



SECRETARIA DE PESCA

AGREEMENT TO ESTABLISH CLOSED SEASONS
FOR THE MARINE TURTLE SPECIES AND
SUBSPECIES WITHIN THE JURIDictionAL WATERS

INSTITUTO NACIONAL DE LA PESCA

MINISTRY OF FISHERIES

AGREEMENT to establish closed seasons for the marine turtle species and subspecies within the jurisdictional waters of the Gulf of Mexico and Caribbean Sea, as well as in the Pacific Ocean, including the Gulf of California. (On the margin, a seal with the emblem of the Mexican United States. Ministry of Fisheries.)

AGREEMENT TO ESTABLISH CLOSED SEASONS FOR THE MARINE TURTLE SPECIES AND SUBSPECIES WITHIN THE FEDERAL JURISDICTIONAL WATERS OF THE GULF OF MEXICO AND CARIBBEAN SEA, AS WELL AS IN THE PACIFIC OCEAN, INCLUDING THE GULF OF CALIFORNIA, ACCORDING TO THE DISPOSITIONS MENTIONED IN ARTICLES 37, PART XXVII, AND 43, PARTS I, II AND V OF THE FEDERAL PUBLIC ADMINISTRATION ORGANIC ACT; 1, 2, 15, PARTS II AND III; 16, PART II, 17 PARTS II AND V; 68, PARTS I, II, IV, VII, XI AND XII, 69, PART V AND OTHER APPLICABLE BY THE FEDERAL FISHERIES ACT, 73, 104 AND 105 OF THE REGULATIONS OF THE FEDERAL FISHERIES ACT AND

CONSIDERING

That the existing marine turtle species in Federal jurisdictional waters of the Gulf of Mexico and Caribbean Sea, as well as the Pacific Ocean, including the Gulf of California, denominated: "Pacific Ridley" (*Lepidochelys olivacea*), "Kemp's Ridley" (*Lepidochelys kempi*), "Atlantic Green" (*Chelonia mydas*), "Pacific Green" (*Chelonia agassizi*), "Atlantic Loggerhead" and "Reddish-Brown" (*Caretta caretta* and *Caretta gigas*), "Hawksbill" (*Eretmochelys imbricata*), "Leatherback" (*Dermochelys coriacea*), and the subspecies "Atlantic Loggerhead" (*Caretta, caretta, caretta*), "Reddish-Brown" (*Caretta caretta gigas*), "Hawksbill" (*Eretmochelys imbricata imbricata*) and (*Eretmochelys imbricata bissa*), "Leatherback" (*Dermochelys coriacea coriacea*) and "Leatherback" (*Dermochelys coriacea schlegelii*) constitute a natural resource which is part of the public wealth of the Nation, and which the State has the obligation to conserve so that its exploitation yields more benefits to the national economy.

That according to the traditional purposes for the conservation and preservation of the natural resources which have given Mexican fishing policies an outstanding position on the international level for over twenty five years, the exploitation of all species of marine turtles has been subject to a protectionist regime through various instruments and actions, among which can be mentioned the following:

- a) The establishment of turtle camps along the main arrival beaches during the reproduction periods of the nine species and subspecies which hatch on Mexican territory, a mechanism which has been effective as the fundamental aspect to carry on national scientific research programs and the protection of arrivals and nests, natural and artificial incubation, control of natural depredation and protection and liberation of hatchlings in their natural environment.
- b) The decrease of the users of this resource, legally reserved for the exploitation by cooperative fishing production societies, since 1972, year in which the Federal Act for the Promotion of Fisheries, and actually consignating this reserve in Article 55 of the Federal Fisheries Act in force, thus facilitating the incorporation of an organized work force, oriented to the exploitation and committed to the conservation of the resource.
- c) The establishment of a total and partial closed seasons regime by species, excluding of any type of exploitation practically all species of marine turtles since 1973, with the exception of the "Pacific Ridley" and the "Pacific Green", species whose commercial exploitation was banned in 1983.
- d) By Presidential Decree signed on October 28, 1986, published in the Official Diary on the 29th

