

SLP

Subject: Re: Sea Life Park Issues

Date: Thu, 17 May 2001 08:14:53 -0400

From: Sandy_MacPherson@fws.gov

To: Linda_Belluomini@rl.fws.gov

CC: Elizabeth_Sharpe@rl.fws.gov, George.Balazs@noaa.gov, Barbara.Schroeder@noaa.gov, Earl_Possardt@fws.gov, Marilet_Zablan@rl.fws.gov, William_Zimmerman@rl.fws.gov

Hi Linda,

Thanks for passing along the information from Gene Hester (see message and attachment below). I'm not sure where this leaves us, but this has definitely been a learning experience. George Balazs, NMFS Honolulu, believes FWS could help the situation by sending a letter to Sea Life Park firmly stating our stance and legal jurisdiction over what's happening re the disease outbreak at SLP. In fact, in one of his e-mails he stated "At our March 8th meeting, SLP asked FWS for clarification on this issue" re "the legalities of the captive progeny of SLP's Pre-Act turtles."

Would it be possible for Region 1 to send a letter to the Park with this type of information (with a cc to the State of Hawaii)? If so, I'd recommend running a draft by George Balazs first (if he's willing) to make sure we haven't missed something. Elizabeth Sharpe may have a better idea than me of what points need to be covered, but based on the massive volley of e-mails I've been receiving on this issue, the following seem to be the key points:

1. The legalities pertaining to Pre-Act wildlife and the progeny of Pre-Act wildlife. Per Gene Hester's e-mail response to my questions, "The U.S. Fish and Wildlife Service maintains that the progeny of the Pre-Act turtles are subject to the Endangered Species Act of 1973 as amended (See 50 CFR 10.12 - definition of Fish or Wildlife). From the U.S. Fish & Wildlife Service interpretation our jurisdiction extends to any of the prohibited acts (see 50 CFR 17.21, 17.31 and 17.42(b)(1)). (See also 50 CFR 17.32 concerning permits)." Perhaps this could be rewritten in plain English first though and the letter could spell out what 50 CFR states about Pre-Act wildlife and their progeny, as well as prohibited acts, rather than just cite the CFR.
2. Specifics on prohibited acts (e.g., euthanasia of Pre-Act progeny including eggs, transfer of progeny to other facilities).
3. The steps SLP would need to take to get a FWS permit to euthanize progeny.
4. Information detailing that a facility wanting to receive progeny from SLP would need to first obtain a Letter of Authorization or permit (depending on whether the transfer is deemed to involve commerce or not) from FWS (I can handle any requests for LOA's for non-commerce transfers if you'd like, but not permits).
5. FWS concern about the risks associated with, as well as the legalities pertaining to, the release of any SLP Pre-Act progeny from captivity to the wild and potentially infecting the wild stock. According to Gene Hester's e-mail, the release to the wild of Pre-Act turtles and their progeny is prescribed by 50 CFR 16.15b "... no such live reptiles or any progeny or eggs thereof may be released into the wild except by the State wildlife conservation agency having jurisdiction over the area of release or by persons having prior written permission for release from such agency."

Please let me know what you think about getting a letter out to SLP. I'll help in any way I can.



Sea Life Park

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From: PAKA NISHIMURA Date: 5/31/01 ←

Re: _____ Including cover pages: 3

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Urgent For Review Please Comment Please Reply

As you requested via your e-mail dated 5/19/01, here is the letter from Karen Willson to you (2/8/90).