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**DEPARTMENT OF THE INTERIOR**
**Fish and Wildlife Service**
**50 CFR Part 17**
**Endangered and Threatened Wildlife and Plants; Finding on a Petition To List the Alligator Snapping Turtle as a Threatened Species**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of finding on a petition to list the alligator snapping turtle as a threatened species.

**SUMMARY:** The Service announces its findings on a petition by Dr. Peter C. H. Pritchard to list the alligator snapping turtle (*Macroclemys temmincki*) under provisions of the Endangered Species Act to 1973, as amended (the Act). This petition was received by the Service on February 23, 1983. Provisions of the Endangered Species Act Amendments of 1982. (Amendments) require that a finding be made within one year of the receipt of a petition; as a result of the review by the Service of the biological information available on this species, it was concluded that listing as an endangered or threatened species is not justified at present.

**DATE:** The finding described in this notice was made on February 10, 1984.

**FOR FURTHER INFORMATION CONTACT:** Mr. Alex Montgomery, Endangered Species Specialist, U.S. Fish and Wildlife Service, Richard B. Russell Federal Building, 75 Spring St. SW., Atlanta, Georgia 30303 (404/221-3583), or Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235-2771).

**SUPPLEMENTARY INFORMATION:**

**Background**

The 1982 amendments to the Endangered Species Act require a finding to be made within 12 months of petition receipt for any petition accepted for review in accordance with paragraph A or D(i) of Section 4(b)(3) as amended. Pursuant to paragraph B or D(ii) of Section 4(b)(3), this determines whether or not the requested action is warranted.

The finding and any further procedures to be undertaken (for example species listing or delisting, critical habitat revision, or necessary postponement of such actions) are to be announced promptly in the **Federal Register**.

The alligator snapping turtle (*Macroclemys temmincki*) was included in the Review of Vertebrate Wildlife for Listing as Endangered or Threatened Species, published in the **Federal Register** on December 30, 1982. It was placed in category 2, " \* \* \* information now in possession of the Service indicates that proposing to list the species as endangered or threatened is possibly appropriate, but for which substantial data are not currently available to biologically support a proposed rule." These data consisted primarily of the species' occurrence on approximately half of the official and unofficial protected species lists compiled in various States throughout its range. No specific population status data were available at that time.

On February 23, 1983, the Fish and Wildlife Service (Service) was petitioned by Dr. Peter C. H. Pritchard to list the alligator snapping turtle. The petition included a report prepared by Dr. Pritchard and was accepted as providing substantial information " \* \* \* that the petitioned action may be warranted." The report consisted of a review of available literature on the species' taxonomic and evolutionary relationships, morphology, life history, distribution, exploitation, and population status. Researchers and commercial trappers familiar with the species were interviewed for the report; little or no field work was done.

According to Dr. Pritchard's report, alligator snapping turtles have been reported in over 67 rivers, creeks, lakes, and other systems in 14 States. Anecdotal information was reported from about 37 populations. Reduced populations were reported in nine (eight in Louisiana) and good populations were reported in 18. Although the other 12 were reported to have low populations, nine of those were in marginal habitat.

Section 4(b)(3)(A) of the Endangered Species Act of 1973, as amended in 1982, requires that the Service make a finding whether a petition to list, reclassify, or delist a species presents substantial scientific or commercial information that the petitioned action may be warranted. To the maximum extent practicable, this finding is to be made within 90 days of receipt of the petition, and the finding is to be published promptly in the **Federal Register**. Similarly, Section 4(b)(D)(i) of

the Act requires a finding within 90 days on a petition to revise critical habitat, with prompt publication of the finding. When a positive finding is made on a petition to list, reclassify, or delist a species, the Service is required to promptly commence a review of the status of the species.

On June 14, 1983, the Service published a notice in the **Federal Register** (48 FR 27273-4) to the effect that this petition did contain a substantial amount of data to indicate that an action "may be warranted." Although the species was already included in the December 30, 1982 review of vertebrate species, an additional effort was made to contact States, other Federal agencies, interested scientists, and private individuals concerning the status of this species.

