

Originally Processed With FOIA(s):
1998-0004-F[1]

FOIA Number:
S

FOIA MARKER

**This is not a textual record. This is used as an
administrative marker by the George Bush Presidential
Library Staff.**

Record Group/Collection: George H.W. Bush Presidential Records
Collection/Office of Origin: Chief of Staff, White House Office of
Series: Sununu, John, Files
Subseries: Issues Files

OA/ID Number: 29173
Folder ID Number: 29173-008

Folder Title:
Turtle Excluder Devices (1990) [2]: 50 CFR Chapter 2 Parts 220 and 227

Stack:	Row:	Section:	Shelf:	Position:
G	15	25	4	4

offspring thereof, or the dead body or part(s) thereof.

§ 227.4 Enumeration of threatened species.

The species listed as threatened under the Act which are under the jurisdiction of the Secretary of Commerce are:

(a) Green sea turtle (*Chelonia mydas*) except for those populations listed under 50 CFR 222.23(a).¹

(b) Loggerhead sea turtle (*Caretta caretta*).¹

(c) Pacific ridley sea turtle (*Lepidochelys olivacea*) except for those populations listed under 50 CFR 222.23(a).¹

The effective date of the listing of the species in paragraphs (a), (b), and (c) of this section is September 6, 1978.

(d) Guadalupe fur seal (*Arctocephalus townsendi*).

[43 FR 32809, July 18, 1978, as amended at 45 FR 29055, May 1, 1980; 50 FR 51258, Dec. 16, 1985]

Subpart B—Threatened Marine Mammals

§ 227.11 Guadalupe fur seal.

(a) *Prohibitions.* The prohibitions of section 9 of the Act (16 U.S.C. 1538) relating to endangered species apply to the Guadalupe fur seal except as provided in paragraph (b) of this section.

(b) *Exceptions.* (1) The Assistant Administrator may issue permits authorizing activities which would otherwise be prohibited under paragraph (a) of this section in accordance with the subject to the provisions of Part 222 Subpart C—Endangered Fish or Wildlife Permits.

(2) Any Federal, State or local government official, employee, or designated agent may, in the course of official duties, take a stranded Guadalupe fur seal without a permit if such taking:

(i) Is accomplished in a humane manner;

¹Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, jurisdiction for sea turtles is limited to turtles while in the water.

(ii) Is for the protection or welfare of the animal, is for the protection of the public health or welfare, or is for the salvage or disposal of a dead specimen;

(iii) Includes steps designed to ensure the return of the animal to its natural habitat, if feasible; and

(iv) Is reported within 30 days to the Director, Southwest Region, National Marine Fisheries Service, 300 S. Ferry Street, Terminal Island, CA 90731.

(3) Any animal or specimen taken under paragraph (b)(2) of this section may only be retained, disposed of, or salvaged in accordance with directions from the Director, Southwest Region.

[50 FR 51258, Dec. 16, 1985]

Subpart C—Threatened Marine Fish [Reserved]

Subpart D—Threatened Marine Reptiles

§ 227.71 Prohibitions.

Except as provided in § 227.72, it is unlawful for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit, or to cause to be committed in any of the following acts with respect to any species of threatened marine reptile enumerated in § 227.4 (a), (b) and (c):

(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 of the prohibitions 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, any such species;

(f) Sell, or offer for sale, in foreign commerce any such species;

(g) Deliver, receive, carry, transport, or ship in interstate commerce, by any

means whatsoever, and in the course of commercial activity; provided that this paragraph (g) shall not apply to any such species taken prior to the effective date of the listing of the species for 1 year after such listing; or

(h) Sell, or offer for sale, in interstate commerce any such species; provided that this paragraph (h) shall not apply to any such species taken prior to the effective date of the listing of the species for 1 year after such listing.

[43 FR 32809, July 28, 1978, as amended at 50 FR 51258, Dec. 16, 1985]

§ 227.72 Exceptions to prohibitions.

(a) *Scientific, propagation, or survival permits.* (1) The Assistant Administrator may issue permits authorizing activities which would otherwise be prohibited under § 227.71 for scientific purposes or to enhance the propagation or survival of such species. Applications for these permits are subject to the provisions of Part 220 of this Chapter II.

(2) Ongoing scientific, propagation, or survival projects, which would otherwise be prohibited by § 227.71 may continue without a permit until an application for a permit has been denied or 90 days from the effective date of the listing of the effected species, whichever comes first. If a permit has not been denied, ongoing projects may continue beyond this 90-day period provided that the individual responsible for such project(s) has applied for a permit and receives a letter from the Assistant Administrator stating that the application is complete and sufficient for processing within the 90-day period. Projects not receiving a permit or letter indicating sufficiency by the 90th day must cease. Within 30 days of receipt of an application, the Assistant Administrator will determine the completeness and sufficiency of the application for processing. If an application is deemed complete and sufficient for processing, a permit will be issued or denied within the next 90 days beginning with the date of the letter informing the applicant that the application is sufficient. Approved projects shall continue in accordance with the conditions of the permit.

(b) *Permits for zoological exhibition or educational purposes.* The Assistant Administrator may issue permits authorizing activities which would be otherwise prohibited under § 227.71 for zoological exhibition or educational purposes. Applications for these permits are subject to the provisions of Part 220 of this Chapter II.

(c) *Exceptions for injured, dead, or stranded specimens.* If any member of any threatened species listed in § 227.4 is found injured, dead, or stranded, any agent or employee of the National Marine Fisheries Service, the Fish and Wildlife Service, the U.S. Coast Guard, or any other Federal land or water management agency, or any agent or employee of a State agency responsible for fish and wildlife who is designated by his or her agency for such purposes, may, when acting in the course of his or her official duties, take such specimens without a permit if such taking is necessary to aid a sick, injured, or stranded specimen or dispose of a dead specimen or salvage a dead specimen which may be useful for scientific study. Wherever possible, live specimens shall be returned to their aquatic environment as soon as possible. Every action shall be reported in writing to the Assistant Administrator within 30 days, and reports of further occurrence shall be made as deemed appropriate by the Assistant Administrator until the specimen is either returned to its environment or disposed of. Reports shall be mailed by registered or certified mail, return receipt requested, to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Washington, DC 20235, and shall contain the following information:

(1) Name and 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, where the specimen(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) Such other information as the Assistant Administrator may require.

(d) *Exception for research or conservation.* Any employee or agent of the National Marine Fisheries Service, the Fish and Wildlife Service, or a State fish and wildlife agency operating a conservation program pursuant to the terms of a Cooperative Agreement with the National Marine Fisheries Service or the Fish and Wildlife Service in accordance with section 6(c) of the Act, designated by his or her agency for such purposes, may, when acting in the course of his or her official duties, take any threatened species to carry out scientific research or conservation programs. All such takings shall be reported within 30 days of the taking to the Assistant Administrator who may request additional reports of the taking and research at his discretion.

(e) *Exception for incidental taking—*
(1) *General.* Except as provided in paragraphs (e)(2) and (e)(3) of this section, the incidental taking of any member of any species listed in § 227.4 during fishing or scientific research activities not directed toward such members of such species is allowed under the following conditions:

(i) Any specimen so taken must be handled with due care to prevent injury to live specimens, observed for activity, and returned to the water according to the following procedures:

(A) Sea turtles that are dead or actively moving must be released over the stern of the boat. In addition, they must be released only when trawls are not in use, when the engine gears are in neutral position, and in areas where they are unlikely to be recaptured or injured by vessels.

(B) Resuscitation must be attempted on sea turtles that are comatose or inactive but not dead by:

(1) Placing the turtle on its back (carapace) and pumping its breastplate (plastron) with hand or foot, or

(2) Placing the turtle on its breastplate (plastron) and elevating its hindquarter several inches for a period of one up to twenty-four hours. The amount of elevation depends on the size of the turtle; greater elevations are needed for larger turtles.

Sea turtles being resuscitated must be shaded and kept wet or moist. Those that revive and become active must be released over the stern of the boat only when trawls are not in use, when the engine gears are in neutral position, and in areas where they are unlikely to be recaptured or injured by vessels. Similarly, sea turtles that fail to move within several hours (up to twenty-four if possible) must be returned to the water in the same manner.

(ii) Any specimen so taken must not be consumed, sold, landed, offloaded, transhipped, or kept below deck.

(2) *Gear requirements.* (i) Except as provided in paragraphs (e)(2)(ii), (e)(2)(iii) and (e)(2)(iv) of this section, a qualified turtle excluder device (TED) must be carried and used in each net during trawling by a shrimp trawler 25 feet or longer in length fishing for white, brown, pink, or seabob shrimp (or for rock shrimp in the Gulf of Mexico) in areas and during periods as follows (see Table 1 for a summary of the requirements and Maps 1 and 2 for depictions of the areas):

(A) Atlantic Ocean:

(1) Canaveral Area, offshore—all year, commencing October 1, 1987.

(2) Atlantic Area, offshore—May 1 through August 31, each year, commencing May 1, 1988.

(B) Gulf of Mexico:

(1) Southwest Florida Area, offshore to 15 nautical miles—all year, commencing January 1, 1988.

(2) Gulf Area, offshore to 15 nautical miles—March 1 through November 30, each year, commencing March 1, 1988.

(3) Southwest Florida Area, offshore—all year, commencing January 1, 1989.

(4) Gulf Area, offshore—March 1 through November 30, each year, commencing March 1, 1989.

(ii) In the Southwest Florida and Gulf Areas a shrimp trawler fishing for or possessing royal red shrimp is exempt from the TED requirement provided that 90 percent of all shrimp offloaded from, or on board, the trawler are royal red shrimp.

