

Permit No.: 21293

Expiration Date: December 11, 2035

PERMIT TO INCIDENTALLY TAKE ENDANGERED/THREATENED SPECIES

I. AUTHORIZATION

Mr. Jack Rudloe, Gulf Specimen Marine Laboratories, Inc. (GSML) is hereby authorized to incidentally take the endangered and threatened sea turtles and the threatened Gulf sturgeon specified below while conducting trawling activities in the Florida state waters of Gulf, Franklin and Wakulla Counties in the manner specified in the Permit Holder's February 4, 2016 application and supporting documents and communications, subject to the provisions of Section 10(a)1(B) of the Endangered Species Act of 1973 (ESA) (16 U.S.C. §§ 1531-1543), the National Marine Fisheries Service (NMFS) regulations governing listed species permits (50 CFR Parts 222 and 223), and the conditions hereinafter set forth.

II. ABSTRACT

On February 4, 2016, GSML applied for an incidental take permit (ITP) for ESA-listed sea turtles associated with otherwise lawful trawling activities in Florida state waters of Gulf, Franklin, and Wakulla Counties. On April 12, 2017, the National Marine Fisheries Service (NMFS) published a notice of receipt of GSML's application (ITP 21293) in the Federal Register (82 FR 17638). The comment period ended on May 12, 2017.

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

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

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

Conservation Plan

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

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

III. INCIDENTAL TAKE AUTHORIZATION

Listed Species Affected:

Endangered

Leatherback turtle

Dermochelys coriacea

Green turtle (North Atlantic Distinct Population Segment)

Chelonia mydas

Kemp's ridley turtle

Lepidochelys kempii

Threatened

Loggerhead turtle (Northwest Atlantic Ocean Distinct Population Segment)

Caretta caretta

Gulf Sturgeon

Acipenser oxyrinchus desotoi

NMFS authorizes, for the entire life of the ITP, an **incidental take of up to a total of 6 sea turtles, all live, in any combination, of loggerhead, green, Kemp's ridley or leatherback sea turtles and up to 6 Gulf sturgeon, alive.** If incidental captures reach the established level for either turtles or sturgeon, GSML must cease activities authorized under this ITP. Take must be incidental to otherwise lawful trawling activities described in the ITP application, and as conditioned herein. This ITP covers incidental take from date of issuance through December 11, 2035.

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

IV. CONDITIONS OF PERMIT

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

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

1. *Tow times.* Tow times shall not exceed 30 minutes.
2. *Sea Turtle Handling and Resuscitation Requirements.* All incidentally captured sea turtles must be handled as follows:
 - 1) Any specimen taken incidentally during the course of fishing or scientific research activities must be handled with due care to prevent injury to live specimens, observed for activity, and returned to the water according to the following procedures:
 - (A) Sea turtles that are actively moving must be released over the stern of the boat. In addition, they must be released only when fishing or scientific collection gear is not in use, when the engine gears are in neutral position, and in areas where they are unlikely to be recaptured or injured by vessels.
 - (B) Resuscitation must be attempted on sea turtles that are comatose, or inactive by:
 - (1) Placing the turtle on its bottom shell (plastron) so that the turtle is right side up and elevating its hindquarters at least 6 inches (15.2 cm) for a period of 4 up to 24 hours. The amount of the elevation depends on the size of the turtle; greater elevations are needed for larger turtles. Periodically, rock the turtle

gently left to right and right to left by holding the outer edge of the shell (carapace) and lifting one side about 3 inches (7.6 cm) then alternate to the other side. Gently touch the eye and pinch the tail (reflex test) periodically to see if there is a response.

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

(3) Sea turtles that revive and become active must be released over the stern of the boat only when fishing or scientific collection gear is not in use, when the engine gears are in neutral position, and in areas where they are unlikely to be recaptured or injured by vessels. Sea turtles that fail to respond to the reflex test or fail to move within 4 hours (up to 24, if possible) must be retained for scientific purposes. GSML will preserve the specimen (by placing it on ice) until it can be determined who will receive the specimen from GSML. GSML will contact the Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service (address and phone listed under IV. B.) to make this determination.

