

## National Science Foundation

§ 670.20

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*.<sup>1</sup>  
Southern elephant seal—*Mirounga leonina*.  
Southern fur seals—*Arctocephalus spp.*<sup>1</sup>  
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 glacialis*.  
Southern Giant—*Macronectes giganteus*.

#### Gull

Southern Black-backed—*Larus dominicanus*.

#### Jaeger

Parasitic—*Stercorarius parasiticus*.  
Pomarine—*Stercorarius pomarinus*

#### Penguin

Adelie—*Pygoscelis adeliae*.  
Chinstrap—*Pygoscelis antarctica*.  
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 lessona*.  
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*.

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

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*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
- 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;

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(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:

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

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**§ 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