



United States Department of the Interior

FISH AND WILDLIFE SERVICE

FREQUENTLY ASKED QUESTIONS ABOUT SEA TURTLE ACTIVITIES REGULATED BY THE U.S. FISH AND WILDLIFE SERVICE UNDER THE ENDANGERED SPECIES ACT

March 12, 2013

What activities are prohibited?

Take, import and export, interstate commerce, and possession or transport of unlawfully-acquired specimens. Under the Endangered Species Act (ESA), the term “take” means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.

Take can be direct or indirect. Direct take of sea turtles for research or conservation purposes includes, but is not limited to, the following activities: marking nests, picking up hatchlings, excavating nests, rescuing stranded turtles, collecting eggs or carcasses, tagging adults or hatchlings, and other similar activities that directly involve sea turtles.

Incidental take of sea turtles may occur even when an activity does not purposefully involve a sea turtle. Incidental take can occur due to beach armoring, artificial lighting, beach nourishment, vehicular traffic, or any coastal activity that might interfere with nesting adults, nests, or emergent hatchlings. Additional information about incidental take and incidental take authorizations is available at <http://www.fws.gov/endangered/what-we-do/hcp-overview.html>. If incidental take is possible, you should consult the appropriate U.S. Fish and Wildlife Service (Service) field office for your area (<http://www.fws.gov/endangered/regions/index.html>).

The following frequently asked questions address only direct forms of take related to sea turtle research and conservation activities.

Who else regulates activities affecting sea turtle?

States, via their section 6 cooperative agreements with the Service, may conduct their own conservation programs for federally listed species. State authority is limited for endangered species as detailed elsewhere in this document.

NOAA National Marine Fisheries Service (NMFS) shares ESA authority with the Service for sea turtles. Pursuant to a joint memorandum of understanding, the Service has jurisdiction over sea turtles on land (terrestrial habitat) and NMFS has jurisdiction over sea turtles in their marine habitats.

The Service's Division of Management Authority, Branch of Permits, located in our headquarters office, has authority for Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES) import and export permits.

Do I need a permit?

A scientific permit is needed if any form of direct take may occur. As a part of their respective conservation programs, the States and the Service authorize take of sea turtles when it is determined that the activities are likely to result in a conservation benefit to the species. Many of the direct take activities listed above are routinely permitted if they promote species conservation, but a permit must be issued for the specific activities before they may occur. You may take sea turtles only as specifically described and authorized by a permit if you are the permittee, are named as an assistant or co-permittee on the permit, or are assisting under the direct, on-site supervision of a permittee or co-permittee.

What is the process for obtaining a permit if an investigator wants to conduct scientific research on captive sea turtles or sea turtles in their terrestrial habitat?

An investigator wanting to conduct scientific research on captive sea turtles or sea turtles on the nesting beach must consider whether to obtain a Service and/or State permit. A Service permit may be required for endangered species where State authority may be restricted as described below.

State applications will be made in accordance with their procedures. An application for a Service permit requires all applicable information described at 50 CFR Parts 17.22(a)(1) and 17.32(a)(1). Generally, the Service requires a complete and signed application form, 3-200-55 (available at <http://www.fws.gov/endangered/permits/how-to-apply.html>), a project description, and documentation demonstrating the sea turtle experience or expertise of the applicants and any assistants.

The Service must advertise the availability of permit applications for endangered species. These will appear in the *Federal Register* for a 30-day comment period. Plan ahead to allow time for the Service to conduct its intra-agency review, preparation of a public notice and its clearance for publication, and for preparation of any permit instruments.

The following information should be included with research permit application submissions:

- a. For research on captive or rehabilitating turtles, a letter from the veterinarian who is or will be caring for the turtle(s) stating that the research activity will not compromise the health of the turtle and its' survival in the wild.
- b. For research on captive turtles or turtles on the nesting beach, a proposal that identifies the benefit of the research to the conservation of the species in the wild, including specific Recovery Actions identified in the species' Recovery Plan.

Under the ESA, is there a difference between live animals versus remains or biological samples?

