

**NATIONAL MARINE FISHERIES SERVICE
ENDANGERED SPECIES ACT SECTION 7
BIOLOGICAL OPINION**

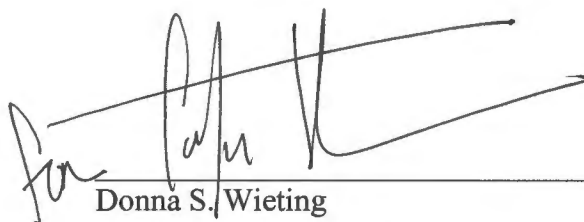
Title: Biological Opinion on the Issuance of Permit No. 20315 for Scientific Research on Sea Turtles in the United States Virgin Islands

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1 INTRODUCTION

The Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 et seq.) establishes a national program for conserving threatened and endangered species of fish, wildlife, plants, and the habitat they depend on. Section 7(a)(2) of the ESA requires Federal agencies to insure that their actions are not likely to jeopardize the continued existence of endangered or threatened species or adversely modify or destroy their designated critical habitat. Federal agencies must do so in consultation with National Marine Fisheries Service (NMFS) for threatened or endangered species (ESA-listed), or designated critical habitat that may be affected by the action that are under NMFS jurisdiction (50 C.F.R. §402.14(a)). If a Federal action agency determines that an action “may affect, but is not likely to adversely affect” endangered species, threatened species, or designated critical habitat and NMFS concurs with that determination for species under NMFS jurisdiction, consultation concludes informally (50 C.F.R. §402.14(b)).

Section 7(b)(3) of the ESA requires that at the conclusion of consultation, NMFS provides an opinion stating whether the Federal agency’s action is likely to jeopardize ESA-listed species or destroy or adversely modify designated critical habitat. If NMFS determines that the action is likely to jeopardize listed species or destroy or adversely modify critical habitat, NMFS provides a reasonable and prudent alternative that allows the action to proceed in compliance with section 7(a)(2) of the ESA. If an incidental take is expected, section 7(b)(4) requires NMFS to provide an incidental take statement that specifies the impact of any incidental taking and includes reasonable and prudent measures to minimize such impacts and terms and conditions to implement the reasonable and prudent measures.

The action agency for this consultation is the NMFS, Office of Protected Resources, Permits and Conservation Division (hereafter referred to as “the Permits Division”) for its issuance of a scientific research permit (Appendix A) pursuant to section 10(a)(1)(A) of the ESA. The Permits Division proposes to issue scientific research Permit No. 20315 for the capture, measuring, weighing, photographing/videoing, tagging (flipper, passive integrated transponder (PIT), and satellite), sampling (blood, fecal, and tissue), and epibiota removal of green, hawksbill, and loggerhead sea turtles in the waters of the U.S. Virgin Islands.

This consultation, biological opinion, and incidental take statement, were completed in accordance with section 7(a)(2) of the statute (16 U.S.C. 1536 (a)(2)), associated implementing regulations (50 C.F.R. §§401-16), and agency policy and guidance was conducted by NMFS Office of Protected Resources Endangered Species Act Interagency Cooperation Division (hereafter referred to as “we”). This biological opinion (opinion) and incidental take statement were prepared by NMFS Office of Protected Resources Endangered Species Act Interagency Cooperation Division in accordance with section 7(b) of the ESA and implementing regulations at 50 C.F.R. §402.

This document represents the NMFS opinion on the effects of these actions on ESA-listed species and designated critical habitat. A complete record of this consultation is on file at the NMFS Office of Protected Resources in Silver Spring, Maryland.

1.1 Background

The permit application is to continue a project studying green (South Atlantic distinct population segment (DPS), hawksbill, and loggerhead (Northwest Atlantic DPS) sea turtle aggregations in the coastal waters the U.S. Virgin Islands, including Buck Island Reef National Monument (BIRNM), U.S. Virgin Islands Coral Reef National Monument, and U.S. Virgin Islands National Park. Proposed research would involve vessel surveys for abundance counts and capture by hand, rodeo, dip, tangle, or cast nets to establish species-specific baseline capture histories to estimate population structure and size through mark recapture techniques; investigate growth rates, diet, and genetic composition of turtles at foraging sites. All turtles may be subjected to biological sampling and marking. All loggerheads and a subset of green and hawksbill turtles may also be outfitted with up to three transmitters annually.

This ongoing research is the continuation of previous research that began in 2011. Under the current Permit No. 16146, the researchers gathered information about in-water sea turtle use of natural resources within the newly-expanded boundaries of the BIRNM. By capturing and releasing acoustically tagged green, hawksbill, and loggerhead sea turtles from within the boundaries of BIRNM, they addressed fine-scale temporal and spatial patterns of sea turtles within the acoustically-ringed zone of the National Park. Consultation under ESA section 7 was conducted for Permit No. 16146. An environmental assessment pursuant to the National Environmental Policy Act (NEPA) was completed in 2011 to authorize the biological sampling of turtles for scientific research in the U.S. Virgin Islands. The environmental assessment determined that the proposed research activities could result in low level of short-term physiological effects on sea turtles and resulted in a finding of no significant impact pursuant to NEPA. The consultation on Permit No. 16146 resulted in the issuance of a biological opinion concluding that the issuance of the permit was not likely to jeopardize the continued existence of currently ESA-listed species, and was not likely to destroy or adversely modify designated critical habitat.

Under Permit No. 20315, the researchers aim to continue the acoustic portion of the previous project, but also attach satellite tags to a subset of the acoustically-equipped turtles to determine over a wider spatial scale the proportion of time these endangered turtles are spending in protected area of BIRNM, in areas adjacent to BIRNM, in other areas of the U.S. Virgin Islands, and potentially outside the region. They will sample captured turtles for diet using the oral lavage and fecal sampling techniques and for genetics using biopsy sampling and blood draws to determine region of origin and connectivity to other populations. This project will begin January 2017 and continue for 5 years. Capture methods include diver-assisted captures in the water via snorkeling, rodeo captures, dip-netting, cast netting, and tangle netting.

1.2 Consultation History

The following dates are important to the history of the current consultation:

- The permit application was submitted and early technical assistance/review of the permit was requested of the ESA Interagency Cooperation Division on February 8, 2017.
- On February 16, 2017, the NMFS Permits Division deemed the application complete.
- On February 16, 2017, the completed initiation package was sent from the NMFS Permits Division to the ESA Interagency Cooperation Division.
- On May 10, 2017, the ESA Interagency Cooperation Division initialized formal consultation on Permit No. 20315.

2 THE ASSESSMENT FRAMEWORK

Section 7(a)(2) of the ESA requires Federal agencies, in consultation with NMFS, to ensure that their actions are not likely to jeopardize the continued existence of endangered or threatened species; or adversely modify or destroy their designated critical habitat.

“*Jeopardize the continued existence of*” means to engage in an action that reasonably would be expected, directly or indirectly, to reduce appreciably the likelihood of both the survival and recovery of an ESA-listed species in the wild by reducing the reproduction, numbers, or distribution of that species.” 50 C.F.R. §402.02.

“*Destruction or adverse modification*” means a direct or indirect alteration that appreciably diminishes the value of designated critical habitat for the conservation of an ESA-listed species. Such alterations may include, but are not limited to, those that alter the physical or biological features essential to the conservation of a species or that preclude or significantly delay development of such features (50 C.F.R. §402.02).

An ESA section 7 assessment involves the following steps:

Description of the Proposed Action (Section 3), *Interrelated and Interdependent Actions* (Section 4), and *Action Area* (Section 5), and We describe the proposed action, identify any interrelated and interdependent actions, and describe the action area with the spatial extent of those stressors.

Status of Endangered Species Act Protected Resources (Section 6): We identify the ESA-listed species and designated critical habitat that are likely to co-occur with those stressors in space and time and evaluate the status of those species and habitat. In this Section, we also identify those *Species and Designated Critical Habitat Not Likely to be Adversely Affected* (Section 6.1), and those *Species and Designated Critical Habitat Likely to be Adversely Affected* (Section 6.2).

Environmental Baseline (Section 7): We describe the environmental baseline in the action area including: past and present impacts of Federal, state, or private actions and other human activities in the action area; anticipated impacts of proposed Federal projects that have already undergone formal or early section 7 consultation, impacts of state or private actions that are contemporaneous with the consultation in process.

Effects of the Action (Section 8): We identify the number, age (or life stage), and gender of ESA-listed individuals that are likely to be exposed to the stressors and the populations or subpopulations to which those individuals belong. We also consider whether the action “may affect” designated critical habitat. This is our exposure analysis. We evaluate the available evidence to determine how individuals of those ESA-listed species are likely to respond given their probable exposure. We also consider how the action may affect designated critical habitat. This is our response analyses. We assess the consequences of these responses of individuals that are likely to be exposed to the populations those individuals represent, and the species those populations comprise. This is our risk analysis. The adverse modification analysis considers the impacts of the proposed action on the essential habitat features and conservation value of designated critical habitat.

Cumulative Effects (Section 9): Cumulative effects are the effects to ESA-listed species and designated critical habitat of future state or private activities that are reasonably certain to occur within the action area 50 C.F.R. §402.02. Effects from future Federal actions that are unrelated to the proposed action are not considered because they require separate ESA section 7 compliance.

Integration and Synthesis (Section 10): In this section, we integrate the analyses in the opinion to summarize the consequences to ESA-listed species and designated critical habitat under NMFS’ jurisdiction.

Conclusion (Section 11); With full consideration of the status of the species and the designated critical habitat, we consider the effects of the action within the action area on populations or subpopulations and on essential habitat features when added to the environmental baseline and the cumulative effects to determine whether the action could reasonably be expected to:

- Reduce appreciably the likelihood of survival and recovery of ESA-listed species in the wild by reducing its numbers, reproduction, or distribution, and state our conclusion as to whether the action is likely to jeopardize the continued existence of such species; or
- Appreciably diminish the value of designated critical habitat for the conservation of an ESA-listed species, and state our conclusion as to whether the action is likely to destroy or adversely modify designated critical habitat.

If, in completing the last step in the analysis, we determine that the action under consultation is likely to jeopardize the continued existence of ESA-listed species or destroy or adversely modify designated critical habitat, then we must identify reasonable and prudent alternative(s) to the action, if any, or indicate that to the best of our knowledge there are no reasonable and prudent alternatives. See 50 C.F.R. §402.14.

In addition, we include an *Incidental Take Statement* (Section 12) that specifies the impact of the take, reasonable and prudent measures to minimize the impact of the take, and terms and conditions to implement the reasonable and prudent measures. ESA section 7 (b)(4); 50 C.F.R. §402.14 (i). We also provide discretionary *Conservation Recommendations* (Section 13) that

may be implemented by action agency. 50 C.F.R. §402.14 (j). Finally, we identify the circumstances in which *Reinitiation of Consultation* is required (Section 14). 50 C.F.R. §402.16.

To comply with our obligation to use the best scientific and commercial data available, we collected information identified through searches of google scholar, web of science, literature cited sections of peer reviewed articles, species listing documentation, and reports published by government and private entities. This opinion is based on our review and analysis of various information sources, including:

- Information submitted by the Permits Division and the applicant
- Government reports (including NMFS biological opinions and stock assessment reports)
- NOAA technical memos
- Peer-reviewed scientific literature

These resources were used to identify information relevant to the potential stressors and responses of ESA-listed species and designated critical habitat under NMFS' jurisdiction that may be affected by the proposed action to draw conclusions on risks the action may pose to the continued existence of these species and the value of designated critical habitat for the conservation of ESA-listed species.

3 DESCRIPTION OF THE PROPOSED ACTION

“Action” means all activities or programs of any kind authorized, funded, or carried out, in whole or in part, by federal agencies. The proposed action is the issuance of the scientific research Permit No. 20315 to Kristen Hart, U.S. Geological Survey, Wetland and Aquatic Research Center, pursuant to section 10(a)(1)(a) of the ESA, to conduct research on green and hawksbill sea turtles.

The purpose of the proposed permit is the continuation of a long-term project studying green (South Atlantic distinct population segment), hawksbill, and loggerhead (Northwest Atlantic distinct population segment) sea turtle aggregations in the coastal waters of all U.S. Virgin Islands territories up to three nautical miles offshore, including the BINRM, U.S. Virgin Islands Coral Reef National Monument, and U.S. Virgin Islands National Park. Turtles will be captured with diver-assisted captures in the water via snorkeling, rodeo captures, dip-netting, cast netting, and tangle netting to assess species-specific habitat patterns over time, better understand genetic stock structure, and estimate vital rates and local population abundance. The proposed annual take of each sea turtle species under Permit No. 20315 is found in Table 1.

Table 1. Proposed annual take of sea turtles under Permit No. 20315.

| Species | Listing Unit | Number of Animals | Take Action | Collect Method | Procedures |
|-----------------------|-------------------------------------|-------------------|------------------------|---------------------------------|--|
| Green Sea Turtle | South Atlantic DPS ¹ | 140 | Capture/Handle/Release | Hand, Tangle/Dip/Rodeo/Cast Net | Count/survey; Epibiota removal; Lavage; Mark, carapace (temporary); Mark, flipper tag; Mark, PIT ² tag; Measure; Photograph/Video; Recapture; Sample, blood; Sample, fecal; Sample, tissue; Weigh |
| Green Sea Turtle | South Atlantic DPS ¹ | 20 | Capture/Handle/Release | Hand, Tangle/Dip/Rodeo/Cast Net | Count/survey; Epibiota removal; Instrument, drill carapace attachment; Instrument, epoxy attachment (e.g., satellite tag, VHF ³ tag) ⁴ ; Lavage; Mark, carapace (temporary); Mark, flipper tag; Mark, PIT ² tag; Recapture (gear removal); Measure; Photograph/Video; Sample, blood; Sample, fecal; Sample, tissue; Tracking; Weigh |
| Hawksbill Sea Turtle | Range-wide | 160 | Capture/Handle/Release | Hand, Tangle/Dip/Rodeo/Cast Net | Count/survey; Epibiota removal; Lavage; Mark, carapace (temporary); Mark, flipper tag; Mark, PIT ² tag; Measure; Photograph/Video; Recapture; Sample, blood; Sample, fecal; Sample, tissue; Weigh |
| Hawksbill Sea Turtle | Range-wide | 30 | Capture/Handle/Release | Hand, Tangle/Dip/Rodeo/Cast Net | Count/survey; Epibiota removal; Instrument, drill carapace attachment; Instrument, epoxy attachment (e.g., satellite tag, VHF ³ tag) ⁴ ; Lavage; Mark, carapace (temporary); Mark, flipper tag; Mark, PIT ² tag; Recapture (gear removal); Measure; Photograph/Video; Sample, blood; Sample, fecal; Sample, tissue; Tracking; Weigh |
| Loggerhead Sea Turtle | Northwest Atlantic DPS ¹ | 10 | Capture/Handle/Release | Hand, Tangle/Dip Net | Count/survey; Epibiota removal; Instrument, drill carapace attachment; Instrument, epoxy attachment (e.g., satellite tag, VHF ³ tag) ⁴ ; Lavage; Mark, carapace (temporary); Mark, flipper tag; Mark, PIT ² tag; Recapture (gear removal); Measure; Photograph/Video; Sample, blood; Sample, fecal; Sample, tissue; Tracking; Weigh |

¹DPS=distinct population segment; ²PIT=passive integrated transponder; ³VHF=very high frequency; ⁴No more than three transmitters on an animal at one time.

3.1 Handling

In ideal weather conditions, turtles will be collected and held for not more than one and a half hours each. Upon capture, each turtle will be placed in its own plastic, rectangular tub. If for some reason (i.e., weather) turtles need to be transported back to the research boat or to land for a longer holding period (i.e., until bad stormy weather clears up), researchers will secure the turtles boxes to the boat with line, cover the eyes of the turtles with a wet towel, and navigate slowly and safely to the destination. Upon arrival at the dock, they will carefully transfer the turtles in their boxes to the covered deck or patio. Under the covered area, the turtles will remain cool and will not become overheated. They will keep the towels over the turtle's eyes and continually make sure the towels are wet. Because the research boat is approximately 26 feet

long, there will only be about four to six boxes and four to six turtles on board the boat at any one time. Six boxes would fit safely in the boat still allowing room for researchers to move around the boat.

3.2 Capture

The researchers will capture turtles using approved in-water methods (i.e., dip netting, rodeo/hand captures, snorkel free-diving/hand captures), and determine catch per unit effort for each method. Capture and sampling protocols will follow the U.S. Geological Survey previously approved procedures under Permit No. 16146 (NMFS 2011). Turtles will be captured by dip-netting from a small boat in shallow areas, and by hand while snorkeling/freediving or diving during the day (and possibly at night). Diver-assisted captures would involve slow ascent to ensure no rapid change in depth for either the turtle or the researcher. Turtles will be grabbed at the nuchal and at the posterior tip of the carapace. Researchers will also use rodeo or turtle-jumping capture methods to catch turtles, and set tangle nets to capture turtles.

3.3 Flipper and Passive Integrated Transponder Tagging

All turtles shall be examined for existing tags (conventional and passive integrated transponder (PIT) tags) before attaching new ones. If existing tags are found, the tag identification numbers shall be recorded and reported. As part of the standard workup procedure for each turtle, researchers will individually mark each animal by inserting a PIT tag in the shoulder region and affixing individually numbered flipper tags to the trailing edge of each of the front flippers (e.g., two flipper tags per individual).

All turtles will receive two Inconel flipper tags and one PIT tag (Biomark, Inc or AVID, Inc., all non-encrypted). Double tagging with PIT and flipper tags minimizes the probability of complete tag loss. Tags will be cleaned prior to use, (e.g., to remove oil and other residue) and disinfected with alcohol. Applicators will be cleaned and disinfected between animals. The application site will be cleaned and scrubbed with alcohol before the tag pierces the animal's skin, and researchers will wear disposable latex gloves. In order to accommodate future growth in young turtles, flipper tags will be placed with additional space between the edge of the rear flipper edge. To avoid injury and minimize tag loss, researchers will ensure that the tag is securely folded over, and if not, adjust accordingly.

Prior to insertion, each PIT tag will be sterilized, and tested by scanning it with a PIT tag reader and the corresponding number will be recorded. PIT tagging will be performed by disinfecting the application site with alcohol. All PIT tags and PIT tag needles will remain sterile prior to use. The needle will be inserted into the center of the dorsal musculature of the forelimb perpendicular to the skin, so that the tag goes into musculature where it will become encapsulated. Gauze with antiseptic will be placed with slight pressure over the entry point after the needle has been withdrawn, and until no bleeding persists. After insertion, the PIT tag reader will be swiped over the tagged flipper and the tag number will be verified twice. All tagging data will be submitted to the Archie Carr Center for Sea Turtle Research Center after the field season.

3.4 Measuring and Sampling

Immediately after marking each animal, they will take standard morphometric measurements. We will measure straight carapace length and with Forestry Suppliers calipers to nearest 0.1 millimeter. They will also draw a small blood sample (fraction of a milliliter) from the dorso-cervical sinus of each turtle for laboratory analysis of mitochondrial and nuclear DNA, as well as characterization of immune function and blood panels. Additionally, they will photograph each animal to document shell and skin anomalies. Researchers will take two tissue biopsy punches for a banked genetic sample and for isotope analysis (i.e., diet characterization). They will also take two carapace biopsy punches for long-term isotopic analysis of diet/resource use.

Blood samples will be obtained for multiple purposes, and about fifteen to twenty milliliters of blood will be taken from adult and subadult turtles from the dorso-cervical sinus. Bleeding will only be conducted on turtles over three kilograms in weight as described in Owens and Ruiz (1980). Blood samples consisting of a maximum of twenty milliliters total volume will be collected from adult turtles and will not exceed the total recommended volume (10 percent of total blood volume) based upon total weight as described by Jacobson (1999) who estimated that total blood volume in reptiles was five to eight percent of total body weight. Sterile techniques will be used at all times. Areas of blood and biopsy collection will be treated with 70 percent isopropyl alcohol before the sample is collected. Blood samples (about fifteen to twenty milliliters) will be collected from adults with a twenty-one gauge, one to one and a half inch needle and syringe (Owens and Ruiz 1980) in additive-free and heparin-containing Vacutainer tubes (Beckman Inc., Fullerton, CA). Samples from smaller turtles will be obtained using a smaller needle. To facilitate bleeding of the cervical sinus, turtles will be positioned so that their head is lower than the body.

For genetic and feeding ecology sampling, sterile, disposable six millimeter AcuPunch biopsy tools (Acuderm Inc.) will be used to sample skin following standard procedures (Dutton and Balazs 1995), removing a small biopsy about five millimeters in diameter.

Scat samples will be collected from the turtle using digital extraction, or opportunistically from the water when observed floating. A sub-sample will be stored frozen or in 10 percent formalin until analysis. For dietary analysis, scat samples will be analyzed and used as complementary independent measurements to substantiate or further constrain interpretations of the isotopic evidence. Scats collected from recaptured individuals on different days will be considered separate samples.

3.5 Satellite, Acoustic, and Data-Logging Tagging

For turtles selected for acoustic and/or satellite tagging and data-logging tags (i.e., accelerometers that measure pitch, yaw, and roll to determine behavior and dive depth), we will clean the carapace at the tag site (i.e., anterior vertebral scute) to remove epibionts and sand the tag site lightly before attachment. Researchers will attach Vemco V16 acoustic transmitters to turtles at the base of the carapace, along the posterior marginals, and Wildlife Computers SPOT5

satellite tags to the anterior carapace (centered). They will use Wildlife Computers or Cefas accelerometers and attach these to the highest point of the carapace. Transmitters will not exceed 5 percent of the turtle's body weight, and attachment materials (i.e., cool-setting epoxy) will be stream-lined so that neither buoyancy nor drag will affect turtle's swimming ability. The entire tagging procedure should take under two hours. All tagged turtles will go through the standard workup procedure for data collection prior to tag application. Throughout the 5-year project, researchers will outfit a minimum of fifty turtles annually with acoustic tags and a minimum of sixty annually with satellite tags; some may be double-tagged with both types of tags.

Holding the turtle in a prone position, a rectangular "tub" will be used to safely hold the turtle in a natural prone position while attaching the transmitter. The tub size will be approximately two feet wide x three feet long x one foot deep/wide. They will place a foam pad on the bottom of the tub to cushion the turtle from the deck of the boat. The tub will serve to comfortably restrict movement of the turtle to a minimum during the attachment procedure and can be used aboard a boat or on land. A wet cloth draped over the turtle's eyes to completely block vision often reduces the turtle's desire to move around. Turtles will be sheltered from direct sunlight, wind, or rain with a tarp during the attachment.

Epibionts (barnacles, algae, etc.) will be removed from the carapace at the site of transmitter mounting and bonding. In general, where the first and second vertebral scutes meet is the ideal location to place the transmitter as this section of the carapace rises to a maximum point above the sea surface each time the turtle breathes and the base antenna on the transmitter will break the plane of the water's surface. Attachment media, will also encompass sections of the first and third vertebral scutes as well as the first and second costal scutes. These areas will be thoroughly scrubbed and rinsed with fresh water, dried, and then lightly sanded with sandpaper. When smooth, the entire area will be lightly wiped with an alcohol pad or a small amount of acetone. Transmitters will not exceed 5 percent of the turtle's body weight, and attachment materials will be stream-lined so that neither buoyancy nor drag will affect turtle's swimming ability. Based on tag configurations and battery life, researchers anticipate that tags will remain attached to turtles for approximately one year's time.

Transmitters will be pre-programmed and pre-tested in the lab prior to entering the field. Salt water switches will be covered with electrical or masking tape. Researchers will use SPOT6 satellite transmitters so that they can tag small and larger sea turtles. This transmitter weighs 185 grams and is available from Wildlife Computers, Inc. Tags will be attached to the carapace using a combination of two-part epoxy and fiberglass resin and cloth. Transmitters will be placed only on turtles greater than 30 centimeters straight carapace length, or greater than 4 kilograms. A two-part cool setting epoxy (e.g., SuperBond or Power Fast®) will be used to secure the transmitter on to the carapace. Power Fast epoxy is a low/no odor, high strength epoxy which produces minimal thermic reactions and has a proven track record among several sea turtle researchers. The epoxy components are scooped out in equal portions and mixed in a clean container for three minutes. A small amount of mixed epoxy (less than 50 grams) will be used to

create an even base for the transmitter to rest and serve the dual function of securing it to the carapace. Drying time will vary between twenty to sixty minutes, depending on ambient temperatures and humidity. Additional epoxy will be applied along tag edges to ensure a long attachment life (i.e., one year). Researchers will maintain adequate ventilation while on board the boat or on land while using epoxy. The turtle will then be released at or near the exact point of capture. Ideally turtles will be tagged on the boat and held no longer than one and a half hours, however there may be weather or logistical events that may lead them to bring turtles back to the research boat or to land to acclimate to a controlled environment. In that event turtles will be released as weather permits or up to one day after capture if held on land.

3.6 Gastric Lavage

Researchers will have several sizes of tubes available for lavage with both larger and smaller turtles, but will only lavage turtles larger than twenty-five centimeters straight carapace length. The small tube has a one and a half millimeter thick wall, and is one centimeter in diameter. The larger tube has a two millimeter thick wall and is two centimeters in diameter.

For each oral lavage attempt, the turtle will be placed on their carapace so that their head is positioned lower than the dome of the carapace. This placement facilitates optimal drainage of the food contents. Small turtles (less than twenty-five centimeters straight carapace length) will be hand-held in the lap of the researcher. A thin stainless steel pry bar, cleaned prior to insertion with ethanol, will be used to separate the maxilla and mandible. Pry bars will be rounded and smooth in shape in order to avoid damaging the mouth cavity. The pry bar will then be pressed downward towards the palate in an attempt to provide an irritating pressure, which will cause the turtle to voluntarily open its mouth. A standard veterinary mouth gag is then inserted at the anterior end of the mouth. Care will be taken not to over-expand the gag so as to avoid damaging the soft dermal tissues of the mouth. One flexible clear plastic tube will be inserted into the esophagus, on one side of the gag. The ends of each tube will be rounded to reduce damage to the esophagus. Researchers will clean all tubes and lavage equipment between animals and use a separate set of tubes for fibropapillomatosis turtles.

Before insertion, the tube will be thoroughly cleaned with ethanol and water. Next, markings will be made on the tube at ten centimeter intervals; this is done so that researchers can monitor the length of tubing that has been inserted into the esophagus. After the tip of the retrieval tube has been lubricated with vegetable oil, it is gently inserted into the esophagus. Obstruction of entry to the esophagus by the glottis can be overcome by using the pry bar to gently depress the glottis. At this point in the insertion process, extreme care will be made as the tube is further inserted in order to avoid damaging the delicate dermal tissues of the esophagus. External manipulation of the trachea may facilitate passage of the tube.

After successful insertion of the water insertion tube passes the esophageal muscle groups (but prior to full insertion towards the food bolus), researchers begin to pump water into the turtle using a hand operated bilge pump. Care is taken not to deliver water at pressures or volumes greater than what is easily expelled by the turtle. Return flow should begin within seconds of

water entering the turtle. If no water is retrieved, the tube will be withdrawn slightly to allow free entry of water into the tube to be unobstructed. If water continues to not exit for more than fifteen to twenty seconds, the gastric lavage will be halted and the tube will be removed and reinserted.

