

Comments on Kemp's Ridley Sea Turtle Recovery Plan

Submitted by
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My thanks to the Committee members for devoting years of work developing the new Kemp's Ridley Recovery Plan. Recommendations not given by this Plan are just as significant as those given and I will point out specific examples. Of greatest importance is recognizing that the decline of the Kemp's ridley occurred primarily because of over exploitation of eggs on nesting beaches and drowning of Kemp's ridleys in shrimp trawls.

Make up of Committee – Surprisingly, at least two extremely well qualified people were omitted from the Recovery Plan Committee. Dr. Charles W. Caillouet, Jr., who retired after years of service at the National Marine Fisheries Service at Galveston and has written and published many significant research papers about the Kemp's ridley sea turtles, should have been on the committee. Not including an authority of his stature and reputation was an error.

Dr. Andre M. Landry, Jr. of Texas A & M University at Galveston has completed significant research on the migrating, foraging and nesting patterns of the Kemp's ridley sea turtles in the Gulf of Mexico. He is actively involved with the patrolling of the Upper Texas Coast and works with community organizations concerned with sea turtle conservation. Both of these men would have made tremendous contributions to the Recovery Plan.

On behalf of STRP/ HEART, I am requesting that both Dr. Caillouet and Dr. Landry be asked to participate in the revision of the final document. They would be as valuable at this point as they would have been if they had been on the Committee from the beginning.

I am not a biologist or statistician so my perspective results from 28 years work to prevent the extinction of the Kemp's ridleys and efforts to support conservation policies and education of the public about the plight of these sea turtles. My first reaction after reading the draft is to say "Show me the Plan!" If the Committee predicts enough Kemp's ridleys to down list them on the Endangered Species List to "threatened," then where is the Plan to accompany that prediction? When Dr. Donna Shaver has 500 nests to deal with and her facility at the Padre Island National Sea Shore is bursting at the seams, what is the Plan? If there is already a plan for leaving nests *in situ*, what is it? **Please show it in the Plan.**

Where there are 200 or 300 nests in the Galveston area, what is the Plan? Leave them *in situ* covered with wire? Florida deals with many sea turtle nests and their government is supported by the public which can and will happen in Texas. Show them the Plan and volunteers will come! **What is the Plan? Please publish it.**

Two other Action Descriptions and Action Duration listings are troubling. It indicates that no one or perhaps few on The Committee are taking Kemp's ridley nestings on the Upper Texas Coast seriously. Is Action Duration of Action 121 a mistake? Referring to expectations of NMFS and not the Mexican agency, Action 121 is hard to believe! A Priority 1 Action Description has a 10-YEAR Action Duration to "Identify important marine foraging, breeding and interesting habitats." This is just not acceptable! Nor is the Action Duration for 122 which is another Priority 1 Action Description! TWENTY YEARS to "identify and designate marine protected areas to facilitate increased protection of important foraging, breeding and inter-nesting habitats." These Action Durations do not seem consistent with the Plan's prediction that there will be enough Kemp's ridleys to down list in 2015 and delist by 2038. When the 2010 Texas/federal closure to shrimping is lifted this summer, hundreds of shrimp boats will be coming into Texas waters to make up for the lack of fishing opportunity in their own state waters because of the British Petroleum (BP) oil spill. If the Upper Texas Coast is not recognized as an important foraging, breeding and interesting habitat, we will have little chance of obtaining the law enforcement that is needed to protect the Kemp's ridleys in Texas waters. Giving the Priority 1 status for Actions 121 and 122 followed by Action Durations of 10 and 20 years is a

shocking example of “talking the talk but not walking the walk.” **Both Action 121 and 122 should be shortened to one year and two years respectively.**

