

**COMMENTS ON:**

**Sea Turtle Conservation and Shrimp Trawling Requirements**

**Proposed Rule**

**(<https://www.gpo.gov/fdsys/pkg/FR-2016-12-16/pdf/2016-30224.pdf>)**

**We will also refer herein to NOAA's 29 November 2016 Draft Environmental Impact Statement (DEIS)**

**([http://sero.nmfs.noaa.gov/protected\\_resources/sea\\_turtle\\_protection\\_and\\_shrimp\\_fisheries/documents/environmental\\_impact\\_statement\\_to\\_reduce\\_the\\_incidental\\_bycatch\\_and\\_mortality\\_of\\_sea\\_turtles\\_in\\_the\\_southeastern\\_u.s.\\_shrimp\\_fisheries.pdf](http://sero.nmfs.noaa.gov/protected_resources/sea_turtle_protection_and_shrimp_fisheries/documents/environmental_impact_statement_to_reduce_the_incidental_bycatch_and_mortality_of_sea_turtles_in_the_southeastern_u.s._shrimp_fisheries.pdf))**

**Submitted by:**

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**10 February 2017**

**The Proposed Rule states:**

**“We are proposing to withdraw the alternative tow time restriction and require all skimmer trawls, pusher-head trawls, and wing nets (butterfly trawls) rigged for fishing—with the exception of vessels participating in the**

**Biscayne Bay wing net fishery prosecuted in Miami-Dade County, Florida—to use turtle excluder devices (TEDs) designed to exclude small turtles in their nets. The intent of this proposed rule is to reduce incidental bycatch and mortality of sea turtles in the southeastern U.S. shrimp fisheries, and to aid in the protection and recovery of listed sea turtle populations.**

**. . .**

**On March 15, 2016 (81 FR 13772), we published a notice of intent to prepare an EIS and conducted five scoping meetings in April 2016. Information and public comment gathered during that process was incorporated into this DEIS, and a notice of its availability was published elsewhere in today’s issue of the Federal Register. The analysis included in this DEIS demonstrates that withdrawing the alternative tow time restriction and requiring all skimmer trawls, pusher-head trawls, and wing nets (butterfly trawls) rigged for fishing—with the exception of vessels participating in the Biscayne Bay wing net fishery prosecuted in Miami-Dade County, Florida—to use TEDs in their nets would reduce incidental bycatch and mortality of sea turtles in the southeastern**

**U.S. shrimp fisheries and, therefore, may be a necessary and advisable action to conserve threatened and endangered sea turtle species.”**

**The Proposed Rule also states:**

**“The analysis included in this DEIS demonstrates that withdrawing the alternative tow time restriction and requiring all skimmer trawls, pusher-head trawls, and wing nets (butterfly trawls) rigged for fishing—with the exception of vessels participating in the Biscayne Bay wing net fishery prosecuted in Miami-Dade County, Florida—to use TEDs in their nets would reduce incidental bycatch and mortality of sea turtles in the southeastern U.S. shrimp fisheries and, therefore, may be a necessary and advisable action to conserve threatened and endangered sea turtle species.”**

**Such statements convey expectations that required use of TEDs in skimmer trawls, pusher-head trawls, and wing nets within the southeastern U.S. shrimp fisheries will reduce incidental bycatch and mortality of so-called “small” (undefined in the Proposed Rule) sea turtles, thereby**

**protecting and conserving them, as well as contributing to recovery of sea turtle populations or Distinct Population Segments (DPSs) in the U.S. waters of the Gulf of Mexico and Northwest Atlantic Ocean. However, requiring use of TEDs in skimmer trawls, pusher-head trawls, and wing nets will not reduce incidental capture of “small” sea turtles within the southeastern U.S. shrimp fisheries. TEDs are not designed to prevent incidental capture of sea turtles in any type of shrimp trawling gear. TEDs only allow sea turtles that are captured in shrimp trawls properly rigged with TEDs to escape from the trawls. In addition, neither the Proposed Rule nor the DEIS demonstrated whether or how the expected mortality reduction of “small” sea turtles will contribute to population recovery of the sea turtle species and DPSs that occur within the southeastern U.S. This is a critical shortcoming, especially given the impact of the proposed regulation on the subject fishery.**

**It is particularly problematical that the category “small” was not clearly defined for each sea turtle species and DPS mentioned in the Proposed Rule or DEIS. The life stages, size frequencies, age structures, and sex ratios of sea turtles that are vulnerable to incidental capture and**

**mortality in these gears differ widely among sea turtle species and DPSs, and possibly also between the Gulf of Mexico and Northwest Atlantic Ocean. Oceanic (surface pelagic) life stage as well as neritic life stage sea turtles may fall into the “small” category for some or all of the sea turtle species and DPSs that are vulnerable to incidental capture and mortality in skimmer trawls, pusher-head trawls, and wing nets.**

**By themselves, the documented numbers of “small” sea turtles incidentally captured, as well as those killed, in skimmer trawls, pusher-head trawls, and wing nets, and the projections (estimates) of total incidental captures and mortality derived from them (by extrapolation of sample catch and kill rates, based on estimates of total shrimping effort for these gears), are insufficient to evaluate the magnitude of the threat of use of these gears (without TEDs) to recovery of populations of any of the sea turtle species or DPSs mentioned in the Proposed Rule. Missing from the Proposed Rule and DEIS are 1) analyses based on stock assessment models showing how abundance trends respond to the projected reduction in available sea turtle mortality**

**attributable to the new regulations and 2) evaluations of relative reproductive values (RRVs) or adult equivalents of “small” female sea turtles documented to have been incidentally captured and killed in skimmer trawls, pusher-head trawls, and wing nets within the southeastern U.S. shrimp fisheries. These additional analyses are necessary to evaluate the need for and/or effectiveness of the proposed new regulations.**