

§ 660.12

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

Subpart A—Introduction

Sec.

- 670.1 Purpose of regulations.
- 670.2 Scope.
- 670.3 Definitions.

Subpart B—Prohibited Acts, Exceptions

- 670.4 Prohibited acts.
- 670.5 Exception in extraordinary circumstances.
- 670.6 Prior possession exception.
- 670.7 Food exception.
- 670.8 Foreign permit exception.
- 670.9 Antarctic Conservation Act enforcement exception.
- 670.10 [Reserved]

Subpart C—Permits

- 670.11 Applications for permits.
- 670.12 General issuance criteria.
- 670.13 Permit administration.
- 670.14 Conditions of permits.
- 670.15 Modification, suspension, and revocation.
- 670.16 [Reserved]

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

- 670.17 Specific issuance criteria.
- 670.18 Content of permit applications.
- 670.19 Designation of native mammals.
- 670.20 Designation of native birds.
- 670.21 Designation of native plants.
- 670.22 [Reserved]

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

- 670.23 Specific issuance criteria.

45 CFR Ch. VI (10–1–05 Edition)

- 670.24 Content of permit applications.
- 670.25 Designation of specially protected species of native mammals, birds and plants.
- 670.26 [Reserved]

Subpart F—Antarctic Specially Protected Areas

- 670.27 Specific issuance criteria.
- 670.28 Content of permit applications.
- 670.29 Designation of Antarctic specially protected areas.
- 670.30 [Reserved]

Subpart G—Import Into and Export From the United States

- 670.31 Specific issuance criteria for imports.
- 670.32 Specific issuance criteria for exports.
- 670.33 Content of permit applications.
- 670.34 Entry and exit ports.
- 670.35 [Reserved]

Subpart H—Introduction of Non-Indigenous Plants and Animals

- 670.36 Specific issuance criteria.
- 670.37 Content of permit applications.
- 670.38 Conditions of permits.
- 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.

National Science Foundation

§ 670.3

(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 outstanding 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, 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.