

November 17, 2008

Mike Chrisman
Secretary for Resources
Chair of the California Ocean Protection Council
California Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, California 95814

RE: Support for OPC resolution to protect sea turtles from long line fishing.

Dear Secretary Chrisman and Ocean Protection Council members,

I am writing to ask the voting members of the council to adopt the Resolution opposing the exempted fishing permit (EFP) under consideration by NOAA Fisheries Service for a longline swordfish fishery within the West Coast EEZ. As is indicated in the staff report, long line fishing could have severe impacts to sea turtles that migrate along the West Coast.

The State of California maintains fisheries policies that protect Pacific leatherbacks and North Pacific loggerheads from longline and drift gillnet fishing and the Department of Fish and Game has consistently voted against the EFP as California's representative to the Pacific Fishery Management Council. The Resolution urges NOAA Fisheries and the Secretary of Commerce to deny the proposed exempted fishing permit based upon the critical need for protection of these sea turtles and other vulnerable species including dolphins, sea lions, sea birds, sharks, and bill fish and others.

As you may be aware, I supported a similar resolution adopted by the state Legislature this year, AJR 62 that sought denial, or delay, of the Longline Exempted Fishing Permit in California's coastal waters in order to protect endangered and threatened sea turtles.

Longline swordfish fishing has never been permitted in the California EEZ. California Fish and Game Code Section 9028, which was enacted by the legislature in 1989 and became effective on January 1, 1990, prohibited all forms of commercial pelagic longlines in the California EEZ by making it "unlawful to

use fishing lines, including, but not limited to, troll lines and handlines more than 900 feet in length.”

Passing the EFP that NOAA is considering would allow fishing practices that run counter to the policies of our state, are contrary to the values of our constituents, and would present an unacceptable risk to endangered species. I respectfully request that the voting members of the OPC approve the Resolution opposing the swordfish longline EFP and reassert California’s historic management prohibiting swordfish longlines off the California coast.

Thank you,

Pedro Nava, Assemblymember 35th District

Cc: Linda Adams, Secretary for Environmental Protection
John Chiang, State Controller, Chair of the State Lands Commission
Susan Golding, Public Member
Geraldine Knatz, Public Member
Darrell Steinberg, State Senator
Executive Policy Officer Drew Bohan

PN:bt
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OPC Joint Letter of Support

November 14, 2008

Mike Chrisman
Secretary for Resources
Chair of the California Ocean Protection Council
California Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, California 95814

Re: Support Ocean Protection Council Resolution to Protect California's Endangered Leatherback Sea Turtles

Dear Secretary Chrisman and Ocean Protection Council members,

The organizations listed below are writing to express support for the Ocean Protection Council's Resolution opposing the approval of an exempted fishing permit (EFP) for a swordfish longline fishery within the U.S. West Coast Exclusive Economic Zone (EEZ). The EFP threatens the long-term sustainability of California's ocean health and seeks to establish a longline fishery for swordfish in the California EEZ.

Pelagic longline fishing is a non-selective fishing method with deleterious effects on marine wildlife. Bycatch—the unintentional capture of non-target species—comprises a significant fraction of longline fisheries' catch. Observer data shows that swordfish longline fisheries injure and kill critically endangered leatherback sea turtles, threatened loggerhead sea turtles, imperiled whales, dolphins, sea lions, sea birds, sharks, billfish, and other fish species. The detrimental effects of pelagic longlining on marine species have been demonstrated in the Atlantic and Hawaii-based longline fisheries, both of which have a long history of closures and regulations due to bycatch problems and the depletion of target species.

In particular, the EFP poses a serious risk to two endangered sea turtle species, the Pacific leatherback and the Pacific loggerhead. Recent scientific research and satellite tracking studies confirm that the waters off the California coast are a critical foraging area for the critically endangered Pacific leatherback sea turtle and an important migratory route for the threatened Pacific loggerhead sea turtle. Additional longline fishing pressure in the California EEZ would further jeopardize these imperiled turtles.

No commercial pelagic swordfish longline fishery has ever been permitted in California's EEZ due to concerns over the harmful effects of this nonselective fishing method on the marine environment. The California State Legislature, California state agencies such as the California Department of Fish and Game and the California Coastal Commission, and the scientific, recreational fishing, and environmental communities oppose the longline EFP proposal. As you know, the National Marine Fisheries Service (NMFS) continues to

OPC Joint Letter of Support

move forward with plans to roll back these important conservation measures prohibiting swordfish longlining in California's EEZ despite the large, well-documented opposition from California stakeholders.

As such, we urge the Ocean Protection Council to approve their resolution asking NMFS to honor existing fishing prohibitions by denying the swordfish longline EFP at its November 20-21 meeting. The longline EFP would undermine the health and integrity of California's marine ecosystem and weaken successful conservation measures at a time when marine species need additional, not less, protections.

Sincerely,



Mike Milne
Leatherback Campaign Coordinator
Sea Turtle Restoration Project



Andrea Treece
Senior Attorney
Center for Biological Diversity



Jim Curland
Marine Program Associate
Defenders of Wildlife



John Kaltenstein
Clean Vessels Program Manager
Friends of the Earth

Jay R. Miller, J.D.
Chair, Sierra Club
National Marine Wildlife and Habitat Committee

Dr. James Spotila
President
The Leatherback Trust

Jason Schratwieser
Conservation Director
International Game Fish Association

Aída Navarro Barnetche
Program Manager
Wildcoast

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November 18, 2008

Mr. Mike Chrisman
Secretary for Resources
California Ocean Protection Council, Chair
California Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

Re: Support of Ocean Protection Council Resolution to Protect West Coast Sea Turtles

Dear Secretary Chrisman and Ocean Protection Council members:

On behalf of Ocean Conservancy, I am writing to respectfully request that you adopt the Resolution to Protect West Coast Sea Turtles [OPC Resolution], and in so doing urge the National Marine Fisheries Service (NMFS) to disapprove the issuance of an Exempted Fishing Permit (EFP) to authorize shallow-set longline fishing in California's Exclusive Economic Zone.

