

*Science, Service, Stewardship*



**Atlantic Trawl Rule**  
Public Scoping Meetings for an EIS

**NOAA  
FISHERIES  
SERVICE**



## Overview

- Origins of the 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



## 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



## 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 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 fishery



## Current Conservation Measures to Protect Sea Turtles

- Modified pound net leaders required in the Chesapeake Bay
- Seasonally adjusted gear restrictions in the Mid-Atlantic EEZ – prohibit fishing with gillnets with mesh-size large 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.



## Sea Turtle Status

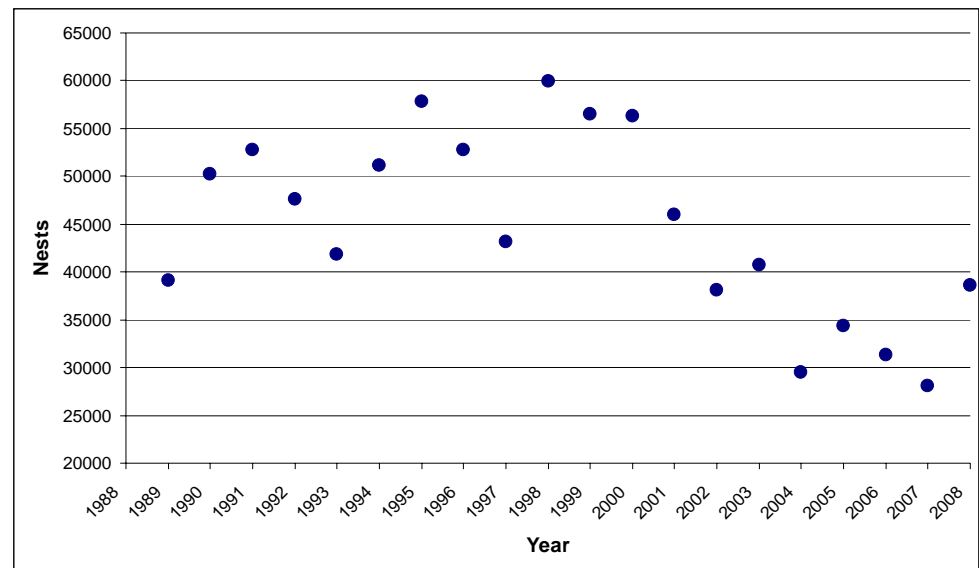
- In 2007, U.S. FWS and NMFS released the five-year reviews for all listed species
  - Recommended no changes in current listings.
  - Recommended full status reviews be undertaken in accordance with the Distinct Population Segment policy (loggerhead review is currently underway).



## 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.





## Atlantic Strategy

- A comprehensive, integrated approach to address sea turtle bycatch across similar gear types in state and Federal waters rather than fishery by fishery.
- 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





## Atlantic Strategy

### Purpose of the Strategy

- Conserve and recover sea turtles consistent with the Endangered Species Act
- 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.



## Atlantic 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.



## Atlantic 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.



## Atlantic 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.



## Atlantic 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



## Atlantic 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



## Atlantic 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



## 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)





## 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



## 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.



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

- May 8, 2009 – NMFS will announce 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
  - Temporal and spatial application of the rule
  - Status quo
  - Closed areas
  - Requirements to use turtle excluder devices
- Fisheries under consideration – Atlantic sea scallop, calico scallop, whelk, flounder and croaker and weakfish flynet fisheries



## Phase 1 Trawl Alternatives

### Five types of Alternatives

- Status Quo
- Spatial
- Temporal
- Fisheries
- Fisheries Operating



## Alternatives

**No Action Alternative (Status Quo):** Under the no action alternative, trawl fisheries in the Atlantic Ocean would continue to fish in the same manner. The current TED requirements would remain in place and no additional measures would be required in these fisheries to reduce sea turtle interactions.



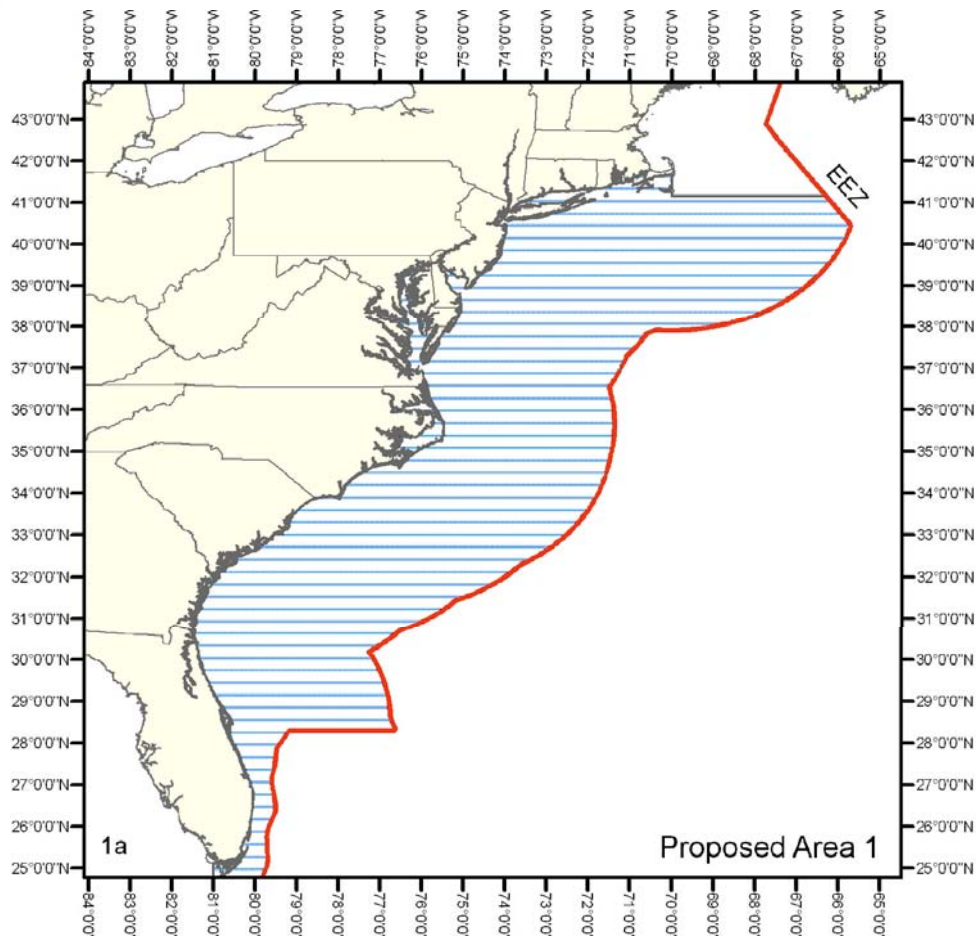
## Spatial Alternative One

**Spatial Alternative 1:** Under this alternative, the regulation would apply to proposed Area 1, which is bound on the north by a line extending south along  $70.00^{\circ}$  W from the south facing shoreline of Cape Cod, MA to  $41.15^{\circ}$  N/ $70.00^{\circ}$  W, then extending east along  $41.15^{\circ}$  N to the outer boundary of the Exclusive Economic Zone (EEZ). This area is bounded on the east by the outer boundary of the EEZ and on the west by the mean high water line (Figure 1a).