Gastric lavage is deemed successful once food particles are seen traveling into the collection bucket. The lavage will not exceed three minutes in order to reduce the chance of the turtle inhaling during the process. After food samples are collected, the use of the bilge pump will be ceased and water and food are then allowed to drain until all flow has stopped. To assist with drainage, the anterior end of the turtle will be placed lower than the rest of the body. Complete drainage is important to prevent aspiration from water used during lavage. The injection tube will be removed carefully. The gag should be removed rapidly after removing the tubes; the head should be elevated to allow for drainage of any remaining water towards the esophagus. Turtles will be held in this position until regular breathing resumes.

4 INTERRELATED AND INTERDEPENDENT ACTIONS

Interrelated actions are those that are part of a larger action and depend on that action for their justification. Interdependent actions are those that do not have independent use, apart from the action under consideration. For the issuance of Permit No. 20315, there are no interrelated or interdependent actions.

5 ACTION AREA

Action area means all areas affected directly, or indirectly, by the Federal action, and not just the immediate area involved in the action (50 C.F.R. §402.02). The proposed action would occur in coastal waters of all United States Virgin Islands territories up to three nautical miles offshore, including the BINRM, U.S. Virgin Islands Coral Reef National Monument, and U.S. Virgin Islands National Park (Figure 1).

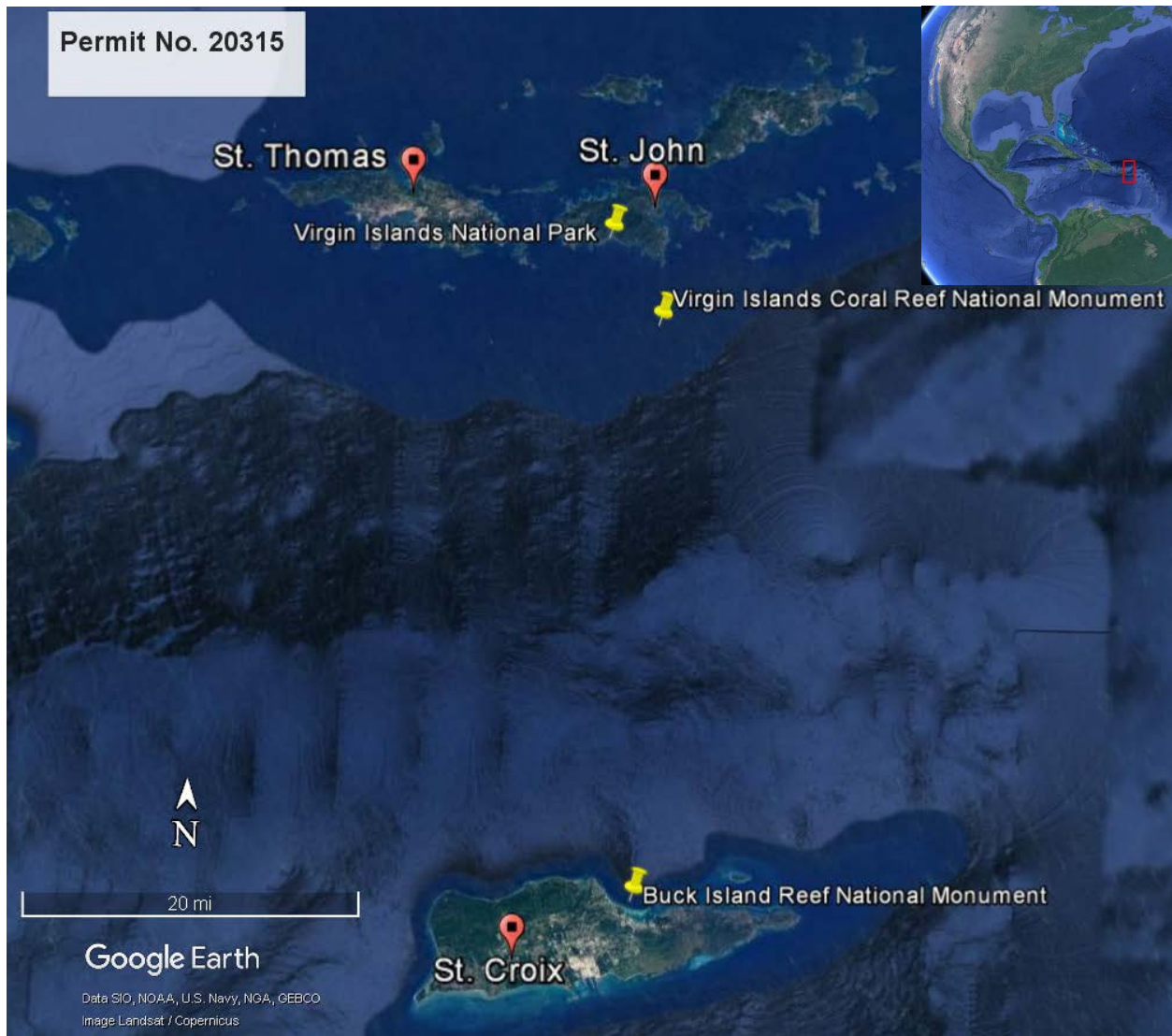


Figure 1. Action area for Permit No. 20315 includes coastal waters of all United States Virgin Island territories up to three nautical miles offshore including the Buck Island Reef National Monument, United States Virgin Islands Coral Reef National Monument, and United States Virgin Islands National Park.

6 STATUS OF ENDANGERED SPECIES ACT PROTECTED RESOURCES

This section identifies the ESA-listed species that potentially occur within the action area that may be affected by the issuance of Permit No. 20315. It then summarizes the biology and ecology of those species and what is known about their life histories in the action area. The species and designated critical habitat potentially occurring within the action area are ESA-listed in Table 2, along with each regulatory status.

Table 2. ESA-listed species and critical habitats that may be affected by the issuance of Permit No. 20315.

| Species | ESA Status | Critical Habitat | Recovery Plan |
|---|---|---|---|
| Green sea turtle (<i>Chelonia mydas</i>) South Atlantic DPS | Threatened 81 FR 20057 04/06/2016 | None Designated | None |
| Hawksbill sea turtle (<i>Eretmochelys imbricata</i>) | Endangered 35 FR 8491 06/02/1970 | Designated; Not in the Action Area | 57 FR 38818 U.S. Caribbean, Atlantic, and Gulf of Mexico 1992 |
| Loggerhead sea turtle (<i>Caretta caretta</i>) Northwest Atlantic DPS | Threatened 76 FR 58868 09/22/2011 | Designated; Not in the Action Area | 74 FR 2995 Northwest Atlantic 2009 |
| Leatherback sea turtle (<i>Dermochelys coriacea</i>) | Endangered 35 FR 8491 06/02/1970 | 44 FR 17710 Atlantic 1979 | 63 FR 28359 U.S. Caribbean, Atlantic, and Gulf of Mexico 1991 |
| Elkhorn coral (<i>Acropora palmata</i>) | Threatened 71 FR 26852 05/09/2006 | 73 FR 72210 Florida, Puerto Rico, St. John/St. Thomas, St. Croix 2008 | 80 FR 12146 Range-wide 2015 |
| Staghorn coral (<i>Acropora cervicornis</i>) | Threatened 71 FR 26852 05/09/2006 | 73 FR 72210 Florida, Puerto Rico, St. John/St. Thomas, St. Croix 2008 | 80 FR 12146 Range-wide 2015 |
| Pillar Coral (<i>Dendrogyra cylindrus</i>) | Threatened 79 FR 53851 09/10/2014 | None Designated | None |
| Rough Cactus Coral (<i>Mycetophyllia ferox</i>) | Threatened 79 FR 53851 09/10/2014 | None Designated | None |
| Lobed Star Coral (<i>Orbicella annularis</i>) | Threatened 79 FR 53851 09/10/2014 | None Designated | None |
| Mountainous Star Coral (<i>Orbicella faveolata</i>) | Threatened 79 FR 53851 09/10/2014 | None Designated | None |
| Boulder Star Coral (<i>Orbicella franksi</i>) | Threatened 79 FR 53851 09/10/2014 | None Designated | None |
| Scalloped Hammerhead Shark (<i>Sphyrna lewini</i>) Central & Southwest Atlantic DPS | Threatened 79 FR 38213 07/03/2014 | None Designated | None |
| Nassau Grouper (<i>Epinephelus striatus</i>) | Threatened 81 FR 42268 06/29/2016 | None Designated | None |
| Blue Whale (<i>Balaenoptera musculus</i>) | Endangered 35 FR 18319 12/02/1970 | None Designated | FR Not Available Range-wide 1998 |
| False Killer Whale (<i>Pseudorca crassidens</i>) | Endangered 77 FR 70915 11/28/2012 | None Designated | None |
| Humpback Whale (<i>Megaptera novaeangliae</i>) | Endangered 81 FR 62259 09/08/2016 | None Designated | 55 FR 29646 Range-wide 1991 |

| | | | |
|--|---|---------------------------------------|---|
| Killer Whale (<i>Orcinus orca</i>) | Endangered 70 FR 69903 11/18/2005 | Designated; Not in the Action Area | 73 FR 4176 Southern Resident 2008 |
| Fin Whale (<i>Balaenoptera physalus</i>) | Endangered 35 FR 18319 12/02/1970 | None Designated | 75 FR 47538 Range-wide 2010 |
| Sei Whale (<i>Balaenoptera borealis</i>) | Endangered 35 FR 18319 12/02/1970 | None Designated | 76 FR 43986 Range-wide 2011 |
| Sperm Whale (<i>Physeter macrocephalus</i>) | Endangered 35 FR 18319 12/02/1970 | None Designated | 75 FR 81584 Range-wide 2010 |

6.1 Species and Designated Critical Habitat Not Likely to be Adversely Affected

NMFS uses two criteria to identify the ESA-listed or critical habitat that are not likely to be adversely affected by the proposed action, as well as the effects of activities that are interrelated to or interdependent with the Federal agency's proposed action. The first criterion is exposure, or some reasonable expectation of a co-occurrence, between one or more potential stressors associated with the proposed activities and ESA-listed species or designated critical habitat. If we conclude that an ESA-listed species or designated critical habitat is not likely to be exposed to the proposed activities, we must also conclude that the species or critical habitat is not likely to be adversely affected by those activities.

The second criterion is the probability of a response given exposure. ESA-listed species or designated critical habitat that is exposed to a potential stressor but is likely to be unaffected by the exposure is also not likely to be adversely affected by the proposed action. We applied these criteria to the species ESA-listed in Table 3, and we summarize our results below.

An action warrants a "may affect, not likely to be adversely affected" finding when its effects are wholly *beneficial*, *insignificant* or *discountable*. *Beneficial* effects have an immediate positive effect without any adverse effects to the species or habitat. Beneficial effects are usually discussed when the project has a clear link to the ESA-listed species or its specific habitat needs and consultation is required because the species may be affected.

Insignificant effects relate to the size or severity of the impact and include those effects that are undetectable, not measurable, or so minor that they cannot be meaningfully evaluated. Insignificant is the appropriate effect conclusion when plausible effects are going to happen, but will not rise to the level of constituting an adverse effect. That means the ESA-listed species may be expected to be affected, but not harmed or harassed.

Discountable effects are those that are extremely unlikely to occur. For an effect to be discountable, there must be a plausible adverse effect (i.e., a credible effect that could result from the action and that would be an adverse effect if it did impact a listed species), but it is very unlikely to occur.

The species and designated critical habitat that are not likely to be adversely affected are found in Table 3.

Table 3. Species and designated critical habitat in the action area that will not likely be adversely affected by Permit No. 20315.

| Species | ESA Status | Critical Habitat |
|---|---|---|
| Leatherback sea turtle (<i>Dermochelys coriacea</i>) | Endangered 35 FR 8491 06/02/1970 | 44 FR 17710 Atlantic 1979 |
| Elkhorn coral (<i>Acropora palmata</i>) | Threatened 71 FR 26852 05/09/2006 | 73 FR 72210 Florida, Puerto Rico, St. John/St. Thomas, St. Croix 2008 |
| Staghorn coral (<i>Acropora cervicornis</i>) | Threatened 71 FR 26852 05/09/2006 | 73 FR 72210 Florida, Puerto Rico, St. John/St. Thomas, St. Croix 2008 |
| Pillar Coral (<i>Dendrogyra cylindrus</i>) | Threatened 79 FR 53851 09/10/2014 | None Designated |
| Rough Cactus Coral (<i>Mycetophyllia ferox</i>) | Threatened 79 FR 53851 09/10/2014 | None Designated |
| Lobed Star Coral (<i>Orbicella annularis</i>) | Threatened 79 FR 53851 09/10/2014 | None Designated |
| Mountainous Star Coral (<i>Orbicella faveolata</i>) | Threatened 79 FR 53851 09/10/2014 | None Designated |
| Boulder Star Coral (<i>Orbicella franksi</i>) | Threatened 79 FR 53851 09/10/2014 | None Designated |
| Scalloped Hammerhead Shark (<i>Sphyrna lewini</i>) Central & Southwest Atlantic DPS | Threatened 79 FR 38213 07/03/2014 | None Designated |
| Nassau Grouper (<i>Epinephelus striatus</i>) | Threatened 81 FR 42268 06/29/2016 | None Designated |
| Blue Whale (<i>Balaenoptera musculus</i>) | Endangered 35 FR 18319 12/02/1970 | None Designated |
| False Killer Whale (<i>Pseudorca crassidens</i>) | Endangered 77 FR 70915 11/28/2012 | None Designated |
| Humpback Whale (<i>Megaptera novaeangliae</i>) | Endangered 81 FR 62259 09/08/2016 | None Designated |
| Killer Whale (<i>Orcinus orca</i>) | Endangered 70 FR 69903 11/18/2005 | Designated; Not in the Action Area |
| Fin Whale (<i>Balaenoptera physalus</i>) | Endangered 35 FR 18319 12/02/1970 | None Designated |
| Sei Whale (<i>Balaenoptera borealis</i>) | Endangered 35 FR 18319 12/02/1970 | None Designated |
| Sperm Whale (<i>Physeter macrocephalus</i>) | Endangered 35 FR 18319 12/02/1970 | None Designated |

6.1.1 Designated Critical Habitat

In 2008, NMFS designated critical habitat for the elkhorn and staghorn corals to include the waters of Florida, Puerto Rico, St. John/St. Thomas, and St. Croix (73 FR 72210). The designated areas contains substrate that NMFS has determined to be an essential physical feature for the conservation of the species and that may require special management considerations or protection.

In 1979, NMFS designated critical habitat for leatherback sea turtles to include Sandy Point, St. Croix, U.S. Virgin Islands (44 FR 17710). The specific areas identified by NMFS provide protection to sea turtles using these waters for courting, breeding, and as access to and from their nesting areas on Sandy Point Beach.

The research action area may overlap with designated critical habitat for elkhorn corals, staghorn corals, and leatherback sea turtles, however none of the proposed research would destroy or modify the critical habitat due to the nature of activities. Research activities are not planned for the waters adjacent to Sandy Point Beach, St. Croix, U.S. Virgin Islands, which is designated critical habitat for leatherback sea turtles. If research were to be conducted in this area, capture of targeted species will be performed by hand or net and all research activities will take place aboard vessels so that no activity would adversely affect the shelter and dietary components of the sea turtles or the physical features of the designated critical habitat. Additionally, sampling would occur in the spring and fall and would potentially not overlap with the nesting season for leatherback sea turtles in the U.S. Virgin Islands.

The applicant will keep boat speeds to a minimum in shallow areas to not disturb the sea bed. In addition, boats will be tied up to existing buoys and piers, and if anchoring is necessary, will be done in sand. Tangle nets that are used will be set in sandy bottom locations only and researchers would be required to avoid any shallow areas where damage to corals or seagrass beds may occur. Free-divers would be careful to avoid damaging corals when capturing individuals near the bottom. The quality and quantity of available substrate nor the physical, chemical, or biological features that form the designated critical habitat will be affected.

The Permits Division has determined that the issuance of Permit No. 20315 is not likely to adversely affect the designated critical habitat for leatherback sea turtles, and elkhorn and staghorn coral due to the nature of activities. It is extremely unlikely that the research activities will affect the designated critical habitat, therefore, the actions are discountable. We concur with the Permits Division that the issuance of Permit No. 20315 is not likely to adversely affect the designated critical habitat for the three previously mentioned species and so they are not addressed further in this opinion.

6.1.2 Species

6.1.2.1 Corals

The following threatened coral species are found in the action area: elkhorn, staghorn, pillar, rough cactus, lobed star, mountainous star, and boulder star. Deployment of any nets near or around areas where these species are present will not occur as a requirement of the permit. The Permits Division has determined that the issuance of Permit No. 20315 is not likely to adversely affect these threatened corals due to the nature of activities. It is extremely unlikely that the research activities will affect these coral species, therefore, the actions are discountable. We concur with the Permits Division that the issuance of Permit No. 20315 is not likely to adversely affect these seven threatened coral species and so they are not addressed further in this opinion.

6.1.2.2 Fish

Although the geographic range of the threatened scalloped hammerhead Central and Southwest Atlantic Distinct Population Segment includes the territorial waters of the U.S. Virgin Islands, NMFS found no information on the present distribution or habitat use of scalloped hammerhead sharks. No critical habitat is designated for this species. The threatened Nassau grouper distribution includes the Caribbean. During the past five years of research in the area, no Nassau groupers or scalloped hammerhead sharks were observed. Before deployment of tangle nets, in-water surveys are conducted and if a non-target, protected species are in the vicinity, nets will not be deployed. After nets are deployed, standard monitoring is followed to reduce by-catch. The research activities proposed are not expected to affect the species due to the nature of the activities being targeted at sea turtles. The Permits Division has determined that the issuance of Permit No. 20315 is not likely to adversely affect the scalloped hammerhead (Central and Southwest Atlantic DPS) nor Nassau grouper due to the nature of activities. It is extremely unlikely that the research activities will affect these two species, therefore, the actions are discountable. We concur with the Permits Division that the issuance of Permit No. 20315 is not likely to adversely affect the scalloped hammerhead (Central and Southwest Atlantic DPS) nor Nassau grouper and so they are not addressed further in this opinion.

6.1.2.3 Other Species

Additional species with distributions in the action area include: blue whales, false killer whales, fin whales, humpback whales, killer whales, sei whales, sperm whales, and leatherback sea turtles. However, due to the nature and timing of the activities, and that activities are directed to specific sea turtle species, other species are not expected to be affected by the research. In addition, before deployment of tangle nets, in-water surveys are conducted and if a non-target, protected species is in the vicinity, nets will not be deployed. If these species are encountered research activities will cease until the animals move from the research area. Researchers will not approach non-target species. The Permits Division has determined that the issuance of Permit No. 20315 is not likely to adversely affect these whale and turtle species due to the nature of activities. It is extremely unlikely that the research activities will affect these species, therefore,

the actions are discountable. We concur with the Permits Division that the issuance of Permit No. 20315 is not likely to adversely affect blue whales, false killer whales, fin whales, humpback whales, killer whales, sei whales, sperm whales, and leatherback sea turtles and so they are not addressed further in this opinion.

6.2 Species and Critical Habitat Likely to be Adversely Affected

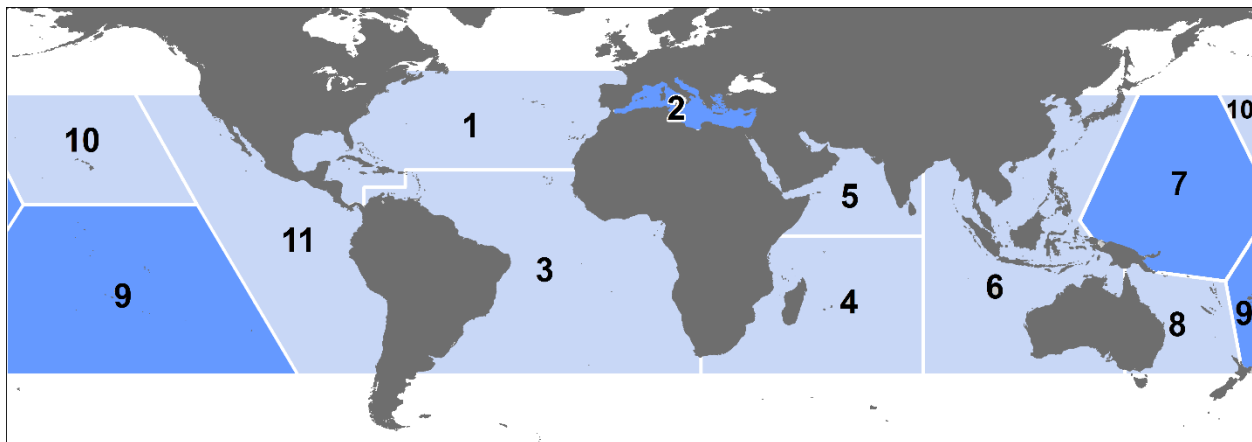
This opinion examines the status of each species that would be affected by the proposed action. The status is determined by the level of risk that the ESA-listed species face, based on parameters considered in documents such as recovery plans, status reviews, and listing decisions. The species status section helps to inform the description of the species' current "reproduction, numbers, or distribution" as described in 50 C.F.R. 402.02. More detailed information on the status and trends of these ESA-listed species, and their biology and ecology can be found in the listing regulations and critical habitat designations published in the Federal Register, status reviews, recovery plans, and on NMFS Web site:

<http://www.nmfs.noaa.gov/pr/species/esa/listed.htm>.

6.2.1 Green Sea Turtle, South Atlantic Distinct Population Segment

Species Description

The green sea turtle is globally distributed and commonly inhabits nearshore and inshore waters, occurring throughout tropical, subtropical and, to a lesser extent, temperate waters (Figure 3). The South Atlantic DPS green turtle is found in the Atlantic Ocean from South America to the west coast of Africa (Figure 3).



Threatened (light blue ■) and endangered (dark blue ■) green turtle DPSs:

1. North Atlantic, 2. Mediterranean, 3. South Atlantic, 4. Southwest Indian, 5. North Indian, 6. East Indian-West Pacific, 7. Central West Pacific, 8. Southwest Pacific, 9. Central South Pacific, 10. Central North Pacific, and 11. East Pacific.

Figure 2. Map depicting range and distinct population segment boundaries for green turtles.

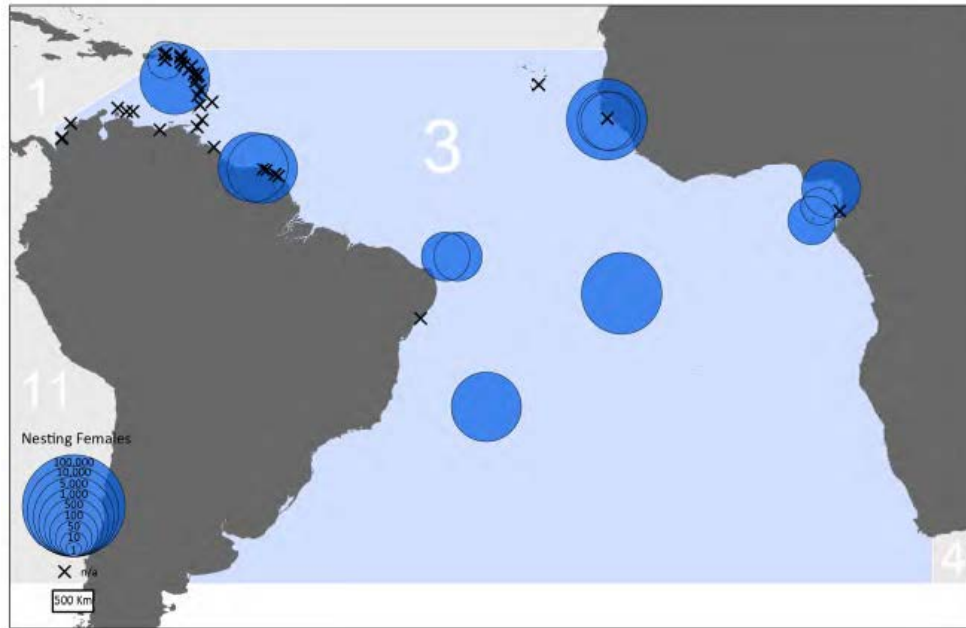


Figure 3. Geographic range of the South Atlantic distinct population segment green turtle, with location and abundance of nesting females (Seminoff et al. 2015).

The green sea turtle is the largest of the hardshell marine turtles, growing to a weight of 350 pounds (159 kilograms) and a straight carapace length of greater than 3.3 feet (1 meter) (Figure 4).



Figure 4. Green sea turtle. Credit: Mark Sullivan, NOAA.

The species was listed under the ESA on July 28, 1978 (43 FR 32800). The species was separated into two listing designations: endangered for breeding populations in Florida and the Pacific coast of Mexico and threatened in all other areas throughout its range. On April 6, 2016, NMFS listed eleven DPSs of green sea turtles as threatened or endangered under the ESA (81 FR 20057) (Table 4). The South Atlantic DPS is listed as threatened.

Table 4. South Atlantic distinct population segment green sea turtle information bar provides species Latin name, common name and current Federal Register notice of listing status, designated critical habitat, Distinct Population Segment, recent status review, and recovery plan.

| Species | Common Name | Distinct Population Segment | ESA Status | Critical Habitat | Recovery Plan |
|-----------------------|------------------|-----------------------------|--|------------------|---------------|
| <i>Chelonia mydas</i> | Green sea turtle | South Atlantic | Threatened <u>81 FR 20057</u> 04/06/2016 <u>43 FR 32800</u> 07/28/1978 | -- | -- |

We used information available in the 2007 Five Year Review (NMFS and USFWS 2007a) and 2015 Status Review (Seminoff et al. 2015) to summarize the life history, population dynamics and status of the species, as follows.

Life History

Age at first reproduction for females is twenty to forty years. Green sea turtles lay an average of three nests per season with an average of 100 eggs per nest. The remigration interval (i.e., return to natal beaches) is two to five years. Nesting occurs primarily on beaches with intact dune structure, native vegetation and appropriate incubation temperatures during summer months. After emerging from the nest, hatchlings swim to offshore areas and go through a post-hatchling pelagic stage where they are believed to live for several years. During this life stage, green sea turtles feed close to the surface on a variety of marine algae and other life associated with drift lines and debris. Adult turtles exhibit site fidelity and migrate hundreds to thousands of kilometers from nesting beaches to foraging areas. Green sea turtles spend the majority of their lives in coastal foraging grounds, which include open coastlines and protected bays and lagoons. Adult green turtles feed primarily on seagrasses and algae, although they also eat jellyfish, sponges and other invertebrate prey.

Population Dynamics

The following is a discussion of the species' population and its variance over time. This section includes abundance, population growth rate, genetic diversity, and spatial distribution as it relates to the South Atlantic DPS green sea turtle.

Worldwide, nesting data at 464 sites indicate that 563,826 to 564,464 females nest each year. The South Atlantic DPS has fifty-one nesting sites, with an estimated nester abundance of 63,332. The largest nesting site is at Poilão, Guinea-Bissau, which hosts forty-six percent of nesting females for the DPS (Seminoff et al. 2015).

There are fifty-one nesting sites for the South Atlantic DPS, and many have insufficient data to determine population growth rates or trends. Of the nesting sites where data are available, such

as Ascension Island, Suriname, Brazil, Venezuela, Equatorial Guinea, and Guinea-Bissau, there is evidence that population abundance is increasing (Seminoff et al. 2015).

