

# NEFMC Council Meeting

---



## NMFS' Turtle Excluder Devices Discussion Materials

for

Tuesday, June 23

# 2


Science, Service, Stewardship



NOAA FISHERIES SERVICE

**Update on the Atlantic Trawl Rule**  
New England Fishery Management Council  
June 23, 2009

NOAA FISHERIES SERVICE



**Overview**

- Background on ESA, Sea Turtles, NMFS Sea Turtle Strategy
- Review of the Advanced Notice of Proposed Rulemaking
- Overview of the Notice of Intent to prepare an EIS and conduct public scoping meetings
- Future actions

2



## Listed Sea Turtle Species



- Six species of sea turtles are listed under the Endangered Species Act
  - Endangered
    - Leatherbacks (*Dermochelys coricea*)
    - Kemp's ridley (*Lepidochelys kempii*)
    - Hawksbill (*Eretmochelys imbricata*)
  - Threatened
    - Olive ridley (*Lepidochelys olivacea*)\*
    - Loggerhead (*Caretta caretta*)
    - Green (*Chelonia mydas*)^

\*Mexican breeding population of olive ridleys are listed as endangered

^ Florida and Mexico breeding populations of green turtles are listed as endangered

3



## Current Conservation Measures to Protect Sea Turtles

- Gillnet restrictions in Pamlico Sound, NC
- Requirement to use Turtle Excluder Devices in shrimp trawl fisheries and flounder fisheries south of the VA/North Carolina border
- Prohibition of fishing with drift gillnets in CA/OR in the shark/swordfish fishery during El Nino events
- Hawaii swordfish fishery restrictions – 100% observer coverage, cap on turtle takes, and annual fleet-wide limit on effort
- Observer Rule will allow observer coverage in state and Federal waters for sea turtle interactions
- Requirement of a chain mat in the Federal Atlantic sea scallop dredge fishery

4



## Current Conservation Measures to Protect Sea Turtles

- Modified pound net leaders required in the VA Chesapeake Bay
- Seasonally adjusted gear restrictions in the Mid-Atlantic EEZ – prohibit fishing with gillnets with mesh-size larger than 7-in stretched mesh.
- Atlantic pelagic longline vessels are required to use circle hooks with certain bait combinations, have onboard sea turtle release equipment, and comply with specified sea turtle handling and release protocols.

5



## Sea Turtle Status

- In 2007, U.S. FWS and NMFS released the five-year reviews for all listed species
  - Recommended no changes in current listings.
  - Recommended full status reviews be undertaken in accordance with the Distinct Population Segment policy (loggerhead review is currently underway).
- Western Atlantic Loggerhead Recovery Plan issued in 2008

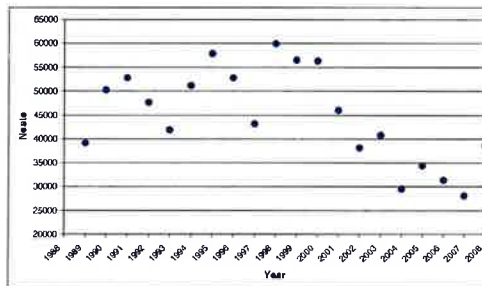
6



## Sea Turtle Status

- In October 2007, NMFS was petitioned to designate critical habitat for Leatherbacks off of the West Coast of the United States.
- In 2007, NMFS received petitions to designate the Northwest Atlantic loggerhead and the North Pacific loggerhead as "Distinct Population Segments" and list them as endangered.

Annual total nest counts for loggerheads on Florida Index beaches, 1989-2008.



7



## Atlantic and GoMex Strategy

- A comprehensive, integrated approach to address sea turtle bycatch across similar gear types in state and Federal waters rather than fishery by fishery
- Purpose of the Strategy
  - Conserve and recover sea turtles consistent with the Endangered Species Act
  - Evaluate fisheries and sea turtle bycatch in a comprehensive manner
  - Authorize sea turtle "take" consistent with the ESA
    - "Take" – to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.

8



## Atlantic and GoMex Strategy

- Key elements of Strategy's work over the last several years
  - Characterize state and Federal fisheries in the Atlantic and Gulf of Mexico
  - Evaluate and prioritize gear types
  - Analyze existing information on regulations, sea turtle distribution, fishing effort, bycatch and oceanographic conditions
  - Develop and test gear modifications
  - Enhance bycatch monitoring
  - Develop and implement solutions to reduce sea turtle bycatch

9



## Sea Turtle Strategy and the ESA

- Sec. 9: It is unlawful for any person subject to the jurisdiction of the United States to...
  - take any [endangered]...species within the United States or the territorial sea of the U.S.;
  - take any [endangered]...species on the high seas.
- Prohibition refers to both intentional (e.g., scientific research) and incidental (e.g., bycatch in commercial fishing operation) take.