(iii) In the Canaveral and Atlantic Areas, a shrimp trawler fishing for or

possessing rock shrimp or royal red shrimp is exempt from the TED requirement provided that 90 percent of all shrimp offloaded from, or on board, the trawler are rock shrimp or royal red shrimp.

(iv) A single test net having a headrope length of 20 feet or less is exempt from the TED requirement provided that the test net is pulled immediately in front of any other net or is not connected to another net in any way.

(3) *Tow time restrictions.* (i) Except for a shrimp trawler carrying and using a qualified TED in each net during trawling, a shrimp trawler, regardless of length, fishing for white, brown, pink, or seabob shrimp (or rock shrimp in or from the Gulf or Southwest Florida Areas) must limit each tow time to 90 minutes in areas and during periods as follows (see Table 2 for a summary of the requirements and Maps 3 and 4 for depictions of the areas):

(A) Atlantic Ocean:

(1) Canaveral Area, inshore—all year, commencing October 1, 1988.

(2) Atlantic Area, inshore—May 1 through August 31, each year, commencing May 1, 1988.

(B) Gulf of Mexico:

(1) Southwest Florida Area, inshore—all year, commencing January 1, 1988.

(2) Gulf Area, inshore—March 1 through November 30, each year, commencing March 1, 1988.

(ii) Except for a shrimp trawler carrying and using a qualified TED in each net during trawling, a shrimp

trawler less than 25 feet in length fishing for white, brown, pink, or seabob shrimp must limit each tow time to minutes in areas and during periods follows (see Table 2 for a summary of the requirements and Maps 1 and 2 for depictions of the areas):

(A) Atlantic Ocean:

(1) Canaveral Area, offshore—all year, commencing October 1, 1987.

(2) Atlantic Area, offshore—May through August 31, each year, commencing May 1, 1988.

(B) Gulf of Mexico:

(1) Southwest Florida Area, offshore to 15 nautical miles—all year, commencing January 1, 1988.

(2) Gulf Area, offshore to 15 nautical miles—March 1 through November 30, each year, commencing March 1988.

(3) Southwest Florida Area, offshore—all year, commencing January 1, 1988.

(4) Gulf Area, offshore—March through November 30, each year, commencing March 1, 1989.

(iii) In the Southwest Florida and Gulf Areas a shrimp trawler fishing for or possessing royal red shrimp exempt from the tow time restriction provided that 90 percent of all shrimp offloaded from, or on board, the trawler are royal red shrimp.

(iv) In the Atlantic and Canaveral Areas, a shrimp trawler fishing for or possessing royal red or rock shrimp is exempt from the tow time restriction provided that 90 percent of all shrimp offloaded from, the trawler are royal red or rock shrimp.

TABLE 1—WATERS WHERE TEDS ARE REQUIRED ON SHRIMP TRAWLERS 25 FEET OR LONGER IN LENGTH

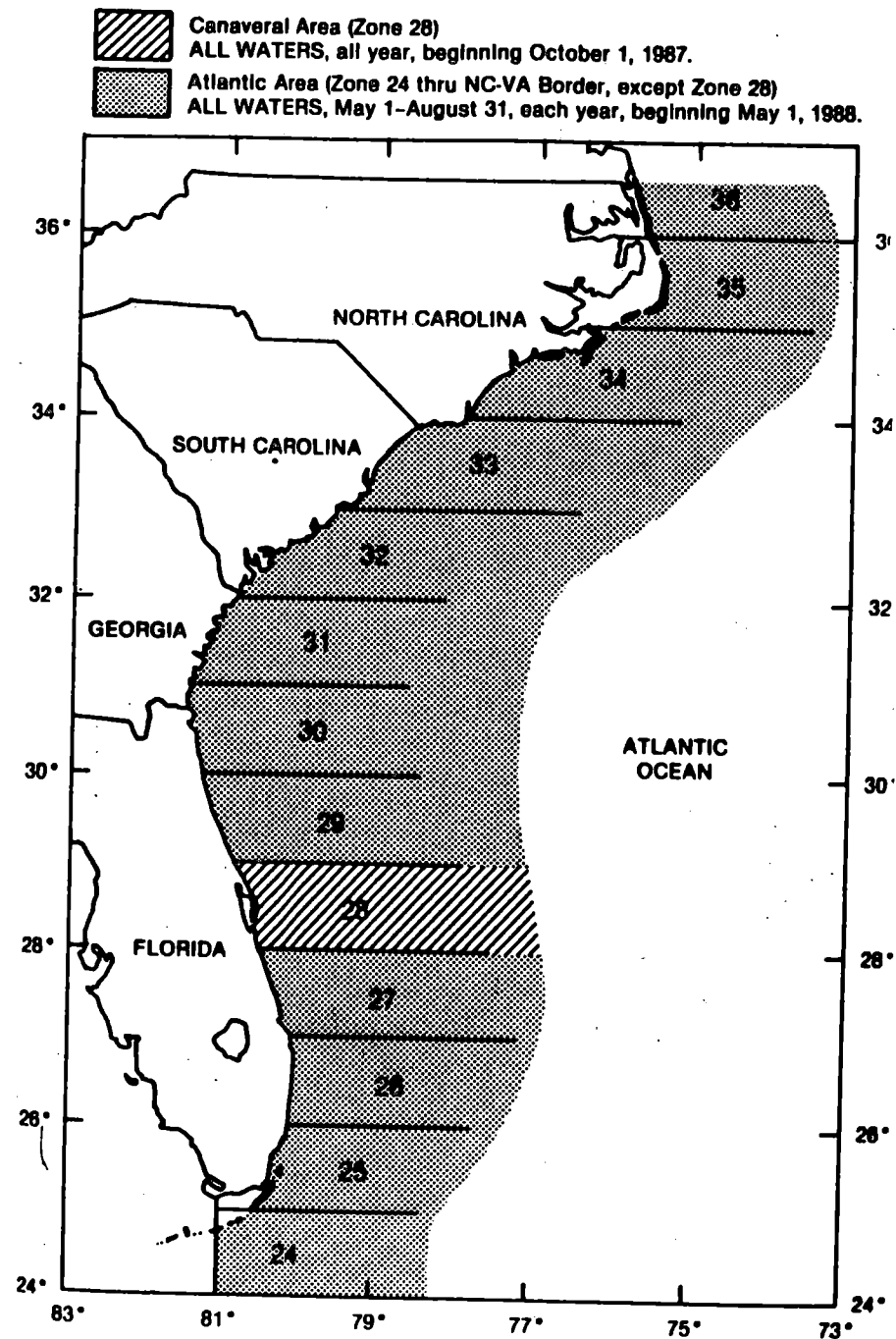
Area	Start date	Season
Atlantic Ocean:		
Canaveral Area—offshore.....	October 1, 1987.	All year.
Atlantic Area—offshore.....	May 1, 1988..	May 1 through August 31, each year.
Gulf of Mexico:		
Southwest Florida Area—offshore to 15 nautical miles.....	Jan. 1, 1988..	All year.
Gulf Area—offshore to 15 nautical miles.....	March 1, 1988.	March 1 through November 30, each year.
Southwest Florida Area—offshore.....	Jan. 1, 1989..	All year.
Gulf Area—offshore.....	March 1, 1989.	March 1 through November 30, each year.

TABLE 2—90 MINUTE TOW TIMES ¹

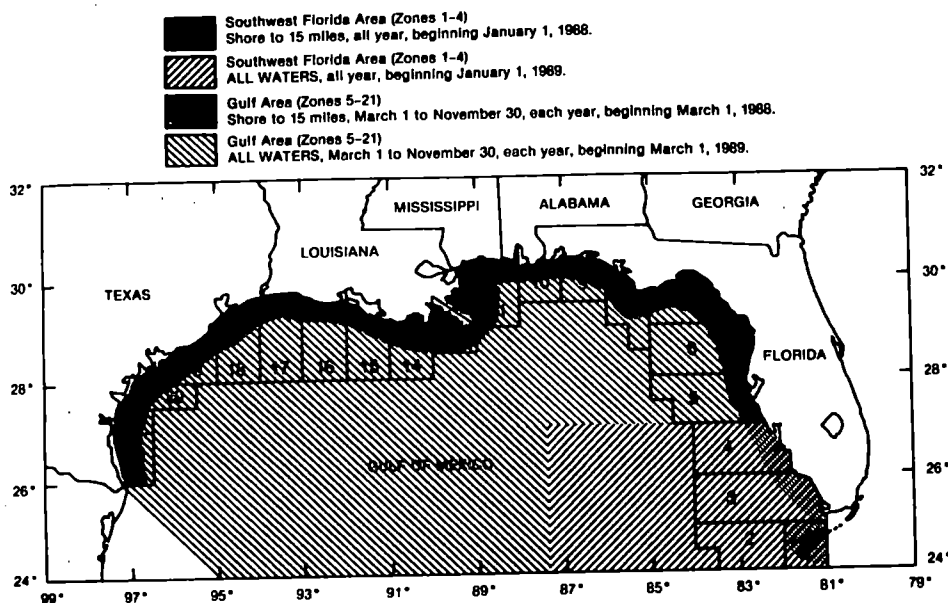
Area	Start date	Season	Vessel sizes
Atlantic Ocean:			
Canaveral Area—inshore.....	October 1, 1988.	All year.....	All.
Atlantic Area—inshore.....	May 1, 1988.	May 1 through August 1, each year.....	All.
Gulf of Mexico:			
Southwest Florida Area—inshore.....	January 1, 1988.	All year.....	All.
Gulf Area—inshore.....	March 1, 1988.	March 1 through November 1, each year.....	All.
Atlantic Ocean:			
Canaveral Area—Offshore.....	October 1, 1987.	All year.....	<25 feet.
Atlantic Area—offshore.....	May 1, 1988.	May 1 through August 31, each year.....	<25 feet.
Gulf of Mexico:			
Southwest Florida Area—offshore to 15 nautical miles.....	January 1, 1988.	All year.....	<25 feet.
Gulf Area—offshore to 15 nautical miles.....	March 1, 1988.	March 1 through November 30, each year.....	<25 feet.
Southwest Florida area—offshore.....	January 1, 1989.	All year.....	<25 feet.
Gulf Area—offshore.....	March 1, 1989.	March 1 through November 30, each year.....	<25 feet.

