



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

Southeast Regional Office
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JUL 7 2009

F/SER31:DK

Dr. Louis Daniel
Director
North Carolina Division of Marine Fisheries
3441 Arendell Street
Morehead City, NC 28557

Louis
Dear ~~Dr. Daniel~~:

I have recently become aware of high levels of illegal take of threatened and endangered sea turtles in a fishery managed by the State of North Carolina. In June 2009, the National Marine Fisheries Service (NMFS) began a six-month alternative platform observer program for the Core Sound component of the inshore flounder gillnet fishery to determine potential impacts to Endangered Species Act (ESA)-listed sea turtles. The flounder gillnet fishery is a state-managed fishery with no federal oversight and does not have authorization for the take of endangered species under the ESA except in Pamlico Sound under a section 10 permit. As a result, any takes of ESA-listed species, including sea turtles, are illegal under section 9 of the ESA.

As you are aware through discussions with the North Carolina Division of Marine Fisheries (NCDMF) and NMFS personnel, multiple sea turtle takes were documented in just the first few observed trips. From June 17 to June 25, 2009, a total of five trips were observed. Takes were observed in four of the five trips, including six green, three Kemp's ridley, and two loggerhead sea turtles. Of those, one green and one loggerhead were confirmed dead, and one Kemp's ridley and another green were of unknown status but likely dead (see enclosed observer summary). We do not have sufficient information to extrapolate the observed takes into total estimated takes for that time period. However, 11 sea turtles in five trips is indicative of a high level of take and a problem that needs to be addressed promptly.

It is important that NCDMF undertake actions to immediately address the take of ESA-listed sea turtles in the Core Sound flounder gillnet fishery in the near term, as continued takes of sea turtles are illegal. For the fishery to incidentally take ESA-listed species legally, an ESA section 10 permit is required. As you are aware, North Carolina obtained its latest section 10 permit in 2005, which allows productive gillnet fishing in Pamlico Sound and provides meaningful protection for listed sea turtles. As you also know, section 10 permitting can be a long process. I therefore urge you to act as soon as possible to address sea turtle takes in this fishery as we work towards a long-term solution. It may also be prudent and efficient to evaluate proactively whether there are other North Carolina inshore gillnet fisheries that are interacting with sea turtles and that would benefit from section 10 take permits to avoid exposing fishermen and the State to illegal take prosecution under the ESA.



If you have any questions, please contact the NMFS Southeast Regional Office Sea Turtle Coordinator, Dennis Klemm, at (727) 824-5312 or by e-mail at dennis.klemm@noaa.gov. Thank you for your continued cooperation in the conservation of listed species.

Sincerely,

A handwritten signature in black ink, appearing to read "Roy E. Crabtree". The signature is fluid and cursive, with the first name "Roy" being the most prominent.

Roy E. Crabtree, Ph.D.
Regional Administrator

Enclosure- Observer summary table