The Endangered Species Act of 1973 (16 U.S.C. 1533(a)(1)) states that the Secretary of the Interior or the Secretary of Commerce may determine a species to be an endangered species or a threatened species because of any of five factors. These factors, and their applications to the species Loggerhead, and Pacific ridley sea turtles are as follow:

1. Present or threatened destruction, modification, or curtailment of habitat or range—(a) Green sea turtle. This species has a circumglobal distribution in the tropics, but has been greatly reduced in numbers and distribution, especially in the Caribbean Sea, Gulf of Mexico, and part of the Pacific Ocean. Development of both coastal cities and industry and tourism, within the species range, is progressively destroying nesting sites.
(b) Loggerhead sea turtle. Coastal development is resulting in a decline in numbers and distribution.
(c) Pacific ridley sea turtle. Apparent, there has been little recent change in overall distribution, but certain rookeries have been eliminated, and suitable habitat along coastlines is decreasing because of human development.

2. Overutilization for commercial, sporting, scientific, or educational purposes—(a) Green sea turtle. This species is probably among the larger consumers of turtle products. For centuries the meat, eggs, and shell have been eaten for centuries. The more recently oil and leather have found increased use in industry. An international market in turtle products now exists, with the United States being among the largest consumers. Heavy egg harvests continue, essentially in southeast Asia, and sometimes nearly all clutches on a nesting beach are taken. This intensive exploitation has been causing a drastic decline in numbers throughout much of the world.
(b) Loggerhead sea turtle. While not subject to the same heavy hunting pressure as the green sea turtle, loggerhead beaches have been heavily harvested, and some turtles are killed for meat or sport.
(c) Pacific ridley sea turtle. This species seldom is taken commercially for meat, but egg harvesting is intensive along the coasts of Central America and southeast Asia. Egg collecting and disturbance of nests were the main causes of a great reduction of turtles in Sri Lanka.

3. Disease and predation—(a) Green sea turtle. Disease or predation are not presently known to constitute a major threat to the species, but these factors could develop into serious problems if populations become more restricted in distribution and numbers.
(b) Loggerhead sea turtle. Raccoons prey heavily on eggs in nests along the coasts of the southeastern United States. This problem was intensified because of man’s elimination of cougars and other natural predators of raccoons.
(c) Pacific ridley sea turtle. Disease and predation are not presently known to constitute a major threat to the species, but these could develop into serious problems if populations become more restricted in distribution and numbers.

4. The inadequacy of existing regulatory mechanisms—(a) Green sea turtle. Present laws and enforcement measures are not adequate with regard to exploitation and importation of turtles and turtle products. The United States and Europe continue to serve as major outlets for the world market, even though populations are declining. In some areas turtles are protected on nesting sites, but are subject to unregulated hunting at sea.
(b) Loggerhead sea turtle. Although there is legal protection along the coasts of the United States and Australia, some other countries permit the commercial taking of turtles and eggs. The lack of restrictions on importing loggerhead sea turtles into the United States encourages this exploitation.
(c) Pacific ridley sea turtle. Importation of turtle products by the United States may be encouraging excessive exploitation in Mexico.

5. Other natural or manmade factors affecting its existence—(a) Green sea turtle. Commercial fishermen accidentally catch and drown sea turtles in nets. Much of the incidental catch is by fishermen trawling for shrimp.
(b) Loggerhead sea turtle. Many of these turtles are accidentally caught and killed in trawl nets. Along some coastlines bright city or highway lights confuse hatchlings, and attract them instead where they die.
(c) Pacific ridley sea turtle. Accidental catching also may be a problem for this species in some areas.

Factors 1, 2, and 4 are considered the major reasons for the decline of these species.

Description of the Proposal

The proposed listing would add the three sea turtles—the green sea turtle, the loggerhead sea turtle, and the Pacific ridley sea turtle—to the threatened wildlife list.

The proposal also lists all the activities which are prohibited in regard to these species. These include taking, importing, exporting, interstate transportation in the course of a commercial activity, and interstate sale. However, the prohibitions on the interstate transport and sale will not apply until after 1 year from the date of publication of these proposed regulations.