Individuals from nesting sites in Brazil, Ascension Island, and western Africa have a shared haplotype found in high frequencies. Green turtles from rookeries in the eastern Caribbean however, are dominated by a different haplotype (Seminoff et al. 2015).

The green turtle has a circumglobal distribution, occurring throughout nearshore tropical, subtropical and, to a lesser extent, temperate waters. Nesting for the green turtle South Atlantic DPS occurs on both sides of the Atlantic Ocean, along the western coast of Africa, Ascension Island, the U.S. Virgin Islands in the Caribbean and eastern South America, from Brazil north to the Caribbean. Juveniles and adults can be found on feeding grounds in the Caribbean and the nearshore waters of Brazil, Uruguay and Argentina. In the east, South Atlantic DPS green turtles can be found on foraging grounds off the coast of west Africa, from Equatorial Guinea, Gabon, Congo, Angola and Principe Island.

Status

Though there is some evidence that the South Atlantic DPS is increasing, there is a considerable amount of uncertainty over the impacts of threats to the South Atlantic DPS. The DPS is threatened by habitat degradation at nesting beaches, and mortality from fisheries bycatch remains a primary concern.

Status Within the Action Area

Despite the numerous and widespread nesting beaches in the South Atlantic DPS, long-term monitoring data is relatively scarce. The only nesting concentration in the central Atlantic, and one of the largest in the South Atlantic DPS, is at Ascension Island (United Kingdom). This population has increased substantially over the last three decades (Broderick et al. 2006; Glen et al. 2006). The nesting concentration at Galibi Reserve and Matapica in Suriname was stable from the 1970s through the 1980s and since 2000, there appears to be a rapid increase in nest numbers (Seminoff et al. 2015). The southernmost nesting concentration in the western Atlantic is at Trindade Island, Brazil. This nesting population has been stable with a mean of approximately 1,500–2,000 females nesting per year since the early 1980s and since 2000, there appears to be a rapid increase in nest numbers (Moreira et al. 1995; Moreira and Bjorndal 2006; Almeida et al. 2012).

Critical Habitat

No critical habitat has been designated for the South Atlantic DPS green turtle. NMFS cannot designate critical habitat in foreign waters.

Recovery Goals

NMFS has not prepared a Recovery Plan for the South Atlantic DPS green turtle. In general, listed species which occur entirely outside U.S. jurisdiction are not likely to benefit from recovery plans (55 FR 24296; June 15, 1990).

6.2.2 Hawksbill Sea Turtle

The hawksbill turtle has a circumglobal distribution throughout tropical and, to a lesser extent, subtropical oceans (Figure 5).

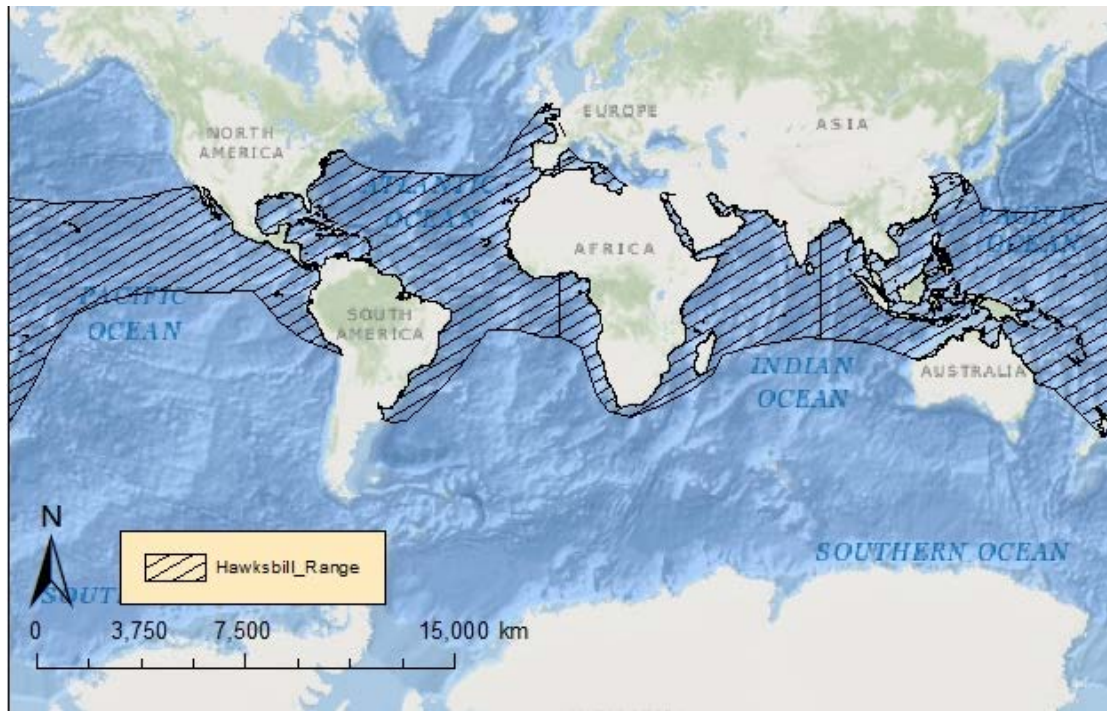


Figure 5. Map identifying the range of the endangered hawksbill sea turtle.

The hawksbill sea turtle has a sharp, curved, beak-like mouth and a “tortoiseshell” pattern on its carapace, with radiating streaks of brown, black, and amber (Figure 6).



Figure 6. Hawksbill sea turtle. Credit: Jordan Wilkerson.

The species was first listed under the Endangered Species Conservation Act (35 FR 8491) and listed as endangered under the ESA since 1973 (Table 5).

Table 5. Hawksbill sea turtle information bar.

| Species | Common Name | Distinct Population Segment | ESA Status | Critical Habitat | Recovery Plan |
|-------------------------------|----------------------|-----------------------------|---|---|---|
| <i>Eretmochelys imbricata</i> | Hawksbill sea turtle | N/A | Endangered <u>35 FR 8491</u> 06/02/1970 | <u>63 FR 46693</u> <u>Atlantic</u> 09/02/1998 | 57 FR 38818 <u>U.S. Caribbean,</u> <u>Atlantic and Gulf of</u> <u>Mexico</u> 1992 |

We used information available in the five year reviews (NMFS and USFWS 2007b, 2013) to summarize the life history, population dynamics and status of the species, as follows.

Life History

Hawksbill sea turtles reach sexual maturity at 20 to 40 years of age. Females return to their natal beaches every 2 to 5 years to nest (an average of 3 to 5 times per season). Clutch sizes are large (up to 250 eggs). Sex determination is temperature dependent, with warmer incubation producing more females. Hatchlings migrate to and remain in pelagic habitats until they reach approximately 22 to 25 cm in straight carapace length. As juveniles, they take up residency in coastal waters to forage and grow. As adults, hawksbills use their sharp beak-like mouths to feed on sponges and corals. Hawksbill sea turtles are highly migratory and use a wide range of habitats during their lifetimes (Musick and Limpus 1997; Plotkin 2003). Satellite tagged turtles have shown significant variation in movement and migration patterns. Distance traveled between nesting and foraging locations ranges from a few hundred to a few thousand kilometers (Miller et al. 1998; Horrocks et al. 2001).

Population Dynamics

The following is a discussion of the species' population and its variance over time. This section includes: abundance, population growth rate, genetic diversity, and spatial distribution as it relates to the hawksbill sea turtle.

Surveys at eighty eight nesting sites worldwide indicate that 22,004 to 29,035 females nest annually (NMFS and USFWS 2013). In general, hawksbills are doing better in the Atlantic and Indian Ocean than in the Pacific Ocean, where despite greater overall abundance, a greater proportion of the nesting sites are declining.

From 1980 to 2003, the number of nests at three primary nesting beaches (Rancho Nuevo, Tepehuajes, and Playa Dos) increased fifteen percent annually (Heppell et al. 2005); however, due to recent declines in nest counts, decreased survival at other life stages, and updated population modeling, this rate is not expected to continue (NMFS and USFWS 2013).

Populations are distinguished generally by ocean basin and more specifically by nesting location. Our understanding of population structure is relatively poor. Genetic analysis of hawksbill sea turtles foraging off the Cape Verde Islands identified three closely-related haplotypes in a large

majority of individuals sampled that did not match those of any known nesting population in the western Atlantic, where the vast majority of nesting has been documented (McClellan et al. 2010; Monzón-Argüello et al. 2010). Hawksbills in the Caribbean seem to have dispersed into separate populations (rookeries) after a bottleneck roughly 100,000 to 300,000 years ago (Leroux et al. 2012).

The hawksbill has a circumglobal distribution throughout tropical and, to a lesser extent, subtropical waters of the Atlantic, Indian, and Pacific Oceans. In their oceanic phase, juvenile hawksbills can be found in Sargassum mats; post-oceanic hawksbills may occupy a range of habitats that include coral reefs or other hard-bottom habitats, sea grass, algal beds, mangrove bays and creeks (Musick and Limpus 1997; Bjorndal and Bolten 2010).

Status

Long-term data on the hawksbill sea turtle indicate that sixty-three sites have declined over the past twenty to one-hundred years (historic trends are unknown for the remaining twenty-five sites). Recently, twenty-eight sites (68 percent) have experienced nesting declines, ten have experienced increases, three have remained stable, and forty-seven have unknown trends. The greatest threats to hawksbill sea turtles are overharvesting of turtles and eggs, degradation of nesting habitat, and fisheries interactions. Adult hawksbills are harvested for their meat and carapace, which is sold as tortoiseshell. Eggs are taken at high levels, especially in Southeast Asia where collection approaches one-hundred percent in some areas. In addition, lights on or adjacent to nesting beaches are often fatal to emerging hatchlings and alters the behavior of nesting adults. The species' resilience to additional perturbation is low.

Status Within the Action Area

In the Atlantic, hawksbill population increase has been greater in the Insular Caribbean than along the Western Caribbean Mainland or the eastern Atlantic (including Sao Tomé and Equatorial Guinea). Nesting populations of Puerto Rico appeared to be in decline until the early 1990's, but have universally increased during the survey periods. Mona Island now hosts 199-332 nesting females annually, and the other sites combined host 51-85 nesting females annually (NMFS and USFWS 2007b). The U.S. Virgin Islands have a long history of tortoiseshell trade (Schmidt 1916). At the BINRM, protection has been in force since 1988, and during that time, hawksbill nesting has increased by 143 percent to 56 nesting females annually, with apparent spill over to beaches on adjacent St. Croix. However, St. John populations did not increase, perhaps due to the proximity of the legal turtle harvest in the British Virgin Islands.

Critical Habitat

On September 2, 1998, NMFS established critical habitat for hawksbill sea turtles around Mona and Monito Islands, Puerto Rico (63 FR 46693) (Figure 7). Aspects of these areas that are important for hawksbill sea turtle survival and recovery include important natal development habitat, refuge from predation, shelter between foraging periods, and food for hawksbill sea

turtle prey. The critical habitat for hawksbill does not occur in the action area for the proposed permit.

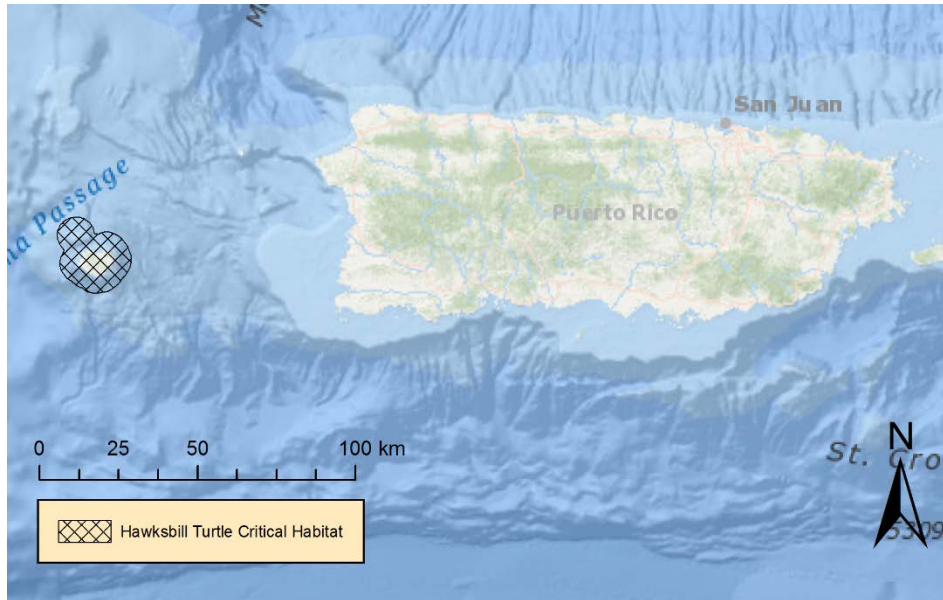


Figure 7. Map depicting hawksbill sea turtle designated critical habitat.

Recovery Goals

See the 1992 and 1998 Recovery Plans for the U.S. Caribbean, Atlantic and Gulf of Mexico and U.S. Pacific populations of hawksbill sea turtles, respectively, for complete down listing/delisting criteria for each of their respective recovery goals. The following items were the top recovery actions identified to support in the Recovery Plans:

1. Identify important nesting beaches
2. Ensure long-term protection and management of important nesting beaches
3. Protect and manage nesting habitat; prevent the degradation of nesting habitat caused by seawalls, revetments, sand bags, other erosion-control measures, jetties and breakwaters
4. Identify important marine habitats; protect and manage populations in marine habitat
5. Protect and manage marine habitat; prevent the degradation or destruction of important [marine] habitats caused by upland and coastal erosion
6. Prevent the degradation of reef habitat caused by sewage and other pollutants
7. Monitor nesting activity on important nesting beaches with standardized index surveys
8. Evaluate nest success and implement appropriate nest-protection on important nesting beaches

9. Ensure that law-enforcement activities prevent the illegal exploitation and harassment of sea turtles and increase law-enforcement efforts to reduce illegal exploitation
10. Determine nesting beach origins for juveniles and subadult populations

6.2.3 Loggerhead Sea Turtle, Northwest Atlantic Distinct Population Segment

Species Description

Loggerhead sea turtles are circumglobal, and are found in the temperate and tropical regions of the Indian, Pacific and Atlantic Oceans. Northwest Atlantic Ocean DPS loggerheads are found along eastern North America, Central America, and northern South America (Figure 8).



Figure 8. Map identifying the range of the Northwest Atlantic loggerhead sea turtle.

The loggerhead sea turtle is distinguished from other turtles by its reddish-brown carapace, large head and powerful jaws (Figure 9). The species was first listed as threatened under the ESA in 1978 (43 FR 32800).



Figure 9. Loggerhead sea turtle. Credit: NOAA.

On September 22, 2011, the NMFS designated nine distinct population segments of loggerhead sea turtles, with the Northwest Atlantic Ocean DPS listed as threatened (75 FR 12598) (Table 6).

Table 6. Northwest Atlantic Ocean distinct population segment loggerhead turtle information bar provides species Latin name, common name and current Federal Register notice of listing status, designated critical habitat, Distinct Population Segment, recent status review, and recovery plan.

| Species | Common Name | Distinct Population Segment | ESA Status | Critical Habitat | Recovery Plan |
|------------------------|-----------------------|-----------------------------|--|--|--|
| <i>Caretta caretta</i> | Loggerhead sea turtle | Northwest Atlantic | Threatened <u>76 FR 58868</u> 09/22/2011 <u>43 FR 32800</u> 07/28/1978 | <u>79 FR 39856</u> Atlantic and <u>GOM</u> 2014 | <u>74 FR 2995 Notice</u> Northwest Atlantic 2009 |

We used information available in the 2009 Status Review (Conant et al. 2009) and the final listing rule (76 FR 58868) to summarize the life history, population dynamics and status of the species, as follows.

Life History

Mean age at first reproduction for female loggerhead sea turtles is thirty years. Females lay an average of three clutches per season. The annual average clutch size is 112 eggs per nest. The average remigration interval is 2.7 years. Nesting occurs on beaches, where warm, humid sand temperatures incubate the eggs. Temperature determines the sex of the turtle during the middle of the incubation period. Turtles spend the post-hatchling stage in pelagic waters. The juvenile stage is spent first in the oceanic zone and later in the neritic zone (i.e., coastal waters). Coastal waters provide important foraging habitat, inter-nesting habitat, and migratory habitat for adult loggerheads.

Population Dynamics

The following is a discussion of the species' population and its variance over time. This section includes abundance, population growth rate, genetic diversity, and spatial distribution as it relates to the Northwest Atlantic Ocean DPS loggerhead sea turtle.

There is general agreement that the number of nesting females provides a useful index of the species' population size and stability at this life stage, even though there are doubts about the ability to estimate the overall population size. Adult nesting females often account for less than one percent of total population numbers (Bjorndal et al. 2005).

Using a stage/age demographic model, the adult female population size of the DPS is estimated at 20,000 to 40,000 females, and 53,000 to 92,000 nests annually (NMFS SEFSC 2009). Based on genetic information, the Northwest Atlantic Ocean DPS is further categorized into five recovery units corresponding to nesting beaches. These are Northern Recovery Unit, Peninsular Florida Recovery Unit, Dry Tortugas Recovery Unit, Northern Gulf of Mexico Recovery Unit, and the Greater Caribbean Recovery Unit.

The Northern Recovery Unit, from North Carolina to northeastern Florida, and is the second largest nesting aggregation in the DPS, with an average of 5,215 nests from 1989 to 2008, and approximately 1,272 nesting females (NMFS and USFWS 2008).

The Peninsular Florida Recovery Unit hosts more than 10,000 females nesting annually, which constitutes eighty-seven percent of all nesting effort in the DPS (Ehrhart et al. 2003).

The Greater Caribbean Recovery Unit encompasses nesting subpopulations in Mexico to French Guiana, the Bahamas, and the Lesser and Greater Antilles. The majority of nesting for this recovery unit occurs on the Yucatán peninsula, in Quintana Roo, Mexico, with 903 to 2,331 nests annually (Zurita et al. 2003). Other significant nesting sites are found throughout the Caribbean, and including Cuba, with approximately 250 to 300 nests annually (Ehrhart et al. 2003), and over one hundred nests annually in Cay Sal in the Bahamas (NMFS and USFWS 2008).

The Dry Tortugas Recovery Unit includes all islands west of Key West, Florida. The only available data for the nesting subpopulation on Key West comes from a census conducted from 1995 to 2004 (excluding 2002), which provided a mean of 246 nests per year, or about sixty nesting females (NMFS and USFWS 2007c).

The Gulf of Mexico Recovery Unit has between one hundred to 999 nesting females annually, and a mean of 910 nests per year.

The population growth rate for each of the four of the recovery units for the Northwest Atlantic DPS (Peninsular Florida, Northern, Northern Gulf of Mexico, and Greater Caribbean) all exhibit negative growth rates (Conant et al. 2009).

Nest counts taken at index beaches in Peninsular Florida show a significant decline in loggerhead nesting from 1989 to 2006, most likely attributed to mortality of oceanic-stage loggerheads caused by fisheries bycatch (Witherington et al. 2009). Loggerhead nesting on the Archie Carr

National Wildlife Refuge (representing individuals of the Peninsular Florida subpopulation) has fluctuated over the past few decades. There was an average of 9,300 nests throughout the 1980s, with the number of nests increasing into the 1990s until it reached an all-time high in 1998, with 17,629 nests. From that point, the number of loggerhead nests at the Refuge have declined steeply to a low of 6,405 in 2007, increasing again to 15,539, still a lower number of nests than in 1998 (Bagley et al. 2013).

For the Northern recovery unit, nest counts at loggerhead nesting beaches in North Carolina, South Carolina and Georgia declined at 1.9 percent annually from 1983 to 2005 (NMFS and USFWS 2007c).

The nesting subpopulation in the Florida panhandle has exhibited a significant declining trend from 1995 to 2005 (NMFS and USFWS 2007c; Conant et al. 2009). Recent model estimates predict an overall population decline of seventeen percent for the St. Joseph Peninsula, Florida subpopulation of the Northern Gulf of Mexico recovery unit (Lamont et al. 2014).

Based on genetic analysis of nesting subpopulations, the Northwest Atlantic Ocean DPS is further divided into five recovery units: Northern, Peninsular Florida, Dry Tortugas, Northern Gulf of Mexico, and Greater Caribbean (Conant et al. 2009). A more recent analysis using expanded mitochondrial DNA sequences revealed that rookeries from the Gulf and Atlantic coasts of Florida are genetically distinct, and that rookeries from Mexico's Caribbean coast express high haplotype diversity (Shamblin et al. 2014). Furthermore, the results suggest that the Northwest Atlantic Ocean DPS should be considered as ten management units: (1) South Carolina and Georgia, (2) central eastern Florida, (3) southeastern Florida, (4) Cay Sal, Bahamas, (5) Dry Tortugas, Florida, (6) southwestern Cuba, (7) Quintana Roo, Mexico, (8) southwestern Florida, (9) central western Florida, and (10) northwestern Florida (Shamblin et al. 2012).

Loggerhead hatchlings from the western Atlantic disperse widely, most likely using the Gulf Stream to drift throughout the Atlantic Ocean. Mitochondrial DNA evidence demonstrates that juvenile loggerheads from southern Florida nesting beaches comprise the vast majority (seventy-one to eighty-eight percent) of individuals found in foraging grounds throughout the western and eastern Atlantic: Nicaragua, Panama, Azores and Madiera, Canary Islands and Adalusia, Gulf of Mexico and Brazil (Masuda 2010).

Status

Due to declines in nest counts at index beaches in the United States and Mexico, and continued mortality of juveniles and adults from fishery bycatch, the Northwest Atlantic Ocean DPS is at risk and likely to decline in the foreseeable future (Conant et al. 2009).

Status Within the Action Area

The greatest concentration of loggerheads occurs in the Atlantic Ocean and the adjacent Caribbean Sea, primarily on the Atlantic coast of Florida, with other major nesting areas located on the Yucatán Peninsula of Mexico, Columbia, Cuba, and South Africa (Márquez 1990; LGL

Ltd. 2007). Among the five subpopulations (also termed recovery units) in the Northwest Atlantic Ocean DPS, loggerhead females lay 53,000-92,000 nests per year in the southeastern US and the Gulf of Mexico, and the total number of nesting females are 32,000-56,000 (TEWG 1998; NMFS 2001).

Loggerheads associated with the South Florida recovery unit occur in higher frequencies in the Gulf of Mexico (where they represent about 10 percent of the loggerhead captures). The peninsular Florida recovery unit is the largest loggerhead nesting assemblage in the Northwest Atlantic Ocean DPS. A near-complete state-wide nest census (all beaches including index nesting beaches) undertaken from 1989 to 2007 showed a mean of 64,513 loggerhead nests per year, representing approximately 15,735 nesting females annually (NMFS and USFWS 2008). The statewide estimated total for 2010 was 73,702 (FFWCC 2016). The 2010 index nesting number is the largest since 2000. With the addition of data through 2010, the nesting trend for the Northwest Atlantic Ocean DPS is slightly negative and not statistically different from zero (no trend) (NMFS and USFWS 2010).

An analysis of Florida index nesting beach data shows a 26 percent nesting decline between 1989 and 2008, and a mean annual rate of decline of 1.6 percent despite a large increase in nesting for 2008, to 38,643 nests (NMFS and USFWS 2008; Witherington et al. 2009; www.myfwc.com 2016). In 2009, nesting levels, while still higher than the lows of 2004, 2006, and 2007, dropped below 2008 levels to approximately 32,717 nests, but in 2010, a large increase was seen, with 47,880 nests on the index nesting beaches (FFWCC 2016). Although not directly comparable to these index nesting numbers, nesting counts from 2011-2015 have shown a generally stable trend (www.seaturtle.org 2016).

The south Florida recovery unit of loggerheads may be critical to the survival of the species in the Atlantic because of the recovery unit's size, and in the past it was considered second in size only to the Oman nesting aggregation (NMFS and USFWS 1991). The South Florida recovery unit increased at about 5.3 percent per year from 1978-1990, and was initially increasing at 3.9-4.2 percent after 1990. An analysis of nesting data from 1989-2005, a period of more consistent and accurate surveys than in previous years, showed a detectable trend and, more recently (1998-2005), analysis revealed evidence of a declining trend of approximately 22.3 percent (FFWCC 2006, 2007; Witherington et al. 2009). Nesting data from the Archie Carr Refuge (one of the most important nesting locations in southeast Florida) over the last six years shows nests declined from approximately 17,629 in 1998 to 7,599 in 2004, also suggesting a decrease in recovery unit size. Loggerhead nesting is thought to consist of just 60 nesting females in the Caribbean and Gulf of Mexico (www.nmfs.noaa.gov/pr 2006). Based on the small sizes of almost all nesting aggregations in the Atlantic, the large numbers of individuals killed in fisheries, and the decline of the only large nesting aggregation, the DPS is determined to be in decline (Conant et al. 2009).

Critical Habitat

NMFS has designated critical habitat for the Northwest Atlantic Ocean DPS loggerhead sea turtles. On July 10, 2014, NMFS and the U.S. Fish and Wildlife Service designated critical habitat for the Northwest Atlantic Ocean DPS loggerhead sea turtles along the U.S. Atlantic and Gulf of Mexico coasts from North Carolina to Mississippi (79 FR 39856) (Figure 10). These areas contain one or a combination of nearshore reproductive habitat, winter area, breeding areas, and migratory corridors. The critical habitat is categorized into thirty-eight occupied marine areas and 685 miles of nesting beaches. The physical or biological features and primary constituent elements identified for the different habitat types include waters adjacent to high density nesting beaches, waters with minimal obstructions and manmade structures, high densities of reproductive males and females, appropriate passage conditions for migration, conditions that support sargassum habitat, available prey, and sufficient water depth and proximity to currents to ensure offshore transport of post-hatchlings.



Figure 10. Map identifying designated critical habitat for the Northwest Atlantic distinct population segment loggerhead sea turtles.

Recovery Goals

See the 2009 Final Recovery Plan for the Northwest Atlantic Population of Loggerheads for complete down listing/delisting criteria for each of the following recovery objectives.

1. Ensure that the number of nests in each recovery unit is increasing and that this increase corresponds to an increase in the number of nesting females.
2. Ensure the in-water abundance of juveniles in both neritic and oceanic habitats is increasing and is increasing at a greater rate than strandings of similar age classes.
3. Manage sufficient nesting beach habitat to ensure successful nesting.
4. Manage sufficient feeding, migratory and internesting marine habitats to ensure successful growth and reproduction.

5. Eliminate legal harvest.
6. Implement scientifically based nest management plans.
7. Minimize nest predation.
8. Recognize and respond to mass/unusual mortality or disease events appropriately.
9. Develop and implement local, state, Federal and international legislation to ensure long-term protection of loggerheads and their terrestrial and marine habitats.
10. Minimize bycatch in domestic and international commercial and artisanal fisheries.
11. Minimize trophic changes from fishery harvest and habitat alteration.
12. Minimize marine debris ingestion and entanglement.
13. Minimize vessel strike mortality.

7 ENVIRONMENTAL BASELINE

The “environmental baseline” includes the past and present impacts of all Federal, state, or private actions and other human activities in the action area, the anticipated impacts of all proposed Federal projects in the action area that have already undergone formal or early section 7 consultation, and the impact of state or private actions which are contemporaneous with the consultation in process (50 C.F.R. §402.02).