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## Proposed Area One





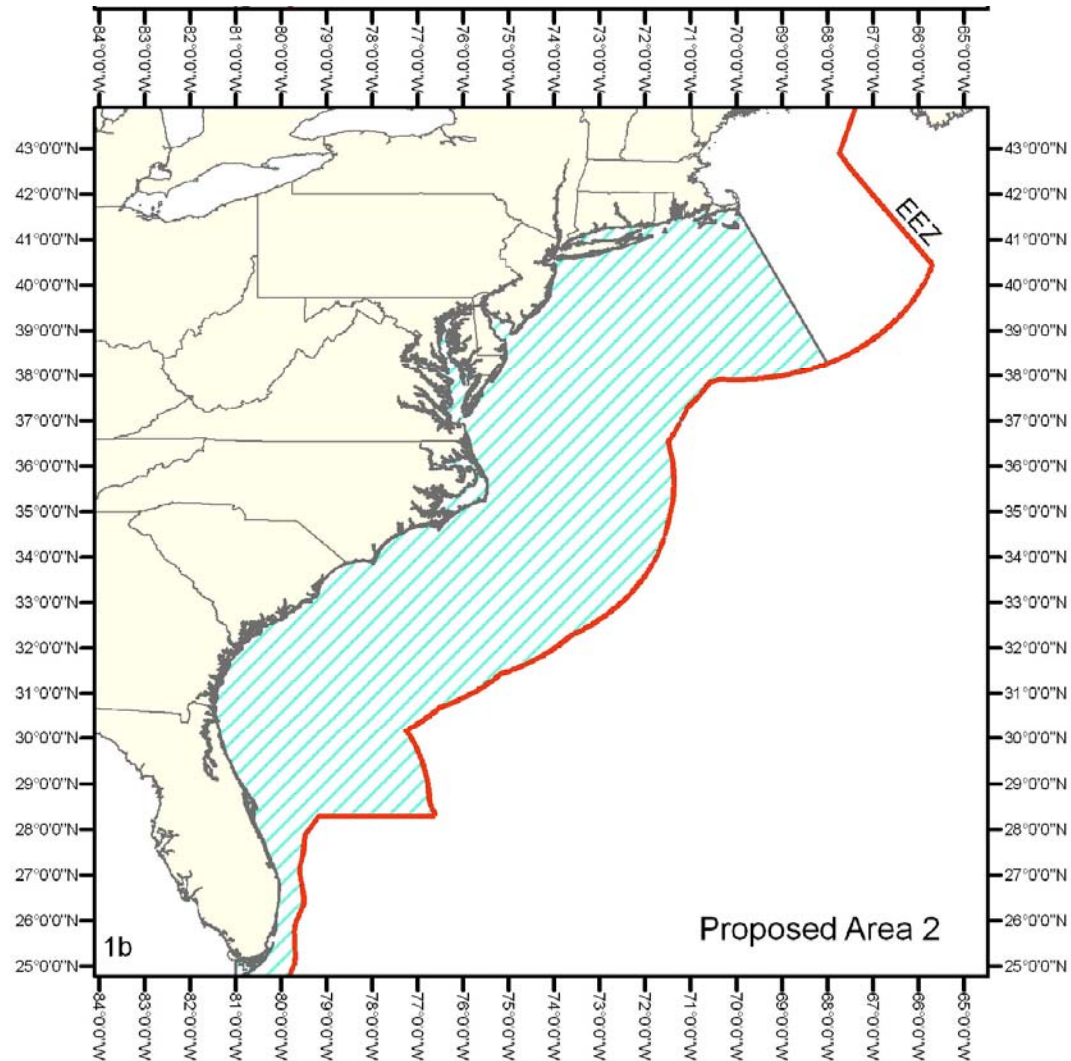
## Spatial Alternative Two

**Spatial Alternative 2:** Under this alternative the regulation would apply to Proposed Area 2 which is bounded on the north by a straight line extending from the intersection of the south facing shoreline of Cape Cod, MA with  $70.00^{\circ}$  W to the intersection of the outer boundary of the Exclusive Economic Zone (EEZ) with  $68.00^{\circ}$  W. Proposed Area 2 is bounded on the east by the outer boundary of the EEZ and on the west by the mean high water line (Figure 1b).





# Proposed Area Two





## Spatial Alternative Three

**Spatial Alternative 3:** Under this alternative the regulation would apply to the entire Exclusive Economic Zone (EEZ) of the East Coast of the United States south from the Canadian border to the intersection of 81.00 ° W longitude. This spatial alternative would affect the northernmost latitude described in Table 1 and Table 2 of the temporal alternatives, shown below. Instead of being 41.75° N, it would be the northernmost latitude of the U.S. EEZ along the East Coast.



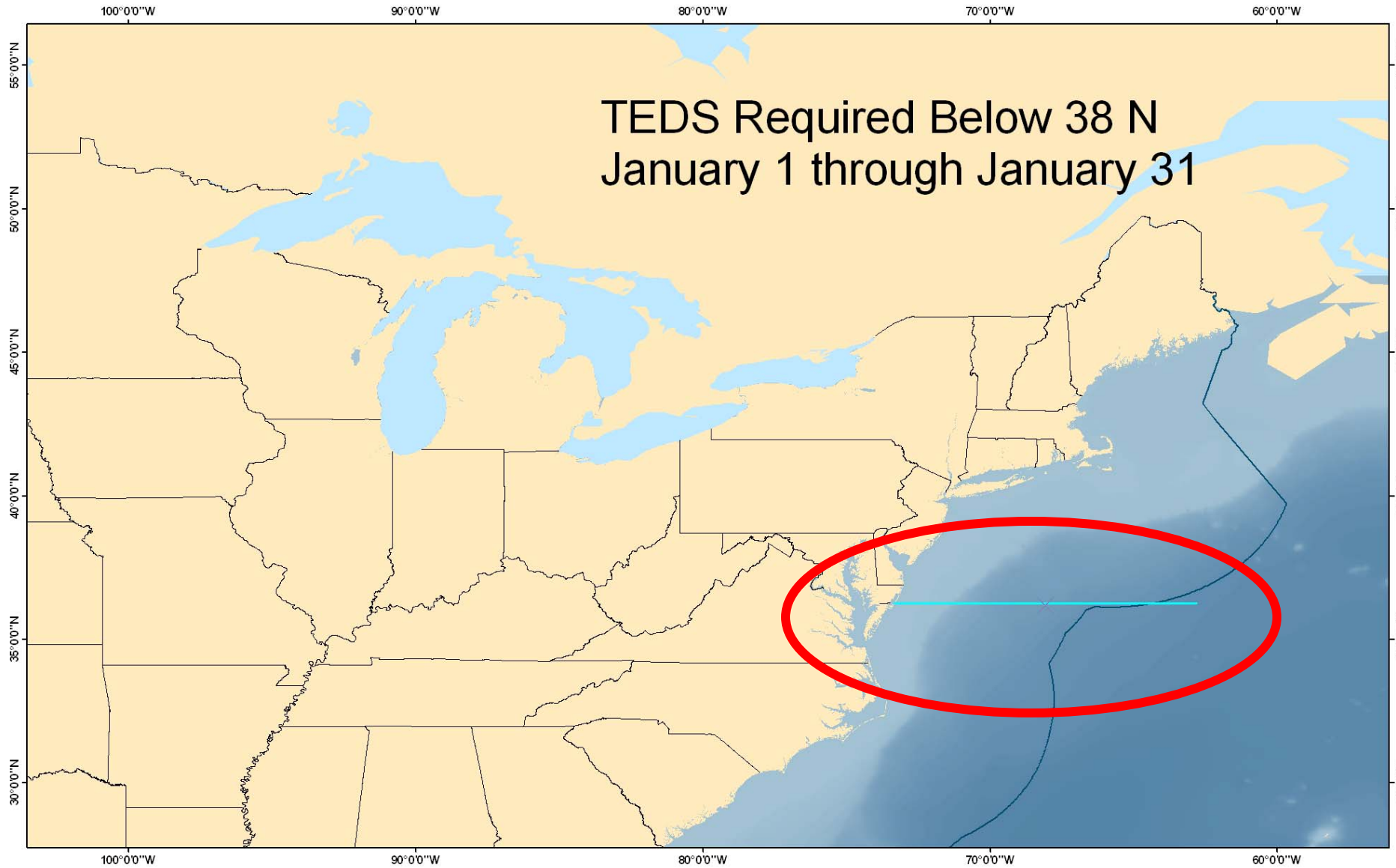
**Temporal Alternative 1:**  
Under this alternative, the regulation would be required south of specific latitudes at varying times each year, as summarized in Table 1.

