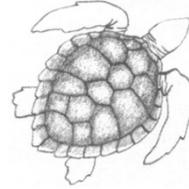


Beaches Sea Turtle Patrol, Inc.

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City of Atlantic Beach
Mitch Reeves (Mayor)
Nelson Van Liere (City Manager)
Timmy Johnson (Recreation Director)
City Commissioners
800 Seminole Rd.
Atlantic Beach FL 32233

December 1, 2016

Dear Mayor Reeves, Mr. Van Liere, Mr. Johnson, and City Commissioners:

Thank you for the opportunity to respond on the record to the "Atlantic Beach sea turtle watch" proposal initiated by resident Louis Catania. It is important to note that the information herein applies equally to the cities of Neptune Beach and Jacksonville Beach.

As you're undoubtedly aware, the sea turtles that nest on our local beaches are listed as either threatened or endangered on the IUCN Red List, which classifies the animals on a scale of endangerment of extinction.ⁱ This affords them strict protections under state and federal statutes as set forth by the Federal Endangered Species Act of 1973 and [Florida's Marine Turtle Protection Act \(379.2431, Florida Statutes\)](#).

As such, a Marine Turtle Permit (MTP) is required to legally interact with these animals. [F.A.C. Rule 68E-1](#) states: "A specific authorization from Commission staff is required to conduct scientific, conservation, or educational activities that directly involve marine turtles in or collected from Florida, their nests, hatchlings or parts thereof..."ⁱⁱ All activities relating to marine turtles must be authorized under subsection 379.2431 (1), Florida Statutes. To qualify for a MTP the applicant must have the appropriate knowledge and experience, and demonstrate that the *proposed activity adds to the conservation of marine turtles*.

Volunteers have managed the local sea turtle conservation efforts since the 1980s in collaboration with the Greenpeace organization. In 1991 the volunteers formed an independent group known as Beaches Sea Turtle Patrol, Inc. (BSTP) which was granted non-profit status under Section 501(c)(3) of the Internal Revenue Service Code and recognized as a public charity under Section 509(a)(2).

Throughout the decades, BSTP has continuously qualified for and maintained the annual rigorous requirements to possess the Marine Turtle Permit by faithfully upholding the guidelines, directives and guiding principles set forth by Florida Fish and Wildlife Conservation Commission (FWC), U.S Fish & Wildlife Service (USFWS), National Marine Fisheries Service (NMFS), and the Florida Department of Environmental Protection (DEP). Our many years of mandatory seminars and workshops, additional voluntary training, and field experience has uniquely qualified BSTP as an authority on local sea turtle conservation and best practices.

By contrast, Mr. Catania was a BSTP volunteer for only 2½ nesting seasons (approximately 13 months of actual field work). His volunteer status was temporarily suspended at one point due to his willful disregard of

known and established protocols and best practices. While he has been a member of BSTP for many years, the distinction must be made that a "membership" denotes a financial contribution only and does not render that donor a qualified field volunteer. It is similar to being a supporting member of the ASPCA, the St. Johns Riverkeeper, or any other non-profit organization.

Further, Mr. Catania surveyed only a small section of Atlantic Beach and has no direct knowledge or experience with the rest of BSTP's geographic jurisdiction, which encompasses a much larger and diverse area than north Atlantic Beach. Nor did he volunteer with our outreach team, whose primary function is to provide education on all facets of sea turtle conservation and protections.

BSTP is very strongly opposed to Mr. Catania's proposal for a "sea turtle watch group". Our MTP does not allow public hatchling releases. The proposal to post dates, maps, and invite the public at large to nest-sit and await the emergence of the hatchlings is tantamount to a public release. Wildlife authorities would very likely consider the activity as "take"ⁱⁱⁱ, which is unlawful and could result in revocation of our permit. Fines would probably also be imposed.

Mr. Catania is correct that BSTP did indeed post expected hatch dates in the distant past. This practice was eliminated at least 10 years ago. Aside from the fact that public releases are prohibited by the terms of our permit, our decades of experience have made clear the following facts:

- It is not possible to accurately determine exactly when a given nest is going to emerge. We received many complaints that the nest did not hatch "when it was supposed to". There is an array of factors that influence the gestation period, such as environmental conditions, the point in the season that the nest was deposited, the placement of the nest location, and the species. Just like human babies, the hatchlings arrive whenever they are ready. Taking into account all the determining factors, that can range from as few as 48 to as many as 80 days.
- The proliferation of cell phone and social media usage has caused small groups of observers to swell into large unmanageable crowds within minutes. BSTP does not have the manpower or the legal authority to handle such incidents.
- Our volunteers already must deal with individuals (some of whom are intoxicated) who refuse to abide by acceptable nest etiquette rules or heed instruction by certified personnel. This includes the placement of personal items like tents, chairs, blankets and coolers that block the area in front of the nest; flashlights that disorient the hatchlings;^{iv} and unattended or undisciplined children and dogs that interfere with the hatchlings. If you consult your police incident reports from July 29, 2016 you should find a record of a BSTP volunteer calling to report an overnight nest-sitter collecting hatchlings while using a bright flashlight and ignoring her repeated requests to cease the activity and hand over the hatchlings to her.
- To the best of our knowledge, no other sea turtle conservation/protection group in the state of Florida publishes anticipated hatching window dates.
- Most people who are genuinely concerned for the welfare of the turtles are completely understanding of the reasons the information is not published once they are educated about the dangers.
- BSTP must maintain continuity of protocols and best practices throughout each of the beach cities in our jurisdiction. Mr. Catania was not present at every nest emergence in Atlantic Beach, and to my knowledge was never present at any in the neighboring beaches. While it's certainly true that some may indeed have been attended by well-behaved crowds, there is no guarantee that all crowds will be well-behaved at every nest emergence no matter where it is located.

Upon the publication of Mr. Catania's article in the Beaches Leader on July 14, 2016 (attached to his proposal), FWC became aware of the piece and sent me the following email on July 25:

Hi Jennifer,

We recently learned of a piece in the 7/14 edition of the Beaches Leader newspaper that encouraged folks to head out to the beaches in the Atlantic Beach area (north of 18th Street) to seek out & encounter hatchling turtles. We were a bit surprised to discover that the author, Louis Catania, is listed as Authorized Personnel on FWC MTP-16-111B.

We certainly appreciate the intent behind the message - getting folks interested in sea turtles and thus encouraging more support for sea turtle conservation efforts - but we were disappointed that the piece was attempting to achieve these outcomes by encouraging more traffic on the beaches at night. As you know, sea turtles rely on our beaches for reproductive processes that are critical to their survival and efforts to recover their populations. Human presence on the beach at night has been shown to result in interruption or interference with these processes (i.e., nesting and hatching), however unintended. Even our authorized turtle watches, conducted by folks who have been specifically trained on how to most effectively minimize their presence on the beach at night, have been shown to have an impact on the turtle being observed and likely on other nearby turtles as well. Technically, any interference could be considered "take" under the federal Endangered Species Act or Florida's Marine Turtle Protection Act (Florida Statute), which is why conducting turtle watches or other nighttime beach-based research or conservation activities requires a permit from FWC. While it is not illegal to be on the beaches at night (unless the beaches are private or closed at night under local authorities), pedestrian traffic on the beach at night is rarely beneficial to marine turtles.

Further, the chances of folks walking along the beach encountering an emergence are slim given the small window of time when hatchlings emerge from a nest and migrate to the sea. In other words, the chance of impacting nesting turtles' behavior are high while trying to encounter an event with very low chances of success. Even "sitting" nests has potential for impacts and as a result we do not encourage that type of activity.

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I shared this information with Mr. Catania who chose to disregard FWC's authority and publish a second piece (also attached to his proposal) on September 29 to further encourage unapproved (and potentially unlawful) interaction with turtle hatchlings. BSTP was therefore left with no choice but to permanently sever our association with him and revoke his volunteer status.

The notion that observing nest emergences is an entitlement because the general public has an interest, is a very dangerous one that should not be considered lightly. I personally have a strong interest in forensic crime scene investigation, but that does not entitle me to insert myself into an active crime scene just to satisfy my own curiosity, even if it's in a public place. BSTP's expert outreach team will happily arrange an entertaining and educational presentation tailored to any audience. This service is provided free of charge and is available to any group who requests it.

Should the city of Atlantic Beach choose to move forward with Mr. Catania's proposal in any form, it should also be prepared to assume the responsibilities of securing and maintaining the Marine Turtle Permit for the entire portion of Atlantic Beach.

The proposed activities are not in compliance with [F.A.C. Rule 68E-1](#) in that they do not "add to the conservation of marine turtles". BSTP cannot and will not participate in activities that are contrary to the terms of

our permit, and would no longer be responsible in any regard for Atlantic Beach. As the Marine Turtle Permit Holder, your main responsibilities would include, but are not limited to, the following:

- Application for the permit if you meet the qualification requirements (experience, attendance at mandatory annual workshops, etc.).
- Securing approval from FWC and coordination with their staff for all sea turtle tasks and activities.
- Training city employees.
- Daily sunrise monitoring of all nests and nesting habitat in Atlantic Beach.
- Building and maintenance of protective nest barriers, including predator control devices and barriers for artificial lighting issues when warranted.
- Monitoring for potential lighting issues after dark and making contact with the property owner regarding mitigation efforts.
- Post-emergence nest evaluations.
- Responding to turtle emergencies 24 hours a day, seven days a week during nesting season (April / May through October or after the final nest has been evaluated). Responding in daylight hours during the rest of the year.
- Immediate response to stranding incidents, particularly with a live animal which may also necessitate transport to a rehabilitation facility. Weather patterns this past season washed ashore dozens of live but severely debilitated post-hatchling turtles over the course of several months that required immediate triage and transport.
- Responding to turtle disorientation events.
- Responding to obstructed nesting attempts.
- Interaction with beach visitors for educational purposes.
- Implementation of nest adoption program if you choose to continue it. This entails assigning nests, posting the signage on the nest, sending notification letters and final nest evaluation results.
- Any other tasks that are deemed necessary for appropriate sea turtle conservation.
- Full financial support of all turtle-related materials, tasks and activities.

Current mandatory annual FWC reports include, but are not limited to:

- Statewide Nesting Beach Survey
- Index Nesting Beach Survey
- Nest Productivity Worksheet
- Nourishment Monitoring Worksheet (reportable during beach renourishment projects and 3 years thereafter)

Other documentation reports as needed:

- Sea Turtle Stranding and Salvage Network Stranding Form
- FWC Marine Turtle Disorientation Report
- FWC Marine Turtle Obstructed Nesting Attempt Report
- Separate monitoring reports for beach renourishment as required by DEP and the US Army Corps of Engineers. This also requires coordination with and reporting to the project contractor.

Please refer to the attached [FWC Marine Turtle Guidelines](#) for further details.

Leading sea turtle experts estimate that only one out of every 1,000 to 10,000 hatchlings will survive to reproductive age. It is widely known that human activities are a major threat to their survival: marine pollution, artificial lighting, coastal armoring, and longline fisheries are among the greatest dangers.^v Human-related beach activities are among the most common, and are also a major threat. BSTP's counterparts on Anna Maria Island documented a high-profile incident in August where a woman unlawfully interacted with emerging hatchlings, using lighted video and posting it on social media.^{vi} The take-away from the television news report is that "hatchlings are not a tourist attraction".

Another high-profile incident in 2015 involved a woman riding on the back of a mother turtle that was attempting to nest, while subjecting her to bright flash photography. These types of incidents are sadly becoming

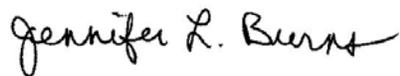
ever more common, but very few reach the public's attention. We would ask you to consider, is this the kind of behavior that Atlantic Beach wants to encourage, especially when the sea turtle is a commonly used symbol for your community?

BSTP has always valued and appreciated our working relationship with Atlantic Beach. The employees and city officials are consistently and genuinely concerned for the safety, protection and welfare of the sea turtles that nest here. We sincerely appreciate the support you have collectively provided to BSTP's conservation efforts these many years, particularly the times you have gone above and beyond to help in every possible way. It is our sincere hope that your support will carry on into the future so that Atlantic Beach will continue to be a desirable sea turtle nesting habitat among the shrinking suitable locations.

Again, I thank you for the opportunity to address this issue which is so critical to these endangered animals. Please do not hesitate to contact me if you require additional information.

Sincerely,

Jennifer Burns

A handwritten signature in black ink that reads "Jennifer L. Burns". The signature is written in a cursive style with a large initial "J" and "B".

Marine Turtle Permit Holder
MTP-16-111B_PA-A_9.26.16

Endnotes

ⁱ International Union for Conservation of Nature. Provides taxonomic, conservation status, and distribution information on taxa that are facing a high risk of global extinction. (<http://www.iucnredlist.org/>)

ⁱⁱ Florida Administrative Code Rule Chapter 68-E1 (<https://www.flrules.org/gateway/chapterhome.asp?chapter=68E-1>)

ⁱⁱⁱ Take: An act that potentially harasses, injures or kills a protected species.

^{iv} *Photo A* Overnight campsite immediately adjacent to an incubating nest. Jacksonville Beach 2016. Photo by BSTP during sunrise survey.



Photo B Articles obstructing hatchling path to ocean. Atlantic Beach, 2016.



Photo C Flash photography at a nest at night. This is prohibited and clearly posted as such on the nest. Atlantic Beach, 2016. Photo from the individual's public social media page.



Photo D

Individual encroaching on an emerging hatchling for a social media “photo opp”. Atlantic Beach, 2016.



^v Sea Turtle Conservancy (<https://conserveturtles.org/>)

^{vi} “FWC looking for woman who tampered with sea turtle hatchlings | WTSP.com” (<http://www.wtsp.com/news/local/fwc-looking-for-woman-who-tampered-with-turtle-hatchling-on-longboat-key/303040826>)