



LOUISIANA SHRIMP ASSOCIATION

P.O. Box 1088 Grand Isle, La. 70358
504-382-9341

PROPOSED RULE ON TURTLE EXCLUDER DEVICES (TEDS)

- On December 16, 2016, the National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), and the U.S. Department of Commerce, issued a proposed rule, which would, among other things, generally require that approximately 5,000, small Skimmer vessels rigged for fishing – the vast majority of which are located in Louisiana and owned and operated by Louisiana fishermen businesses – to use a specialized device, also known as a turtle excluder device (TED), which allows a captured sea turtle to escape when caught in a fisherman's net. Such a rule would severely impact thousands of fishermen in Louisiana who operate Skimmer vessels, as well as thousands of small and medium-sized local businesses that are involved in and/or rely on the Gulf Coast seafood industry.
- The Louisiana Shrimp Association, (LSA), a non-profit organization formed by commercial shrimpers throughout the State of Louisiana, together with the Louisiana Wildlife and Fisheries, Parish of Plaquemines, and others, recently submitted formal comments expressing serious concerns about these new regulations.
- The LSA strongly opposes the proposed rule involving TEDs because:
 - **According to NOAA's own assessment of the potential economic impact of such a regulation, if implemented, the rule will have disastrous economic consequences for thousands of small-business fishermen and the coastal communities in which they live and work.**
 - **Importantly, NOAA concluded in its Draft Economic Impact Statement (DEIS) that over 5,000 shrimping vessels in the Gulf of Mexico will be impacted by this regulation.** Approximately 70 to 80 percent of these vessels are part-time, "mom and pop" family fishing businesses, which are governed by the Regulatory Flexibility Act (RFA).¹
 - **NOAA admitted in its DEIS that the start-up costs for these small businesses to comply with new TED regulations will be in the tens of millions dollars and that there is a "[h]igh probability that many (i.e., 50% or more) part-time vessels will stop operating due to TED costs."**² According to NOAA, the adverse impact of the new TED regulations is so severe that the outcome is not economically sustainable and would likely cause the "average" Skimmer vessels to stop operating.³
 - Louisiana's total annual income derived from shrimping is \$1.3 billion and the shrimping industry provides at least 15,000 jobs annually.⁴ Under the NOAA's assessment, over 2,000 to 3,000 shrimping vessels would no longer be active, hundreds, if not thousands of family fishing businesses will be forced to close and file bankruptcy, putting thousands of coastal residence out of work, including vessel owners, crew, dockworkers, processing personnel, etc. As a result, the overall impact of such a rule would likely exceed several hundred million dollars.

¹ By their own admissions, NOAA has acknowledged that imposing these new TED requirement would violate the RFA.

² (Footnotes 1 & 2 to Table 1, p. viii of the DEIS).

³ (DEIS, p. 164)

⁴

- **Not only is the regulation unduly burdensome, but it actually undermines the stated purpose of the regulation – which is to protect the sea turtle population.**
 - According to NOAA data on the sea turtle population, current regulatory practices, which allow Skimmer vessels to operate without TEDs, have resulted in exponential growth of sea turtle populations. Indeed, NOAA data on turtle deaths suggest that shrimping trawls are safer than trawls with TEDs.⁵
 - A report prepared for the Gulf States Marine Fisheries Commission concluded that Kemp’s Turtle population in the Gulf of Mexico, the principal turtle that Skimmer vessels have been found to interact with, has grown “exponentially” from 1966 to 2009, the last year prior to the BP Oil Spill.⁶
 - According to a study conducted by NOAA examining Kemp’s Turtle interactions, captures, and mortality data, Skimmer vessels account for only 4 percent of all Kemp’s Ridley Turtle mortalities, while vessels with TEDs account for 96 percent of the Kemp’s Ridley mortalities.⁷
 - When turtles are inadvertently captured by Skimmer vessels, they are much more likely to survive than when caught by a vessel outfitted with a TED. Notably, Skimmer vessels have less than 10 percent turtle mortality per capture, while 88 percent of turtles captured by TED vessels ultimately die.⁸
 - Similarly, NOAA’s observational data of shrimping operations found that TED vessels had 3 times more turtle mortalities than Skimmer vessels, as well as significantly higher per capture mortality rate, with a 39 percent mortality rate for TED vessels and 9 percent mortality rate for Skimmer vessels.⁹
- **When installed on small Skimmer vessels, TEDs pose a significant safety hazard for fishing crew and are simply impractical when used together with Skimmer nets, particularly when deployed in Louisiana’s shallow coastal waters.**
 - NOAA concluded that TEDs present a serious safety hazard for small Skimmer vessels that, by design, have a limited deck space and are often operated by a small, one- or two-man crew.¹⁰
 - TEDs used with Skimmer nets are impractical as they are likely to become clogged by debris. Further, due to certain modifications Skimmer vessels will have to implement in order to accommodate the TEDs, the net could become entangled in the motor, creating significant safety issues for the crew on board the vessel.¹¹

5

6

⁷ 2014 Southeastern Biological Opinion, Table 39, p.185.

8

9

¹⁰ DEIS, p. 205

¹¹ (See DEIS at 205)