10



## Sea Turtle Strategy and the ESA

- Conserve and recover protected species
  - Sec 7(a)(1) –The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act. All other Federal agencies shall, in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered species and threatened species listed pursuant to section 4 of this Act.

11



## Sea Turtle Strategy and the ESA

- How are actions exempted from the take prohibition?
  - Sec. 7(a)(2): Each federal agency shall...insure that any action authorized, funded, or carried out by an action agency is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of such species' designated critical habitat.

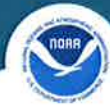
12



## Sea Turtle Strategy and the ESA

- How are actions exempted from the take prohibition?
  - Section 7(b)(4): If after consultation the Secretary finds that the proposed (federal) agency action will not cause jeopardy, an incidental take statement is issued.
  
  - The Incidental Take Statement
    - Specifies the impact of incidental take
    - Specifies reasonable and prudent measures to minimize the impact of take
    - Sets forth terms and conditions

13



## Sea Turtle Strategy and the ESA

- How are actions exempted from the take prohibition?
  - Section 10:
    - Scientific research permits (e.g., scientific researchers)
    - Incidental take permits (e.g., states)
  
  - Sec. 4(d) rule:
    - Protective regulations for threatened species

14





## Sea Turtle Strategy

- The Strategy seeks to reduce bycatch by fishing gear. The priority gear types include:
  - Trawls
  - Gillnets
  - Traps and Pots
  - Hook and Line (including longline)
- The first gear type to be addressed will be trawl fisheries

15



## Sea Turtle Bycatch in Atlantic Trawl Fisheries

- Estimated average annual bycatch of loggerhead turtles in Mid-Atlantic bottom otter trawl gear (Cape Hatteras, NC to Long Island Sound, NY) during 1996-2004 was 616 animals (Murray 2006)
- Estimated average annual bycatch of loggerhead sea turtles in Mid-Atlantic scallop trawl fishery is 134 (based on estimates for 2004-2005) (Biop on Scallop Fishery, March 2008 and Murray 2007)

16



## Trawl Phase of the Strategy

- Trawl Phase One – summer flounder, Atlantic sea scallop, whelk, calico scallop and the flynet fisheries for croaker and weakfish.
- Trawl Phase Two – Sheepshead/black drum/king whiting, porgy, skimmer, Spanish sardine/scad/ladyfish/butterfish, and multispecies (large and small mesh).
- Trawl Phase Three – Skate, horseshoe crab, monkfish, bluefish, spiny dogfish, and the herring trawl fisheries.

17



## Advanced Notice of Proposed Rulemaking

Published on February 15, 2007

- Open for 90 days of public comment
- Received 165 comments

Announced NMFS' plans to consider expansion of turtle excluder device (TED) requirements to new fisheries and areas

- Flynet
- Whelk
- Scallop
- Summer flounder (require larger TED opening)
- Potentially others

18

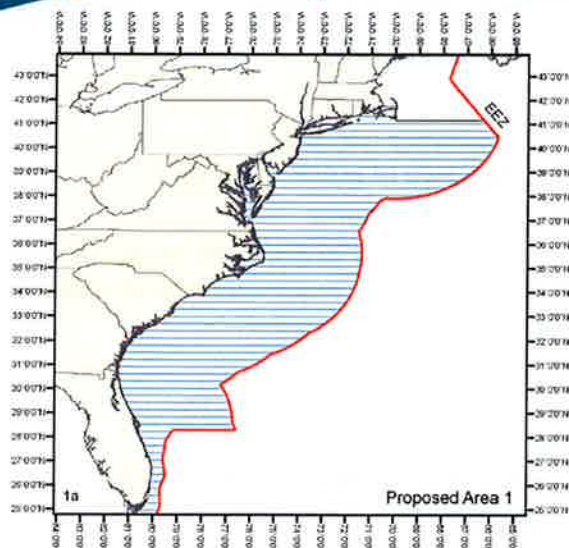


## Notice of Intent to Prepare an EIS and Conduct Scoping Meetings

- May 8, 2009 – NMFS announced in the Federal Register its intent to prepare an Environmental Impact Statement for the Atlantic Trawl Rule and to conduct scoping meetings.
- Alternatives for this rule include
  - Status Quo
  - Temporal and spatial application of the rule
  - Fisheries to include in rule (e.g., just phase I, all trawl fisheries)
  - Fisheries Operations - what would be required (e.g., TED use, closure, etc.)