## Temporal Alternative One

<b>Latitude</b>	<b>Time Frame</b>
38° N	January 1 through January 31
36° N	February 1 through March 15
38° N	March 16 through April 15
40° N	April 16 through May 15
41.75° N	May 16 through November 30
40° N	December 1 through December 31

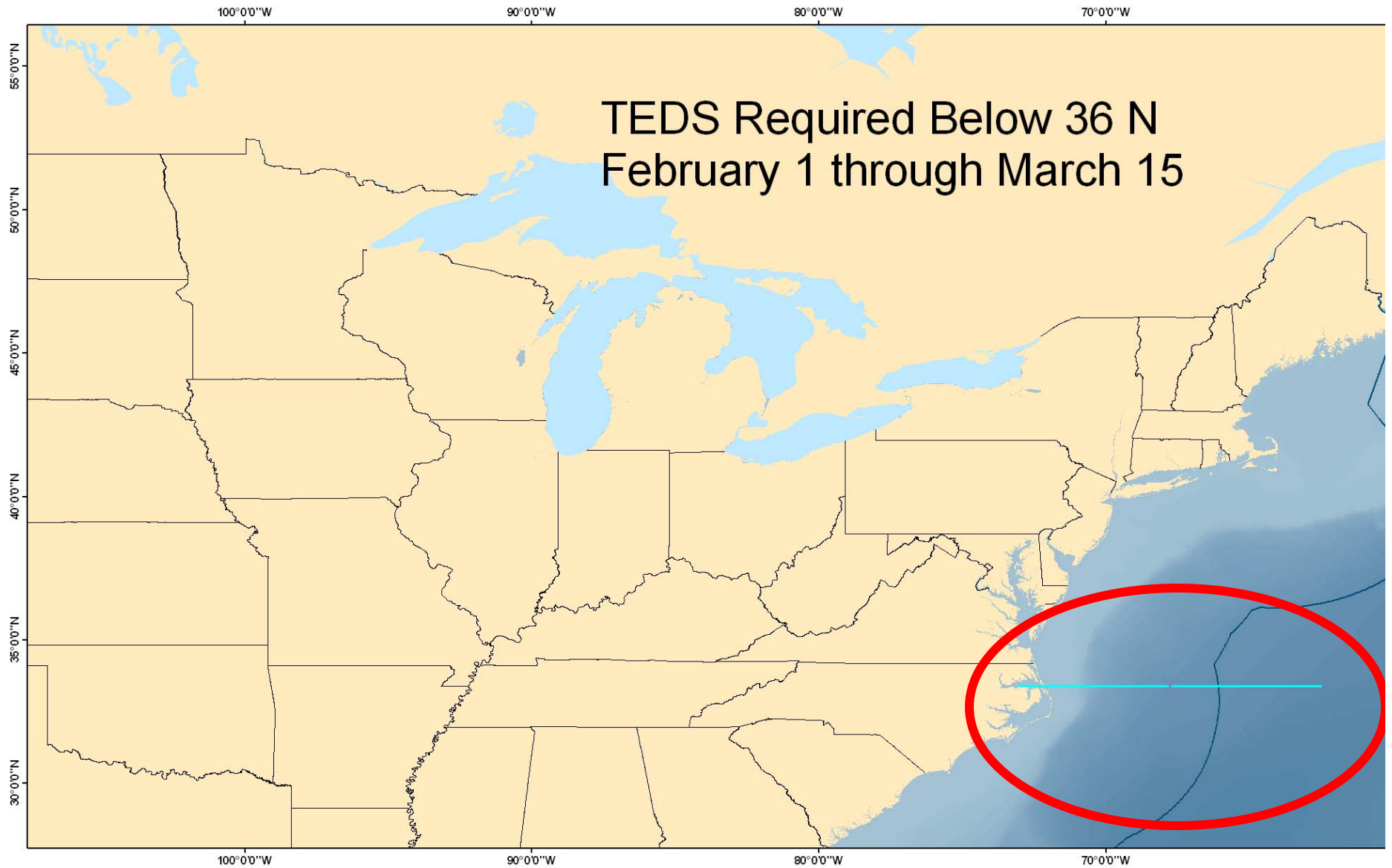
# Sea Turtle Strategy to Reduce Commercial Fisheries Bycatch

A Partnership Project Between NOAA's National Marine Fisheries Service and National Ocean Service