The completion of the Kemp’s Ridley Recovery Plan is the perfect time to straighten out the job descriptions of agencies on the Upper Texas Coast. The USFWS should take over the work that it is mandated to do – care of sea turtles when on land. They should be involved in patrolling, strandings, nestings, surveys and responding to sea turtle calls. USFWS should fund the Sea Turtle Salvage and Stranding Network. On the Upper Texas Coast, NMFS is forced to do many jobs it is neither mandated nor funded to do. As I understand it, they are to handle sea turtles in the water but the staff at Galveston does that and all the land work. Dr. Andre Landry at Texas A&M University at Galveston has managed to get grants for patrolling and satellite tag applications for several years and STRP/HEART has helped find funds for their work. **The Recovery Plan must recognize the need for USFWS to take over the jobs it is supposed to be doing and request the funding and reorganization of offices to begin the work – both Priority 1 with an Immediate Action Duration.**

Education in both Mexico and the U.S. is critical but easier said than done. When the Head Start Experiment was started at the National Marine Fisheries Service (NMFS) facility at Galveston, Texas, it is fair to say that very few people knew much about the Kemp’s ridley or why it was necessary to try everything possible to increase their numbers. When I first saw hundreds of Kemp’s ridley hatchlings swimming in tubs at NMFS in 1978, there were many staff members and enthusiasm about the project. I left believing all was well and work would continue. When I returned four years later, the turtles were being attended by few people and I was told that the funding for the work would soon end.

When asked what I could do to encourage the continuation of the project, Lab Director Dr. Ed Klima said the turtles needed a constituency to speak up for them to members of Congress. I told him that I would work on this project although I didn’t dream it would change my life.

After discussing the issue with the principal of my daughter’s elementary school, we planned a field trip with students, parents and teachers to the Galveston facility to see the hatchlings. At

least 100 interested parties drove 70 miles from northwest Harris County one Saturday to see the turtles and were amazed at what they saw. The children wanted to help the hatchlings and the first HEART (Help Endangered Animals-Ridley Turtles) Council was formed at Oak Creek Elementary School. The children wrote to President Reagan asking him to help the turtles and several received encouraging answers from the White House. A reporter for the Houston Post learned of the project and wrote a major article about it which was seen by an employee of Exxon's Houston Public Relations Office. Exxon offered financial help when HEART became a non-profit organization. This happened quickly when HEART became a standing committee of the Piney Woods Wildlife Society, a nature club in North Harris County. They donated enough money for HEART to publish its first brochures and educational material.

When the HEART Council children started buying Purina Turtle Chow at a Galveston store to feed the hatchlings at the Galveston NMFS facility, word spread quickly to other schools. I began making presentations to classes far and wide. Soon I received requests from teachers in other states and HEART Councils were formed nationwide. They would become invaluable when the federal legislation to require Turtle Excluder Devices (TEDs) on shrimp trawls was presented in Congress.

The PBS station at the University of Houston had produced a documentary entitled "The Heartbreak Turtle" in 1979 which focused on exploitation of the turtles and nests at Rancho Nuevo, Mexico. The Herrera film of thousands of Kemp's ridleys nesting at the beach was also shown and the decline of the species discussed by Pat Burchfield, Jack Woody, Rene Marquez, Peter Pritchard and others. Transfer of eggs to the Padre Island National Seashore was shown as well as the Head Start Experimental Project at Galveston. For some unexplained reason, no mention was made of mortality due to drowning in shrimp trawls which was widely known when the documentary was made.

"The Heartbreak Turtle" was an important tool in my efforts to educate the public about the Kemp's ridley as it was seen nationwide on PBS stations and aroused the concern of many people. I have raised over \$30,000 to complete an update of "The Heartbreak Turtle" which should be ready for release within the next few months. This documentary will cover the entire

history of the Kemp's ridley including the effect of the shrimp industry before and after the introduction of TEDs and will be available for classrooms, the internet and all media forms. The need for education never ends with each generation seeming to "discover" the Kemp's ridleys and wanting to help them continue their recovery. Drs. Peter Pritchard, Rene Marquez, Pat Burchfield, Donna Shaver, Roger Zimmerman, Charles Caillouet, Joe Flanagan and Andre Landry have participated in the new documentary in addition to Jack Woody, Jeff George, Ben Higgins and others.