California's coastal waters represent an important migratory pathway and foraging habitat for endangered leatherback and threatened loggerhead sea turtle populations. Longline fishing, a method of fishing that uses lines equipped with thousands of hooks that stretch for hundreds of miles, is one of the most serious threats to the survival and recovery of endangered leatherback and threatened loggerhead sea turtles. If implemented, the EFP will compromise successful conservation measures protecting sea turtles as well as seabirds, marine mammals, billfish, sharks and other fish by allowing pelagic longlines in areas along the California and Oregon coastline where this gear type is currently prohibited. What's more, the EFP does not have broad public or governmental support, and is not reasonably designed to achieve its intended objective.

The OPC Resolution, which calls upon NMFS to retain the current prohibition on pelagic longline fishing for swordfish off the California coast, will help to ensure that fishery management decisions do not jeopardize the survival and recovery of these vulnerable sea turtle populations. Given the lack of evidence and support to justify a renewed longline fishery off the west coast, we recommend that the OPC adopt of the Resolution to Protect West Coast Sea Turtles.

The longline EFP threatens vulnerable sea turtle populations.

Sea turtles throughout the Pacific are hovering on the brink of extinction due in large part to incidental mortality associated with fishing operations. Fisheries mortality has been especially problematic for loggerhead and leatherback sea turtles, with nesting population reductions in excess of 80 percent over the last three generations for both species. Leatherbacks are classified as “endangered” under the Endangered Species Act (ESA) and “critically endangered” by the World Conservation Union (IUCN). The status of the leatherback has been the focus of much attention in recent years, however conservation, protection and support is as critical for the loggerhead as for the leatherback. According to the latest surveys, there are fewer nesting loggerheads in the Pacific than nesting leatherbacks. The two major loggerhead populations in the Pacific are found in Japan and Australia, with less than 1,000 and 300 turtles, respectively, nesting annually. The IUCN’s Red List of Threatened Species identifies loggerheads as “endangered” while the ESA classifies loggerheads as “threatened” throughout their range. A pending petition to uplist and reclassify the Pacific loggerhead population as endangered under the ESA suggests that Pacific loggerhead populations warrant even greater protection.

The Pacific longline fisheries out of California and Hawaii were both previously found to cause jeopardy to leatherback and loggerhead sea turtle populations under the ESA. In November 1999, concerned about the high level of sea turtle mortality associated with longlining, Ocean Conservancy (previously known as the “Center for Marine Conservation”) won an injunction restricting longline fishing under the fishery management plan (FMP) for pelagic fisheries in the western Pacific. The objective of the injunction was to reduce leatherback sea turtle mortality by the shallow-set longline fishery targeting swordfish around the Hawaiian Islands.¹ NMFS subsequently issued a Biological Opinion pursuant to Section 7 of the ESA on the pelagics FMP. The agency concluded that continued operation of the fishery would jeopardize the existence of leatherback, loggerhead, and green sea turtles, and amended the FMP to close the Hawaii-based shallow-set longline fishery. The fishery was allowed to re-open again in 2004 subject to the conditions that only large 18/0 circle hooks be used, that an effort cap be established to control the number of longline sets, and that a hard cap on turtle take be established to close the fishery if it approached the limits of its take authorization. In addition, industry representatives pledged to investigate additional fishing strategies and gear technology to avoid sea turtle interactions and reduce sea turtle mortality. In March 2006, the annual hard cap on take of loggerheads was reached after the fishery operated for less than three months.²

Following the injunction against the Hawaii-based shallow-set longline fishery in 1999, many vessels relocated to California. Since pelagic fisheries off the west coast were not managed under a federal fishery management plan (FMP) at that time, the longline fleet was virtually unregulated. Between August 1995 and 1999, California-based longline fishing vessels self-reported numerous interactions with sea turtles including: thirty-five leatherbacks; twenty-one loggerheads; nineteen olive ridleys; and twelve green sea turtles. These self-reports of bycatch are likely underestimates of the total number of sea turtle interactions and mortalities. Then, from October 2001 to March 2003, NMFS placed limited observers on some of the California-based longline fishing vessels. Monitoring only a fraction of the total fishing effort, these observers documented entanglements of 23 loggerheads, 2 leatherbacks, and 1 olive ridley sea turtle. Combining prior observer data and assuming a fishing effort based on 2002 levels,

¹ *Center for Marine Conservation, et al., v. National Marine Fisheries Service, et al.*, (Civ. No. 99-00152 DAE)(D. Hawaii)

² 71 Fed. Reg. 14824 (March 24, 2006)

NMFS estimated in August 2003 that the California-based longline fishery was entangling 174 loggerhead sea turtles (47 killed) and 53 leatherback sea turtles (14 killed) each year.

In 2004, NMFS imposed a moratorium on pelagic longline fishing east of 150 degrees West longitude to guard against jeopardy to loggerheads even after the Pacific Council banned longlining west of 150 degrees West longitude. These far reaching closures demonstrate just how vulnerable sea turtles are to the impacts of longline fishing. Scientists have concluded that, “[t]he critical issue for an individual turtle is the likelihood of capture across an ocean region, not capture by a particular nation. With multiple fleets deployed the cumulative effects of pelagic longlines across fleets in large ocean regions must be taken into account.”³ It would be inappropriate to allow the capture of turtles by a California-based fishery – EFP or otherwise – when the Hawaii fishery was closed for exactly this reason only two years ago. The Hawaii and California based fleets fish in the same manner, often in the same area, and catch the same turtles.⁴ In addition, the fleets consist of many of the same boats and have had a history of moving back and forth to avoid the closures to protect sea turtles that have alternated between Hawaii and California in recent years.