- of that same month and year, sixteen reserve zones and refuges along the coasts of the Gulf of Mexico and the Pacific Ocean were declared; moreover, this ordinance established the legal regulations to avoid the deterioration of the ecological conditions of the natural environment and the contamination, oriented towards the protection of the above mentioned zones and the reproduction and nesting of the marine turtles within a maritime fringe of five nautical miles.
- e) The adoption of an exploitation scheme, based on capture quota assignments, determined under strict observance of the scientific recommendations derived from the research programs carried on by the National Fisheries Institute, volumes which besides concentrating on the exclusive exploitation of the "Pacific Ridley" were reduced since the season 1983-1984, and assigned to native fishermen groups and communities, organized in cooperatives, which had few possibilities of other jobs or productive activities.
- That the efforts displayed by the Mexican Government and the sectors involved have, in general, been positive and easily observed. It is enough to mention the fact that, while in other regions of the world, the reproduction, arrival and nesting zones of marine turtles have practically disappeared, turtles continue to arrive in Mexican beaches.
- That notwithstanding the strategy adopted by the Federal Government for the exploitation of the turtle resources—in attention to the state of their populations and linking them to specific protection and conservation programs—has had a favorable balance; nevertheless the slow biological development which characterizes the marine turtle species, together with the inevitable effects of the industrialization process and increase of the human and tourist settlements, which have shown in greater contamination rates and modifications in the ecology and habitat where the reproduction and nesting processes of these species take place, have made their recuperation difficult, as the worldwide deterioration of their populations persists.
- That taking into consideration the above mentioned, and conscious that the marine turtle species, in their status of natural resources, belong to the Nation, and based on studies and scientific research carried on by the Ministry of Fisheries (SEPESCA) and the Ministry of Urban Development and Ecology (SEDUE), it has been determined to establish a total and indefinite closed season for all species and subspecies of marine turtles in federal jurisdictional waters.
- That accordingly, basing the present dispositions in technical and public interest reasons, I have issued the following:

AGREEMENT

ARTICLE FIRST A total and indefinite closed season for marine turtle species which exist in federal jurisdictional waters of the Gulf of Mexico and Caribbean Sea, as well as the Pacific Ocean, including the Gulf of California, denominated:

"Pacific Ridley" (*Lepidochelys olivacea*), "Kemps Ridley" (*Lepidochelys kempi*), "Atlantic Green" (*Chelonia mydas*), "Pacific Green" (*Chelonia agassizi*), "Atlantic Loggerhead" and "Reddish-Brown" (*Caretta caretta* and *Caretta gigas*), "Hawksbill" (*Eretmochelys imbricata*), "Leatherback" (*Dermochelys coriacea*), and the subspecies "Atlantic Loggerhead" (*Caretta, caretta, caretta*), "Reddish-Brown" (*Caretta caretta gigas*), "Hawksbill" (*Eretmochelys imbricata imbricata*) and (*Eretmochelys imbricata bissa*), "Leatherback" (*Dermochelys coriacea coriacea*) and "Leatherback" (*Dermochelys coriacea schlegelii*).

ARTICLE SECOND It is strictly forbidden to fish, capture, chase, molest or damage by any means any species or subspecies of marine turtles within the federal jurisdictional waters of the Gulf of Mexico, Caribbean Sea, Pacific Ocean and Gulf of California, as well as along the beaches

of the national territory where they arrive to hatch, or to destroy their nests, collect, keep or sell their eggs.

ARTICLE THIRD The samples of any species of marine turtle incidentally captured during commercial fishing operations of other species must be returned to the sea, no matter their physical state, dead or alive, being thus banned their retention and transportation on board the fishing vessels.

ARTICLE FOURTH The Ministry of Fisheries will proceed to establish a program to evaluate the scope and effects of incidental capture of marine turtles in other fisheries, as well as specific research and technological development projects to incorporate more selective fishing gear in order to reduce their incidental capture.

ARTICLE FIFTH Fishing within a 4 nautical mile fringe in front of the refuge areas, during the reproduction and hatching periods of the different species of marine turtles, will be subject to the dispositions dictated by the Ministry of Fisheries. This agency will also promote in the Ministry of Communications the expedition of navigation dispositions within the afore mentioned fringe, which will help to the protection of the resources dealt with in the present ordinance.

ARTICLE SIXTH The Ministry of Fisheries, based on the opinion of the National Fisheries Institute, and in coordination with the Ministry of Urban Development and Ecology, will establish new refuge areas for the nesting of species and subspecies of marine turtles, whenever this is required for the protection of the reproductive and nesting period. The Ministry of Urban Development and Ecology will not grant permits, concessions or authorizations for the exploitation of the federal maritime-terrestrial zone.