Although HEART's support for the work at Rancho Nuevo seems to have been lost in the records, at least ones that are readily available to the general public, the nickels and dimes of hundreds of children were sent to Pat Burchfield for several years so he could make copies of appropriate material for school children in the Rancho Nuevo area. We also did our best to send money for equipment and helped buy lumber for a small building so volunteers and workers could sleep there. (Regrettably the pick-up truck I found for him didn't last long on the sandy beaches, but it was an effort to help in any way we could.) I personally visited Rancho Nuevo twice taking T-shirts to everyone there decorated with artwork showing both U.S. and Mexican agencies. I felt very welcome and regretted not being able to provide more funding.

I have included the preceding information to emphasize that building public awareness and educating the public about the Kemp's ridley sea turtles was not done overnight by a handful of people. It required years of efforts on various fronts to maintain continuous public support for the federal and state agencies in both the U.S. and Mexico. This support often came in the form nickels and dimes from school classes and children. Education must be continued in both countries to insure support for programs to protect the Kemp's ridleys and it will require brochures, signs, bookmarks, videos, speeches and other creative ways to capture the interest of people of all ages. **The Plan should expand its comments about education in both the U.S. and Mexico as a Priority 1 and Immediate Action Duration.**

Raising Kemp's ridleys at the Galveston NMFS facility until 1993 was the most remarkable opportunity to educate the public and raise interest in all species of sea turtles. Thousands of

people came to the facility after HEART began its annual “Open House” each February. Although we were never allowed to accept donations or sell T-shirts inside the official fence at the facility, we held the events in spite of freezing weather and chilling winds on several occasions.

When the transfer of hatchlings was terminated suddenly in 1993, I received a surprise call from a newspaper reporter. No one with NMFS or USFWS had bothered to warn me of the change of policy.

Needless to say, the sudden termination of head starting was a shock as was the earlier decision in 1988 to stop the imprinting efforts at the Padre Island National Seashore. Imprinting efforts were stopped before it was reasonable to expect a head started turtle to return to nest. The Plan shows maturity at 12 years, but imprinting efforts stopped after 10 years! And TEDs were not yet legislated for shrimp trawls sentencing hundreds of head started ridleys to death soon after release. These two decisions forced me to realize that HEART and its thousands of young supporters may have been “used” in certain respects.

One example that caused me to have serious doubts about my HEART work was the request made by Dr. Ed Klima of the Galveston NMFS Lab. Dr. Klima asked me if HEART could raise \$25,000 for a new turtle “barn” and that if we could, he would get 2,000 additional hatchlings from Mexico to head start. Raising money was very difficult because of the serious decline of the oil industry but I did my best and raised thousands of dollars. Dr. Klima never followed through on his promise about getting additional hatchlings; instead, he decided to “super head start” some Kemp’s ridleys and eventually gave the facility to the Marine Mammal Network.

The passage of the TED legislation was a hard fought battle which was pushed along by thousands of letters and phone calls from children, parents and teachers to all members of Congress. Many school classes worked very hard on the project which was certainly worthwhile. Former Congressman Bill Archer of Houston told the students at Bammel Middle School that he voted for the TED legislation because of the hundreds of letters and calls his Washington office received from their school and others in his district. Not long after the

legislation had finally passed and TEDs were being implemented, USFWS suddenly terminated head starting at Galveston which was hardly a reward for the students and teachers who had worked so hard its passage and for the sea turtles. NMFS did very little to defend head starting.

My trip to Washington, D.C. to testify for the continuance of head starting before the House Committee on Natural Resources was a waste of time and money. Obviously, those in power had shut the door on head starting and its fantastic opportunity to educate the public, not to mention the opportunity to release juvenile ridleys after TEDs were being used on shrimp trawls. This would have given them a real chance to live. A combination of events and decisions left me quite skeptical about government decisions concerning the sea turtles. I only hope that the majority of funds and letters HEART promoted were used as they had been intended.