In addition to pelagic longlining, sea turtles are also threatened by other gear types. In June 2007, NMFS rejected an EFP application that would have authorized expansion of the drift gillnet fishery into the Pacific Leatherback Conservation Area, citing recent satellite-tracking studies which confirm the importance of the waters off the California coast as vital foraging grounds for endangered leatherback turtles.⁵ Despite these findings, the proposed longline EFP would permit longlining within the same Pacific Leatherback Conservation Area during the time when leatherbacks are migrating through the region.

The longline EFP does not have widespread support.

Pelagic longline fishing has been banned within 200 miles of the California coast for well over a decade. In March 2004 this ban was extended to the entire west coast exclusive economic zone (EEZ) for all pelagic longlining, and to the high seas beyond the EEZ for west coast-based shallow-set pelagic longlining. Previous efforts to reintroduce longlining off the California coast have been met with widespread opposition. Scientists, commercial and recreational fishermen, the conservation community, members of the public, and the State of California all voiced concerns about the threat that longlining poses to over-exploited fish populations and vulnerable marine wildlife.

Indeed, the California State Legislature adopted a resolution in July 2008 opposing efforts by NMFS to permit longline fishing off the California coast. Likewise, representatives to the Pacific Fishery Management Council (PFMC) from the California Department of Fish & Game (CDFG) have repeatedly opposed the proposed longline EFP. What’s more, in 2007 the California Coastal Commission (“Commission”) voted unanimously to reject the issuance of the EFP finding that it was not consistent with the policies and principles of the California Coastal Management Program, Chapter 3 of the California Coastal Act, and the best available science. Their decision

³ Crowder, L. B and R.I. Lewison. Putting Longline Bycatch of Sea Turtles into Perspective. *Conservation Biology* 2007, Volume 21, No.1, p. 81.

⁴ 69 Fed. Reg. 11540, 11543 (March 11, 2004) (preamble to final rule closing Pacific longline fishery east of 150 degrees West long.)

⁵ Benson, S.R., K.A. Forney, J.T. Harvey, J.V. Carretta, and P.H. Dutton. In press. Abundance, distribution, and habitat of leatherback turtles (*Dermodochelys coriacea*) off California, 1990-2003. *Fishery Bulletin*.

was further reinforced by a 2002 Commission resolution to support conservation programs and the preservation of safe habitat for endangered sea turtles that forage off the California coast.⁶

The current EFP application incorporates several modifications to the previous proposal including a shift in the shoreward boundary of the fishing area from 30 to 50 miles offshore and an extension of the EFP timeline for authorization and implementation through 2010. Despite these revisions, the concerns and flaws identified by the Commission and its staff remain unaddressed by the current proposal. As such, it is unlikely that this revised EFP application will be granted a consistency certification by the Commission. Further evaluation of this proposal by the Council, NMFS and the Commission will waste valuable time and resources.

The longline EFP is not designed to achieve its intended purpose.

The EFP is not reasonably designed to meet its stated objective. The purported goal of the proposed EFP is to assess whether longline gear is an economically viable substitute for drift gillnet gear. The EFP however would authorize only one vessel to fish for one year. One vessel fishing for one season will not yield statistically significant results that will allow fishery managers to determine whether transitioning the drift gillnet fleet to a shallow-set longline fishery off the West Coast is a viable option. The EFP process is not intended to be a means by which fishermen may circumvent fishing regulations. Authorizing fishing that would otherwise be prohibited without measurable objectives and metrics for determining the success or failure of the EFP is not consistent with the purpose and intent of the exempted fishing permit process.

Responding to public testimony at the March 2008 PFMC meeting, Mark Helvey, the NMFS representative to the PFMC, acknowledged that the EFP is not intended to generate statistically significant data and further commented that "I don't think one season tells anything, I think it's just getting a foot in the door to see if there is an opportunity here."⁷ Given our other concerns with the EFP, we are not recommending that fishery managers authorize more vessels to participate in the EFP to remedy this design flaw. However, we have requested that NMFS weigh the ecological risks against the anticipated value of this EFP.

We agree that the U.S., indeed California, has a leadership role to play in investigating ways to fish more selectively. Nevertheless, even with the most stringent conservation measures in place, reintroduction of longline fishing off the U.S. West coast will result in a net increase in overall fishing effort, putting vulnerable finfish, marine mammal, sea bird, and turtle populations at even greater risk. If fishery managers are interested in seeking more sustainable alternatives for targeting Pacific swordfish stocks, the focus should be on researching alternative gear types (i.e., buoy gear) or looking at ways to expand and increase the efficiency of the existing high value, low volume, no-bycatch California harpoon fishery.

Current longline closures have provided a successful working balance between the interests of industry, the public and the urgent need to protect critically endangered leatherback and loggerhead sea turtles. It would be irresponsible to re-establish the longline fishery, however small and limited, without a thorough and updated environmental assessment and more

⁶ Resolution by the California Coastal Commission in Support of the Conservation of Endangered Sea Turtles, December 2002.

⁷ Mark Helvey (NMFS), responding to the testimony of Megan Jeans, Ocean Conservancy, March 10, 2008, PFMC meeting. (audio transcripts)

coordinated management strategy with fishery managers in the western Pacific, and support from the public and the State of California.