7.1 Climate Change

There is no question that our climate is changing. The globally-averaged combined land and ocean surface temperature data, as calculated by a linear trend, show a warming of approximately 0.85° Celsius over the period 1880 to 2012 (IPCC 2014). Each of the last three decades has been successively warmer at the Earth’s surface than any preceding decade since 1850 (IPCC 2014). Burning fossil fuels has increased atmospheric carbon dioxide concentrations by 35 percent with respect to pre-industrial levels, with consequent climatic disruptions that include a higher rate of global warming than occurred at the last global-scale state shift (the last glacial-interglacial transition, approximately 12,000 years ago) (Barnosky et al. 2012). Ocean warming dominates the increase in energy stored in the climate system, accounting for more than 90 percent of the energy accumulated between 1971 and 2010 (IPCC 2014). It is virtually certain that the upper ocean (zero to 700 meters) warmed from 1971 to 2010 and it likely warmed between the 1870s and 1971 (IPCC 2014). On a global scale, ocean warming is largest near the surface, and the upper 75 meters warmed by 0.11° Celsius per decade over the period 1971 to 2010 (IPCC 2014). There is high confidence, based on substantial evidence, that observed changes in marine systems are associated with rising water temperatures, as well as related changes in ice cover, salinity, oxygen levels, and circulation. Higher carbon dioxide concentrations have also caused the ocean rapidly to become more acidic, evident as a decrease in pH by 0.05 in the past two decades (Doney 2010).

This climate change is projected to have substantial direct and indirect effects on individuals, populations, species, and the structure and function of marine ecosystems in the near future. It is most likely to have the most pronounced effects on species whose populations are already in

tenuous positions (Isaac 2009). As such, we expect the extinction risk of ESA-listed species to rise with global warming. Primary effects of climate change on individual species include habitat loss or alteration, distribution changes, altered and/or reduced distribution and abundance of prey, changes in the abundance of competitors and/or predators, shifts in the timing of seasonal activities of species, and geographic isolation or extirpation of populations that are unable to adapt. Secondary effects include increased stress, disease susceptibility, and predation.

The Northern Hemisphere (where a greater proportion of ESA-listed species occur) is warming faster than the Southern Hemisphere, although land temperatures are rising more rapidly than over the oceans (Poloczanska et al. 2009). In the western North Atlantic, sea surface temperatures have been unusually warm in recent years (Blunden and Arndt 2016). A study by (Polyakov et al. 2010), suggests that the North Atlantic overall has been experiencing a general warming trend over the last 80 years of 0.031 ± 0.006 °Celsius per decade in the upper 2,000 meters of the ocean. The ocean along the United States eastern seaboard is also much saltier than historical averages (Blunden and Arndt 2014). The direct effects of climate change will result in increases in atmospheric temperatures, changes in sea surface temperatures, patterns of precipitation, and sea level.

For sea turtles, temperature regimes generally lead toward female-biased nests (Hill et al. 2015). Acevedo-Whitehouse and Duffus (2009) proposed that the rapidity of environmental changes, such as those resulting from global warming, can harm immunocompetence and reproductive parameters in wildlife to the detriment of population viability and persistence. An example of this is the altered sex ratios observed in sea turtle populations worldwide (Mazaris et al. 2008; Reina et al. 2009; Robinson et al. 2009; Fuentes et al. 2010).

This does not appear to have yet affected population viabilities through reduced reproductive success, although nesting and emergence dates of days to weeks in some locations have changed over the past several decades (Poloczanska et al. 2009). Altered ranges can also result in the spread of novel diseases to new areas via shifts in host ranges (Simmonds and Elliott 2009; Schumann et al. 2013).

Changes in global climatic patterns will likely have profound effects on the coastlines of every continent by increasing sea levels and the intensity, if not the frequency, of hurricanes and tropical storms (Wilkinson and Souter 2008). A half-degree-Celsius increase in temperatures during hurricane season from 1965-2005 correlated with a 40 *percent* increase in cyclone activity in the Atlantic. Sea levels have risen an average of 1.7 mm/year over the 20th century due to glacial melting and thermal expansion of ocean water; this rate will likely increase. The current pace is nearly double this, with a 20-year trend of 3.2 mm/year (Blunden and Arndt 2014). This is largely due to thermal expansion of water, with minor contributions from melt water (Blunden and Arndt 2014). Based on computer models, these phenomena would inundate nesting beaches of sea turtles, change patterns of coastal erosion and sand accretion that are necessary to maintain those beaches, and would increase the number of turtle nests destroyed by tropical storms and hurricanes (Wilkinson and Souter 2008). Inundation itself reduces hatchling success by creating

hypoxic conditions within inundated eggs (Pike et al. 2015). In addition, flatter beaches preferred by smaller sea turtle species would be inundated sooner than would steeper beaches preferred by larger species (Hawkes et al. 2014). The loss of nesting beaches, by itself, would have catastrophic effects on sea turtle populations globally if they are unable to colonize new beaches that form or if the beaches do not provide the habitat attributes (sand depth, temperature regimes, refuge) necessary for egg survival. In some areas, increases in sea level alone may be sufficient to inundate sea turtle nests and reduce hatching success (Caut et al. 2009). Storms may also cause direct harm to sea turtles, causing “mass” strandings and mortality (Poloczanska et al. 2009). Increasing temperatures in sea turtle nests alters sex ratios, reduces incubation times (producing smaller hatchling), and reduces nesting success due to exceeded thermal tolerances (Fuentes et al. 2009; Fuentes et al. 2010; Fuentes et al. 2011). Smaller individuals likely experience increased predation (Fuentes et al. 2011).

7.2 Fisheries

Globally, 6.4 million tons of fishing gear is lost in the oceans every year (Wilcox et al. 2015). Fishery interaction remains a major factor in sea turtle recovery and, frequently, the lack thereof. It is estimated that 62,000 loggerhead sea turtles have been killed as a result of incidental capture and drowning in shrimp trawl gear in 2001 (Epperly et al. 2002). Although turtle excluder devices and other bycatch reduction devices have significantly reduced the level of bycatch to sea turtles and other marine species in U.S. waters, mortality still occurs in Gulf of Mexico waters. In addition to commercial bycatch, recreational hook-and-line interaction also occurs. Cannon and Flanagan (1996) reported that from 1993 to 1995, at least 170 Kemp’s ridley sea turtles were hooked or tangled by recreational hook-and-line gear in the northern Gulf of Mexico. Of these, 18 were dead stranded turtles, 51 were rehabilitated turtles, five died during rehabilitation, and 96 were reported as released by fishermen.

7.2.1 Federal Activities

Threatened and endangered sea turtles are adversely affected by several types of fishing gears used throughout the action area. Gillnet, longline, other types of hook-and-line gear, trawl gear, and pot fisheries have all been documented as interacting with sea turtles. Available information suggests sea turtles can be captured in any of these gear types when the operation of the gear overlaps with the distribution of sea turtles. For all fisheries for which there is an fishery management plan (FMP) or for which any federal action is taken to manage that fishery, impacts have been evaluated under section 7. Formal section 7 consultation have been conducted on the following fisheries, occurring at least in part within the action area, found likely to adversely affect threatened and endangered sea turtles: Atlantic bluefish, Atlantic herring, Atlantic mackerel/squid/butterfish, Atlantic sea scallop, Atlantic swordfish/tuna/shark/billfish, coastal migratory pelagic, dolphin-wahoo, Gulf of Mexico reef fish, monkfish, Northeast multispecies, South Atlantic snapper-grouper, Southeast shrimp trawl, spiny dogfish, red crab, skate, commercial directed shark, summer flounder/scup/black sea bass fisheries, tilefish, Atlantic highly migratory species fishery, Gulf of Mexico /South Atlantic spiny lobster, and Gulf of

Mexico stone crab. An Incidental Take Statement has been issued for the take of sea turtles in each of the fisheries. A brief summary of each consultation is provided below but more detailed information can be found in the respective biological opinions.

NMFS found the operation of the Atlantic bluefish fishery was likely to adversely affect Kemp's ridley and loggerhead sea turtles, but not likely to jeopardize their continued existence (NMFS 2010a). The majority of commercial fishing activity in the North and Mid-Atlantic occurs in the late spring to early fall, when bluefish (and sea turtles) are most abundant in these areas (NMFS 2005).

NMFS' consultation on the Atlantic Herring fishery FMP concluded that the federal herring fishery may adversely affect loggerhead, leatherback, Kemp's ridley, and green sea turtles as a result of capture in gear used in the fishery, but not jeopardize their continued existence. NMFS currently authorizes the use of trawl, purse seine, and gillnet gear in the commercial herring fishery (64 FR 4030). There is no direct evidence of takes of ESA-listed species in the herring fishery from the NMFS sea sampling program. However, observer coverage of this fishery has been minimal. Sea turtles have been captured in comparable gear used in other fisheries that occur in the same area as the herring fishery. Consultation on the Atlantic herring fishery was reinitiated on March 23, 2005, due to new information on the effects of the fishery on the Gulf of Maine DPS of Atlantic salmon and sea turtles. That consultation was completed in February 2010 and determined that the herring fishery is not likely to adversely affect any ESA-listed species, including sea turtles. Murray (2006) estimated zero sea turtle takes in trawl gear by the Atlantic herring fishery. In addition, over the five year period from 2004 to 2008, higher than normal observer coverage occurred in the herring fishery, without any observed takes of sea turtles.

The Atlantic mackerel/squid/butterfish fisheries are managed under a single FMP that includes both the short-finned squid and long-finned squid fisheries. The most recent biological opinion concluded that the continued authorization of the FMP was likely to adversely affect sea turtles, but not jeopardize their continued existence (NMFS 2010g). Trawl gear is the primary fishing gear for these fisheries, but several other types of gear may also be used, including hook-and-line, pot/trap, dredge, pound net, and bandit gear. Entanglements or entrapments of sea turtles have been recorded in one or more of these gear types.

It was previously believed that the Atlantic sea scallop fishery was unlikely to take sea turtles given differences in depth and temperature preferences for sea turtles and the optimal areas where the fishery occurs. However, after the reopening of a closed area in the mid-Atlantic, and the accumulation of more extensive observer effort, NMFS conducted a formal section 7 consultation on the fishery. NMFS concluded that operation of the fishery may adversely affect loggerhead, Kemp's ridley, green, and leatherback sea turtles as a result of capture in scallop dredge and/or trawl gear.

The Atlantic highly migratory species (HMS) pelagic fisheries for swordfish, tuna, and billfish are known to incidentally capture large numbers of sea turtles, particularly in the pelagic longline

component. Pelagic longline, pelagic driftnet, bottom longline, and/or purse seine gear have all been documented taking sea turtles. A permanent prohibition on the use of driftnet gear in the swordfish fishery was published in 1999.

NMFS completed a consultation on the continued authorization of the coastal migratory pelagic fishery in the Gulf of Mexico and South Atlantic (NMFS 2007). In the Gulf of Mexico, hook-and-line, gillnet, and cast net gears are used. Gillnets are the primary gear type used by commercial fishermen in the South Atlantic regions as well, while the recreational sector uses hook-and-line gear. The hook-and-line effort is primarily trolling. The biological opinion concluded that green, hawksbill, Kemp's ridley, leatherback, and loggerhead sea turtles may be adversely affected by operation of the fishery. However, the proposed action was not expected to jeopardize the continued existence of any of these species.

The South Atlantic FMP for the dolphin-wahoo fishery was approved in December 2003. NMFS's consultation concluded that green, hawksbill, Kemp's ridley, leatherback, and loggerhead sea turtles may be adversely affected by the longline component of the fishery, but it was not expected to jeopardize their continued existence (NMFS 2003). In addition, pelagic longline vessels can no longer target dolphin-wahoo with smaller hooks because of hook size requirements in the pelagic longline fishery.

The incidental take for sea turtles specified in the February 2005 biological opinion on the Gulf of Mexico reef fish fishery was substantially exceeded in 2008 by the bottom longline component of the fishery. In May 2009, NMFS published an emergency rule, which was intended to reduce the number of sea turtle takes by the reef fish fishery in the short-term while the Gulf of Mexico Fishery Management Council develops long-term measures in Amendment 31 to the Reef Fish Fishery Management Plan. The new biological opinion, which considered the continued authorization of reef fish fishing under the Reef Fish Fishery Management Plan, including any measures proposed in Amendment 31, was completed October 2009.

The federal monkfish fishery occurs from Maine to the North Carolina/South Carolina border and is jointly managed by the New England Fishery Management Council and Mid-Atlantic Fishery Management Council, under the Monkfish FMP (NMFS 2010b). The current commercial fishery operates primarily in the deeper waters of the Gulf of Maine, Georges Bank, and southern New England, and effort has recently increased dramatically in the mid-Atlantic. The monkfish fishery uses several gear types that may entangle sea turtles, including gillnet, trawl gear and scallop dredges, which are the principal gear types that have historically landed monkfish. Monkfish (also known as "goosefish" or "angler") are found in inshore and offshore waters from the northern Gulf of St. Lawrence to Florida, although primarily distributed north of Cape Hatteras. As fishing effort moves further south, there is a greater potential for interactions with sea turtles.

Following an event in which over 200 sea turtle carcasses washed ashore in an area where large mesh gillnetting had been occurring, NMFS published new restrictions for the use of gill nets with larger than 8-inch stretched mesh, in the exclusive economic zone off of North Carolina and

Virginia (67 FR 71895, December 3, 2002). This rule was in response to a direct need to reduce the impact of this fishery on sea turtles. The rule was subsequently modified on April 26, 2006, by modifying the restrictions to the use of gillnets with greater than or equal to 7-inch stretched mesh when fished in federal waters from the North Carolina/South Carolina border to Chincoteague, Virginia.

Multiple gear types are used in the Northeast Multispecies fishery FMP, which manages 15 different commercial fisheries. Data indicated that gear type of greatest concern is the sink gillnet gear, which has taken loggerhead and leatherback sea turtles (i.e., in buoy lines and/or net panels). The Northeast multi species sink gillnet fishery has historically occurred from the periphery of the Gulf of Maine to Rhode Island in water as deep as 360 feet. In recent years, more of the effort in the fishery has occurred in offshore waters and into the Mid-Atlantic. Participation in this fishery has declined because extensive groundfish conservation measures have been implemented; the latest of these occurring under Amendment 13 to the Multispecies FMP. Consultation on the Northeast Multispecies fishery was reinitiated on April 2, 2008, based on new information on the capture of loggerhead sea turtles in this fishery (NMFS 2010c).

The South Atlantic snapper-grouper fishery uses spear and powerhead, black sea bass pot, and hook-and-line gear. Hook-and-line gear used in the fishery includes commercial bottom longline gear and commercial and recreational vertical line gear (e.g., handline, bandit gear, and rod-and-reel). The consultation found only hook-and-line gear likely to adversely affect, green, hawksbill, Kemp's ridley, leatherback, and loggerhead sea turtles.

The Southeast shrimp trawl fishery affects more sea turtles than all other activities combined (NRC 1990). Revisions to the turtle exclusion device (TED) regulations (68 FR 8456, February 21, 2003), requiring larger openings in TEDs enhanced the TED effectiveness in reducing sea turtle mortality resulting from trawling. This determination was based, in part, on the opinion's analysis that shows the revised TED regulations are expected to reduce shrimp trawl related mortality by 94 percent for loggerheads and 97 percent for leatherbacks. Interactions between sea turtles and the shrimp fishery may also be declining because of reductions of fishing effort unrelated to fisheries management actions. In recent years, low shrimp prices, rising fuel costs, competition with imported products, and the impacts of recent hurricanes in the Gulf of Mexico have all impacting the shrimp fleets; in some cases reducing fishing effort by as much as 50 percent for offshore waters of the Gulf of Mexico (GMFMC 2007).

Indirect effects of shrimp trawling on sea turtles would include the disturbance of the benthic habitat by the trawl gear. The effect bottom trawls have on the seabed is mainly a function of bottom type. In areas where repeated trawling occurs, fundamental shifts in the structure of the benthic community have been documented (Auster et al. 1996) which may affect the availability of prey items for foraging turtles. The overall effect to benthic communities that may result from long-term and chronic disturbance from shrimp fishing is not understood and needs further evaluation.

The primary gear types for the spiny dogfish fishery are sink gillnets, otter trawls, bottom long line, and driftnet gear (NMFS 2010d). Spiny dogfish are landed in every state from Maine to North Carolina, throughout a broad area with the distribution of landings varying by area and season. During the fall and winter months, spiny dogfish are captured principally in Mid-Atlantic waters from New Jersey to North Carolina. During the spring and summer months, spiny dogfish are landed mainly in northern waters from NY to ME. Sea turtles can be incidentally captured in all gear sectors of this fishery. Although there have been delays in implementing the FMP, quota allocations are expected to be substantially reduced over the 4.5-year rebuilding schedule; this should result in a substantial decrease in effort directed at spiny dogfish. The reduction in effort should be of benefit to protected turtle species by reducing the number of gear interactions that occur.

The red crab fishery is a pot/trap fishery that occurs in deep waters along the continental slope. There have been no recorded takes of ESA-listed species in the red crab fishery. However, given the type of gear used in the fishery, takes of loggerhead and leatherback sea turtles may be possible where gear overlaps with the distribution of ESA-listed species. The red crab commercial fishery has traditionally been composed of less than six vessels fishing trap gear. The fishery appears to have remained small (approximately two vessels) through the mid-1990's. But between 1995 and 2000 there were as many as five vessels with the capacity to land an average of approximately 78,000 pounds of red crab per trip. Following concerns that red crab could be overfished, an FMP was developed and became effective on October 21, 2002.

Traditionally, the main gear types used in the skate fishery (NMFS 2010h) include mobile otter trawls, gillnet gear, hook and line, and scallop dredges, although bottom trawling is by far the most common gear type with gillnet gear is the next most common gear type. The Northeast skate complex is comprised of seven different skate species. The seven species of skate are distributed along the coast of the northeast United States from the tide line to depths exceeding 700m (383 fathoms). There have been no recorded takes of ESA-listed species in the skate fishery. However, given that sea turtles interactions with trawl and gillnet gear have been observed in other fisheries, sea turtle takes in gear used in the skate fishery may be possible where the gear and sea turtle distribution overlap.

The commercial HMS Atlantic shark fisheries (NMFS 2008a) uses bottom longline and gillnet gear. The recreational sector of the fishery uses only hook-and-line gear. To protect declining shark stocks the proposed action seeks to greatly reduce the fishing effort in the commercial component of the fishery. These reductions are likely to greatly reduce the interactions between the commercial component of the fishery and sea turtles.

The Summer Flounder, Scup and Black Sea Bass fisheries (NMFS 2010e) are known to interact with sea turtles. Otter trawl gear is used in the commercial fisheries for all three species. Floating traps and pots/traps are used in the scup and black sea bass fisheries, respectively. Significant measures have been developed to reduce the take of sea turtles in summer flounder trawls and trawls that meet the definition of a summer flounder trawl (which would include fisheries for

other species like scup and black sea bass). TEDs are required throughout the year for trawl nets fished from the North Carolina/South Carolina border to Oregon Inlet, North Carolina, and seasonally (March 16-January 14) for trawl vessels fishing between Oregon Inlet, North Carolina, and Cape Charles, Virginia.

The North Carolina inshore fall southern flounder gillnet fishery was identified as a source of large numbers of sea turtle mortalities in 1999 and 2000, especially loggerhead sea turtles. In 2001, NMFS issued an ESA section 10 permit to North Carolina with mitigated measures for the southern flounder fishery. Subsequently, the sea turtle mortalities in these fisheries were drastically reduced. The reduction of sea turtle mortalities in these fisheries reduces the negative effects these fisheries have on the environmental baseline.

The management unit for the tilefish fishery management plan is all golden tilefish under United States jurisdiction in the Atlantic Ocean north of the Virginia/North Carolina border. Tilefish have some unique habitat characteristics, and are found in a warm water band (8 to 18° C) approximately 250 to 1200 feet deep on the outer continental shelf and upper slope of the U. S. Atlantic coast. Because of their restricted habitat and low biomass, the tilefish fishery in recent years has occurred in a relatively small area in the Mid-Atlantic Bight, south of New England and west of New Jersey.

The Atlantic HMS and Associated Fisheries are known to take sea turtles via pelagic longline, pelagic driftnet, bottom longline, hand line (including bait nets), and/or purse seine gear. The opinion analyzed the effects of proposed regulatory modifications to the HMS fishery management plan that address the impacts of the HMS pelagic longline fishery on endangered green, hawksbill, Kemp's ridley, and leatherback sea turtles and on threatened loggerhead sea turtles. However, the proposed action was not expected to jeopardize the continued existence of any of these.

Based on limited observer data available, NMFS also anticipates that continued operation of the U.S. shark drift gillnet portion of the fishery would result in the capture of loggerhead sea turtles, leatherbacks, Kemp's ridley sea turtles, and hawksbill sea turtles. NMFS anticipates that continued operation of the bottom longline fishery component would result in the capture of loggerhead sea turtles, leatherback, Kemp's ridley, green, and hawksbill sea turtles. Since potential for take in other HMS fisheries is low, NMFS anticipated that the proposed action was not expected to jeopardize the continued existence of any of these.

The American lobster trap fishery has been identified as a source of gear causing injuries and mortality of loggerhead and leatherback sea turtles as a result of entanglement in buoy lines of the pot/trap gear (NMFS 2010f). Loggerhead or leatherback sea turtles caught/wrapped in the buoy lines of lobster pot/trap gear can die as a result of forced submergence or incur injuries leading to death as a result of severe constriction of a flipper from the entanglement. Given the seasonal distribution of loggerhead sea turtles in Mid-Atlantic and New England waters and the operation of the lobster fishery, loggerhead sea turtles are expected to overlap with the placement of lobster pot/trap gear in the fishery during the months of May through October in waters off of

New Jersey through Massachusetts. Compared to loggerheads, leatherback sea turtles have a similar seasonal distribution in Mid-Atlantic and New England waters, but with a more extensive distribution in the Gulf of Maine. Therefore, leatherback sea turtles are expected to overlap with the placement of lobster pot/trap gear in the fishery during the months of May through October in waters off of New Jersey through Maine.

The commercial Gulf of Mexico/South Atlantic spiny lobster fishery (NMFS 2013b) consists of diving, bully net and trapping sectors; recreational fishers are authorized to use bully net and hand-harvest gears. The consultation determined that, although evidence that the commercial trap sector of the fishery adversely affects these species, the continued authorization of the fishery would not jeopardize the continued existence of green, hawks bill, Kemp's ridley leatherback, and loggerhead sea turtles.

The Gulf of Mexico stone crab fishery (NMFS 2013b) is unique in that only the claws of the crab are harvested (Muller et al. 2006). The fishery operates primarily nearshore and fishing techniques have changed little since the implementation of the federal Stone Crab Fishery Management Plan. The commercial and recreational fishery consists of trap/pot, and recreational hand harvest. Stone crab traps are known to adversely affect sea turtles via entanglement and forced submergence. The fishery is currently management through spatial-temporal closures, effort limitations, harvest limitations, permit requirements, trap construction requirements, and a passive trap limitation program managed by the State of Florida. Recreational fishers must follow the same guidelines as commercial fishers unless otherwise noted. The consultation determined the continued authorization of the fishery would not jeopardize the continued existence of green, hawksbill, Kemp's ridley leatherback, and loggerhead sea turtles.

7.2.2 State or Private Activities

Various fishing methods used in state fisheries, including trawling, pot fisheries, fly nets, and gillnets are known to incidentally take listed species, but information on these fisheries is sparse (NMFS SEFSC 2001). Although few of these state regulated fisheries are currently authorized to incidentally take listed species, several state agencies have approached NMFS to discuss applications for a section 10(a)(1)(B) incidental take permit. Since the NMFS issuance of a section 10(a)(1)(B) permit requires formal consultation under section 7 of the ESA, the effects of these activities are considered in section 7 consultation. Any fisheries that come under a section 10(a)(1)(B) permit in the future will likewise be subject to section 7 consultation. Although the past and current effects of these fisheries on listed species is currently not determinable, NMFS believes that ongoing state fishing activities may be responsible for seasonally high levels of observed stranding of sea turtles on both the Atlantic and Gulf of Mexico coasts. Most of the state data are based on extremely low observer coverage or sea turtles were not part of data collection; thus, these data provide insight into gear interactions that could occur but are not indicative of the magnitude of the overall problem. In addition to the lack of interaction data, there is another issue that complicates the analysis of impacts to sea turtles from these fisheries. Certain gear types may have high levels of sea turtle takes, but very low rates of serious injury or

mortality. For example, the hook and line takes rarely result in death, but trawls and gillnets frequently do. Leatherbacks seem to be susceptible to a more restricted list of fisheries, while the hard shelled turtles, particularly loggerheads, seem to appear in data on almost all of the state fisheries.

Other state bottom trawl fisheries that are suspected of incidentally capturing sea turtles are the horseshoe crab fishery in Delaware and the whelk trawl fishery in South Carolina and Georgia. In South Carolina, the whelk trawling season opens in late winter and early spring when offshore bottom waters are greater than 55°F. One criterion for closure of this fishery is water temperature: whelk trawling closes for the season and does not reopen throughout the state until six days after water temperatures first reach 64°F in the Fort Johnson boat slip. Based on the South Carolina Department of Natural Resources Office of Fisheries Management data, approximately six days will usually lapse before water temperatures reach 68°F, the temperature at which sea turtles move into state waters. From 1996-1997, observers onboard whelk trawlers in Georgia reported a total of three Kemp's ridley, two green, and two loggerhead sea turtles captured in 28 tows for a catch per unit effort of 0.3097 turtles/100 ft. net hour. As of December 2000, turtle exclusion devices are required in Georgia state waters when trawling for whelk. Trawls for cannonball jellyfish and Florida try nets may also be a source of interactions.

A detailed summary of the gillnet fisheries currently operating along the mid-and southeast U.S. Atlantic coastline, which are known to incidentally capture loggerheads, can be found in the turtle expert working group report (2000). Although all or most nearshore gillnetting is prohibited by state regulations in state waters of South Carolina, Georgia, Florida, Louisiana, and Texas, gillnetting in other states' waters and in federal waters does occur. Of particular concern are the nearshore and inshore gillnet fisheries of the mid-Atlantic operating in Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, and North Carolina state waters and/or federal waters. Incidental captures in these gillnet fisheries (both lethal and non-lethal) of loggerhead, leatherback, green and Kemp's ridley sea turtles have been reported. In addition, illegal gillnet incidental captures have been reported in South Carolina, Florida, Louisiana and Texas (NMFS SEFSC 2001).

Georgia and South Carolina prohibit gillnets for all but the shad fishery. This fishery was observed in South Carolina for one season by the NMFS Southeast Fishery Science Center (McFee et al. 1996). No takes of protected species were observed. Florida banned all but very small nets in state waters, as has the state of Texas. Louisiana, Mississippi and Alabama have also placed restrictions on gillnet fisheries within state waters such that very little commercial gillnetting takes place in southeast waters, with the exception of North Carolina. Gillnetting activities in North Carolina associated with the southern flounder fishery had been implicated in large numbers of sea turtle mortalities. The Pamlico Sound portion of that fishery was closed and has subsequently been reopened under a section 10(a)(1)(B) permit.