¹ Tow time restrictions do not apply to shrimp trawlers using a qualified TED in each net during trawling.

MAP 1. OFFSHORE ATLANTIC WATERS WHERE TEDS ARE REQUIRED



MAP 2. OFFSHORE GULF OF MEXICO WATERS WHERE TEDS ARE REQUIRED

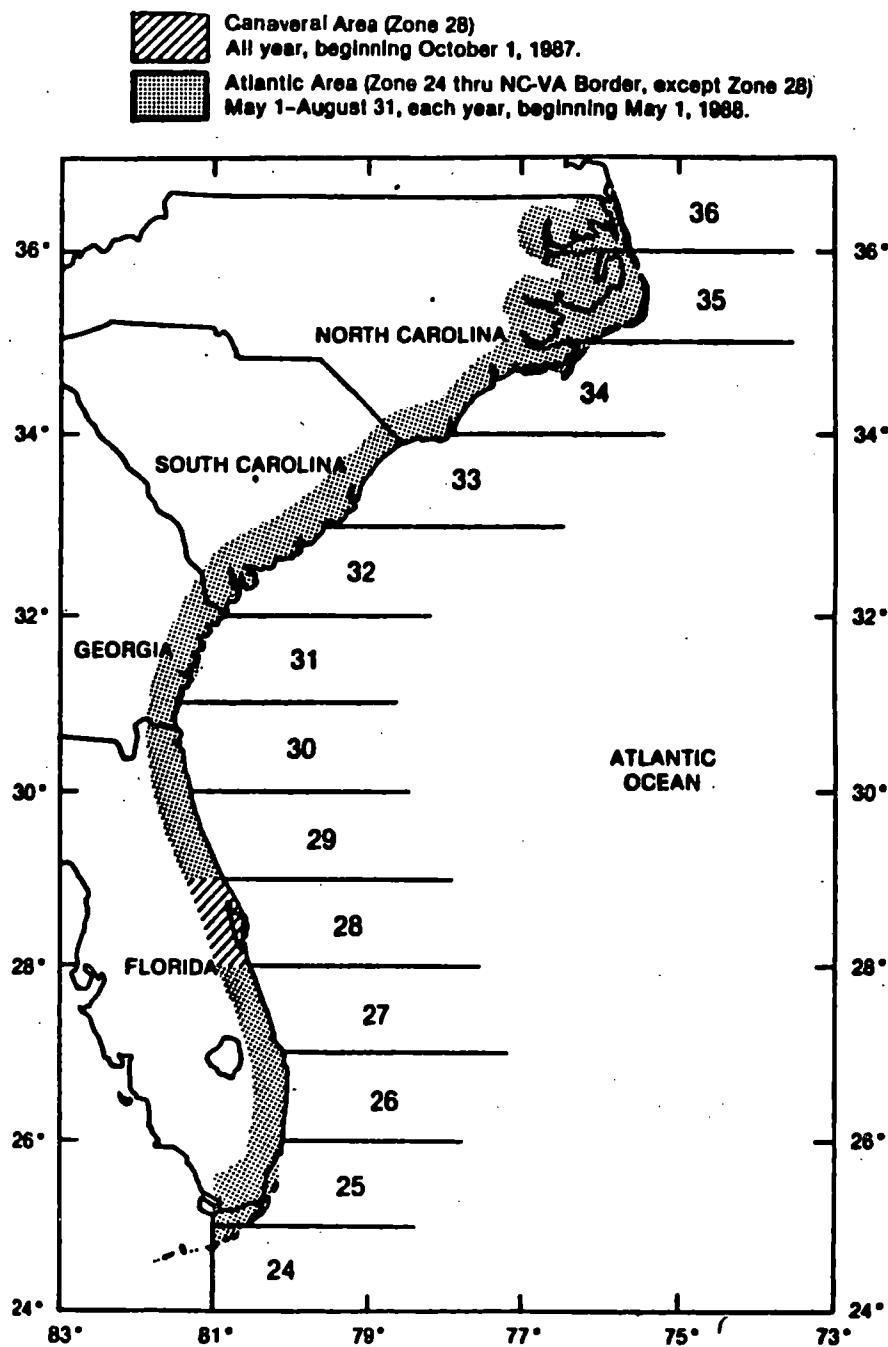


NOTE: The numbered zones on map 2 correspond to the numbered zones on map 4.

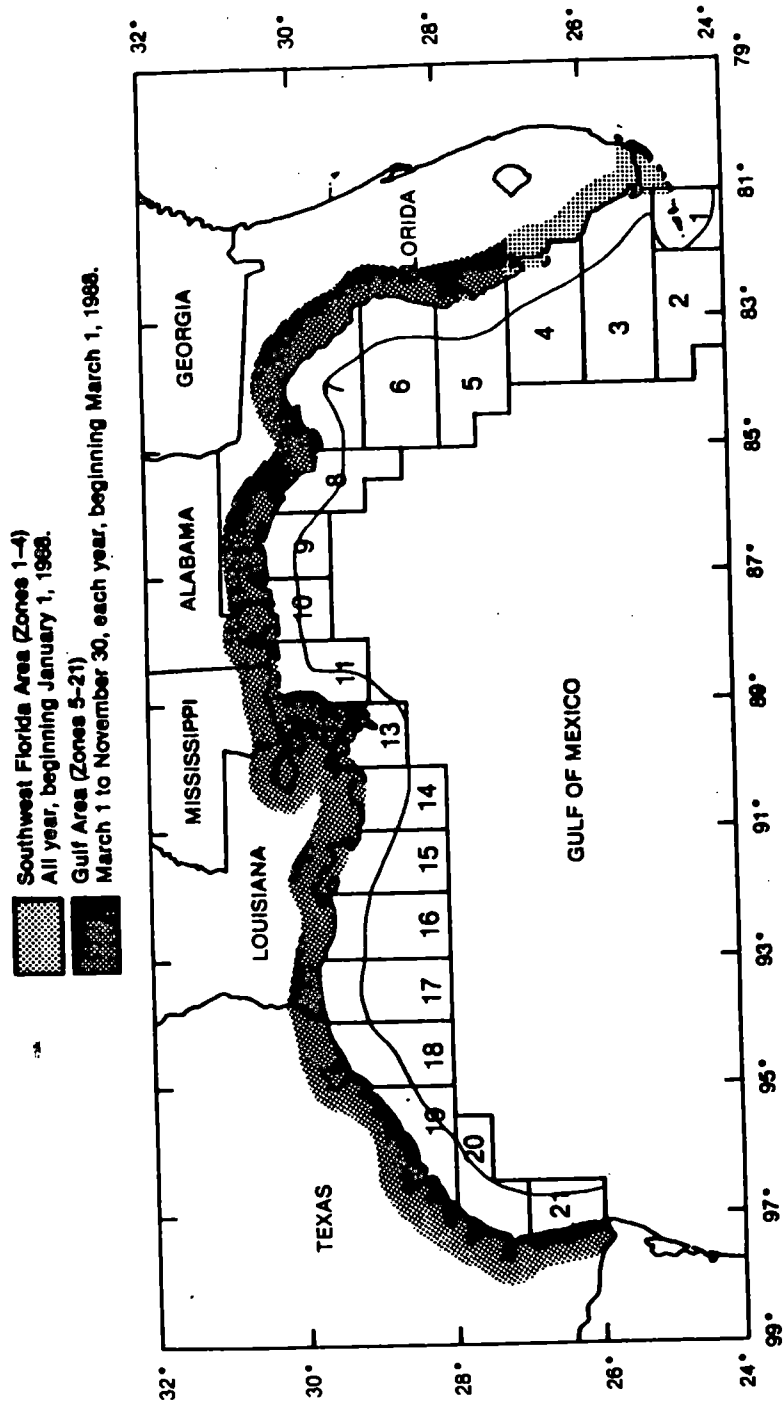
The seaward margin of the stippled area on map 2 is the 15 nautical mile line. The following 55 points are connected by this line.

