

The following is a letter from Dr. William Hogarth in response to letters received from four elected officials from the State of California regarding Council action on exempted fishing permits for highly migratory species.

The same response letter, except for the salutation, was provided to each of the elected officials:

Barbara Boxer, US Senator;

Lynn Woolsey, Member, US House of Representatives;

Carole Migden, California State Senator;

Jared Huffman, Assemblymember, California Legislature.



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
1315 East-West Highway  
Silver Spring, Maryland 20910  
THE DIRECTOR

APR 30 2007

The Honorable Barbara Boxer  
United States Senate  
Washington, D.C. 20510-0505

RECEIVED

MAY 07 2007

PFMC

Dear Senator Boxer:

Thank you for your letter regarding two proposed exempted fishing permits (EFP) targeting swordfish off the West Coast. These EFPs are pending before the Pacific Fishery Management Council and NOAA's National Marine Fisheries Service (NMFS).

One EFP would allow an exploratory drift gillnet fishery in the current August 15–November 15 closed area, and the other would allow an exploratory shallow-set longline fishery inside the U.S. exclusive economic zone. Final decisions on issuance or denial of the EFP applications will only be made after completion of all applicable environmental reviews.

The purpose of the proposed drift gillnet EFP is to provide information regarding the adequacy of the current time/area closure to protect leatherback turtles. This closure was implemented through regulations resulting from a 2000 biological opinion under the Endangered Species Act (ESA) that used a worst-case scenario to estimate future takes of leatherback turtles. Since 2001, NMFS has received new information regarding leatherback distribution, behavior, and migratory pathways off the U.S. West Coast suggesting that the original time/area closure may have been excessive.

The purpose of the proposed shallow-set longline EFP is to conduct preliminary exploratory fishing by one vessel to gather information on the economic viability and environmental effects of using longline gear. NMFS' research indicates that, using the newest technologies, this gear type is highly selective, resulting in very little bycatch.

NMFS will evaluate the applications to determine whether new scientific information can be gathered without risking significant impacts on other living marine resources. This information is critical for NMFS in its goal to support fishery techniques that provide economic opportunity while minimizing impacts on the marine ecosystem. Should either of these EFPs go forward, they would be closely scrutinized with 100 percent observer coverage.

Decisions have not been made about the final outcome of these EFPs, and the opportunity for public comment will continue. Your concerns will be considered during the decision-making process.

If you have any further questions, please contact Eric Webster, Director of NOAA's Office of Legislative Affairs, at (202) 482-4981.

Sincerely,

William T. Hogarth, Ph.D.

THE ASSISTANT ADMINISTRATOR  
FOR FISHERIES



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BARBARA BOXER  
CALIFORNIACOMMITTEES:  
COMMERCE, SCIENCE  
AND TRANSPORTATION  
ENVIRONMENT  
AND PUBLIC WORKS  
FOREIGN RELATIONS

## United States Senate

HART SENATE OFFICE BUILDING  
SUITE 112  
WASHINGTON, DC 20510-0505  
(202) 224-3553  
<http://boxer.senate.gov/contact>

April 2, 2007

Dr. William Hogarth, Director  
NOAA National Marine Fisheries Service  
1315 East West Highway, SSMC3  
Silver Spring, MD 20910Mr. Donald McIsaac, Executive Director  
Mr. Donald K. Hansen, Chair  
Pacific Fisheries Management Council  
7700 NE Ambassador Place, Suite 200  
Portland, OR 97220

04-03-07 P01:00 IN

Dear Dr. Hogarth, Mr. McIsaac, Mr. Hansen and members of the Council:

I am writing to express my strong concerns about two proposed exempted fishing permits (EFP) before you. One EFP is for an expansion of the current drift-gillnet fishery into the Leatherback Conservation Area. The second EFP is for a new long line fishery for swordfish within the Exclusive Economic Zone (EEZ). I urge you to deny both of these EFP proposals in their current form.

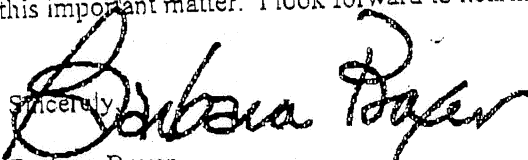
Only six years ago, the Leatherback Conservation Area was established off portions of the California and Oregon coasts to protect critical feeding grounds for the endangered Pacific leatherback sea turtle. There were 91,000 nesting females in 1980. Fewer than 2,300 nesting female Pacific leatherback sea turtles remain. Drift-gillnet fishing was determined to have a significant impact on this sea turtle population. Although drift-gillnet technology has recently improved in reducing marine mammal deaths, there still remains a problem in bycatch of the endangered sea turtle. Before the drift gillnet fishery is allowed to expand into the Leatherback Conservation Area, I recommend the fishery be required to undergo a legitimate experiment to prove sea turtle bycatch is no longer a problem. I oppose expansion of the drift-gillnet fishery until such a solution can be demonstrated.

