

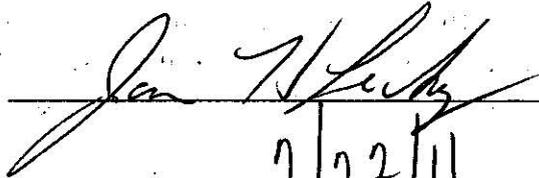
National Marine Fisheries Service
Endangered Species Act Section 7 Consultation
Biological Opinion

Agency: Permits, Conservation and Education Division of the Office of Protected Resources, National Marine Fisheries Service

Proposed Action: Proposal to issue permit No. 14622 to Allen Foley, which would monitor the abundance of loggerhead and green turtles; characterize the aggregations of loggerhead, green, Kemp's ridley, and hawksbill sea turtles; and determine the movements, behaviors, habitat-use, and reproductive status of loggerhead sea turtles in Florida Bay and the Everglades National Park pursuant to Section 10(a)(1)(A) of the Endangered Species Act of 1973

Prepared by: Endangered Species Division of the Office of Protected Resources, National Marine Fisheries Service

Approved by:



2/22/11

Date:

Section 7(a)(2) of the Endangered Species Act (ESA; 16 U.S.C. 1531 et seq.) requires each federal agency to ensure that any action authorized, funded, or carried out by such agency is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of critical habitat of such species. When an action of a federal agency "may affect" endangered or threatened species or critical habitat, that agency is required to consult with the National Marine Fisheries Service (NMFS) or U.S. Fish and Wildlife Service, depending on the species that may be affected. This biological opinion is the result of an intra-agency consultation between the Permits, Conservation and Education Division and the Endangered Species Division of the NMFS Office of Protected Resources. This opinion describes whether Permits, Conservation and Education Division's issuance of scientific research permit 14622 (Principal Investigator – Allan Foley) would likely jeopardize the existence of the endangered green turtle, Kemp's ridley turtle, hawksbill turtle and threatened loggerhead turtle.

This biological opinion has been prepared in accordance with section 7 of the ESA and regulations promulgated to implement that section of the ESA. This biological opinion is based on information provided in the research permit application, *Draft Environmental Assessment on the Effects of the Issuance of a Permit to Conduct Research on sea turtles in Florida Bay*,

Florida, published and unpublished scientific information on the biology and ecology of endangered and threatened turtle, and other sources of information.

A brief account of the consultation history precedes the biological opinion. The biological opinion first describes the proposed permit and research activities, including activities that may affect listed species, and the action areas. Accounts of the various sea turtles, their life histories, population status and trends, and major threats follow. The *Environmental Baseline* section contains a discussion of the past and present activities that have affected these species in the action areas. The *Status of the Species* and the *Environmental Baseline* serve as the context for the analysis of the effects of the proposed action on these species. The *Effects of the Action* section describes the evidence and rationale behind our conclusion that these species are not likely to be jeopardized by issuance of the proposed research permit.

Consultation History

The Permits, Conservation and Education Division requested a consultation under the ESA in a memorandum dated June 14, 2010, on its proposal to issue scientific research permit 14622 for a five-year period. The applicant would be conducting research on various listed sea turtles in coastal waters of Florida Bay, Florida.

Consultation was initiated on June 16, 2010. However, on August 4, 2010, PR3 requested additional information/clarification regarding which topical anesthesia would be used during the laparoscopy procedure. Upon receiving this information from PR1 on August 6, 2010, PR3 continued with the consultation.

Biological Opinion

Description of the Proposed Action

The Permits, Conservation and Education Division of the NMFS Office of Protected Resources proposes to issue a scientific research permit pursuant to section 10(a)(1)(A) of the ESA.

Permit 14622 would authorize Allan Foley, of the Florida Fish and Wildlife Conservation Commission, to annually capture 50 green (*Chelonia mydas*), 170 loggerhead (*Caretta caretta*), 5 hawksbill (*Eretmochelys imbricata*), and 10 Kemp's ridley (*Lepidochelys kempii*) sea turtles within southwestern Florida Bay and inside the boundaries of the Everglades National Park around the vicinity of the Arsnickler Keys, Rabbit Keys, and Twin Keys during two sampling seasons. The first would be late-winter or early-spring (March). The work at this time would involve capturing loggerheads that are reproductively active and documenting their subsequent movements and behaviors. The second sampling season would be late-spring or early-summer (June). This work would involve determining the abundance of loggerheads and green turtles, and capturing all the encountered life stages of loggerheads, Kemp's ridleys, and hawksbills.

The annual take is summarized in take Table 1. that follows.