1. 24°28' N., 81°00' W.	15. 27°30' N., 83°01' W.	29. 29°08' N., 88°43' W.	43. 28°44' N., 95°07' W.
2. 24°18' N., 81°42' W.	16. 27°52' N., 83°08' W.	30. 28°45' N., 89°00' W.	44. 28°31' N., 95°30' W.
3. 24°17' N., 82°00' W.	17. 28°32' N., 82°57' W.	31. 28°40' N., 89°30' W.	45. 28°18' N., 96°00' W.
4. 24°23' N., 82°56' W.	18. 29°22' N., 83°37' W.	32. 29°03' N., 89°47' W.	46. 28°07' N., 96°16' W.
5. 24°38' N., 83°12' W.	19. 29°45' N., 83°54' W.	33. 28°52' N., 90°05' W.	47. 27°59' N., 96°30' W.
6. 24°53' N., 82°55' W.	20. 29°39' N., 84°12' W.	34. 28°48' N., 90°23' W.	48. 27°43' N., 96°47' W.
7. 24°51' N., 92°07' W.	21. 29°21' N., 85°00' W.	35. 28°48' N., 90°55' W.	49. 27°30' N., 96°52' W.
8. 24°54' N., 81°48' W.	22. 29°27' N., 85°30' W.	36. 29°01' N., 91°24' W.	50. 27°16' N., 97°03' W.
9. 25°06' N., 81°25' W.	23. 29°59' N., 86°00' W.	37. 29°13' N., 91°50' W.	51. 27°00' N., 97°05' W.
10. 25°32' N., 81°33' W.	24. 30°09' N., 86°43' W.	38. 29°17' N., 92°22' W.	52. 26°45' N., 97°02' W.
11. 25°43' N., 81°55' W.	25. 30°04' N., 87°12' W.	39. 29°31' N., 93°19' W.	53. 26°30' N., 96°57' W.
12. 26°11' N., 82°05' W.	26. 29°58' N., 88°00' W.	40. 29°28' N., 93°49' W.	54. 26°15' N., 96°54' W.
13. 26°20' N., 82°25' W.	27. 29°58' N., 88°32' W.	41. 29°14' N., 94°28' W.	55. 25°59.5' N., 96°52' W.
14. 27°11' N., 82°49' W.	28. 29°29' N., 88°52' W.	42. 29°05' N., 94°37' W.	

MAP 3. INSHORE ATLANTIC WATERS WHERE 90 MINUTE TOW TIMES APPLY



MAP 4. INSHORE GULF OF MEXICO WATERS WHERE 90 MINUTE TOW TIMES APPLY



(4) *Qualified turtle excluder devices*—(i) *General*. In a qualified TED, the space between deflector bars cannot exceed four inches. Any other specification of dimension or strength of construction materials is a minimum requirement; i.e., a component that is larger or more durable than specified in paragraph (e)(4)(ii) of this section meets the requirement. Floats may be attached to any device.

(ii) *Approved TEDs*. The following TEDs are approved for use wherever and whenever a TED is required and for use where and when the 90 minute tow time would otherwise apply.

(A) *NMFS TED* (Figure 1). The NMFS TED consists of two oblong end hoops holding a diagonal deflector grid that are sewn into the trawl net ahead of the cod end. The device has a top-opening door. The end hoops are made from ½-inch welded steel pipe. The deflector grid and door are made from ¼-inch (inside diameter) welded galvanized pipe. The device may be rigid or collapsible and can be constructed using fiberglass rod or aluminum pipe of similar strength. The rigid version has rods welded to the front and rear hoops to align the deflector grid and to support the weight of the net and its catch. In the collapsible version, ½-inch steel cables perform these functions. Net webbing is sewn to the door frame and to the bottom and both sides of the end

hoops. The cod end attaches to the rear hoop. A finfish deflecting apparatus may be installed in the device to eliminate unwanted bycatch. A finfish deflecting apparatus may consist of a webbing accelerator funnel placed in front of the TED diagonal bars and a rectangular grid with approximately 2½ inches between bars behind the TED diagonal bars. Holes are cut in the webbing, which has been stretched around the TED frame, to allow finfish to escape. When a sea turtle enters the net, it passes through the front hoop and is deflected upwards by the grid. The turtle is then able to open the door and escape. Shrimp pass through the grid to be retained in the cod end. The minimum dimensions for a NMFS TED used in the Gulf of Mexico Area and the Southwest Florida area are end hoops 20 inches high by 34 inches wide, door frame 25 inches by 25 inches, door opening 10 inches above the rear hoop. The minimum dimensions for a NMFS TED used in the Atlantic Area and the Cavanaugh Area are end hoops 30 inches high by 45 inches wide, door frame 30 inches by 30 inches, door opening 12 inches above the rear hoop. In all areas, the deflector grid angle must measure between 30° and 45° from the horizontal when the device is deployed. NMFS TEDs of lesser dimensions that were acquired prior to July 1, 1987, may continue to be used.

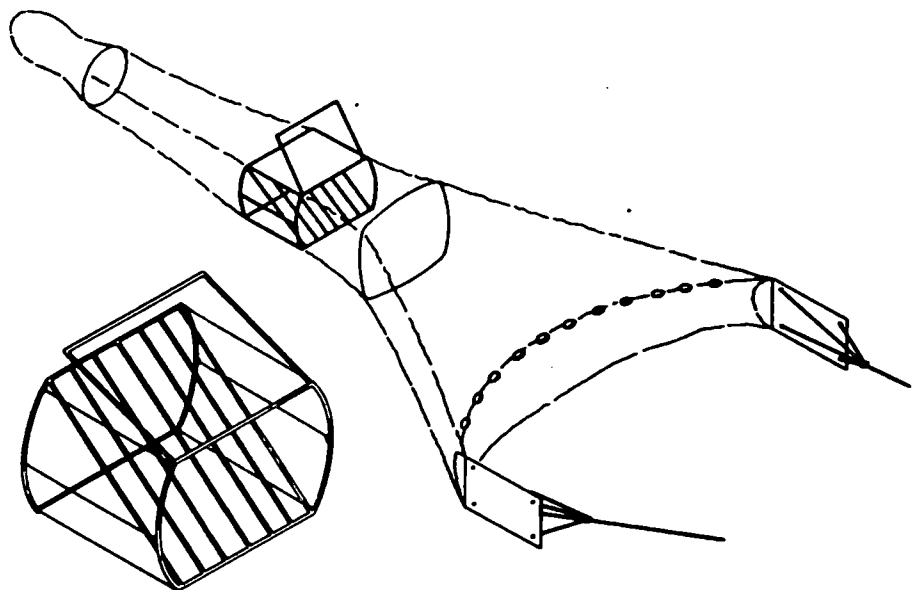


FIGURE 1 (NMFS TED)

(B) *Cameron TED* (Figure 2). The Cameron TED is a rigid device similar to the NMFS TED in both form and function. It uses round end hoops instead of oblong ones. It is made from ½-inch aluminum rod and is sewn into the trawl net ahead of the cod end. The device may be constructed of steel pipe, fiberglass rod or other materials of similar strength. This TED does not use a movable door. Instead, a turtle escape opening is cut in the top mesh of the net above the deflector grid. The minimum dimensions for a Cameron TED³ used in the Gulf Area and the Southwest Florida Area are 32-inch inside diameter end hoops and a

32-inch top mesh opening. The minimum dimensions for a Cameron TED used in the Atlantic Area and the Canaveral Area are 35 inch inside diameter end hoops and a 35 inch top mesh opening. For all areas, the deflector grid must be angled between 30° and 45° from horizontal. Cameron TEDS of lesser dimensions that were acquired prior to July 1, 1987, may continue to be used. Cameron TEDs, as originally designed, used a quick release hoop fastener. This feature may not be used. A Cameron TED must be sewn into the net to be a qualified device.

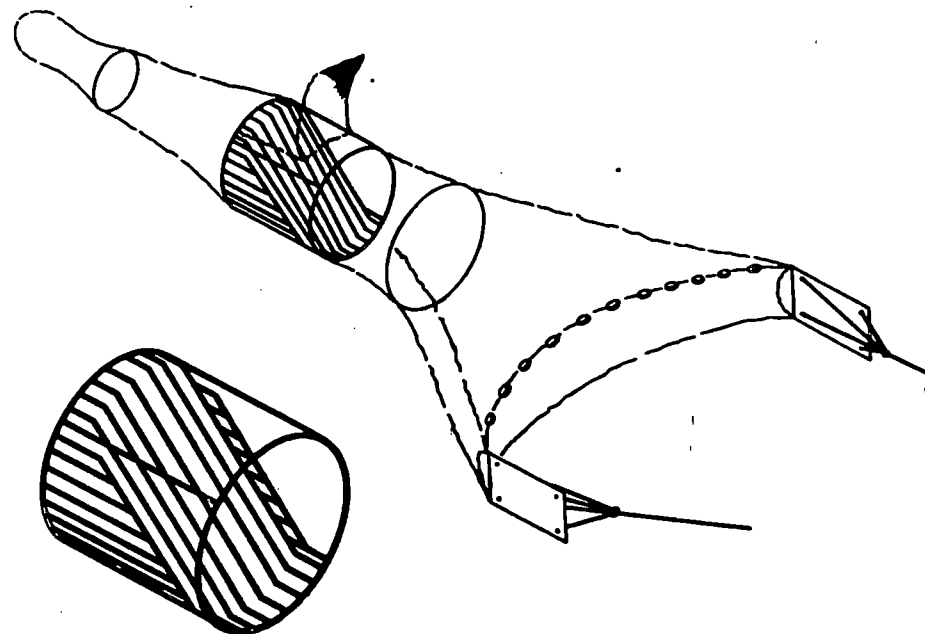


FIGURE 2 (CAMERON TED)

(C) *Matagorda TED* (Figure 3). The Matagorda TED is a single, rigid, rectangular deflector grid that may be made from a variety of materials including ¼-inch steel pipe, ½-inch aluminum rod, or fiberglass rod of comparable strength. Unlike the NMFS or Cameron TEDs, the Matagorda TED does not use two end hoops to position the deflector grid. The grid itself must be sewn into the net ahead of the cod end so as to operate at a 30° to 45° angle from the horizontal when pulled through the water. The angled grid

deflects turtles either upward or downward to allow them to escape through an opening in the net mesh. The minimum dimensions for a Matagorda TED used in the Gulf Area and the Southwest Florida Area are a deflector grid 28 inches wide, by 36 inches long, and a minimum release opening of 32 inches. The minimum dimensions for a Matagorda TED used in the Atlantic Area and the Canaveral Area are a deflector grid 30 inches wide by 42 inches long, and a minimum release opening of 35 inches.

