SEA TURTLE RESTORATION PROJECT

P O B 3 7 0 • F o r e s t K n o l l s , C A U S A
Ph. +1 415 663 8590 ext. 106 • Fax +1 415 488 0372
michael@seaturtles.org • www.seaturtles.org

March 4, 2008

Mr. Donald K. Hansen
Chairman
Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 101
Portland, Oregon 97220-1384

Dear Chairman Hansen:

On behalf of our 7,000+ activists, Turtle Island Restoration Project is writing to oppose the issuance of a proposed exempted fishing permit (EFP) for a shallow-set swordfish longline fishery within the US West Coast Exclusive Economic Zone (EEZ). Pelagic longline fishing has been prohibited within 200 miles of the California and Washington coast for over 15 years. The proposed EFP will undermine successful conservation measures protecting the critically endangered leatherback sea turtle, loggerhead turtle, and other marine wildlife by allowing this non-selective gear type into areas where it is currently prohibited.

The impact of the development of a shallow-set swordfish longline fishery within the US West Coast EEZ on the critically endangered leatherback sea turtle is of great concern. The Pacific leatherback sea turtle population remains extremely low having declined by over 95% in the last two decades.[1] Mortality from fisheries impacts, including longlining, has been identified as a significant contributor to this decline.

The waters of the California and Oregon EEZ are an exceptionally unsuitable location for any increase in longline fishing. Scientists and NMFS personnel agree that this area contains one of the most important leatherback foraging areas on the planet for the critically endangered Pacific leatherback. In 1998, the Recovery Plan for U.S. Pacific Populations of the Leatherback Turtle hypothesized that "the waters off the west coast of the United States may represent some of the most important foraging habitat in the entire world for the leatherback turtle."[2] Since then, satellite tracking studies have confirmed that substantial numbers of leatherbacks from nesting beaches in Indonesia travel thousands of miles to feed on aggregations of jellyfish in the California Current.[3] NMFS scientists have therefore concluded:

> Ultimately, successful conservation efforts for leatherback turtles must include both nesting beach protection and mitigation of at-sea threats in foraging areas and along migratory routes. *This study has demonstrated that waters off central California are a*

[1] James R. Spotila, Richard D. Reina, Anthony C. Steyermark, Pamela T. Plotkin, & Frank V. Paladino, *Pacific* leatherback turtles face extinction, 405 Nature 529, 530 (2000).
[2] Nat'l Marine Fisheries Service & U.S. Fish & Wildlife Service, Recovery Plan for U.S. Pacific Populations of the Leatherback Turtle (*DERMOCHELYS CORIACEA)* 1998.
[3] Scott R. Benson, Peter H. Dutton, Creusa Hitipew, Betuel Samber, Jacob Bakarbessy, & Denise Parker, *Post-Nesting Migrations of Leatherback Turtles (Dermochelys coriacea) from Jamursba-Medi, Bird's Head Peninsula, Indonesia,* 6 Chelonian Conservation and Biology 150 (2007).

critical foraging area for one of the largest remaining Pacific nesting populations.[4]

We believe that turtles originating from the Jambursba Medi nesting beach in Indonesia are the most significant nesting leatherback population left in the Pacific. Therefore, efforts to protect this population are of great importance.

To permit longline fishing in this sensitive foraging area in light of the numerous threats facing Pacific leatherbacks—especially given the specter of global climate change—would be a mistake with potentially irreversible negative consequences. Pacific leatherback populations have declined to such low numbers that the population's ability to respond to additional mortality is severely limited.[5] As a result, cumulative impacts of even small numbers of mortalities or fisheries interactions are likely to jeopardize Pacific leatherback and loggerhead populations. Indeed, some scientists have estimated that the Pacific populations of adult leatherbacks cannot sustain an adult mortality rate greater than 1% if this species is to avoid extinction.[6]

The continued by-catch problems of US domestic longline fisheries are evident in the Atlantic and Hawaii-based longline fisheries—both of which have a long history of closures and regulations due to significant bycatch. The Hawaii-based longline fishery—which is considered a model fishery by many—was closed prematurely in March 2006 after just three months into the season despite the use of circle hooks and other turtle interaction reduction measures. Technological fixes such as circle hooks are not likely to sufficiently mitigate the detrimental impacts on Pacific leatherbacks, Pacific loggerheads and other ocean species caused by the development of another longline fishery.