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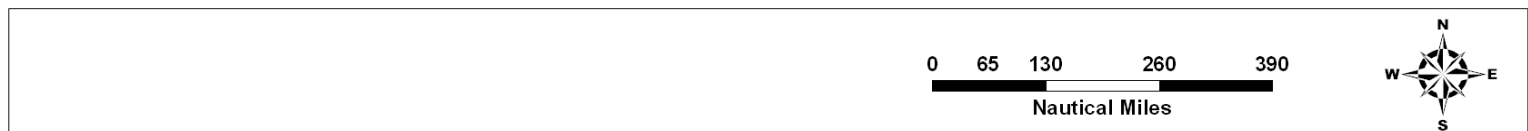
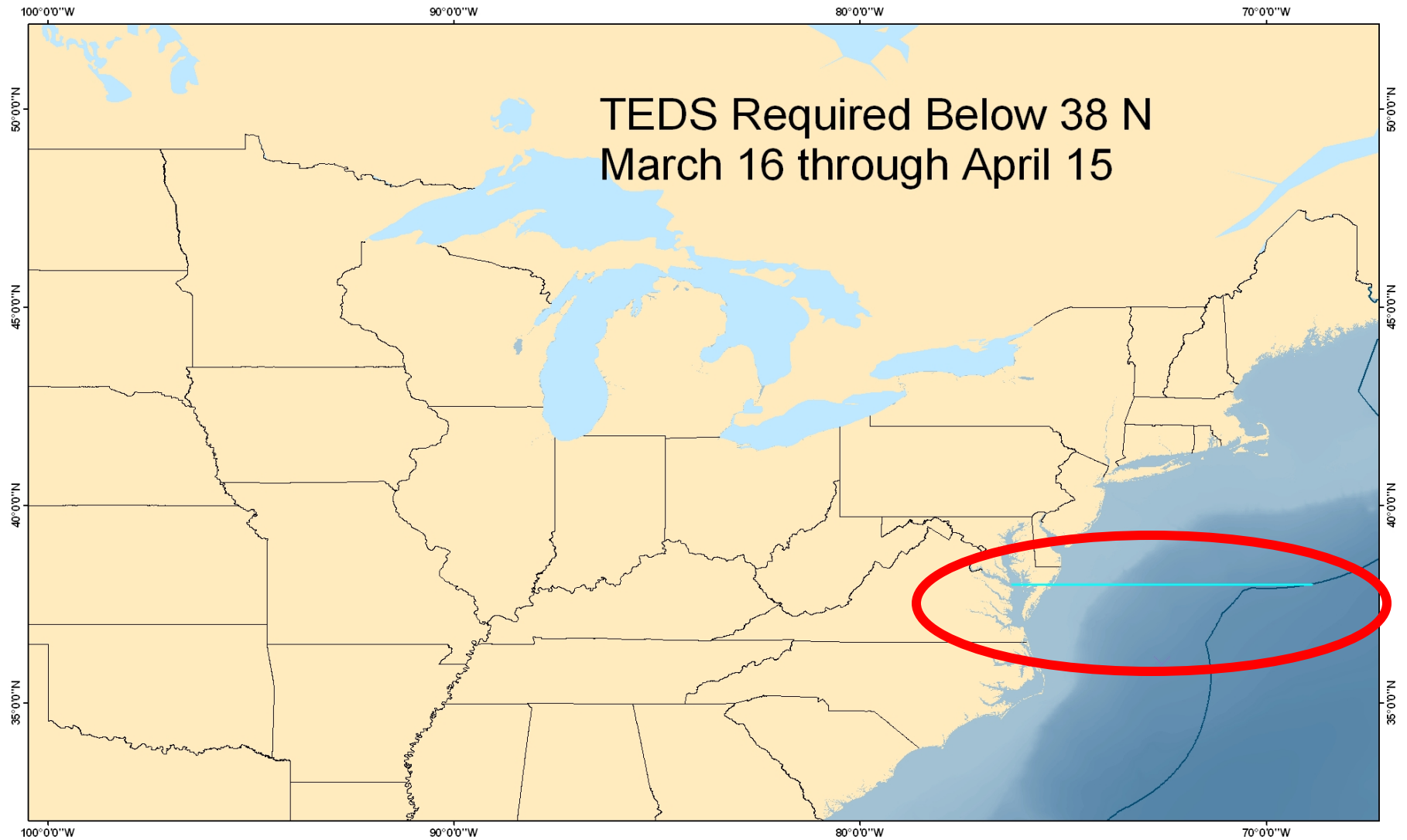


