

State of Hawaii
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Aquatic Resources
Honolulu, Hawaii 96813

July 25, 2008

Board of Land
and Natural Resources
Lihue, Kauai

Request for Approval a Special Activity Permit for Mr. William Gilmartin, Director, Hawaii Wildlife Fund, and Designated Assistants to Conduct Research Activities for the Endangered Hawksbill Turtle on State Land and Marine Waters of Hawaii, Maui, and Molokai

Submitted herewith for your consideration and approval is a Special Activity Permit as authorized in Section 187A-6, Hawaii Revised Statutes (HRS). Section 187A-6 provides that the Department may issue permits no longer than one year (from date of issue) to any person to take aquatic life, possess or use fishing gear, or engage in any feeding, watching, or other such non-consumptive activity related to aquatic resources otherwise prohibited by law for scientific, educational, management, or propagation purposes, subject also to Chapter 195D and any other restrictions the Department deems desirable.

Such permits are usually sought by University researchers and their students, professional biologists, consultants, aquariums, or public and private school teachers to either collect aquatic life otherwise considered unlawful, or to use gear otherwise considered unlawful, primarily for the purposes of study or education. Mr. Gilmartin and designated assistants propose to capture, handle hawksbill turtles, excavate nests, collect eggs and take tissue samples for studying turtle populations. They have already been issued a U.S. Fish and Wildlife permit for these activities.

The Division of Aquatic Resources has reviewed the application for impact and made recommendations to conserve resources as well as to minimize impacts to those resources. Among other permit provisions, the Division will require an annual report at the end of the permit period to document the efforts of the collections or activities. This permit does not authorize any work in the Northwestern Hawaiian Islands.

RECOMMENDATION:

"That the Board Approve a Special Activity Permit for Mr. William Gilmartin, Director, Hawaii Wildlife Fund, and Designated Assistants to Conduct Research Activities for the Endangered Hawksbill Turtle on State Land and Marine Waters of Hawaii, Maui, and Molokai."

Respectfully submitted,



DAN POLHEMUS
Administrator

APPROVED FOR SUBMITTAL:

for 
LAURA H. THIELEN
Chairperson

SPECIAL ACTIVITY PERMIT
SAP 2009-12

State of Hawaii
Department of Land & Natural Resources
DIVISION OF AQUATIC RESOURCES
1151 Punchbowl Street, Room 330
Honolulu, Hawaii 96813

Date of Issue:

Expires one year from date issue

SPECIAL ACTIVITY PERMIT

The Chairperson of the Department of Land and Natural Resources hereby grants permission under Section 187A-6, Hawaii Revised Statutes, and other applicable laws, including Chapter 195D, HRS to

The Permittee(s):

Name: William Gilmartin Address: P.O. Box 70
Title: Director of Research Volcano, HI 96785-0070
Affiliation: Hawaii Wildlife Fund Phone: (808) 985-7041

for the purpose of conducting research and recovery activities involving the hawksbill sea turtle in State waters.

This permit authorizes the permittee (and any agents/assistants designated on the SIGNATURE AND ACKNOWLEDGEMENT page of this permit) to

TAKE (incl. (Capture, harass, collect eggs, measure, tag, take tissue samples, and excavate nests) of

certain State protected aquatic life as follows:

<u>Common Name</u>	<u>Scientific Name</u>	<u>Maximum No. of Specimens</u>	<u>Collecting Location</u>
*Hawksbill turtle	<u>Eretmochelys imbricata</u>	10-adult turtles 1,000 eggs & hatchlings	Waters and land of the Islands of Maui, Molok and Hawaii
		Relocate eggs from up to 30 nests	

*A copy of the Federal Fish and Wildlife Permit No. TE829250-4, (expire November 27, 2009) and subject to annual re-authorization, is attached this permit.

subject to the following conditions:

I. GENERAL CONDITIONS:

A. This permit does not make the Chairperson of the Department of Land and Natural Resources of the State of Hawaii liable in any way for any claim of personal injury or property damage to the permittee or assistants which may occur during collection activity authorized by this permit; moreover, the permittee and all assistants agree to hold the State harmless against any and all claims of personal injury, death or property damage resulting from activities of the permittee or any assistant.

