use, one-time shipments.

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00:25:51.570 --> 00:25:56.445

Heather D: They could be commercial or non-commercial, and they are valid for 6 months.

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00:25:57.110 --> 00:26:16.420

Heather D: These are typically when you're relocating with your instrument or shipping it to a buyer in another country, for example. The main difference between the 23 and the 32 is whether it has animal or plant products in it. And so the 23 can be wildlife species, or wildlife and plant species.

132

00:26:16.430 --> 00:26:19.359

Heather D: and then the 32 is just for plant or wood.

133

00:26:19.893 --> 00:26:33.329

Heather D: The 88 is more of what we consider your passport like certificate. So that allows multiple border crossings when you're traveling with your instruments and you're residing in the United States and will return to the United States.

134

00:26:33.440 --> 00:26:39.369

Heather D: This is only for non commercial purposes, when the instrument is not being offered for sale outside of the U.S.,

135

00:26:39.740 --> 00:27:05.260

Heather D: and it has to return back to the United States at the end of the use of that passport. We have a musical instrument certificate which is used for a single instrument. It's one person traveling with one instrument, and then we have a traveling exhibition certificate which is used more for our orchestras or ensembles that have multiple instruments that you're traveling with. They're going in cargo, and they're usually used just for one tour.

136

00:27:06.260 --> 00:27:08.109

Heather D: next slide, please.

137

00:27:09.560 --> 00:27:27.339

Heather D: So, although there might be some additional information requested, depending on the application type submitted for most application types, this is a broad example of what we require in your application, which would be the scientific and common name, the species description of the instruments, date of manufacture,

138

00:27:27.360 --> 00:27:34.880

Heather D: provenance, which could be appraisal documents attesting to the species and manufacture date of the instrument,

139

00:27:35.170 --> 00:27:43.029

Heather D: evidence of lawful acquisition, which would be your bill of sale, notarized statement just showing that you lawfully acquired that instrument

140

00:27:43.170 --> 00:27:48.330

Heather D: and then evidence of lawful import, if relevant. If it's been imported in the past

141

00:27:48.410 --> 00:27:54.150

Heather D: current location of the instrument, photographs of the instrument, and a serial number, if that's available.

142

00:27:54.760 --> 00:27:56.559

Heather D: To clarify, if

143we

00:27:56.590 --> 00:28:05.429

Heather D: appraisal documentation is included in your application also ensure that the scientific name and the common name are included in that appraisal information, as well.

144

00:28:05.890 --> 00:28:07.490

Heather D: And next slide, please.

145

00:28:08.610 --> 00:28:13.729

Heather D: And one common question we receive at the service is what will the service accept

146

00:28:13.740 --> 00:28:19.759

Heather D: as evidence of the manufacture, date, confirmation of species and the provenance documentation.

147

00:28:19.770 --> 00:28:32.530

Heather D: So an example of how you can meet that criteria is through provision of appraisal documentation. The Service expects the appraisal to include the following: that person would need to show that

148

00:28:32.990 --> 00:28:36.790

Heather D: they're a designated appraiser from a professional appraiser organization.

149

00:28:37.198 --> 00:28:47.070

Heather D: They would need to be third party, and the appraisal would need to include the name and address of the appraiser. Their qualifications, the date of appraisal, description of the instrument

150

00:28:47.716 --> 00:28:53.310

Heather D: which is the size, materials, manufacture, and approximate date it was created.

151

00:28:53.440 --> 00:29:00.059

Heather D: The method used to determine what species was included on that instrument, the age or manufacture date of

152

00:29:00.429 --> 00:29:04.379

Heather D: that instrument, and then a professional quality image of the article.

153

00:29:05.160 --> 00:29:06.349

Heather D: next slide, please.

154

00:29:08.414 --> 00:29:18.789

Heather D: Here's just an example chart of the information I just went over specifically for ensembles. We understand the number of instruments containing CITES and ESA-listed species can be a lot.

155

00:29:19.297 --> 00:29:30.100

Heather D: A table such as this example here, previously provided by the League of American Orchestras, can be really useful when organizing your submission, and has proven really useful to streamline our reviewing process.

156

00:29:30.940 --> 00:29:32.500

Heather D: Next slide, please.

157

00:29:33.010 --> 00:29:50.210

Heather D: And additionally, we find it's also useful to provide a summary table such as this one for ensembles with a lot of musical instruments that include the total instruments containing each species or multiple species, which was additionally provided by the League of American Orchestras.

158

00:29:50.930 --> 00:29:52.019

Heather D: and next slide.

159

00:29:53.750 --> 00:30:20.390

Heather D: And here's just a short list of species that have some additional restrictions on them based on our stricter domestic measures. That simply means more information is going to be required to meet the criteria for a permit or certificate to travel with your instrument. So, as we mentioned before, all finished musical instruments containing worked African elephant ivory are exempt from the need of an ESA permit. If traveling under a CITES traveling exhibition certificate or musical instrument certificate.

160

00:30:20.730 --> 00:30:30.730

Heather D: however, Asian elephant, ivory, or hawksbill sea turtle, which don't have this exemption, need to meet the ESA antique, or pre-Act criteria

161

00:30:30.840 --> 00:30:32.930

Heather D: for export or for travel

162

00:30:33.413 --> 00:30:57.816

Heather D: Bowhead whale, another common species on instruments, may also not be authorized for export unless it meets that antique or pre-Act definition. Under the ESA, however, whale species protections are under NOAA's jurisdiction, and require a separate letter of determination authorized by NOAA's National Marine Fisheries Service prior to obtaining your CITES authorization. So

163

00:30:58.866 --> 00:30:59.579

Heather D:

164

00:30:59.930 --> 00:31:09.529

Heather D: if you were to look this up, look up that species to determine its ESA status, it would tell you whether the species is under NOAA's jurisdiction.