There would also be a series of exceptions to the prohibitions, including mariculture operations and economic hardship. Specifically, the exceptions are as follows:

1. Permits for scientific purposes, or enhancement of propagation or survival could be issued on the same basis as they are for endangered species under Fish and Wildlife Service regulations, except that the mandatory 30-day public review period would not apply:

2. Injured, dead, or stranded specimens could be salvaged or disposed of by Federal or State officials.

3. Incidental catch of sea turtles during fishing or research activities conducted at sea would be exempted, provided that the fishing or research are not taking place in areas of substantial breeding or feeding, and that the sea turtles are immediately returned to the sea.

4. An exception, under controls, would be authorized for mariculture, for
two years, if there is a periodic showing of significant progress, deemed sufficient by both the Fish and Wildlife Service and the National Marine Fisheries Service, toward raising the turtles in captivity from a completely self-sustaining stock; after the second year the exception would be continued only if the sea turtles are being raised in captivity from a completely self-sustaining stock.

The National Marine Fisheries Service, as of the date of the proposal, would be consulted only if the sea turtles were not held in the course of a commercial activity; and

(b) Live specimens or products held as of the date of the proposal would be exempted from the prohibitions provided they were not held in the course of a commercial activity; and

(c) Permits would be available for economic hardship, on the same basis as they are for endangered species under Fish and Wildlife Service regulations.

While we recognize that there is some subsistence taking of these species for food purposes by persons subject to the jurisdiction of the United States, these regulations do not allow for such taking. It is believed that in no case should taking for food purposes be allowed on or near nesting beaches. Although there may be a limited subsistence taking in other areas for food purposes, we do not believe it to be a dominant factor in maintaining life, as there are alternative food sources from species other than those that are believed to be threatened with extinction.

At a later time, a description of certain breeding and feeding areas of these species of sea turtles will be proposed in the Federal Register to be designated as critical habitat.

**PERMIT REGULATIONS**

Several of the exceptions referred to above allow the issuance of permits. Although these three sea turtles are proposed as threatened species, and not endangered species, certain permits for their use would be issued under the rules and procedures proposed by the Fish and Wildlife Service for endangered species. It is felt that this will simplify permit administration, and will make permit procedures simpler and more uniform for the public.

Simultaneously with this proposal, the Fish and Wildlife Service has proposed amendments to §§ 17.22 and 17.23, to revise and update those sections. With these amendments, the permit regulations of the Fish and Wildlife Service will be appropriate for endangered species, and for threatened species of sea turtles under these regulations. Permit applications must be submitted to the Fish and Wildlife Service, under its regulations. Processing of applications and issuance of permits will be carried out jointly by the Fish and Wildlife Service and the National Marine Fisheries Service. This will simplify permit processing for the public, while assuring adequate review of all applications, for the benefit of the wildlife resource.

**PUBLIC COMMENTS SOLICITED**

The Directors of the Fish and Wildlife Service and the National Marine Fisheries Service, intend that finally adopted rules be as responsive as possible to the conservation of sea turtles. They therefore desire to obtain the comments and suggestions of the public, other concerned State and Federal Governmental agencies and private interest groups on these proposed rules.

During this comment period, the Services will consult, in cooperation with the Secretary of State, with other nations within whose territories these turtles occur in the wild or whose citizens harvest them upon high seas. Those views will be considered prior to publication of final regulations.

Final promulgation of sea turtle regulations will take into consideration the comments received by the Directors. Such comments and any additional information received, may lead the Directors to adopt final regulations that differ from this proposal. The Fish and Wildlife Service and the National Marine Fisheries Service have under preparation an environmental assessment concerning this matter.

**SUBMITTAL OF WRITTEN COMMENTS**

Written comments, views, and objections may be made, preferably in triplicate, to the Director (FWS/LP), Fish and Wildlife Service, U.S. Department of the Interior, P.O. Box 19135, Washington, D.C. 20036, on or before July 18, 1975. Final regulations will be promulgated as soon as possible after the 60-day comment period required by the Endangered Species Act of 1973. If any person feels that he may be adversely affected by the proposed regulations, he may file objections thereto and request a public hearing thereon on or before July 3, 1975. Comments received will be available for public inspection during normal business hours at the Fish and Wildlife Service Office in Suite 600, 1612 K Street, N.W., Washington, D.C.