B. This permit conveys a privilege to engage in only those activities under the jurisdiction of the Division of Aquatic Resources. The permittee is responsible for complying with all applicable County, State, and Federal requirements. The permit does not convey any privilege of access over or through private property.

C. The permittee and each assistant are individually responsible and accountable for their actions while conducting activities authorized under this permit; additionally, the permittee is responsible and accountable for the actions of the permittee's assistants.

D. This permit is not transferable or assignable. Any person whose name does not appear on this permit and is conducting any activity described herein is subject to prosecution for violation of State Laws.

E. The permittee may request changes to the permit. Any such request to make changes to the permit must be made in writing and received by the DAR at least two weeks prior to the change. All personnel changes will require each individual to sign an "Attachment" stating that they have read, understood, and agree to abide by all general and special permit conditions. No change may be implemented without written approval from the Department/DAR.

F. The permittee may request to:

1. Add assistants to the permit by having each assistant sign an "Attachment" and send the document to DAR;
2. Add another permittee or be replaced by another permittee in the manner stated above; and
3. Change the activities allowed under this permit.

G. A copy of this permit must be carried by the permittee or assistant while performing collecting activities authorized by this permit.

H. This permit authorizes collection of organisms protected by Federal law only with prior appropriate Federal authority, which must be described on Page 1 of this permit (if applicable).

- I. The permit is not to be used for nor does it authorize the sale of collected organisms
- J. This permit expires on the date indicated on Page 1. Within one month of the expiration date, the permittee must return this permit to the Division of Aquatic Resources with complete information on all collecting done under this permit, on the Activity Report form provided as part of this permit.
- K. The permittee and assistants agree to provide access to data obtained under authority of this permit upon request of the Division of Aquatic Resources, and to provide to the Division a copy of each report, published for distribution, prepared with data obtained under this permit. The permittee agrees to provide the Division of Aquatic Resources access to organisms obtained and held under this permit for on-site inspection.
- L. A violation of any terms or condition of this permit or any violation of State law not covered by this permit may result in revocation of the permit. The permittee may consider any such violation as grounds for denying any future permit applications.
- M. The permittee will notify the Division of Aquatic Resources prior to the release and/or transfer of any organisms collected under the permit. The permittee will not release any organisms collected under this permit nor any organisms raised in a propagation facility under the authority of this permit, without the Division of Aquatic Resources' written approval.

II. SPECIAL CONDITIONS

1. This permit authorizes the permittee and designated assistants to **TAKE** hawksbill sea turtles (*Eretmochelys imbricata*) in the waters and on lands of the State of Hawaii. Discretion should be used to avoid conflict with fishermen or others during collecting activities at any location. Conspicuous turtle research activities should not be conducted on weekends or holidays at Marine Life Conservation Districts, Fisheries Management Areas, or other popular recreation sites.
2. All night surveys of nesting beaches will be conducted using ambient light when possible. A night vision scope will be used to observe turtles from a distance. Flash photography or any other type of imaging that requires artificial light is only permitted during oviposition, when there are no other sea turtles in the area. Lights and camera flashes shall not be aimed seaward.
3. The primary permittee and designated assistants are required to obtain permission before entering upon lands or waters not under the jurisdiction of the Division of Aquatic Resources (see "B", General Conditions, page 2 of this permit).
4. This permit does not by implication authorize the primary permittee or any designated assistant to engage in any other activity if in violation of any other State, Federal or County law, regulation or ordinance.
5. The primary permittee or a designated assistant responsible for the field collecting activity shall notify the Division of Conservation and Resources Enforcement at least 48 hours in advance of any field collecting activity and provide such information as: location; date; time; and number of persons to be involved. Telephone: Honolulu 587-0077; Hawaii 974-6208; Maui 984-8110; or Molokai 567-6618.

LAURA H. THIELEN, Chairperson
Department of Land and Natural Resources

cc: (x) DOCARE
(x) Special Agent in Charge,
USFWS, Honolulu
(x) NMFS
(x) DAR Maui
(x) DAR Hilo

SPECIAL
ACTIVITY Permit No. 2009-12

REPORT OF COLLECTING AND OTHER ACTIVITIES

Results of all activities performed under authority of this permit must be reported on this form (or copies) within one month after the permit expires (see first page). Use as many sheets as you need. Submit the report to the Division of Aquatic Resources at 1151 Punchbowl Street, Room 330, Honolulu, HI 96813.