165

00:31:09.915 --> 00:31:15.500

Heather D: And then that link to apply for their letter of determination is in the resources at the end of this presentation.

166

00:31:16.460 --> 00:31:18.199

Heather D: Next slide, please.

167

00:31:19.542 --> 00:31:32.037

Heather D: Finally, I'm just going to be wrapping up with some updates. Since the last conference of the parties on the following species. I'm going to run through these really quickly. Most of these will probably not be relevant to this group.

168

00:31:34.070 --> 00:31:41.049

Heather D: Pernambuco is one that we would get a lot of questions about. So I will go over that one specifically. Next slide, please.

169

00:31:43.550 --> 00:31:57.790

Heather D: So pernambuco has been included in Appendix 2 since September 13, 2007, however, at CoP 19, one of those annotations that applied to pernambuco was amended.

170

00:31:57.870 --> 00:32:09.029

Heather D: and it now reads: all parts, derivatives, and finished products except re-export finished musical instruments, finished musical instrument accessories and finished musical instrument parts.

171

00:32:09.380 --> 00:32:26.019

Heather D: So under that revised annotation, all parts, derivatives, and finish products of Brazil wood, Pernambuco, exported from the range country are included inside these controls. All other exports that happen after it's outside of the range country will not require a permit.

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00:32:26.370 --> 00:32:34.939

Heather D: So unless you're coming from Brazil, it's likely you will not need any kind of permit from our office to move Pernambuco.

173

00:32:35.850 --> 00:32:39.239

Heather D: and you can run through the next slides pretty quickly.

174

00:32:39.340 --> 00:32:42.115

Heather D: So Trumpet Trees next.

175

00:32:43.890 --> 00:32:46.959

Heather D: and all Dipteryx species

176

00:32:47.150 --> 00:32:48.110

Heather D: next.

177

00:32:49.050 --> 00:32:51.480

Heather D: African mahogany next.

178

00:32:52.430 --> 00:32:55.092

Heather D: and Pterocarpus species.

179

00:32:56.010 --> 00:33:14.740

Heather D: All of these are now included in Appendix 2 with annotation 17, so that only includes logs sawn wood, veneer sheets, plywood, and transformed wood, and would not include finished musical instruments, parts, or accessories. So none of these would require permits for musical instruments moving

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00:33:14.850 --> 00:33:16.040

Heather D: internationally.

181

00:33:16.450 --> 00:33:17.970

Heather D: alright next

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00:33:19.290 --> 00:33:23.379

Heather D: and then there are just a couple of decisions that were adopted at CoP 19 that may

183

00:33:23.760 --> 00:33:25.659

Heather D: may affect you guys.

184

00:33:25.700 --> 00:33:31.810

Heather D: So one is just traceability systems. The first one for Pernambuco in Brazil.

185

00:33:32.244 --> 00:33:34.215

Heather D: And the second one is

186

00:33:34.620 --> 00:33:49.030

Heather D: we're working on simplified procedures to find methods to more efficiently move finished musical instruments for non-commercial purposes, which is being worked on in an intersessional working group between CITES CoPs.

187

00:33:49.740 --> 00:33:51.190

Heather D: next slide, please.

188

00:33:53.250 --> 00:33:59.370

Heather D: And here's a list of those additional links and resources which will be provided to you after this webinar

189

00:34:00.820 --> 00:34:01.980

Heather D: and next slide.

190

00:34:02.770 --> 00:34:25.330

Heather D: and that's all. Thank you. If you have any additional questions for us, we'll be here for the Q&A after the next presentation for live questions. Or if you have a question for us after the presentation, please feel free - we have a ticketing system. You can submit a ticket via our E permits portal where one of our staff members can further guide you or provide further information.

191

00:34:25.500 --> 00:34:26.649

Heather D: Thank you.

192

00:34:32.500 --> 00:34:35.652

Daniel Sahakian: Hey? So I guess you can jump to the next or sorry Heather if you're going to...

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00:34:35.850 --> 00:34:39.759

Heather Noonan, (she/hers) League of American Orchestras: Yeah, I was just going to welcome you, Daniel, so welcome - over to you.

194

00:34:41.100 --> 00:34:46.360

Daniel Sahakian: Thank you. So I'm Daniel Sahakian with the Fish and Wildlife Office of Law Enforcement.

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00:34:46.520 --> 00:35:04.960

Daniel Sahakian: I'm going to try to give you guys a pretty quick overview of some of the inspection procedures once you get your permit and you're going to be moving internationally, what you should be doing. I have to caveat this, of course, because you know, every situation is super unique.

196

00:35:05.010 --> 00:35:16.240

Daniel Sahakian: If you're carrying things in your personal baggage versus if it's cargo versus, if you're an entity versus if you're just a person. So I'm going to try my best to give a general overview, If you have specific questions

197

00:35:16.300 --> 00:35:34.679

Daniel Sahakian: about you and your shipments, I always suggest you reach out to the Law Enforcement Office of the port that you'll be traveling through. In the end. Those are going to be the inspectors that are going to be validating your permit and collecting your permits and looking at your shipments. So their opinion is what is going to matter the most I would say. So next slide, please.

198

00:35:38.400 --> 00:35:42.689

Daniel Sahakian: Well, I guess they had a fancy thing in there, so you could click next. Perfect. Thank you.

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00:35:43.650 --> 00:35:46.450

Daniel Sahakian: Okay. So once you have your permit.

