

Resolution of the California Ocean Protection Council on a Longline Exempted Fishing Permit and Potential Impacts to West Coast Sea Turtles

November 20, 2008

WHEREAS, California is a coastal state that is dedicated to the protection of ocean resources, fisheries, and marine wildlife; and

WHEREAS, according to the National Marine Fisheries Service (NMFS), the waters off the central California coast are an important foraging area for Pacific leatherback sea turtles, a 100 million year-old species that has outlived the dinosaurs, and a significant migratory corridor and foraging area for North Pacific loggerhead sea turtles; and

WHEREAS, scientists have determined that the populations of Pacific leatherback and North Pacific loggerhead sea turtles have declined by approximately 95 percent and 80-86 percent, respectively, in the last 25 years; and

WHEREAS, Pacific leatherback sea turtles are listed as endangered under the U.S. Endangered Species Act of 1973 and are also classified as critically endangered by the International Union for Conservation of Nature (IUCN), and North Pacific loggerhead sea turtles are listed as threatened under the federal Endangered Species Act with their status under review for uplisting to endangered; and

WHEREAS, on December 27, 2007, NMFS found merit in a formal petition asking that California's waters be designated as critical habitat for the endangered Pacific leatherback sea turtle under the federal Endangered Species Act; and

WHEREAS, the federal Endangered Species Act requires NMFS to give highest priority to the protection of threatened and endangered species; and

WHEREAS, certain types of commercial fishing gear, such as longlines and drift gill nets, are known to cause injury and mortality to Pacific leatherback and North Pacific loggerhead sea turtles; and

WHEREAS, experiments to test longline hooks and gear to prevent by-catch of non-target species such as sea turtles, marine mammals, and shark and other fish species are in development but not yet proven to consistently reduce capture of sea turtles and other marine life; and

WHEREAS, NMFS is considering approval of an exempted fishing permit (EFP) to authorize shallow-set longlining to target swordfish within the exclusive economic zone (EEZ) off the California coast, as an alternative to drift gillnetting; and

WHEREAS, for almost 20 years, the State of California has maintained fishery policies that protect endangered sea turtles and other marine life by prohibiting commercial swordfish shallow-set longline fishing within state waters and federal regulations currently prohibit commercial longlining for swordfish within 200 miles of the coast; and

WHEREAS, the proposed EFP would allow longline fishing inside the Pacific Leatherback Conservation Area, an expanse of ocean closed to drift gillnet fishing gear between August and November, from Central California north to Oregon; and

WHEREAS, a nearly-identical application for a shallow-set longline fishery proposed in 2007 was opposed by the California Department of Fish and Game and the California Coastal Commission, as well as by sea turtle scientists, environmental groups and the public; and

WHEREAS, the California Legislature passed Assembly Joint Resolution 62 in July 2008, requesting NMFS to deny, or delay consideration of, the swordfish longline EFP in the West Coast EEZ; and

WHEREAS, the California Ocean Protection Act mandates that the Ocean Protection Council (OPC) coordinate and improve the protection of California's ocean and coastal resources.

NOW, THEREFORE, the California Ocean Protection Council hereby:

RESOLVES to acknowledge the severe decline of Pacific leatherback and North Pacific loggerhead sea turtle populations and support efforts to recover and preserve these populations;

RESOLVES to affirm and support California's longstanding policies to protect sea turtles and other ocean life by prohibiting commercial longline fisheries along its coast;

RESOLVES to urge the Secretary of Commerce and NMFS to deny the swordfish longline exempted fishing permit proposed in the West Coast EEZ; and

FURTHER RESOLVES to urge the Secretary of Commerce and NMFS to adopt policies to restrict swordfish and other imports where fishing practices significantly endanger sea turtles or otherwise fail to meet U.S. standards for pelagic longline fishing.