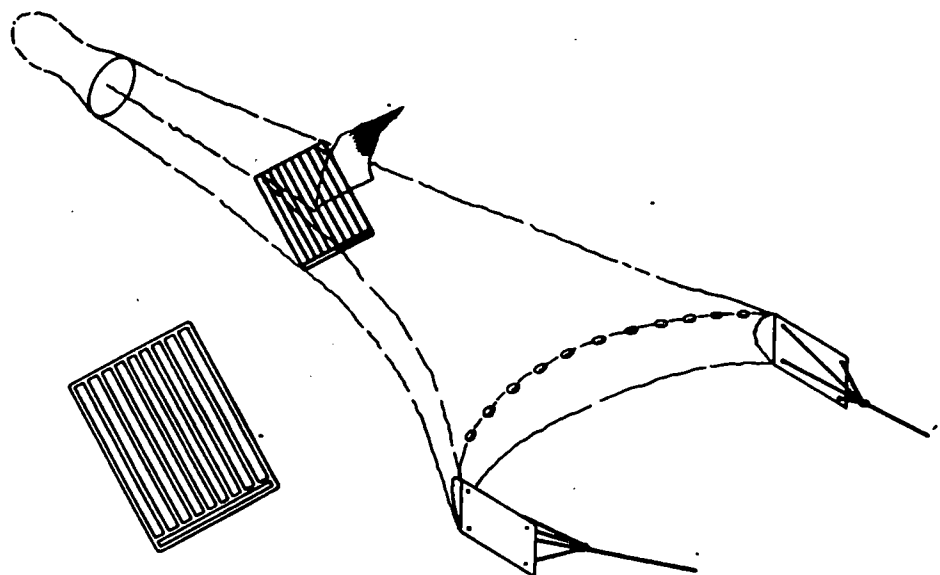


FIGURE 3 MATAGORDA TED

(D) *Georgia TED* (Figure 4). The Georgia TED is a single, rigid, oval deflector grid similar to the Matagorda TED in form and function. It may be made from ½-inch steel pipe, ½-inch aluminum rod, or fiberglass rod of comparable strength. Like the Matagorda TED, the grid must be sewn into the net ahead of the cod end so as to operate at a 30° to 45° angle from the horizontal when pulled through the water to allow turtles to escape either upward or downward through an opening in the net mesh. The minimum dimensions for a Georgia TED used in the Gulf Area and the Southwest Florida Area are a 28-inch smallest inside diameter and a minimum release opening of 32 inches. The mini-

mum dimensions for a Georgia TED used in the Atlantic Area and the Canaveral Area are a 30-inch smallest inside diameter and a minimum release opening of 35 inches. A variation of the Georgia TED uses removable deflector bars (inside a hoop) or varying spacing which are bolted to a permanently affixed second hoop. This feature may be used only if the deflector bar hoop is also laced to the net and the permanently attached hoop so that it cannot be easily removed at sea. Deflector bars can be spaced no more than 4 inches apart. Georgia type TEDs that were acquired prior to July 1, 1987, may continue to be used as long as they meet minimum size standards and both hoops are permanently affixed to the trawl net.

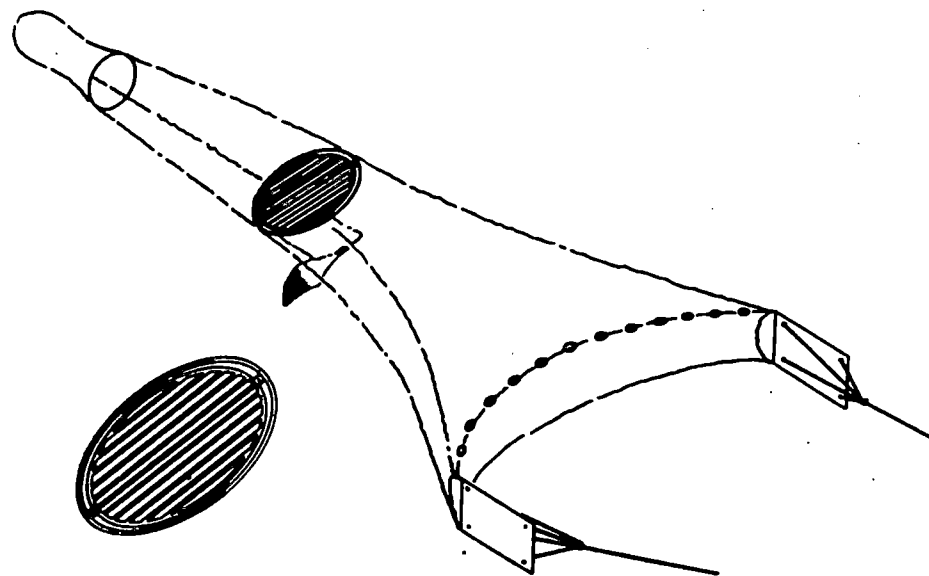


FIGURE 4 (GEORGIA TED)

(E) *Morrison TED* (Figure 5). In the Morrison TED, webbing is substituted for the rigid deflector grids used in the TEDs described above. The webbing consists of number 42 (3 millimeters thick) or larger polypropylene, heat-set knotted or braided. The polypropylene must be untreated and of a color easily distinguished from the trawl net. The stretched opening of the mesh may not exceed 8". Depending on the trawl net type, the webbing may be installed as one panel or as a main and two side (jib) panels (Figure 6). In either case, the webbing must form a complete barrier to large objects inside the trawl net forward of the cod end. The base of the webbing must be attached to the trawl net not

less than 16'8" forward of the point at which the cod end is attached to the trawl net. The apex of the webbing must be attached to the top center of the trawl net not more than 20' forward of the point at which the cod end is attached to the trawl net. Each point on the circumference of the webbing must be attached to the trawl net. The meshes of the webbing must be under tension when the cod end is pulled aft thus forming diamond patterns pointing toward the top of the trawl net. As an escape hole, a slit at least 4'8" in length must be cut in a fore and aft direction at the top of the trawl net immediately forward of the apex of the webbing. The slit may not be covered or closed in any manner.

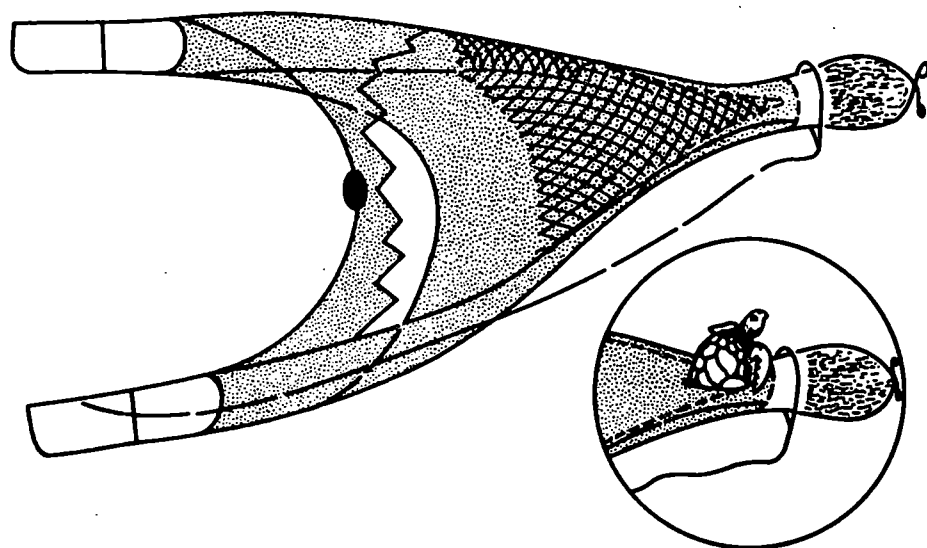


Figure 5 (MORRISON TED)

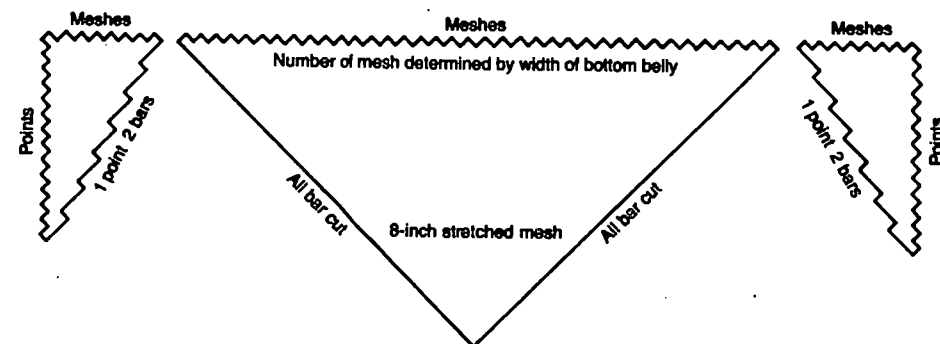


Figure 6 SCHEMATIC EXAMPLE OF MORRISON TED'S MAIN PANEL & JIBS

(F) *Parrish TED* (Figure 7). This TED is a unit that is installed between the body of the trawl and the bag. The unit consists of three major components: the extension, the deflector panel, and the frame. The extension is a piece of netting of $1\frac{1}{4}$ inch stretch mesh, No. 15 thread, treated nylon, measuring 150 meshes by 100 meshes. When installed in the trawl, the extension is cylindrically shaped with a circumference of 150 meshes and a depth of 100 meshes. The deflector panel, which slopes down the inside of the extension, is a rectangular piece of 8 inch stretched mesh, 3 mm diameter, braided polyethylene netting. The deflector panel measures 8 meshes across the leading and trailing edges of the deflector panel and is $15\frac{1}{2}$ meshes deep. The 8 meshes at the leading edge of the deflector panel are sewn into the small mesh ($1\frac{1}{4}$ inch) of the extension 3 meshes down from the top edge of the extension. The 8 meshes at the trailing edge of the deflector panel are attached to the top edge of the frame. Each side edge of the panel is

attached at 5% inch intervals to a $\frac{3}{8}$ inch diameter, 3 strand polydacron rope which is attached to the small mesh of the extension at 5% inch intervals. The deflector panel must form a complete barrier to large objects inside the extension forward of the frame. The frame is a rectangular $\frac{3}{8}$ inch diameter welded galvanized steel rod unit with a 40 x 4 inch opening and small pad eyes at the top corners. The trailing edge meshes of the deflector panel are attached to the top of the frame, and 50 lateral meshes of the extension netting ($1\frac{1}{4}$ inch mesh) are centered and sewn to the bottom and sides of the frame. The escape opening consists of a lateral slit, measuring 40 meshes, cut from the leading edge at the bottom of the frame. A 50 inch, $\frac{1}{4}$ inch diameter, bungee cord is laced through the meshes at the cut. Opposing ends of the bungee cord are secured to the opposing pad eyes at the top of the frame. One end of a flap measuring 50 meshes across by 30 meshes deep is attached to the meshes at the cut.