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00:35:47.060 --> 00:36:07.869

Daniel Sahakian: if you need one, if you don't need one, that's even better. But you're going to be making an international movement of wildlife products. So anything containing wildlife. You know, we see lots of mother of pearl, for example, on pretty much every instrument in existence. And that is considered a wildlife product, and therefore is regulated by Fish and Wildlife Office of Law Enforcement.

201

00:36:08.200 --> 00:36:31.839

Daniel Sahakian: The first thing you're going to want to do is make sure you provide at least 48 hours notice to the port that you're clearing through. This is a requirement if you're requesting inspection at the time of your shipment, so if you need a CITES permit validated on export, you need to provide 48 hours notice, if you're coming in at an off-hour, and you need someone there to collect your CITES permit when you're coming in, you need to provide 48 hours notice.

202

00:36:31.870 --> 00:36:43.079

Daniel Sahakian: Outside of that, it's not a requirement, but it's always best practice and good to do reach out to the office. Ask your questions and figure out what they're going to need from you and what you're going to need to do.

203

00:36:43.090 --> 00:36:45.960

Daniel Sahakian: Unfortunately, every airport is different.

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00:36:46.330 --> 00:37:00.200

Daniel Sahakian: Our inspectors, we have different volumes of inspectors at every airport. We have different access at different airports, so what we can do at one airport we might not be able to do it at another. For example, I know in Newark, where I worked I was able to

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00:37:00.570 --> 00:37:07.050

Daniel Sahakian: meet anyone at the gates to validate permits, and that's not always possible at other airports. So again,

206

00:37:07.440 --> 00:37:14.809

Daniel Sahakian: you're going to see me say it 10,000 times today. But really, the best thing you can do is contact those officers in advance to figure out what you're going to need to do.

207

00:37:16.310 --> 00:37:17.720

Daniel Sahakian: next slide.

208

00:37:20.170 --> 00:37:22.120

Daniel Sahakian: So for declarations.

209

00:37:22.460 --> 00:37:31.719

Daniel Sahakian: So all wildlife shipments that are coming in and out of the U.S. need to be filed on a wildlife declaration form. It's the form 3-177.

210

00:37:31.740 --> 00:37:41.789

Daniel Sahakian: So there is a manual form 3- 177. Still, I would say, it's probably not the best thing to use, and that is because, since it's manual, we have to see you

211

00:37:41.800 --> 00:38:01.060

Daniel Sahakian: in person, which is not necessarily a bad thing. You have to see us in person, which is questionably bad for you. And we have to manually stamp these things, and it just adds a layer of complication, I would say. The other way to do it is the electronic form 3- 177 which can get filed online. And what's nice about this is, again,

212

00:38:01.380 --> 00:38:15.670

Daniel Sahakian: we can stamp, file, clear everything electronically. You'll get copies electronically, you'll get records in your email, whereas with the manuals again, we're manually stamping where you have to make photocopies. It's not as smooth, I would say

213

00:38:16.340 --> 00:38:17.899

Daniel Sahakian: additionally, with

214

00:38:18.140 --> 00:38:29.052

Daniel Sahakian: the inspection side of declarations, and I'll get into this a little later, as well as like all these wildlife shipments, or, again, in your cases, if you have protected plant species where CITES are getting validated.

215

00:38:30.360 --> 00:38:39.259

Daniel Sahakian: you know, if it's on the import side - a lot of this - the inspection timetable is up to the inspector's discretion. So if you're coming in on a weekend

216

00:38:39.270 --> 00:38:54.226

Daniel Sahakian: and you have an unprotected shipment, the inspector doesn't have to be there to meet you. Even if you have a CITES shipment, the inspector doesn't have to be there to meet you. You can work with the inspector and discuss that you'll meet them, maybe the following business day,

217

00:38:54.810 --> 00:39:07.409

Daniel Sahakian: or maybe you can mail it to them. Again, it's up to the port offices and the inspectors and how they want to handle it, which, again, is why it's important to have a good relationship and contact those ports with any questions. But again hammering back

218

00:39:07.890 --> 00:39:30.559

Daniel Sahakian: the importance of the eDecs form is, if you are coming in on a Friday or on a Friday night, for example, and the inspector can't make it, the inspector can clear your shipment electronically, and you'll get that cleared eDec in your email. You have it when you're coming in, whereas with the manual, again, it's just adding a layer of complication. Either you can pay someone to come, bring it to an office before, you can meet them after. But then you won't have a clearance over the weekend.

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00:39:30.710 --> 00:39:39.480

Daniel Sahakian: I would like to highlight how much we prefer, how much easier it is for everybody for everyone to use eDecs, the E-declaration form.

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00:39:39.520 --> 00:39:41.120

Daniel Sahakian: That being said,

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00:39:41.670 --> 00:39:51.419

Daniel Sahakian: the wildlife declaration form is for as noted, wildlife, it's not for plants, so we do not require any plant information on the Declaration, but we do appreciate when

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00:39:51.570 --> 00:39:54.610

Daniel Sahakian: any documents are with the declarations. So

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00:39:55.147 --> 00:40:19.309

Daniel Sahakian: when you declare shipments, we ask that any documents you have related to the shipment be uploaded. So if you have a plant CITES we please ask that you upload that if you have an invoice. Please upload the invoice, any shipping information. If your shipment is going in cargo please upload that with the declaration as well. So again, even though the plant information might not be required on the deck. The inspectors, it's likely they'll ask for it

224

00:40:19.500 --> 00:40:30.130

Daniel Sahakian: on your invoice or on some documents in your shipment, and that's helpful to us. So we know that there is a protected species in there. Maybe it doesn't need a CITES.. Maybe it does need a CITES. But

225

00:40:30.150 --> 00:40:42.650

Daniel Sahakian: we won't know that unless you're telling us in the sense that otherwise we're going to have to hold the shipment and do identification work which takes time away from you, and it takes time away from us. So we appreciate it when it's all outlined clearly in the declaration packet.

