



# United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Washington, D.C. 20240

## DIRECTOR'S ORDER NO. 143

Subject: Responsibilities and Delegations of Authority for Native Endangered and Threatened Species Permits

**Sec. 1 What is the purpose of this Order?** This Order delegates authority and specifies responsibilities for administration of permits, issued under sections 10(a)(1)(A) and (B) of the Endangered Species Act, for interstate commerce, scientific purposes, enhancement of propagation or survival, and incidental take of native listed species.

**Sec. 2 Does this Order supersede other directives?** This Order supersedes Director's Order 72, May 16, 1994.

**Sec. 3 To whom does this Order apply?** This Order applies to Regional Offices, California/Nevada Operations Office, and the Washington Office.

### **Sec. 4 What are the authorities for this Order?**

- a. Endangered Species Act (ESA), as amended (16 U.S.C. 1531, et seq.).
- b. 50 CFR Parts 10, 13, and 17.

### **Sec. 5 Who is responsible for the endangered species permit program?**

- a. The Assistant Director - Endangered Species is responsible for Servicewide conduct and administration of the endangered species permit program for native endangered and threatened species.
- b. Regional Directors and the Manager, California/Nevada Operations Office are authorized to:

(1) Issue, deny, suspend, or revoke permits for native endangered and threatened species in accordance with 50 CFR 13 and 17. You may redelegate these responsibilities to an appropriate Regional Office or California/Nevada Operations Office official, but may not further redelegate them without prior approval from the Director.

(2) Take final administrative action on all appeals of permit denials, suspensions, or revocations submitted in accordance with 50 CFR 13.

**Sec. 6 What are the implementation guidelines?** Regional Directors and the Manager, California/Nevada Operations Office will:

a. Provide appropriate advice to potential permit applicants on application requirements and issuance criteria.

b. Receive and process permit applications for native endangered and threatened species in accordance with 50 CFR 13 and 17, and ensure that we collect and deposit all application processing fees in accordance with 261 FW 1 and 263 FW 2.

c. Publish in the Federal Register a notice of:

(1) Receipt of each endangered species application, significant amendment, and renewal, for review and public comment.

(2) Issuance of endangered species permits at least semiannually.

d. Ensure compliance with all applicable laws, including section 7 of the ESA and the National Environmental Policy Act, Bald and Golden Eagle Protection Act, Migratory Bird Treaty Act, Convention on International Trade in Endangered Species of Wild Fauna and Flora, Marine Mammal Protection Act, Paperwork Reduction Act, Privacy Act, and National Historic Preservation Act.

e. Ensure that we issue a permit only when it meets applicable issuance criteria and that the permit file clearly explains and documents the evaluation and decision on the permit application.

f. Ensure, if applicable, that the research selected and methods to be used will result in information of value for conservation of the affected species in the wild; or that the activity will enhance the propagation or survival of the affected species in:

(1) Its native ecosystem,

(2) Captivity when the ultimate effect is intended and likely to be enhancement of propagation or survival of the species in its native ecosystem, or

(3) Captivity when enhancement of propagation or survival of the species in its native ecosystem is not currently feasible; and that it adheres to Service policy on captive propagation (65 FR 56916, September 20, 2000).

g. For threatened species only, ensure that the animals and plants planned for public display or as part of an educational program will be presented to the general public and will contribute to public appreciation and understanding of the conservation needs of the affected threatened species and its role in the ecosystem.

h. Ensure that the applicant is eligible for a permit using the criteria outlined in 50 CFR 13.21(c) and that any permit issued meets the issuance criteria found in section 10(d) of the ESA and in 50 CFR 13 and 17.

i. Amend the existing Regional blanket permit to reflect the change in the permittee and principal officer from the Regional Director to the official delegated to process subpermits.

j. Ensure that subpermits for scientific purposes issued under the blanket permit of the Regional Director are:

(1) Issued only for activities that are noncontroversial and clearly identified in a Service document or a program directive as necessary for species recovery or to satisfy information needs for NEPA compliance on Service projects.

(2) Monitored to ensure the subpermittee is in compliance with the terms and conditions of the subpermit; and conditioned so the holder may not designate other individuals as subpermittees that are not listed in the subpermit.

k. Ensure that we process all denials, suspensions, revocations, objections, reconsiderations, and appeals in accordance with the procedures in 50 CFR 13.

l. Ensure that the Service Permit Issuance and Tracking System (SPITS) is used to issue permits and to record information on issued permits, denials, suspensions, and revocations.

m. Ensure that information for permits associated with a Safe Harbor Agreement, Candidate Conservation Agreement with Assurances, or Habitat Conservation Plan is recorded in the Environmental Conservation Online System (ECOS).

n. Provide the Director, through the Assistant Director - Endangered Species, with an early alert if a finding of unforeseen circumstances is determined for a 10(a)(1)(A) or (B) permit with "no surprises" assurances associated with a Habitat Conservation Plan, Safe Harbor Agreement, or a Candidate Conservation Agreement with Assurances. Allow 10 days for review by the Director prior to finalizing the findings document.

**Sec. 7 What is the effective date of this Order?** This order is effective immediately. We will incorporate its contents into Part 735 of the Fish and Wildlife Service Manual.

**Sec. 8 When does this Order expire?** This Order will expire on June 30, 2003, unless it is amended, superseded, or revoked.

  
**ACTING** DIRECTOR

Date: April 26, 2002