Regarding education policies and efforts, there is a significant problem now with a lack of tours at the NMFS Galveston Lab's sea turtle facility. Although damage caused by Hurricane Ike almost two years ago has been repaired, public visits are restricted to scheduled tours and usually handled by a volunteer. For years, visitors were welcomed at the Lab to see the turtles. They could visit at scheduled times on several days. The results were that people appreciated the work of the Fisheries staff and felt their tax money was being well spent. Many students were inspired to write reports in school and their parents contributed to sea turtle conservation programs later. Now, few staff, if any, are available to welcome to the public and the restrictions of the "Homeland Security Act" seem to be a huge roadblock to facility visits. Seeing a real sea turtle whether it is a loggerhead being raised for TED testing or a ridley being rehabilitated is the best way to interest people in conservation. Other than occasionally being able to see a sea turtle at the Houston Zoo being rehabilitated by Dr. Joe Flanagan, there is no other place to see a live sea turtle on the upper Texas coast. The years of the head start project are still remembered by hundreds of people who are disappointed to learn they cannot visit the Galveston Lab unless pre-arranged days ahead. The loggerhead sea turtles being raised there for TED testing are also of great interest to the public. **Tours through the NMFS Galveston Lab should be listed as a Priority 1 with an immediate Action Duration to schedule regular and frequent tours through the turtle facility.**

Forty Kemp's ridleys have been found stranded in Zone 18 in the first five months of 2010. If the increase The Plan predicts becomes a reality to the point of down listing and delisting, there will certainly be many more turtles migrating, foraging and nesting on the Upper Texas Coast. A simple but provable formula is P=MST or Protection equals More Sea Turtles. Kemp's ridleys are protected at the Rancho Nuevo beach and numbers keep increasing; they are protected in Texas waters from the Mexican border north to the Corpus Christi Fish Pass 8 months of the year with a 5 nautical mile closure to shrimping. The result has been more Kemp's ridley nesters and more green sea turtles, too. (Fish and shrimp stocks have also increased with the closure and the decline in shrimping.) When the state of Texas decides to extend the closure to the Upper Texas Coast, P=MST will kick in and there will be more sea turtles nesting and foraging. Tourists will visit Texas beaches to see nesters as they do in Florida. The re-establishment of a second colony of Kemp's ridleys was written into the first Recovery Plan for very good reasons. It was a safety net in case of trouble at Rancho Nuevo and now we must consider the disastrous oil spill in the Gulf of Mexico and where the damage will be done. **The Plan must recognize the presence of a growing number of Kemp's ridleys on the Upper Texas Coast and recommend action to protect them. It won't be long before the numbers of nesters in Texas equals the lowest number reached by nesters at Rancho Nuevo in 1985. Just look at how protection of those few nesters at Rancho Nuevo have blossomed into thousands now. The same could happen in Texas, if FWS and NMFS were willing to give Texas ridleys the protection they deserve.**

A statement in the Plan is "sub-group of the Team and other technical experts has been convened and made progress in identifying and reviewing the most current data on major foraging areas (especially for juveniles), inter-nesting habitats, mating areas, and adult migration routes in Mexico and U.S. waters to provide information to ensure recovery." When has this "sub-group" met and what were their findings? **If future meetings are held, Drs. Caillouet and Landry should be invited to participate in future meetings.**

HEART and Sea Turtle Restoration Project (STRP) are mentioned two or three times in the Recovery Plan, but a very significant contribution of STRP is not mentioned at all. After I joined STRP in 2002, I promoted the idea of a public information "hot line" which resulted in the

1-866-TURTLE-5 number. It is paid for by STRP and supported by NMFS, FWS, NPS, University of Texas Marine Science Institute, Texas A&M University at Galveston, Sea Turtle Inc. and others. STRP has also supplied funds for information signs showing the 866 number and various federal and state agencies which are placed in the Galveston area including Bolivar peninsula. Dr. Shaver at the Padre Island National Seashore is also using these signs. We know of several instances when someone has reported a sea turtle nest or hatchlings because they had seen a sign. Signs washed away by Hurricane Ike have been replaced with STRP funding. The signs are designed and produced by STRP, Texas A&M University at Galveston, NMFS and Moody Gardens, a unique collaboration of government and non-government institutions. STRP is expanding the use of its public call-in number as a result of the disastrous BP oil spill by giving tourists and residents in Louisiana, Mississippi, Alabama and Florida a quick way to access sea turtle responders and marine law enforcement in their states. The new number is 877-STRP-GLF (877-787-7453). **Please add this paragraph describing the contributions of STRP to the Plan.**