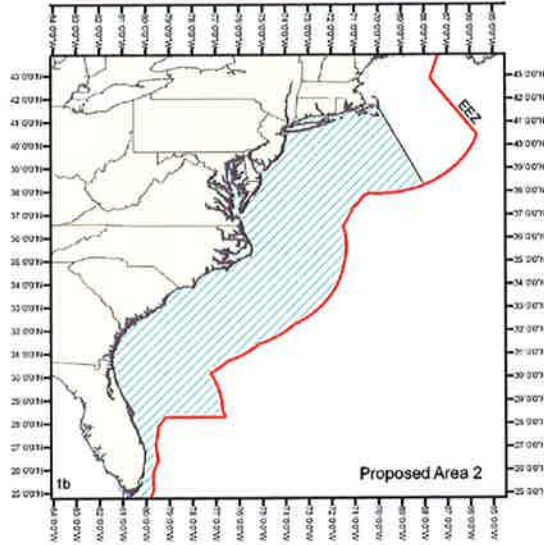


## Spatial Alternative 1

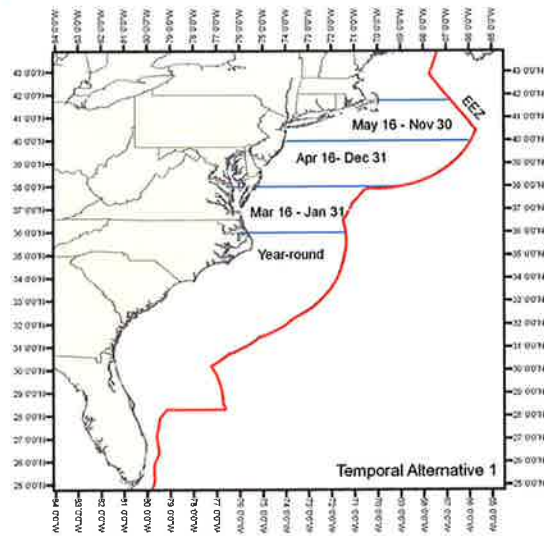




### Spatial Alternative 2

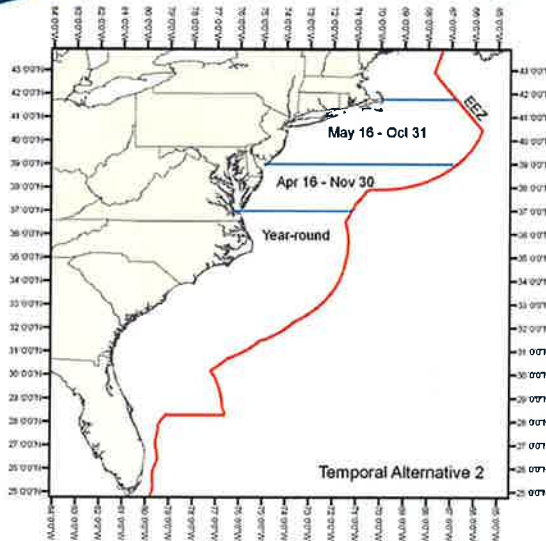


### Temporal Alt. 1





## Temporal Alt. 2



23



## Dates of Scoping Meetings

- May 15, 2009 – 10am to 12pm – Silver Spring, MD – NOAA Science Center
- June 9, 2009 – 7-9pm – MAFMC Meeting – NY, NY
- June 15, 2009 – 7-9pm – Brunswick, GA
- June 20, 2009 – 2-4pm – Manteo, NC
- June 23, 2009 – 7-9pm – NEFMC -- Portland, ME

24

NOAA  
FISHERIES  
SERVICE



**Scoping Period Ends – July 10, 2009**

**For more information & to submit written  
comments contact –**

**[Dennis.Klemm@noaa.gov](mailto:Dennis.Klemm@noaa.gov)**  
**[Pasquale.Scida@noaa.gov](mailto:Pasquale.Scida@noaa.gov)**  
**[Alexis.Gutierrez@noaa.gov](mailto:Alexis.Gutierrez@noaa.gov)**

**Fax: 301-713-4060**  
**Mail Comments to:**  
**1315 East West Highway**  
**Office of Protected Resources**  
**13<sup>th</sup> Floor**  
**Silver Spring, MD 20910**

25

