

7/18/77

MEMORANDUM OF UNDERSTANDING
DEFINING THE ROLES OF THE
U.S. FISH AND WILDLIFE SERVICE
AND THE
NATIONAL MARINE FISHERIES SERVICE
IN JOINT ADMINISTRATION OF
THE ENDANGERED SPECIES ACT OF 1973
AS TO MARINE TURTLES

IN RECOGNITION of the current ecological status of marine turtles and the mandate of the Endangered Species Act of 1973 (ESA) to conserve all species which may be threatened with extinction; and

ACKNOWLEDGING that joint administration of the ESA by the U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS) has already ensued with respect to marine turtles, as indicated by the joint decision to list the green (Chelonia mydas), loggerhead (Caretta caretta), and Pacific Ridley (Lepidochelys olivacea) sea turtles as threatened species;

IN ORDER TO facilitate orderly, effective administration of the ESA by FWS and NMFS (as contemplated in paragraph 4 of the August 28, 1974, Memorandum of Understanding between FWS and NMFS regarding jurisdictional responsibilities and listing procedures under the ESA);

BOTH FWS AND NMFS AGREE to the following division of program responsibilities with respect to marine turtles:

1. NMFS shall have sole jurisdiction over sea turtles, including parts or products, when in the marine environment ("marine environment"

means the oceans and seas, the bays and estuaries, and brackish water areas) and activities impacting turtles in the marine environment. This includes the waters adjacent to sea turtle nesting beaches.

In exercising this authority, NMFS shall consult with FWS on major administrative and management decisions and shall consult with FWS prior to publishing regulations, issuing or denying permits, funding State projects under cooperative agreements, establishing recovery teams, and conducting research involving sea turtles in their aquatic habitat.

2. FWS shall have sole jurisdiction over sea turtles, including parts or products, when on land. In exercising this authority, FWS shall consult with NMFS on major administrative and management decisions and shall consult with NMFS prior to publishing regulations, issuing or denying permits, funding State projects under cooperative agreements, establishing recovery teams, and conducting research involving sea turtles on land.

3. All consultations under Section 7 of the ESA involving sea turtle nesting beaches shall be the responsibility of FWS while such Section 7 consultations involving sea turtle aquatic areas shall be the responsibility of NMFS. In particular, nesting beaches shall be examined for possible designation by FWS as critical habitat, as appropriate, and aquatic areas shall be examined for possible designation by NMFS as critical habitat or restricted fishing areas, as appropriate. FWS shall consult with NMFS before designating any nesting beach as

critical habitat and NMFS shall consult with FWS before designating any aquatic area as critical habitat or a restricted fishing area.

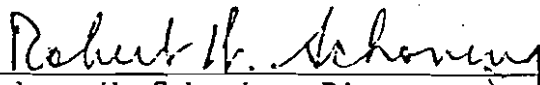
4. All applications for sea turtle permits or certifications authorized by the ESA or regulations promulgated thereunder shall be submitted to the Federal Wildlife Permit Office, FWS. The Federal Wildlife Permit Office shall serve as the central clearinghouse for sea turtle permits and certifications and, accordingly, shall forward all appropriate applications to NMFS in a timely fashion.

5. The Director, NMFS, after consultation with FWS, shall issue or deny all permits and certificates involving the taking or possession of sea turtles in the marine environment.

The Director, FWS, after consultation with NMFS, shall issue or deny all permits and certificates involving the taking, import, export or reexport, or other disposition of sea turtles on land.

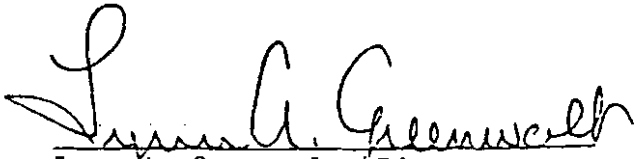
6. Notwithstanding the division of responsibilities set forth above, agency jurisdiction over sea turtle mariculture operations will be prescribed in the regulations listing the green, loggerhead, and Pacific ridley sea turtles.

This Memorandum of Understanding will become effective when signed by the Director, NWS, and the Director, NMFS. Either of the aforementioned Directors may cancel this Memorandum of Understanding upon thirty days written notice to the other Director.


Robert W. Schoning, Director
National Marine Fisheries Service

JUL 18 1977

Date


Lynn A. Greenwalt, Director
Fish and Wildlife Service

JUL 18 1977

Date

cc: F, F3, F33, F35, F2, F4, FNE, FSE, FSW, FNW, FAK, F11, F12, F125, F13, F14, GCF, PA13, ADI61, MR, MR2, EE, Fx5, F5, F53

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FINAL:GCF:F33:PMurphy:RBGorrell:cmh:7/13/77:634-7471