

## U.S. Fish and Wildlife Serv., Interior

## § 12.33

seq.; Lacey Act, 18 U.S.C. 43; Lacey Act Amendments of 1981, 16 U.S.C. 3371 *et seq.*; Eagle Protection Act, 16 U.S.C. 668 *et seq.*; or Marine Mammal Protection Act, 16 U.S.C. 1361 *et seq.*, may be given an opportunity to completely or partially settle the civil penalty claim by transferring to the United States all right, title, and interest in any wildlife or plants that are subject to forfeiture. Such transfer may be accomplished by the owner's execution and return of a U.S. Customs Form 4607 or a similar compromise transfer of property instrument provided by the Department.

[47 FR 56861, Dec. 21, 1982]

### Subpart D—Disposal of Forfeited or Abandoned Property

SOURCE: 47 FR 17525, Apr. 23, 1982, unless otherwise noted.

#### § 12.30 Purpose.

Upon forfeiture or abandonment of any property to the United States under this part the Director shall dispose of such property under the provisions of this subpart D.

#### § 12.31 Accountability.

All property forfeited or abandoned under this part must be accounted for in official records. These records must include the following information:

- (a) A description of the item.
- (b) The date and place of the item's seizure (if any) and forfeiture or abandonment.
- (c) The investigative case file number with which the item was associated.
- (d) The name of any person known to have or to have had an interest in the item.
- (e) The date, place, and manner of the item's initial disposal.
- (f) Name of the official responsible for the initial disposal.
- (g) Domestic value of the property.

#### § 12.32 Effect of prior illegality.

The effect of any prior illegality on a subsequent holder of any wildlife or plant disposed of or subject to disposal is terminated upon forfeiture or abandonment, but the prohibitions, restrictions, conditions, or requirements which apply to a particular species of

wildlife or plant under the laws or regulations of the United States or any State, including any applicable conservation, health, quarantine, agricultural, or Customs laws or regulations remain in effect as to the conduct of such holder.

#### § 12.33 Disposal.

(a) The Director shall dispose of any wildlife or plant forfeited or abandoned under the authority of this part, subject to the restrictions provided in this subpart, by one of the following means, unless the item is the subject of a petition for remission of forfeiture under § 12.24 of this part, or disposed of by court order:

- (1) Return to the wild;
- (2) Use by the Service or transfer to another government agency for official use;
- (3) Donation or loan;
- (4) Sale; or
- (5) Destruction.

In the exercise of the disposal authority, the Director ordinarily must dispose of any wildlife or plant in the order in which the disposal methods appear in this paragraph (a) of this section.

(b) The Director shall dispose of any other property forfeited or abandoned under the authority of this part (including vehicles, vessels, aircraft, cargo, guns, nets, traps, and other equipment), except wildlife or plants, in accordance with current Federal Property Management Regulations (41 CFR chapter 101) and Interior Property Management Regulations (41 CFR chapter 114), unless the item is the subject of a petition for remission of forfeiture under § 12.24 of this part, or disposed of by court order.

(c) The Director shall dispose of property according to the following schedule, unless the property is the subject of a petition for remission of forfeiture under § 12.24 of this part:

- (1) Any live wildlife or plant and any wildlife or plant that the Director determines is liable to perish, deteriorate, decay, waste, or greatly decrease in value by keeping, or that the expense of keeping is disproportionate to its value may be disposed of immediately after forfeiture or abandonment; and