California has historically never had a long line swordfish fishery -- I do not see the need to open a long line fishery now. Long line fishing creates significant bycatch and overfishing problems.

Approving the EFP proposals before you would put the endangered Pacific leatherback sea turtle at grave risk of extinction and place other threatened and endangered marine species in serious jeopardy. I urge you to deny these EFPs and continue the important marine protections in place today. Current conservation measures have been very effective at protecting threatened and endangered marine species. It is crucial that we honor these protections and sustain our coastline's rich biodiversity.

Thank you for your attention to this important matter. I look forward to hearing from you regarding your decisions.

Sincerely,


  
Barbara Boxer  
United States Senator
1700 MONTGOMERY STREET  
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LYNN WOOLSEY  
6TH DISTRICT, CALIFORNIA

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SUBCOMMITTEE ON WORKFORCE PROTECTIONS

SCIENCE

SUBCOMMITTEE ON ENERGY

WEB PAGE AND E-MAIL:

<http://www.woolsey.house.gov>

# Congress of the United States

## House of Representatives

Washington, DC 20515-0506

March 30, 2007

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Dr. William Hogarth, Director  
NOAA Fisheries Service  
1315 East West Highway, SSMC3  
Silver Spring, MD 20910

Dear Director Hogarth:

I understand that the National Marine Fisheries Service (NMFS) and its regional advisory council, the Pacific Fisheries Management Council (PFMC), are moving forward with plans to develop a pelagic swordfish longline fishery within the Exclusive Economic Zone (EEZ) of California, Oregon, and Washington and a drift gillnet fishery within the current Leatherback Turtle Conservation Zone.

I urge the NMFS and PFMC to consider the following major points and reject the new longline and drift gillnet fishery proposals:

- Pelagic longline and drift gillnet fishing are highly indiscriminate fishing methods, which have devastating effects on the marine environment. Drift gillnet fishing was banned on the high seas by the United Nations in 1991.
- Longline and drift gillnet fishing have high rates of bycatch, including critically endangered leatherback sea turtle, whales, dolphins, seals, sea birds, sharks, other endangered sea turtles, and commercially valuable fishing stock.

It is not in the best interest of healthy coastal ecosystems to take a step backward and allow pelagic longline fishing and drift gillnet fishing that continues to have serious bycatch problems. Considering the declining state of the ocean's fisheries, as outlined in both the Pews and Oceans Commission reports, we must be extremely careful that we do not reintroduce indiscriminate fishing methods. For these reasons I oppose the development of a pelagic longline fishery within the west coast's EEZ. Considering drift gill net unsolved problems with sea turtle bycatch, I also do not support reintroduction of drift gillnets within the Leatherback Conservation Area.

Thank you for your consideration. I look forward to your response.



Lynn Woolsey

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SENATOR.MIGDEN@SEN.CA.GOV

# California State Senate

SENATOR  
**CAROLE MIGDEN**  
THIRD SENATE DISTRICT

MAJORITY WHIP



COMMITTEES  
PUBLIC SAFETY  
CHAIR

NATURAL RESOURCES  
AND WATER

JOINT COMMITTEE ON  
LEGISLATIVE BUDGET

SELECT COMMITTEE ON  
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INDUSTRY

SELECT COMMITTEE ON  
CALIFORNIA'S HORSE  
RACING

SELECT COMMITTEE ON  
CALIFORNIA INFRASTRUCTURE

March 5, 2007

Dr. William Hogarth, Director  
NOAA Fisheries Service  
1315 East West Highway, SSMC3  
Silver Spring, MD 20910

Mr. Donald McIsaac, Executive Director  
Mr. Donald K. Hansen, Chair  
Pacific Fishery Management Council  
7700 NE Ambassador Place, Suite 200  
Portland, OR 97220

Dear Dr. Hogarth, Mr. McIsaac, Mr. Hansen, and members of the Council:

As the state Senator for the 3<sup>rd</sup> District in California, my district includes the Pacific coastline from just south of Bodega Bay to the Golden Gate. It is my duty to safeguard and protect the natural beauty of the Northern California coastline and the creatures that live there. I'm writing to you today because I'm concerned about the proposed exempted fishing permits (EFP) to expand the swordfish/thresher shark drift-gillnet fishery into current time/area closures and to develop a pelagic swordfish longline fishery within the Exclusive Economic Zone (EEZ). I urge you to deny both EFPs.

