



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Silver Spring, MD 20910

Dr. Anne Rudloe
Gulf Specimen Marine Laboratories, Inc.
P.O. Box 237
Panacea, Florida 32346

Dear Dr. Rudloe:

Enclosed is Permit No. 1417; issued under the authority of Section 10 of the Endangered Species Act of 1973. This permit authorizes the take of listed sea turtles incidental to otherwise lawful trawling activities in the Florida state waters of Gulf, Franklin and Wakulla Counties. This permit applies only to the waters of these three counties and to trawling as described in the permit application. The trawl gear used will be under 500 square feet in size with two foot long doors. Tow times will not exceed thirty minutes in duration.

Your attention is particularly directed to Section IV.B. which describes reporting requirements. This permit expires on May 1, 2012. However, please note that annual renewal of this permit before this date is not automatic. Yearly evaluation of this permit by the National Marine Fisheries Service (NMFS) will include review of each year's annual report and the reported take included in it, prior to re-authorization of the permit for the following year. The fee for this permit is waived.

Please note that Permit #1417 is not valid until our office receives the signed copy. You may submit the copy by facsimile to (301) 713-0376 and confirm by mail. If you have any questions concerning the permit, please contact Therese Conant at (301) 713-1401 x126.

Sincerely,

Phil Williams
Chief, Endangered Species Division
Office of Protected Resources



PERMIT TO INCIDENTALLY TAKE ENDANGERED/THREATENED SPECIES

I. AUTHORIZATION

Dr. Anne Rudloe, Gulf Specimen Marine Laboratories, Inc. (GSML) is hereby authorized to incidentally take the endangered and threatened sea turtles, and the threatened Gulf sturgeon specified below while conducting trawling activities in the Florida state waters of Gulf, Franklin and Wakulla Counties in the manner specified in the Permit Holder's January 27, 2003 application and supporting documents, subject to the provisions of Section 10 of the Endangered Species Act of 1973 (ESA) (16 U.S.C. §§ 1531-1543), the National Marine Fisheries Service (NMFS) regulations governing listed species permits (50 CFR Parts 222 and 223), and the conditions hereinafter set forth.

II. ABSTRACT

On January 27, 2003, GSML applied for an incidental take permit (ITP) for ESA-listed sea turtles associated with otherwise lawful trawling activities in Florida state waters of Gulf, Franklin, and Wakulla Counties. On February 14, 2003, the National Marine Fisheries Service (NMFS) published a notice of receipt of GSML's application (ITP 1417) in the Federal Register (68 FR 7505). The comment period ended on March 17, 2003, and no comments were received.

GSML is a non-profit scientific and educational institution that holds an IRS 501(c)3 certificate of tax exemption and conducts sea turtle research and conservation activities. GSML uses small trawls (under 500 sq. ft. (46.5 sq. m)) without turtle excluder devices (TEDs) to collect marine fish, invertebrates and algae. Trawl times are less than 30 minutes in duration. GSML sells the marine organisms it catches to public aquariums, schools, research laboratories, and biomedical institutions. It utilizes the revenue to support its environmental education and sea turtle protection programs. The issuance of an ITP will allow for the continued harvest of marine fish, invertebrates and algae by GSML.

The application submitted by GSML requested permission to take Kemp's ridley, green and loggerhead sea turtles. This fishing activity does not target sea turtles, and while thus far GSML has not taken any turtles with the trawling gear it currently uses, a take of one turtle every 3 years is anticipated. No injuries or mortalities are expected should this take occur.

During review of the application, NMFS determined that leatherback sea turtles (*Dermochelys coriacea*) and Gulf sturgeon (*Acipenser oxyrinchus desotoi*) also occur in the action area specified in the ITP application. Thus, NMFS included these species in its analysis of the ITP application.

Low Effect ITP

The types of activities and effects that are considered under the ESA section 10 permitting process vary in complexity and degree of impact. Despite authorization of some small level of incidental take, an action authorized under a low-effect ITP has a minor or negligible effect on the species covered in the permit. The determination of whether an ITP qualifies for the low-effect category must be based on its anticipated impacts prior to implementation of the mitigation plan. Low-effect ITPs are categorically excluded from NEPA. NMFS has determined that this ITP (1417) qualifies for the low-effect category. Only one turtle is anticipated to be taken every 3 years, and these takes are expected to be non-lethal and result in zero injury. Only one Gulf sturgeon is anticipated to be taken in the 9 years of the ITP, and this take is expected to be non-lethal and result in zero injury.

