

Application for a Letter of Determination under the Marine Mammal Protection Act and/or the Endangered Species Act

These instructions are only for applying for a [Letter of Determination](#) under the Marine Mammal Protection Act (MMPA) and/or Endangered Species Act (ESA) for pre-Act, Antique, or pre-listed marine mammal or endangered or threatened species parts or products under NOAA Fisheries' jurisdiction including whales, dolphins, porpoises, seals and sea lions (except walrus). The U.S. Fish and Wildlife Service regulate all other marine mammals and endangered and threatened species.

[Marine mammals under U.S. Fish and Wildlife jurisdiction.](#)

[Endangered and threatened species under NOAA Fisheries' jurisdiction](#)

Follow the instructions below. If you have questions, please call us for help (301-427-8401). Send your request and supporting documents to:

nmfs.pr1.apps@noaa.gov

OR

Division Chief
Permits and Conservation Division
Office of Protected Resources
SSMC#3-F/PR1
1315 East-West Highway, Room 13705
Silver Spring, Maryland 20910-3282

Please allow one month for us to review and process your request.

Pre-Act parts are marine mammal parts that older than 1972. **These parts may be imported, exported, bought or sold.**

Antique parts are parts from endangered or threatened species that are over 100 years old. **These parts may be imported, exported, bought or sold.**

Pre-listed parts are endangered or threatened species parts that are older than 1973 or the species' listing date (if listed after 1973). These parts must have a clear chain of custody and must not have been involved in commerce (i.e. bought or sold during this time). **These parts may be imported and exported, however, these parts may not be bought and sold.**

Your request for a Letter of Determination must contain the following:

1. Your name and address. Please **do not** submit Personally Identifiable Information (PII) such as your Social Security Number, birthdate, driver's license number, or country of citizenship.
2. Your association with the part/product and your knowledge of it. As applicable, a summary of your expertise and credentials.
3. A description of the marine mammal or endangered species part or product, including species, age, origin, and physical description (see No. 7 below).
4. Provided the part/product qualifies, you must include **one or more** of the statements below in your request, depending on what species your part/product is made of:
 - a. **Pre-Act marine mammal parts**, you must write: "To the best of my knowledge and belief, the marine mammals involved in this application were taken prior to December 21, 1972."
 - b. **Antique ESA-listed species parts (over 100 years old)**, you must write: "To the best of my knowledge and belief, the finished product is more than 100 years old, and has not been modified or repaired since the effective date of the ESA with any part of a species listed as endangered or threatened."
 - c. **Pre-Listed ESA-listed species parts**, you must write: "To the best of my knowledge and belief, the species involved in this application were held in a controlled environment on (A) December 28, 1973, or (B) the date of the species was added to the ESA, provided that the item has not been involved in commerce."
5. You must also include one of the following statements below, as applicable to your part/product. Be sure to fill in the correct information where highlighted.
 - a. **For non-ESA listed marine mammals:**

"The foregoing is principally based on the attached exhibits which, to the best of my knowledge and belief, are complete, true and correct. I understand that this affidavit is being submitted for the purpose of inducing the Federal Government to permit the importation/exportation/receipt/possession of [describe item] under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1421) and regulations promulgated thereunder, and that any false statements may subject me to the criminal penalties of 13 U.S.C. 1001, or to penalties under the Marine Mammal Protection Act of 1972."

b. For ESA-listed marine mammals:

"The foregoing is principally based on the attached exhibits which, to the best of my knowledge and belief, are complete, true and correct. I understand that this affidavit is being submitted for the purpose of inducing the Federal Government to permit the importation/exportation/receipt/possession of [describe item] under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1421), the Endangered Species Act of 1973 (16 U.S.C. 1531-1544), and the regulations promulgated thereunder, and that any false statements may subject me to the criminal penalties of 13 U.S.C. 1001, or to penalties under the Marine Mammal Protection Act of 1972 and Endangered Species Act of 1973."

c. For other ESA-listed species (not marine mammals):

"The foregoing is principally based on the attached exhibits which, to the best of my knowledge and belief, are complete, true and correct. I understand that this affidavit is being submitted for the purpose of inducing the Federal Government to permit the importation/exportation/receipt/possession of [describe item] under the Endangered Species Act of 1973 (16 U.S.C. 1531-1544) and regulations promulgated thereunder, and that any false statements may subject me to the criminal penalties of 13 U.S.C. 1001, or to penalties under the Endangered Species Act of 1973."

6. You must then sign your request.
7. You must include supporting documents concerning the age of your item with your request. We encourage you to provide copies of all relevant documentation because documentation will not be returned to you. Acceptable documentation has included invoices, receipts, photographs, appraisals, and expert opinions. Please note that every request is different and is reviewed on a case-by-case basis. We cannot guarantee that your particular documentation will be sufficient to result in a Letter of Determination. Below is specific guidance about what your documentation must contain, based on your part/product:

For non-ESA listed marine mammals, your documentation must include:

- a. Records or other available evidence showing that the marine mammal part or product taken prior to December 21, 1972. Such records or other evidence must include information on how, when, where, and by whom the animals were taken, what processing has taken place since taking, and the date and location of such processing.

OR

- b. A statement from a government agency of the country of origin exercising jurisdiction over marine mammals affirming that the parts or products sought to be imported were taken prior to December 21, 1972 (e.g. CITES permit).

For ESA-listed species (marine mammals and other species) you must include:

- a. Records or other available evidence showing that the listed species which makes up the part or product was either:
 - created into a finished product that is more than 100 years old, and has not been modified or repaired since the effective date of the ESA with any part of a species listed as endangered or threatened;

OR

 - taken prior to the date the species was added to the ESA and that the item has not been involved in commerce since the listing.

Such records or other evidence must include information on how, when, where, and by whom the animals were taken, what processing has taken place since taking, and the date and location of such processing.

OR

- b. A statement from a government agency of the country of origin exercising jurisdiction over protected species (e.g., CITES Management Authority) that the listed species part or product was:
 - created into a finished product that is more than 100 years old, and has not been modified or repaired since the effective date of the ESA with any part of a species listed as endangered or threatened;

OR

 - taken prior to the date the species was added to the ESA and that the item has not been involved in commerce since the listing.