Also, an STRP project has been the development, printing and distribution of over 100,000 educational bookmarks to schools, parks, libraries, colleges and community groups. The bookmarks provide the 866-TURTLE-5 (866-887-8535), for Texas tourists and residents, a photo of a Kemp's ridley and her tracks and e-mail information to find more information. A PSA was also produced and sent to numerous television stations to create public awareness. **These contributions by STRP should be recognized in the Recovery Plan.**

There is a disturbing lack of recognition of the importance of the Upper Texas Coast which may actually discourage the state of Texas, foundations, individuals and federal agencies from consideration of funding patrols and increasing protection of nesting females. Another issue that is downplayed in the Recovery Plan is the need for protected sea turtle corrals or methods for protecting nests left *in situ* on the Upper Texas Coast. What agency is now paying for transporting eggs from the Upper Texas Coast to the Padre Island National Seashore? Of course, it should be USFWS that is planning methods to leave nests in place or move eggs only a short distance to a protected corral. Perhaps they are. **The Recovery Plan should show this planning with an Action Duration of Immediate.**

At some point, the facility at the Padre Island National Seashore will be at maximum for eggs and staff and other plans must be ready. South Padre Island is already handling its nesters and nests. The interest and response of the public is excellent there and USFWS plays a major role. Another of these locations should certainly be in the Galveston area. The support of the public there is very strong and questions are asked frequently about the necessity and the wisdom of removing eggs from nests found on the Upper Texas Coast and taking them elsewhere on the coast. A HEART volunteer and trained sea turtle patroller reports that many people stop her for information and want to know why eggs are not left to hatch on Galveston Island. How can it be prudent and cost-effective for NMFS staff to continue to move Kemp's ridley eggs from the Upper Texas Coast some 200 miles to the Padre Island National Seashore? **The Plan must specify plans for the Upper Texas Coast to leave nests protected or to move eggs a minimum distance where they can be protected and hatched.**

Also, in response to the British Petroleum (BP) oil spill catastrophe, the Plan should make sure that Environmental Impact Statements include areas that sea turtles nest, migrate and forage for consideration. Looking at the heavy oil coating the marshes of Louisiana on television should remind everyone of the terrible price we have to pay for oil and gas. And what about problems that might be caused by installing huge concrete bases for wind turbines? As long as there continues to be shoddy oversight of oilrigs, we are risking the recovery of the Kemp's ridley or any other sea turtle because we did not look ahead. I know that oil pollution is mentioned in the Recovery Plan, but it isn't mentioned enough nor with sufficient appropriate comments. Action 123 speaks to this but is that enough? **It should be a Priority 1 item instead of a Priority 2 as it is currently listed with an Immediate Action Duration.**

Plans for the rehabilitation of sea turtles affected by oil along the Gulf Coast should not be left until another crisis happens. Did agencies involved in the Ixtoc oil spill initiate emergency plans to protect sea turtles? If so, what are they? Where would turtles be taken in the event of an oil spill on the Upper Texas Coast or at the Padre Island National Seashore? How long did it take to prepare for oiled turtles in Louisiana, Alabama and Mississippi? How many veterinarians and volunteers could be assembled within hours? Should there not be a stockpile of containers and

material to use for removing oil? The BP spill is certainly a tragic wake-up call for every state and federal agency in addition to NGOs and concerned citizens. **The Recovery Plan should call for Texas Parks and Wildlife Department, NPS and NMFS to establish a Priority 1 working group with an Action Duration of Immediate to plan for what we hope never happens again in the Gulf of Mexico.**