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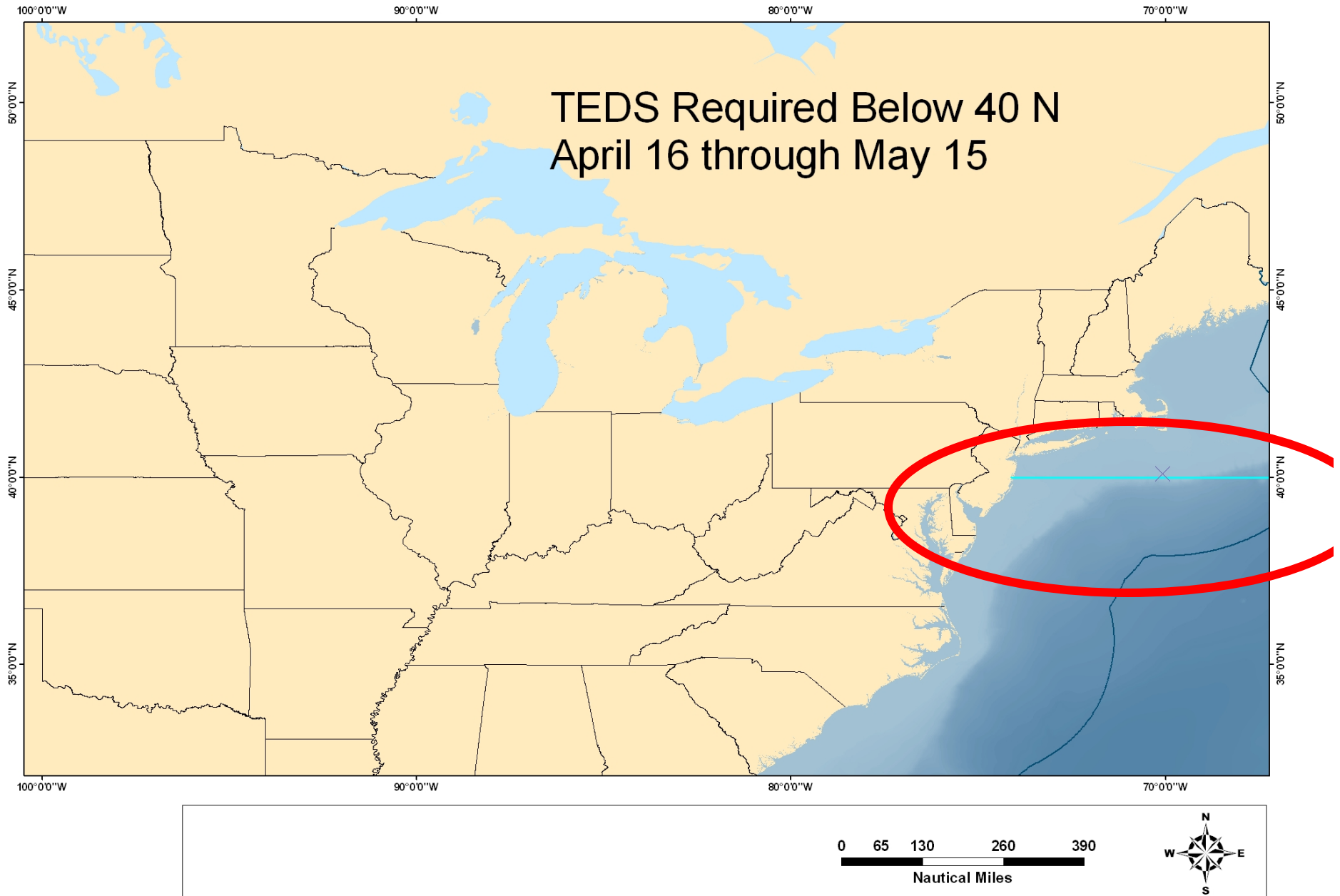
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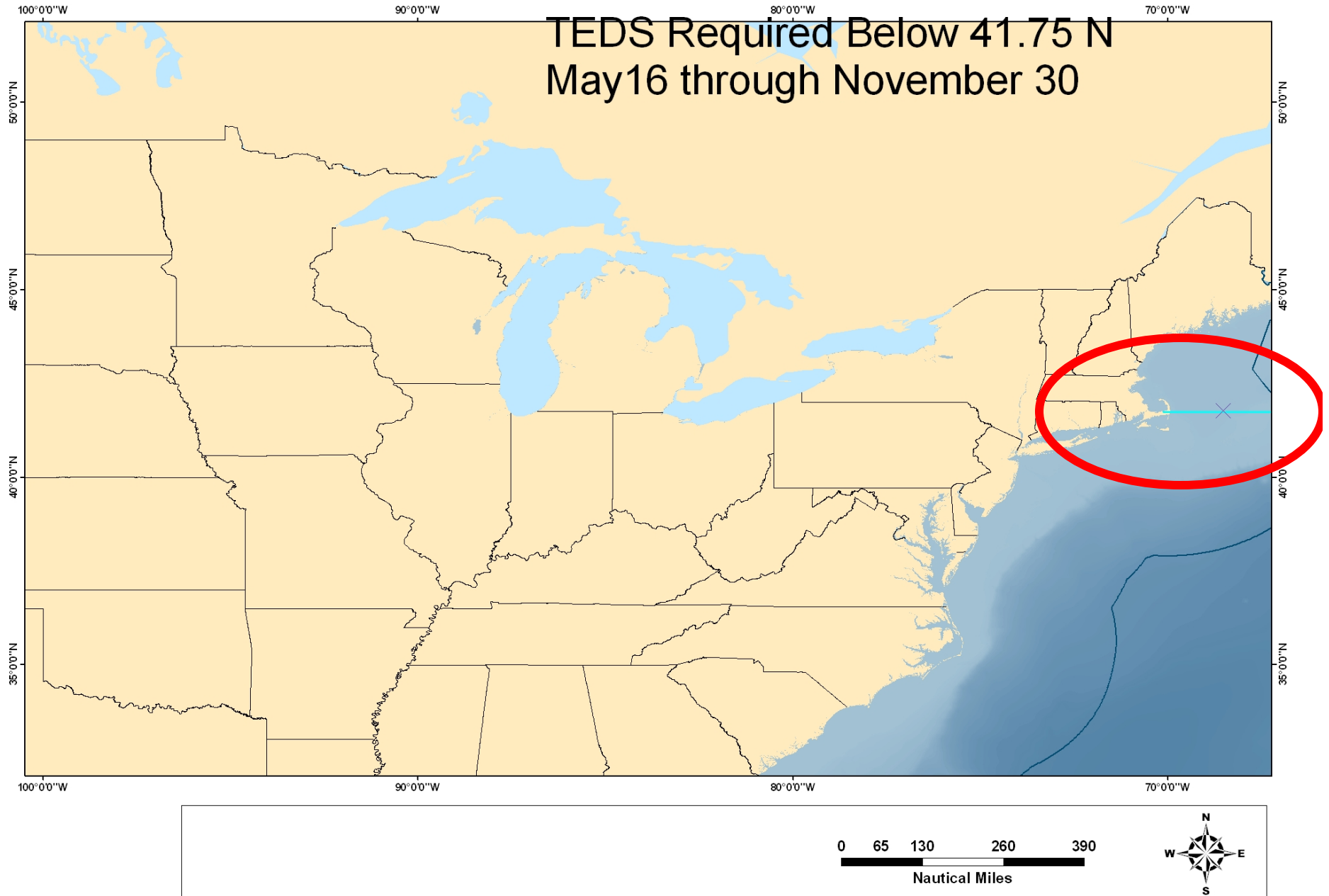
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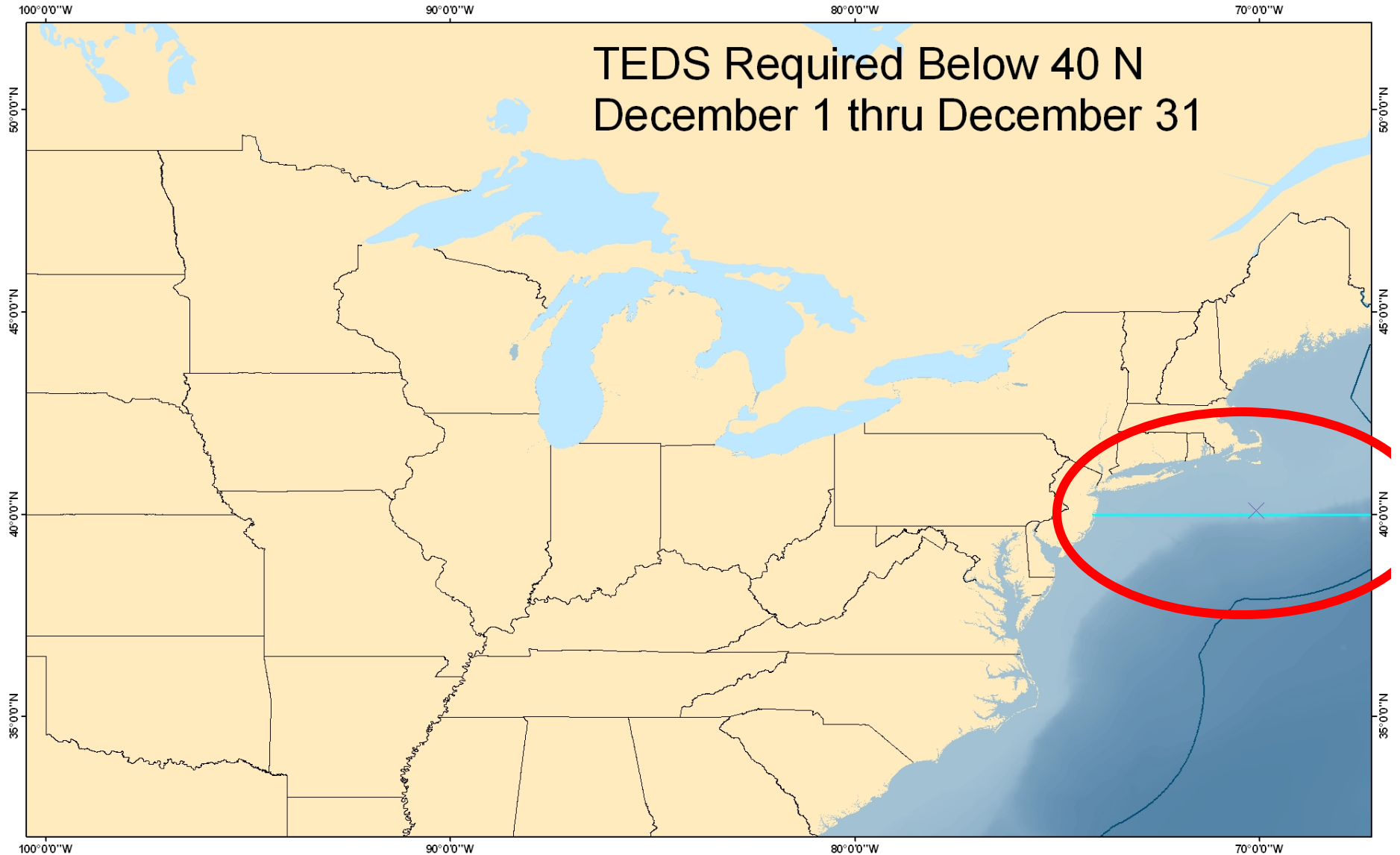
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Nautical Miles