Date	Location	Common or Scientific Name	Quantity Collected*	Disposition of Specimens
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Signature of Permittee

Date _____

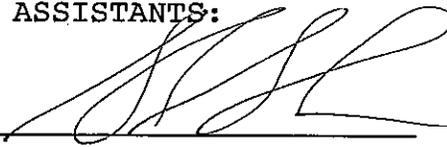
*If salvaged (collected because the specimen was dead or injured already), please detail circumstances: condition (dead, or describe extent of injury), how or from whom the specimen was obtained.

SIGNATURE AND ACKNOWLEDGEMENT

By my signature below, I attest that I understand the general conditions (Items A through M on Page 2 & 3) and any special conditions (Nos. 1-2-3-4-5 on page 4) to Special Activity Permit No. 2009-12. Further, I agree to abide by all of these conditions when collecting under authority of this permit.

PRINCIPAL PERMITTEE: 
BILL GILMARTIN

DESIGNATED ASSISTANTS:

Signature: 
Print: Shannon Graham

Signature: _____
Print Name: _____

Hawaii

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE



FEDERAL FISH AND WILDLIFE PERMIT

2. AUTHORITY-STATUTES
16 USC 1539(a)

REGULATIONS (Attached)
50 CFR 17.22

50 CFR 13

3. NUMBER
TE829250-6 AMENDMENT

4. RENEWABLE
 YES
 NO

5. MAY COPY
 YES
 NO

6. EFFECTIVE
08/08/2008

7. EXPIRES
11/27/2009

8. NAME AND TITLE OF PRINCIPAL OFFICER (If #1 is a business)
WILLIAM G. GILMARTIN
PRESIDENT

9. TYPE OF PERMIT
ENDANGERED SPECIES

10. LOCATION WHERE AUTHORIZED ACTIVITY MAY BE CONDUCTED
ON LANDS SPECIFIED WITHIN THE BODY OF THE PERMIT

11. CONDITIONS AND AUTHORIZATIONS:

- A. GENERAL CONDITIONS SET OUT IN SUBPART D OF 50 CFR 13, AND SPECIFIC CONDITIONS CONTAINED IN FEDERAL REGULATIONS CITED IN BLOCK #2 ABOVE, ARE HEREBY MADE A PART OF THIS PERMIT. ALL ACTIVITIES AUTHORIZED HEREIN MUST BE CARRIED OUT IN ACCORD WITH AND FOR THE PURPOSES DESCRIBED IN THE APPLICATION SUBMITTED. CONTINUED VALIDITY, OR RENEWAL, OF THIS PERMIT IS SUBJECT TO COMPLETE AND TIMELY COMPLIANCE WITH ALL APPLICABLE CONDITIONS, INCLUDING THE FILING OF ALL REQUIRED INFORMATION AND REPORTS.
- B. THE VALIDITY OF THIS PERMIT IS ALSO CONDITIONED UPON STRICT OBSERVANCE OF ALL APPLICABLE FOREIGN, STATE, LOCAL OR OTHER FEDERAL LAW.
- C. VALID FOR USE BY PERMITTEE NAMED ABOVE.
- D. Further conditions of authorization are contained in the attached Special Terms and Conditions.

ADDITIONAL CONDITIONS AND AUTHORIZATIONS ALSO APPLY

12. REPORTING REQUIREMENTS

ANNUAL REPORTS DUE: 01/31
See permit conditions for further reporting requirements.

