

(b) In any explanation under paragraph (a)(3) of this section, the Director informs the single point of contact that:

(1) The Foundation will not implement its decision for at least ten days after the single point of contact receives the explanation; or

(2) The Director has reviewed the decision and determined that, because of unusual circumstances, the waiting period of at least ten days is not feasible.

(c) For purposes of computing the waiting period under paragraph (b)(1) of this section, a single point of contact is presumed to have received written notification 5 days after the date of mailing of such notification.

§ 660.11 What are the Director's obligations in interstate situations?

(a) The Director is responsible for:

(1) Identifying proposed Federal financial assistance and direct Federal development that have an impact on interstate areas;

(2) Notifying appropriate officials and entities in states which have adopted a process and which select the Foundation's program or activity.

(3) Making efforts to identify and notify the affected state, areawide, regional, and local officials and entities in those states that have not adopted a process under the Order or do not select the Foundation's program or activity;

(4) Responding pursuant to § 660.10 of this part if the Director receives a recommendation from a designated areawide agency transmitted by a single point of contact, in cases in which the review, coordination, and communication with the Foundation have been delegated.

(b) The Director uses the procedures in § 660.10 if a state process provides a state process recommendation to the Foundation through a single point of contact.

§ 660.12 [Reserved]

§ 660.13 May the Director waive any provision of these regulations?

In an emergency, the Director may waive any provision of these regulations.

PART 670—CONSERVATION OF ANTARCTIC ANIMALS AND PLANTS

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670.39 [Reserved]

AUTHORITY: 16 U.S.C. 2405, as amended.

SOURCE: 63 FR 50164, Sept. 21, 1998, unless otherwise noted.

Subpart A—Introduction

§ 670.1 Purpose of regulations.

The purpose of the regulations in this part is to conserve and protect the native mammals, birds, plants, and invertebrates of Antarctica and the ecosystem upon which they depend and to implement the Antarctic Conservation Act of 1978, Public Law 95-541, as amended by the Antarctic Science, Tourism, and Conservation Act of 1996, Public Law 104-227.

§ 670.2 Scope.

The regulations in this part apply to:

- (a) Taking mammals, birds, or plants native to Antarctica.
- (b) Engaging in harmful interference of mammals, birds, invertebrates, or plants native to Antarctica.
- (c) Entering or engaging in activities within Antarctic Specially Protected Areas.
- (d) Receiving, acquiring, transporting, offering for sale, selling, purchasing, importing, exporting or having custody, control, or possession of any mammal, bird, or plant native to Antarctica that was taken in violation of the Act.
- (e) Introducing into Antarctica any member of a non-native species.

§ 670.3 Definitions.

In this part:

Act means the Antarctic Conservation Act of 1978, Public Law 95-541 (16 U.S.C. 2401 *et seq.*) as amended by the Antarctic Science, Tourism, and Conservation Act of 1996, Public Law 104-227.

Antarctic Specially Protected Area means an area designated by the Antarctic Treaty Parties to protect out-

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standing environmental, scientific, historic, aesthetic, or wilderness values or to protect ongoing or planned scientific research, designated in subpart F of this part.

Antarctica means the area south of 60 degrees south latitude.

Director means the Director of the National Science Foundation, or an officer or employee of the Foundation designated by the Director.

Harmful interference means—

- (a) Flying or landing helicopters or other aircraft in a manner that disturbs concentrations of birds or seals;
- (b) Using vehicles or vessels, including hovercraft and small boats, in a manner that disturbs concentrations of birds or seals;
- (c) Using explosives or firearms in a manner that disturbs concentrations of birds or seals;
- (d) Willfully disturbing breeding or molting birds or concentrations of birds or seals by persons on foot;
- (e) Significantly damaging concentrations of native terrestrial plants by landing aircraft, driving vehicles, or walking on them, or by other means; and
- (f) Any activity that results in the significant adverse modification of habitats of any species or population of native mammal, native bird, native plant, or native invertebrate.

Import means to land on, bring into, or introduce into, or attempt to land on, bring into or introduce into, any place subject to the jurisdiction of the United States, including the 12-mile territorial sea of the United States, whether or not such act constitutes an importation within the meaning of the customs laws of the United States.

Management plan means a plan to manage the activities and protect the special value or values in an Antarctic Specially Protected Area designated by the United States as such a site consistent with plans adopted by the Antarctic Treaty Consultative Parties.

Native bird means any member, at any stage of its life cycle, of any species of the class Aves which is indigenous to Antarctica or occurs there seasonally through natural migrations, that is designated in subpart D of this part. It includes any part, product, egg,

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or offspring of or the dead body or parts thereof excluding fossils.

Native invertebrate means any terrestrial or freshwater invertebrate, at any stage of its life cycle, which is indigenous to Antarctica. It includes any part thereof, but excludes fossils.

Native mammal means any member, at any stage of its life cycle, of any species of the class Mammalia, which is indigenous to Antarctica or occurs there seasonally through natural migrations, that is designated in subpart D of this part. It includes any part, product, offspring of or the dead body or parts thereof but excludes fossils.

Native plant means any terrestrial or freshwater vegetation, including bryophytes, lichens, fungi, and algae, at any stage of its life cycle which is indigenous to Antarctica that is designated in subpart D of this part. It includes seeds and other propagules, or parts of such vegetation, but excludes fossils.

Person has the meaning given that term in section 1 of title 1, United States Code, and includes any person subject to the jurisdiction of the United States and any department, agency, or other instrumentality of the Federal Government or of any State or local government.

Protocol means the Protocol on Environmental Protection to the Antarctic Treaty, signed October 4, 1991, in Madrid, and all annexes thereto, including any future amendments to which the United States is a Party.

Specially Protected Species means any native species designated as a Specially Protected Species that is designated in subpart E of this part.