The EFP application currently under review is not predicated on a comprehensive assessment of sea turtle populations and fishery interactions and does not adequately consider the associated impacts on endangered and protected species and the marine ecosystem both inside and outside California's coastal zone. We do not believe there is sufficient evidence to justify allowing an exempted or a renewed longline fishery at this time. As such, we strongly urge the OPC to adopt the Resolution to Protect West Coast Sea Turtles [OPC Resolution] and oppose the issuance of the pending Exempted Fishing Permit (EFP) to authorize shallow-set longline fishing in California's Exclusive Economic Zone.

Sincerely,

A handwritten signature in black ink, appearing to read "Meghan Jeans". The signature is fluid and cursive, with the first name being more prominent.

Meghan Jeans
Pacific Fish Conservation Manager

November 10, 2008

Mr. Mike Chrisman
Secretary for Resources
California Ocean Protection Council, Chair
California Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

Re: Support Ocean Protection Council Resolution to Protect West Coast Sea Turtles

Dear Secretary Chrisman and Ocean Protection Council members:

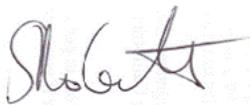
We respectfully request that you adopt the Resolution to Protect West Coast Sea Turtles [OPC Resolution], and thereby urge the National Marine Fisheries Service (NMFS) to deny consideration of an Exempted Fishing Permit (EFP) permit to introduce shallow-set longline fishing into the California Exclusive Economic Zone (EEZ).

As you aware, there is a growing interest and regulatory focus within California to sustain, conserve, and protect the natural diversity and abundance of our state's ocean resources and marine life. The OPC Resolution furthers these efforts by urging NMFS to retain the current prohibition on pelagic longline fishing for swordfish off the California coast—an activity that is particularly threatening to sea turtle populations. The OPC Resolution will help ensure that fishery management on the West Coast does not jeopardize the protection of sensitive, threatened, and endangered species, including: endangered leatherback sea turtles, threatened loggerhead sea turtles, imperiled whales, dolphins, sea lions, sea birds, sharks, billfish, and other fish species.

In particular, this longline EFP poses a serious risk to two threatened or endangered sea turtle species, the Pacific leatherback and the Pacific loggerhead. Recent scientific research and satellite tracking studies confirm that the waters off the California coast are an essential foraging area for the endangered Pacific leatherback sea turtle as well as an important migratory route for the threatened Pacific loggerhead sea turtle. These turtles are at perilously low population levels, and scientists predict that the death of more than 1% of the adult female Pacific leatherback population each year could lead to its extinction. Thus, killing even small numbers of Pacific leatherback and loggerhead turtles in longline fisheries could have serious consequences for these species' survival.

Oceana is an international non-profit organization dedicated to protecting the world's oceans. On behalf of our more than 300,000 members and activists, including 30,000 in California, we respectfully request that you adopt the OPC Resolution. This resolution will support California's 30-year-old prohibition on destructive swordfish longline gear as well as safeguard sea turtles and other marine life while migrating and feeding off the coast of California.

Sincerely yours,



Santi Roberts
California Project Manager



**THE HUMANE SOCIETY
OF THE UNITED STATES**

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Mike Chrisman
Secretary for Resources
Chair of the California Ocean Protection Council
California Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, California 95814

18 November 2008

Re: Support Ocean Protection Council Resolution to Protect California's
Endangered Leatherback Sea Turtles

Dear Secretary Chrisman and Council Members,

On behalf of the more than 10 million members and constituents of The Humane Society of the United States, I would like to thank you for considering our statement with regard to your consideration of an Exempted Fishery Permit (EFP) to allow fishing in a traditionally closed area. Please accept my apologies for not being able to attend your meeting in person to testify.

The Humane Society of the United States urges you to pass the resolution to protect endangered sea turtles from a proposed new federal swordfish fishery in California's EEZ. We submitted detailed comments to the National Marine Fisheries Service (NMFS) in opposition to granting the exact same Exempted Fishing Permit in 2007. I have attached those more detailed comments should they be helpful to you as background in your deliberations.

In addition to our concerns about the target species, our opposition is based on two related concerns: that the EFP is likely to have greater impacts on marine protected species than has been projected by the applicant and in preliminary environmental analyses, and that it cannot meet its purpose of providing valid information on potential protected species interactions.

In brief, the draft environmental assessment ignored data available from the Southeast Fishery Science Center of the NMFS which were presented by the agency to a NMFS

marine mammal take reduction team on which I sit. The NMFS examined longline bycatch of marine mammals in the Atlantic and found significant rates of serious injury of pilot whales. Although most interactions occurred at temperatures over 70 degrees Fahrenheit, interactions began to increase in water temperatures of 60-66 degrees Fahrenheit, although the EA stated that interactions at this temperature were unlikely. Pilot whales in the Atlantic targeted both the bait and the catch. These data were not considered. Thus the proposed location of the fishery and the use of mackerel bait are not sufficient mitigation for potential adverse interactions. Further, circle hooks have not been shown to prevent or reduce bycatch of marine mammals. The very low Potential Biological Removal level for pilot whales raises particular concern for this species.

We are also concerned that a single vessel making 14 sets per trip in 4 trips over a 3 month period is unlikely to provide reliable information on interactions which are, by their very nature unpredictable and episodic. Thus the purpose of the EFP is doubtful.

Because this EFP is, in some regard, a “stalking horse” for potential future expansion of longline effort within the EEZ in areas that are currently closed, we urge you to oppose the proposal to re-open it to an experimental program, which could open the door to devastating effects on both target and non-target species. We urge you to pass the current resolution in opposition to the EFP.

Thank you.