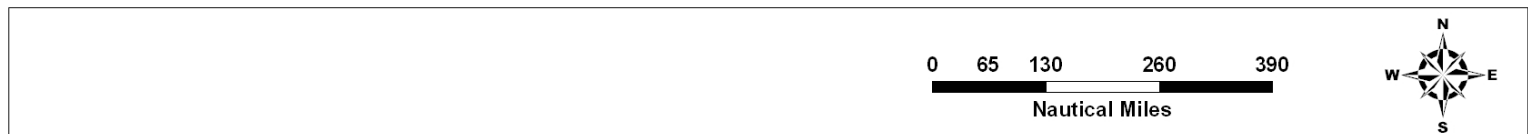
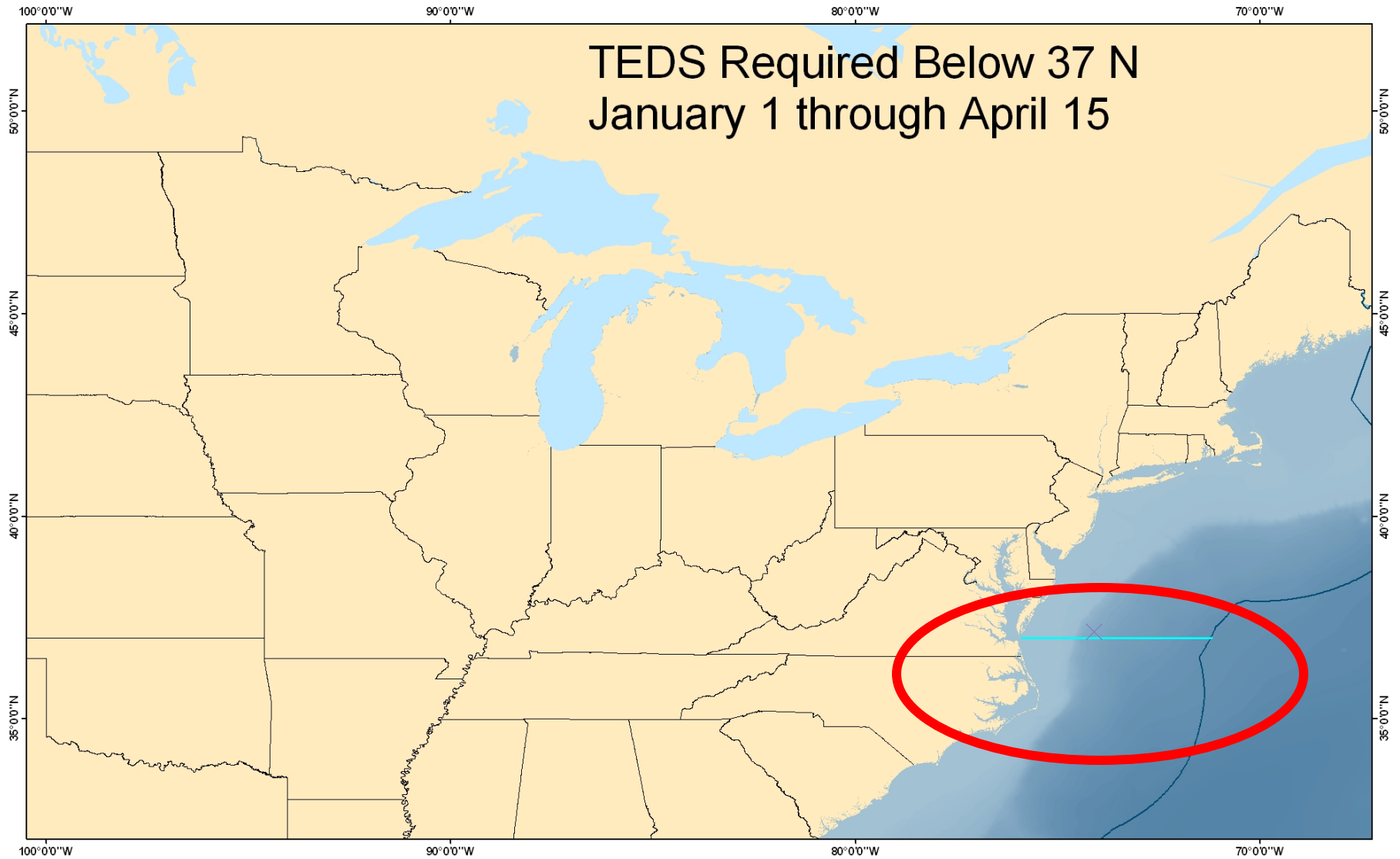
## Temporal Alternative Two

**Temporal Alternative 2:** Under this alternative the regulation would be required south of specific latitudes at varying times each year, as summarized in Table 2.

<b>Latitude</b>	<b>Time Frame</b>
37° N	January 1 through April 15
39° N	April 16 through May 15
41.75° N	May 16 through October 31
39° N	November 1 through November 30
37° N	December 1 through December 31