Take or taking means to kill, injure, capture, handle, or molest a native mammal or bird, or to remove or damage such quantities of native plants that their local distribution or abundance would be significantly affected or to attempt to engage in such conduct.

Treaty means the Antarctic Treaty signed in Washington, DC on December 1, 1959.

United States means the several states of the Union, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, the Commonwealth of the

Northern Mariana Islands, and other commonwealth, territory, or possession of the United States.

Subpart B—Prohibited Acts, Exceptions

§ 670.4 Prohibited acts.

Unless a permit has been issued pursuant to subpart C of this part or unless one of the exceptions stated in §§ 670.5 through 670.9 is applicable, it is unlawful to commit, attempt to commit, or cause to be committed any of the acts described in paragraphs (a) through (g) of this section.

(a) *Taking of native mammal, bird or plants.* It is unlawful for any person to take within Antarctica a native mammal, a native bird, or native plants.

(b) *Engaging in harmful interference.* It is unlawful for any person to engage in harmful interference in Antarctica of native mammals, native birds, native plants or native invertebrates.

(c) *Entry into Antarctic specially designated areas.* It is unlawful for any person to enter or engage in activities within any Antarctic Specially Protected Area.

(d) *Possession, sale, export, and import of native mammals, birds, and plants.* It is unlawful for any person to receive, acquire, transport, offer for sale, sell, purchase, export, import, or have custody, control, or possession of, any native bird, native mammal, or native plant which the person knows, or in the exercise of due care should have known, was taken in violation of the Act.

(e) *Introduction of non-indigenous animals and plants into Antarctica.* It is unlawful for any person to introduce into Antarctica any animal or plant which is not indigenous to Antarctica or which does not occur there seasonally through natural migrations, as specified in subpart H of this part, except as provided in §§ 670.7 and 670.8.

(f) *Violations of regulations.* It is unlawful for any person to violate the regulations set forth in this part.

(g) *Violation of permit conditions.* It is unlawful for any person to violate any term or condition of any permit issued under subpart C of this part.

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§ 670.5 Exception in extraordinary circumstances.

(a) *Emergency exception.* No act described in § 670.4 shall be unlawful if the person committing the act reasonably believed that the act was committed under emergency circumstances involving the safety of human life or of ships, aircraft, or equipment or facilities of high value, or the protection of the environment.

(b) *Aiding or salvaging native mammals or native birds.* The prohibition on taking shall not apply to any taking of native mammals or native birds if such action is necessary to:

- (1) Aid a sick, injured or orphaned specimen;
- (2) Dispose of a dead specimen; or
- (3) Salvage a dead specimen which may be useful for scientific study.

(c) *Reporting.* Any actions taken under the exceptions in this section shall be reported promptly to the Director.

§ 670.6 Prior possession exception.

(a) *Exception.* Section 670.4 shall not apply to:

- (1) any native mammal, bird, or plant which is held in captivity on or before October 28, 1978; or
- (2) Any offspring of such mammal, bird, or plant.

(b) *Presumption.* With respect to any prohibited act set forth in § 670.4 which occurs after April 29, 1979, the Act creates a rebuttable presumption that the native mammal, native bird, or native plant involved in such act was not held in captivity on or before October 28, 1978, or was not an offspring referred to in paragraph (a) of this section.

§ 670.7 Food exception.

Paragraph (e) of § 670.4 shall not apply to the introduction of animals and plants into Antarctica for use as food as long as animals and plants used for this purpose are kept under carefully controlled conditions. This exception shall not apply to living species of animals. Unconsumed poultry or its parts shall be removed from Antarctica unless incinerated, autoclaved or otherwise sterilized.

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§ 670.8 Foreign permit exception.

Paragraphs (d) and (e) of § 670.4 shall not apply to transporting, carrying, receiving, or possessing native mammals, native plants, or native birds or to the introduction of non-indigenous animals and plants when conducted by an agency of the United States Government on behalf of a foreign national operating under a permit issued by a foreign government to give effect to the Protocol.

§ 670.9 Antarctic Conservation Act enforcement exception.

Paragraphs (a) through (d) of § 670.4 shall not apply to acts carried out by an Antarctic Conservation Act Enforcement Officer (designated pursuant to 45 CFR 672.3) if undertaken as part of the Antarctic Conservation Act Enforcement Officer's official duties.

§ 670.10 [Reserved]

Subpart C—Permits

§ 670.11 Applications for permits.

(a) *General content of permit applications.* All applications for a permit shall be dated and signed by the applicant and shall contain the following information:

(1) The name and address of the applicant;

(i) Where the applicant is an individual, the business or institutional affiliation of the applicant must be included; or

(ii) Where the applicant is a corporation, firm, partnership, or institution, or agency, either private or public, the name and address of its president or principal officer must be included.

(2) Where the applicant seeks to engage in a taking,

(i) The scientific names, numbers, and description of native mammals, native birds or native plants to be taken; and

(ii) Whether the native mammals, birds, or plants, or part of them are to be imported into the United States, and if so, their ultimate disposition.

(3) Where the applicant seeks to engage in a harmful interference, the scientific names, numbers, and description of native birds or native seals to be disturbed; the scientific names, numbers, and description of native

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plants to be damaged; or the scientific names, numbers, and description of native invertebrates, native mammals, native plants, or native birds whose habitat will be adversely modified;

(4) A complete description of the location, time period, and manner in which the taking or harmful interference would be conducted, including the proposed access to the location;

(5) Where the application is for the introduction of non-indigenous plants or animals, the scientific name and the number to be introduced;

(6) Whether agents as referred to in § 670.13 will be used; and

(7) The desired effective dates of the permit.