226

00:40:43.660 --> 00:40:58.760

Daniel Sahakian: That being said, there are exemptions to declaration requirements as Heather was speaking on, like the CITES personal baggage and hand carried exemptions, you know, if you have an item that doesn't require CITES in personal baggage, generally it does not require declaration.

227

00:41:00.110 --> 00:41:12.729

Daniel Sahakian: Again, generally. So if you have whale items, for example, or ESA items, for example, then this exemption doesn't apply. So again, it's good to just talk to your port offices before you are traveling.

228

00:41:15.140 --> 00:41:19.780

Daniel Sahakian: In terms of fees, so this is a big question that people always like to ask. So

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00:41:20.160 --> 00:41:25.819

Daniel Sahakian: obviously, I hope my caveat right at the beginning there with contact the port, and it's all situational. But

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00:41:26.230 --> 00:41:50.779

Daniel Sahakian: the U.S. Fish and Wildlife Service Office of Law Enforcement fee structure generally occurs in steps. So we have, if you're a licensed importer for commercial purposes, and I'll note that nonprofits - and most orchestras are nonprofits - are exempt from our commercial requirements. So this doesn't even apply. But it's the base inspection fee. So if you have a license and you're importing exporting wildlife, you pay a base inspection fee of \$93.

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00:41:52.040 --> 00:41:57.600

Daniel Sahakian: If you have a protected species on top of that you would be paying the \$93 base fee with a \$93 CITES fee

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00:41:58.310 --> 00:42:12.369

Daniel Sahakian: So since I'm going to be very vague and broad here and say most of you all would not be requiring a license under our normal circumstances. So you would then really be subject to the CITES fee and/or the overtime fees.

233

00:42:12.430 --> 00:42:23.899

Daniel Sahakian: Now, the CITES fee is charged if you have a CITES permit, and it's not traveling on your body in general. Again, if this is a personal baggage in your suitcase,

234

00:42:24.050 --> 00:42:34.220

Daniel Sahakian: you usually don't have to be paying the CITES fee for inspection. It's only if you're traveling cargo you're sending it FedEx, UPS, DHL, by mail. Something like that.

235

00:42:34.780 --> 00:42:54.860

Daniel Sahakian: The overtime fee, however, that fee is always going to be charged if you are requesting an overtime shipment inspection. So the base fee generally, I would say- don't concern yourself with that. The CITES fee is there again, depending on the situation. The overtime fees always going to apply if you are requesting overtime inspection at a port.

236

00:42:57.570 --> 00:42:59.520

Daniel Sahakian: next slide, please.

237

00:43:02.190 --> 00:43:04.290

Daniel Sahakian: So inspections

238

00:43:05.370 --> 00:43:08.660

Daniel Sahakian: again reach out to the offices beforehand, and.

239

00:43:09.020 --> 00:43:13.707

Daniel Sahakian: as I said before, each Port office, based on the access, based on the staffing.

240

00:43:14.250 --> 00:43:29.443

Daniel Sahakian: things operate a little differently. And that's why those 48 hour notices, even if not required, are helpful for the inspectors and inspection offices, because they can make sure someone's going to be available to look at your shipment and work with you at that time that you need them to.

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00:43:30.360 --> 00:43:37.490

Daniel Sahakian: Inspections must be occurring as close to the shipment as possible. This is particularly important for export shipments.

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00:43:38.140 --> 00:43:39.040

Daniel Sahakian: Nope.

243

00:43:39.240 --> 00:43:49.673

Daniel Sahakian: We don't want to be validating a permit 2 months before you're leaving. We want to be validating that permit as you're leaving the day you're leaving at the airport, if we can.

244

00:43:50.220 --> 00:44:07.230

Daniel Sahakian: And, the flip side goes in the import. You know we want to be collecting those permits from you as you're landing, so we can clear your shipment. You'll have a clear deck. We'll have the CITES and you'll have a copy depending again on the CITES which I'll get into in a second. So we really want those to occur as close to the shipment as possible.

245

00:44:07.890 --> 00:44:16.420

Daniel Sahakian: I will say as well. It's ideal -- if you make it easy on the officers, it's easier for you, and it's easier for us if things are organized nicely.

246

00:44:16.430 --> 00:44:35.343

Daniel Sahakian: There are labeling requirements in the regulations. So 50 CFR. 1481 kind of outlines how things should be labeled. And just generally speaking, it's the outside of the box or the musical instrument case, in this case, needs to have the name and the address of the shipper and the consignees. So that's who's receiving it.

247

00:44:35.940 --> 00:44:54.880

Daniel Sahakian: And it should have the list of species or of the contents of the box. This is super helpful. No, there is an exemption to the labeling. So if you have, like a huge list of species - like you don't, we don't all need it plastered on side of the box. But you need a separate invoice, clearly outlining what is in each box or a packing list. That would be a better

248

00:44:55.202 --> 00:45:12.100

Daniel Sahakian: term for that, I guess. So that way the inspector, when they're in the field, can easily identify which box is which. Which CITES permit goes with which box, and this is especially important for those large cargo shipments where we have, you know, the instruments of 20, 30 people or more.

249

00:45:12.100 --> 00:45:29.342

Daniel Sahakian: If we can't identify which CITES permit is supposed to go with which box it's not a smooth inspection process, and it really delays the whole thing. Because what ends up happening is we're going to have to leave the warehouse, go back to their office, end up calling different people, calling the brokers, trying to figure out what box goes where, and it can slow down the shipment

250

00:45:29.760 --> 00:45:39.819

Daniel Sahakian: and it can delay shipments. Unfortunately, we've had that issue come up as well. So the organization and labeling is really important again, especially when you're working with larger shipments.

