

## PROPOSED PROTECTION FOR MARINE TURTLES

PREPARED BY: George H. Balazs

Recognizing the fact that title to all wildlife belongs to the State in its sovereign capacity, and that the State holds this title in trust for the people of Hawaii, and that the State has a right and an obligation to protect, perpetuate and control wildlife within its boundaries, the following bill for an act relating to the protection of marine turtles is hereby proposed:

1. It shall be unlawful for any person to take, sell, kill, possess, mutilate or in any way disturb any Leatherback (Dermochelys sp.) or Hawksbill (Eretmochelys sp.) in or from the territorial waters of the State of Hawaii.
2. It shall be unlawful for any person to take, sell, kill, possess, mutilate or in any way disturb any green turtle (Chelonia sp.) in or from the territorial waters of the State of Hawaii which surround the Hawaiian Islands National Wildlife Refuge.
3. It shall be unlawful for any person to take, sell, kill, possess, mutilate or in any way disturb any green turtle in or from the territorial waters of the State of Hawaii which surround the major islands (Hawaii, Maui, Kahoolawe, Lanai, Molokai, Oahu, Kauai and Niihau) excepting green turtles having a straight line carapace measurement of more than thirty-four (34) inches.
4. It shall be unlawful for any live marine turtle to be held in captivity or transported within or across the boundaries of the State except by special permit which will be granted by the Division of Fish and Game only for educational or scientific purposes. The number of animals held for such purposes by any one person or institution shall not exceed that as deemed reasonable, prudent and necessary by the Division of Fish and Game.
5. Any officer or agent authorized by the Division of Fish and Game shall have authority to execute any warrant to search for and seize any animal or animal product held in violation of sections 1, 2, 3 or 4 of this act. Such material shall be held pending proceedings in any court of proper jurisdiction. Upon the conviction of any person charged with a violation of section 1, 2, 3 or 4 of this act the animal or animal product seized shall be forfeited and either released, offered to a recognized institution for scientific or educational purposes, or destroyed.
6. Any person convicted of violating any section of this act shall be fined not more than \$500 or imprisoned not more than 6 months or both.

PROPOSED RESEARCH STUDY OF MARINE TURTLE POPULATIONS

IN THE HAWAIIAN ISLANDS

BY: George H. Balazs  
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In conjunction with the proposed protective limitations on the capture of marine turtles within the State, it is hereby requested that \$45,000 in funds be provided for a 3 year research study dealing with the management of marine turtle populations in the Hawaiian Islands. Such an investigation of this Central Pacific colony is particularly critical at this time due to the fact that overexploitation of marine turtle resources is widespread throughout the world. This makes it imperative that as much knowledge as possible be obtained on Hawaii's turtles to determine whether or not additional protection is necessary to ensure their continued viability and existence. Hawaii's green turtle population may very well comprise the largest remaining nesting colony left in the United States.

The initial objectives of the proposed study are:

1. To determine the present size of the green turtle population. Included would be the collection of much needed additional data on migration, nesting occurrence both within and between seasons, and length-weight frequencies of individuals. This would be accomplished by implementing an intensive tagging program at several selected nesting sites in the Hawaiian Islands National Wildlife Refuge. Such a project would be carried out in close cooperation with the Bureau of Sport Fisheries and Wildlife to ensure that adequate safeguards are taken against disturbing other delicate wildlife present in the area.
2. To investigate the movement of adult and sub-adult populations between the various feeding areas found around the major islands. This would involve the capture, tagging and subsequent recapture of individuals in the grazing habitats. Assistance from the Division of Fish and Game and the National Marine Fisheries Service would greatly expedite this phase of the project.
3. To determine which types of algae and in what proportions are utilized as food. This would be accomplished by the systematic examination of stomach contents from turtles caught by commercial fishermen.
4. To devise and implement a computer program study which will statistically analyze all records relating to turtle catch that are presently on file at the Division of Fish and Game.

The expertise, personnel, facilities and equipment to direct and carry out these objectives exists within the framework of the Hawaii Institute of Marine Biology. The project would thus represent a teamwork effort on the part of Hawaii's scientific community to study a valuable indigenous resource.

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1. Complete protection shall be provided for Leatherback (Dermochelys sp.) and Hawksbill (Eretmochelys sp.) turtles in all territorial waters of the State of Hawaii.

