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National Fisheries Services holds off on new turtle excluder device rules

By Benjamin Alexander-Bloch,
The Times-Picayune

After holding meetings last summer to discuss requiring turtle excluder devices in all shrimp boats that fish with skimmer trawls -- equipment used primarily in shallow water, such as Louisiana's coastal waters, bays and estuaries -- the National Oceanic and Atmospheric Administration's National Marine Fisheries Service on Tuesday announced it has withdrawn the proposed rule change. NOAA Fisheries Service observers collected data that showed the devices might not prevent small sea turtles from being caught in nets as previous data suggested.

"We're not abandoning this issue, there's just more work that needs to be done to get it right," said Roy Crabtree, southeast regional administrator for NOAA Fisheries. "This is the first time we've required observers on skimmer trawls and the information we now have suggests the conservation benefit does not justify the burden this rule would place on the industry. We need more research looking at different options."

The proposed rule, which had not yet taken effect, would have affected 2,248 Louisiana shrimpers



A turtle excluder device, or TED, sits at lower left in the shrimp net above. Times-Picayune/NOLA Media Group archive

compared to 65 in North Carolina, 62 in Mississippi and 60 in Alabama.

Shrimpers have said that TEDs reduce their catch and that the proposal would have placed another financial burden on a shrimping fleet that is already on its knees due to competition from shrimp imports.

Shrimps also have argued, despite a federal analysis largely stating otherwise, that the turtle deaths may not be due to shrimp trawl nets.

The NOAA Fisheries Service has estimated 28,127 sea turtles are

captured annually by shrimpers and its previous analysis had indicated that the TEDs would prevent 5,515 turtle deaths a year. But, the recent analysis showed that TEDs, while very effective at allowing turtles to escape from otter trawl nets operating offshore, "may need to be modified to work effectively for the inshore trawl fisheries."

"Typically, skimmer trawls fish in shallow areas where they tend to encounter smaller, young turtles, while otter trawls fish in both shallow and deeper waters so on average they tend to encounter larger turtles," the recent announcement states.

The NOAA fishery observers found that the turtles captured in skimmer trawls were often too small to escape through the TED door and that instead they often would “pass through the bars of the TED and get caught inside the end of the net, potentially causing them to drown rather than allowing them to escape as intended.

If NOAA had decided the rule was warranted, it would have taken effect by March 15, 2013.

There are five species of sea turtles inhabiting the Gulf of Mexico and the Atlantic, and all are protected under the Endangered Species Act: loggerhead, green, Kemp’s ridley, hawksbill and leatherback. After a surge in turtle drownings, environmental groups in 2011 called for the Gulf shrimp fishery to be closed until turtle protections were enacted.

As part of a settlement with the groups, the NOAA’s fisheries service proposed the TEDs rule.

“The Fisheries Service has known about this chronic problem for a long time, and that further delay will cause unnecessary turtle deaths. The agency’s failure to protect these species is tragic,” said Jaclyn Lopez, staff attorney for the Center for Biological Diversity, one of the entities that sued to ensure these sea turtle protections. “Despite its own claim that the Fisheries Service is not abandoning its promise to protect sea turtles, it is in fact maintaining the deadly status quo by failing to move forward with any protective measures.”

The Turtle Island Restoration Network, another group involved in that settlement, also released a statement on Tuesday afternoon calling for a

suspension of the shrimp fisheries until further sea turtle protections are in place.

“Sea turtles are critically endangered and no shrimp trawler should be allowed to operate if it can’t prevent the drowning of turtles,” said Todd Steiner, biologist and executive director of Turtle Island Restoration Network. “Any net that can’t prevent turtles from being held underwater and drowning must be prohibited.”

Carole Allen, Turtle Island Restoration Network’s Gulf of Mexico director said that the decision is politically, as opposed to scientifically, based.

“Allowing any shrimper trawl with any kind of net without trawl has been wrong from the very beginning and they know it. They are killing turtles. It is extremely serious,” Allen said. “This can be only due to political pressure.”

The network’s program director, Teri Shore, harkened back to the recent presidential election: “Is this a sign of Obama’s new fisheries policy and the beginning of the end for sea turtles in the Gulf?”

While TEDs have been required in otter trawls for more than 20 years, fishermen using skimmer trawls, pusher-head trawls, and wing-net trawls are authorized to use tow time limits instead, based on the time of year, to help prevent incidental turtle catch. Limiting the amount of time a net is pulled underwater is one way to reduce impacts of shrimp trawls on sea turtles, as most turtles can survive for up to an hour or more underwater.

But NOAA and environmental groups argue that shrimpers often don’t comply with such time regulations and that they are nearly impossible to enforce.

Documenting trawl-time violations requires enforcement personnel to be close enough to observe when a trawl is cast and when it is removed. And while a federal law passed in 1987 already requires that larger shrimp trawl nets – usually used more offshore – have TEDs, a Louisiana law prohibits state wildlife agents from enforcing the federal statute, claiming there is little proof that shrimp-ing is a significant cause of turtle deaths.

The National Marine Fisheries Service, in conjunction with state agencies, last year performed necropsies on numerous turtles that were stranded -- washed ashore, dead or alive, or found floating dead or alive, generally in a weakened condition -- between March and June 2011, and determined the two primary possible causes of death were forced submergence or effects from harmful algal blooms.

NOAA stated that “the only known plausible cause” of forced submergence is capture in fishing gear, and sampling by federal officials showed that TEDs compliance was inadequate.