ISSUED BY
Patrick Sousa

TITLE
PROGRAM MANAGER - ENDANGERED SPECIES

DATE
08/08/2008

SPECIAL TERMS AND CONDITIONS
Hawaii Wildlife Fund

1. This permit was previously issued on August 29, 2007. The terms and conditions set forth in that permit are hereby superseded by this amendment.
2. Acceptance of this permit serves as evidence that the permittee understands and agrees to abide by the "General Conditions for Native Endangered and Threatened Wildlife Species Permits," 50 CFR Part 13, and/or 50 CFR 17.22 (endangered wildlife), as applicable (copies attached). In addition, the permittee must have any other applicable State and Federal permits prior to the commencement of activities authorized by this permit.
3. The permittee is authorized to take (locate and monitor nests, capture by hand, handle, mark (by flipper tag or passive induced transponder (PIT) tag), attach radio/satellite transmitters, take tissue samples, salvage unhatched eggs and dead hatchlings, excavate nests, and relocate nests) the hawksbill turtle (*Eretmochelys imbricata*) in conjunction with scientific studies for the purpose of enhancing its survival as specified in the permittee's February 28, 2008, permit amendment request and previous applications and in accordance with the conditions stated below.
4. Permitted activities are restricted to the following geographic areas:
 - a. The islands of Maui, Molokai, and Hawaii.
 - b. Permitted nest relocation activities are restricted to Kealia Beach, Maui, and Kawililipoa Beach, Maui.
5. Authorized individuals:

Only individuals on the attached List of Authorized Individuals (List) are authorized to conduct activities pursuant to this permit. The List, printed on Fish and Wildlife Service (Service) letterhead, may identify special conditions or circumstances under which individuals are authorized to conduct permitted activities and must be retained with these Special Terms and Conditions. Each named individual shall be responsible for compliance with the terms and conditions of this permit.

To request changes to the List, the permittee shall submit written requests to the Service's Pacific Islands Fish and Wildlife Office (PIFWO), 300 Ala Moana Boulevard, Room 3-122, Honolulu, Hawaii 96850 (telephone: 808-792-9400; fax: 808-792-9581). A copy of the request shall be submitted at least 30 days prior to the requested effective date. The request shall be signed and dated by the permittee and include:

- a. The name of each individual to be appended to the List;

- b. The resumé/qualifications of each person to be appended to the List, plus specific information on previous professional experience working with the species affected by the permit request. Information should include the approximate number of hours of focused activity with each species in occupied habitat; approximate numbers of each species the applicant has worked with at each site (e.g., how many turtles at a specific site(s) or specific activities(s)); names, dates, and location of areas surveyed; and experience with similar species;
- c. The names and phone numbers of a minimum of two references for each person to be appended to the List; and
- d. The names of the individuals to be deleted from the List.

Note: This procedure is for personnel changes only. For requests to renew/amend this permit, a complete application must be submitted to the Program Manager, Endangered Species, at the U.S. Fish and Wildlife Service's Pacific Regional Office (PRO), Ecological Services, 911 NE. 11th Avenue, Portland, Oregon 97232-4181.

6. Taking of the hawksbill turtle (turtle):

The permittee is authorized to locate, monitor, excavate, screen, and relocate nests; capture by hand; tag, mark (by flipper tag or PIT tag), or attach radio/satellite transmitters; take a tissue sample; salvage unhatched eggs and dead hatchlings; and measure, release, and recapture turtles within the geographic boundaries specified above, and the time limitation specified in the permit, provided that:

- a. All night surveys of nesting beaches are conducted using ambient light when possible. A night-vision scope will be used to observe turtles from a distance. When absolutely necessary, a flashlight fitted with a red filter can be used. Artificial lights shall not be directed toward the ocean. Dark clothing is to be worn during night surveys.
- b. Flash photography or any other type of imaging (video or still photography) that requires artificial light is allowed only during oviposition when there are no other sea turtles in the area. Lights and camera flashes shall not be aimed seaward.
- c. Nesting females are not harassed (approached or restrained) prior to the start of oviposition for any of these activities. The permittee shall remain at least 50 feet from a nesting female turtle until she has begun oviposition.
- d. Adult female turtles may be restrained on their nesting beaches for short periods of time (not to exceed 2 hours) to record standard body measurements, to attach temporary radio/satellite transmitters and tags, and to take a small flipper tissue

sample from the edge of the flipper. Inconel alloy identification tags (two tags per turtle) or PIT tags may be used. Transmitter attachment, tagging, and tissue sampling shall be initiated after completion of successful nesting or the abandonment of attempted nesting.