No. Under the ESA, eggs, carcasses, remains, products, parts, tissue samples, or similar artifacts – even when incorporated into manufactured products – are protected and regulated to the same extent as a living animal. For example, you would need a State or Federal permit regardless of whether you are simply collecting egg shell fragments or are capturing a live sea turtle for tagging.

What activities are not prohibited?

The ESA does not prohibit possession and transport of sea turtles that have been lawfully acquired if the activity does not cause take, no commercial interstate transaction (including barter) occurs, and no import or export occurs. Lawfully acquired sea turtles include those that were captured under State or Federal authorization, or that were received (in a non-commercial transaction) from someone else who holds a capture permit.

Normal animal husbandry of captive specimens, when it meets or exceeds requirements of the Animal Welfare Act, is not considered to be take (50 CFR 17.3). Because the Animal Welfare Act addresses only mammals, the Service has had to rely on its experience consulting with facilities that hold captive sea turtles in order to advise them on healthful and humane measures that would meet the intent of our regulations. These measures are compiled in the Standard Permit Conditions for Care and Maintenance of Captive Sea Turtles which the Service incorporates into our sea turtle permits.

What are the differences between threatened and endangered sea turtles?

States have full authority for management of threatened species, but those authorities are limited for endangered species. States are not able to authorize take of endangered species that would result in death or permanent disabling of wildlife, removal from the State where the taking occurred, introduction of the specimen or any progeny into an area beyond the historic range of the species, or holding in captivity for a period of more than 45 consecutive days (unless such holding is necessary to aid sick or injured sea turtles).

Do I need both State and Service permits?

Any activity that exceeds the limits of State authority for an endangered species will require a Federal permit in addition to the State permit. Examples include the sacrifice or euthanasia of sea turtles or capture of live sea turtles that may be transported out of the State where collected.

Are sea turtles bred in captivity?

No. Captive breeding is not considered necessary or desirable to promote sea turtle conservation.

Who are those turtle patrol volunteers and under whose authority do they operate?

States with nesting sea turtle populations authorize volunteers to monitor nesting activity and assist with management activities. Turtle patrol volunteers typically do not hold Federal permits, although the Service often cooperates with and advises the volunteers.

What authorizations do I need to hold a sea turtle in a rehabilitation facility or educational display facility?

A permit is not usually required to receive and hold a lawfully acquired sea turtle in captivity.

A permit from the State or the Service is needed to capture or remove sea turtles from the wild. That permit may allow retention of specimens in captivity and, if so, sea turtles may be transferred by the permittee to a facility for holding in accordance with their authorization.

States may issue permits for capture and retention of sea turtles under the auspices of their ESA section 6 agreements with the Service. However, a Service permit will be needed for endangered species in the following circumstances:

1. The death or permanent disabling of a sea turtle;
2. The removal of a sea turtle from that State; or
3. The holding of a sea turtle in captivity for a period of more than 45 consecutive days.

NOTE: Under the Emergency provisions of their section 6 cooperative agreements with the Service, States can authorize holding endangered sea turtles for more than 45 consecutive days if such holding is necessary to aid sick or injured turtles.

If the original permit for taking a sea turtle from the wild allows for it, the specimen may be transferred between the original holding facility to others, even out of State, without additional authority from the Service. Note that both parties of a transfer should generate and maintain documentation to demonstrate that a sea turtle has been taken and possessed lawfully. Copies of applicable permits should be enclosed with shipments of sea turtles.

Interstate transfers, for ESA purposes, are considered commercial if there is an exchange of money, goods, or services in return for ownership or control of the sea turtle. Regardless of anything stated above, any interstate commerce of a threatened or endangered species will require a permit from the Service. States do not have authority for interstate commerce. Note, however, that the Service has not issued any interstate commerce permits for sea turtles. Interstate commerce permits have to satisfy the same conservation purposes as a research and recovery permit. At this time, we are not aware of any factors that would lead us to believe that interstate commerce of sea turtles would benefit their conservation.

What conditions will be required of facilities wishing to apply for a permit to hold a sea turtle?

The Service's Standard Permit Conditions will be required for all Service permittees to ensure the best care of a turtle. Even if your facility does not require a permit, we recommend following

the Standard Permit Conditions to ensure that you avoid take (see above, “What activities are not prohibited?”).

