

Originally Processed With FOIA(s):
1998-0004-F[1]

FOIA Number:
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Record Group/Collection: George H.W. Bush Presidential Records
Collection/Office of Origin: Chief of Staff, White House Office of
Series: Sununu, John, Files
Subseries: Issues Files

OA/ID Number: 29173
Folder ID Number: 29173-007

Folder Title:
Turtle Excluder Devices (1990) [1]

Stack:	Row:	Section:	Shelf:	Position:
G	15	25	4	4

THE WHITE HOUSE
WASHINGTON

Date: 4-26-90

FOR: *Gov. Sumner*

FROM: ANDY CARD *Andy*

☐ Action

☒ Your Comment *re TEDs*

☐ Let's Talk

☐ FYI

*per Cong. Affairs
note letter to you from
Tausin.*

BILLY TAUZIN
THIRD DISTRICT, LOUISIANA

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April 25, 1990

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The Honorable John Sununu
Chief of Staff to the President
The White House
1600 Pennsylvania Avenue, NW
Washington, D.C. 20500

Dear Governor Sununu:

May 1st is fast approaching and the Turtle Excluder Device (TEDs) regulations for the "inside waters" will go into effect which will affect many more shrimp fishermen than were affected during last years confrontations. This year could be many times worse because the "outside waters" only involve 10% of the fishermen. Over 90% of the fishermen fish in the "inside waters" to be covered by the May 1st extension of the TEDs regulations.

I am sure you can recall President Bush's trip with you, Congressmen Livingston, Congresswoman Boggs and myself where he instructed all of us to "find a better way". He stated he did not want regulations that would put fishing families out of business, and that we should find a better way to save the turtles.

I am told that you have not yet responded to our joint letter requesting a new plan of action because you are awaiting receipt of scientifically derived information which could be used to bolster the case for such a new plan. May I respectfully suggest Governor, that the information you await is already available and/or can be easily supplemented at your request.

At the heart of our suggestions to you in our joint letter is the proposition that many more turtles can be produced on a yearly basis, in an ongoing properly supported captive breeding program, than will ever be caught or killed in fishermen's nets. That central fact is easily and already scientifically documented.

First, the estimates of turtles threatened with drowning in shrimp nets is approximately 48,000 caught and 11,000 drowning. (We believe this number is grossly inflated by the process of improper extrapolation. The numbers were guessed at by extrapolating turtles actually caught off Florida where they are plentiful. These numbers were then multiplied for other areas where turtles almost never occur.)

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Secondly, the results of the Cayman Island Turtle Farm shows that captive breeding is successful and a viable alternative. In a 1982 hearing before the Subcommittee on Fisheries and Wildlife Conservation and the Environment of the Merchant Marine and Fisheries Committee, representatives of the Cayman Islands Turtle Farm anticipated they would produce approximately 15,000 hatchlings that year. This count is greater than the estimates of the 11,000 turtles that are presumed to die as the result of shrimp trawling.

In fact, we have heard the TEDs Evaluation Report, which is currently under review by the Department of Commerce, will show updated estimates of incidental catches and mortalities of sea turtles by shrimp trawling. I have been informed that these figures could be substantially lower than the previous ones being used at this time.

Once these numbers are compared, it is clear from this evidence, that a properly financed captive breeding program will not only produce many more turtles per year than the estimates of turtle mortality by shrimpers, but may also enhance the species to the point of eventually removing them from the "threatened" and "endangered" status.

This central theme -- propagation -- is the basis of the exemption plan we have offered. Let me re-define it.

1. The TED's regulations, as currently written, provides under Sec. 227.72(a)(1) for the Exemption authority to the Secretary of Commerce.

(a) Scientific, propagation, or survival permits.

(1) The Assistant Administrator may issue permits authorizing activities which would otherwise be prohibited under Sec. 227.71 for scientific purposes or to enhance the propagation or survival of such species. Applications for these permits are subject to the provisions of Part 220 of Chapter II.

That exemption authority allows exemptions from the requirements to pull TEDS under a condition. That condition is that the exemption must result in a situation which enhances the propagation or the survivability of the species.

2. We suggest that the exemptions be a case by case exemption where each shrimp boat owner must make a personal application for the exemption. This accomplishes several goals:

a. The shrimper's exemption can be limited to places, dates and times, i.e., where and when there is less of a chance of encountering turtles, or where and when there are more underwater debris and/or natural conditions which make the TEDs unworkable.

b. Each shrimp boat's exemption can be made revokable thus ensuring compliance with whatever conditions are required for maintaining the exemption.

c. Conditions for the exemption can be crafted to create cooperation on the part of each shrimper with the goals of both the Endangered Species Act and the TED's regulations such as:

(1) Tow time limitations - to ensure that turtles caught in a net can be released unharmed.

(2) Requirements to release turtles unharmed and to report each turtle incident.

(3) Payment by each boat owner of a fee dedicated to the turtle propagation fund -- a fee (\$25, \$50, \$100) guaranteed to produce in the captive breeding program more turtles than are estimated to be killed in the shrimper's nets.

d. Because the case by case exemption requires a shrimper's application, each shrimper chooses to either work within the plan to prevent turtle loss and help propagate turtles, or he chooses not to and remains subject to TEDs requirements. Because he has a choice, everyone can insist that he cooperates and the problem of resistance ends.

The last point is critical. Compliance with a plan is central to its success, both to save the turtles and to save these fishing families. By winning compliance as part of the volunteer exemption application, we can succeed with both goals, and we have found a better way as the President has directed us.

The propagation fund for the Captive Breeding Program is essential to the plan. The good news is not only do we accomplish the positive results that the Cayman Island Turtle Farm has scientifically established, but also, we can substantially increase the numbers with the "seed money" we acquire from the fishermen's exemption fees. Other sources of

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matching funds are also possible and real. Oil companies, like Texaco who operates in the Gulf, have already expressed a big interest in helping to finance the breeding farms. In fact some contributions are already being held in trust. It is no big leap of faith to believe that others interested in saving the turtles will be willing to help. Finally, there is the possibility of some governmental assistance.

The success of this program could even show the way for resolving other confrontations between the Act and its social and economic consequences such as the North West confrontation between the lumber industry and the Spotted Owl. This country has already shown that cooperative propagation programs have been successful in enhancing other species like the American alligator, the whooping crane, and the California condor.

The Coast Guard is now processing dozens upon dozens of fines against last year's protesting fishermen. Those fines run as high as \$9,000. With the shrimping season about to re-open including the "inside waters", the TEDs regulations will be visited upon by nearly ten times more fishermen than last year.

Governor, I urge you to act on these suggestions. They make good scientific, good environmental, good political, and good common sense. I believe President Bush was absolutely sincere when he instructed that we "find a better way".

May we please hear from you soon.

Sincerely,

A handwritten signature in cursive script, reading "Billy Tauzin".

BILLY TAUZIN
Member of Congress