Pound nets are a passive, stationary gear that are known to incidentally capture loggerhead sea turtles in Massachusetts, Rhode Island, New Jersey, Maryland, New York (Morreale and

Standora 1998), Virginia (Bellmund et al. 1987) and North Carolina (Epperly et al. 2000). Although pound nets are not a significant source of mortality for loggerheads in New York (Morreale and Standora 1998) and North Carolina (Epperly et al. 2000), they have been implicated in the stranding deaths of loggerheads in the Chesapeake Bay from mid-May through early June (Bellmund et al. 1987). Pound net leaders with greater than or equal to 12 inches (30.5 cm) stretched mesh and leaders with stringers have been documented to incidentally take sea turtles (Bellmund et al. 1987; NMFS SEFSC 2001).

Incidental captures of loggerheads in fish traps set in Massachusetts, Rhode Island, New York, and Florida have been reported. Although no incidental captures have been documented from fish traps set in North Carolina and Delaware, they are another potential anthropogenic impact to loggerheads and other sea turtles. Lobster pot fisheries are prosecuted in Massachusetts (Prescott 1988), Rhode Island, Connecticut and New York. Although they are more likely to entangle leatherback sea turtles, lobster pots set in New York are also known to entangle loggerhead sea turtles. No incidental capture data exist for the other states. Long haul seines and channel nets in North Carolina are known to incidentally capture loggerhead and other sea turtles in the sounds and other inshore waters. No lethal takes have been reported (NMFS SEFSC 2001).

Recreational fishermen have reported hooking turtles when fishing from boats, piers, and beach, banks, and jetties. Commercial fishermen fishing for reef fish and for sharks with both single rigs and bottom longlines have also reported hooked turtles. A detailed summary of the known impacts of hook and line incidental captures to loggerhead sea turtles can be found in the Turtle Expert Working Group reports (TEWG 1998, 2000, 2007).

7.3 Vessel Strikes

Potential sources of adverse effects from federal vessel operations in the action area and throughout the range of sea turtles include operations of the U.S. Navy and the U.S. Coast Guard, which maintain the largest Federal vessel fleets, the Environmental Protection Agency, the National Oceanic and Atmospheric Administration (NOAA), and the Army Corps of Engineers. NMFS has conducted formal consultations with the U.S. Navy and the U.S. Coast Guard, and NOAA on their vessel operations. Through the ESA section 7 process, where applicable, NMFS has and will continue to establish conservation measures for all these agency vessel operations to avoid or minimize adverse effects to ESA-listed species. At the present time, however, they present the potential for some level of interaction.

Vessel strikes are a poorly-studied threat, but have the potential to be an important source of mortality to sea turtle populations (Work et al. 2010). All sea turtles must surface to breathe, and several species are known to bask at the surface for long periods. Although sea turtles can move rapidly, sea turtles apparently are not able to avoid vessels moving at more than 4 km/hour; most vessels move faster than this in open water (Hazel et al. 2007; Work et al. 2010).

Given the high level of vessel traffic in the Gulf of Mexico and along the Atlantic coast, frequent injury and mortality could affect sea turtles in the region. Hazel et al. (2007) suggested that green

sea turtles may use auditory cues to react to approaching vessels rather than visual cues, making them more susceptible to strike as vessel speed increases. Each state along the east coast of the U.S. and the Gulf of Mexico has several hundred thousand recreational vessels registered, including Florida with nearly one million which is the highest number of registered boats in the United States (USCG 2003, 2005; NMMA 2007). Private and commercial vessel operations also have the potential to interact with sea turtles. For example, shipping traffic in Massachusetts Bay is estimated at 1,200 ship crossings per year with an average of three per day. Vessels servicing the offshore oil and gas industry are estimated to make 115,675 to 147,175 trips annually, and many commercial vessels travel to and from some of the largest ports in the United States (MMS 2007; USN 2008).

7.4 United States Military Activities

Naval activities conducted during training exercises in designated naval operating areas and training ranges have the potential to adversely harm sea turtles and sturgeon. Species occurring in the action area could experience stressors from several naval training ranges or facilities listed below. Listed individuals travel widely in the North and South Atlantic and could be exposed to naval activities in several ranges.

- The Virginia Capes, Cherry Point, and Jacksonville-Charleston Operating Areas, which are situated consecutively along the migratory corridor for sea turtles, and
- The Key West, Gulf of Mexico, Bermuda, and Puerto Rican Complexes have the potential to overlap the range of sea turtles species.

Naval activities to which individuals could be exposed include, among others, vessel and aircraft transects, munition detonations, and sonar use.

Anticipated impacts from harassment include changes from foraging, resting, and other behavioral states that require lower energy expenditures to traveling, avoidance, and behavioral states that require higher energy expenditures and, therefore, would represent significant disruptions of the normal behavioral patterns of the animals that have been exposed. Behavioral responses that result from stressors associated with these training activities are expected to be temporary and would not affect the reproduction, survival, or recovery of these species.

From 2009-2012, NMFS issued a series of biological opinions to the U.S. Navy for training activities occurring within their Virginia Capes, Cherry Point, and Jacksonville Range Complexes that anticipated annual levels of take of listed species incidental to those training activities through 2014. During the proposed activities 344 hardshell sea turtles (any combination of green, hawksbill, Kemp's ridley, olive ridley, or northwest Atlantic loggerhead sea turtles) per year were expected to be harassed as a result of their behavioral responses to mid- and high-frequency active sonar transmissions.

In 2013, NMFS issued a biological opinion to the U.S. Navy on all testing and training activities in the Atlantic basin and Gulf of Mexico (Table 7) (NMFS 2013a). These actions would include

the same behavioral and hearing loss effects as described above, but would also include other sub-lethal injuries that lead to fitness consequences and mortality that can lead to the loss of individuals from their populations.

Table 7. Annual total of model-predicted impacts on sea turtles for training activities using sonar and other active non-impulsive acoustic sources for United States Navy testing activities in the North Atlantic.

| Sea turtle species | Harassment | Injury |
|-----------------------|---------------------------|---------------------------|
| | Temporary threshold shift | Permanent threshold shift |
| Hardshell sea turtles | 12,131 | 11 |
| Kemp's ridley | 263 | 0 |
| Leatherback | 8,806 | 9 |
| Loggerhead | 16,624 | 16 |

7.5 Dredging

Marine dredging vessels are common within U.S. coastal waters. Construction and maintenance of federal navigation channels and dredging in sand mining sites have been identified as sources of sea turtle mortality and are currently being undertaken along the U.S. East Coast, such as in Port Everglades, Florida. Hopper dredges in the dredging mode are capable of moving relatively quickly compared to sea turtle swimming speed and can thus overtake, entrain, and kill sea turtles as the suction draghead(s) of the advancing dredge catch up to resting or swimming turtles. Entrained sea turtles rarely survive. Relocation trawling frequently occurs in association with dredging projects to reduce the potential for dredging to injure or kill sea turtles (Dickerson et al. 2007). Dredging has been documented to capture or kill 168 sea turtles from 1995 to 2009 in the Gulf of Mexico, including 97 loggerheads, 35 Kemp's ridleys, 32 greens, and three unidentified sea turtles (USACE 2010).

7.6 Entrainment, Entrapment, and Impingement in Power Plants

There are dozens of power plants in coastal areas of the United States, from South Carolina to Texas (Muyskens et al. 2015). Sea turtles have been affected by operation of cooling-water systems of electrical generating plants. We do not have data for many of these, but have reason to believe that impacts to particularly loggerhead and green sea turtles may be important. For example, in over 40 years of operation at the St. Lucie Nuclear Power Plant in Florida, 16,600 sea turtles have been captured to avoid being drawn into cooling structures (which likely would kill sea turtles that enter), and 297 have died (NMFS 2016). These included: 9552 loggerheads (including 180 mortalities), 6886 green (including 112 mortalities), 42 leatherback (no mortalities), 67 Kemp's ridley (including four mortalities), and 65 hawksbill sea turtles (including one mortality) (NMFS 2016). Only since 2001 have the mortalities been classified as causally (or non-causally) related to operation of St. Lucie Nuclear Power Plant, and not all mortalities were causal to St. Lucie Nuclear Power Plant operations: 59 percent of dead loggerheads were causal to St. Lucie Nuclear Power Plant operation, 46 percent of greens, and

none of hawksbills (no leatherback or Kemp's ridley mortalities occurred since 2001) (NMFS 2016).

Effects from cooling system operations generally involve stress, injury, and mortality from being captured, entrained, or impinged by cooling water intake systems. Cooling water discharge (which is warmer than the surrounding water temperature) can alter habitat around the outflow pipe. This can present advantages (such as shelter from cold water temperatures that may stun sea turtles and allow for unseasonal growth of marine plants that green sea turtles may forage upon) and disadvantages (such as altering normal ecology sea turtles and sturgeon rely upon and result in individuals depending on unnatural conditions that can be problematic if a plant is decommissioned or goes offline) for ESA-listed species.

7.7 United States Oil and Gas Exploration

The Army Corps of Engineers and the Minerals Management Service authorize oil and gas exploration, well development, production, and abandonment/rig removal activities that may adversely affect sea turtles. Both of these agencies have consulted numerously with the NMFS on these types of activities. These activities include the use of seismic arrays for oil and gas exploration in the Gulf of Mexico, the impacts of which have been analyzed in opinions for individual and multi-lease sales. NMFS anticipates incidental takes of sea turtles from vessel strikes, noise, marine debris, and the use of explosives to remove oil and gas structures.

The northern Gulf of Mexico is the location of massive industrial activity associated with oil and gas extraction and processing. Over 4,000 oil and gas structures are located outside of state waters in the northern Gulf of Mexico; 90 percent of these occur off Louisiana and Texas (USN 2009). This is both detrimental and beneficial for sea turtles. These structures appreciably increase the amount of hard substrate in the marine environment and provide shelter and foraging opportunities for species like loggerhead sea turtles (Parker Jr. et al. 1983; Stanley and Wilson 1989). However, the Bureau of Ocean Energy Management requires that structures must be removed within one year of lease termination. Many of these structures are removed by explosively severing the underwater supportive elements, which produces a shock wave that kills, injures, or disrupts marine life in the blast radius (Gitschlag et al. 1997).

For sea turtles, this means death or serious injury for individuals within a few hundred meters of the structure and overt behavioral (potentially physiological) impacts for individuals further away from the structure (Duronslet et al. 1986; Klima et al. 1988). Although observers and procedures are in place to mitigate impacts to sea turtles (i.e., not blasting when sea turtles are present), not all sea turtles are observed all the time, and low-level sea turtle injury and mortality still occurs (Gitschlag and Herczeg 1994; Gitschlag et al. 1997). Two loggerheads were killed in August 2010, and one Kemp's ridley was killed in July 2013, along with several additional stunning or sub-lethal injuries reported over the past five years. In an August 28, 2006 opinion, NMFS issued incidental take for Bureau of Ocean Energy Management-permitted explosive structure removals of three sea turtles per year, or eighteen sea turtles during the following six

years of detonations (NMFS 2006a). These levels were far surpassed by the *Deepwater Horizon* incident.

7.8 Habitat Degradation

A number of factors may be directly or indirectly affecting ESA-listed species in the action area by degrading habitat. In-water construction activities (e.g., pile driving associated with shoreline projects) in both inland waters as well as coastal waters in the action area can produce sound levels sufficient to disturb sea turtles under some conditions. Pressure levels from 190-220 decibels to 1 micropascal were reported for piles of different sizes in a number of studies (NMFS 2006c). The majority of the sound energy associated with pile driving is in the low frequency range (less than 1,000 Hertz) (Reyff 2003; Illingworth Rodkin Inc. 2004), which is the frequency range at which sea turtles hear best. Dredging operations also have the potential to emit sounds at levels that could disturb sea turtles. Depending on the type of dredge, peak sound pressure levels from 100 to 140 dB re 1 micropascal were reported in one study (Clarke et al. 2003). As with pile driving, most of the sound energy associated with dredging is in the low-frequency range, less than 1,000 Hertz (Clarke et al. 2003).

Several measures have been adopted to reduce the sound pressure levels associated with in-water construction activities or prevent exposure of sea turtles to sound. For example, a six-inch block of wood placed between the pile and the impact hammer used in combination with a bubble curtain can reduce sound pressure levels by about 20 decibels (NMFS 2008b). Alternatively, pile driving with vibratory hammers produces peak pressures that are about 17 dB lower than those generated by impact hammers (Nedwell and Edwards 2002). Other measures used in the action area to reduce the risk of disturbance from these activities include avoidance of in-water construction activities during times of year when sea turtles may be present; monitoring for sea turtles during construction activities; and maintenance of a buffer zone around the project area, within which sound-producing activities would be halted when sea turtles enter the zone (NMFS 2008b).

Marine debris is a significant concern for ESA-listed species and their habitats. Marine debris accumulates in gyres throughout the oceans. The input of plastics into the marine environment also constitutes a significant degradation to the marine environment. In 2010, an estimated 4.8-12.7 million metric tons of plastic entered the ocean globally (Baulch and Simmonds 2015).

For sea turtles, marine debris is a problem due primarily to individuals ingesting debris and blocking the digestive tract, causing death or serious injury (Lutcavage et al. 1997; Laist et al. 1999). Schuyler et al. (2015) estimated that, globally, 52 percent of individual sea turtles have ingested marine debris. Gulko and Eckert (2003) estimated that between one-third and one-half of all sea turtles ingest plastic at some point in their lives; this figure is supported by data from Lazar and Gracan (2011), who found 35 percent of loggerheads had plastic in their gut. A Brazilian study found that 60 percent of stranded green sea turtles had ingested marine debris (Bugoni et al. 2001). Loggerhead sea turtles had a lesser frequency of marine debris ingestion. Plastic is possibly ingested out of curiosity or due to confusion with prey items. Marine debris

consumption has been shown to depress growth rates in post-hatchling loggerhead sea turtles, elongating the time required to reach sexual maturity and increasing predation risk (McCauley and Bjorndal 1999). Sea turtles can also become entangled and die in marine debris, such as discarded nets and monofilament line (NRC 1990; Lutcavage et al. 1997; Laist et al. 1999).

Although beach nourishment, or placing sand on beaches, may provide more sand, the quality of that sand, and hence the nesting beach, may be less suitable than pre-existing natural beaches. Sub-optimal nesting habitat may cause decreased nesting success, place an increased energy burden on nesting females, result in abnormal nest construction, and reduce the survivorship of eggs and hatchlings (Mann 1978; Ackerman 1980; Mortimer 1990).

Beach armoring (e.g., bulkheads, seawalls, soil retaining walls, rock revetments, sandbags, and geotextile tubes) can impede a turtle's access to upper regions of the beach/dune system, thereby limiting the amount of available nesting habitat (Mazaris et al. 2009). Impacts also can occur if structures are installed during the nesting season. For example, unmarked nests can be crushed or uncovered by heavy equipment, nesting turtles and hatchlings can get caught in construction debris or excavations, and hatchlings can get trapped in holes or crevices of exposed riprap and geotextile tubes. In many areas of the world, sand mining (removal of beach sand for upland construction) seriously reduce or degrade/destroy sea turtle nesting habitats or interfere with hatchling movement to sea (NMFS 2003). NOAA, the U.S. Geological Survey, and partners predict the third largest Gulf of Mexico summer dead zone ever measuring 22,720 square kilometers (Rabalais and Turner 2017).

7.9 Pollutants

Coastal runoff, marina and dock construction, dredging, aquaculture, oil and gas exploration and extraction, increased under water noise and boat traffic can degrade marine habitats used by sea turtles (Colborn et al. 1996). The development of marinas and docks in inshore waters can negatively impact nearshore habitats. An increase in the number of docks built increases boat and vessel traffic. Fueling facilities at marinas can sometimes discharge oil, gas, and sewage into sensitive estuarine and coastal habitats. Although these contaminant concentrations do not likely affect the more pelagic waters, the species of turtles analyzed in this biological opinion travel between near shore and offshore habitats and may be exposed to and accumulate these contaminants during their life cycles.

There are studies on organic contaminants and trace metal accumulation in green and leatherback sea turtles (Aguirre et al. 1994; Corsolini et al. 2000). McKenzie et al. McKenzie et al. (1999) measured concentrations of chlorobiphenyls and organochlorine pesticides in sea turtles tissues collected from the Mediterranean (Cyprus, Greece) and European Atlantic waters (Scotland) between 1994 and 1996. Omnivorous loggerhead turtles had the highest organochlorine contaminant concentrations in all the tissues sampled, including those from green and leatherback turtles (Storelli et al. 2008). It is thought that dietary preferences were likely to be the main differentiating factor among species. Decreasing lipid contaminant burdens with turtle size were observed in green turtles, most likely attributable to a change in diet with age.

Sakai et al (1995) found the presence of metal residues occurring in loggerhead turtle organs and eggs. Storelli et al. (1998) analyzed tissues from twelve loggerhead sea turtles stranded along the Adriatic Sea (Italy) and found that characteristically, mercury accumulates in sea turtle livers while cadmium accumulates in their kidneys, as has been reported for other marine organisms like dolphins, seals and porpoises (Law et al. 1991). No information on detrimental threshold concentrations are available, and little is known about the consequences of exposure of organochlorine compounds to sea turtles. Research is needed on the short- and long-term health and fecundity effects of chlorobiphenyl, organochlorine, and heavy metal accumulation in sea turtles.

The Gulf of Mexico is a sink for massive levels of pollution from a variety of marine and terrestrial sources, which ultimately can interfere with ecosystem health and particularly that of sea turtles. Sources include the petrochemical industry in and along the Gulf of Mexico, wastewater treatment plants, septic systems, industrial facilities, agriculture, animal feeding operations, and improper refuse disposal. The Mississippi River drains 80 percent of United States cropland (including the fertilizers, pesticides, herbicides, and other contaminants that are applied to it) and discharges into the Gulf of Mexico (MMS 1998). Agricultural discharges and discharges from large urban centers (e.g., Tampa) contribute contaminants as well as coliform bacteria to Gulf of Mexico habitats (Garbarino et al. 1995). These contaminants can be carried long distances from terrestrial or nearshore sources and ultimately accumulate in offshore pelagic environments (USCOP 2004). The ultimate impacts of this pollution are poorly understood.

Significant attention has been paid to nutrient enrichment of Gulf of Mexico waters, which leads to algal blooms (including harmful algal blooms), oxygen depletion, loss of seagrass and coral reef habitat, and the formation of a hypoxic “dead zone” (USCOP 2004). This hypoxic event occurs annually from as early as February to as late as October, spanning roughly 12,700 square kilometers (although in 2005 the “dead zone” grew to a record size of 22,000 square kilometers) from the Mississippi River Delta to Galveston, Texas (MMS 1998; Rabalais et al. 2002; LUMCON 2005). Although sea turtles do not extract oxygen from sea water, numerous staple prey items of sea turtles, such as fish, shrimp, and crabs, do and are killed by the hypoxic conditions (Craig et al. 2001). More generally, the “dead zone” decreases biodiversity, alters marine food webs, and destroys habitat (Craig et al. 2001; Rabalais et al. 2002). High nitrogen loads entering the Gulf of Mexico from the Mississippi River is the likely culprit; nitrogen concentrations entering the Gulf of Mexico have increased three fold over within 60 years (Rabalais et al. 2002).

7.10 Disease and Non-native Species Introductions

A disease known as fibropapilloma, is a major threat to green turtles in some areas of the world. Fibropapilloma is characterized by tumorous growths, which can range in size from very small to extremely large, and are found both internally and externally. Large tumors can interfere with feeding and essential behaviors, and tumors on the eyes can cause permanent blindness (Foley et al. 2005). Fibropapilloma was first described in green turtles in the Florida Keys in the 1930s.

Since then it has been recorded in many green turtle populations around the world, most notably present in green turtles of Hawaii, Florida, and the Caribbean. In Florida, up to 50 percent of the immature green turtles captured in the Indian River Lagoon are infected, and there are similar reports from other sites in Florida, including Florida Bay, as well as from Puerto Rico and the U.S. Virgin Islands. In addition, scientists have documented fibropapilloma in populations of loggerhead, olive ridley, and flatback turtles (Huerta et al. 2000). The effects of fibropapilloma at the population level are not well understood and could be a serious threat to their recovery. The cause of the disease remains unknown. Research to determine the cause of this disease is a high priority and is underway.

An increased human presence at some nesting beaches or close to nesting beaches has led to secondary threats such as the introduction of exotic fire ants, feral hogs, dogs and an increased presence of native species (e.g. raccoons, armadillos, and opossums) which raid and feed on turtle eggs. Non-native vegetation has invaded many coastal areas and often outcompetes native species. Non-native vegetation is usually less-stabilizing and can lead to increased erosion and degradation of suitable nesting habitat. Non-native vegetation may also form impenetrable root mats that can prevent proper nest cavity excavation, invade and desiccate eggs, or trap hatchlings. In light of these issues, conservation and long-term protection of sea turtle nesting and foraging habitats is an urgent and high priority need.

7.11 Scientific Research and Permits

Scientific research similar to that which would be conducted under Permit No. 20315 has and will continue to impact ESA-listed sea turtles within the action area. Authorized research on ESA-listed sea turtles includes: capturing/handling; satellite, sonic or PIT tagging; blood/tissue collecting, lavage, ultrasound, laparoscopy, and imaging. Annual takes of ESA-listed species resulting from research activities that are currently permitted by NMFS within the action area can be seen in Table 8, 9, and 10 for green, hawksbill, and loggerhead sea turtles from 2009 to 2016. The actual number of individual sea turtles affected by scientific research is not known. However, for all species, the number affected is assumed to be less than the total number authorized. This is because, if researchers meet or exceed the number of turtle takes allowed in their permit, they must stop the activity and notify the Permits Division. A permit modification or new permit and a new or re-initiated ESA section 7 consultation would be done prior to the continuation of the research activity. Additional take of sea turtles permitted would be reflected in new or modified permits and hence also reflected in the tables below.

Table 8. Green sea turtle takes permitted in the Atlantic Ocean from 2009 to 2016.

| Year | Capture/ Handling/ Restraint | Satellite, sonic or PIT tagging | Blood/ tissue collection | Lavage | Ultrasound | Laparoscopy | Imaging | Mortality |
|--------------|------------------------------------|--|--------------------------------|---------------|--------------|--------------|--------------|-----------|
| 2009 | 3,093 | 3,093 | 3,009 | 1,860 | 555 | 74 | 72 | 6 |
| 2010 | 3,753 | 3,753 | 3,669 | 2,480 | 555 | 74 | 72 | 6 |
| 2011 | 4,255 | 4,255 | 3,505 | 2,990 | 564 | 74 | 72 | 20 |
| 2012 | 3,354 | 3,354 | 2,622 | 2,210 | 704 | 74 | 72 | 18.2 |
| 2013 | 5,001 | 5,001 | 4,325 | 3,654 | 1,903 | 398 | 396 | 4.2 |
| 2014 | 4,336 | 3,686 | 3,660 | 3,044 | 1,408 | 324 | 324 | 4.2 |
| 2015 | 4,280 | 3,630 | 3,610 | 3,044 | 1,408 | 324 | 324 | 4.2 |
| 2016 | 2,960 | 2,960 | 2,940 | 1,734 | 1,408 | 324 | 324 | 4.2 |
| Total | 31,032 | 29,732 | 27,340 | 21,016 | 8,505 | 1,666 | 1,656 | 67 |

Permit Nos.: 1450, 1462, 1501, 1506, 1507, 1518, 1522, 1526, 1527, 1540, 1544, 1551, 1552, 1570, 1571, 1576, 10014, 10022, 13306, 13307, 13543, 13544, 13573, 14506, 14508, 14622, 14655, 14726, 14949, 15112, 15135, 15552, 15556, 15575, 15606, 15802, 16134, 16146, 16174, 16194, 16253, 16556, 16598, 16733, 17183, 17304, 17355, 17381, 17506, and 18069. All DPSs included, but numbers are mostly the Atlantic Ocean DPS.

Table 9. Hawksbill sea turtle takes permitted in the Atlantic Ocean from 2009 to 2016.

| Year | Capture/ Handling/ Restraint | Satellite, sonic or PIT tagging | Blood/ tissue collection | Lavage | Ultrasound | Mortality |
|--------------|------------------------------------|---------------------------------------|--------------------------------|--------------|--------------|------------|
| 2009 | 1,088 | 1,088 | 1,081 | 464 | 254 | 0 |
| 2010 | 1,424 | 1,424 | 1,417 | 534 | 254 | 0 |
| 2011 | 1,959 | 1,959 | 1,955 | 914 | 255 | 0 |
| 2012 | 1,462 | 1,456 | 1,452 | 904 | 255 | 0 |
| 2013 | 1,423 | 1,417 | 1,415 | 844 | 320 | 39 |
| 2014 | 1,114 | 1,108 | 1,106 | 550 | 66 | 39 |
| 2015 | 1,032 | 1,026 | 1,026 | 550 | 66 | 39 |
| 2016 | 1,106 | 1,050 | 1,013 | 500 | 66 | 39 |
| Total | 10,608 | 10,528 | 10,465 | 5,260 | 1,536 | 156 |

Permit Nos.: 1462, 1501, 1506, 1507, 1518, 1526, 1527, 1540, 1544, 1551, 1552, 1570, 1571, 1576, 1599, 10014, 10022, 13306, 13307, 13543, 13544, 14272, 14508, 14726, 14506, 14508, 14622, 14655, 14726, 14949, 15112, 15135, 15552, 15566, 15575, 15606, 15802, 16134, 16146, 16194, 16253, 16598, 16733, 17183, 17304, 17355, 17381, and 17506

Table 10. Loggerhead sea turtle takes permitted in the North Atlantic Ocean from 2009 to 2016.

| Year | Capture/ Handling/ Restraint | Satellite, sonic or PIT tagging | Blood/ tissue collection | Lavage | Ultrasound | Laparoscopy | Imaging | Mortality |
|--------------|------------------------------------|--|--------------------------------|---------------|---------------|--------------|--------------|--------------|
| 2009 | 5,462 | 5,462 | 5,044 | 1,165 | 1,322 | 109 | 123 | 111 |
| 2010 | 5,464 | 5,464 | 5,046 | 1,205 | 1,322 | 109 | 116 | 111 |
| 2011 | 7,165 | 7,165 | 6,097 | 1,420 | 1,667 | 148 | 114 | 122.2 |
| 2012 | 4,791 | 4,791 | 3,741 | 1,370 | 1,429 | 161 | 114 | 29.8 |
| 2013 | 5,909 | 5,909 | 4,859 | 2,609 | 2,519 | 401 | 354 | 24.8 |
| 2014 | 4,052 | 3,912 | 3,862 | 1,460 | 1,543 | 292 | 240 | 24.8 |
| 2015 | 3,935 | 3,795 | 3,795 | 1,470 | 1,543 | 292 | 240 | 7.8 |
| 2016 | 3,510 | 3,510 | 3,510 | 1,255 | 1,543 | 292 | 240 | 7.8 |
| Total | 40,288 | 40,008 | 35,954 | 11,954 | 12,888 | 1,804 | 1,541 | 439.2 |

Permit Nos.: 1450, 1462, 1501, 1506, 1507, 1522, 1526, 1527, 1540, 1544, 1551, 1552, 1570, 1571, 1576, 1599, 10014, 10022, 13306, 13307, 13543, 13544, 14249, 14622, 14506, 14508, 14622, 14655, 14726, 15112, 15552, 15566, 15575, 15606, 15802, 16134, 16146, 16194, 16253, 16556, 16598, 16733, 17183, 17304, 17355, 17381, 17506, and 18069. All DPSs are included, but numbers are mostly the Northwest Atlantic Ocean DPS.