Justification: Leatherbacks are of little economic value and are rarely seen in Hawaiian waters. Encroachment by man on the few known nesting sites in the world necessitates protection by all governments before excessive reduction in numbers occurs. Hawksbills are officially recognized by the federal government as an endangered species. No Hawksbill or products derived from the Hawksbill may be imported into the United States. Recognition of the fact that these animals are threatened with extinction should be given by the State of Hawaii in the form of complete protection.

2. Complete protection shall be provided for all green turtles (Chelonia sp.) within the territorial waters of the Hawaiian Islands Wildlife Refuge.

Justification: Federal protection of this animal does not extend to the navigatable territorial waters surrounding the reefs and islands in this area. Breeding of marine turtles occurs offshore, sometimes as far out as 1/2 mile. During this time animals are very susceptible to predation by man. Because the Wildlife Refuge is the largest green turtle nesting area left in the United States, protection by the State should be afforded to these animals.

3. Protection shall be provided for green turtles (Chelonia sp.) under thirty-four (34) inches straight line carapace length within the territorial waters surrounding the main Hawaiian Islands.

Justification: Green turtles are recognized as the world's most valuable reptile owing to the many useful products obtained from their carcass. For this reason overexploitation of the resource has occurred in most areas of the world. Research has shown that this migratory animal is slow to recover from such abuses by man. The realization by governments that green turtle numbers are fast declining has led to passage of protective restrictions. Many areas have afforded total protection for green turtles. A size limitation on these animals at this time would assist juveniles in the Hawaiian population in reaching reproductive age. This would ensure a future breeding stock. In addition, the taking of small animals is unsportsmanlike and wasteful in terms of potential edible protein.

4. Restrictions on the holding and transport of live marine turtles. Special permit will be granted only for educational or scientific purposes.

Justification: Transporting live turtles for commercial purposes is often inhumane and a cause of undue suffering by a creature of the wild. Educational and scientific purposes are the only legitimate reasons for holding marine turtles in captivity since as many animals as possible should remain in the natural environment and be free to breed and reproduce.

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Prepared by George H. Balazs and emended by George H. Balazs and Frank J. Radovsky

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1. It shall be unlawful for any person to take, kill, possess, mutilate or in any way disturb any Leatherback (Dermodochelys sp.) or Hawksbill (Eretmodochelys sp.) in or from the territorial waters of the State of Hawaii, except as specified in section 7 of this act.
2. It shall be unlawful for any person to take, kill, possess, mutilate or in any way disturb any green turtle (Chelonia sp.) in or from the territorial waters of the State of Hawaii which surround the Hawaiian Islands National Wildlife Refuge, except as specified in section 7 of this act.
3. It shall be unlawful for any person to take, kill, possess, mutilate or in any way disturb any green turtle in or from the territorial waters of the State of Hawaii which surround the major islands (Hawaii, Maui, Kahoolawe, Lanai, Molokai, Oahu, Kauai and Niihau) for purpose of resale.
4. It shall be unlawful for any person to import any marine turtle or part thereof into the State of Hawaii for purpose of resale.
5. It shall be unlawful to sell any marine turtle or part thereof, including the sale or serving of turtle-derived food products in restaurants or markets or elsewhere. (Green turtles may be used as food, without sale, when legally taken as outlined in section 6 of this act).
6. It shall be unlawful for any person to take, kill, possess, mutilate or in any way disturb any green turtle in or from the territorial waters of the State of Hawaii which surround the major islands, excepting green turtles having a straight line carapace measurement of more than thirty-four (34) inches that are taken under permit from the Division of Fish and Game, tagged, and reported to the Division within a time to be specified, or except as specified in section 7 of this act.
7. It shall be unlawful for any live marine turtle to be captured or held in captivity or transported within or across the boundaries of the State except by special permit which will be granted by the Division of Fish and Game only for educational or scientific purposes. The number of animals held for such purposes by any one person or institution shall not exceed that as deemed reasonable, prudent and necessary by the Division of Fish and Game.
8. Any officer or agent authorized by the Division of Fish and Game shall have authority to execute any warrant to search for and seize any animal or animal product held in violation of sections 1 through 7 of this act. Such material shall be held pending proceedings in any court of proper jurisdiction. Upon the conviction of any person charged with a violation of section 1 through 7 of this act the animal or animal product seized shall be forfeited and either released, offered to a recognized institution for scientific or educational purposes, or destroyed.
9. Any person convicted of violating any section of this act shall be fined not more than \$500 or imprisoned not more than 6 months or both.