Southeast Fishery Bulletin

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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

Based on newly collected data, NOAA Fisheries has concluded that a final rule requiring all skimmer trawls, pusher-head trawls, and wing nets (butterfly trawls) to use turtle excluder devices (TEDs) in their nets is not warranted at this time.

Background

An increase in the number of stranded sea turtles in the northern Gulf of Mexico in 2010 and 2011, with many showing signs of drowning, prompted NOAA Fisheries to look into causes and possible solutions. On May 10, 2012, NOAA Fisheries published a proposed rule in the *Federal Register* that would require all skimmer trawls, pusher-head trawls, and wing nets (butterfly trawls) to use TEDs in their nets.
A Draft Environmental Impact Statement (DEIS) analyzing the effects of the proposed rule to reduce incidental catch and sea turtle mortality was published in the *Federal Register* on May 18, 2012.

New Information

The NOAA Fisheries' National Observer Program collects data during commercial fishing trips. Observers on boats monitor fishing activities and collect data to address a range of conservation and management issues. Over the summer observers working on skimmer trawl vessels in the northern Gulf of Mexico obtained more information on the potential impacts to sea turtle populations. Between May and July 2012, observers reported the capture of 24 sea turtles on skimmer trawl vessels, all of which were Kemp's ridley sea turtles. Tow times, the amount of time a net is pulled underwater, ranged from 24 to 128 minutes, with an average tow time of 57 minutes. Currently, tow times may be used by skimmer trawls in lieu of TEDs. While only 35% of tows were within the required 55-minute tow time limit. 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 approximately 58% of these turtles had a body depth that could allow them to pass between the allowable 4-inch bar spacing of a TED.

Using this new information, scientists calculated new sea turtle capture and mortality estimates for the Gulf of Mexico skimmer trawl fisheries. In contrast to the estimates included in the DEIS, the revised capture and mortality estimates indicate that the potential benefits of a TED requirement in the Gulf of Mexico skimmer trawl fisheries is significantly less than previously estimated. Given the potentially significant economic impact a TED requirement would have on affected fishermen combined with highly uncertain ecological benefits to sea turtle populations based on the new observer data, biologists conclude a final rule to require all skimmer trawls, pusher-head trawls, and wing nets (butterfly trawls) in the Gulf of Mexico to use TEDs in their nets is not warranted at this time.

Future Efforts

NOAA Fisheries plans to continue observer effort to evaluate the potential effects of the skimmer trawl fisheries on sea turtle populations as well as explore technological solutions 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.

Additional Information

Electronic copies of the observer data used to make this determination may be obtained from the NOAA Fisheries Service Southeast Regional Office's website at http://sero.nmfs.noaa.gov/pr/pr.htm.