8 EFFECTS OF THE ACTION

Section 7 regulations define “effects of the action” as the direct and indirect effects of an action on the species or critical habitat, together with the effects of other activities that are interrelated or interdependent with that action, that will be added to the environmental baseline (50 C.F.R. §402.02). Indirect effects are those that are caused by the proposed action and are later in time, but are reasonably certain to occur. This effects analyses section is organized following the stressor, exposure, response, risk assessment framework.

The jeopardy analysis relies upon the regulatory definition of “to jeopardize the continued existence of a listed species,” which is “to engage in an action that would be expected, directly or indirectly, to reduce appreciably the likelihood of both the survival and recovery of a listed species in the wild by reducing the reproduction, numbers, or distribution of that species” (50 C.F.R. §402.02). Therefore, the jeopardy analysis considers both survival and recovery of the species.

The destruction and adverse modification analysis considers whether the action produces “a direct or indirect alteration that appreciably diminished the value of critical habitat for the conservation of a listed species. Such alterations may include, but are not limited to, those that alter the physical or biological features essential to the conservation of a species or that preclude or significantly delay development of such features.” 50 C.F.R. 402.02.

In this section, we describe the potential stressors associated with the proposed action, the probability of individuals of ESA-listed species being exposed to these stressors based on the best scientific and commercial evidence available, and the probable responses of those individuals (given probable exposures) based on the available evidence. As described in Section 3 of this opinion, for any responses that would be expected to reduce an individual's fitness (i.e., growth, survival, annual reproductive success, or lifetime reproductive success), the assessment would consider the risk posed to the viability of the population(s) those individuals comprise and to the ESA-listed species those populations represent. For this consultation, we are particularly concerned about behavioral and stress-based physiological disruptions and potential unintentional mortality that may result in animals that fail to feed, reproduce, or survive because these responses are likely to have population-level consequences as well as the potential for mortality. The purpose of this assessment and, ultimately, of this consultation is to determine if it is reasonable to expect the proposed action to have effects on ESA-listed species that could appreciably reduce their likelihood of surviving and recovering in the wild. We do not expect different responses to each activity from based on the species of sea turtle. That is, we expect green turtle and hawksbill turtle responses to each of the procedures to be similar. Hence, we summarize the likely stress and risk to each species together.

8.1 Stressors Associated with the Proposed Action

Stressors are any physical, chemical, or biological entity that may induce an adverse response either in an ESA-listed species or their designated critical habitat. The issuance of Permit No. 20315 would authorize several research activities that may expose sea turtles to a variety of stressors. Each research activity presents a unique set of stressors. The potential stressors we expect to result from the proposed action are:

- 1) capture with handling and restraint following capture;
- 2) measuring and marking;
- 3) sampling (tissue, blood, fecal);
- 4) gastric lavage;
- 5) epibiota removal, and
- 6) application of flipper tags, PIT tags, and satellite transponders

8.2 Mitigation to Minimize or Avoid Exposure

Several aspects of the proposed action are designed to minimize ESA-listed species' exposure to the potential stressors associated with the proposed research activities. These include the experience and measures taken by the researchers themselves and the terms and conditions specified in the permit, as proposed by the Permits Division (Appendix 1).

This ongoing research is the continuation of previous research that began in 2011. The proposed procedures have been performed by Kristen Hart and co-investigators for many years. All

previous activities were thoroughly analyzed and found they would not jeopardize listed species, appreciably reduce the likelihood of survival or recovery of sea turtles, or destroy or adversely modify designated critical habitat.

To minimize the effects of the actions proposed for the current permit, the applicant will:

- 1) Handle animals with the greatest care.
- 2) Captured individuals are kept covered and wet to prevent overheating from sun exposure.
- 3) Travel at low or idle boat speeds all the time and not engage the motor when near sea turtles.
- 4) Will only perform capture by dip net, rodeo, cast net, and tangle netting during the day.
- 5) Prior to any external tagging, all tags will be cleaned and disinfected before use. Applicators will be cleaned between animals. The insertion site skin surfaces are disinfected with saturated isopropyl alcohol wipes.
- 6) For blood and tissue sampling, the area will be soaked and scrubbed with 10 percent povidone-iodine solution followed by an isopropyl alcohol wipe, then thoroughly swabbed again with 10% povidone-iodine solution prior to sampling. Sterile biopsy punch tools and needles will be used and size will vary according to turtle size. Gastric lavage will only be performed on turtles larger than twenty-five centimeters straight carapace length.
- 7) Turtles selected for satellite transmitter and/or sonic tags application will not exceed 5 percent of the turtle's body weight. Transmitters will only be placed on turtles greater than thirty centimeters straight carapace length, or greater than four kilograms. Transmitters will not be placed at the peak height of the carapace to make attachments as hydrodynamic as possible.

In addition to these mitigation measures taken by the applicant, the Permits Division will include mitigation measures as part of the terms and conditions (Section B5) of the permit found in Appendix A of this document.

The Permits Division will require individuals conducting the research activities to possess qualifications commensurate with their roles and responsibilities. In accordance, the only personnel authorized to conduct the research would be the Primary Investigator Kristen Hart, listed Co-Investigator's, and research assistants. We anticipate that requiring that the research be conducted by experienced personnel will further minimize impacts to the ESA-listed species that may be exposed to the stressors, as these individuals should be able to recognize adverse responses and cease or modify their research activities accordingly.

8.3 Exposure Analysis

Exposure analyses identify the ESA-listed species that are likely to co-occur with the actions' effects on the environment in space and time, and identify the nature of that co-occurrence. The exposure analysis also identifies, as possible, the number, age or life stage, and gender of the individuals likely to be exposed to the actions' effects and the population(s) or subpopulation(s) those individuals represent. The issuance of Permit No. 20315 will authorize research activities that have been ongoing for several years and NMFS includes research effort and subsequent exposure and response data in its assessment of exposure where data are available.

Permit No. 20315 has previous annual reports and supplementary data available to help NMFS estimate the likely future levels of exposure. Research permits have required the applicants to report activities every year. These reports provide us with the opportunity to evaluate the applicants' past performance as a mechanism to estimate future performance (individual exposure, response, and take). We believe this is the best tool available to us to estimate the exposure, response, and take that ESA-listed species will be exposed to under the following proposed permits.

The applicant's current Permit No. 16146 and its four accompanying annual reports from 2011 through 2015 were available to evaluate these research activities including an environmental assessment done under NEPA, which determined that the proposed research activities could result in low level of short-term effects on sea turtles and resulted in a finding of no significant impact pursuant to NEPA. The applicant's annual reports from 2011 through 2015 are summarized in Table 11. A summary of the proposed exposures, including the cumulative exposure over the entire five-year duration of the permit, can be seen below in Table 12.

Table 11. Number of annual takes that occurred from 2005 through 2015 during past performance of Permit No. 16146.

| Sea turtle species | Life Stage | Procedures | Actual Take ¹ |
|--------------------|----------------------|--|--------------------------|
| Green | All except hatchling | Count/survey; Epibiota removal; Instrument, drill carapace attachment; Instrument, epoxy attachment (e.g., satellite tag, VHF ³ tag); Lavage; Mark, carapace (temporary); Mark, flipper tag; Mark, PIT ² tag; Recapture (gear removal); Measure; Photograph/Video; Sample, blood; Sample, fecal; Sample, tissue; Tracking; Weigh | 250 |
| Hawksbill | All except hatchling | Count/survey; Epibiota removal; Instrument, drill carapace attachment; Instrument, epoxy attachment (e.g., satellite tag, VHF ³ tag); Lavage; Mark, carapace (temporary); Mark, flipper tag; Mark, PIT ² tag; Recapture (gear removal); Measure; Photograph/Video; Sample, blood; Sample, fecal; Sample, tissue; Tracking; Weigh | 82 |
| Loggerhead | All except hatchling | Count/survey; Epibiota removal; Instrument, drill carapace attachment; Instrument, epoxy attachment (e.g., satellite tag, VHF ³ tag); Lavage; Mark, carapace (temporary); Mark, flipper tag; Mark, PIT ² tag; Recapture (gear removal); Measure; Photograph/Video; Sample, blood; Sample, fecal; Sample, tissue; Tracking; Weigh | 0 |

¹One take per animal, not all animals received every procedure listed; ²PIT=passive integrated transponder; ³VHF=very high frequency.

Table 12. Number of exposures to activities expected under Permit No. 20315 over the permit's lifespan.

| Sea turtle species | Life Stage | Procedures | Takes per Individual Animal ¹ | No. of Animals Authorized per Year | Cumulative No. Animals Over Five Years | Cumulative Takes per Animal Over Five Years ² |
|--------------------|----------------------|--|--|------------------------------------|--|--|
| Green | All except hatchling | Count/survey; Epibiota removal; Instrument, drill carapace attachment; Instrument, epoxy attachment (e.g., satellite tag, VHF ³ tag); Lavage; Mark, carapace (temporary); Mark, flipper tag; Mark, PIT ² tag; Recapture (gear removal); Measure; Photograph/Video; Sample, blood; Sample, fecal; Sample, tissue; Tracking; Weigh | 2 | 160 | 800 | 10 |
| Hawksbill | All except hatchling | Count/survey; Epibiota removal; Instrument, drill carapace attachment; Instrument, epoxy attachment (e.g., satellite tag, VHF ³ tag); Lavage; Mark, carapace (temporary); Mark, flipper tag; Mark, PIT ² tag; Recapture (gear removal); Measure; Photograph/Video; Sample, blood; Sample, fecal; Sample, tissue; Tracking; Weigh | 2 | 190 | 950 | 10 |
| Loggerhead | All except hatchling | Count/survey; Epibiota removal; Instrument, drill carapace attachment; Instrument, epoxy attachment (e.g., satellite tag, VHF ³ tag); Lavage; Mark, carapace (temporary); Mark, flipper tag; Mark, PIT ² tag; Recapture (gear removal); Measure; Photograph/Video; Sample, blood; Sample, fecal; Sample, tissue; Tracking; Weigh | 2 | 10 | 50 | 10 |

¹Individual turtles are subjected to procedures one time per year and no more than 3 transmitters on an animal at one time;

²PIT=passive integrated transponder; ³VHF=very high frequency.

Worldwide, nesting data at 464 sites indicate that 563,826 to 564,464 females nest each year. The South Atlantic DPS has fifty-one nesting sites, with an estimated nester abundance of 63,332. Although no historical records of abundance are known, hawksbill sea turtles are considered to be severely depleted due to the fragmentation and low use of current nesting beaches (NMFS and USFWS 2007b). Worldwide, an estimated 21,212 to 28,138 hawksbills nest each year among 83 sites. Among the sites with historic trends, all show a decline during the past

20 to 100 years. The Northwest Atlantic DPS of loggerhead is estimated at 32,000 to 56,000 nesting females with populations in decline or not enough information to make a trend (TEWG 1998; NMFS 2001). Based on these current population estimates, the proposed exposure to research activities represents a small portion of the population for each species of sea turtle.

8.4 Response Analysis

Given the exposure estimated above, in this section we describe the range of responses among ESA-listed sea turtles that may result from the stressors associated with the research activities that would be authorized under Permit No. 20315. These include stressors associated the following activities: capture with handling and restraint following capture; measuring and marking; sampling (tissue, blood, fecal); gastric lavage; tumor removal, and application of flipper tags, PIT tags, and satellite transponders. For the purposes of consultation, our assessment tries to detect potential lethal, sub-lethal (or physiological), or behavioral responses that might reduce the fitness of individuals. Our response analysis considers and weighs evidence of adverse consequences, as well as evidence suggesting the absence of such consequences.

There is mounting evidence that wild animals respond to human disturbance in the same way that they respond to predators (Harrington and Veitch 1992; Lima 1998; Gill et al. 2001; Frid 2003; Beale and Monaghan 2004; Romero 2004). These responses manifest themselves as stress responses (in which an animal perceives human activity as a potential threat and undergoes physiological changes to prepare for a flight or fight response), interruptions of essential behavioral or physiological events, alteration of an animal's time budget, or some combinations of these responses (Sapolsky et al. 2000; Frid and Dill 2002; Romero 2004; Walker et al. 2005). These responses have been associated with abandonment of sites (Sutherland and Crockford 1993), reduced reproductive success (Giese 1996; Müllner et al. 2004), and the death of individual animals (Feare 1976; Daan 1996; Bearzi 2000).

Stress is an adaptive response and does not normally place an animal at risk. However, distress involves a stress response resulting in a biological consequence to the individual. The stress response of fish and reptiles involves the hypothalamic-pituitary-adrenal axis being stimulated by a stressor, causing a cascade of physiological responses, such as the release of the stress hormones cortisol, adrenaline (epinephrine), glucocorticosteroids, and others (Barton 2002; Bayunova et al. 2002; Wagner et al. 2002; Lankford et al. 2005; Busch and Hayward 2009; McConnachie et al. 2012; Atkinson et al. 2015). These hormones subsequently can cause short-term weight loss, the release of glucose into the blood stream, impairment of the immune and nervous systems, elevated heart rate, body temperature, blood pressure, fatigue, cardiovascular damage, and alertness, and other responses (Aguilera and Rabadan-Diehl 2000; Guyton and Hall 2000; Dierauf and Gulland 2001; Wagner et al. 2002; Romero 2004; NMFS 2006b; Busch and Hayward 2009; Omsjoe et al. 2009; Queisser and Schupp 2012), particularly over long periods of continued stress (Sapolsky et al. 2000; Desantis et al. 2013).

In some species, stress can also increase an individual's susceptibility to gastrointestinal parasitism (Greer 2008). In highly-stressful circumstances, or in species prone to strong "fight-

or-flight” responses, more extreme consequences can result, including muscle damage and death (Curry and Edwards 1998; Cowan and Curry 2002; Herraez et al. 2007; Cowan and Curry 2008). The most widely-recognized indicator of vertebrate stress, cortisol, normally takes hours to days to return to baseline levels following a significantly stressful event, but other hormones of the hypothalamic-pituitary-adrenal axis may persist for weeks.

Several studies have suggested that stress can adversely impact female reproduction through alterations in the estrus cycle (Herrenkohl and Politch 1979; Moberg 1991; Rivier and Rivest 1991; Mourlon et al. 2011). This is likely due to changes in sex steroids and growth hormone levels associated with the stress response (Sapolsky et al. 2000). Komesaroff et al. (1998) found that estrus may inhibit the stress response to some extent, although several studies suggest estrus and the follicular stage may be susceptible to stress-induced disruption (see Rivier (1991) and Moberg (1991) for reviews). Most of these studies were conducted with single or multiple invasive methodologies or chronic stress; we do not expect stressors associated with the proposed research to be nearly as stressful.

The common underlying stressor of a human disturbance caused by the research activities that would be authorized under Permit No. 20315 may lead to a variety of different stress related responses which we discuss below.

8.4.1 Capture, Handling and Restraint

Capture can cause stress responses in sea turtles (Gregory 1994; Hoopes et al. 1998; Gregory and Schmid 2001; Jessop et al. 2003, 2004; Thomson and Heithaus 2014). We also expect behavioral responses (attempts to break away via rapid swimming and biting) as well as physiological responses such as the release of stress hormones (Stabenau et al. 1991; Gregory et al. 1996; Hoopes et al. 2000; Gregory and Schmid 2001; Harms et al. 2003). Capture techniques under Permit No. 20315 include by hand or rodeo/dip/tangle/cast nets. The turtles would be held in a manner to minimize the stress to them. If done correctly, the effects of tangle nets or dip nets would be expected to be minimal.

Capture by dipnetting is a simple and non-invasive capture method. Capture by rodeo is an active capture method that the researchers regularly use in the Dry Tortugas sea turtle sampling project, and in their previous U.S. Virgin Islands project (Permit No. 16146). They have successfully captured over one hundred turtles using this technique, and the same crew that was used for Permit No. 16146 will be conducting the work on Permit No. 20315. Cast net is another technique that will be used for capture. It is a relatively simple technique that will only be employed during the day. All of the listed capture techniques are simple, non-invasive methods. Researchers do not expect that individual turtles will experience more than short-term stresses during these types of capture, and no injury or mortality is expected from any of them. Capture will only be performed during the day.

Tangle nets are a type of passive, stationary fishing gear that incidentally captures turtles. Sea turtles readily enter this net and usually are able to come to the surface to breathe. Thus, they are

minimally stressed within the confines of the net. However, turtles may attempt to swim vigorously, attempting to elude capture. Turtles will become entangled in the webbing of the net itself, which results in constriction marks around their head and flippers and may lead to their death due to forced submergence. Forced submergence from entanglement in or impingement on net gear is likely comparable to forced submergence in other kinds of fishing gear, given that both instances involve sea turtles unable to reach the surface in a relatively stressful situation. Sea turtles forcibly submerged in any type of restrictive gear eventually suffer fatal consequences from prolonged anoxia and/or seawater infiltration of the lung (Lutcavage and Lutz 1997). However, researchers intend to place their tangle nets in clear, relatively shallow (i.e., less than fifteen feet deep) water habitat, with low current strength. Tangle nets will be tended to one hundred percent of the time with snorkelers swimming. Therefore, it is not anticipated that turtles would be impinged on the net. If in the rare chance that this happened, researchers will be working in clear, shallow enough water to quickly remove the turtles immediately.

After capture, the animal would be taken out of the net, quickly examined, and briefly secured, if necessary, in a modified cargo net on deck so that its limbs are held close to its body to prevent injuries to the turtle and personnel, but breathing will be unrestricted. The harassment of turtles during capture can result in raised levels of stressor hormones and can cause some discomfort. Based on past observations of similar research, these effects are expected to dissipate within a day (Stabenau and Vietti 2003).

NMFS expects no mortality or long-term adverse effects are anticipated to the capture and activities to bring a captured turtle aboard the research vessel. Although animals may attempt to evade researchers as we approach them with nets, stress should be minimal and animals should quickly resume normal behavior once released. These capture techniques are already permitted and used by other researchers and represent a negligible risk of injury or mortality. Individuals will be constantly monitored once captured and all work will stop if an animal appears to be in danger. As both dipnetting and cast netting are direct capture method, there will be no incidental capture of non-target species. No mortality is expected using any type of capture technique or gear. Additionally, these methods will not affect the physical or biological environment.

8.4.2 Measuring and Marking

Once sea turtles have been captured, individuals will be handled and exposed to various activities of greater or lesser degrees of invasiveness. Each sea turtle will be exposed to morphometric measurement, including carapace size and individual weight. Although these activities are not considered invasive, we expect individual sea turtles to experience a continued stress response due to the handling and restraint necessary to conduct these activities.

Turtles will be handled in such a way as to avoid injury to the turtles themselves and to the researchers. During extremely warm weather, the turtle's carapace and head will be covered with a wet towel to avoid desiccation. Hard-shelled turtles will kept in large, plastic containers (approximately two feet wide x three feet long x one foot deep/high) before sampling and prior

to release. All turtles will be placed on foam pads for added comfort. If a turtle becomes stressed during the sampling process, we will cover the eyes with a wet towel; this often has a calming effect on the turtle.

Measuring and marking can result in raised levels of stressor hormones in sea turtles. The additional on-board holding time imposes an additional stressor on these already acidotic turtles (Hoopes et al. 2000). It has been suggested that the muscles used by sea turtles for swimming might also be used during lung ventilation (Butler et al. 1984). Thus, an increase in breathing effort in negatively buoyant animals may have heightened lactate production. However, the measuring and weighing procedures are simple, non-invasive, with a relatively short time period and NMFS does not expect that individual turtles would normally experience more than short-term stresses as a result of these activities. No injury is expected from these activities, and turtles will be worked up as quickly as possible to minimize stresses resulting from their capture.

8.4.3 Sampling: Tissue, Blood, and Fecal

The sampling activities that would be authorized by this permit can result in raised levels of stressor hormones in sea turtles and would be in addition to any stresses or effects already experienced during capture. During skin biopsy, it is not expected that individual turtles will experience more than short-term stresses during tissue sampling (for genetic and stable isotope analyses). Researchers who examined turtles caught two to three weeks after sample collection noted the sample collection site was almost completely healed (K. Hart to J. Braun-McNeill, pers. comm.). It is not expected that the collection of a tissue sample will cause any additional significant stress or discomfort to the turtle beyond what was experienced during the other research activities. Sterile techniques will be utilized to minimize the possibility of infection at the biopsy site. The procedure will not be performed on any compromised animals (e.g. those that are emaciated or having heavy parasite loads, bacterial infections, etc.). During the more than five years since implementing this manner of collecting DNA samples, the NMFS Beaufort team has not encountered any infections or mortality resulting from this procedure (K. Hart to J. Braun-McNeill, pers. comm.).

It is not expected that individual turtles will experience more than short-term stresses during blood sampling. Taking an approximately 5 milliliter blood sample from the sinuses in the dorsal side of the neck is now a routine procedure (Owens 1999). According to Owens (1999), with practice, it is possible to obtain a blood sample ninety-five percent of the time and the sample should be about thirty seconds in duration. Blood samples will be taken by NMFS-approved personnel only. Dr. Hart has been trained by other NMFS researchers in techniques of blood sampling and has used these techniques successfully in her project on Everglades Green turtles (Permit No. 1541) and several species of sea turtles in the Dry Tortugas (Permit No. 13307), and Dr. Mehalick is a trained licensed wildlife veterinarian who has worked on sea turtles before. Other researchers learning the technique shall be very closely supervised by Drs. Hart and Mehalick until they are proficient with the technique of how to take a blood sample. Next, they will be allowed to take a blood sample a minimum of three times under close

supervision before they are allowed to proceed independently. If Drs. Hart and Mehalick feel they are not properly trained to take a blood sample, they will continue supervising their blood sampling until they feel that they are trained. If a blood sample is not collected after four attempts (two on either side of the neck), the procedure will be stopped to avoid stressing the animal.

Fecal samples will be collected either after turtles have defecated during biological sampling or by digital extraction of feces from the cloaca. Those turtles that do not defecate during the sampling period will be temporarily overturned onto the carapace and restrained. While wearing lubricated latex gloves, a finger will be inserted into the cloaca of the turtle to feel for the presence of a fecal mass. This procedure might result in some minor discomfort to the turtle with no lasting effects. All eleven of the turtles sampled by the NMFS, Beaufort Laboratory exhibited normal behavior as they were released (K. Hart to J. Braun-McNeill, pers. comm.).

Effects of these procedures would be low-level pain, handling discomfort, possible hemorrhage at the site. There is a small risk of infection. Mitigation to minimize or avoid these risks (such as pressure and disinfection) lessen those possibilities. The sea turtles are to experience a short-term stress response in association with the handling, restraint, and pain associated with tissue, blood, and fecal sampling. The applicants have experience in tissue and blood sampling and no sea turtle mortalities have occurred during the previous sampling activity from the applicant under any previous permit that we are aware of, nor are we aware of any meaningful pathological consequences by sampled individuals on the part of the applicant.

8.4.4 Gastric Lavage

The feeding habits of wild turtles can be determined by a variety of methods, but the preferred technique is gastric lavage or stomach flushing. This comparatively simple and reliable technique has been used to successfully sample the gut contents of various vertebrate animal groups without harm to the animal (Forbes 1999). This technique has been successfully used on green, hawksbill, Olive ridley and loggerhead turtles ranging in size from 25 to 115 curved carapace length (CCL). Forbes (1999) stated that many individual turtles have been lavaged more than three times without any known detrimental effect. Individuals that have been recaptured from the day after the procedure up to three years later appear to be healthy and to feed normally. As well, laparoscopic examination of the intestines following the procedure has not detected any swelling or damage to the intestines.

The ends of tubing will be rounded by melting them with a flame and allowing them to cool which ensures that the tubing will not damage the walls of the esophagus during insertion. The tube will be aligned exterior to the turtle to pre-measure the distance to the caudal margin of the pectoral scute of the plastron, roughly corresponding to the level of the stomach, and mark the distance on the tube for that particular turtle with either tape or erasable marker. The tube will be passed no further than this mark, or no further than they will pass without resistance. Whereas individual turtles are likely to experience discomfort during this procedure, NMFS does not

expect individual turtles to experience more than short-term distress and injuries are not anticipated.

8.4.5 Epibiota Removal

Epibionts (barnacles, algae, etc.) will be carefully removed from the carapace at the site of transmitter attachment(s) using a hoof pick or other blunt instrument such as a paint-scraper. In general, where the first and second vertebral scutes meet is the ideal location to place the transmitter as this section of the carapace rises to a maximum point above the sea surface each time the turtle breathes and the base antenna on the transmitter will break the plane of the water's surface. Attachment media, will also encompass sections of the first and third vertebral scutes as well as the first and second costal scutes. These areas will be thoroughly scrubbed and rinsed with fresh water, dried, and then lightly sanded with sandpaper. When smooth, the entire area will be lightly wiped with an alcohol pad or a small amount of acetone. It is a short-duration, non-invasive procedure, with no evidence of harm to turtles under previous permits.

8.4.6 Application of Tags and Satellite Transponders

Sea turtles will be tagged with external, Inconel tags. Prior to using the Inconel tags, they will be sterilized as well as the area of attachment to minimize the possibility of infection. Turtles will be tagged just proximal to the large scale on the trailing edge of the rear flipper. Some discomfort has been observed in turtles that are being Inconel tagged, however, in the over seventeen years that the NMFS Beaufort Laboratory has been tagging turtles with Inconel tags, any discomfort is usually temporary and is normally followed by normal behavior shortly after being tagged. They also seem to swim normally once they have been released (K. Hart to J. Braun-McNeill, pers. comm.). Of the over one thousand tag recaptures the NMFS Beaufort Laboratory has encountered, none have shown any adverse effects after having been tagged in this manner.

Sea turtles will also be injected with an internal PIT tag that are sterilized and the area of insertion will also be disinfected. Turtles will be injected with a PIT tag into the shoulder muscle area of the right front flipper. If any bleeding occurs after the tag has been injected, we will hold a swab soaked in povidone iodine to the injection site until the bleeding has stopped. Turtles can experience some discomfort during the tagging procedures and these procedures will produce some level of pain. The discomfort is usually short and highly variable between individuals (Balazs 1999). Most barely seem to notice, while a few others exhibit a marked response. However, NMFS expects the stresses to be minimal and short-term and that the small wound-site resulting from a tag applied to the front flipper should heal completely in a short period of time, similar to what happens when a human has his or her ear pierced for an earring. Similarly, turtles that must be re-tagged should also experience minimal short-term stress and heal completely in a short period of time. Re-tagging is not expected to appreciably affect these turtles. The proposed tagging methods have been regularly employed in sea turtle research with little lasting impact on the individuals tagged and handled (Balazs 1999). Some discomfort has been observed in turtles that are being PIT tagged, however, in the over nine years that the NMFS Beaufort Laboratory

has been PIT tagging turtles, this discomfort is temporary as the turtles exhibit normal behavior shortly after being tagged and swim normally once they have been released. Of the over one thousand tag recaptures the NMFS Beaufort Laboratory has encountered, none show any adverse effects of being tagged in this manner (K. Hart to J. Braun-McNeill, pers. comm.).