(b) *Content of specific permit applications.* In addition to the general information required for permit applications set forth in this subpart, the applicant must submit additional information relating to the specific action for which the permit is being sought. These additional requirements are set forth in the sections of this part dealing with the subject matter of the permit applications as follows:

Native Mammals, Birds, Plants, and Invertebrates—Section 670.17

Specially Protected Species—Section 670.23

Specially Protected Areas—Section 670.27

Import and Export—Section 670.31

Introduction of Non-Indigenous Plants and Animals—Section 670.36

(c) *Certification.* Applications for permits shall include the following certification:

I certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. Any false statement will subject me to the criminal penalties of 18 U.S.C. 1001.

(d) *Address to which applications should be sent.* Each application shall be in writing, addressed to:

Permit Officer, Office of Polar Programs, National Science Foundation, Room 755, 4201 Wilson Boulevard, Arlington, Virginia 22230.

(e) *Sufficiency of application.* The sufficiency of the application shall be determined by the Director. The Director may waive any requirement for information, or request additional information as determined to be relevant to the processing of the application.

(f) *Withdrawal.* An applicant may withdraw an application at any time.

(g) *Publication of permit applications.* The Director shall publish notice in the FEDERAL REGISTER of each application for a permit. The notice shall invite the submission by interested parties, within 30 days after the date of publication of the notice, of written data, comments, or views with respect to the application. Information received by the Director as a part of any application shall be available to the public as a matter of public record.

§ 670.12 General issuance criteria.

Upon receipt of a complete and properly executed application for a permit and the expiration of the applicable public comment period, the Director will decide whether to issue the permit. In making the decision, the Director will consider, in addition to the specific criteria set forth in the appropriate subparts of this part:

(a) Whether the authorization requested meets the objectives of the Act and the requirements of the regulations in this part;

(b) The judgment of persons having expertise in matters germane to the application; and

(c) Whether the applicant has failed to disclose material information required or has made false statements about any material fact in connection with the application.

§ 670.13 Permit administration.

(a) *Issuance of the permits.* The Director may approve any application in whole or part. Permits shall be issued in writing and signed by the Director. Each permit may contain such terms and conditions as are consistent with the Act and this part.

(b) *Denial.* The applicant shall be notified in writing of the denial of any permit request or part of a request and of the reason for such denial. If authorized in the notice of denial, the applicant may submit further information or reasons why the permit should not be denied. Such further submissions shall not be considered a new application.

(c) *Amendment of applications or permits.* An applicant or permit holder desiring to have any term or condition of

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his application or permit modified must submit full justification and supporting information in conformance with the provisions of this subpart and the subpart governing the activities sought to be carried out under the modified permit. Any application for modification of a permit that involves a material change beyond the terms originally requested will normally be subject to the same procedures as a new application.

(d) *Notice of issuance or denial.* Within 10 days after the date of the issuance or denial of a permit, the Director shall publish notice of the issuance or denial in the FEDERAL REGISTER.

(e) *Agents of the permit holder.* The Director may authorize the permit holder to designate agents to act on behalf of the permit holder.

(f) *Marine mammals, endangered species, and migratory birds.* If the Director receives a permit application involving any native mammal which is a marine mammal as defined by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1362(5)), any species which is an endangered or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*) or any native bird which is protected under the Migratory Bird Treaty Act (16 U.S.C. 701 *et seq.*), the Director shall submit a copy of the application to the Secretary of Commerce or to the Secretary of the Interior, as appropriate. If the appropriate Secretary determines that a permit should not be issued pursuant to any of the cited acts, the Director shall not issue a permit. The Director shall inform the applicant of any denial by the appropriate Secretary and no further action shall be taken on the application. If, however, the appropriate Secretary issues a permit pursuant to the requirements of the cited acts, the Director still must determine whether the proposed action is consistent with the Act and the regulations in this part.

§ 670.14 Conditions of permits.

(a) *Possession of permits.* Permits issued under the regulations in this part, or copies of them, must be in the possession of persons to whom they are issued and their agents when conducting the authorized action.

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(b) *Display of permits.* Any permit issued shall be displayed for inspection upon request to the Director, designated agents of the Director, or any person with enforcement responsibilities.

(c) *Filing of reports.* Permit holders are required to file reports of the activities conducted under a permit. Reports shall be submitted to the Director not later than June 30 for the preceding 12 months.

§ 670.15 Modification, suspension, and revocation.

(a) The Director may modify, suspend, or revoke, in whole or in part, any permit issued under this subpart:

(1) In order to make the permit consistent with any change to any regulation in this part made after the date of issuance of this permit;

(2) If there is any change in conditions which make the permit inconsistent with the purpose of the Act and the regulations in this part; or

(3) In any case in which there has been any violation of any term or condition of the permit, any regulation in this part, or any provision of the Act.

(b) Whenever the Director proposes any modifications, suspension, or revocation of a permit under this section, the permittee shall be afforded opportunity, after due notice, for a hearing by the Director with respect to such proposed modification, suspension or revocation. If a hearing is requested, the action proposed by the Director shall not take effect before a decision is issued by him after the hearing, unless the proposed action is taken by the Director to meet an emergency situation.

(c) Notice of the modification, suspension, or revocation of any permit by the Director shall be published in the FEDERAL REGISTER, within 10 days from the date of the Director's decision.

§ 670.16 [Reserved]

Subpart D—Native Mammals, Birds, Plants, and Invertebrates

§ 670.17 Specific issuance criteria.

With the exception of specially protected species of mammals, birds, and plants designated in subpart E of this

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part, permits to engage in a taking or harmful interference;

(a) May be issued only for the purpose of providing—

(1) Specimens for scientific study or scientific information; or

(2) Specimens for museums, zoological gardens, or other educational or cultural institutions or uses; or

(3) For unavoidable consequences of scientific activities or the construction and operation of scientific support facilities; and

(b) Shall ensure, as far as possible, that—

(1) No more native mammals, birds, or plants are taken than are necessary to meet the purposes set forth in paragraph (a) of this section;

(2) No more native mammals or native birds are taken in any year than can normally be replaced by net natural reproduction in the following breeding season;

(3) The variety of species and the balance of the natural ecological systems within Antarctica are maintained; and

(4) The authorized taking, transporting, carrying, or shipping of any native mammal or bird is carried out in a humane manner.

