

National Science Foundation

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(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

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

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 breviceuda*

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-head—*Diomedea chrysostoma*.

Light-mantled sooty—*Phoebastria palpebrata*.

Wandering—*Diomedea exulans*.

Fulmer:

Northern Giant—*Macronectes halli*.

Southern—*Fulmarus glacialisoides*.

Southern Giant—*Macronectes giganteus*.

Gull:

Southern Black-backed—*Larus dominicanus*.

Jaeger:

Parasitic—*Stercorarius parasiticus*.

Pomarine—*Stercorarius pomarius*.

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—*Fregatta tropica*.

Blue—*Halobaena caerulea*.

Gray—*Procellaria cinerea*.

Great-winged—*Pterodroma macroptera*.

Kerguelen—*Pterodroma macroptera*.

Kerguelen—*Pterodroma brevirostris*.

Mottled—*Pterodroma inexpectata*.

Snow—*Pagodroma nivea*.

Soft-plumaged—*Pterodroma mollis*.

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- South-Georgia Diving—*Pelecanoides georgicus*.
- White-bellied Storm—*Fregetta grallaria*.
- White-chinned—*Procellaria aequinoctialis*.
- White-headed—*Pterodroma lessonia*.
- 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*.

§ 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

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(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 two species have been designated as Specially Protected Species by the Antarctic Treaty Parties and are hereby designated Specially Protected Species:

- Common Name and Scientific Name
- Kerguelen Fur Seal—*Arctocephalus tropicales gazella*.
- Ross Seal—*Ommatophoca rossi*.

§ 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