FREQUENTLY ASKED QUESTIONS

NOAA Fisheries Decision to Withdraw a Proposed Rule Requiring Turtle Excluder Devices in Skimmer Trawls, Pusher-Head Trawls, and Wing Nets (Butterfly Trawls) at This Time

What was the rule proposed by NOAA Fisheries?

- NOAA Fisheries proposed to withdraw the alternative tow time restriction, allowing vessels to tow trawls for a predetermined amount of time, in-lieu of using turtle excluder devices (TEDs) (55 minutes from April through October and 75 minutes from November through March).
- This would require all skimmer trawls, pusher-head trawls, and wing nets (butterfly trawls) rigged for fishing to use TEDs in their nets.

Who would be affected by the rule if implemented?

- If NOAA Fisheries moved forward with this proposed rule, then approximately 2,600 active fishermen using skimmer trawls, pusher-head trawls, and wing nets (butterfly trawls) in Louisiana, Mississippi, Alabama, Florida, and North Carolina would have been required to use TEDs. Louisiana has the most vessels of this type with close to 2,300.

Why did NOAA Fisheries originally propose the new TED requirements?

- The proposed rule was part of NOAA Fisheries long term sea turtle conservation plan and a settlement agreement to litigation raised by four environmental organizations asserting that NOAA Fisheries violated the Endangered Species Act (ESA).
- High levels of stranded sea turtles in the northern Gulf of Mexico during the springs of 2010 and 2011, with many showing signs of drowning, prompted NOAA Fisheries to look into causes and possible solutions.
- The proposed requirements would reduce incidental bycatch and mortality of threatened and endangered sea turtles in the southeastern shrimp fisheries in accordance with the Endangered Species Act.
- As background, NOAA Fisheries documented elevated sea turtle strandings in the Northern Gulf of Mexico, particularly throughout the Mississippi Sound area, over the past three years.
- Necropsy results indicate a significant number of stranded turtles likely perished due to forced submergence (i.e., drowned), which is commonly associated with fishery interactions.
- Additionally, NOAA Fisheries received information indicating the alternative tow time requirements are exceeded by vessels in the skimmer trawl fleet.

- As a result, NOAA Fisheries previously determined that a TED requirement for the skimmer trawl fisheries may be a necessary and advisable action to conserve threatened and endangered sea turtle species.

Why is NOAA Fisheries not requiring turtle excluder devices TEDs in these fisheries at this time?

- Between May and July 2012, fishery observers did the most thorough assessment to data of sea turtle interactions with skimmer trawls. They reported the capture of 24 sea turtles on Gulf of Mexico skimmer trawl vessels, all of which were Kemp's ridley sea turtles.
- All of the turtles were released alive with one turtle assumed dead post release due to its behavior while on the boat.
- Additionally, all observed sea turtles were small, juvenile specimens, and about 58% of these turtles had a body depth that could allow them to pass between the allowable 4-inch bar spacing of a TED.
- Turtles passing through the bars would get caught inside the end of the net potentially causing them to drown versus escaping through the TED opening as intended.

Why did NOAA Fisheries come to this conclusion?

- Newly collected information indicates that capture and mortality rates of sea turtles in the skimmer trawl, pusher-head trawl, and wing net (butterfly trawl) fisheries were less than previously estimated, and that the expected benefit to sea turtles from the proposed requirements were also less than previously estimated.
- Given the economic impacts from the proposed requirements, NOAA Fisheries is not moving forward with this proposed rule at this time.

What does NOAA Fisheries plan to do to address bycatch of sea turtles in these fisheries?

- NOAA Fisheries plans to continue observer efforts in skimmer trawl fisheries and work on gear development to find a technological solution to address the small turtle issue such as conducting TED feasibility and catch loss studies on TEDs with bar spacing less than 4 inches.
- NOAA Fisheries also plans to improve outreach efforts with the industry to address compliance issues with tow time requirements observed in the inshore skimmer trawl fisheries.

What is a TED and how much does it cost?

- A TED incorporates an excluder grid and an escape opening, usually covered by a webbing flap, which allows sea turtles to escape from trawl nets. TEDs for the shrimp fisheries cost between $300 and $400 per net, and are available at numerous net shops.

Where can I find additional information on this issue?

- The proposed rule, draft environmental impact statement, biological opinion, and several technical reports, including the new fishery observer data, is posted on the NOAA Fisheries, Southeast Regional Office website (http://sero.nmfs.noaa.gov/pr/pr.htm). Additionally, a *Fishery Bulletin* will be distributed to industry representatives and state agency partners.