§ 670.18 Content of permit applications.

In addition to the information required in subpart C of this part, an applicant seeking a permit to take a native mammal or native bird shall include a complete description of the project including the purpose of the proposed taking, the use to be made of the native mammals or native birds, and the ultimate disposition of the native mammals and birds. An applicant seeking a permit to engage in a harmful interference shall include a complete description of the project including the purpose of the activity which will result in the harmful interference. Sufficient information must be provided to establish that the taking, harmful interference, transporting, carrying, or shipping of a native mammal or bird shall be humane.

§ 670.19 Designation of native mammals.

The following are designated native mammals:

Pinnipeds:

Crabeater seal—*Lobodon carcinophagus*.

Leopard seal—*Hydrurga leptonyx*.

Ross seal—*Ommatophoca rossi*.¹

Southern elephant seal—*Mirounga leonina*.

Southern fur seals—*Arctocephalus spp.*¹

Weddell seal—*Leptonychotes weddelli*.

Large Cetaceans (Whales):

Blue whale—*Balaenoptera musculus*.

Fin whale—*Balaenoptera physalus*.

Humpback whale—*Megaptera novaeangliae*.

Minke whale—*Balaenoptera acutrostrata*.

Pygmy blue whale—*Balaenoptera musculus brevicauda*

Sei whale—*Balaenoptera borealis*

Southern right whale—*Balaena glacialis australis*

Sperm whale—*Physeter macrocephalus*

Small Cetaceans (Dolphins and porpoises):

Arnoux's beaked whale—*Berardius arnuxii*.

Commerson's dolphin—*Cephalorhynchus commersonii*

Dusky dolphin—*Lagenorhynchus obscurus*

Hourglass dolphin—*Lagenorhynchus cruciger*

Killer whale—*Orcinus orca*

Long-finned pilot whale—*Globicephala melaena*

Southern bottlenose whale—*Hyperoodon planifrons*.

Southern right whale dolphin—*Lissodelphis peronii*

Spectacled porpoise—*Phocoena dioptrica*

§ 670.20 Designation of native birds.

The following are designated native birds:

Albatross

Black-browed—*Diomedea melanophris*.

Gray-headed—*Diomedea chrysostoma*.

Light-mantled sooty—*Phoebastria palpebrata*.

Wandering—*Diomedea exulans*.

Fulmar

Northern Giant—*Macronectes halli*.

Southern—*Fulmarus glacialisoides*.

Southern Giant—*Macronectes giganteus*.

Gull

Southern Black-backed—*Larus dominicanus*.

Jaeger

Parasitic—*Stercorarius parasiticus*.

Pomarine—*Stercorarius pomarinus*

Penguin

Adelie—*Pygoscelis adeliae*.

Chinstrap—*Pygoscelis antarctica*.

¹These species of mammals have been designated as specially protected species and are subject to subpart E of this part.

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Emperor—*Aptenodytes forsteri*.
Gentoo—*Pygoscelis papua*.
King—*Aptenodytes patagonicus*.
Macaroni—*Eudyptes chrysolophus*.
Rockhopper—*Eudyptes crestatus*.

Petrel

Antarctic—*Thalassoica antarctica*.
Black-bellied Storm—*Fregetta tropica*.
Blue—*Halobaena caerulea*.
Gray—*Procellaria cinerea*.
Great-winged—*Pterodroma macroptera*.
Kerguelen—*Pterodroma brevirostris*.
Mottled—*Pterodroma inexpectata*.
Snow—*Pagodroma nivea*.
Soft-plumaged—*Pterodroma mollis*.
South-Georgia Diving—*Pelecanoides georgicus*.
White-bellied Storm—*Fregetta grallaria*.
White-chinned—*Procellaria aequinoctialis*.
White-headed—*Pterodroma lessoni*.
Wilson's Storm—*Oceanites oceanicus*.

Pigeon

Cape—*Daption capense*.

Pintail

South American Yellow-billed—*Anas georgica spinicauda*.

Prion

Antarctic—*Pachyptila desolata*.
Narrow-billed—*Pachyptila belcheri*.

Shag

Blue-eyed—*Phalacrocorax atriceps*.

Shearwater

Sooty—*Puffinus griseus*.

Skua

Brown—*Catharacta lonnbergi*.
South Polar—*Catharacta maccormicki*.

Swallow

Barn—*Hirundo rustica*.

Sheathbill

American—*Chionis alba*.

Tern

Antarctic—*Sterna vittata*.
Arctic—*Sterna paradisaea*.

[66 FR 46739, Sept. 7, 2001]

§ 670.21 Designation of native plants.

All plants whose normal range is limited to, or includes Antarctica are designated native plants, including:

- Bryophytes
- Freshwater algae
- Fungi

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- Lichens
- Marine algae
- Vascular Plants

§ 670.22 [Reserved]

Subpart E—Specially Protected Species of Mammals, Birds, and Plants

§ 670.23 Specific issuance criteria.

Permits authorizing the taking of mammals, birds, or plants designated as a Specially Protected Species of mammals, birds, and plants in § 670.25 may only be issued if:

- (a) There is a compelling scientific purpose for such taking;
- (b) The actions allowed under any such permit will not jeopardize the existing natural ecological system, or the survival of the affected species or population;
- (c) The taking involves non-lethal techniques, where appropriate; and
- (d) The authorized taking, transporting, carrying or shipping will be carried out in a humane manner.

§ 670.24 Content of permit applications.

In addition to the information required in subpart C of this part, an applicant seeking a permit to take a Specially Protected Species shall include the following in the application:

- (a) A detailed scientific justification of the need for taking the Specially Protected Species, including a discussion of possible alternative species;
- (b) Information demonstrating that the proposed action will not jeopardize the existing natural ecological system or the survival of the affected species or population; and
- (c) Information establishing that the taking, transporting, carrying, or shipping of any native bird or native mammal will be carried out in a humane manner.