251

00:45:40.940 --> 00:45:43.540

Daniel Sahakian: Next slide, please. Well.

252

00:45:45.732 --> 00:45:47.660

Daniel Sahakian: permit validation. So

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00:45:48.650 --> 00:46:01.350

Daniel Sahakian: it is the responsibility of us in the U.S. Fish and Wildlife Service Office of Law Enforcement. We are the ones that validate CITES exports or re-export permits for shipments leaving the U.S. That law enforcement

254

00:46:01.730 --> 00:46:04.404

Daniel Sahakian: body is different in every country.

255

00:46:05.030 --> 00:46:12.260

Daniel Sahakian: but it's those law enforcement bodies that are responsible for validating the permit when you're leaving the country.

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00:46:12.650 --> 00:46:41.290

Daniel Sahakian: That being said, we always appreciate, and if you all, as the the ones holding the permits and collecting the permits and traveling are making sure that you're getting the validation, and it's getting validated correctly. A lot of countries don't have, I would say, as a robust law enforcement system as we do here for CITES a lot of times. It's customs officers that do that - CITES is kind of just side work for them, and they might not know of what's required on the validation. So here I've given you some examples in the top right.

257

00:46:41.600 --> 00:46:51.200

Daniel Sahakian: That is, a U.S. export permit validation. It's not for musical instruments, but the pattern still applies. You have

258

00:46:51.440 --> 00:47:17.840

Daniel Sahakian: the quantity in that lower box. I can't read because it's so tiny in my screen, but in the bottom left hand corner that box A, there's a number with units, and the box B is crossed out, saying, that's not in the shipment. You have the airway bill which is blocked out in this situation, the port that it's leaving from, and the number of containers, and then the important validation is the stamp of the signing official with their signature over the stamp and the date

259

00:47:18.470 --> 00:47:47.369

Daniel Sahakian: below that you'll see a CITES re-export permit, and it has the same kind of thing, the validation box at the bottom left. You'll see the port. You'll see a date. You'll see the stamp and the signature again, every permit looks different. Every country has a different body that does the permit validations. But there's these consistent patterns throughout. You're going to need the validation. And you're going to need a stamp, signature, and date of the official that is reviewing the permit.

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00:47:48.150 --> 00:47:50.929

Daniel Sahakian: So those on the right are single use permits.

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00:47:51.070 --> 00:48:13.869

Daniel Sahakian: The permit on the left is one of those multi use kind of passport permits that Heather was talking about earlier. So these you can see, there's 2 columns. These are getting stamped on the way in and on the way out of the respective countries. So in these multi use permit cases again. You're going to have the same canceled. You're, sorry, not canceled. You're going to have the same validation stamp with the signature on top.

262

00:48:14.120 --> 00:48:41.400

Daniel Sahakian: When we're talking about when you're submitting your permits at your destination for the single use permits, you're going to submit the original permit to the inspectors. They're going

to collect that permit, and should be giving you a cancelled copy, and you can see on that bottom right copy there. There's a canceled stamp with a badge number in it. That is your copy to keep as a record of that shipment, and if you need to reapply for a re-export permit, you're going to need that cancelled copy to obtain that re-export permit.

263

00:48:41.730 --> 00:48:49.045

Daniel Sahakian: When you have the multi use permits. Since it's multi use, you do not want to give that permit away. Please keep that permit

264

00:48:49.420 --> 00:49:02.089

Daniel Sahakian: and that you can make a copy if you'd like. The inspectors in the foreign country should be making a copy and canceling it. But you need to keep that original copy because that is your copy, and it'll travel with you until it expires

265

00:49:03.940 --> 00:49:05.999

Daniel Sahakian: next slide, please.

266

00:49:08.830 --> 00:49:15.129

Daniel Sahakian: So some common violations that we see is, we see, the permit not validated or not validated properly.

267

00:49:15.480 --> 00:49:17.130

Daniel Sahakian: It would seem

268

00:49:17.320 --> 00:49:46.190

Daniel Sahakian: that often this happens when again, there are officers and countries that either don't have CITES as a normal duty where they're kind of not sure what to do, which is, again, why it's

great that you all are here to listen to me talk about how you can sign and stay up properly. And it's also the case that sometimes people don't make the appointment to get those permits validated on export. So again, make sure you're getting your permits validated. Please be diligent and checking and seeing if permits are validated correctly before you leave.

269

00:49:46.290 --> 00:50:07.770

Daniel Sahakian: We see labeling violations, not like the end of the world, violation in general, but a violation nonetheless. Again, things need to be labeled appropriately per the regulations, the names, the contents. All need to be there on the package, either again, directly on the boxes, or in accordance with the regulations attached invoice or packing list that, you know, identifies what everything is.

270

00:50:08.649 --> 00:50:10.060

Daniel Sahakian: We also see

271

00:50:10.070 --> 00:50:22.019

Daniel Sahakian: permit conditions being violated. So whether it says, all items need to be present, or the shipment needs to move together, or you can't offer things for sale. Things like that. So please make sure to review your permit conditions as well.