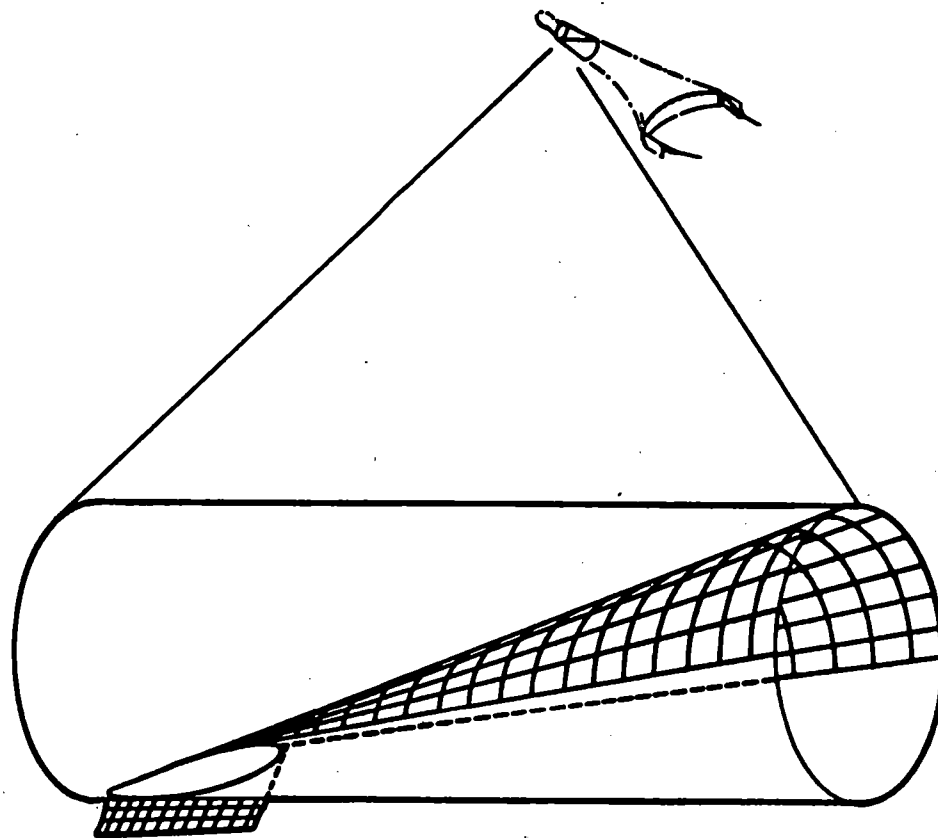


Figure 7. (PARRISH T.E.D.)

(iii) *Other TEDs.* Additional devices may be approved as qualified TEDs if they demonstrate a turtle exclusion rate of 97 percent according to a NMFS-approved scientific protocol published in the *FEDERAL REGISTER*. One such protocol was published on June 29, 1987. Turtle exclusion testing must be conducted under the supervision of the Assistant Administrator or a designee. A person interested in testing a TED should contact the Director, Southeast Fisheries Center, NMFS, 75 Virginia Beach Drive, Miami, FL 33149.

(iv) *Fishing efficiency experiments.* From time to time, the Director, Southeast Region, NMFS, may authorize public or private experimentation to develop alternative turtle excluder devices or to determine effects on shrimp fishing efficiency. A research protocol is available for such purposes. Requests for approval of experimental programs should be addressed to the Director, Southeast Region, NMFS, 9450 Koger Blvd., St. Petersburg, FL 33702.

(5) [Reserved]

(6) *Prohibitions.* It is unlawful for any person to do any of the following:

(i) Fail to use a qualified TED in each net during trawling on a vessel 25 feet or longer in length in an area where and at a time when a TED is required pursuant to this part;

(ii) Fail to restrict a tow time to 90 minutes in an area and at a time such restriction applies, unless a qualified TED is being used in each net during trawling.

(iii) Land from or possess on board a vessel white, brown, pink, or seabob shrimp in quantities exceeding 10 percent of the total shrimp landed or on board after having fished for royal red shrimp (or for rock shrimp in the Atlantic Ocean) in a TED required area without using a qualified TED in each net during trawling;

(iv) Fail to follow sea turtle handling and resuscitation procedures specified in paragraph (e)(1)(i) of this section; or

(v) Fail to comply with instructions and signals issued by an authorized officer. Enforcement procedures and signals used in the Gulf of Mexico shrimp fishery are listed at 50 CFR

Part 658. These procedures will be used to enforce the rules of this section in all geographic areas.

(7) *Enforcement policy regarding incidental capture of threatened sea turtles.* Shrimp fishermen in the southeastern United States and the Gulf of Mexico who comply with the rules of paragraph (e) of this section will not be subject to civil penalties under the Act for incidental capture of threatened sea turtles by shrimp trawl gear.

(f) *Subsistence.* The prohibition in § 227.71(b) shall not apply with respect to the taking of any member of the species of green sea turtle (*Chelonia mydas*) in waters seaward of mean low tide for personal consumption by residents of the Trust Territory of the Pacific Islands if such taking is customary, traditional and necessary for the sustenance of such resident and his immediate family. Sea turtles so taken cannot be transferred to non-residents or sold.

[43 FR 32809, July 28, 1978, as amended at 46 FR 43977, Sept. 2, 1981; 52 FR 24251, June 29, 1987; 52 FR 37154, Oct. 5, 1987; 53 FR 33821, Sept. 1, 1988]

PART 228—REGULATIONS GOVERNING SMALL TAKES OF MARINE MAMMALS INCIDENTAL TO SPECIFIED ACTIVITIES

Subpart A—General

Sec.

228.1 Purpose.

228.2 Scope.

228.3 Definitions.

228.4 Submission of requests.

228.5 Specific regulations.

228.6 Letters of authorization.

Subpart B—Taking of Ringed Seals Incidental to On-Ice Seismic Activities

228.11 Specified activity and specified geographical region.

228.12 Effective dates.

228.13 Permissible methods.

228.14 Requirements for monitoring and reporting.

Subpart C—Taking of Marine Mammals Incidental to Space Shuttle Activities

228.21 Specified activity and specified geographical region.

228.22 Effective dates.

228.23 Permissible methods.

228.24 Prohibitions.

228.25 Requirements for monitoring and reporting.

228.26 Modifications of Letters of Authorization.

AUTHORITY: 16 U.S.C. 1371(a)(5).

SOURCE: 47 FR 21254, May 18, 1982, unless otherwise noted.

Subpart A—General

§ 228.1 Purpose.

The regulations in this part implement section 101(a)(5) of the Marine Mammal Protection Act of 1972, as amended, 16 U.S.C. 1371(a)(5), Pub. L. 97-58, which provides a mechanism for allowing, upon request, during periods of not more than five consecutive years each, the incidental, but not intentional, taking of small numbers of non-depleted marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region.

§ 228.2 Scope.

The taking of small numbers of marine mammals under section 101(a)(5) of the Marine Mammal Protection Act may be allowed only if the species involved are not depleted and if the National Marine Fisheries Service (a) finds that the total taking during the specified time period will have a negligible impact on the species and their habitat, and on the availability of the species for subsistence uses; (b) prescribes regulations setting forth permissible methods of taking and other means of effecting the least practicable adverse impact on the species and their habitat, paying particular attention to rookeries, mating grounds, and other areas of similar significance; and (c) prescribes regulations pertaining to the monitoring and reporting of such taking. The specific regulations governing specified activities are contained in subsequent subparts to this Part 228.

§ 228.3 Definitions.

In addition to definitions contained in the Act and in 50 CFR 216.3 and unless the context otherwise requires, in this Part 228:

"*Citizens of the United States*" and "*U.S. citizens*" mean individual U.S. citizens or any partnership, corporation, association, or similar entity if it is organized under the laws of the United States or any governmental unit defined in 16 U.S.C. 1362(13) and controlled by individuals who are U.S. citizens. U.S. Federal, State and local government agencies shall also constitute citizens of the United States for purposes of this part.

"*Incidental, but not intentional, taking*" means accidental taking. It does not mean that the taking is unexpected, but rather it includes those takings which are infrequent, unavoidable or accidental. (Complete definition of take is contained in 50 CFR 216.3).

"*Negligible impact*" means an impact which can be disregarded or which is so small, unimportant, or of so little consequence as to warrant little or no attention. A finding of negligible impact cannot be made if a species or stock is depleted under 16 U.S.C. 1362(1).

