

Sea turtle protection measure raises ire

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By Ben Brown

Both of this area's congressmen are among voices concerned with a sea-turtle protection proposal that they fear could choke efforts to keep shorelines nourished for residents and tourists.

U.S. Reps. Mike McIntyre (D-7) and Walter Jones (R-3) on Monday joined 14 fellow congressmen in a letter to regulators saying they support the protection of the threatened loggerhead sea turtle, but what the U.S. Fish & Wildlife Service (FWS) is proposing—a “critical habitat” designation for nesting beaches along the East Coast and in southeast North Carolina—could have “devastating” implications for the coastal economy and beyond.

“Critical habitat” is Endangered Species Act terminology for areas important to the lives of endangered or threatened species, “and which may require special management considerations or protection,” according to FWS.



A pair of baby loggerheads skitter toward the surf on Bald Head Island. File photo by Ben Brown.

Though the extent of those special considerations isn't immediately clear, McIntyre and Jones are among officials worried they could include hang-ups for the beach-widening construction projects that are important for protecting property and luring visitors—and their money—to the coast.

“Tourism associated with our nation's beaches provides roughly \$225 billion annually in business and tax revenue,” the congressmen asserted, adding they were “troubled” FWS hadn't already produced an analysis of economic impacts.

The proposal

FWS's proposal, which first surfaced in March, could put 740 miles of the United States' East Coast—with 96 miles of North Carolina shoreline, including Pleasure Island and Oak Island—into a critical-habitat designation for the loggerheads.

That could mean more stringent turtle-welfare checkpoints for projects, like beach nourishments, that depend on federal funding or authorization.

The Carolina Beach strand, for instance, just completed a federally aided beach nourishment project that pumped 900,000 cubic yards of sand ashore from the adjacent inlet, shaping the beach up for wide recreation space and property protection. (Related story)

It's one of the area beaches marked for the potential "critical habitat" designation, and its mayor, Bob Lewis, has asked FWS to hold a public hearing there before any rules become final. He's additionally requested an itemized list of any new "regulatory hurdles" that might befall the beach town.

Also marked for the designation are Bald Head Island, Oak Island, Holden Beach, Lea-Hutaff Island and Topsail Island.

In all, 90 nesting sites on the coasts of North Carolina, South Carolina, Georgia, Florida, Alabama and Mississippi are eyed.

Need touted

Various conservation groups are supporting the draft measure, among them the Arizona-based but nationally spread Center for Bio-

logical Diversity(CBD), which filed a lawsuit against the federal government early this year to prompt stronger sea-turtle protections.

"Protected beach habitat will help ensure that when [loggerheads] reach our beaches, exhausted and ready to nest, they're met with true southern hospitality: plenty of food, good conditions for nesting, and safe beaches for hatchlings to leave their nests so they may someday return to continue the cycle of life," said Jaclyn Lopez, a CBD attorney based in Florida.

While the FWS proposal points out that beach nourishment can improve sea turtle nesting habitats, it underscores "a few important ephemeral impacts."

In most cases, FWS says, turtles who crawl to nourished—or "engineered"—beaches abandon their nesting efforts more often than turtles do on "natural" shores—by a margin of 10-34 percent.

CBD added that loggerheads already experience a beyond-difficult struggle for survival between natural and human impacts, like fish-net entanglements and "loss of nesting beaches due to coastal development and sea-level rise."

According to the N.C. Wildlife Resources Commission, only one of every 1,000 live hatchlings survives to adulthood.

Need disputed

But North Carolina's regulators have questioned the need for the FWS proposal. The N.C. Department of Environment and Natural Resources (DENR), which oversees the wildlife commission, last month filed a comment with FWS that noted several protections and volunteer programs are already in place, successfully.

“We believe that this combination of state, volunteer and private sector commitments to sea turtle conservation are at least partly responsible for an increasing presence of loggerheads and other sea turtles in state waters and nesting along our coastal beaches,” said the letter, signed by recently appointed DENR Secretary John E. Skvarla.

The letter added: “We can readily foresee increased planning, permitting, construction, and monitoring costs—both monetary and in time—for projects that are already subject to significant regulatory reviews and permit conditions.”

The American Shore and Beach Preservation Association (ASBPA) also questioned the need for the new designation.

“Our first comment is that beach restoration has been successful in restoring and preserving loggerhead habitat over the past several decades without a critical habitat designation,” the group’s science and technology committee said in formal comments.

A similar point came from the Bald Head Island Conservancy, which runs a lauded sea turtle protection program.

“On [Bald Head Island], and on several beaches around here, there would be no nesting beaches without nourishment,” said Suzanne Dorsey, the conservancy’s executive director. “So in order to have habitat at all, they need to ensure that nourishment continues. I think this is true for many places throughout the country.”

But Dorsey also said she’d communicated with FWS about the proposal and learned that local nourishment efforts wouldn’t necessarily be affected. The conservancy’s program exceeds federal regulations for loggerhead conservation,

she said.

Skvarla, in his letter from DENR to federal regulators, pointed out that the real impacts were unclear.

But until the picture sharpens, officials concerned with the rulemaking have to observe the potential worst-case scenarios, said Harry Simmons, president of the ASPBA and mayor of Caswell Beach, on Oak Island. “Or you take too many chances that you’re going to have a problem that will come and bite you later,” he said.

He pointed to a critical-habitat designation that landed for piping plover shorebird nesting along lengthy sections of beach at Long Island. Those areas were closed to the public during summer’s tourism and rental period.

“The total lack of interest in impacts on the human species I think is a concern that a lot of us have,” said Simmons, who added he too was troubled by the lack of economic impact analysis from the federal government ahead of the proposal.

Still in development

Beach nourishment was just one of several activities that might come under a sharper lens per the draft measure. Human presence on the beach at night, when the sea turtles tend to lumber ashore to nest, is one of them, though beach towns commonly have anti-harassment ordinances in place to give the turtles room to do their business.

The proposal also pointed out adverse impacts on sea turtles from coastal structures like jetties and groins—the latter of which were recently legalized in North Carolina

for a few inlet beaches. (A bill pending in the legislature currently would expand the groin allowances.)

Other considerations eyed in the FWS proposal included artificial lighting around the beach at night, which can misdirect nesting turtles. Another was beach-patrol vehicles that can leave sand ruts deep enough to interfere with the tiny hatchlings' first crawls toward the surf.

“Human activities, including commercial fishing and habitat degradation, are pushing loggerheads towards extinction,” said a statement from Oceana, a conservation group that joined CBD in the lawsuit for turtle protection.

FWS says it's supposed to implement a critical-habitat designation.

“Under the Endangered Species Act, critical habitat must be designated for any endangered or threatened species, to the maximum extent prudent and determinable,” the draft rule says. Loggerheads made the Endangered Species Act as a threatened creature 35 years ago.

Although the first round of public comments came to a close late last month, another round is likely after FWS produces its economic impact analysis, which its proposal said is in the works.