



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

Southwest Region
501 West Ocean Boulevard, Suite 4200
Long Beach, California 90802- 4213

JUN 09 2008

The Honorable Mark Leno
Assemblyman, Thirteenth District
California State Capitol
P.O. Box 942849
Sacramento, California 94249-0013

Dear Mr. Leno:

I am writing in response to your May 22, 2008, letter and accompanying Assembly Joint Resolution 62 requesting that NOAA's National Marine Fisheries Service (NMFS) deny approval of a shallow-set longline (SSLL) exempted fishing permit (EFP) application until decisions are made on leatherback sea turtle critical habitat and the status of North Pacific loggerhead sea turtle and its critical habitat is clarified. Final decision on these actions is expected in late 2008 and members of my staff are on the teams reviewing the petitions. The EFP would preliminarily explore whether SSLL gear is effective at catching swordfish within the U.S. West Coast exclusive economic zone (EEZ) while minimizing impacts to protected species. If approved, NMFS would require specific terms and conditions for how the EFP would be conducted. The complete list of mitigation measures, including 100 percent observer coverage, trip and set limits, and a variety of measures aimed at minimizing adverse environmental impacts from the activity are attached. In 2007, my staff conducted an Endangered Species Act Section 7 consultation and wrote a biological opinion on the action and contributed to the NEPA analysis of this project. Both of those documents are available online and contain the best available and updated information on protected species and marine resources.

Your letter and resolution speak to threats to living marine resources, especially Pacific leatherback and loggerhead sea turtles, from the use of SSLL gear. NMFS shares your concern over the potential impacts to these and other living marine resources from fishing gear. However, NMFS scientists, their colleagues and the fishing industry continue to improve SSLL gear and its deployment as a more selective, and thus "cleaner" method for targeting swordfish while continuing to reduce ecosystem impacts. These technological and operational modifications have proven very successful in reducing sea turtle interactions and post-hooking mortalities in existing domestic (i.e., Atlantic and Hawaii) and international (e.g., Italy, Brazil, and Uruguay) swordfish fisheries compared to the use of traditional SSLL gear, while maintaining economically viable fisheries. NMFS is committed to encouraging the use of modified SSLL gear as a means of providing protection to sea turtles, which are highly migratory and travel across entire ocean basins.



The EFP was vetted through the Pacific Fishery Management Council (Pacific Council) process and they recommended that NMFS approve the permit. The Pacific Council, among the other seven regional councils, was established under the authority of the Magnuson-Stevens Fishery Conservation and Management Act to exercise sound judgment in the stewardship of fishery resources and the Pacific Council has demonstrated significant leadership for ensuring that fishery management recommendations are integrated into ecosystem sustainability. Their recent recommendation to prohibit fishing for krill off the West Coast is testimony to that leadership.

There is no doubt that cost-effective fishing gears will interact to some degree with protected species. The EFP would allow a glimpse as to whether modified SSSL gear is as successful in catching swordfish off California as has been shown in the Hawaii and North Atlantic SSSL domestic swordfish fisheries while minimizing interactions with protected species. This small step may also preview an important conservation strategy that is being lost in this debate. Sea turtles and marine mammals migrate across large areas of the ocean and are exposed to fishery impacts from many nations. NMFS believes that if a selective fishing method can be found to harvest swordfish in the EEZ off its coast, California can become less reliant on foreign imports of swordfish to meet market demand. By not allowing the proposed EFP to go forward, California will forego exploring an opportunity that has the potential to reduce this reliance and will continue meeting U.S. demand for swordfish by supporting fishing in other nations. It is important to note that many of those nations do not regulate their fishing impacts on sea turtles and other living marine resources, therefore, reliance on foreign caught swordfish can have result in significant bycatch and mortality of sea turtles and other marine resources.

In closing, I want to thank you for your interest in conserving Pacific sea turtles and hope that this interest can be channeled in assisting NMFS, industry and non-governmental organizations in seeking cost-effective conservation strategies for restoring Pacific sea turtle populations that yield the greatest biological benefits while preserving the viability of California fishing communities.

Sincerely,



Rodney R. McInnis
Regional Administrator

Attachment

cc:

Assembly Member Berg
Assembly Member Evans
Assembly Member Hancock
Assembly Member Jones
Assembly Member Nava
Senator Wiggins