Conservation Plan

Section 10 of the ESA specifies that no ITP may be issued unless an applicant submits an adequate conservation plan. The conservation plan prepared by GSML describes measures designed to minimize and mitigate the impacts of any incidental takes of ESA-listed sea turtles. It includes provisions to ensure that any captured sea turtles in need of resuscitation are provided such care, per NMFS guidelines. Additionally, any animals needing medical attention or rehabilitation will be cared for by authorized persons and facilities. The applicant's conservation plan did not include procedures for handling Gulf sturgeon, as GSML was unaware that they could be captured. However, this ITP will require the applicant to follow specific handling procedures for Gulf sturgeon to minimize impacts to this species should an interaction occur. The conservation plan will mitigate the impacts of any incidental takes of ESA-listed sea turtles that are harmed due to interactions with other fisheries in the area. Specifically, GSML will remove, taking into account any human safety considerations, any turtles it encounters ensnared in fishing lines, nets, and trap ropes. If any of these sea turtles require care, GSML will transport them to a rehabilitation facility.

This conservation plan will be funded through GSML revenues derived from the sale of the marine fish, invertebrates, and algae collected from trawling, donations from membership in its aquarium, and from grants and contracts.

III. INCIDENTAL TAKE AUTHORIZATION

Listed Species Affected:

Endangered

Leatherback turtle	<i>Dermochelys coriacea</i>
Green turtle	<i>Chelonia mydas</i> *
Kemp's ridley turtle	<i>Lepidochelys kempii</i>

Threatened

Loggerhead turtle	<i>Caretta caretta</i>
Gulf Sturgeon	<i>Acipenser oxyrinchus desotoi</i>

* Green turtles in U.S. waters are listed as threatened except for the Florida breeding population which is listed as endangered. Due to the inability to distinguish between these populations away from the nesting beach, green turtles are considered endangered wherever they occur in U.S. waters.

NMFS authorizes, for the entire life of the ITP, an **incidental take of up to a total of 3 sea turtles, all live, in any combination, of loggerhead, green, Kemp's ridley or leatherback sea turtles and up to 1 Gulf sturgeon, alive.** If incidental captures reach the established level for either turtles or sturgeon, GSML must cease activities authorized under this ITP. Take must be incidental to otherwise lawful trawling activities described in the ITP application, and as conditioned herein. This ITP covers incidental take from date of issuance through May 1, 2012.

NMFS also authorizes GSML, for the life of the ITP, to remove any turtles it encounters ensnared in fishing lines, nets, and trap ropes. If any of these sea turtles require care, this ITP authorizes GSML to transport them to a rehabilitation facility. This authorization is necessary to allow GSML to carry out the activities specified in their conservation plan as outlined in their ITP application.

IV. CONDITIONS OF PERMIT

The incidental take of ESA-listed sea turtles is authorized during activities as described in the application and subject to the provisions of the conservation plan and the conditions specified in this ITP.

A. Conditions to Monitor, Minimize, and Mitigate Impacts to Listed Species

1. *Tow times.* Tow times shall not exceed 30 minutes.

2. *Sea Turtle Handling and Resuscitation Requirements.*
All incidentally captured sea turtles must be handled as follows:

1) Any specimen taken incidentally during the course of fishing or scientific research activities 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 actively moving must be released over the stern of the boat. In addition, they must be released only when fishing or scientific collection gear is 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 by:

(1) Placing the turtle on its bottom shell (plastron) so that the turtle is right side up and elevating its hindquarters at least 6 inches (15.2 cm) for a period of 4 up to 24 hours. The amount of the elevation depends on the size of the turtle; greater elevations are needed for larger turtles. Periodically, rock the turtle gently left to right and right to left by holding the outer edge of the shell (carapace) and lifting one side about 3 inches (7.6 cm) then alternate to the other side. Gently touch the eye and pinch the tail (reflex test) periodically to see if there is a response.

(2) Sea turtles being resuscitated must be shaded and kept damp or moist but under no circumstance be placed into a container holding water. A water-soaked towel placed over the head, carapace, and flippers is the most effective method in keeping a turtle moist.