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

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

3. *United States Fish and Wildlife Service (USFWS) 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 and State 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 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, Conservation and Education 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, Conservation and Education 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 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, Conservation and Education 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.
- 7) To Report Accidental Manatee Captures, Including Injured and Dead Manatees
Permitting Office:

Chief of Permits
National Marine Fisheries Service (NMFS)
Conservation and Education Division
PHONE: 301 427-8401

Florida Fish and Wildlife Conservation Commission,
Wildlife Alert
PHONE: 888 404-3922

U.S Fish and Wildlife Service (USFWS)
North Florida Ecological Services Office
PHONE: 904 731-3336 and FAX: 904 731-3045

4. *Gulf Sturgeon Handling Requirements.* Should a Gulf sturgeon be taken incidentally during the course of trawling, it should be returned to the water immediately. Sturgeon tend to inflate their swim bladder when stressed and in air. (If the fish has air in its bladder, it will float and be susceptible to sunburn or bird attacks.) Efforts should be made to return the fish to neutral buoyancy prior to and during release. Air can be released by gently applying ventral pressure in a posterior to anterior direction. The specimen should then be propelled rapidly downward during release. For help with any questions relating to Gulf sturgeon, GSML should contact Stephania Bolden, Protected Resources, Southeast Regional Office, NMFS, at (727) 570-5312 (Fax: 727-570-5517).
5. GSML will disentangle, to the maximum extent practicable and with vigilante consideration of safety, any live turtle or Gulf sturgeon that is found in fishing gear.
6. *Additional Restrictions.* If observed interactions with sea turtles or Gulf sturgeon within the waters covered by this ITP reach thresholds specified in the AUTHORIZED INCIDENTAL TAKES section of this permit, GSML must immediately stop all trawling activities. GSML must then consult with NMFS to determine the appropriate next steps.

B. Reporting Requirements

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

Any Gulf sturgeon incidental take during GSML trawling activities must be reported to NMFS Protected Resources, Southeast Regional Office, NMFS, via email (takereport.nmfsser@noaa.gov) or facsimile (Fax: 727-570-5517), within 24 hours of their occurrence. Reports of incidental take should include the date of the take, the condition of the sturgeon, and any other pertinent details of the circumstances of the taking (e.g. location).

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

Chief, Endangered Species Division
Office of Protected Resources
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, Maryland 20910
(angela.somma@noaa.gov)

with a copy to:

Assistant Regional Administrator for
Protected Resources
Southeast Regional Office
National Marine Fisheries Service
9721 Executive Center Drive N.
St. Petersburg, FL 33702
(david.bernhart@noaa.gov)

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

- 1) A report of the total sea turtle take during the trawling activities authorized under the permit;
- 2) An assessment of the variables which may have contributed to the incidental capture of a sea turtle (e.g. gear deployment characteristics, trawl time, time of year, water temperature, location, depth);
- 3) A report of the total number of sea turtles encountered ensnared in fishing lines, nets, and trap ropes and assisted under the conservation plan for this permit. The report should list the species encountered, their estimated size, location and date of encounter, and the condition of the turtle. If any of these sea turtles required care and were transported to the GSML rehabilitation facility, the report will include the date of

transportation, any details relative to the care given the turtle, and its current condition, status, and location; and,

4) A summary of any other interactions with threatened or endangered species (e.g. manatee).

3. *Final Report*: The Permit Holder must submit a final report within one hundred eighty (180) days of the expiration of this Permit summarizing the total take that occurred under the permit and the circumstances surrounding it. Reports must be submitted to the Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910, 301 - 427- 8402.

C. General Permit Conditions

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

6. Under the terms of the regulations, a violation of any of the terms and conditions of this permit will subject the Permit Holder, and/or any individual who is operating under the authority of this permit, to penalties as provided for in the ESA.
7. Annual renewal of this permit is not automatic. Yearly evaluation of this permit by NMFS will include a review of take data before re-authorization.
8. 50 CFR Section 222.23(d)(8) provides for a reasonable fee to be charged to cover the costs of issuance of permits under the ESA. The fee for this permit has been waived.



Donna S. Wieting
Director
Office of Protected Resources

DEC 12 2017

Date



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12/19/17

Date