Much more law enforcement should be available to board shrimp boats. After the oil spill and before federal and/or state waters were closed to shrimping and fishing, shrimp fishermen took advantage of the situation and may have discarded their TEDs or disabled them. Over 200 dead turtles have been found and most of them were not oiled. What happened to them? It's no mystery. From April 1 to May 22, 37 Kemp's ridleys, many of them juveniles, washed up in the Galveston area and they certainly had no signs of oil. (The BP oil spill was not near Galveston although some people thought it was but shrimping activity had grown.) A call for more law enforcement and stoppage of the shrimping season in Texas waters by Sea Turtle Restoration Project brought an amazing decrease in strandings. On one day, Texas Parks and Wildlife law enforcement officers found four shrimp boats out of ten boarded with TEDs improperly installed. Can the shrimp industry be trusted to use TEDs and use them properly 20 years after the TED regulations were enacted? We all know they can't. And when the Texas state and federal closure ends, there may be hundreds of shrimp boats coming to Texas waters to fish. Will we have sufficient law enforcement? **We must have; otherwise**, we will witness the slaughter of sea turtles as happened in 1994 bringing about litigation by STRP and the Sierra Club followed by the creation of an Emergency Response Plan by NMFS. **Again, the Recovery Plan must recognize the need for protection of Kemp's ridleys on the Upper Texas Coast as a Priority 1 and Action Duration Immediate.**

NMFS raises loggerheads at their Galveston facility for TED testing but perhaps something is missing. If a turtle is caught several times and finds its way out of the TED, is it impaired to the point it becomes exhausted and dies. If 100 per cent of the shrimp fleets uses TEDs correctly, will there still be stranded sea turtles because turtles caught more than once may suffer reversible harm? **The Recovery Plan must look for the answer to the problem of sea turtle deaths due to multiple catches in TEDs.**

The Recovery Plan recommends maintaining a stranding network which is extremely important and brings me to the subject of other Gulf states and their obvious lack of participation in a stranding network. The list of stranding network directors on the NOAA stranding network website shows no director for Louisiana or Mississippi. **The value of the stranding network cannot be overemphasized.** I understand that funds will be cut by NMFS for the Texas stranding network. Why is NMFS expected to pay for the Texas stranding network? Shouldn't FWS be funding it? How can the Recovery Plan recommend a stranding network without funding? How are accurate records to be kept about sea turtles, where they are, how many die prematurely and from what causes? Not having a stranding network does not make sense and I hope that it is continued and fully funded as well. **Please review the Recovery Plan to emphasize the need for the stranding network in all states where the Kemp's ridley is found and provide funding.**

In making calls to the Gulf States in order to set up the second toll-free public information line which STRP is now sponsoring, it was difficult to find what agency was responsible for nesting or stranded sea turtles in Louisiana, Mississippi and Alabama. Equally difficult was finding a phone number for the proper law enforcement agency that should board boats to check for TEDs, especially in Louisiana and Mississippi. As a result of the oil spill, we know there are Kemp's ridleys in all Gulf state coastal waters, and information should be required from each Gulf state for posting on the NOAA stranding website. My calls and e-mails asking for information on the number of shrimp boat boardings in Louisiana waters have led me to a black hole of non-response. Law enforcement officials in Mississippi expressed doubt that shrimp boats were ever boarded for TED inspections. Is that true and what about boardings in Louisiana waters? Sea turtle protection does not seem to be equally important in all Gulf waters nor is inspection of TEDs. **The Recovery Plan should examine and correct the inequity of sea turtle protection and TED inspection requirements in all Gulf States.**

The Kemp's Ridley Recovery Plan is an extremely important document. It must be the most accurate and most inclusive Plan possible, not a wish list, and it must look to the future. The Plan says it should be based on the best available science and written by the most knowledgeable

people. If the importance of the Upper Texas Coast is downplayed in this Plan, it will be years before corrections can be made and years before proper protection is given to Kemp's ridleys foraging, breeding and nesting. **Please re-visit the Draft to make needed changes before it reaches its permanent stage.** Thank you.