- i. All flipper and PIT tags shall be cleaned (e.g., to remove oil residue) in soapy water, rinsed or soaked in alcohol and then stored in sealed plastic bags until used.
- ii. Instruments and equipment that will be used for invasive procedures must be sterile.
- iii. When handling and/or tagging turtles displaying fibropapilloma tumors/or lesions, the permittee must use the following procedures:
 - A. Maintain a separate set of equipment for animals displaying fibropapilloma tumors and/or lesions.
 - B. Clean and disinfect all equipment that comes into contact with the turtle (tagging equipment, tape measures, etc.) with a 10% bleach solution between the processing of each turtle.
- iv. All turtles shall be examined for existing tags before attaching or inserting new ones. If existing tags are found, the tag identification numbers shall be recorded and included in the annual report.
- v. Radio/satellite transmitters may be attached only to the carapace, using appropriate precautions to avoid potential disease transmission.
- vi. PIT tags may be inserted only in the central dorsal area of the hind flippers. After cleaning and disinfecting the flipper with iodine/alcohol, the tag should be injected interdigitally using a sterile syringe and needle (with tag in needle). The needle tip should be inserted about one inch into the flipper, with the needle/syringe lying nearly parallel to the flipper so the tag lies parallel to the flipper's surface. The flipper should be cleaned with iodine/alcohol after the needle is removed.
- vii. The flipper edge sampling site will be deadened with a 2% lidocaine injection and scrubbed with betadine prior to sampling. A sterilized biopsy punch, leatherpunch tool, or scalpel, will be used to take tissue on the edge of the flipper so that a crescent to half-circle of 5-10 mm of tissue is removed, and a hole in the flipper is not made. Following removal of the tissue sample, the sampling site will again be treated with betadine.

- e. The permittee shall use care when handling live animals to minimize any possible injury, and appropriate resuscitation techniques (attached) shall be used on any comatose turtle prior to returning it to the water. An experienced veterinarian, veterinary technician, or rehabilitation facility must be identified for emergencies (at a minimum, it must be possible to attempt to contact veterinary help by phone) and provided to the PIFWO prior to the start of activities.
- f. Turtles must be protected from temperature extremes of heat and cold, and kept moist during handling, measuring, and satellite tagging.
- g. Nests that are at high risk of predation may be protected by placing a self-releasing screen over the nest, provided that:
 - i. There has been evidence of attempted predation on the nest. Additionally, this nest must be on a beach that is consistently monitored.
 - ii. The screens used for this purpose are welded wire with a dimension of 4 feet by 4 feet. They also must have a mesh size that is no smaller than 2 inches by 4 inches. This screen is large enough to keep mammalian predators out yet allows hatchlings to escape from the nest.
 - iii. The screen is centered exactly over the egg chamber to make it less likely that predators will burrow to the eggs and to assure that anchoring stakes placed along the edge of the screen will not enter the egg chamber.
 - iv. The egg chamber cavity within the body pit is located by gently digging by hand and probing with fingers only. Once the eggs are located, moist sand from a similar depth shall be used to re-cover the eggs, and care shall be taken not to allow dry sand to fall into the egg chamber. Once the egg chamber is re-covered, its location shall be marked with a marker tall enough to extend above the sand level. The marker shall not be inserted into the egg chamber.
 - v. The sand surface is leveled in a 4-foot by 4-foot square centered on the temporary marker. The screen shall be placed down, the marker removed, and the four corners of the screen secured. About two inches of sand shall be placed on top of the screen after anchoring so that the wire is well covered.
 - vi. The screened nests are checked regularly each morning during the period of anticipated hatching, to prevent hatchlings from becoming trapped by the screens. All screens shall be removed from the beach after hatchling emergence is complete.