(3) Sea turtles that revive and become active must be released over the stern of the boat only when fishing or scientific collection gear is 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. Sea turtles that fail to respond to the reflex test or fail to move within 4 hours (up to 24, if possible) must be retained for scientific purposes. GSML will preserve the specimen (by placing it on ice) until it can be determined who will receive the specimen from GSML. GSML will contact the Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service (address

and phone listed under IV. B.) to make this determination.

(C) A turtle is determined to be dead if the muscles are stiff (rigor mortis) and/or the flesh has begun to rot; otherwise the turtle is determined to be comatose or inactive and resuscitation attempts are necessary. (Note- No mortalities are expected under this permit, however this information is being included here in the unlikely event that a turtle death occurs.)

Any specimen taken incidentally during the course of fishing or scientific research activities must not be consumed, sold, landed, offloaded, transshipped, or kept below deck.

3. *United States Fish and Wildlife Service Guidelines to Reduce the Impact to Manatees if Encountered by Fisherman.* GSML must follow the following guidelines in the event that a manatee is encountered.

a. GSML will inform all staff associated with the trawling activity that manatees may be present in the area, and the need to avoid any harm to these endangered mammals. GSML will ensure that all of the staff involved with the trawling know the general appearance of the species and their habit of moving about completely or partially submerged in shallow water. All staff will be informed that they are responsible for observing water-related activities for the presence of manatees, including the need to observe for manatees as the vessel is moving.

b. The applicant will advise all fishermen that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Act and the Marine Mammal Protection Act of 1972, as amended.

c. If a manatee is seen within 300 ft of the active vessel movement, all appropriate precautions shall be implemented to ensure protection of the manatee. The precautions shall include the operation of all moving vessels no closer than 50 ft of a manatee. Operation of any vessels closer than 50 ft to a manatee shall necessitate immediately placing any motors in neutral or shutting them off. Activities will not resume until the manatee has departed the fishing

area on its own volition. Manatees should not be herded away or harassed into leaving.

d. GSML will monitor for manatees at all times. In the event a manatee is encountered or interacts with the trawling gear, GSML should take immediate actions in a manner which best minimizes stress or injury to the animal but is sufficient to allow it to continue its normal movement. For help with an injured or stranded manatee, GSML staff will contact-

Nicole Adimey
U.S. Fish and Wildlife Service
6620 Southpoint Drive, South #310
Jacksonville, Florida 32216-0958
Telephone: (904) 232-2580, ext. 123
Fax: (904) 232-2404
email: nicole_adimey@fws.gov

If not available, GSML staff will contact-

Florida Fish and Wildlife Conservation
Commission's Marine Mammal Pathobiology Laboratory
at (727) 893-2904

e. Any boat collision or interaction with and/or injury to a manatee will be reported immediately. The report must be made to the U.S. Fish and Wildlife Service, and operations should be postponed until cause of injury or mortality can be determined. The address for the U.S. Fish and Wildlife Service is-

Nicole Adimey
U.S. Fish and Wildlife Service
6620 Southpoint Drive, South #310
Jacksonville, Florida 32216-0958
Telephone: (904) 232-2580, ext. 123
Fax: (904) 232-2404
email: nicole_adimey@fws.gov

f. All vessels associated with the trawling activities will operate at "no wake/idle" speeds at all times while in water where the draft of the vessel provides less than four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.

4. *Gulf Sturgeon Handling Requirements.* Should a Gulf sturgeon be taken incidentally during the course of trawling, it should be returned to the water immediately. Sturgeon tend to inflate their swim bladder when stressed and in air. (If the fish has air in its bladder, it will float and be susceptible to sunburn or bird attacks.) Efforts should be made to return the fish to neutral buoyancy prior to and during release. Air can be released by gently applying ventral pressure in a posterior to anterior direction. The specimen should then be propelled rapidly downward during release. For help with any questions relating to Gulf sturgeon, GSML should contact Stephania Bolden, Protected Resources, Southeast Regional Office, NMFS, at (727) 570-5312 (Fax: 727-570-5517).

5. GSML will disentangle, to the maximum extent practicable and with vigilante consideration of safety, any live turtle or Gulf sturgeon that is found in fishing gear.

6. *Additional Restrictions.* If observed interactions with sea turtles or Gulf sturgeon within the waters covered by this ITP reach thresholds specified in the AUTHORIZED INCIDENTAL TAKES section of this permit, GSML must immediately stop all trawling activities. GSML must then consult with NMFS to determine the appropriate next steps.