"*Small numbers*" means a portion of a marine mammal species or stock whose taking would have a negligible impact on that species or stock.

"*Specified activity*" means any activity, other than commercial fishing, which takes place in a specified geographical region and potentially involves the taking of small numbers of non-depleted marine mammals. The specified activity and specified geographical region should be identified so that the anticipated effects on non-depleted marine mammals will be substantially similar.

"*Specified geographical region*" means an area within which a specified activity is conducted and which has certain biogeographic characteristics.

§ 228.4 Submission of requests.

(a) In order for the National Marine Fisheries Service to consider allowing the taking by U.S. citizens of small numbers of non-depleted marine mammals incidental to a specified activity, a written request must be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Serv-

§ 217.21

monwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, and the Trust Territory of the Pacific Islands.

"Whoever" means the same as person.

"Wildlife" means the same as fish or wildlife.

(Sec. 3(d), Fish and Wildlife Act of 1956, as amended, 88 Stat. 92 (16 U.S.C. 742b); sec. 11(f), Endangered Species Act of 1973, Pub. L. 93-205, 87 Stat. 884 (16 U.S.C. 1540))

[45 FR 57132, Aug. 27, 1980, as amended at 50 FR 12808, Apr. 1, 1985; 52 FR 24250, June 29, 1987; 52 FR 37153, Oct. 5, 1987]

Subpart C—Addresses

AUTHORITY: Sec. 3(d), Fish and Wildlife Act of 1956, as amended, 88 Stat. 92 (16 U.S.C. 742b); sec. 11(f), Endangered Species Act of 1973, Pub. L. 93-205, 87 Stat. 884 (16 U.S.C. 1540).

SOURCE: 45 FR 57133, Aug. 27, 1980, unless otherwise noted.

§ 217.21 Assistant Administrator.

Mail forwarded to the Assistant Administrator for Fisheries should be addressed:

Assistant Administrator for Fisheries, F
National Marine Fisheries Service
Washington, DC 20235.

§ 217.22 Office of Marine Mammals and Endangered Species.

Mail in regard to permits should be addressed to:

Office of Marine Mammals and Endangered Species, F/MM
National Marine Fisheries Service
Washington, DC 20235.

§ 217.23 Enforcement Division.

Mail in regard to enforcement and certificates of exemption should be addressed to:

Enforcement Division, F/CM5
National Marine Fisheries Service
Washington, DC 20235.

50 CFR Ch. II (10-1-88 Edition)

PART 220—GENERAL PERMIT PROCEDURES

Subpart A—Introduction

Sec.

220.1 General.

220.2 Purpose of regulations.

220.3 Scope of regulations.

220.4 Emergency variation from requirements.

Subpart B—Application for Permits

220.11 Procedure for obtaining a permit.

220.12 [Reserved]

220.13 Abandoned application.

Subpart C—Permit Administration

220.21 Issuance of permits.

220.22 Duration of permit.

220.23 [Reserved]

220.24 Renewal of permit.

220.25 Permits not transferable; agents.

220.26 Right of succession by certain persons.

220.27 Change of mailing address.

220.28 Change in name.

220.29—220.30 [Reserved]

220.31 Discontinuance of activity.

Subpart D—Conditions

220.42 Permits are specific.

220.43 Alteration of permits.

220.44 Display of permit.

220.45 Filing of reports.

220.46 Maintenance of records.

220.47 Inspection requirement.

Subpart E—Permits Involving Endangered or Threatened Sea Turtles

220.50 Purpose.

220.51 Permit applications.

220.52 Issuance of permits.

220.53 Other requirements.

AUTHORITY: Endangered Species Act of 1973, sec. 11(f), 87 Stat. 884, Pub. L. 93-205; act of August 31, 1951, Ch. 376, Title 5, sec. 501, 65 Stat. 290 (31 U.S.C. 483a).

SOURCE: 39 FR 41373, Nov. 27, 1974, unless otherwise noted.

Subpart A—Introduction

§ 220.1 General.

Each person intending to engage in an activity for which a permit is required by Parts 217 through 222 of this chapter or the Endangered Species Act of 1973 shall, before com-

National Marine Fisheries Service/NOAA, Commerce

§ 220.21

mencing such activity, obtain a valid permit authorizing such activity. Each person who desires to obtain the permit privileges authorized by Parts 217 through 222 of this chapter must make application for such permit in accordance with the requirements of this Part 220 of this chapter and the other regulations in Parts 217 through 222 of this chapter which set forth the additional requirements for the specific permits desired. If the activity for which permission is sought is covered by the requirements of more than one part of Parts 217 through 222 of this chapter, the requirements of each part must be met. If the information required for each specific permitted activity is included, one application may be accepted for all permits required, and a single permit may be issued.

§ 220.2 Purpose of regulations.

The regulations contained in this part will provide uniform rules and procedures for application, issuance, renewal, conditions, and general administration of permits issuable pursuant to Parts 217 through 222 of this chapter.

§ 220.3 Scope of regulations.

The provisions in this part are in addition to, and are not in lieu of, other permit regulations of Parts 217 through 222 of this chapter and apply to all permits issued thereunder, including "Endangered Fish or Wildlife" (Part 222).

§ 220.4 Emergency variation from requirements.

The Director may approve variations from the requirements of this part when he finds that an emergency exists and that the proposed variations will not hinder effective administration of Parts 217 through 222 of this chapter, and will not be unlawful.

Subpart B—Application for Permits

§ 220.11 Procedure for obtaining a permit.

The following general procedures apply to applications for permits:

(a) *Forms.* Applications must be submitted by letter containing all necessary information, attachments, certification, and signature. In no case will

oral or telephone applications be accepted.

(b) *Forwarding instructions.* Applications must be submitted to the Director, National Marine Fisheries Service. The address is listed in § 217.21.

(c) *Time requirement.* Applications must be received by the appropriate official of the National Marine Fisheries Service at least 90 calendar days prior to the date on which the applicant desires to have the permit made effective. The National Marine Fisheries Service will, in all cases, attempt to process applications deemed sufficient in the shortest possible time. The National Marine Fisheries Service does not, however, guarantee 90 days issuance after publication in the FEDERAL REGISTER of receipt of a permit application and some permits cannot be issued within that time period.

§ 220.12 [Reserved]

§ 220.13 Abandoned application.

Upon receipt of an insufficiently or improperly executed application, the applicant shall be notified of the deficiency in the application. If the applicant fails to supply the deficient information or otherwise fails to correct the deficiency within 60 days following the date of notification, the application shall be considered abandoned.

Subpart C—Permit Administration

§ 220.21 Issuance of permits.

(a) No permit may be issued prior to the receipt of a written application therefor, unless a written variation from the requirements, as authorized by § 220.4 is inserted into the official file of the National Marine Fisheries Service. Any representation of an employee or agent of the United States Government shall not be construed as a permit unless it meets the requirements of a permit as defined in 50 CFR 217.12.

(b) The Director shall issue the appropriate permit unless—

(1) Denial of a permit has been made pursuant to Subpart D of 15 CFR Part 904;

§ 220.22

50 CFR Ch. II (10-1-88 Edition)

(2) The applicant has failed to disclose material information required, or has made false statements as to any material fact, in connection with his application;

(3) The applicant has failed to demonstrate a valid justification for the permit or a showing of responsibility;

(4) The authorization requested potentially threatens a wildlife population, or

(5) The Director finds through further inquiry or investigation, or otherwise, that the applicant is not qualified.

(c) Each permit shall bear a serial number. Such number may be reassigned to the permittee to whom issued so long as he maintains continuity of renewal.

(d) The applicant shall be notified in writing of the denial of any permit request, and the reasons therefor. If authorized in the notice of denial, the applicant may submit further information, or reasons why the permit should not be denied. Such further submissions shall not be considered a new application. The final action by the Director shall be considered the final administrative decision of the Department.

[39 FR 41373, Nov. 27, 1974, as amended at 49 FR 1042, Jan. 6, 1984]

§ 220.22 Duration of permit.

Permits shall entitle the person to whom issued to engage in the activity specified in the permit, within the limitations of the applicable statute and regulations contained in Parts 217 through 222 of this chapter for the period stated on the permit, unless sooner modified, suspended, or revoked pursuant to Subpart D of 15 CFR Part 904.

[49 FR 1042, Jan. 6, 1984]

§ 220.23 [Reserved]

§ 220.24 Renewal of permit.

Where the permit is renewable and a permittee intends to continue the activity described in the permit during any portion of the year ensuing its expiration, he shall, unless otherwise notified in writing by the Director, file a request for permit renewal, together

with a certified statement that the information in his original application is still currently correct, or a statement of all changes in the original application, accompanied by any required fee at least 30 days prior to the expiration of his permit. Any person holding a valid renewable permit, who has complied with the foregoing provision of this section, may continue such activities as were authorized by his expired permit until his renewal application is acted upon.

§ 220.25 Permits not transferable; agents.

(a) Permits issued under Parts 220 through 222 are not transferable or assignable. Some permits authorize certain activities in connection with a business or commercial enterprise and in the event of any lease, sale, or transfer of such business entity, the successor must obtain a permit prior to continuing the permitted activity. However, certain limited rights of succession are provided in § 220.26.

(b) Except as otherwise stated on the face of a permit, any person who is under the direct control of the permittee, or who is employed by or under contract to the permittee for the purposes authorized by the permit, may carry out the activity authorized by the permit.

§ 220.26 Right of succession by certain persons.

(a) Certain persons, other than the permittee, are granted the right to carry on a permitted activity for the remainder of the term of a current permit provided they comply with the provisions of paragraph (b) of this section. Such persons are the following:

(1) The surviving spouse, child, executor, administrator, or other legal representative of a deceased permittee; and

(2) A receiver or trustee in bankruptcy or a court designated assignee for the benefit of creditors.