Sea turtles have low-frequency hearing sensitivity and are potentially affected by sound energy in the band below 1,000 hertz (Lenhardt 2003). Bartol et al. (1999) found the effective bandpass of the loggerhead sea turtle to be between at least 250 and 1,000 hertz. Ridgeway et al. (1969) found the maximum sensitivity of green sea turtle hearing to fall within 300 to 500 hertz with a sharp decline at 750 hertz. Since the sonic tags authorized for sea turtle tracking research would be well above this hearing threshold, these tags would not be heard by the turtles. NMFS would not expect the transmitters to interfere with turtles' normal activities after they are released. Another important consideration is whether the sounds emitted by the sonic transmitters would attract potential predators, primarily sharks. Unfortunately, hearing data on sharks is limited. Casper and Mann (2004) examined the hearing abilities of the nurse shark and results showed that this species detects low-frequency sounds from 100 to 1,000 hertz, with best sensitivity from 100 to 400 hertz. Myrberg (2001) explained that audiograms have been published on elasmobranchs. Although we do not have hearing information for all the sharks that could potentially prey on sea turtles, estimates for hearing sensitivity in available studies provided ranges of 25 to 1,000 hertz. In general, these studies found that shark hearing is not as sensitive as in other tested fishes, and that sharks are most sensitive to low-frequency sounds (Casper et al. 2003). Thus, it appears that the sonic transmitters would not attract potential shark predators to the turtles, because the frequency of the sonic tags is well above the 1,000 hertz threshold.

The transmitters will be affixed to the central section of the turtles' carapace using epoxy and/or resined fiberglass using the method further described following Balazs et al. (1996) and Van Dam et al. (2008). However, whenever possible, transmitters will not be placed at the peak height of the carapace to make attachments as hydrodynamic as possible (Jones et al. 2011). Turtles are held for no longer than 1.5 hours after attaching the transmitters to allow adhesives to set. Attachment media will encompass sections of the last vertebral scute as well as the last costal scute. These areas will be thoroughly scrubbed and rinsed with fresh water, dried, and then lightly sanded with sandpaper. When smooth, the entire area will be lightly wiped with an alcohol pad. NMFS does not expect any negative effects of these chemicals on the turtles. In addition, a two-part cool setting epoxy (SuperBond) will be used to secure the transmitter on to the carapace. SuperBond epoxy is a low/no odor, high strength epoxy which produces minimal thermic reactions and has a proven track record in an active sea turtle project in the Dry Tortugas (K. Hart, Principal Investigator, NMFS Permit No. 13307). Attachment media will be tapered to prevent it from catching on rocks or woody debris. Drying time will vary between 20 - 60 minutes depending on ambient temperatures and humidity. When the attachment materials are dry the turtle will then be released at or near the exact point of capture. From the time of capture until release, procedures (e.g., satellite tag attachment) may take up to 3 hours for each turtle. No mortalities have resulted from the application of tags and transmitters under this applicant's prior

Permit No. 16146. The researchers have successfully recaptured tagged turtles and have found them to be in good health. Based on past experience with these types of techniques by other turtle researchers, NMFS expects that the turtles will experience some small additional stress from attaching acoustic (sonic) transmitters, but not significant increases in stress or discomfort to the turtle beyond what was experienced during other research activities. We do not expect the transmitters or the tracking to interfere with the turtles normal activities after they are released.

Turtles can experience some discomfort during the tagging procedures and these procedures will produce some level of pain. The discomfort is usually short and highly variable between individuals (Balazs 1999). Most barely seem to notice, while a few others exhibit a marked response. However, we expect the stresses to be minimal and short-term and that the small wound-site resulting from a tag applied to the flipper should heal completely in a short period of time. Similarly, turtles that must be re-tagged should also experience minimal short-term stress and heal completely in a short period of time. Re-tagging is not expected to appreciably affect these turtles. The proposed tagging methods have been regularly employed in sea turtle research with little lasting impact on the individuals tagged and handled (Balazs 1999).

8.5 Risk Analysis

In this section we assess the consequences of the responses to the individuals that have been exposed, the populations those individuals represent, and the species those populations comprise. Whereas the Response Analysis (Section 8.4) identified the potential responses of ESA-listed species to the proposed action, this section summarizes our analysis of the expected risk to individuals, populations, and species given the expected exposure to those stressors (as described in Section 8.3) and the expected responses to those stressors (as described in Section 8.4).

We measure risks to individuals of endangered or threatened species using changes in the individuals' fitness, which may be indicated by changes the individual's growth, survival, annual reproductive success, and lifetime reproductive success. When we do not expect ESA-listed animals exposed to an action's effects to experience reductions in fitness, we would not expect the action to have adverse consequences on the viability of the populations those individuals represent or the species those populations comprise.

Sampling (blood and tissue) and flipper/PIT tagging are all activities that will break the integument and create the potential for infection or other physiological disruptions. The applicant and co-investigators have procedures in place to reduce the potential for infection or disease transmission. To date, the applicants have not documented a case of infection or mortality in sea turtles, which were exposed to these research activities. Based on this past performance and the rigor of aseptic conditions, we do not expect any individuals to develop infections or experience other pathological conditions associated with these activities.

Flipper- and satellite-tagged sea turtles will experience a greater degree of drag through the water than they otherwise would. This drag would be experienced continually over years after flipper tags are applied and over shorter periods of months to a year for tags applied to the carapace.

However, we expect the amount of drag to be minimal. To date, many thousands of sea turtles have been flipper tagged in relatively standard ways, and we are unaware of flipper tagging leading to reduced growth, impaired mobility or altered migration, deteriorated body condition, or other outcomes that could impair the survival, growth, or reproductive potential of any individual sea turtle.

Any time a turtle is removed from its natural habitat and handled, it undoubtedly experiences stress. However, based on observations over decades of research, the applicant's proposed procedures have had minor, if any, adverse effects on the captured turtles. This is evidenced by the subsequent recapture of previously encountered sea turtles as well as telemetry data that do not indicate abnormalities in turtle movement or behavior post-encounter. Many turtles have been recaptured from the applicant's in-water netting programs have later been observed on nesting beaches as adults; some turtles captured inshore and exhibiting fibropapillomas have later been recaptured with regressed or no tumors. Negative impacts on the turtles will be minimized by covering turtles with wet towels and keeping them in the shade while being held, disinfecting tagging equipment, disinfecting holding areas and tubs, following antiseptic protocol when drawing blood or taking biopsies, reducing hydrodynamic drag from transmitters via transmitter profile, placement, and attachment method, and releasing the turtles as soon as possible.

The research activities that would take place under Permit No. 20315 are not expected to result in sea turtle mortality. The research activities under the proposed permits will result in temporary stress to the sea turtles that is not expected to have more than short-term effects on individual South Atlantic green, hawksbill, and Northwest Atlantic loggerhead sea turtles.

9 CUMULATIVE EFFECTS

"Cumulative effects" are those effects of future state or private activities, not involving Federal activities, that are reasonably certain to occur within the action areas of the Federal actions subject to consultation (50 CFR 402.02). Future Federal actions that are unrelated to the proposed action are not considered in this section because they require separate consultation pursuant to section 7 of the ESA.

During this consultation, we searched for information on future state, tribal, local, or private (non-Federal) actions reasonably certain to occur in the action area. We did not find any information about non-Federal actions other than what has already been described in the Environmental Baseline (Section 7), which we expect will continue in the future. Anthropogenic effects include climate change, ship strikes, sound, military activities, fisheries, pollution, and scientific research, although some of these activities would involve a federal nexus and thus, but subject to future ESA section 7 consultation. An increase in these activities could result in an increased effect on ESA-listed species; however, the magnitude and significance of any anticipated effects remain unknown at this time. The best scientific and commercial data

available provide little specific information on any long-term effects of these potential sources of disturbance on sea turtle populations.

10 INTEGRATION AND SYNTHESIS

The *Integration and Synthesis* section is the final step in our assessment of the risk posed to species and critical habitat as a result of implementing the proposed action. In this section, we add the *Effects of the Action* (Section 8) to the *Environmental Baseline* (Section 7) and the *Cumulative Effects* (Section 9) to formulate the agency's biological opinion as to whether the proposed action is likely to: (1) reduce appreciably the likelihood of both the survival and recovery of a ESA-listed species in the wild by reducing its numbers, reproduction, or distribution; or (2) reduce the value of designated or proposed critical habitat for the conservation of the species. These assessments are made in full consideration of the *Status of the Species and Critical Habitat* (Section 6).

Here we summarize the probable risks the proposed action poses to threatened and endangered species that are likely to be exposed. These summaries integrate the exposure profiles presented previously with the results of our response analyses for each of the actions considered in this opinion.

As discussed above, we do not expect different responses to each activity from based on the species of sea turtle. That is, we expect green turtle and hawksbill turtle responses to each of the procedures to be similar. Hence, we summarize the likely risk to each species together.

We expect all targeted sea turtles to experience some degree of stress response to handling and restraint following capture, blood and tissue sampling, epibiont removal, and PIT/flipper tagging and satellite transponder attachment. We also expect many of these individuals to respond behaviorally by attempting to fight when initially captured, startle when blood sampled, biopsied, or tagged, and strongly swim away when released. We do not expect more than temporary displacement or removal of individuals for a period of hours from small areas as a result of the proposed actions. Individuals responding in such ways may temporarily cease feeding, breeding, resting, or otherwise disrupt vital activities. However, we do not expect that these disruptions will cause a measureable impact to any individual's growth or reproduction.

We expect all tagged individuals to experience additional physiological reactions associated with foreign body penetration into the muscle, including inflammation, scar tissue development, and/or a small amount of drag associated with the applied tags. We also do not expect any pathological responses to procedures that breach the skin. A small metabolic cost to individuals held for several hours will also occur. Responses here should be limited to wound healing that should not impair the survival, growth, or reproduction of any individual.

Overall, we do not expect any population to experience a fitness consequence as a result of the proposed actions and, by extension, do not expect species-level effects.

11 CONCLUSION

After reviewing the current status of the ESA-listed species, the environmental baseline within the action area, the effects of the proposed action, any effects of interrelated and interdependent actions, and cumulative effects, it is NMFS' biological opinion that the proposed actions are not likely to jeopardize the continued existence or recovery of the South Atlantic DPS green, hawksbill, or Northwest Atlantic DPS loggerhead sea turtles. Further, we do not expect the issuance of Permit No. 20315 to destroy or adversely modify any designated critical habitat.

12 INCIDENTAL TAKE STATEMENT

Section 9 of the ESA and Federal regulations pursuant to section 4(d) of the ESA prohibit the take of endangered and threatened species, respectively, without a special exemption. "Take" is defined as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in any such conduct. Harm is further defined by regulation to include significant habitat modification or degradation that results in death or injury to ESA-listed species by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering.

Harass is further defined as an act that "creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering" (NMFSPD 02-110-19).

Incidental take is defined as take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity. Section 7(b)(4) and section 7(o)(2) provide that taking that is incidental to an otherwise lawful agency action is not considered to be prohibited taking under the ESA if that action is performed in compliance with the terms and conditions of an incidental take statement.

All activities associated with the issuance of Permit No. 20315 involves directed take for the purposes of scientific research. Therefore, NMFS does not expect the proposed action would incidentally take threatened or endangered species such that an incidental take statement is not warranted.

13 CONSERVATION RECOMMENDATIONS

Section 7(a)(1) of the ESA directs Federal agencies to use their authorities to further the purposes of the ESA by carrying out conservation programs for the benefit of the threatened and endangered species. Conservation recommendations are discretionary agency activities to minimize or avoid adverse effects of a proposed action on ESA-listed species or critical habitat, to help implement recovery plans or develop information (50 C.F.R. §402.02).

The ESA Interagency Cooperation Division recommends that annual reports submitted to the Permits Division require detail on the exposure and response of listed individuals to permitted activities. The specific activities that each sea turtle is exposed should be identified. A minimum of general comments on response can be informative regarding methodological, population,

researcher-based responses in future consultations. The number and types of responses observed should be summarized and include responses of both target and non-target individuals. This will greatly aid in analyses of likely impacts of future activities.

The Permits Division should work with the sea turtle recovery team and the research community to develop protocols that would have sufficient power to determine the cumulative impacts (that is, includes the cumulative lethal, sub-lethal, and behavioral consequences) of existing levels of research on individuals populations of sea turtles. The Permits Division should review the annual reports and final reports submitted by researchers that have conducted research on sea turtles as well as any data and results that can be obtained from the permit holders. This should be used to estimate the numbers of sea turtles killed and harassed by these investigations, and how the harassment affects the life history of individual animals.

In order for the Office of Protected Resources, ESA Interagency Cooperation Division to be kept informed of actions minimizing or avoiding adverse effects on, or benefiting, ESA-listed species or their designated critical habitat, the Permits Division should notify the ESA Interagency Cooperation Division of any conservation recommendations they implement in their final action.

14 REINITIATION NOTICE

This concludes formal consultation for the Permits Division proposed issuance of Permit No. 20315. As 50 CFR 402.16 states, reinitiation of formal consultation is required where discretionary Federal agency involvement or control over the action has been retained (or is authorized by law) and if: (1) the amount or extent of incidental take is exceeded, (2) new information reveals effects of the agency action that may affect ESA-listed species or designated critical habitat in a manner or to an extent not considered in this opinion, (3) the agency action is subsequently modified in a manner that causes an effect to the ESA-listed species or designated critical habitat that was not considered in this opinion, or (4) a new species is ESA-listed or designated critical habitat designated that may be affected by the action.

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16 APPENDICES

16.1 Appendix A, Permit Terms and Conditions

Section 10(a)(1) of the ESA requires the prescription of terms and conditions as part of the scientific research permit. The Permits Division proposes to include the following terms and conditions in Permit No. 20315. The text below was taken directly from the proposed permit provided to us in the consultation initiation package.

The activities authorized herein must occur by the means, in the areas, and for the purposes set forth in the permit application, and as limited by the Terms and Conditions specified in this permit, including attachments and appendices. Permit noncompliance constitutes a violation and is grounds for permit modification, suspension, or revocation, and for enforcement action.

A. Duration of Permit

1. Personnel listed in Condition C.1 of this permit (hereinafter “Researchers”) may conduct activities authorized by this permit through August 31, 2022. This permit expires on the date indicated and is non-renewable. This permit may be extended by the Director, National Marine Fisheries Service (NMFS) Office of Protected Resources, pursuant to applicable regulations and the requirements of the ESA.
2. Researchers must immediately stop permitted activities and the Permit Holder must contact the Chief, NMFS Permits and Conservation Division (hereinafter “Permits Division”) for written permission to resume
 - a. If serious injury or mortality¹ of protected species occurs that specified in Table 1 of Appendix 1.
 - b. If authorized take² is exceeded in any of the following ways:

¹ This permit does not allow for unintentional serious injury and mortality caused by the presence or actions of researchers up to the limit in Table 1 of Appendix 1. This includes, but is not limited to: deaths resulting from infections related to sampling procedures or invasive tagging; and deaths or injuries sustained by animals during capture and handling, or while attempting to avoid researchers or escape capture.

² By regulation, a take under the MMPA means to harass, hunt, capture, collect, or kill, or attempt to harass, hunt, capture, collect, or kill any marine mammal. This includes, without limitation, any of the following: The collection of dead animals, or parts thereof; the restraint or detention of a marine mammal, no matter how temporary; tagging a marine mammal; the negligent or intentional operation of an aircraft or vessel, or the doing of any other negligent or intentional act which results in disturbing or molesting a marine mammal; and feeding or attempting to feed a marine mammal in the wild. Under the ESA, a take means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to do any of the preceding.

- i. More animals are taken than allowed in Table 1 of Appendix 1.
 - ii. Animals are taken in a manner not authorized by this permit.
 - iii. Protected species other than those authorized by this permit are taken.
 - c. Following incident reporting requirements at Condition E.2.
3. The Permit Holder may continue to possess biological samples³ acquired⁴ under this permit after permit expiration without additional written authorization, provided the samples are maintained as specified in this permit.

B. Number and Kind(s) of Protected Species, Location(s) and Manner of Taking

1. The table in Appendix 1 outlines the number of protected species, by species authorized to be taken, and the locations, manner, and time period in which they may be taken.
2. Researchers working under this permit may collect visual images (e.g., photographs, video) authorized in Appendix 1 as needed to document the permitted activities, provided the collection of such images does not result in takes.
3. The Permit Holder may use visual images and audio recordings collected under this permit, including those authorized in Table 1 of Appendix 1, in printed materials (including commercial or scientific publications) and presentations provided the images and recordings are accompanied by a statement indicating that the activity was conducted pursuant to NMFS ESA Permit No. 20315. This statement must accompany the images and recordings in all subsequent uses or sales.
4. The Chief, Permits Division may grant written approval for personnel performing activities not essential to achieving the research objectives (e.g., a documentary film crew) to be present, provided

³ Biological samples include, but are not limited to: carcasses (whole or parts); and any tissues, fluids, or other specimens from live or dead protected species; except feces, urine, and spew collected from the water or ground.

⁴ Authorized methods of sample acquisition are specified in Appendix 1.

- a. The Permit Holder submits a request to the Permits Division specifying the purpose and nature of the activity, location, approximate dates, and number and roles of individuals for which permission is sought.
 - b. Non-essential personnel/activities will not influence the conduct of permitted activities or result in takes of protected species.
 - c. Persons authorized to accompany the Researchers for the purpose of such non-essential activities will not be allowed to participate in the permitted activities.
 - d. The Permit Holder and Researchers do not require compensation from the individuals in return for allowing them to accompany Researchers.
5. Researchers must comply with the following conditions related to the manner of taking:
- a. Capture/Survey Methods
 1. Entanglement Netting
 1. Nets must be of large enough mesh size to diminish bycatch of other species.
 2. Highly visible buoys must be attached to the float line of each net and spaced at intervals of every 10 yards or less.
 3. Nets must be checked at intervals of less than 30 minutes, and more frequently whenever turtles or other organisms are observed in the net. If water temperatures are $\leq 10^{\circ}\text{C}$ or $\geq 30^{\circ}\text{C}$, nets must be checked at less than 20-minute intervals. "Net checking" is defined as a thorough check of the net either by snorkeling the net in clear water (entire net must be visible) or by pulling up on the top line such that the full depth of the net is viewed along the entire length. The intervals given are the maximum time between viewing any single point of the net (i.e., each point of the

net must be viewed every 30 or 20 minutes, depending on water temperature).

4. The surface float line of all nets must be observed at all times for movements that indicate an animal has encountered the net. When this occurs the net must be immediately and thoroughly checked.
5. Researchers must plan for unexpected circumstances or demands of the research activities and have the ability and resources to meet net checking requirements at all times (e.g., if one animal is very entangled and requires extra time and effort to remove from the net, researchers must have sufficient staff and resources to continue checking the rest of the net at the same time). Contingencies for inclement weather must be in place (e.g., if inclement weather is predicted that would prevent meeting the net checking requirements, the net must be removed in advance).
6. Marine Mammals: Nets must not be deployed when marine mammals are observed within the vicinity of the research; marine mammals must be allowed to either leave or pass through the area safely before net setting is initiated.
 - A. Should any marine mammals enter the research area after the nets have been deployed, the lead line must be raised and dropped in an attempt to make marine mammals in the vicinity aware of the net.
 - B. If marine mammals remain within the vicinity of the research area, nets must be removed.
 - C. If a marine mammal is entangled, Researchers must:
 1. Stop netting activities immediately.
 2. If the animal is alive, immediately free it from the net in a same manner (including cutting the net as necessary) and proceed to step D.

3. If the animal is dead, hold the carcass and follow the directions of the NMFS Regional Stranding Coordinator.
 4. Notify the appropriate NMFS Regional Stranding Coordinator within 8 hours (<http://www.nmfs.noaa.gov/pr/health/coordinators.htm>),
 5. Report the incident as specified in Condition E.2, and
 6. Suspend permitted activities until the NMFS Permits Division has granted approval to continue research per Condition E.2
7. Netting in Areas Where Fibropapilloma (FP) is Known to Occur: Nets used at sites where FP is known to occur must be thoroughly disinfected prior to use in areas where FP is either not known to be present, is considered uncommon, or where there is limited or no information on FP prevalence. Nets must be disinfected using a broadcidal solution and the product-recommended contact time or by thoroughly drying nets in sunlight to inactivate FP-associated herpes virus.
- b. General Handling, Resuscitation, and Release
1. Researchers must
 - a. Handle turtles according to procedures specified in 50 CFR 223.206(d)(1)(i). Use care when handling live animals to minimize any possible injury.
 - b. Use appropriate resuscitation techniques on any comatose turtle prior to returning it to the water.
 - c. When possible, transfer injured, compromised, or comatose animals to rehabilitation facilities and allow them an appropriate period of recovery before return to the wild.
 - d. Have an experienced veterinarian, veterinary technician, or

rehabilitation facility (i.e., medical personnel) on call for emergencies.

2. If an animal becomes highly stressed, injured, or comatose during capture or handling or is found to be compromised upon capture, Researchers must forego or cease activities that will further significantly stress the animal (erring on the side of caution) and contact the on call medical personnel as soon as possible. Compromised turtles include animals that are obviously weak, lethargic, positively buoyant, emaciated, or that have severe injuries or other abnormalities resulting in debilitation. One of the following options must be implemented (in order of preference):
 - a. Based on the instructions of the veterinarian, if necessary, immediately transfer the animal to the veterinarian or to a rehabilitation facility to receive veterinary care.
 - b. If medical personnel cannot be reached at sea, the Permit Holder should err on the side of caution and bring the animal to shore for medical evaluation and rehabilitation as soon as possible.
 - c. If the animal cannot be taken to a rehabilitation center due to logistical or safety constraints, allow it to recuperate as conditions dictate, and return the animal to the sea.
3. In addition to Condition A.2, the Permit Holder is responsible for following the status of any sea turtle transported to rehab as a result of permitted activities and reporting the final disposition (death, permanent injury, recovery and return to wild, etc.) of the animal to the Chief, Permits Division.
4. While holding sea turtles, Researchers must
 - a. Protect sea turtles from temperature extremes (ideal air temperature range is between 70°F and 80°F).
 - b. Provide adequate air flow.
 - c. Keep sea turtles moist when the temperature is $\geq 75^\circ\text{F}$.
 - d. Keep the area surrounding the turtle free of materials that could be accidentally ingested.

5. During release, turtles must be lowered as close to the water's surface as possible to prevent injury.
6. Researchers must carefully monitor newly released turtles' apparent ability to swim and dive in a normal manner. If a turtle is not behaving normally within one hour of release, the turtle must be recaptured and taken to a rehabilitation facility.

c. Handling, Measuring, Weighing, PIT and Flipper Tagging

1. Refer to Attachment 2 for more information on the requirements for handling and sampling sea turtles.
2. Researchers must
 - a. Clean and disinfect all equipment (tagging equipment, tape measures, etc.) and surfaces that comes in contact with sea turtles between the processing of each turtle.
 - b. Maintain a designated set of instruments for use on turtles with fibropapillomatosis. Items that come into contact with sea turtles with fibropapillomas should not be used on turtles without tumors. All measures possible should be exercised to minimize exposure and cross-contamination between affected turtles and those without apparent disease, including use of disposable gloves and thorough disinfection of equipment and surfaces. Appropriate disinfectants include 10% bleach and other viricidal solutions with proven efficacy against herpes viruses.
 - c. Examine turtles for existing flipper and PIT tags before attaching or inserting new ones. If existing tags are found, the tag identification numbers must be recorded. Researchers must have PIT tag readers capable of reading 125, 128, 134.2, and 400 kHz tags.
 - d. Clean and disinfect
 - i. flipper tags (e.g., to remove oil residue) before use;
 - ii. tag applicators, including the tag injector handle, between sea turtles; and

- iii. the application site before the tag pierces the animal's skin.

3. PIT Tagging

- i. Use new, sterile tag applicators (needles) each time.
- ii. The application site must be cleaned and then scrubbed with two replicates of a medical disinfectant solution (e.g., Betadine, Chlorhexidine) followed by 70% isopropyl alcohol before the applicator pierces the animal's skin. If it has been exposed to fluids from another animal, the injector handle must be disinfected between animals.

4. Marking the Carapace

- i. Researchers must use non-toxic paints or markers that do not generate heat or contain xylene or toluene.
- ii. Markings should be easily legible using the least amount of paint or media necessary to re-identify the animal.

d. Biological Sampling

1. Blood sampling

- a. Blood samples must be directly taken by or supervised by experienced personnel.
- b. New disposable needles must be used on each animal.
- c. Collection sites must be thoroughly cleaned prior to sampling using Chlorhexidine-alcohol solution or betadine followed by 70% alcohol. Two (2) applications of alcohol may be used if disinfectant solutions may affect intended analyses.
- d. Samples must not be taken if an animal cannot be adequately immobilized for blood sampling or conditions on the boat preclude the safety and health of the turtle.

- e. Attempts (needle insertions) to extract blood from the neck must be limited to a total of four, two on either side. Best practices must be followed, including retraction of the needle to the level of the subcutis prior to redirection to avoid lacerating vessels and causing other unnecessary soft tissue injury.
- f. Blood Volume Limits
 - i. *Sample volume.* The volume of blood withdrawn must be the minimal volume necessary to complete permitted activities. A single sample must not exceed 3 ml per 1 kg of animal.
 - ii. *Sampling period.* Cumulative blood volume taken from a single turtle must not exceed the maximum safe limit described above within a 45-day period. If more than 50% of the maximum safe limit is taken, in a single event or cumulatively from repeat sampling events, from a single turtle within a 45-day period that turtle must not be re-sampled for 3 months from the last blood sampling event.
 - iii. *Research coordination.* Researchers must, to the maximum extent practicable, attempt to determine if any of the turtles they blood sample may have been sampled within the past 3 months or will be sampled within the next 3 months by other researchers. The Permit Holder must make efforts to contact other researchers working in the area that could capture the same turtles to ensure that none of the above limits are exceeded.
 - iv. *Turtles weighing 1 kg or less.* A single sample must not exceed 6% of total blood volume. Total blood volume is estimated as 7% of total body weight. If additional samples are to be taken in less than two months on the same turtle, sample size must not exceed 3 ml per 1 kg of turtle.

2. Biopsy Sampling

- a. A new biopsy punch must be used on each turtle.
- b. Turtles brought on-board the vessel for sampling: Aseptic techniques must be used at all times. Samples must be collected from the trailing edge of a flipper if possible and practical (preference should be given to a rear flipper if practical). At a minimum, the tissue surface must be thoroughly swabbed with a medical disinfectant solution (*e.g.*, Betadine, Chlorhexidine) followed by alcohol before sampling. The procedure area and Researchers' hands must be clean.
- c. If it can be easily determined (through markings, tag number, etc.) that a sea turtle has been recaptured and has been already sampled under this permit, no additional biopsy samples may be collected from the animal during the same permit year.

3. Gastric Lavage

The washing must not exceed three minutes.

Once the samples have been collected, water must be turned off and water and food allowed to drain until all flow has stopped. The posterior of the turtles must be elevated slightly to assist in drainage.

Researchers must thoroughly clean equipment prior to disinfection (viruses can remain protected in organic matter, the disinfectant can't get to them if they're protected in this matter).

A separate set of equipment must be used for infected and non-infected animals.

4. Fecal Sampling. Turtles must be larger than 50 cm SCL for digital extraction of feces.

e. Instrument Attachments

1. Up to 3 transmitters (one satellite and one sonic tag) may be placed on an animal at one time where authorized in Table 1.
2. TDRs, acoustic or satellite tags, and crittercams:

Total combined weight of all transmitter attachments and media must not exceed 5% of the animal's body mass.