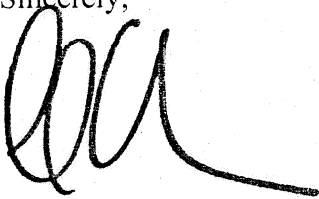
There is ample evidence that issuing these EFPs could have a huge impact on the endangered leatherback sea turtle and other marine wildlife. As you know, the California coast has been closed to swordfish pelagic longlining for 30 years and portions of the California and Oregon coastline have been closed to drift-gillnet fishing since 2001 to protect leatherback sea turtles which seasonally inhabit the waters off our coast. The Pacific leatherback sea turtle population has already plummeted from 91,000 in 1980 to currently fewer than 2,300 annual nesting females. If you allow pelagic longline swordfishing and drift-gillnet fishing back into these protected areas, it will place the critically endangered leatherback at greater risk of extinction and other protected and endangered marine species at risk.

03-12-07 10:12 IN

Before we allow an animal species to be lost forever, I hope you'll continue to enforce the important conservation measures that have been hard-fought and are effective in protecting highly vulnerable species. The existing closures comply with domestic and international conservation mandates and are consistent with the best available scientific information. Both drift-gillnet fishing and longline swordfishing are highly indiscriminate fishing methods that have devastating effects on the marine environment. For this reason, the United Nations banned drift-gillnet fishing on the high seas in 1991, and California has had a ban on swordfish pelagic longlining for 30 years. We should do nothing less than honor these protections.

Please do your part to protect our coastline and deny these EFPs. Thank you for your consideration, and please do not hesitate to contact me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Carole Migden', with a long horizontal flourish extending to the right.

Carole Migden  
State Senator, 3<sup>rd</sup> District

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# Assembly California Legislature



**JARED HUFFMAN**  
ASSEMBLYMEMBER, SIXTH DISTRICT

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CHAIR, ENVIRONMENTAL  
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APPROPRIATIONS  
UTILITIES AND COMMERCE  
WATER, PARKS AND WILDLIFE

March 15, 2007

Dr. William Hogarth, Director  
NOAA Fisheries Service  
1315 East West Highway, SSMC3  
Silver Spring, MD 20910

03-20-07 A11:04 IN

Mr. Donald McIsaac, Executive Director  
Mr. Donald K. Hansen, Chair  
Pacific Fishery Management Council  
7700 NE Ambassador Place, Suite 200  
Portland, OR 97220

Dear Dr. Hogarth, Mr. McIsaac, Mr. Hansen, and members of the Council:

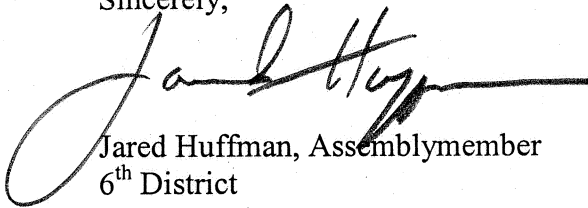
As the state Assemblymember for the 6<sup>th</sup> District in California, my district includes hundreds of miles of coastline. It is my duty to safeguard and protect the natural beauty of the Northern California coastline and the creatures that live there. I'm writing to you today because I'm concerned about the proposed exempted fishing permits (EFP) to expand the swordfish/thresher shark drift-gillnet fishery into current time/area closures and to develop a pelagic swordfish longline fishery within the Exclusive Economic Zone (EEZ). I urge you to deny both EFPs.

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Before we allow an animal species to be lost forever, I hope you'll continue to enforce the important conservation measures that have been hard-fought and are effective in protecting highly vulnerable species. The existing closures comply with domestic and international conservation mandates and are consistent with the best available scientific information. Both drift-gillnet fishing and longline sword fishing are highly indiscriminate fishing methods that have devastating effects on the marine environment. For this reason, the United Nations banned drift-gillnet fishing on the high seas in 1991, and California has had a ban on swordfish pelagic longlining for 30 years. We should do nothing less than honor these protections.

Please do your part to protect our coastline and deny these EFPs. Thank you for your consideration, and please do not hesitate to contact me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Jared Huffman", with a long horizontal flourish extending to the right.

Jared Huffman, Assemblymember  
6<sup>th</sup> District

JH/dmg