Sharon B. Young

Sharon B. Young
Marine Issues Field Director
The Humane Society of the United States
(508)833-0181
syoung@hsus.org



Coastside Fishing Club
666 Brighton Road, Pacifica, CA 94044

October 24, 2008

Mike Chrisman
Secretary for Resources
Chair of the California Ocean Protection Council
California Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, California 95814

Re: Support Ocean Protection Council Resolution to Protect California's Endangered Leatherback Sea Turtles

Dear Secretary Chrisman and Ocean Protection Council members,

On behalf of the Coastside Fishing Club, we urge the Ocean Protection Council members to pass its Resolution to protect endangered sea turtles from a proposed new federal swordfish fishery. The resolution urges the National Marine Fisheries Service (NMFS) to deny consideration of an Exempted Fishing Permit (EFP) permit to introduce shallow-set longline fishing into the California Exclusive Economic Zone (EEZ).

In particular, such a fishery potentially poses a serious risk to two endangered sea turtle species: the Pacific leatherback and the Pacific loggerhead. Recent scientific research and satellite tracking studies confirm that the waters off the California coast are a critical foraging area for the critically endangered Pacific leatherback sea turtle and an important migratory route for the threatened Pacific loggerhead sea turtle. Additional longline fishing pressure in the California EEZ would further jeopardize these imperiled turtles.

The opposition of the Coastside Fishing Club stems from several flaws in the experiment design of the proposed EFP. These were discussed at the Pacific Fishery Management Council - particularly by its Scientific and Statistical Committee. In our opinion these concerns are sufficient to deny the EFP; and we draw the attention of the Ocean Protection Council to them. The two most significant flaws are:

- 1) There is a large boat-to-boat variability in the Hawaiian fishery data used to justify the EFP relative to turtle interactions. Unfortunately, since only one boat will participate in the proposed EFP it is doubtful that the data will be useful in demonstrating a success rate that would have applicability to the multi-boat fishery that would eventually emerge.
- 2) The EFP lists several bycatch species limitations (including turtles) that will shut down continued EFP execution if they are reached. Unfortunately these are so constraining (because no one wants to allow any turtles to be killed) that the data taken during the EFP will not be statistically significant. To create data that is statistically significant, the killing of many more animals would have to be allowed. Coastside does not wish to see a further threat to the fragile sea turtle resource, particularly when the scientific and economic benefits are doubtful.



Coastside Fishing Club
666 Brighton Road, Pacifica, CA 94044

Consequently this particular EFP will not generate the data needed to demonstrate the cleanliness of the proposed fishery - the design of the experiment is bad! We should not allow this EFP to go forward since it cannot generate adequate data from which to make an informed decision about the cleanliness of the proposed fishery.

We respectfully request that you and members of the OPC vote 'aye' to approve the Resolution opposing the swordfish longline EFP and reassert California legislators' historic management prohibiting swordfish longlines off the California coast.

Thank you,

Dan Wolford, Science Director
Coastside Fishing Club

November 17, 2008

Mike Chrisman
Secretary for Resources
Chair of the California Ocean Protection Council
California Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, California 95814

**Re: Support Ocean Protection Council Resolution to Protect California's
Endangered Leatherback Sea Turtles**

Dear Secretary Chrisman and Ocean Protection Council members,

On behalf of our members and supporters, we urge the Ocean Protection Council members to pass its Resolution to protect endangered sea turtles from a proposed new federal swordfish fishery. The resolution urges the National Marine Fisheries Service (NMFS) to deny consideration of an Exempted Fishing Permit (EFP) permit to introduce shallow-set longline fishing into the California Exclusive Economic Zone (EEZ).

As the OPC is aware, there is a growing interest and regulatory focus within California to sustain, conserve, and protect the natural diversity and abundance of our state's ocean resources and marine life. The OPC Resolution furthers these efforts by urging the NMFS to prohibit a new swordfish fishery off the California coast—an activity that is particularly threatening to sea turtle populations. The OPC Resolution will help ensure that fishery management on the West Coast does not jeopardize the protection of sensitive, threatened, and endangered species, including: critically endangered leatherback sea turtles, threatened loggerhead sea turtles, imperiled whales, dolphins, sea lions, sea birds, sharks, billfish, and other fish species.

In particular, the EFP poses a serious risk to two endangered sea turtle species, the Pacific leatherback and the Pacific loggerhead. Recent scientific research and satellite tracking studies confirm that the waters off the California coast are a critical foraging area for the critically endangered Pacific leatherback sea turtle and an important migratory route for the threatened Pacific loggerhead sea turtle. Additional longline fishing pressure in the California EEZ would further jeopardize these imperiled turtles.

Swordfish longline fishing has never been permitted in the California EEZ. F&G Code Section 9028, which was enacted by the legislature in 1989 and became effective on January 1, 1990, prohibited all forms of commercial pelagic longlines in the California EEZ by making it “unlawful to use fishing lines, including, but not limited to, troll lines and handlines more than 900 feet in length.”

We respectfully request that you and members of the OPC vote ‘aye’ to approve the Resolution opposing the swordfish longline EFP and reassert California legislators’ historic management prohibiting swordfish longlines off the California coast.

Sincerely yours,

Dave Elm
Chairman ,
Acting President United Anglers of Southern California

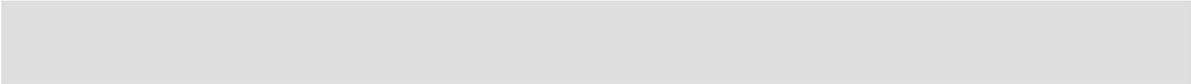
New Zealand



SEAFOODS



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New Zealand Seafood Marketing

To : Drew Bohan, Executive Policy Officer
California Ocean Protection Council

From : John Barrett

Date : November 14, 2008

Mr. Bohan,

I am writing to you in support of a hard-working fisherman who helps supply our company with fresh, high-quality seafood. Mr. Pete Dupuy is the owner-operator of the fishing vessel *F/V Ventura II*. From December to May upcoming, he wants to use a federal Experimental Fishing Permit from the National Marine Fisheries Service to explore the feasibility/profitability of longline fishing off our coast at a range of approximately 100 miles. To my knowledge, he is the only local fisherman trying to use this longline method of fishing for pelagic species; others use drift-net gear, which is far more damaging and wasteful than properly operated longline vessels. I believe that Mr. Dupuy's responsibly operated vessel (with federal observers on board) poses virtually no risk to California's Marine resources and environment. I urge you to favorably consider his effort to explore this longline fishery well off our coastline.