ARTICLE SEVENTH In coordination with the state and municipal governments, The Ministry of Urban Development and Ecology will regulate the uses and destination of the soil in the nesting refuge zones, so as to guarantee the maintenance of the ecological conditions of the natural environment which make the reproduction and nesting of the marine turtle species and subspecies possible, promoting with the local authorities that the expedition of the declarations of land use in neighboring zones to the refuge areas be in accordance with the purpose of the same, in order to avoid the ecological deterioration.

ARTICLE EIGHTH The Ministry of Fisheries, through the National Fisheries Institute will coordinate the scientific and technological research activities which will be carried on the marine turtle species and subspecies, for which it will request the different public and private agencies, groups, associations and institutions, which form the national and international scientific community involved in the determination of a National Research Plan on Marine Turtles, oriented towards the preservation and recovery of their populations.

ARTICLE NINTH The Ministry of Urban Development and Ecology will be responsible for the establishment and control of the turtle camps to be established in the refuge areas as well as along the beaches of the national territory, for the protection and conservation of marine turtles, being responsible for the implementation of the activities for the conservation and preservation of the ecological balance in the natural environment, protection of species and subspecies of marine turtles which arrive to nest and reproduce, as well as for the eggs and hatchlings until their release in the sea.

The Ministry of Urban Development and Ecology will develop control and vigilance actions, both in the refuge areas as in the turtle camps, to which end it will coordinate with the Ministries of Fisheries and Navy to increase and reinforce, within the range of their respective attributions, the inspection and vigilance programs which guarantee the enactment of the dispositions contained in this Agreement.

ARTICLE TENTH The purpose of the closed season which is established through the present Agreement is the protection, conservation, propagation and recovery of the marine turtle populations, and will only be modified or removed when the results of the scientific and technical research projects developed by the Ministries of Fisheries and Urban Development

and Ecology show that the natural populations have increased and can again bear the capture of portions of the said populations, without impairment to their conservation and permanence.

ARTICLE ELEVENTH The Ministries of Fisheries and Urban Development and Ecology will promote before the competent authorities that the necessary measures be taken to ban the marketing and industrialization of marine turtles, their eggs, products and derivatives within the national territory, as well as their importation and exportation.

ARTICLE TWELFTH Whoever carries on the illegal acts referred to in this Agreement, will be subject to the sanctions mentioned by the Federal Fisheries Act.

ARTICLE THIRTEENTH The Ministries of Fisheries and Urban Development and Ecology, within the range of their respective attributions, will watch over the strict observance of this Agreement, and if necessary, will request for the support of the other agencies of the Federal Executive involved.

TRANSITORY

ARTICLE FIRST The present Agreement will come into effect from the day following its publication in the Official Diary.

ARTICLE SECOND Within a term of fifteen days, effective from the date in which this Agreement comes into force, fishermen, cooperatives, dealers and industries which have meat, skins, flours, oils and any other product or derivate of marine turtles, will make an inventory of their stocks, using the official forms supplied by the Ministry of Fisheries, attaching the documents which accredit their legal origin, and present them at the nearest Federal Fisheries Office, requesting the physical verification of those stocks, a necessary condition for their later commercialization, which can be carried on under the following conditions:

- I. The tenants of the said products or derivatives will present every fortnight, at the corresponding Federal Fisheries Office, a sales report of that period, indicating the number and date of the invoices issued.
- II. In order to move from one location to another any product derived from marine turtles included in the corresponding stocks, those involved will request the authorization of the Federal Fisheries Office of their jurisdiction, exhibiting the corresponding original invoice and turning a copy of the document over to the Federal Fisheries Office of the location of origin and to the Federal Fisheries Office of the destination location, within the following 24 hours after their arrival.
- III. The Federal Fisheries Offices will proceed to deduct from the inventories of the products in closed season, the volumes sold until the stocks are sold out.
- IV. Non observance of these dispositions will be sanctioned according to the legal ordinances applicable.

Mexico City, May 28, 1990. The Minister of Urban Development and Ecology, Patricio Chirinos Calero. Signature. The Minister of Fisheries, María de los Angeles Moreno U. Signature.