272

00:50:23.118 --> 00:50:40.389

Daniel Sahakian: I put interestingly funny things not to do. We've seen, I would call them, silly violations. I'm sure no one in here would do such a silly thing. But if you come, we've had shipments come in on multi use permits, for example, where you know all of the like. 6 instruments

273

00:50:40.400 --> 00:50:51.870

Daniel Sahakian: came in, but you know they're only taking 5 out. So where'd the other one go when we had someone tell me they FedEx one back because they didn't want to carry it around, for example, so technically that that one FedExed back

274

00:50:51.900 --> 00:51:14.370

Daniel Sahakian: should have had a CITES permit separate from the permit, and really shouldn't have even been allowed to go, because the permit condition said that everything needs to be there. You can't really trade your bows with a friend, and let them leave the country, or you trade it and leave it with them, and you leave the country. You also shouldn't be selling your instruments and not bringing them back. So these are things we've seen. And these are the types of

275

00:51:14.410 --> 00:51:37.430

Daniel Sahakian: of issues, I would say, got violations that we see again. If it's just you by yourself, I guess it's not the end of the world if you're dealing with it. But when it's a whole orchestra moving and one person is causing, you know, issues like this, it holds up the whole shipment in reality. And again. It's not easy for us. It's not helpful to you. So please make sure again you're following all your permit conditions, making sure everything's organized and neat

276

00:51:38.560 --> 00:51:40.339

Daniel Sahakian: next slide, please.

277

00:51:42.440 --> 00:51:53.420

Daniel Sahakian: So I know we had a question come in, and this comes up often is, you know what happens if something, if my item is taken, my instruments taken, what happens? So if

278

00:51:54.110 --> 00:52:00.469

Daniel Sahakian: the Fish and Wildlife Service, or USDA if you have a plant-specific item, if we're seizing wildlife property.

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00:52:00.490 --> 00:52:18.340

Daniel Sahakian: what we have to do is a process called CAFRA. So Civil Asset Forfeiture Reform Act, and that part of our regulations is 50 CFR. Part 12 and it outlines the seizure and forfeiture proceedings. So generally, what's going to happen is you're going to get a notice of seizure and proposed forfeiture. So

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00:52:18.710 --> 00:52:35.506

Daniel Sahakian: whether you're there or not. If you're there in person, I would say, talk to the inspector, and figure out what was going on. If you're not there, so say it's a cargo shipment, or it's in FedEx or something. You're going to get a notice of seizure and proposed forfeiture. You're going to get it either way. But if it's a cargo shipment where you're not there, obviously we're not there to talk to you.

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00:52:36.474 --> 00:52:59.909

Daniel Sahakian: This notice of seizure and proposed forfeiture will outline the violation where it occurred, where the shipment was, the inspecting officer, and then we'll outline your options, your next options, for what you can do with the shipment, or what with the item. I'll tag on set as well. We started online posting notifications as well this year. This, I don't think will

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00:52:59.920 --> 00:53:17.809

Daniel Sahakian: really apply to any of you. All this online noted posting is, you know, if something is seized by the Government we have to post publicly notification of what was seized, and that is because it's possible that the person doesn't know their stuff was taken. So we have to give that opportunity to the public. I would

283

00:53:17.810 --> 00:53:30.810

Daniel Sahakian: assume that all of you love your instruments enough to not **not** notice that they're missing for a month, but if that's not the case, we do have an online posting there as well, where you can check and see what has been seized lately.

284

00:53:31.780 --> 00:53:45.769

Daniel Sahakian: Back to the NOSPf, though, and on the right side you'll see an example clip here. This is just a clip taken right out of the NOSPf letter, the notice of seizure and proposed forfeiture, and it outlines your options. Again, you can abandon the property if

285

00:53:46.270 --> 00:53:52.410

Daniel Sahakian: you don't want this item. Whatever the item is, you can abandon the property by signing an abandonment form.

286

00:53:53.350 --> 00:53:54.919

Daniel Sahakian: and then the properties

287

00:53:54.990 --> 00:54:23.870

Daniel Sahakian: becomes property of the government. You can take no action, which kind of runs the time out, if you will, and after 60 days we'll issue another letter saying, okay, since you did nothing, then this item will become property of the Government. You can petition for remission. So this is as it says. There you'll submit 3 copies of a notice of remission to the office that issued you this letter, and of course their information will be on the NOSPf as well.

288

00:54:24.740 --> 00:54:47.948

Daniel Sahakian: Petition for remission. What you're basically doing is outlining why you think you should get your item back, or any mistakes that were made, or you know reason why the seizure is invalid, and these letters end up going to the solicitor's office in the region that the violation took place. Solicitors are government lawyers, basically, that would then determine, based on the letter that you wrote,

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00:54:49.190 --> 00:54:58.431

Daniel Sahakian: you know, if you should get the item back or not. We commonly see people write their own letters. We see people get lawyers to write the letters.

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00:54:59.580 --> 00:55:05.780

Daniel Sahakian: Just know, once a petition for remission is submitted, the inspector doesn't really have any,

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00:55:05.990 --> 00:55:13.510

Daniel Sahakian: we don't really have any say or anything to do about it. At that point it's getting bumped to the solicitor's office. We do see from time to time when people do submit

292

00:55:13.809 --> 00:55:32.839

Daniel Sahakian: petitions for remission. They come back and complain to their inspector over and over and again. I would just note that it's out of our hands at that point, for what can be done. The last option is filing the Seized Asset Claim. With this, essentially, you're taking the Fish and Wildlife Service to court to get your item back. So really, the two

293

00:55:32.960 --> 00:55:56.550

Daniel Sahakian: methods for getting your item back, if you think it was seized improperly, is a petition for remission or a seized asset claim, and again, the NOSPf has more information on it. I couldn't post the whole letter here. But this is, I think, the important part that gets to the meat of a lot of the questions that we often receive is, what can we do to get it back. On top of that again - it's always good for you all to have a good

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00:55:57.501 --> 00:56:01.388

Daniel Sahakian: relationship with the inspectors and the inspection offices. So,

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00:56:02.140 --> 00:56:14.000

Daniel Sahakian: hopefully we don't have to get to this point ever. I don't think I ever seized an instrument in my time in the field. But I'm sure it does happen. And this is what would happen if it does.