This notice of proposed rulemaking is issued under the authority of the Endangered Species Act of 1973 (16 U.S.C. 1531-1543).

ROBERT W. SCHONING,
Director, National Marine Fisheries Service.

LYNN A. GREENWALT,
Director, U.S. Fish and Wildlife Service.

MAY 15, 1975.

Accordingly, it is proposed to add a new Subpart C, Green Sea Turtle (Chelonia mydas), Loggerhead Sea Turtle (Caretta caretta), and Pacific Ridley Sea Turtle (Lepidochelys olivacea), in Part 227, Threatened Species—Fish, (proposed 39 FR 14777-14778), Chapter II of Title 50, Code of Federal Regulations, as follows:

Subpart C—Green Sea Turtle (Chelonia mydas), Loggerhead Sea Turtle (Caretta caretta), and Pacific Ridley Sea Turtle (Lepidochelys olivacea)

Sec. 227.21 Prohibitions.

227.22 Exceptions to the prohibitions.


§ 227.21 Prohibitions.

The following prohibitions apply to green sea turtles, Chelonia mydas (including C. agassizi Boucourt), loggerhead sea turtles, Caretta caretta, and Pacific ridley sea turtles Lepidochelys olivacea. For a listing of these sea turtles as threatened species, see § 17.32(e)(1), (2), and (3) of Chapter I of this title. Excep to as provided in § 227.22 below, it is unlawful for any person subject to the jurisdiction of the United States to:

(a) Import any such species into, or export any such species from, the United States.

(b) Take any such species within the United States or the territorial sea of the United States;

(c) Take any such species upon the high seas;

(d) Possess, sell, deliver, carry, transport, or ship, by any means whatsoever, any such species taken in violation or prohibited in paragraphs (b) and (c) of this section.

(e) Deliver, receive, carry, transport, or ship in foreign commerce by any means whatsoever and in the course of a commercial activity, or sell or offer for sale in foreign commerce, any such species; and

(f) After one year from the date of publication of these proposed regulations, deliver, receive, carry, transport, or ship in interstate commerce by any means whatsoever and in the course of a commercial activity, or sell or offer for sale in interstate commerce, any such species.

§ 227.22 Exceptions to the prohibitions.

The following exceptions apply to the prohibitions, as set forth in § 227.21, governing sea turtle species Chelonia mydas (including C. agassizi Boucourt), Caretta caretta, and Lepidochelys olivacea.

(a) Scientific purposes, enhancement of propagation or survival. The Directors of the National Marine Fisheries Service and the Fish and Wildlife Service (hereinafter referred to as the "Directors") may jointly process applications and issue permits for activities which would otherwise be prohibited regarding such sea turtles, for scientific purposes or to enhance the propagation or survival of such species. The requirements of section 10(a) of the Endangered Species Act of 1973 (16 U.S.C. 1539(a)) regarding permits for endangered species shall apply to applications for permits under this provision as if such sea turtles were classified "endangered," but in no case shall the requirements of section 10(c) of the Act apply to such permits. Application shall be made in accordance with the requirements of Subchapter B, Chapter I of this Title 50, and the requirements of § 17.22 of Subchapter B, Chapter I of this Title 50. The duration of permits under this provision shall be designated on the face of the permit.
PROPOSED RULES

(b) Injured, dead or stranded specimens. In the case of such sea turtles, found injured, dead, or stranded in the wild, any officer or employee of the National Marine Fisheries Service, of the Fish and Wildlife Service, of the U.S. Coast Guard, or any officer or employee of a State government may, in the course of official duty, take such wildlife for rehabilitation, return to its environment or other appropriate action, including collection for scientific research. Whenever possible, live specimens shall be returned to their aquatic environment as soon as practicable. Every such action shall be reported in writing to the Directors within six months from the occurrence, and such reports may be cumulative for the six month period. Reports shall be mailed to the Director, FS&W/SE, U.S. Fish and Wildlife Service, Washington, D.C., and shall contain the following information:

(1) Name and official position of the official or employee involved;
(2) Description of the specimen(s) involved;
(3) Date and location of disposal;
(4) Circumstances requiring the action;
(5) Method of disposal;
(6) Disposition of the specimen(s), including cases where the turtle(s) has been retained in captivity, a description of the place and means of confinement and the measures taken for its maintenance and care; and
(7) Any other information as the Directors may require.