§ 670.25 Designation of specially protected species of native mammals, birds, and plants.

The following species has been designated as Specially Protected Species by the Antarctic Treaty Parties and is hereby designated Specially Protected Species:

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Common Name and Scientific Name
Ross Seal—*Ommatophoca rossii*

[73 FR 14939, Mar. 20, 2008]

§ 670.26 [Reserved]

Subpart F—Antarctic Specially Protected Areas

§ 670.27 Specific issuance criteria.

Permits authorizing entry into any Antarctic Specially Protected Area designated in § 670.29 may only be issued if:

(a) The entry and activities to be engaged in are consistent with an approved management plan, or

(b) A management plan relating to the area has not been approved by the Antarctic Treaty Parties, but

(1) There is a compelling scientific purpose for such entry which cannot be served elsewhere, and

(2) The actions allowed under the permit will not jeopardize the natural ecological system existing in such area.

§ 670.28 Content of permit application.

In addition to the information required in subpart C of this part, an applicant seeking a permit to enter an Antarctic Specially Protected Area shall include the following in the application:

(a) A detailed justification of the need for such entry, including a discussion of alternatives;

(b) Information demonstrating that the proposed action will not jeopardize the unique natural ecological system in that area; and

(c) Where a management plan exists, information demonstrating the consistency of the proposed actions with the management plan.

§ 670.29 Designation of Antarctic Specially Protected Areas, Specially Managed Areas and Historic Sites and Monuments.

(a) The following areas have been designated by the Antarctic Treaty Parties for special protection and are hereby designated as Antarctic Specially Protected Areas (ASPAs). The Antarctic Conservation Act of 1978, as amended, prohibits, unless authorized by a permit, any person from entering or engaging in activities within an

ASPAs. Detailed maps and descriptions of the sites and complete management plans can be obtained from the National Science Foundation, Office of Polar Programs, National Science Foundation, Room 755, 4201 Wilson Boulevard, Arlington, Virginia 22230.