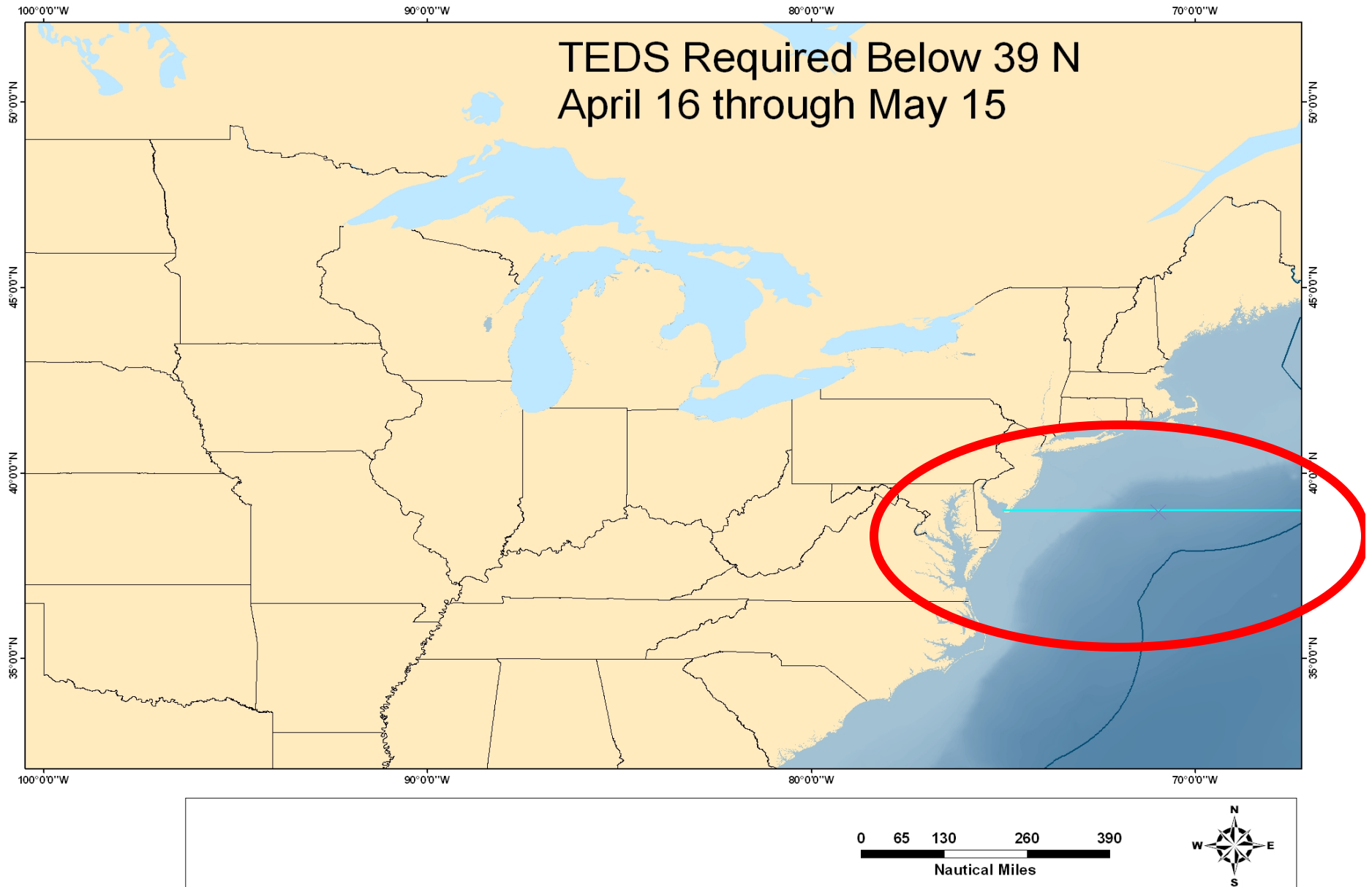
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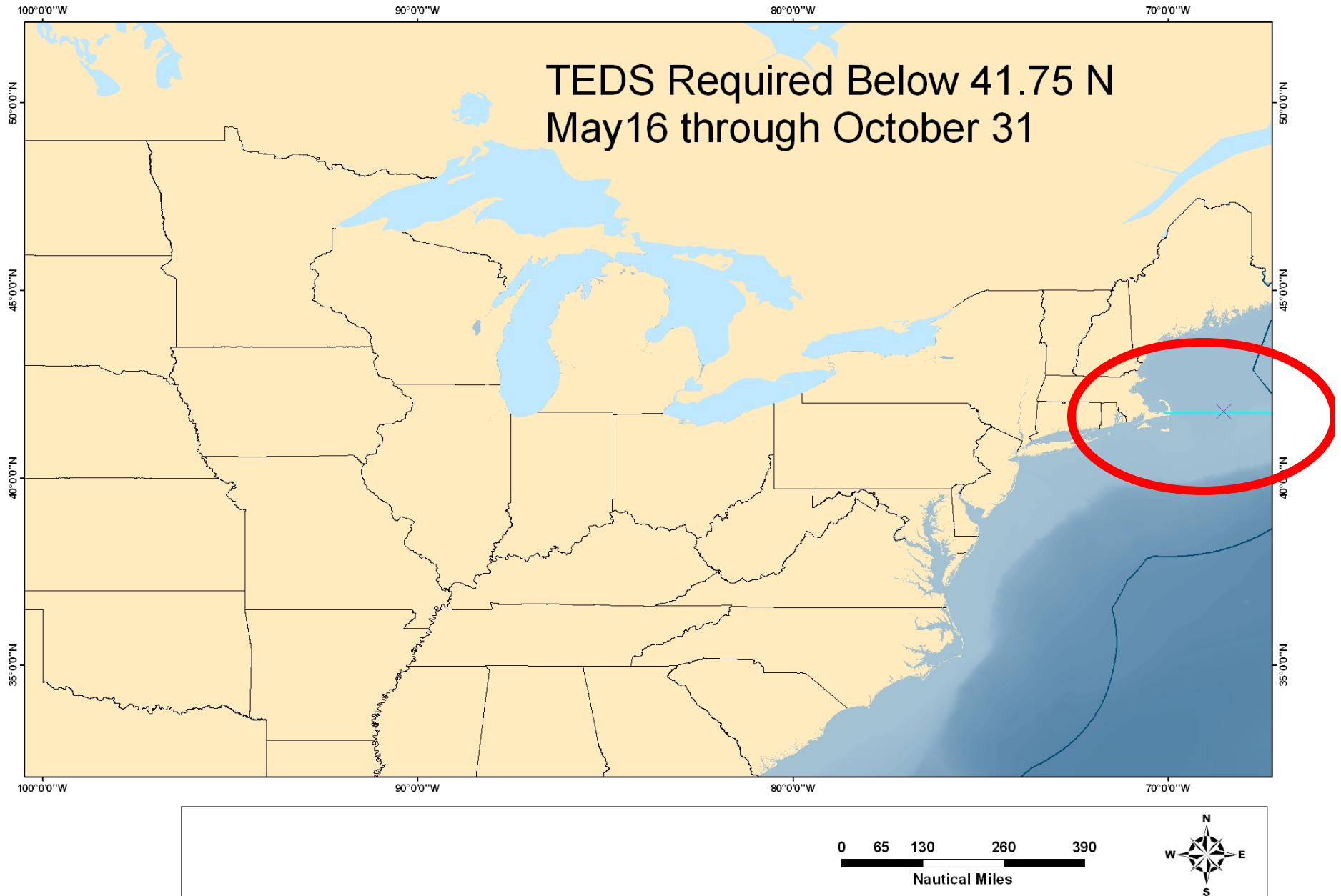
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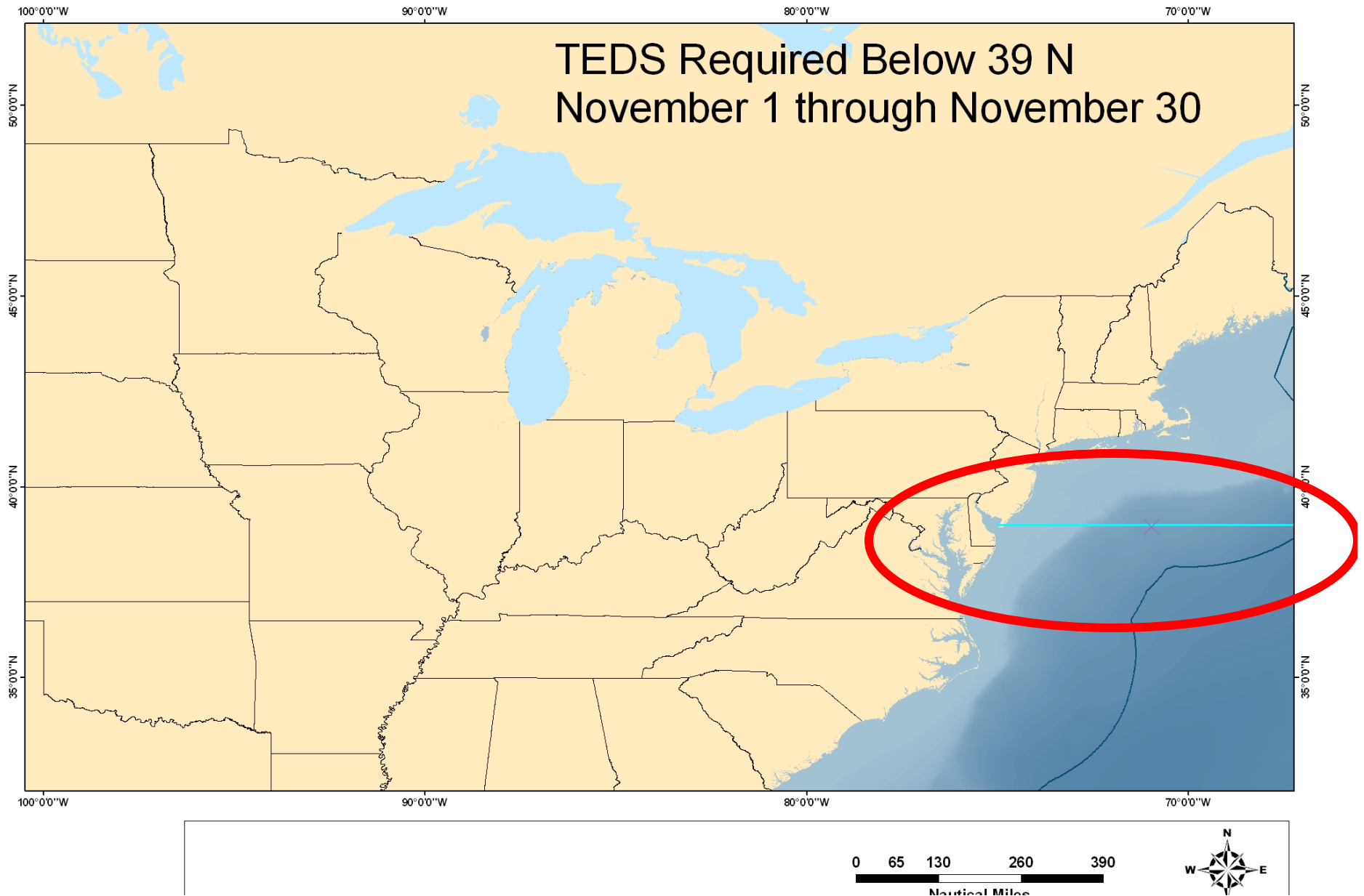
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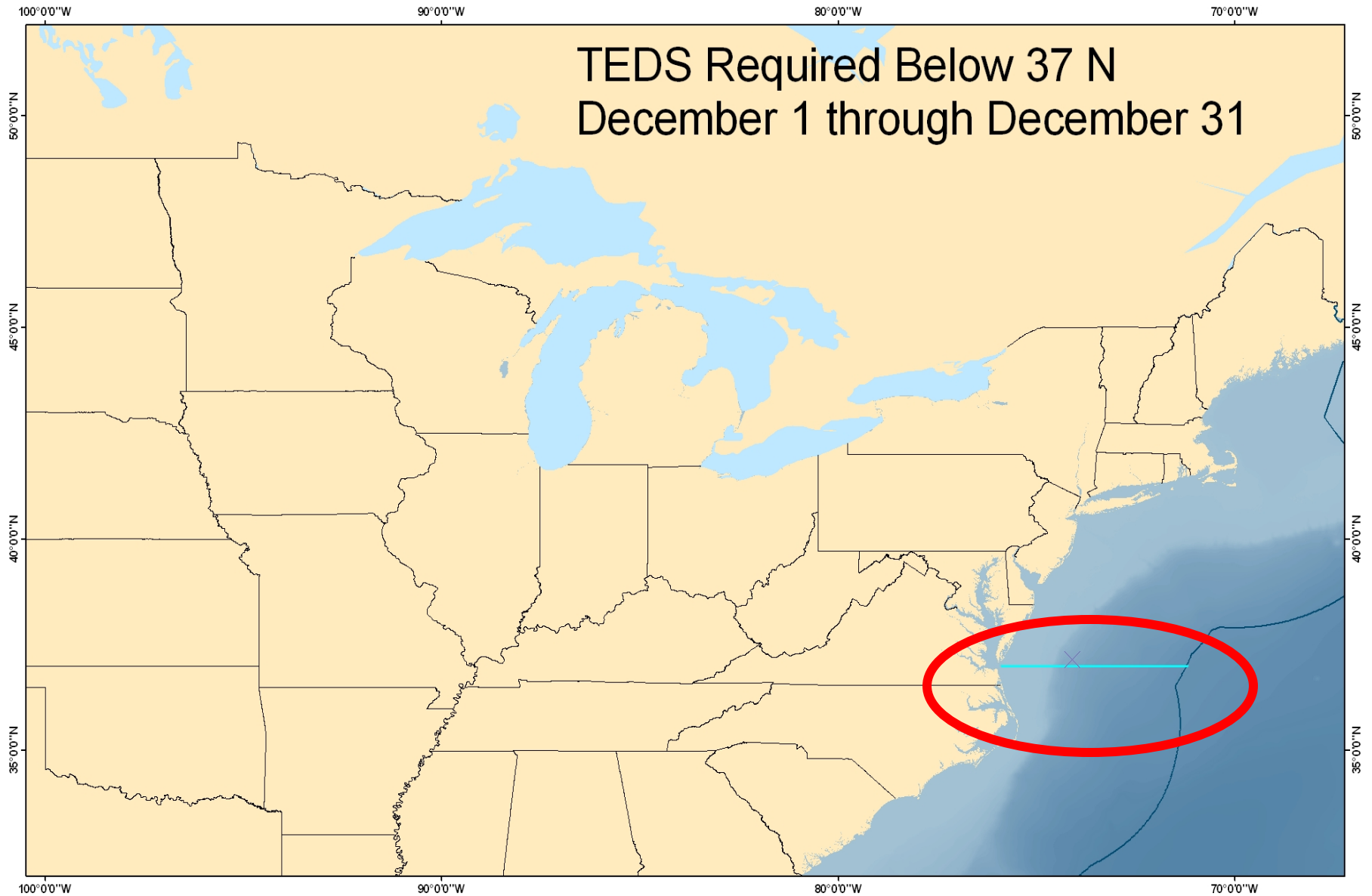
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## Temporal Alternative Three