- h. Excavation of nests (to measure egg fertility and productivity, to rescue any hatchlings found to be trapped in the nest, and to salvage any unhatched eggs and dead hatchlings) is not conducted until at least 24 hours after the major emergence has taken place or until at least 70 days after oviposition, to allow the majority of the hatchlings to emerge as naturally as possible. All hatchlings found to be trapped in their nest by natural or manmade impediments shall be rescued, resuscitated as needed, and released into the sea off the nesting beach of origin.
 - i. Tissue samples may be taken from unhatched eggs and dead hatchlings salvaged in accordance with Condition 6.h. (above) for stable isotope analyses.
 - j. Nests may be relocated within 12 hours of egg deposition and/or prior to 0900 the morning following egg deposition, in accordance with the "Hawksbill Sea Turtle Nest Relocation Protocol" (Nest Relocation Protocol) developed by the permittee and herein incorporated by reference. Nests may be relocated (excavated, transported, and reburied) from where they have been laid seaward of the debris line marking the high tides or close enough to this line that nest flooding is probable at high tide. Nests may also be relocated to enhance hatching and emergence success, as specified in the Nest Relocation Protocol.
 - i. Eggs taken from nests threatened by tidal flooding in accordance with condition 6(j) (above) may be relocated to a site on Kāwililīpoa Beach, Maui above the high tide mark, where human activity is expected to be minimal and where dirt is absent, if possible.
 - ii. Eggs taken from nests to enhance hatching and emergence success must be relocated from a site on the beach adjacent to Kealia Pond National Wildlife Refuge (Kealia Beach), Maui, to a suitable site on Kāwililīpoa Beach, Maui.
7. The number of individuals allowed to be incidentally injured or killed during the performance of permitted activities is zero eggs, hatchlings, or adult turtles. In the event that the number of individuals allowed to be injured or killed is exceeded during the performance of permitted activities, the permittee must:
- a. Immediately cease the activity until reauthorized by the PRO, which may, after analysis of the circumstances of mortality or injury, revoke or amend this permit.
 - b. Immediately notify:
 - i. The PRO (telephone: 503-231-2063; fax: 503-231-6243), and;
 - ii. The PIFWO (telephone: 808-792-9400; fax: 808-792-9581).

permit; and (iv) a brief discussion of significant research results and a conclusion section that specifically provides, at a minimum, recommendations for potential recovery of the species and management of the species studies and design. A copy of any other permits required to perform the above studies shall be submitted with the annual report. Information may be submitted electronically if pre-arranged with the PIFWO.

- b. The report must include, but not be limited to, the following information:
 - i. The number of turtles captured/recaptured, measured, flipper- and PIT-tagged, tissue sampled, radio/satellite-transmitted, and released;
 - ii. The number of excavated nests, dates of laying and excavation, and the fates of any hatchlings;
 - iii. The number and location of all relocated nests, the dates of relocation, reasons for relocation, the locations to which the nests were relocated, and the fates of these nests;
 - iv. The number of nests that were screened and the reason for screen;
 - v. The number and disposition of all unhatched eggs and dead hatchlings removed from excavated nests; and,
 - vi. The progress and results of any studies conducted as a result of the taking activities authorized in this permit.
- c. If no activities occurred over the course of a year, indication of such shall be submitted to the PIFWO as an annual report.

- 11. Failure to comply with reporting requirements may result in the non-renewal or suspension/revocation of this permit.

6/16/08
Date

Patrick Sousa
Program Manager, Endangered Species



United States Department of the Interior

FISH AND WILDLIFE SERVICE

911 NE 11th Avenue
Portland, Oregon 97232-4181



LIST OF AUTHORIZED INDIVIDUALS TE-829250-6

1. Individuals authorized to independently conduct all activities pursuant to this permit on Maui, except PIT tagging and tissue sampling:

Hannah Bernard, Suzanne Canja, Mary Jane Grady, and Atlantis Russ.

Individuals involved in relocating nests must first demonstrate proficiency in nest relocation and egg transport techniques under the supervision of Cheryl S. King and William G. Gilmartin.

2. Individuals authorized to independently conduct all activities pursuant to this permit on the islands of Maui, Molokai, and Hawaii:

William G. Gilmartin, Shannon Graham, and Cheryl S. King,

Supervised individuals may conduct activities pursuant to this permit only under direct, on-site supervision of the independently authorized individuals listed above. These individuals must be thoroughly knowledgeable of the appropriate procedures for capture, restraint, and careful handling of turtles.

6/6/08
Date

Patrick Souza
Program Manager, Endangered Species

This List is only valid if it is dated on or after the permit issuance date.