296

00:56:14.230 --> 00:56:22.720

Daniel Sahakian: So with that, that is all I have. And I see we're like right up at time. So hopefully, I've answered every question possible, and that's all I got. Thank you guys.

297

00:56:24.200 --> 00:56:49.139

Heather Noonan, (she/hers) League of American Orchestras: Thanks so much, Daniel. And also thank you to you, Heather. we really appreciate it. I know, for someone who's entirely new to this whole process that might sound like a lot of highly technical information. And it's important to understand the technical aspects. Because for musicians you might be wondering, why did these rules exist? Why do we have these layers of restriction? And so hopefully

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00:56:49.140 --> 00:57:07.809

Heather Noonan, (she/hers) League of American Orchestras: what we've been able to share with you all today is not just, what do you do in traveling with your instrument. But also, why do these policy layers exist to help protect the species that have been used in your instrument. I've had one really specific question that's been submitted, and then one general one.

299

00:57:08.151 --> 00:57:36.859

Heather Noonan, (she/hers) League of American Orchestras: So the first one is around ivory. And I want to just preface the question by clarifying that the rules are different for commerce, for trade in instruments, than they are for travel, and for the moment, today we're talking about the travel portion of it. So we'll answer this question through that lens. But the question is whether there's a de minimis exemption to permit requirements for travel for ivory. If it's just the small amount that you'd find on the bow tip.

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00:57:40.560 --> 00:57:43.410

Heather D: Yeah, I can go ahead and answer that. Thank you. Heather.

301

00:57:44.023 --> 00:58:02.226

Heather D: Yeah. So that de minimis language kind of as you alluded to is referencing more commercial sales. So that language was put in place for interstate and foreign commerce for ivory, African elephant ivory, specifically under 200 milligrams.

302

00:58:03.243 --> 00:58:06.746

Heather D: Can be sold but if

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00:58:08.990 --> 00:58:14.940

Heather D: it, it would be negligible. If you meet the pre-Act or antique

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00:58:15.461 --> 00:58:27.400

Heather D: criteria of the ESA. That's for commercial or non-commercial and if it's non-commercial it would be negligible, too. If you meet the CITES criteria

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00:58:29.424 --> 00:58:37.100

Heather D: but if you have any additional like specific questions, you know. You can always reach back out to us through our ticketing system and e-permits.

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00:58:37.920 --> 00:59:05.139

Heather Noonan, (she/hers) League of American Orchestras: So you'll see the other big question that we got was, you know, if you're just approaching all this technical information for the first time. What are some practical first and next steps that you can take as an owner of a musical instrument, and so I'll take a crack at that one. If it's okay. The first thing is, know what's in your musical instrument. And so you heard Heather mention that if you are going to pursue a permit, you'll need some formal documentation

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00:59:05.140 --> 00:59:11.420

Heather Noonan, (she/hers) League of American Orchestras: that attests to the species that were used in your instrument, when it was made, and more background information.

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00:59:11.420 --> 00:59:26.820

Heather Noonan, (she/hers) League of American Orchestras: And we and our partners would advise all stakeholders: it's a good idea to get that documentation. Whether or not you suspect the material in your instrument is currently under protected status. It's important to know what you have

309

00:59:27.356 --> 00:59:38.959

Heather Noonan, (she/hers) League of American Orchestras: and the reason is that we don't know which species might be next under protection, and the sooner you've got documents about what you own, the more prepared you are

310

00:59:38.960 --> 00:59:57.709

Heather Noonan, (she/hers) League of American Orchestras: to navigate these procedures, should they apply to you in the future. And then certainly, they're going to prepare a permit application. You'll need that documentation on hand, and it's best to have it well before you're about to submit the permit application. So this is why we mostly just advise every musician to start by

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00:59:57.830 --> 01:00:27.170

Heather Noonan, (she/hers) League of American Orchestras: having your instrument evaluated, have a good understanding of what's in it, and that will inform your next practices. Najean Lee, my colleague in our DC office, also posted a link to a species summary chart that the League prepared, and that's been reviewed by Fish and Wildlife for accuracy, and I would say, that will be your next step. These are CITES-listed species that we know are commonly found in musical instruments. It's not to say it's a fully exhaustive list, but once you know what you've got, if you look at this list and you say

312

01:00:27.270 --> 01:00:41.010

Heather Noonan, (she/hers) League of American Orchestras: I positively identified some of this material. The species summary tells you essentially what criteria you'll need to meet to obtain a permit to travel with that instrument, so it will give you the dates

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01:00:41.357 --> 01:01:03.912

Heather Noonan, (she/hers) League of American Orchestras: that the material had to be legally harvested from the wild in order to be able to be eligible. So first know what's in your instrument, and then compare it to known species commonly found in musical instruments. And that's a very, very good first start. We have another question around orchestras traveling to Brazil and the pernambuco rules

314

01:01:04.260 --> 01:01:17.350

Heather Noonan, (she/hers) League of American Orchestras: and the annotation that was attached to Pernambuco. These annotations are highly technical and the language is very specific, and it says that re-exports

315

01:01:17.360 --> 01:01:37.110

Heather Noonan, (she/hers) League of American Orchestras: are exempt from permit requirements. And so we might just need for a moment to explain what a re-export is. And I'll just take my first crack at it, and in a lay person's term, which is - an export is generally considered to be the first time the wood moves from the country of origin of that wood

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01:01:37.230 --> 01:01:38.810

Heather Noonan, (she/hers) League of American Orchestras: out of the country.

