

Assembly Joint Resolution No. 62

RESOLUTION CHAPTER 100

Assembly Joint Resolution No. 62—Relative to West Coast sea turtle protection.

[Filed with Secretary of State July 23, 2008.]

LEGISLATIVE COUNSEL'S DIGEST

AJR 62, Leno. West Coast sea turtle protection.

This measure would request the National Marine Fisheries Service to delay consideration of, or deny, the swordfish longline exempted fishing permit for a specified period of time. The measure would request the National Marine Fisheries Service to defer consideration of efforts to introduce shallow-set longline fishing off the California coast for that specified period of time.

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

WHEREAS, Sea turtles, fish, and marine mammals are a central component of California's natural heritage and marine biodiversity; and

WHEREAS, According to the National Marine Fisheries Service, the waters off the central California coast are a critical foraging area for Pacific leatherback sea turtles; and

WHEREAS, According to the National Marine Fisheries Service and the United States Fish and Wildlife Service in its "Recovery Plan for the U.S. Pacific Populations of the Loggerhead Turtle (*Caretta caretta*)," the waters off the California coast are 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 percent to 86 percent, respectively, in the last 25 years, as reported by Duke University in 2004; and

WHEREAS, Prominent sea turtle biologists from Drexel University and Indiana-Purdue University predict that the death of more than 1 percent of the adult female Pacific leatherback sea turtle population each year could lead to the extinction of the species, as published in 2000 in the journal *Nature*, indicating the catch of small numbers of Pacific leatherback sea turtles is a serious threat to their future survival; and

WHEREAS, Scientists at the 2003 annual meeting of the American Association for the Advancement of Science estimated that the Pacific leatherback sea turtle could become extinct if existing by-catch rates are not reduced; and

WHEREAS, The National Marine Fisheries Service biological opinion and incidental take statement on the Hawaii-based pelagic, deep-set longline fishery predicts that current population trends indicate a high probability that North Pacific loggerhead sea turtles will be effectively extinct within approximately 50 years; and

WHEREAS, Injury and mortality from interactions with longline fishing gear are direct contributors to the rapid decline, and potential extinction, of Pacific leatherback and North Pacific loggerhead sea turtles, according to a study published by Duke University scientists in 2004; and

WHEREAS, Data collected from fishing vessels have revealed that shallow-set longlines that are targeting swordfish snare loggerhead turtles at a rate 10 times greater, and leatherback sea turtles at a rate approximately 3 times greater, than deep-set longlines, as reported by scientists at Dalhousie University and Duke University; and

WHEREAS, The National Marine Fisheries Service is considering approval of an exempted fishing permit (EFP) to authorize shallow-set longlining to target swordfish within the Exclusive Economic Zone (EEZ) of the California coast where commercial pelagic longline fishing has never been permitted; and

WHEREAS, The proposed EFP would allow longline fishing inside the Pacific leatherback conservation area, an area closed to selected types of fishing gear that are known to impact Pacific leatherback sea turtles; and

WHEREAS, In 1989 with the enactment of Section 9028 of the Fish and Game Code, the California Legislature prohibited pelagic longline fishing in the EEZ off the California coast by banning the use of hook and line fishing gear longer than 900 feet; and

WHEREAS, The National Marine Fisheries Service is also considering authorizing the placement of a shallow-set longline fishery to target swordfish on the high seas (High Seas Swordfish Fishery) off the West Coast of the United States in an area known to be used by Pacific leatherback and North Pacific loggerhead sea turtles; and

WHEREAS, Longlining for swordfish has been prohibited on the high seas off the West Coast of the United States since 2004 when the federal government determined that by-catch of North Pacific loggerheads by the High Seas Swordfish Fishery would violate the federal Endangered Species Act's jeopardy prohibition and determined that the "reasonable and prudent alternative" was to close the shallow-set (swordfish) component of the High Seas Swordfish Fishery; and

WHEREAS, A high seas swordfish fishery off the West Coast of the United States will also result in the intentional and incidental capture of Yellowfin, and Bigeye tuna, which populations are already considered to be overfished or are experiencing overfishing by the Inter-American Tropical Tuna Commission (IATTC) or US Stock Assessments or both; and

WHEREAS, On December 27, 2007, the National Marine Fisheries Service found merit in a formal petition asking that California's waters be designated as critical habitat area for the endangered Pacific leatherback

sea turtle under the federal Endangered Species Act and a study to make a final determination is currently underway; and

WHEREAS, On November 16, 2007, the federal government announced it had found merit in a formal petition request to list the North Pacific loggerhead sea turtles found off the West Coast of the United States as endangered under the federal Endangered Species Act and a study to make a final determination is ongoing; and

WHEREAS, The federal Endangered Species Act requires the National Marine Fisheries Service to give highest priority to the protection of threatened and endangered species; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California acknowledges the severe decline of Pacific leatherback and North Pacific loggerhead sea turtle populations and supports efforts to recover and preserve these populations; and be it further

Resolved, That the Legislature of the State of California requests the National Marine Fisheries Service to delay consideration of, or deny, the swordfish longline exempted fishing permit in the West Coast EEZ, until Pacific leatherback sea turtle critical habitat is established, the federal status of the North Pacific loggerhead sea turtle is clarified, and critical habitat is designated for the North Pacific loggerhead sea turtle should its protected status be strengthened to “endangered”; and be it further

Resolved, That the Legislature of the State of California requests that the National Marine Fisheries Service defer consideration of any efforts to introduce shallow-set longline fishing off the California coast, both inside and outside the EEZ, until Pacific leatherback sea turtle critical habitat is established, the federal status of the North Pacific loggerhead sea turtle is clarified, and critical habitat is designated for the North Pacific loggerhead sea turtle, if it is designated as “endangered”; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Secretary of Commerce, and to each Senator and Representative from California in the Congress of the United States.