Sincerely,
John A. Barrett

*Your No. 1 choice in fresh
& frozen fish & shellfish*



AUGUST FELANDO
Proctor in Admiralty
Attorney at Law

870 SAN ANTONIO PLACE
SAN DIEGO, CALIFORNIA, 92106
TELEPHONE: 619-223-7654
FAX: 619-223-7654

November 17, 2008

Mike Chrisman, Chair
California Ocean Protection Council
California Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

Dear Secretary and Chair Chrisman and Members of the Council:

This is to strongly support Captain Pete Dupuy's Experimental Fishing Permit (EFP) issued by the Pacific Fishery Management Council (PFMC), and to urge that the California Ocean Protection Council (COPC) support the extensive and carefully crafted action taken by the PFMC in approving this much needed tuna longline experimental fishing effort within the 200 mile exclusive economic zone (EEZ) of the West Coast of the United States, and in selected high seas off the coast of California. Importantly, the PFMC's action in issuing this EFP to Captain DuPuy has been approved by the National Marine Fisheries Service (NMFS). Please note that successful tuna longline fishing by U.S. Flag vessels is presently conducted *within* the 200 mile EEZs off Hawaii, the Gulf Coast, and the East Coast.

Captain Pete Dupuy is uniquely qualified to carry on this experimental venture. This personal opinion of Captain Dupuy is based upon my experience as a commercial tuna fisherman, Managing Owner of a Tuna Clipper, and CEO of the American Tunaboat Association of San Diego for about 31 years. In addition, as a current member of the PFMC Highly Migratory Species Advisory Subpanel (HMSAS), and as a member of the HMSAS during the development of the PFMC Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species (FMP-HMS) prior to August 2003. During this latter period, I became knowledgeable of Captain Dupuy's extensive commercial fishing record in the California Drift Gill Net Swordfish/Shark Fishery and of his experience in the Tuna/Swordfish Longline fishery in waters off the East Coast. Currently, Captain Dupuy owns the only pelagic longline fishing vessel operating from a California port; he delivers "fresh" tuna to California consumers. Under the existing FMP-HMS adopted by the PFMC/NMFS, this vessel is required to catch "fresh" tuna

beyond the 200 mile EEZ off California. The EFP issued by the PFMC will permit Captain DuPuy to catch “fresh tuna” with his tuna longline vessel experimentally **within** the 200 mile EEZ off California.

Please note that I have no financial interest in Captain DuPuy’s fishing venture, or in any other commercial or recreational fishing venture. Nor have I ever represented Captain DuPuy as a client. My sole interest in this Matter is promote the development of a commercial longline tuna fishery from ports in California in the belief that this is in the best interest of the “fresh” tuna consumers of the State of California.

About 100 years ago, a California sardine canner located in San Pedro, successfully experimented with the canning of Albacore tuna, thereby becoming the birthplace of the canned tuna industry of the United States. Since the early 1990s, major tuna processors no longer operate shoreside canneries in California. However, California is an important market for longline-caught tuna that is served “fresh” to consumers, that is, in a form other than in the can. For the six-month period January-June, 2008, the NMFS reports that the value of imported tuna (Yellowfin, Bigeye, Albacore, Bluefin) classified as “fresh” was slightly over \$107 million.

Captain DuPuy’s experimental venture has been designed by the NMFS and PFMC to determine whether Tuna longline fishing is economically viable when operated from a port in California and when restricted to fishing in carefully designated fishing areas **within** the 200 mile EEZ off the West Coast of the United States. These “designated fishing areas” are known to be free of conflict with gears operated by recreational fishermen.

This is to strongly urge that the COPC respect and acknowledge the long history of hearings, deliberations, compromises, and studies involved as part of the PFMC process in developing and authorizing the EFP issued to Captain DuPuy. This was necessary in order to dispel and refute unfounded charges and unreasonable concerns advocated to prevent Captain DuPuy’s experimental use of pelagic longline fishing gear and methods. The NMFS should be requested by the COPC to repeat its presentation to the PFMC on the many important improvements in the use of pelagic longline gear now in use by the highly successful U.S. longline fleet of Hawaii. The longline gear and fishing methods used in this HMS fishery have substantially reduced or eliminated the bycatch of marine living resources presently prohibited or protected under the laws of the United States.

Regards,

August Felando

cc: Drew Bohan, Executive Policy Officer, drew.bohan@resources.ca.gov

Mark Helvey, mark.helvey@noaa.gov

From: George and Arda Gulesserian
Sent: Mon 11/17/2008 9:47 AM
To: Drew Bohan
Subject: E.F.P. for F/V Ventura II

I would like to voice my support for E.F.P. to be issued to Pete Dupuy, owner of F/V Ventura II.

I have been buying fish from them for years, and have been referring them to many other family members and friends. We all look forward to have the opportunity to buy the wonderful fresh fish caught by them. I would hate to miss out on this opportunity.

Your consideration to their request would be sincerely appreciated.

Thank you,
Arda Gulesserian

From: Simone Quilling
Sent: Tue 11/18/2008 8:39 AM
To: Drew Bohan
Subject: longline EFP

Mr. Bohan, I support longline EFP, please don't make us buy foreign fish.