What is the process for holding threatened loggerhead hatchlings or threatened green turtle hatchlings for public display?

If threatened loggerheads or threatened green turtles, proposed for public display, are obtained as hatchlings, the facility must obtain a State permit (or a Federal permit only if the State where the turtle is located does not issue sea turtle permits). A “Hatchling Plan” must be submitted with the permit application submissions for Service permits. State permits may have additional requirements. The “Hatchling Plan” must include the following information:

- a. A description of the collection method. It is recommended that only those hatchlings that would not have made it out of the nest (i.e., “the stragglers”) be collected. These hatchlings are usually found when the nest is excavated 3 days after an emergence is observed in order to assess hatching and emerging success. Manipulating nests and/or hatchlings to obtain hatchlings for public display is not allowed as it interferes with the “frenzy” period. This period is critical for hatchlings to move from their nest to the surf and through the surf zone and continue swimming away from land for approximately 20 to 30 hours (Carr 1982, Wyneken and Salmon 1992, Witherington 2002).
- b. A justification that identifies the benefit of taking hatchlings from the wild for public display to the conservation of the species in the wild, including specific Recovery Actions identified in the species’ Recovery Plan. The permit application should include a justification for the minimum number of hatchlings needed to achieve the specific Recovery Actions.
- c. Information on the quantity and type of food that will be fed to the hatchling(s) for the entire time the hatchling(s) will be kept in captivity. The diet must be reviewed and approved by the facility veterinarian.
- d. Information on the tank(s) and location at the facility where the hatchling(s) will be housed for the entire duration.
- e. A written plan for the release of the hatchlings that is coordinated with the Service and/or State agency. The timing and location of the release will be based on the best scientific information for that size class by State. Include information on the diet that will be given to the turtle(s) to ensure sufficient foraging capabilities upon release.
- f. A commitment to provide periodic reports on the turtle(s). At a minimum, annual reporting (quarterly reporting may be required) on the current weight, straight carapace length, and condition of each hatchling must be emailed to the Service and/or State agency as appropriate.

NOTE: The requirement for a “Hatchling Plan” does not apply to hatchlings or post-hatchlings that are washed back during storm events and most often are released shortly thereafter.

What is the process for obtaining sea turtle parts from another facility (in or out-of-State) for research or educational purposes?

Just as for the transfer of a live specimen, if the original permit for taking sea turtles allows for it, specimens may be transferred between the current holder to others, even out of State, without additional authority from the Service. Note that both parties of a transfer should generate and maintain documentation to demonstrate that sea turtle specimens have been taken and possessed lawfully. Copies of applicable permits should be enclosed with shipments of sea turtle specimens.

Specimens to be transferred may not be sold or offered for sale in interstate commerce. This includes bartering goods or services in exchange for specimens.

Often, specimens have been in collections for many years and their origin may be uncertain. As much as can be known about when, where, and by whom such specimens came into possession should be gathered and retained with such specimens.

The States or the Service will provide technical guidance for specific situations where the origins of a specimen are in doubt.

What is the process if a sick or injured sea turtle is found?

Upon locating a sick or injured sea turtle, initial notification must be made immediately to the appropriate State Sea Turtle Stranding and Salvage Network coordinator (<http://www.sefsc.noaa.gov/species/turtles/strandings.htm>). The coordinator will specify appropriate authorized facilities to receive sea turtles for treatment or rehabilitation.

LITERATURE CITED

- Carr, A. 1982. Notes on the behavioral ecology of sea turtles. Pages 19-26 in Bjorndal, K.A. (editor). *Biology and Conservation of Sea Turtles*. Smithsonian Institution Press, Washington, DC.
- Witherington, B.E. 2002. Ecology of neonate loggerhead turtles inhabiting lines of downwelling near a Gulf Stream front. *Marine Biology* 140:843-853.
- Wyneken, J. and M. Salmon. 1992. Frenzy and post frenzy activity in loggerhead, green, leatherback hatchling sea turtles. *Copeia* 1992(2):478-484.