

## Groups plan to sue states, federal agency over failure to protect turtles

DMR director: Shrimping moratorium unlikely, unnecessary

By GEOFF PENDER

Conservation groups plan to sue Mississippi and other Gulf states and the National Marine Fisheries Service, claiming they've failed to protect endangered sea turtles from death in shrimp nets.

Chris Pincetich of the Sea Turtle Restoration Project said federal and state governments have failed to protect endangered sea turtles from shrimping deaths, and the groups may seek a moratorium on Gulf shrimping in court. He said the BP oil disaster is likely a main cause of hundreds of recent sea turtle deaths -- far more than normal -- but that shrimping is also a culprit and better regulations and enforcement are needed.

So far this year, the groups planning to sue say, more than 320 dead turtles have been found in Mississippi, Louisiana and Alabama, compared with the average of fewer than 100 a year.



JAMES EDWARD BATES/SUN HERALD Institute for Marine Mammal Studies volunteer Justin Main collects a dead sea turtle found in Pass Christian in May 2010. Conservation groups plan to sue Mississippi and other Gulf states and the National Marine Fisheries Service, claiming they've failed to protect endangered sea turtles from death in shrimp nets.

Bill Walker, director of the Mississippi Department of Marine Resources, said everyone involved with Gulf fisheries is concerned about turtle deaths, but that a moratorium on shrimping is unlikely and ill-advised.

"I do not think that (National Marine Fisheries) would seriously consider going down that road," Walker said. "A lot of people are upset at a lot

of levels over turtles dying, and rightly so. But to think about shutting down an entire fishery is going way too far."

For one thing, Walker said, since the BP oil disaster, shrimping in the Gulf has been greatly curtailed as turtle deaths have risen.

Walker said Mississippi "has a pretty good track

record” of enforcement of requirements for shrimpers to use turtle-excluder devices, or TEDs, in shrimp nets.

But Pincetich said federal TED regulations include “a deadly loophole” that allows shrimp boats with skimmer trawls, side-mounted nets popular in shallow Gulf waters, to not use TEDs.

“In Mississippi, BP was paying money to shrimpers for free TEDs,” Pincetich said. “A lot of people got them, including those with skimmer trawls, and are sitting there with a free TED at home but waiting on the regulations to require them to be used.”

Pincetich said given a dearth of information from the federal government on other causes of turtle deaths, the groups planning to sue are first going after NMFS and the states for not adequately protecting turtles from shrimping deaths.

The groups filing a notice of intent to sue include the Turtle Island Restoration Network, the Center for Biological Diversity, Defenders of Wildlife and the Sea Turtle Conservancy. The 60-day notice filed in federal court says the Endangered Species Act requires the Fisheries Service to take action to conserve endangered species and the agency has for decades failed to adequately police the shrimping industry. The notice of intent to sue is required by the Endangered Species Act.

“The health of (turtles) has been impacted by the BP oil spill, and now business-as-usual shrimping operations are jeopardizing critically endangered Kemp’s ridley sea turtles,” Pincetich said.

Walker said: “To just blame these turtle deaths on a fishery this early in the investigation is a bit premature.”