



NOTICE TO THE WILDLIFE IMPORT/EXPORT COMMUNITY



Date 08/22/2023

Subject: Applicability of 50 CFR 12 (Seizure and Forfeiture Procedures) Revisions to Existing Seizures and Forfeitures

Background: The U.S. Fish and Wildlife Service (Service or we) recently revised the seizure and forfeiture regulations at 50 CFR 12. We published the final rule in the Federal Register on July 25, 2023, at [88 FR 47808](#). The regulations are effective 30 days after publication; thus, they are effective on Thursday, August 24, 2023.

The Service has authority under several laws we enforce, such as the Endangered Species Act, to forfeit fish, wildlife, and plants that we seize, to the United States. These regulations under 50 CFR 12 set procedures for exercising that authority. The main goal of the rulemaking is to align the regulations with the [Civil Asset Forfeiture Reform Act of 2000](#) and our current practice implementing that law. We also reorganized, modernized, and clarified the regulations, making them easier to understand and apply.

Stakeholders may have questions about which version of the regulations apply in particular cases, and whether the new regulations are retroactive in any way. For example, a stakeholder whose property we seized prior to the regulations being effective may wonder whether we will apply the revised or previous version of the regulations as we take subsequent steps toward forfeiture, as appropriate, once the effective date has passed. Likewise, a stakeholder who submitted a petition for remission prior to the regulations' effective date may wonder which set of regulations we will apply in evaluating their petition. We did not say anything in the Federal Register notice that announced the final rule about how we would apply the regulations to existing matters. Therefore, we are issuing this public bulletin to inform stakeholders of our position.

Action: We will only apply the revised regulations to seizures that we make on or after the effective date (August 24, 2023), and any actions that flow from those seizures, e.g., addressing petitions for remission, forfeiture, or disposal. This is the cleaner, clearer, and fairer outcome for the regulated community; there is analogous precedent for this approach in other Service rulemakings; and it provides time for all involved to familiarize themselves with the new regulations.

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