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01:01:38.860 --> 01:01:43.520

Heather Noonan, (she/hers) League of American Orchestras: and that nearly anything after that would be considered a re-export.

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01:01:43.820 --> 01:02:02.909

Heather Noonan, (she/hers) League of American Orchestras: So we're essentially talking about the permit requirement for Pernambuco to be attached to the first time the wood moves from Brazil. So what that will mean is, if you're traveling to Brazil with your bow, it was obviously outside the country already. It's already been exported. If you're bringing it in

319

01:02:03.239 --> 01:02:16.399

Heather Noonan, (she/hers) League of American Orchestras: you are not required to have a CITES permit to bring it back, let's say, to the United States, but it will be very important that you have on hand some kind of documentation to attest

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01:02:16.500 --> 01:02:32.660

Heather Noonan, (she/hers) League of American Orchestras: that it was outside Brazil before the date this rule came into effect. And that's where the Know Your Bow guide can be helpful to you in explaining that process. So in essence you'll want to be clear that it's not the first time that that bow is moving out of Brazil when you bring it back home.

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01:02:32.760 --> 01:02:36.000

Heather Noonan, (she/hers) League of American Orchestras: Heather, do you have anything to add to that, or clarify?

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01:02:37.242 --> 01:02:39.179

Heather D: No, I think that was great. Thanks though.

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01:02:40.580 --> 01:02:46.199

Heather Noonan, (she/hers) League of American Orchestras: Great and then we have a question. Yeah, very many different kinds of travelers

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01:02:46.200 --> 01:03:10.719

Heather Noonan, (she/hers) League of American Orchestras: might be traveling with this material. The question is for youth orchestras? If they've not gone through this process before. Is it a good idea to have a technician come to a rehearsal and check and make sure that the instrument doesn't have rosewood, whalebone, etc. And I would say, I'm seeing the names on our registrants in our chat box here of many who

325

01:03:10.720 --> 01:03:15.209

Heather Noonan, (she/hers) League of American Orchestras: navigated this process before, and I think they would all say, Yes.

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01:03:15.440 --> 01:03:34.510

Heather Noonan, (she/hers) League of American Orchestras: that's a very good idea. So again it goes back to that first premise of just knowing what you own. Very many student musicians are performing with really high quality instruments, sometimes on loan from their teachers. And so it's very possible that you would encounter this kind of material in those older instruments.

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01:03:38.520 --> 01:04:01.840

Heather Noonan, (she/hers) League of American Orchestras: and I think that that sums up the questions we've received so far. And we're just 1 min past the hour. So I wanted to wrap this up with just a few reminders for everybody. First of all, we do have additional resources on our website and our partner organizations that are co-presenting this are also making this webinar available.

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01:04:02.183 --> 01:04:26.559

Heather Noonan, (she/hers) League of American Orchestras: So the recording of this will be distributed through our national partners, and also from the League some of the material that Heather referenced is also available on our website, including that species overview, the sample

chart that supports an application. And, most importantly, the links to the U.S. Fish and Wildlife Service and its forms and instructions. We're so grateful that the agency could be here today because

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01:04:26.590 --> 01:04:51.419

Heather Noonan, (she/hers) League of American Orchestras: they are the definitive resource on how to navigate these rules. I also just want to be sure to thank not just Heather and Daniel, but the entire team that we work with on a regular basis at Fish and Wildlife, who help us understand this process as it unfolds and especially the permit team, who are very patient about understanding how to guide orchestras and

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01:04:51.420 --> 01:05:14.209

Heather Noonan, (she/hers) League of American Orchestras: individual musicians through this process. And I can just affirm, having worked with the agency for a number of years, that as hopefully you could tell by hearing from them today, they are genuinely here to help to help musicians understand how these rules apply and have you be well prepared before you leave for travel. We also want to make sure that you've heard it referenced here a couple of times.

331

01:05:14.636 --> 01:05:38.930

Heather Noonan, (she/hers) League of American Orchestras: But we want to make sure that everyone is familiar with the Know Your Bow campaign. As you heard, the Pernambuco outcomes at the last CITES meetings included some new rules for the material when it exits Brazil, but it also included a mandate that the music sector become better aware of the status of Pernambuco species.

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01:05:38.930 --> 01:06:07.929

Heather Noonan, (she/hers) League of American Orchestras: and also that musicians, as owners better understand what they own. So together with our partners, we've crafted these 2 guides. One is a step by step, guide for bow owners on how you can come to understand the material you have and how to document it. Another one is made for makers in particular, and both of them not only include information about how to document your bows, but also ways that you can get active in supporting conservation of the species.

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01:06:08.532 --> 01:06:32.720

Heather Noonan, (she/hers) League of American Orchestras: So with that I just wanted to say a huge thank you to US Fish and Wildlife Service. Thank you to our national partners in the music sector. Like, I've said, we are going to be making these materials available for you. We'll be posting them online, and we also really appreciate hearing your feedback. We probably won't wait quite so many years before we do another engagement of this kind,

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01:06:32.720 --> 01:06:55.699

Heather Noonan, (she/hers) League of American Orchestras: and it's helpful for us to know what kind of resources would be helpful to you in this space. And finally, as you heard, we have these Conferences of the Parties. The next one will be coming up in 2025. So there will be more information you'll be hearing from your national associations in advance of that meeting. But we also just really appreciate your participation

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01:06:55.998 --> 01:07:01.970

Heather Noonan, (she/hers) League of American Orchestras: both on the compliance side, but also staying engaged with us on resources that can feel like help to you.

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01:07:02.670 --> 01:07:11.540

Heather Noonan, (she/hers) League of American Orchestras: So with that we will close the webinar and look forward to you staying in touch if you have any further questions.