B. Reporting Requirements

1. *Take Reports.* All sea turtle incidental takes during GSML trawling activities must be reported to the Chief, Endangered Species Division, Office of Protected Resources, NMFS, via facsimile (Fax: 301-713-0376), within 24 hours of their occurrence. Reports of incidental take should include the date of the take, the condition of the turtle, the species (if known), and any other pertinent details of the circumstances of the taking (e.g. location).

Any Gulf sturgeon incidental take during GSML trawling activities must be reported to Stephania Bolden, Protected Resources, Southeast Regional Office, NMFS, via facsimile (Fax: 727-570-5517), within 24 hours of their occurrence. Reports of incidental take should include the date of the take, the condition of the

sturgeon, and any other pertinent details of the circumstances of the taking (e.g. location).

2. *Annual Report.* An annual report must be submitted to:

Chief, Endangered Species Division
Office of Protected Resources
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, Maryland 20910

with a copy to:

Assistant Regional Administrator for
Protected Resources
Southeast Regional Office
National Marine Fisheries Service
9721 Executive Center Drive N.
St. Petersburg, FL 33702

on or before June 15 following the end of each permit period. The annual report must include:

- a. A report of the total sea turtle take during the trawling activities authorized under the permit;
- b. An assessment of the variables which may have contributed to the incidental capture of a sea turtle (e.g. gear deployment characteristics, trawl time, time of year, water temperature, location, depth);
- c. A report of the total number of sea turtles encountered ensnared in fishing lines, nets, and trap ropes and assisted under the conservation plan for this permit. The report should list the species encountered, their estimated size, location and date of encounter, and the condition of the turtle. If any of these sea turtles required care and were transported to the GSML rehabilitation facility, the report will include the date of transportation, any details relative to the care given the turtle, and its current condition, status, and location; and,
- d. A summary of any other interactions with threatened or endangered species (e.g. manatee).

3. *Final Report:* The Permit Holder must submit a final report within one hundred eighty (180) days of the expiration of this Permit summarizing the total take that occurred under the permit and the circumstances surrounding it. Reports must be submitted to the Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910, (tel: (301) 713-1401, fax: (301) 713-0376.

C. General Permit Conditions


1. The Permit Holder may not transfer or assign this permit to any other person(s), as person is defined in Section 3(12) of the ESA. This permit is not in force or effective if transferred or assigned to any other person.
2. Upon request by the Director of the Office of Protected Resources, the Permit Holder must permit any employee(s) of NMFS, or any other person(s) duly designated by the Director, to inspect the Permit Holder's records and facilities if such records and facilities pertain to activities for which a take of ESA-listed species is authorized by this permit, relate to ESA-listed species covered by this permit, or pertain to the Director's responsibilities under the ESA.
3. The provisions of this permit may be amended upon reasonable notice by the Director of the Office of Protected Resources.
4. In the event any ESA-listed species not included in this permit is killed, injured, or collected during the course of activities in the action area of this permit, the Permit Holder must notify the Chief of the Endangered Species Division, NMFS as soon as possible, but not later than two days after the event. If the species is killed, it must be retained for scientific analysis. The Permit Holder must then submit a written report to the Chief of the Endangered Species Division describing the circumstances of the unauthorized take. Pending review of these circumstances, NMFS may suspend or amend this permit.

5. The Permit Holder is responsible for the activities of any individual who is operating under the authority of this permit. Such activities include capturing, handling, releasing, transporting, maintaining, and caring for any animal authorized to be taken by this permit.

6. Under the terms of the regulations, a violation of any of the terms and conditions of this permit will subject the Permit Holder, and/or any individual who is operating under the authority of this permit, to penalties as provided for in the ESA.

7. Annual renewal of this permit is not automatic. Yearly evaluation of this permit by NMFS will include a review of take data before re-authorization.

8. 50 CFR Section 222.23(d)(8) provides for a reasonable fee to be charged to cover the costs of issuance of permits under the ESA. The fee for this permit has been waived.



Laurie K. Allen
Acting Director
Office of Protected Resources

5-13-03

Date



Anne Rudloe
Gulf Specimen Marine Laboratories, Inc.
P.O. Box 237
Panacea, Florida 3

5/13/03

Date