ASPAs 101 Taylor Rookery, Mac. Robertson Land

ASPAs 102 Rookery Islands, Holme Bay, Mac. Robertson Land

ASPAs 103 Ardery Island and Odbert Island, Budd Coast, Wilkes Land

ASPAs 104 Sabrina Island, Northern Ross Sea, Antarctica

ASPAs 105 Beaufort Island, McMurdo Sound, Ross Sea

ASPAs 106 Cape Hallett, Northern Victoria Land, Ross Sea

ASPAs 107 Emperor Island, Dion Islands, Marguerite Bay, Antarctic Peninsula

ASPAs 108 Green Island, Berthelot Islands, Antarctic Peninsula

ASPAs 109 Moe Island, South Orkney Islands

ASPAs 110 Lynch Island, South Orkney Islands

ASPAs 111 Southern Powell Island and adjacent islands, South Orkney Islands

ASPAs 112 Coppermine Peninsula, Robert Island, South Shetland Islands

ASPAs 113 Litchfield Island, Arthur Harbour, Anvers Island, Palmer Archipelago

ASPAs 114 Northern Coronation Island, South Orkney Islands

ASPAs 115 Lagotellerie Island, Marguerite Bay, Graham Land

ASPAs 116 New College Valley, Caughley Beach, Cape Bird, Ross Island

ASPAs 117 Avian Island, Marguerite Bay, Antarctic Peninsula

ASPAs 118 Summit of Mount Melbourne, Victoria Land

ASPAs 119 Davis Valley and Forlidas Pond, Dufek Massif, Pensacola Mountains

ASPAs 120 Pointe-Geologie Archipelego, Terre Adelie

ASPAs 121 Cape Royds, Ross Island

ASPAs 122 Arrival Heights, Hut Point Peninsula, Ross Island

ASPAs 123 Barwick and Balham Valleys, Southern Victoria Land

ASPAs 124 Cape Crozier, Ross Island

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- ASPAs 125 through 151 are listed in § 670.29.
- ASPAs 152 through 171 are listed in 45 CFR Ch. VI (10–1–13 Edition).
- (b) The following areas have been designated by the Antarctic Treaty Parties for special management and have been designated as Antarctic Specially Managed Areas (ASMA). Detailed maps and descriptions of the sites and complete management plans can be obtained from the National Science Foundation, Office of Polar Programs, Room 755, 4201 Wilson Boulevard, Arlington, Virginia 22230.
- ASMA 1 Admiralty Bay, King George Island
- ASMA 2 McMurdo Dry Valleys, Southern Victoria Land
- ASMA 3 Cape Denison, Commonwealth Bay, George V Land, East Antarctica
- ASMA 4 Deception Island
- ASMA 5 Amundsen-Scott South Pole Station, South Pole
- ASPAs 125 Fildes Peninsula, King George Island (25 de Mayo)
- ASPAs 126 Byers Peninsula, Livingston Island, South Shetland Islands
- ASPAs 127 Haswell Island
- ASPAs 128 Western shore of Admiralty Bay, King George Island, South Shetland Islands
- ASPAs 129 Rothera Point, Adelaide Island
- ASPAs 130 Tramway Ridge, Mount Erebus, Ross Island
- ASPAs 131 Canada Glacier, Lake Fryxell, Taylor Valley, Victoria Land
- ASPAs 132 Potter Peninsula, King George Island (Isla 25 de Mayo) (South Shetland Islands)
- ASPAs 133 Harmony Point, Nelson Island, South Shetland Islands
- ASPAs 134 Cierva Point and offshore islands, Danco Coast, Antarctic Peninsula
- ASPAs 135 North-eastern Bailey Peninsula, Budd Coast, Wilkes Land
- ASPAs 136 Clark Peninsula, Budd Coast, Wilkes Land
- ASPAs 137 North-west White Island, McMurdo Sound
- ASPAs 138 Linnaeus Terrace, Asgard Range, Victoria Land
- ASPAs 139 Biscoe Point, Anvers Island, Palmer Archipelago
- ASPAs 140 Parts of Deception Island, South Shetland Islands
- ASPAs 141 Yukidori Valley, Langhovde, Lutzow-Holm Bay
- ASPAs 142 Svarthamaren
- ASPAs 143 Marine Plain, Mule Peninsula, Vestfold Hills, Princess Elizabeth Land
- ASPAs 144 Chile Bay (Discovery Bay), Greenwich Island, South Shetland Islands
- ASPAs 145 Port Foster, Deception Island, South Shetland Islands
- ASPAs 146 South Bay, Doumer Island, Palmer Archipelago
- ASPAs 147 Ablation Valley and Ganymede Heights, Alexander Island
- ASPAs 148 Mount Flora, Hope Bay, Antarctic Peninsula
- ASPAs 149 Cape Shirreff and San Talmo Island, Livingston Island, South Shetland Islands
- ASPAs 150 Ardley Island, Maxwell Bay, King George Island (25 de Mayo)
- ASPAs 151 Lions Rump, King George Island, South Shetland Islands
- ASPAs 152 Western Bransfield Strait
- ASPAs 153 Eastern Dallmann Bay
- ASPAs 154 Botany Bay, Cape Geology, Victoria Land
- ASPAs 155 Cape Evans, Ross Island
- ASPAs 156 Lewis Bay, Mount Erebus, Ross Island
- ASPAs 157 Backdoor Bay, Cape Royds, Ross Island
- ASPAs 158 Hut Point, Ross Island
- ASPAs 159 Cape Adare, Borchgrevink Coast
- ASPAs 160 Frazier Islands, Windmill Islands, Wilkes Land, East Antarctica
- ASPAs 161 Terra Nova Bay, Ross Sea
- ASPAs 162 Mawson's Huts, Cape Denison, Commonwealth Bay, George V Land, East Antarctica
- ASPAs 163 Dakshin Gangotri Glacier, Dronning Maud Land
- ASPAs 164 Scullin and Murray Monoliths, Mac. Robertson Land
- ASPAs 165 Edmonson Point, Wood Bay, Ross Sea
- ASPAs 166 Port-Martin, Terre Adelie
- ASPAs 167 Hawker Island, Vestfold Hills, Ingrid Christensen Coast, Princess Elizabeth Land, East Antarctica
- ASPAs 168 Mount Harding, Grove Mountains, East Antarctica
- ASPAs 169 Amanda Bay, Ingrid Christensen Coast, Princess Elizabeth Land, East Antarctica
- ASPAs 170 Marion Nunataks, Charcot Island, Antarctic Peninsula
- ASPAs 171 Narebski Point, Barton Peninsula, King George Island

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ASMA 6 Larsemann Hills, East Antarctica

ASMA 7 Southwest Anvers Island and Palmer Basin

(c) The following areas have been designated by the Antarctic Treaty Parties as historic sites or monuments (HSM). The Antarctic Conservation Act of 1978, as amended, prohibits any damage, removal or destruction of a historic site or monument listed pursuant to Annex V to the Protocol.

Descriptions of the sites or monuments can be obtained from the National Science Foundation, Office of Polar Programs, Room 755, 4201 Wilson Boulevard, Arlington, Virginia 22230.

HSM 1 Flag mast erected in December 1965 at South Geographical Pole by the First Argentine Overland Polar Expedition.

HSM 2 Rock cairn and plaques erected in January 1961 at Syowa Station in memory of Shun Fukushima.

HSM 3 Rock cairn and plaque erected in January 1930 by Sir Douglas Mawson on Proclamation Island, Enderby Land.

HSM 4 Station building to which a bust of V.I. Lenin is fixed together with a plaque in memory of the conquest of the Pole of Inaccessibility, by Soviet Antarctic Explorers in 1958.

HSM 5 Rock cairn and plaque at Cape Bruce, Mac. Robertson Land, erected in February 1931 by Sir Douglas Mawson.

HSM 6 Rock cairn and canister at Walkabout Rocks, Vestfold Hills, Princess Elizabeth Land, erected in 1939 by Sir Hubert Wilkins.

HSM 7 Stone with inscribed plaque, erected at Mirny Observatory, Mabus Point, in memory of driver-mechanic Ivan Kharma.

HSM 8 Metal Monument sledge and plaque at Mirny Observatory, Mabus Point, in memory of driver-mechanic Anatoly Shcheglov.

HSM 9 Cemetery on Buromskiy Island, near Mirny Observatory.

HSM 10 Building (Magnetic Observatory) at Dobrowolsky Station, Bunger Hills, with plaque in memory of the opening of Oasis Station in 1956.

HSM 11 Heavy Tractor at Vostock Station with plaque in memory of the opening of the Station in 1957.

HSM 14 Site of ice cave at Inexpressible Island, Terra Nova Bay, constructed in March 1912 by Victor Campbell's Northern Party.

HSM 15 Hut at Cape Royds, Ross Island, built in February 1908 by the British Antarctic Expedition.

HSM 16 Hut at Cape Evans, Ross Island, built in January 1911 by the British Antarctic Expedition.

HSM 17 Cross on Wind Vane Hill, Cape Evans, Ross Island, erected by the Ross Sea Party in memory of three members of the party who died in the vicinity in 1916.

HSM 18 Hut at Hut Point, Ross Island, built in February 1902 by the British Antarctic Expedition.

HSM 19 Cross at Hut Point, Ross Island, erected in February 1904 by the British Antarctic Expedition in memory of George Vince.

HSM 20 Cross on Observation Hill, Ross Island, erected in January 1913 by the British Antarctic Expedition in memory of Captain Robert F Scott's party which perished on the return journey from the South Pole.