**Temporal Alternative 3:** Under this alternative, the regulation would apply throughout the year with no exceptions.





## Fisheries Alternative One

**Fisheries Alternative 1:** Under this alternative, the regulation would apply to all trawl fisheries targeting summer flounder, whelk, Atlantic sea scallop, and calico scallop and flynet fisheries targeting croaker and weakfish.



## Fisheries Alternative Two

**Fisheries Alternative 2:** Under this alternative, the regulation would apply to all trawl fisheries. All trawl fisheries refer to the following fisheries – Summer flounder, Atlantic sea scallop, whelk, calico scallop, flynet fisheries for croaker and weakfish, sheepshead/black drum/king whiting, porgy, skimmer, Spanish sardine/scad/ladyfish/butterfish, and multispecies (large and small mesh), skate, horseshoe crab, monkfish, bluefish, spiny dogfish, herring trawl fisheries, and other trawl fisheries not previously identified or considered.



## Fisheries Alternative Three

**Fisheries Alternative 3:** Under this alternative, the regulation would apply to those trawl fisheries with the highest bycatch, e.g., 5% or greater of total trawl bycatch, as reported in Murray 2008 (see Table 3) and other documents (e.g., scallop trawl estimates in Murray 2007 and NMFS 2008).



## Fisheries Alternative Three

Table 3. Average annual estimates of loggerhead turtles for requested fish group, 2000-2004 (Murray 2008)

<b>Main Species Group</b>	<b>Average Annual Estimate of Loggerhead Bycatch from 2000-2004</b>	<b>% of Total Assigned</b>
Atlantic croaker	41	10%
Atlantic mackerel/Squid/Butterfish	62	15%
Bluefish	3	<1%
Horseshoe crab	19	5%
Monkfish	2	<1%
Northeast multispecies (large and small mesh combined)	43	10%
Northeast skate complex	24	6%
Sea scallop (in otter trawl gear only)	20	5%
Spiny dogfish	1	<1%
Summer flounder/Scup/Black sea bass	192	47%
Weakfish	4	<1%
<b>Total takes from trips assigned to identifiable species groups</b>	<b>411</b>	<b>100%</b>
<b>Total unassigned</b>	<b>77</b>	



## Fisheries Operating Alternatives One

**Fisheries Operating Alternative 1:** Under this alternative, TEDs would be required in all trawl fisheries to reduce the incidental capture of sea turtles.



## Fisheries Operating Alternative Two

**Fisheries Operating Alternative 2:** Under this alternative, trawl fisheries selected in the Atlantic Ocean would be prohibited from operating.



## Fisheries Operating Alternative Three

**Fisheries Operating Alternative 3:** Under this alternative, TEDs and/or other regulatory requirements, (e.g., tow times), would be required.



## 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**



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*Scoping Period Ends - July 10, 2009*

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

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