Thank you for your time,
Simone Quilling

From: Page Quilling
Sent: Saturday, November 15, 2008 2:21 PM
To: Drew Bohan
Subject: What will we import next?

Please read this attachment [Pete Dupuy letter to customers].

I am afraid that if our bad habits of importing everything that we can provide for ourselves, for the same amount of money, continues we will be in another crisis similar to the oil crisis but for FOOD.

Please help Americans save us from ourselves.

Page Quilling

From: SwordsTuna
Sent: Friday, November 14, 2008 10:57 AM
To: Drew Bohan
Subject: EFP

Dear Drew Bohan:

I have great respect for Mr. Peter Dupuy who is a long time fisherman from Ventura California. I support his Experimental Fishery Permit for large pelagic shallow set long lines He has weathered many a storm in trying to do the right thing and bring this fishery into sustainability. I believe his motivation is honorable, has the support of NMFS and I hope you support it. California could benefit greatly and fishermen could once again bring successful Highly Migratory Fishery back to California while promoting control, conservation and safety in doing so.

I am a member of the Pacific Fishery Management Council, although I do not speak for the Council as a whole. I do have experience in management of fisheries. This EFP was supported by the PFMC on solid ground, and met the goals and objectives of conservation, use of innovative new gear, and protection of marine life and endangered species. This opportunity to seek information by minimal use of one boat is important. Thank you for the opportunity to comment. As your FMC California representative, it is an honor to serve. If I may be of service on this matter, please let me know.

Kathy Fosmark
Alliance of Communities
for Sustainable Fisheries

From: Frank Tomlinson
Sent: Friday, November 14, 2008 9:35 AM
To: Drew Bohan
Subject: Support For Longline EFP procedure

To Whom It May Concern:

I own a seafood market in Ventura County and understand the supply problems that drive up the cost of seafood caught by American fishermen.

The problem that was highlighted with tilapia imported from China this past year shed only a small amount of light on the problem of importing seafood caught by other countries and consumers are aware of the products from foreign countries and avoid them.

As well people are becoming more and more aware that they should be eating seafood regularly, this not only helps individuals; ultimately it benefits the entire American society because seafood battles many diseases that our country currently spends billions of dollars treating annually; giving the public the ability to purchase **higher quality seafood at lower prices** will only encourage them to do so more frequently.

What Mr. Dupuy is proposing with fishing with this EFP method solves concerns that many have for catching unintended animals along with their intended catch providing the consumer with the ability to purchase with confidence.

If we don't take advantage of what Mr. Dupuy is offering in the way of technology to provide safer fishing methods be assured fishermen from other countries will be out catching those fish without restriction or the technology and many unintended animals will be sacrificed along with a proven safe method of fishing.

We need many more Captains of fishing vessels like Mr. Dupuy and approving use of his EFP method would encourage others to follow suit.

Best regards,

Frank Tomlinson
President

From: Samantha Adams
Sent: Tuesday, November 11, 2008 8:33 AM
To: Drew Bohan
Subject: longline EFP

I would like to express my support for this fishing fleet and its efforts to bring the public fresh environmentally friendly fish. We purchase from them whenever possible and sincerely support their efforts.

Thank you,
Samantha Adams

From: Kahula2
Sent: Monday, November 10, 2008 2:34 PM
To: Drew Bohan
Subject: EFP

Yes, As an avid fisherman and lover of seafood I support Pete Dupuy and long line E.F.P.

Doug Brown
Camarillo,CA

From: Chuck Janisse
Sent: Monday, November 10, 2008 10:16 AM
To: Drew Bohan

Subject: Low Impact Longline EFP

Dear Ocean Protection Council,

I write to support your endorsement of the National Marine Fisheries Service's effort to substantially reduce incidental injury and/or mortality to non target marine life by exploring the efficacy of replacing the drift gillnet gear currently used in the offshore commercial swordfish fishery with a much lower impact hook and line gear.

In an almost decade long analytic, transparent public process, the NMFS has determined that the substitution of hook and line gear (in a configuration known as low impact longline) for drift gillnet gear would greatly reduce serious injury and/or mortality to endangered sea turtles, marine mammals, and shark and other discarded finfish.

The only question is if low impact longline is an economically viable substitute for drift gillnet--in other words, can a drift gillnet fisherman switch to low impact longline and still make enough money to support himself and his family. Hence, the NMFS seeks to answer this question by proposing the issuance of an exempted fishery permit (EFP) for a single vessel to conduct limited longline fishing under a series of marine life protection limits which, if any one of is exceeded, would result in the immediate termination of fishing, and with 100% observer coverage to ensure such limits are adhered to.

I do not speak for the NMFS, but I urge you to seek their counsel because I believe that this EFP is an important component for the NMFS to fulfill its national mandate to promote, develop, and implement the most risk averse marine fishery practices that the best scientific and commercial data support, as well as an important component for all who strive to conserve our marine resources. I hope you see, and support the conservation opportunity of this EFP.

Thank you for your consideration.
Chuck Janisse

From: Julie Napoleone
Sent: Monday, November 10, 2008 2:32 PM
To: Drew Bohan
Subject: I support E.F.P.

Dear Sirs and Madam:

I am writing this letter in support of Pete Dupuy, Owner and Operator of F/V Ventura II, the boat that brings in such wonderful, fresh fish into the Ventura Harbor every 6 weeks or so. My husband and I, including our neighbors, have been purchasing fish from Pete's boat for the past year. After reading Pete's dilemma regarding the bureaucracy he's anticipating in going before the California Ocean Protection Council on Nov. 20, I am giving my support of the Experimental

Fishing Permit (E.F.P.) and the ability for Pete and his crew to fish closer to California saving fuel and costs to the consumer. I ask California to also support the E.F.P. in order to bring about change and manage the resource with science, not politics. America is all about change right now. We do not need to be purchasing fish from foreign countries, especially since we cannot trust their fishing methods, food safety or quality control.