Important scientific uncertainties also undermine the ability of scientists and agency staff to accurately estimate the effects of mitigations designed to reduce fishery-related sea turtle mortalities. The broad range of post-capture mortality estimates (4-27%) for sea turtles illustrates that even the short-term affects effects of non-lethal fishery interactions are very poorly understood. Likewise, sea turtles' behavioral and stress responses to fishery interactions as well as the cumulative effects of these interactions on their migrations, foraging, and reproductive behavior are largely unknown.

Recent studies suggest that a significant proportion of the existing Pacific leatherback and loggerhead populations are caught each year in the Pacific on longlines.[7] If so, the cumulative effects of repeated non-lethal interactions on sea turtles' capacity to reproduce may be significant. Until scientists have a better grasp of population level effects of so-called "non-lethal" fishery interactions on Pacific leatherbacks and loggerheads, we urge the PFMC to apply a precautionary approach. In this case, a precautionary approach dictates that the PFMC reject the EFP application for a shallow-set swordfish longline fishery.

Given that global climate change will negatively impact Pacific loggerhead and leatherback populations,

---

[4] Id. *(emphasis added)*.

[5] Pilar Santidrian Tomillo, Elizabeth Velez, Richard D. Reina, Rotney Piedra, Frank V. Paladino, & James R. Spotila, *Reassessment of the Leatherback Turtle(Dermochelys coriacea) Nesting Population at Parque Nacional* Marino Las Baulas, Costa Rica: Effects of Conservation Efforts. Chelonian Conservation and Biology 54 (2007).

[6] Spotila, J. R., A. E. Dunham, A. J. Leslie, A. C. Steyermark, P. T. Plotkin, and F. V. Paladino. 1996. Worldwide population decline of Dermochelys coriacea: are leatherback turtles going extinct? Chelonian Conservation and Biology 2: 209-222.

[7] Rebecca L Lewison, Sloan A Freeman, Larry B Crowder. 2004. Quantifying the effects of fisheries on threatened species: the impact of pelagic longlines on loggerhead and leatherback sea turtles. Ecology Letters 7 (3), 221–231.

the PFMC should avoid permitting an activity—such as this longline EFP proposal—that could further threaten these sea turtles. Global warming represents a great long-term challenge to the survival of the leatherback sea turtle. Conservation gains due to reduced fisheries by-catch could be offset in the near future by the inundation of nesting beaches from rising sea levels and increased erosion, by temperature-induced reduction in hatching success and skewed sex ratios, and from declines in ocean productivity from warming waters.

The status of tuna stocks in the Eastern Pacific provides another concern due to the increased fishing efforts that will occur on these species with the development of a pelagic longline fishery in the US West Coast EEZ. Bigeye, yellowfin and albacore tuna will be economic bycatch of a shallow-set swordfish longline fishery. All three species are subject to management measures to constrain effort under resolutions of the Inter-American Tropical Tuna Commission (IATTC) species due to fishing mortality rates above levels estimated to produce average maximum sustainable yield (AMSY). The National Marine Fisheries Service (NMFS) in fact prematurely closed the longline fishery for bigeye tuna in June this year due to catch reaching its limit for the year. Seasonal closures to purse seine fishing for yellowfin and bigeye tuna are also in place. Any expansion of effort or mortality on these species would not be consistent with management measures and conservation goals of both the PFMC and IATTC.

We note that, although the applicant requests an EFP for a single longline vessel, the application raises the possibility of developing a future longline fishery. Given the above outlined concerns we believe the development of a pelagic longline fishery within the US West Coast EEZ would be inappropriate. Therefore, we respectfully request that the PFMC rejects the EFP application for a shallow-set swordfish longline fishery.

Sincerely,

Michael Milne, Leatherback Campaign Coordinator