HSM 21 Remains of stone hut at Cape Crozier, Ross Island, constructed in July 1911 by the British Antarctic Expedition.

HSM 22 Three huts and associated relics at Cape Adare Two built in February 1899 the third was built in February 2011 all by the British Antarctic Expedition.

HSM 23 Grave at Cape Adare of Norwegian biologist Nicolai Hanson.

HSM 24 Rock cairn, known as "Amundsen's cairn," at Mount Betty, Queen Maud Range erected by Roald Amundsen in January 1912.

HSM 26 Abandoned installations of Argentine Station "General San Martin" on Barry Island, Debenham Islands, Marguerite Bay, Antarctic Peninsula.

HSM 27 Cairn with a replica of a lead plaque erected at Megalestris Hill, Petermann Island in 1909 by the second French expedition.

HSM 28 Rock Cairn at Port Charcot, Booth Island, with wooden pillar and plaque.

HSM 29 Lighthouse named "Primero de Mayo" erected on Lambda Island, Melchior Islands, by Argentina in 1942.

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HSM 30 Shelter at Paradise Harbour erected in 1950.

HSM 32 Concrete Monolith erected in 1947 near Capitan Arturo Prat Base on Greenwich Island, South Shetland Islands.

HSM 33 Shelter and cross with plaque near Capitan Arturo Prat Base Greenwich Island, South Shetland Islands.

HSM 34 Bust at Capitan Arturo Prat base Greenwich Island, South Shetland Islands, of Chilean naval hero Arturo Prat.

HSM 35 Wooden cross and statue of the Virgin of Carmen erected in 1947 near Capitan Arturo Prat base Greenwich Island, South Shetland Islands.

HSM 36 Replica of a metal plaque erected by Eduard Dallman at Potter Cove, King George Island, South Shetland Islands.

HSM 37 Statue erected in 1948 at General Bernardo O'Higgins Base (Chile) Trinity Peninsula.

HSM 38 Wooden hut on Snow Hill Island built in February 1902 by the Swedish South Polar Expedition.

HSM 39 Stone hut at Hope Bay, Trinity Peninsula built in January 1903 by the Swedish South Polar Expedition.

HSM 40 Bust of General San Martin, grotto with statue of the Virgin Lujan, a flag mast and graveyard at Base Esperanza, Hope Bay Trinity Peninsula, erected by Argentina in 1955.

HSM 41 Stone hut and grave at Paulet Island built in 1903 by members of the Swedish South Polar Expedition.

HSM 42 Area of Scotia bay, Laurie Island, South Orkney containing stone huts built in 1903 by the Scottish Antarctic Expedition, Argentine meteorological hut and magnetic observatory (Moneta house) and graveyard.

HSM 43 Cross erected in 1955 and subsequently moved to Belgrano II Station, Nunatak Bertrab, Confin Coast, Coats Land in 1979.

HSM 44 Plaque erected at temporary Indian Station "Dakshin Gangotri," Princess Astrid Kyst, Droning Maud Land, listing the names of the first Indian Antarctic Expedition.

HSM 45 Plaque on Brabant Island, on Metchnikoff Point, at a height of 70m on the crest of the moraine sepa-

rating this point from the glacier and bearing an inscription.

HSM 46 All of the buildings and installations of Port-Martin Base, Terre Ad6lie, constructed in 1950 by the 3rd French expedition in Terre Ad6lie.

HSM 47 Wooden building called "Base Marret" on the Ile des Petrels, Terre Ad6lie.

HSM 48 Iron Cross on the North-East headland of the Ile des Petrels, Terre Ad6lie.

HSM 49 Concrete pillar erected by the First Polish Antarctic Expedition at Dobrowski Station on Bunger Hill in January 1959, to measure acceleration due to gravity.

HSM 50 Brass Plaque bearing the Polish Eagle at Fildes Peninsula, King George Island, South Shetland Islands.

HSM 51 Grave of Wlodzimierz Puchalski, surmounted by an iron cross south of Arctowski station on King George Island, South Shetland Islands.

HSM 52 Monolith commemorating the establishment on 20 February 1985 of the "Great Wall Station" on Fildes Peninsula, King George Island, South Shetland Islands.

HSM 53 Bust of Captain Luis Alberto Pardo, monolith and plaques on Point Wild, Elephant Island, South Shetland Islands.

HSM 54 Richard E. Byrd Historic Monument, a bronze bust at McMurdo Station.

HSM 55 East Base, Antarctica, Stonington Island (Buildings and artifacts) erected by the Antarctic Service Expedition (1939–1941) and the Ronne Antarctic Research Expedition (1947–1948).

HSM 56 Waterboat Point, Danco Coast, (remains of hut and environs).

HSM 57 Plaque at "Yankee Bay" (Yankee Harbour), MacFarlane Strait, Greenwich Island, South Shetland Islands.

HSM 59 Cairn on Half Moon Beach, Cape Shirreff, Livingston Island, South Shetland Islands and a Plaque on 'Cerro Gaviota' opposite San Telmo Islets.

HSM 60 Wooden plaque and cairn placed in November 1903 at "Penguins Bay," Seymour Island (Marambio), James Ross Archipelago.

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HSM 61 “Base A” at Port Lockroy, Goudier Island, off Wiencke Island.

HSM 62 “Base F” (Wordie House), on Winter Island, Argentine Islands.

HSM 63 “Base Y” on Horseshoe Island, Marguerite Bay, western Graham Land.

HSM 64 “Base E” on Stonington Island, Marguerite Bay, western Graham Land.

HSM 65 Message post erected in January 1895 on Svend Foyn Island, Possession Islands.

HSM 66 Prestrud’s cairn, Scott Nunataks, Alexandra Mountains, Edward VII Peninsula erected in December 1911.