We are counting on Pete's excellent catches for years to come!

Thank you for your consideration.

Sincerely,

Julie Napoleone

Legal Assistant

Nordman Cormany Hair & Compton LLP

From: Graziano, Roger F.
Sent: Monday, November 10, 2008 9:50 AM
To: Drew Bohan
Subject: Experimental Fishing Permit

I would like to ask for your support in the Federal Governments intent to issue a E.F.P for Mr. Pete Deputy - Owner. operator of the fishing vessel; Ventura II. In these economic times it is imperative that California remain competitive in all markets available to it. The use of a E.F.P. would allow for greater fuel efficiency, a long with numerous environmental advantages.

Please consider the impact that this has not only on the local economy, but also at the national lever. We can't try to change the fishing habits of other nations unless we lead by example, and show that a one can be a good protector of the planet while still making a living.

Roger F. Graziano

From: Richard Royce
Sent: Monday, November 10, 2008 11:21 AM
To: Drew Bohan
Subject: Fw: Fish Market

We need citizens that really care about the environment. I have been buying fish from them for years and love to discuss the reasonable ways to fish. We would appreciate any help you can give these deserving people.

- Ric & Sandi Royce

From: Cat Darst
Sent: Sunday, November 09, 2008 6:32 AM
To: Drew Bohan

I would like to express my support for the federal government's Experimental Fishing Permit, (E.F.P.) program.

The fishing industry must be pushed towards sustainability. EFPs will provide us more information to support regulatory decision making.

Thank you.
Ventura, CA

Dear Sir,

I am a lifetime Professional Mariner with over 5000 days of service on fishing boats, work boats and ship's tugs. I have traveled the world and seen first hand the condition of foreign fisheries and practices. Here we have extensive protections for the species, overseas there are few, if any.

I am also an avid supporter of direct sales from the fisherman to the public. We all benefit from more affordable, healthier seafood caught in a sustainable fashion. It should be a no-brainer that our government support and not crush the last few remaining fisherman we have. Please respond to this. E. Massa, Jr.

E. Massa, Jr.
Port Engineer
Clean Seas, LLC

From: garylucyjessica
Sent: Sunday, November 09, 2008 8:54 AM
To: Drew Bohan
Subject: EFP Support

Please support Pete Dupuy and his E.F.P. to keep him fishing for us.
His fishing record should speak for him.
Thankyou

The Entrekins who really enjoy the benefits of having fresh fish he makes available to us.

From: Bertsch, Eric C.
Sent: Monday, November 10, 2008 7:04 AM
To: Drew Bohan
Subject: EFP and the Ventura II

Dear Drew,

I'd like you to know that I support Pete Dupuy of the F/V Ventura II in his efforts to secure an EFP. I think you should too. Ventura Harbor may just be setting a standard for other fisheries to follow that may, hopefully, rejuvenate the California fishing industry. If it is true that his methods are as effective as he says they are, then I think he should be given a chance.

I grew up in northern California and witnessed the terrible loss of the fishing industry out of Eureka. A couple of months ago while visiting friends there, we ate at local seafood restaurants and all of the fish was imported from elsewhere. Gone is the Lazio's that once served that incredibly delicious fresh local caught fish (and at a reasonable price). I think we should encourage and support our local guys that are doing the right thing.

Sincerely,
Eric Bertsch

From: Hill, Dave
Sent: Monday, November 10, 2008 8:21 AM
To: Drew Bohan
Subject: E.F.P. for F/V Ventura II

Dear Sir,

It appears to me that Mr. Dupuy of the F/V Ventura II has invested a great deal of time, effort and expense to develop clean fishery techniques. The method of documentation he has used, a federal observer on all trips for the last 4 years, is the best documentation possible. This an outstanding example of responsible commercial fishing. I see no reason why the E.F.P. should not be granted.

I, and many others buy the fish when it is brought to Ventura Harbor. It is of outstanding quality and reasonable price. I hope that we will be able to continue to have this choice available.

V/r

Dave Hill
Principal Systems Engineer

From: tonywventura
Sent: Sunday, November 09, 2008 8:13 PM
To: Drew Bohan
Subject: Support local fishermen

To whom it may concern,

I have recently received a letter informing me of the potential plan to extend a special permit to Pete Dupuy to allow his vessel to fish in southern California waters. Being a surfer and scuba diver and a lifelong ocean enthusiast I am always concerned with the health of our ocean and look upon it as a resource for all people everywhere.

The letter I have received states that Mr. Dupuy always is accompanied by a federal observer and that he has developed his own system to greatly reduce the level of accidental kill. The letter also states that National Marine Fisheries and the World Wildlife Fund support his receiving a special permit to study his fishing technique. If these statements are true, then I also support extending him this opportunity.

As I have stated earlier I am an ocean lover and certainly do not want ours or any any seas over fished. However I have to think that if we can find a way to safely fish our local seas and this experimental permit can help to solve some problems it is a great opportunity that should not be passed up.

From: jack mcgrath
Sent: Sunday, November 09, 2008 7:51 AM
To: Drew Bohan
Subject: EFP

Hello,

I am writing this note in support of Pete Dupuy. For years I have enjoyed the fish he has provided for our community, and he is as concerned as I am about the ocean and environment. Please allow him to obtain an Experimental Fishing Permit and demonstrate how he can provide this wonderful service while maintaining the integrity of the ocean.

Thank you,
Jack McGrath