**Finding**

During the review of status, which was coordinated by the Service's Atlanta Regional Office, knowledgeable herpetologists and responsible State agencies were contacted for their comments and recommendations. The Service's Albuquerque, New Mexico, and Twin Cities, Minnesota, Regional Offices also participated in the review, as did the Asheville, North Carolina, and Jacksonville, Florida, Endangered Species Field Stations. All comments were eventually collected and reviewed by the Jackson, Mississippi, Endangered Species Field Station.

Over 10 new collection records were received, and the species' range was extended into at least nine more counties than were documented in Dr. Pritchard's report. However, over half of the commenters did not address the turtle's status, and no significant new information was received on its specific population trends or threats to its existence.

Furthermore, among the comments expressing an opinion about the species' status, there are many contradictions. For example, Dr. Pritchard indicated that the species is in severe trouble in Louisiana, but two comments from the Louisiana Department of Wildlife and Fisheries indicate that the species is still common throughout the State, that it needs no management, and that they are strongly opposed to Federal listing. Similarly, from Alabama, two State agency officials and a zoo herpetologist indicated that listing is not necessary,

while two Auburn University researchers favored it. In Florida, where Dr. Pritchard cited previous reports from State herpetologist Paul Moler and the late Service herpetologist Dr. Howard Campbell indicating at least localized population declines, there is no State support for listing at this time, although they are receptive to further study. A researcher in Arkansas stated that the species is not rare in that State; no official State comment was received. On the other hand, two States—Oklahoma and Texas—indicated they see a possible benefit from Federal listing. None of these opinions were supported by significant new data.

Eight comments generally indicated that additional field work should be conducted. In regard to the importance of a monitoring program, three comments indicated it would be beneficial, one considered it a low priority, and one said it was necessary. Other management recommendations received included a Savannah River Ecology Laboratory ecologist's suggestion for a moratorium on commercial exploitation and for a captive breeding program to enhance recruitment.

The alligator snapping turtle is classified as "rare" in Missouri, "in need of management" in Tennessee, and is under review for State listing in Texas. The Tennessee designation provides some protection to the species and its habitat. Although the turtle is not included in the very extensive State of Florida list, that State does effectively prohibit commercial exploitation of the species. It is not included on the State lists, and receives no State protection, in

Georgia or Arkansas. No other States within its range have official lists. Louisiana law prohibits collection of its eggs, and Mississippi requires nonresident commercial trappers to obtain a permit.

No significant additional research or field data were documented in this review beyond that already presented by Dr. Pritchard with his petition. Existing data indicate that of the 67 aquatic systems inhabited by the species, nine have reduced populations, eight of which are in Louisiana. Although there has been some excessive harvest causing local population declines in Florida and Louisiana, the former State now prohibits commercial take, while the latter believes that the species is in no trouble. There is no consensus about the status of the species.

Habitat alterations such as dam building and dredge spoil disposal have been cited as potential threats, but such activities could also potentially increase nesting sites. The specific effects of water pollution, dredging, salt water intrusion, and land use changes on the turtle have not been documented. As a result of the review of the biological and commercial information as discussed above, the Service, in a decision dated February 10, 1984, concluded that there were still not sufficient data to determine that the alligator snapping turtle should be listed under provisions of the Act.

The discussion of "Category 2" species in the December 30, 1982, **Federal Register**, which first announced a status review of the alligator snapping turtle, stated that "Further biological

research and field study will usually be necessary to ascertain the status of the taxa in this category \* \* \*." This is still the case for the alligator snapping turtle. Although some local populations may have been depleted, available data do not show that the species is in danger of extinction throughout all or a significant portion of its range, nor that it is likely to become so within the foreseeable future. The status review will be continued through correspondence with agencies and experts, and positive management actions will be encouraged where possible. A population status survey is desirable for future monitoring of the population trends of the species.

#### Author

This notice was prepared by Dr. C. Kenneth Dodd, Jr., Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235-1975) based on information supplied by the Atlanta Regional Office.

#### List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

(Pub. L. 93-205, 87 Stat. 884; Pub. L. 94-359, 90 Stat. 911; Pub. L. 95-632, 92 Stat. 3751; Pub. L. 96-159, 93 Stat. 1225; Pub. L. 97-304, 96 Stat. 1411 (16 U.S.C. 1531 *et seq.*)

Dated: February 23, 1984.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

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