(c) Incidental catch. The incidental catch of such sea turtles during fishing or research activities conducted at sea shall not be prohibited provided:

(1) The specimen was caught by fishing gear incidental to fishing effort or research not directed toward such species; and
(2) The person responsible for the fishing gear or vessel was fishing in an area of substantial breeding or feeding or resting area of such wildlife; and
(3) Any such wildlife which is caught is immediately returned to its aquatic environment whether dead or alive, with due diligence to minimize injuries to live specimens.

(d) Mariculture. The Directors may jointly issue permits for mariculture operations. For a period of two years from the effective date of these regulations, any person may apply for a permit to conduct any of the activities otherwise prohibited in § 221.21 regarding such wildlife, provided that such wildlife is taken for or derived from a captive population in the course of mariculture operations. After two years from the effective date of these regulations permits may be issued to all applicants, if the applicant or permittee can demonstrate to the satisfaction of the Directors that such wildlife is derived from a closed-cycle farming operation consisting of a captive breeding population which is completely self-sustaining and independent of wild stocks. Applications shall be made, and permits shall be issued, in accordance with Part 13 of Subchapter B, Chapter I of this Title 50, except that all applications will be reviewed and all permits issued jointly by the Directors.

(1) The information requirements of § 17.22(a)(5) of Subchapter B, Chapter I of this Title 50, shall apply to permits issued under this provision, except that in addition to the information required in that section, the applicant shall also present complete information demonstrating the following points:

(i) That during the first two years such wildlife will be either (A) derived from a captive-bred population that is completely self-sustaining and independent of wild stocks, or (B) taken for or derived from a captive population that is demonstrably in the process of becoming a captive breeding population that is completely self-sustaining and independent of wild stocks, but is temporarily sustained in part by the addition of turtles or eggs taken in the wild, the taking of which is demonstrably not a major threat to wild stocks;

(ii) That the applicant or the applicant's supplier has an accurate system of record keeping, and can provide an accurate accounting of numbers of such wildlife taken for addition to the captive population, and showing all subsequent transactions with such wildlife;

(iii) That the applicant or the applicant's supplier is prepared to institute a system of marking or other identification of any such wildlife transferred from the captive to the propagating stock. Such markings or other identification must be capable of remaining on the wildlife, in any form, until after retail sale or export from the United States;

(iv) That if any of the applicant's facilities, or the facilities of any supplier of the applicant or the area of collection of such wildlife, are located outside the jurisdiction of the United States, the applicant has made suitable arrangements for the inspection of such wildlife in that country. The Directors may accept such other certification as they deem sufficient.

(e) Wildlife held in captivity or a controlled environment. The prohibitions in § 221.21 shall not apply to any such wildlife held in captivity or a controlled environment on the date of the Federal Register notice proposing to add such wildlife to the threatened wildlife list, provided that the person claiming such exemption can show by documentary evidence to the satisfaction of the Directors that the specimen was held in captivity or a controlled environment in accordance with Part 13, Subchapter B, Chapter I of this Title 50, except that all applications for such permits shall be reviewed and all permits issued in accordance with Part 13, Subchapter B, Chapter I of this Title 50, and the provisions of § 17.23 of Subchapter B, Chapter I of this Title 50, except that all applications will be reviewed and all permits issued jointly by the Directors.

(f) Economic hardship. The Directors may issue permits to import or export such wildlife in order to prevent undue economic hardship. Applications shall be made, and permits shall be issued in accordance with Part 13, Subchapter B, Chapter I of this Title 50, except that all applications will be reviewed and all permits issued jointly by the Directors. In addition, the requirements of section 1001, title 16, United States Code, which requires an economic hardship exemption permit issued for such wildlife under this provision as if such wildlife were endangered "endangered species" and the conditions for such economic hardship exemption permit issued for such wildlife under this provision shall be for one year from the effective date of the regulations. No economic hardship permit will be granted.

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which will result in the killing of sea turtles.