HSM 67 Rock shelter known as “Granite House,” erected in 1911 at Cape Geology, Granite Harbour.

HSM 68 Site of depot at Hells Gate Moraine, Inexpressible Island, Terra Nova Bay.

HSM 69 Message post at Cape Crozier, Ross Island, erected January 1902 by Capt. Robert F. Scott’s Discovery Expedition.

HSM 70 Message post at Cape Wadworth, Coulman Island, erected January 1902 by Capt. Robert F. Scott.

HSM 71 Whalers Bay, Deception Island, South Shetland Islands (includes whaling artifacts).

HSM 72 Mikkelsen Cairn, Tryne Islands, Vestfold Hills.

HSM 73 Memorial Cross for the 1979 Mount Erebus crash victims, erected in January 1987 at Lewis Bay, Ross Island.

HSM 74 Unnamed cove on the southwest coast of Elephant Island, South Shetland Islands, including the foreshore and intertidal area, in which the wreckage of a large wooden sailing vessel is located.

HSM 75 “A Hut” of Scott base, Pram Point, Ross Island.

HSM 76 Ruins of base Pedro Aguirre Cerda, Pendulum Cove, Deception Island, South Shetland Islands.

HSM 77 Cape Denison, Commonwealth Bay, George V Land, including Boat Harbour and the historic artifacts contained within its waters.

HSM 78 Memorial Plaque at India Point, Humboldt Mountains, Wohlthat Massif, central Dronning Maud Land.

HSM 79 Lillie Marleen Hut, Mt. Dockery, Everett Range, Northern Victoria Land.

HSM 80 Amundsen’s Tent erected in December 1911 at the South Pole.

HSM 81 Rocher du Debarquement (Landing Rock).

HSM 82 Monument to the Antarctic Treaty and Plaques, Fildes Peninsula, King George Island, South Shetland Islands.

HSM 83 Base “W” established in 1956 at Detaille Island, Lallemande Fjord, Loubert Coast.

HSM 84 Hut erected in 1973 at Damoy Point, Dorian Bay, Wiencke Island, Palmer Archipelago.

HSM 85 Plaque Commemorating the PM-3A Nuclear Power Plant at McMurdo Station.

HSM 86 No.1 Building Commemorating China’s Antarctic Expedition at Great Wall/Station.

[77 FR 5404, Feb. 3, 2012]

§ 670.30 [Reserved]

Subpart G—Import Into and Export From the United States

§ 670.31 Specific issuance criteria for imports.

Subject to compliance with other applicable law, any person who takes a native mammal, bird, or plant under a permit issued under the regulations in this part may import it into the United States unless the Director finds that the importation would not further the purpose for which it was taken. If the importation is for a purpose other than that for which the native mammal, bird, or plant was taken, the Director may permit importation upon a finding that importation would be consistent with the purposes of the Act, the regulations in this part, or the permit under which they were taken.

§ 670.32 Specific issuance criteria for exports.

The Director may permit export from the United States of any native mammal, bird, or native plants taken within Antarctica upon a finding that exportation would be consistent with the purposes of the Act, the regulations in this part, or the permit under which they were taken.

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§ 670.33 Content of permit applications.

In addition to the information required in subpart C of this part, an applicant seeking a permit to import into or export from the United States a native mammal, a native bird, or native plants taken within Antarctica shall include the following in the application:

- (a) Information demonstrating that the import or export would further the purposes for which the species was taken;
- (b) Information demonstrating that the import or export is consistent with the purposes of the Act or the regulations in this part;
- (c) A statement as to which U.S. port will be used for the import or export, and
- (d) Information describing the intended ultimate disposition of the imported or exported item.

§ 670.34 Entry and exit ports.

(a) Any native mammal, native bird, or native plants taken within Antarctica that are imported into or exported from the United States must enter or leave the United States at ports designated by the Secretary of Interior in 50 CFR part 14. The ports currently designated are:

- (1) Los Angeles, California.
- (2) San Francisco, California.
- (3) Miami, Florida.
- (4) Honolulu, Hawaii.
- (5) Chicago, Illinois.
- (6) New Orleans, Louisiana.
- (7) New York, New York.
- (8) Seattle, Washington.
- (9) Dallas/Fort Worth, Texas.
- (10) Portland, Oregon.
- (11) Baltimore, Maryland.
- (12) Boston, Massachusetts.
- (13) Atlanta, Georgia.

(b) Permits to import or export at non-designated ports may be sought from the Secretary of Interior pursuant to subpart C, 50 CFR part 14.

§ 670.35 [Reserved]

Subpart H—Introduction of Non-Indigenous Plants and Animals

§ 670.36 Specific issuance criteria.

For purposes consistent with the Act, only the following plants and animals may be considered for a permit allowing their introduction into Antarctica:

- (a) Domestic plants; and
- (b) Laboratory animals and plants including viruses, bacteria, yeasts, and fungi.

Living non-indigenous species of birds shall not be introduced into Antarctica.

§ 670.37 Content of permit applications.

Applications for the introduction of plants and animals into Antarctica must describe:

- (a) The species, numbers, and if appropriate, the age and sex, of the animals or plants to be introduced into Antarctica;
- (b) The need for the plants or animals;
- (c) What precautions the applicant will take to prevent escape or contact with native fauna and flora; and
- (d) How the plants or animals will be removed from Antarctica or destroyed after they have served their purpose.

§ 670.38 Conditions of permits.

All permits allowing the introduction of non-indigenous plants and animals will require that the animal or plant be kept under controlled conditions to prevent its escape or contact with native fauna and flora and that after serving its purpose the plant or animal shall be removed from Antarctica or be destroyed in manner that protects the natural system of Antarctica.

§ 670.39 [Reserved]

PART 671—WASTE REGULATION

Subpart A—Introduction

- Sec.
- 671.1 Purpose of regulations.
- 671.2 Scope.
- 671.3 Definitions.