(b) In order to secure the right provided in this section, the person or persons desiring to continue the activity shall furnish the permit to the issuing officer for endorsement within 90 days from the date the successor begins to carry on the activity.

National Marine Fisheries Service/NOAA, Commerce

§ 220.47

§ 220.27 Change of mailing address.

During the term of his permit, a permittee may change his mailing address without procuring a new permit. However, in every case notification of the new mailing address must be forwarded to the issuing official within 30 days after such change. This section does not authorize the change of location of the permitted activity for which an amendment must be obtained.

§ 220.28 Change in name.

A permittee continuing to conduct a permitted activity is not required to obtain a new permit by reason of a mere change in trade name under which a business is conducted or a change of name by reason of marriage or legal decree: *Provided*, That such permittee must furnish his permit to the issuing official for endorsement within 30 days from the date the permittee begins conducting the permitted activity under the new name.

§§ 220.29—220.30 [Reserved]

§ 220.31 Discontinuance of activity.

When any permittee discontinues his activity, he shall, within 30 days thereof, mail his permit and a request for cancellation to the issuing officer, and said permit shall be deemed void upon receipt. No refund of any part of an amount paid as a permit fee shall be made where the operations of the permittee are, for any reason, discontinued during the tenure of an issued permit.

Subpart D—Conditions

§ 220.42 Permits are specific.

The authorizations on the face of a permit which set forth specific times, dates, places, methods of taking, numbers and kinds of fish or wildlife, location of activity, authorize certain circumscribed transactions, or otherwise permit a specifically limited matter, are to be strictly construed and shall not be interpreted to permit similar or related matters outside the scope of strict construction.

§ 220.43 Alteration of permits.

Permits shall not be altered, erased, or mutilated, and any permit which has been altered, erased, or mutilated shall immediately become invalid.

§ 220.44 Display of permit.

Any permit issued under Parts 220 through 222 shall be displayed for inspection upon request to the Director or his agent, or to any other person relying upon its existence.

§ 220.45 Filing of reports.

Permittees may be required to file reports of the activities conducted under the permit. Any such reports shall be filed not later than March 31 for the preceding calendar year ending December 31, or any portion thereof, during which a permit was in force, unless the regulations of Parts 217 through 222 of this chapter or the provisions of the permit set forth other reporting requirements.

§ 220.46 Maintenance of records.

From the date of issuance of the permit, the permittee shall maintain complete and accurate records of any taking, possession, transportation, sale, purchase, barter, exportation, or importation of fish or wildlife pursuant to such permit. Such records shall be kept current and shall include names and addresses of persons with whom any fish or wildlife has been purchased, sold, bartered, or otherwise transferred, and the date of such transaction, and such other information as may be required or appropriate. Such records, unless otherwise specified, shall be entered in books legibly written in the English language. Such records shall be retained for 5 years from the date of issuance of the permit.

§ 220.47 Inspection requirement.

Any person holding a permit under Parts 217 through 222 of this chapter shall allow the Director's agent to enter his premises at any reasonable hour to inspect any fish or wildlife held or to inspect, audit, or copy any permits, books, or records required to be kept by regulations of Parts 217

through 222 of this chapter or by the Endangered Species Act of 1973.

Subpart E—Permits Involving Endangered or Threatened Sea Turtles

SOURCE: 43 FR 32809, July 28, 1978, unless otherwise noted.

§ 220.50 Purpose.

This subpart establishes procedures for issuance of permits for scientific purposes or to enhance the propagation or survival of "endangered" or "threatened" sea turtles and zoological exhibition or educational purposes for "threatened" sea turtles.

§ 220.51 Permit applications.

Applications for permits to take, import, export or engage in any other prohibited activity involving any species of sea turtle listed in 50 CFR 17.11 shall be submitted to the Wildlife Permit Office (WPO) of the U.S. Fish and Wildlife Service in accordance with either, 50 CFR 17.22(a) (Endangered Species) or 50 CFR 17.32(a) (Threatened Species) as appropriate. Applications involving activities under the jurisdiction of the National Marine Fisheries Service (NMFS) as defined in 50 CFR 222.23(a) and 50 CFR 227.4 shall be forwarded by the WPO to NMFS.

§ 220.52 Issuance of permits.

(a) Applications under the jurisdiction of the WPO shall be reviewed and acted upon in accordance with 50 CFR 17.22 or 50 CFR 17.32 as appropriate.

(b) NMFS shall make a complete review of applications forwarded to it by the WPO in accordance with § 220.51 and determine the appropriate action to be taken in accordance with 50 CFR 220.21(b) and 222.23(c). In instances where the application involves activities solely within NMFS jurisdiction, NMFS shall issue permits or letters of denial and provide WPO with copies of its actions.

(c) Where a permit application involves activities under both NMFS and FWS jurisdiction, each agency will process the application for activities under its jurisdiction. WPO will issue either a permit or a letter of denial.

(d) Where a permit application for activities under NMFS jurisdiction also requires a permit under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (TIAS 8249, July 1, 1975) (CITES) (50 CFR Part 23), NMFS will process the application for activities under its jurisdiction. WPO will issue the final document by means of a combination ESA/CITES permit or a letter of denial.

§ 220.53 Other requirements.

Permits issued by NMFS under this Subpart shall be administered and comply with the provisions of 50 CFR Parts 217 through 227 as appropriate.

PART 221—DESIGNATED PORTS

AUTHORITY: Endangered Species Act of 1973, sec. 11(f), 87 Stat. 884, Pub. L. 93-205.

§ 221.1 Importation and exportation at designated ports.

Any fish or wildlife (other than shellfish and fishery products which (a) are not endangered or not threatened species, and (b) are imported for purposes of human or animal consumption or taken in waters under the jurisdiction of the United States or on the high seas for recreational purposes) which is subject to the jurisdiction of the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce and is intended for importation into or exportation from the United States, shall not be imported or exported except at a port or ports designated by the Secretary of the Interior. The Secretary of the Interior may permit the importation or exportation at nondesignated ports in the interest of the health or safety of the fish or wildlife or for other reasons if he deems it appropriate and consistent with the purpose of facilitating enforcement of the Endangered Species Act and reducing the costs thereof. Importers and exporters are advised to see 50 CFR Part 14 for importation and exportation requirements and information.

[39 FR 41375, Nov. 27, 1974]

Subpart D—Special Prohibitions

222.31 Approaching humpback whales in Hawaii.

Subpart E—Incidental Capture of Endangered Sea Turtles

222.41 Policy regarding incidental capture of sea turtles.

AUTHORITY: 16 U.S.C. 1531-1543.

Subpart A—Introduction

§ 222.1 Purpose of regulations.

The regulations contained in this part identify the species or subspecies of fish or wildlife determined to be endangered under either the Endangered Species Conservation Act of 1969 or the Endangered Species Act of 1973, and presently deemed endangered species under the Endangered Species Act of 1973, which are under the jurisdiction of the Secretary of Commerce, and establish procedures and criteria for issuance of permits for the taking, importation, exportation, or otherwise prohibited acts, involving endangered fish or wildlife. The regulations of this part implement, in part, the Endangered Species Act of 1973, 87 Stat. 884, Pub. L. 93-205, as amended.

[45 FR 57133, Aug. 27, 1980]

§ 222.2 Scope of regulations.

(a) The regulations of this part apply only to endangered fish or wildlife.

(b) The provisions in this part are in addition to, and are not in lieu of, other regulations of Parts 217 through 222 of this chapter which may require a permit or prescribe additional restrictions or conditions for the taking, importation, exportation, and interstate transportation of fish or wildlife. (See also Parts 220 and 221 of this chapter.)

[45 FR 57133, Aug. 27, 1980]

Subpart B—Certificates of Exemption for Pre-Act Endangered Species Parts

SOURCE: 45 FR 57134, Aug. 27, 1980, unless otherwise noted.

PART 222—ENDANGERED FISH OR WILDLIFE

Subpart A—Introduction

Sec.

222.1 Purpose of regulations.

222.2 Scope of regulations.

Subpart B—Certificates of Exemption for Pre-Act Endangered Species Parts

222.11-1 General certificate of exemption requirements.

222.11-2 Application renewal procedure.

222.11-3 Application renewal requirements.

222.11-4 Procedures for issuance of renewals of certificates of exemption.

222.11-5 Application for modification of certificate of exemption by holder.

222.11-6 Amendment of certificates of exemption.

222.11-7 Procedures for suspension, revocation, or modification of certificates of exemption.

222.11-8 Purchaser provisions.

222.11-9 Duration of certificate of exemption.

222.12 Locations covered by certificate of exemption.

222.12-1 Certificate of exemption not transferable; exception.

222.12-2 Change of address.

222.12-3 Certain continuance of business.

222.12-4 Change in trade name.

222.12-5 State or other law.

222.12-6 Right of entry and examination.

222.12-7 Records.

222.12-8 Record of receipt and disposition.

222.12-9 Importation.

222.13 Exportation.

222.13-1 Procedure by exporter.

222.13-2 Action by Customs.

222.13-3 Transportation to effect exportation.

222.13-4 Burden of proof; presumption.

Subpart C—Endangered Fish or Wildlife Permits

222.21 General permit requirement.

222.22 [Reserved]

222.23 Permits for scientific purposes or to enhance the propagation or survival of the affected endangered species.

222.24 Procedures for issuance of permits.

222.25 Applications for modification of permit by permittee.

222.26 Amendment of permits by NMFS.

222.27 Procedures for suspension, revocation, or modification of certificates of exemption.

222.28 Possession of permits.