Each attachment must be made so that there is minimal risk of entanglement. The transmitter attachment must contain a weak link (where appropriate) or have no gap between the transmitter and the turtle that could result in entanglement. The lanyard length (if used) must be less than half of the turtle's carapace length. It must include a corrosive, breakaway link that will release the unit after its battery life.

Transmitters must not be placed at the peak height of the carapace whenever possible.

Researchers must make attachments as hydrodynamic as possible.

e. Adequate ventilation around the head of the turtle must be provided during the attachment of transmitters if attachment materials produce fumes. Turtles must not be held in water during application to prevent skin or eye contact with harmful chemicals.

f. When drilling through marginal scutes (hard shelled) or medial ridge, procedures must follow aseptic techniques with two alternating applications of medical disinfectant (e.g., Betadine, Chlorhexidine) followed by 70% alcohol. A separate drill bit must be used for each turtle. Bits may be reused if sterilized by autoclave or cold sterilization (e.g., gluteraldehyde) before reuse.

6. Transfer of Sea Turtle Biological Samples

1. Samples may be sent to the Authorized Recipients listed in Appendix 2 provided that
 - i. The analysis or curation is related to the research objectives of this permit.
 - ii. A copy of this permit accompanies the samples during transport and remains on site during analysis or curation.
2. Samples remain in the legal custody of the Permit Holder while in the possession of Authorized Recipients.
3. The transfer of biological samples to anyone other than the Authorized Recipients in Appendix 2 requires written approval from the Chief, Permits Division.
4. Samples cannot be bought or sold.

7. Non-Target Species

1. Bycatch: All incidentally captured species (e.g., fishes) must be released alive as soon as possible.
 - a. Manatees: See Appendix 3 for conditions.
2. Submerged Aquatic Vegetation (SAV; e.g., seagrass), Coral Communities, Hard and Live Bottom Habitat
 - a. Researchers must take all practicable steps including the use of charts, GIS, sonar, fish finders, or other electronic devices to determine characteristics and suitability of bottom habitat prior to using gear to identify SAV, coral communities, and live/hard bottom habitats and avoid setting gear in such areas.
 - b. No gear may be set, anchored on, or pulled across SAV, coral or hard/live bottom habitats.

- c. If research gear is lost, diligent efforts would be made to recover the lost gear to avoid further damage to benthic habitat and impacts related to “ghost fishing.”
- d. *Other seagrass species.* Researchers must avoid conducting research over, on, or immediately adjacent to any non-listed seagrass species. If these non-listed species cannot be avoided, then the following avoidance/minimization measures must be implemented:
 - i. To reduce the potential for seagrass damage, anchors must be set by hand when water visibility is acceptable. Anchors must be placed in unvegetated areas within seagrass meadows or areas having relatively sparse vegetation coverage. Anchor removal must be conducted in a manner that would avoid the dragging of anchors and anchor chains.
 - ii. Researchers must take great care to avoid damaging any seagrass species and if the potential for anchor or net drag is evident researchers must suspend research activities immediately.
 - iii. Researchers must be careful not to tread or trample on seagrass and coral reef habitat.

C. Qualifications, Responsibilities, and Designation of Personnel

1. At the discretion of the Permit Holder, the following Researchers may participate in the conduct of the permitted activities in accordance with their qualifications and the limitations specified herein:
 - a. Principal Investigator – Kristen Hart
 - b. Co-Investigator(s) – See Appendix 2 for list of names and corresponding activities.
 - c. Research Assistants – personnel identified by the Permit Holder or Principal Investigator and qualified to act pursuant to Conditions C.2, C.3, and C.4 of this permit.

2. Individuals conducting permitted activities must possess qualifications commensurate with their roles and responsibilities. The roles and responsibilities of personnel operating under this permit are as follows:
 - a. The Permit Holder is ultimately responsible for activities of individuals operating under the authority of this permit.
 - b. The Principal Investigator (PI) is the individual primarily responsible for the taking, import, export and related activities conducted under the permit. This includes coordination of field activities of all personnel working under the permit. The PI must be on site during activities conducted under this permit unless a Co-Investigator named in Condition C.1 is present to act in place of the PI.
 - c. Co-Investigators (CIs) are individuals who are qualified to conduct activities authorized by the permit, for the objectives described in the application, without the on-site supervision of the PI. CIs assume the role and responsibility of the PI in the PI's absence.
 - d. Research Assistants (RAs) are individuals who work under the direct and on-site supervision of the PI or a CI. RAs cannot conduct permitted activities in the absence of the PI or a CI.
3. Personnel involved in permitted activities must be reasonable in number and essential to conduct of the permitted activities. Essential personnel are limited to
 - a. individuals who perform a function directly supportive of and necessary to the permitted activity (including operation of vessels or aircraft essential to conduct the activity),
 - b. individuals included as backup for those personnel essential to the conduct of the permitted activity, and

- c. individuals included for training purposes.
4. Persons who require state or Federal licenses or authorizations (e.g., veterinarians, pilots – including UAS operators) to conduct activities under the permit must be duly licensed/authorized and follow all applicable requirements when undertaking such activities.
5. Permitted activities may be conducted aboard vessels or aircraft, or in cooperation with individuals or organizations, engaged in commercial activities, provided the commercial activities are not conducted simultaneously with the permitted activities, except with written approval pursuant to Condition B.4.
6. The Permit Holder cannot require or receive direct or indirect compensation from a person approved to act as PI, CI, or RA under this permit in return for requesting such approval from the Permits Division.
7. The Permit Holder may add CIs by submitting a request to the Chief, Permits Division that includes a description of the individual's qualifications to conduct and oversee the activities authorized under this permit. If a CI will only be responsible for a subset of permitted activities, the request must also specify the activities for which they would provide oversight.
8. Submit requests to add CIs or change the PI by one of the following:
 - a. the online system at <https://apps.nmfs.noaa.gov>;
 - b. an email attachment to the permit analyst for this permit; or
 - c. a hard copy mailed or faxed to the Chief, Permits Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)427-8401; fax (301)713-0376.

D. Possession of Permit

1. This permit cannot be transferred or assigned to any other person.
2. The Permit Holder and persons operating under the authority of this permit must possess a copy of this permit when
 - a. Engaged in a permitted activity.

- b. A protected species is in transit incidental to a permitted activity.
 - c. A protected species taken under the permit is in the possession of such persons.
3. A duplicate copy of this permit must accompany or be attached to the container, package, enclosure, or other means of containment in which a protected species or protected species part is placed for purposes of storage, transit, supervision or care.

E. Reporting

1. The Permit Holder must submit incident, annual, and final reports containing the information and in the format specified by the Permits Division.
 - a. Reports must be submitted to the Permits Division by one of the following:
 - i. the online system at <https://apps.nmfs.noaa.gov>;
 - ii. an email attachment to the permit analyst for this permit; or
 - iii. a hard copy mailed or faxed to the Chief, Permits Division.
 - b. You must contact your permit analyst for a reporting form if you do not submit reports through the online system.
2. Incident Reporting
 - a. If the total number of mortalities is reached, or authorized takes have been exceeded as specified in Condition A.2 the Permit Holder must
 - i. Contact the Permits Division by phone (301-427-8401) as soon as possible, but no later than 2 business days of the incident;
 - ii. Submit a written report within 2 weeks of the incident as specified below; and
 - iii. Receive approval from the Permits Division before resuming work. The Permits Division may grant authorization to resume permitted activities based on review of the incident report and in consideration of the Terms and Conditions of this permit.

- b. Any time a serious injury or mortality of a protected species occurs, a written report must be submitted within two weeks.
 - c. The incident report must include (1) a complete description of the events and (2) identification of steps that will be taken to reduce the potential for additional serious injury and research-related mortality or exceeding authorized take.
 3. Annual reports describing activities conducted during the previous permit year (from August xx to August xx) must
 - a. be submitted by November xx each year for which the permit is valid, and
 - b. include a tabular accounting of takes and a narrative description of activities and effects.
 4. A final report summarizing activities over the life of the permit must be submitted by (February xx, 2023), or, if the research concludes prior to permit expiration, within 180 days of completion of the research.
 5. Research results must be published or otherwise made available to the scientific community in a reasonable period of time. Copies of technical reports, conference abstracts, papers, or publications resulting from permitted research must be submitted the Permits Division.

F. Notification and Coordination

1. NMFS Regional Offices are responsible for ensuring coordination of the timing and location of all research activities in their areas to minimize unnecessary duplication, harassment, or other adverse impacts from multiple researchers.
2. The Permit Holder must ensure written notification of planned field work for each project is provided to the NMFS Regional Office listed below at least two weeks prior to initiation of each field trip/season.
 - a. Notification must include the

- i. locations of the intended field study and/or survey routes;
 - ii. estimated dates of activities; and
 - iii. number and roles of participants (for example: PI, CI, veterinarian, boat driver, safety diver, animal restrainer, Research Assistant “in training”).
 - b. Notification must be sent to the following Assistant Regional Administrator for Protected Resources:

[Southeast Region](#), NMFS, 263 13th Ave South, St. Petersburg, FL 33701; phone (727)824-5312; fax (727)824-5309

[Email \(preferred\): nmfs.ser.research.notification@noaa.gov](mailto:nmfs.ser.research.notification@noaa.gov)
3. Researchers must coordinate their activities with other permitted researchers to avoid unnecessary disturbance of animals or duplication of efforts. Contact the Regional Office listed above for information about coordinating with other Permit Holders.

G. Observers and Inspections

1. NMFS may review activities conducted under this permit. At the request of NMFS, the Permit Holder must cooperate with any such review by
 - a. allowing an employee of NOAA or other person designated by the Director, NMFS Office of Protected Resources to observe permitted activities; and
 - b. providing all documents or other information relating to the permitted activities.

H. Modification, Suspension, and Revocation

1. Permits are subject to suspension, revocation, modification, and denial in accordance with the provisions of subpart D [Permit Sanctions and Denials] of 15 CFR part 904.

2. The Director, NMFS Office of Protected Resources may modify, suspend, or revoke this permit in whole or in part
 - a. in order to make the permit consistent with a change made after the date of permit issuance with respect to applicable regulations prescribed under Section 4 of the ESA;
 - b. in a case in which a violation of the terms and conditions of the permit is found;
 - c. in response to a written request⁵ from the Permit Holder;
 - d. if NMFS determines that the application or other information pertaining to the permitted activities (including, but not limited to, reports pursuant to Section E of this permit and information provided to NOAA personnel pursuant to Section G of this permit) includes false information; and
 - e. if NMFS determines that the authorized activities will operate to the disadvantage of threatened or endangered species or are otherwise no longer consistent with the purposes and policy in Section 2 of the ESA.
3. Issuance of this permit does not guarantee or imply that NMFS will issue or approve subsequent permits or amendments for the same or similar activities requested by the Permit Holder, including those of a continuing nature.

I. Penalties and Permit Sanctions

1. A person who violates a provision of this permit, the ESA, or the regulations at 50 CFR 222-226 is subject to civil and criminal penalties, permit sanctions, and forfeiture as authorized under the ESA, and 15 CFR Part 904.

⁵ The Permit Holder may request changes to the permit related to: the objectives or purposes of the permitted activities; the species or number of animals taken; and the location, time, or manner of taking or importing protected species. Such requests must be submitted in writing to the Permits Division in the format specified in the application instructions.

2. The NMFS Office of Protected Resources shall be the sole arbiter of whether a given activity is within the scope and bounds of the authorization granted in this permit.
 - a. The Permit Holder must contact the Permits Division for verification before conducting the activity if they are unsure whether an activity is within the scope of the permit.
 - b. Failure to verify, where the NMFS Office of Protected Resources subsequently determines that an activity was outside the scope of the permit, may be used as evidence of a violation of the permit, the ESA, and applicable regulations in any enforcement actions.

J. Acceptance of Permit

1. In signing this permit, the Permit Holder
 - a. agrees to abide by all terms and conditions set forth in the permit, all restrictions and relevant regulations under 50 CFR Parts 222-226, and all restrictions and requirements under the ESA;
 - b. acknowledges that the authority to conduct certain activities specified in the permit is conditional and subject to authorization by the Office Director; and
 - c. acknowledges that this permit does not relieve the Permit Holder of the responsibility to obtain any other permits, or comply with any other Federal, State, local, or international laws or regulations.

Appendix 1: Authorized Annual Takes of Adult, Subadult, and Juvenile Sea Turtles in waters of the USVI, including Buck Island Reef NM, Virgin Islands Coral Reef NM, and Virgin Islands NP.

| Species | Listing Unit | No. of Animals per Year | Takes Per Animal | Take Action | Observe/Collect Method | Procedures | Details |
|-----------------------|------------------------------|-------------------------|------------------|------------------------|------------------------|---|--|
| Turtle, green sea | Range-wide (NMFS Threatened) | 140 | 2 | Capture/Handle/Release | Hand and/or Dip Net | Count/survey; Epibiota removal; Lavage; Mark, carapace (temporary); Mark, flipper tag; Mark, PIT tag; Measure; Photograph/Video; Recapture; Sample, blood; Sample, fecal; Sample, tissue; Weigh | Capture by hand, rodeo, or dip, tangle or cast net |
| | | 20 | 2 | | | Count/survey; Epibiota removal; <u>Instrument, drill carapace attachment; Instrument, epoxy attachment (e.g., satellite tag, VHF tag);</u> Lavage; Mark, carapace (temporary); Mark, flipper tag; Mark, PIT tag; Measure; Photograph/Video; Recapture (gear removal); Sample, blood; Sample, fecal; Sample, tissue; Tracking; Weigh | Capture by hand, rodeo, or dip, tangle or cast net; No more than 3 transmitters on an animal at one time. |
| Turtle, hawksbill sea | Range-wide (NMFS Endangered) | 160 | 2 | Capture/Handle/Release | Hand and/or Dip Net | Count/survey; Epibiota removal; Lavage; Mark, carapace (temporary); Mark, flipper tag; Mark, PIT tag; Measure; Photograph/Video; Recapture ; Sample, blood; Sample, fecal; Sample, tissue; Weigh | Capture by hand, rodeo, or dip, tangle or cast net |

| Species | Listing Unit | No. of Animals per Year | Takes Per Animal | Take Action | Observe/Collect Method | Procedures | Details |
|------------------------|------------------------------|-------------------------|------------------|------------------------|------------------------|---|--|
| | | 30 | 2 | | | Count/survey; Epibiota removal; <u>Instrument, drill carapace attachment; Instrument, epoxy attachment (e.g., satellite tag, VHF tag);</u> Lavage; Mark, carapace (temporary); Mark, flipper tag; Mark, PIT tag; Measure; Photograph/Video; Recapture (gear removal); Sample, blood; Sample, fecal; Sample, tissue; Tracking; Weigh | Capture by hand, rodeo, or dip, tangle or cast net; No more than 3 transmitters on an animal at one time. |
| Turtle, loggerhead sea | Range-wide (NMFS Threatened) | 10 | 2 | Capture/Handle/Release | Hand and/or Dip Net | Count/survey; Epibiota removal; <u>Instrument, drill carapace attachment; Instrument, epoxy attachment (e.g., satellite tag, VHF tag);</u> Lavage; Mark, carapace (temporary); Mark, flipper tag; Mark, PIT tag; Measure; Photograph/Video; Recapture (gear removal); Sample, blood; Sample, fecal; Sample, tissue; Tracking; Weigh | Capture by hand, rodeo, or dip, tangle or cast net; No more than 3 transmitters on an animal at one time. |

Appendix 2: NMFS-Approved Personnel and Authorized Recipients for Permit No. 20315.

The following individuals are approved to act as Co-Investigators pursuant to the terms and conditions under Section C (Qualifications, Responsibilities, and Designation of Personnel) of this permit.

| Name of Co-Investigator | Activities |
|-------------------------|-------------------------|
| Michael Cherkiss | All research activities |
| Andrew Crowder | All research activities |
| Clayton Gene Pollock | All research activities |
| Thomas Selby | All research activities |

Biological samples authorized for collection or acquisition in Table 1 of Appendix 1 may be transferred to the following Authorized Recipients for the specified disposition, consistent with Condition B.6 of the permit:

| Authorized Recipient | Sample Type | Disposition |
|---|---------------|---|
| Brian Shamblin, Ph.D., Warnell School of Forestry and Natural Resources, University of Georgia, Athens, Georgia | Extracted DNA | Curation of remaining samples |
| Hannah Vander Zanden, Archie Carr Center for Sea Turtle Research, University of Florida, Gainesville, Florida | Tissue | Isotope analysis (samples consumed in analysis) |

Attachment 2: Requirements for Handling and Sampling Sea Turtles

Conditions have been included in the permit for research procedures that involve the handling and sampling of sea turtles. These conditions include requirements provided by a suite of expert veterinarians to minimize and mitigate potential impacts to the study animals. This information is being provided to help understand the permit requirements and standard veterinary protocols for sea turtles.

I. Permit requirements for antiseptic practices and research techniques

Measures required to minimize risk of infection and cross-contamination between individuals generally fall under the categories of clean, aseptic, and sterile techniques. Clean technique applies to noninvasive procedures that result in contact with skin or mucous membranes. Aseptic technique is used for brief, invasive procedures that result in any degree of internal contact, e.g. drawing blood. Sterile technique applies to longer invasive procedures, such as laparoscopy or surgery. Reusable instruments for procedures requiring aseptic or sterile technique should be sterilized by standard autoclave or cold sterilization procedures. Instruments that do not have internal contact, e.g. tagging pliers and PIT tag applicators, should be disinfected using a broadcidal solution and the product-recommended contact time between individuals.

Clean technique:

1. Routine hand washing or use of non-sterile disposable gloves.
2. Cleaning and disinfection of equipment between individuals.

Aseptic technique:

1. Disinfection of hands or use of new non-sterile disposable gloves (preferred)
2. Disinfection of the turtle's skin using a surgical scrub (e.g. betadine scrub or chlorhexidine gluconate)† followed by application of 70% alcohol (isopropyl or ethanol) (minimum requirement).*
3. Clean work area.
4. Use of sterile instruments or new disposable items (e.g. needles and punch biopsies) between individuals.

† Alcohol alone may be used in lieu of surgical scrub if necessary to avoid interference with research objectives, e.g. isotopic analysis.

* Multiple applications and scrubbing should be used to achieve thorough cleansing of the procedure site as necessary. A minimum of two alternating applications of surgical scrub and alcohol are to be used for PIT tag application sites and drilling into the carapace, due to potential increased risk of infection.

Sterile technique:

1. To be conducted in accordance with approved veterinary protocol that considers analgesia/anesthesia, use of antimicrobials, anticipated risks and response measures, and exclusionary criteria for animal candidacy.
2. Direct veterinary attendance
3. Disinfection of hands and use of sterile disposable gloves
4. Dedicated site (surgery room) or work area modified to reduce contamination
5. Surgical preparation of skin
6. Sterile instruments

| Research Procedure | Required Technique |
|--|---|
| Handling, gastric lavage, and cloacal lavage | Clean technique |
| Tissue sampling (biopsy punch or comparable) | Aseptic technique |
| Blood sampling | Aseptic technique |
| PIT tagging | Aseptic technique; 2 applications of surgical scrub and alcohol |
| Flipper tagging | Aseptic technique |
| Carapace drilling for instrument attachment or bone biopsy | Aseptic technique; 2 applications of surgical scrub and alcohol |
| Bone biopsy (other than carapace) | Sterile |
| Laparoscopy (+/- biopsy) | Sterile |
| Large skin, muscle, fat biopsy, other tissue biopsy | Sterile |

II. Minimum requirements for pain management and field techniques

Procedures used for sea turtle research include those anticipated to cause short term pain or distress, such as tagging, as well more invasive procedures where relatively longer periods of pain or discomfort may result. The minimum requirements below consider animal welfare and relative benefits and risks of different modes of pain management under field and laboratory conditions. Additional measures are encouraged whenever possible, including sedation or anesthesia for invasive procedures, e.g. laparoscopy, when release does not immediately follow the procedure and full recovery can be assessed.

| Research Procedure | Minimum Requirement |
|----------------------------------|----------------------------|
| Tissue sampling (biopsy punch or | None |

| | | |
|--|--|--|
| comparable) | | |
| Blood sampling | | None |
| PIT tagging | | Local anesthetic if <30 cm SCL |
| Flipper tagging | | None |
| Carapace drilling for instrument attachment or bone biopsy | | Systemic analgesic |
| Bone biopsy (other than carapace) | | Local anesthetic and systemic analgesic |
| Laparoscopy | | Local anesthetic and systemic analgesic |
| Laparoscopy biopsy | | Local anesthetic, sedation, and systemic analgesic |
| Large skin, muscle, fat biopsy, other tissue biopsy | | Local anesthetic and systemic analgesic |

Appendix 3: Manatee Conditions Provided by the U.S. Fish and Wildlife Service

Standard Conditions for Netting in Manatee Habitat

Permittees engaged in netting activities in manatee habitat shall comply with the following conditions to protect manatees during project-related activities:

1. All project personnel shall be informed that manatees may be found in the project area and that there are civil and criminal penalties for harming, harassing, and/or killing manatees which are protected under the Federal Marine Mammal Protection Act, the Endangered Species Act, and other Federal, State, and Commonwealth laws and regulations.
2. Boat operators must avoid collisions with manatees through prudent seamanship and by adhering to Federal, State, and Commonwealth measures to prevent collisions with manatees, including Permit Conditions 3.(c) and 4.(a) below. In Florida, information about Federal and State manatee speed zones can be found at:

<http://myfwc.com/wildlifehabitats/managed/manatee/protection-zones/>

3. Project personnel shall take steps to avoid the accidental capture of manatees in nets and associated gear. These steps shall include:
 - a. Restricting netting activities to between one-half hour after sunrise and one-half hour before

- sunset.
- b. Monitoring netting sites for at least 15 minutes before deploying gear to ensure that manatees are not in the action area. Manatees must be allowed to leave or pass through the area safely before setting any nets. Animals must not be herded away or harassed into leaving.
 - c. Having at least one experienced, dedicated observer watching for manatees during project-related activities and ensuring that all personnel are alert to the presence of manatees. Personnel should be encouraged to use sunglasses with polarized lenses to improve the likelihood of seeing manatees on and below the water's surface.
 - d. Monitoring nets and float lines constantly. Stopping all active netting, including vessel movements, when a manatee(s) comes within 100 feet of the action area. Activities may resume when the manatee(s) has moved 100 feet from the area or when it's been 30 minutes since the animal(s) was last seen.
 - e. Maintaining gear to minimize the likelihood of entangling manatees. Gear-related lines and ropes must be kept taut and free of kinks and knots. Stiff line or cable should be strung across the mouths of hoop and funnel nets at a perpendicular angle (to form an "X") to prevent manatees from entering these nets.
4. If a manatee is accidentally captured:
- a. Immediately discontinue netting operations and turn off or idle boat motors.
 - b. Verify that the animal is entangled in your gear. Manatees occasionally appear in netting operations but are not entangled; they may also test or push against nets without entanglement.
 - c. For manatees entangled in gear, these animals are under duress and are known to injure people and damage nets and other gear. Project personnel should exercise extreme caution when in the presence of captured animals.
 - d. Monitor the manatee's breathing and behavior to assess its condition. Healthy animals surface to breathe about once every four minutes. Entangling nets, float lines, and other gear should be kept loose enough to allow animals to surface and breathe.
 - e. If a manatee's breathing pattern or behavior suggests that the animal is unduly stressed, stop any activities causing or contributing to the animal's distress.
 - f. All options for safely and expeditiously removing an animal from entangling gear shall be identified and considered. If it is determined that the animal can be removed without significant risk to human safety, detailed plans, including safety measures, shall be described

- to project personnel prior to rescuing the animal.
- g. When handling an entangled manatee, the animal's powerful tail should be avoided. Personnel handling entangling gear should avoid getting fingers, arms, legs, etc., caught in gear. Personal belongings that could entangle in gear (loose clothing, wrist watches, jewelry, etc.) should be removed prior to handling entangled animals and gear.
 - h. In the case of animals that are not seriously entangled, plans should consider releasing tension on entangling gear to enable an animal to free itself. For more seriously entangled manatees, plans will likely include pulling, unwrapping, cutting, etc., entangling gear from the animal's head, trunk, tail, and/or flippers.
 - i. If a manatee is entangled in a seine net, the best course of action is to stop and open the set, creating as large a window as possible for the manatee to swim out of. If the net set has been completed, one end of the net should be released and a window in the net circumference should be opened to allow the manatee to swim out.
 - j. If in the opinion of project personnel the manatee cannot be rescued without significant risk to human safety, authorized stranding responders shall be contacted for assistance. In Florida, the Florida Fish and Wildlife Conservation Commission's Wildlife Alert dispatcher shall be called for assistance. (See "To Report Accidental Manatee Captures" for contact information).
 - k. In the event that stranding responders assist with a rescue, project personnel shall aid and support responders as directed to safely and expeditiously rescue the animal.
 - l. All accidental manatee captures shall be reported immediately to State or Commonwealth wildlife officials. In Florida, the Florida Fish and Wildlife Conservation Commission's Wildlife Alert dispatcher must be notified. Within 24 hours of an accidental manatee capture, captures must also be reported to manatee staff at the USFWS's North Florida Ecological Services Office, the local USFWS ecological services office (if different), and to the Chief of Permits, NMFS, Permits and Conservation Division. (See "To Report Accidental Manatee Captures" for contact information.)
 - m. Within 30-days of an accidental capture, the permittee shall submit a written report to manatee staff at the USFWS's North Florida Ecological Services Office, the local USFWS ecological services office (if different), and to the Chief of Permits, NMFS, Permits and Conservation Division describing the circumstances and gear that led to the capture of the manatee, the condition of the animal, steps taken to rescue the animal, and any recommendations to prevent and minimize any future entanglements.
5. In the event an accidental capture results in injury to or the death of a manatee:

- a. Project activities must stop and State or Commonwealth wildlife officials must be contacted immediately. In Florida, the Florida Fish and Wildlife Conservation Commission's Wildlife Alert dispatcher must be notified. (See "To Report Accidental Manatee Captures" for contact information).
 - b. Authorized stranding responders shall be asked to provide aid to injured animals and, in the event of a death, to salvage the carcass.
 - c. Injured animals shall be treated by a licensed and experienced veterinarian or by experienced animal care staff working in consultation with a licensed and experienced veterinarian.
 - d. In the event of a death, a necropsy should be performed by a qualified veterinarian or by persons experienced in marine mammal necropsies to evaluate the cause of death. In Florida, manatee necropsies are conducted by the State's Marine Mammal Pathobiology Laboratory.
 - e. Within 24 hours of a manatee injury or death, the event must be reported to manatee staff at the USFWS's North Florida Ecological Services Office, the local USFWS ecological services office (if different), and to the Chief of Permits, NMFS, Permits and Conservation Division.
 - f. Within 30-days of an injury or death, the permittee shall submit a written report to the USFWS and NMFS describing the circumstances and gear that led to the injury or death of the manatee and the steps taken to rescue the animal. The report shall include information from attending responders, veterinarian(s) and/or staff and shall include descriptions of injuries and trauma, likely causes of injuries, trauma, or death, and any recommendations to minimize future injuries or death.
6. USFWS, in consultation with NMFS and other appropriate authorities (including State or Commonwealth officials) and individuals, will review all event-related information and will recommend to NMFS if, in USFWS' opinion, the project should be authorized to continue as permitted, continue with modifications necessary to prevent additional injuries or deaths from occurring, or if permit revocation procedures should be initiated.