§ 222.205 Import and export requirements.

(a) Any fish and wildlife subject to the jurisdiction of the National Marine Fisheries Service and is intended for importation into or exportation from the United States, shall not be imported or exported except at a port(s) designated by the Secretary of the Interior. Shellfish and fishery products that are neither endangered nor threatened species and that are imported for purposes of human or animal consumption or taken in waters under the jurisdiction of the United States or on the high seas for recreational purposes are excluded from this requirement. The Secretary of the Interior may permit the importation or exportation at non-designated ports in the interest of the health or safety of the species for other reasons if the Secretary deems it appropriate and consistent with the purpose of facilitating enforcement of the Act and reducing the costs thereof. Importers and exporters are advised to see 50 CFR part 14 for importation and exportation requirements and information.

(b) No pre-Act endangered species part shall be imported into the United States. A Certificate of Exemption issued in accordance with the provisions of this subpart confers no right or privilege to import into the United States any such part.

(c)(1) Any person exporting from the United States any pre-Act endangered species part must possess a valid Certificate of Exemption issued in accordance with the provisions of this subpart. In addition, the exporter must provide to the Assistant Administrator, in writing, not less than 10 days prior to shipment, the following information: The name and address of the foreign consignee, the intended port of exportation, and a complete description of the parts to be exported. No shipment may be made until these requirements are met by the exporter.

(2) The exporter must send a copy of the Certificate of Exemption, and any endorsements thereto, to the District Director of Customs at the port of exportation, which must precede or accompany the shipment in order to permit the appropriate inspection prior to lading. Upon receipt, the District Director may order such inspection, as deemed necessary; the District will clear the merchandise for export, prior to the lading of the merchandise. If they are satisfied that the shipment is proper and complies with the information contained in the certificate and any endorsement thereto. The certificate, and any endorsements, will be forwarded to the Chief of the Office of Enforcement for NMFS.
(3) No pre-Act endangered species part in compliance with the require-
ments of this subpart may be exported
except at a port or ports designated by
the Secretary of the Interior, pursuant
to §222.103.
(4) Notwithstanding any provision of
this subpart, it shall not be required
that the Assistant Administrator au-
thorizes the transportation in inter-
state or foreign commerce of pre-Act
endangered species parts.

EFFECTIVE DATE NOTE: At 64 FR 14054, Mar.
23, 1999, part 222 was revised, effective Mar.
23, 1999, with the exception of §222.305, para-
graphs (c)(1) and (2), which contain informa-
tion collection and recordkeeping require-
ments and will not become effective until ap-
proval has been given by the Office of Man-
agement and Budget.

Subpart C—General Permit
Procedures

§222.301 General requirements.
(a)(1) The regulations in this subpart
provide uniform rules and procedures
for application, issuance, renewal, con-
ditions, and general administration of
permits issuable pursuant to parts 222,
223, and 224 of this chapter. While this
section provides generic rules and pro-
cedures applicable to all permits, other
sections may provide more specific
rules and procedures with respect to
certain types of permits. In such cases,
the requirements in all applicable sec-
tions must be satisfied.
(2) Notwithstanding paragraph (a)(1)
of this section, the Assistant Adminis-
trator may approve variations from the
requirements of parts 222, 223, and 224
of this chapter when the Assistant Ad-
ministrator finds that an emergency
exists and that the proposed variations
will not hinder effective administra-
tion of those parts and will not be un-
lawful. Other sections within parts 222,
223, and 224 of this chapter may allow
for a waiver or variation of specific re-
quirements for emergency situations,
upon certain conditions. In such cases,
those conditions must be satisfied in
order for the waiver or variation to be
lawful.

(b) No person shall take, import, ex-
port or engage in any other prohibited
activity involving any species of fish or
wildlife under the jurisdiction of the
Secretary of Commerce that has been
determined to be endangered under the
Act, or that has been determined to be
threatened and for which the prohibi-
tions of section 9(a)(1) of the Act have
been applied by regulation, without a
valid permit issued pursuant to these
regulations. The permit shall entitle
the person to whom it is issued to en-
gage in the activity specified in the
permit, subject to the limitations of the
Act and the regulations in parts 222,
223, and 224 of this chapter, for the
period stated on the permit, unless
sooner modified, suspended or revoked.

(c) Each person intending to engage
in an activity for which a permit is re-
quired by parts 222, 223, and 224 of this
chapter or by the Act shall, before
commencing such activity, obtain a
valid permit authorizing such activity.
Any person who desires to obtain per-
mit privileges authorized by parts 222,
223, and 224 of this chapter must apply
for such permit in accordance with the
requirements of these sections. If the
information required for each specific,
permitted activity is included, one ap-
plication may be accepted for all per-
mits required, and a single permit may
be issued.

(d)(1) Any permit issued under these
regulations must be in the possession
of the person to whom it is issued (or of
an agent of such person) while any ani-
mal subject to the permit is in the pos-
session of such person or agent. Spe-
cifically, a person or his/her agent
must be in possession of a permit dur-
ing the time of the authorized taking,
importation, exportation, or of any
other act and during the period of any
transit incident to such taking, impor-
tation, exportation, or to any other
act.
(2) A duplicate copy of the issued per-
mit must be physically attached to the
tank, container, package, enclosure, or
other means of containment, in which
the animal is placed for purposes of
storage, transit, supervision, or care.

(e) The authorizations on the face of
a permit setting forth specific times,
dates, places, methods of taking, num-
bers and kinds of fish or wildlife, loca-
tion of activity, authorize certain cir-
cumscribed transactions, or otherwise
permit a specifically limited matter,
are to be strictly construed and shall

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