



May 17, 2016

Ms. Eileen Sobeck
Assistant Administrator
NOAA Fisheries
1315 East-West Highway
Silver Spring, MD 20910

Mr. William W. Stelle
Administrator, Northwest Region
NOAA Fisheries
7600 Sand Point Way, NE, Bldg 1
Seattle, WA 98115

RE: Request for Closure of the Pacific Loggerhead Conservation Area

Dear Assistant Administrator Sobeck and Regional Administrator Stelle:

Our organizations are writing to request closure of the Pacific Loggerhead Conservation Area (PLCA) because an El Niño event is occurring off southern California. Regulations prohibit fishing with drift gillnet gear in the PLCA from June 1 to August 31 during a forecasted or occurring El Niño event and require the National Marine Fisheries Service (NMFS) to publish notice of such closure in the Federal Register.¹ NOAA's Climate Prediction Center (CPC) has declared that an El Niño event is occurring based on conditions in equatorial waters, and there have been documented sea surface temperature anomalies in southern California. In addition to these oceanographic conditions, pelagic red crab, a preferred loggerhead prey species, has recently been observed in great numbers off the southern California coast.² Because an El Niño event is occurring off southern California, NMFS must close the PLCA effective June 1, 2016.

1. NMFS regulations prohibit drift gillnet fishing east of the 120° W meridian from June 1 through August 31 during an El Niño event.

In 2000, a NMFS biological opinion found that the California Drift Gillnet Fishery, as then managed, jeopardized the continued existence of the loggerhead sea turtle in violation of the Endangered Species Act (ESA). The reasonable and prudent alternative

¹ 50 C.F.R. § 660.713(c)(2).

² *El Niño's effects send tiny red crabs ashore by the thousands*, L.A. Times, May 11, 2016, http://www.latimes.com/local/lanow/la-me-ln-red-crabs-huntington-beach-20160511-story.html?utm_source=dlvr.it&utm_medium=twitter&dlvr.it=649324 .

required a seasonal closure of waters off southern California during El Niño years, when loggerheads are most likely to move north from Baja, following their pelagic red crab prey, into the range of the California fishery. NMFS promulgated regulations implementing this provision.³

When El Niño conditions exist or are forecasted, these regulations prohibit drift gillnet fishing in the PLCA:

Pacific loggerhead conservation area. No person may fish with, set, or haul back drift gillnet gear in U.S. waters of the Pacific Ocean east of the 120° W. meridian from June 1 through August 31 during a forecasted, or occurring, El Niño event off the coast of southern California.⁴

- a. **The Assistant Administrator must rely on information developed by NOAA offices such as NOAA's Climate Prediction Center.**

In determining whether an El Niño event is forecasted or occurring, the Assistant Administrator is required to rely on certain sources of information, including NOAA's CPC and monthly sea surface temperature anomaly charts.

Determination of El Niño conditions. The Assistant Administrator will rely on information developed by NOAA offices which monitor El Niño events, such as NOAA's Climate Prediction Center and the West Coast Office of NOAA's Coast Watch program, in order to determine whether an El Niño is forecasted or occurring for the coast of southern California.⁵

The NOAA CPC meteorologists and oceanographers review climate and weather observations and data along with model results and assess their meaning, significance and likely future climate impacts. The CPC forecasts and declares when El Niño conditions exist based on conditions in equatorial waters, but does not forecast or declare when El Niño conditions exist off the coast of southern California. Based on its El Niño/Southern Oscillation (ENSO) Diagnostic Discussion, the CPC issues an ENSO alert if warranted. The alert system includes three levels, a "watch" when conditions are favorable, "advisory" when conditions are observed, and "final advisory" when conditions have ended.⁶

³ Id.

⁴ Id.

⁵ 50 C.F.R. § 660.713(c)(2)(ii).

⁶ http://www.cpc.ncep.noaa.gov/products/analysis_monitoring/enso_advisory/enso-alert-readme.shtml.

On March 5, 2015, the CPC issued an El Niño advisory, declaring that El Niño conditions were present in equatorial waters.⁷ Since then, El Niño conditions have persisted.⁸ Recently, on April 14, 2016, the CPC, in its Diagnostic Discussion, issued an El Niño Advisory/La Niña Watch.⁹ The CPC cited sea surface temperature (SST) anomalies between 1.0° and 1.5°C across most of the central and eastern equatorial Pacific Ocean during early April [see Fig. 1].¹⁰ As of May 12, 2016, the CPC El Niño Advisory/La Niña Watch remains in effect, and “there is clear uncertainty over the timing and intensity of a potential La Niña,” with forecaster consensus favoring La Niña onset during the summer, and a 75% chance of La Niña during the fall and winter 2016-17.¹¹ The ENSO alert system status—“Advisory”¹²—indicates that El Niño conditions are observed [see Fig. 2, demonstrating SST anomalies across much of the equatorial Pacific Ocean, with near-to-below average SSTs emerging in the eastern Pacific].

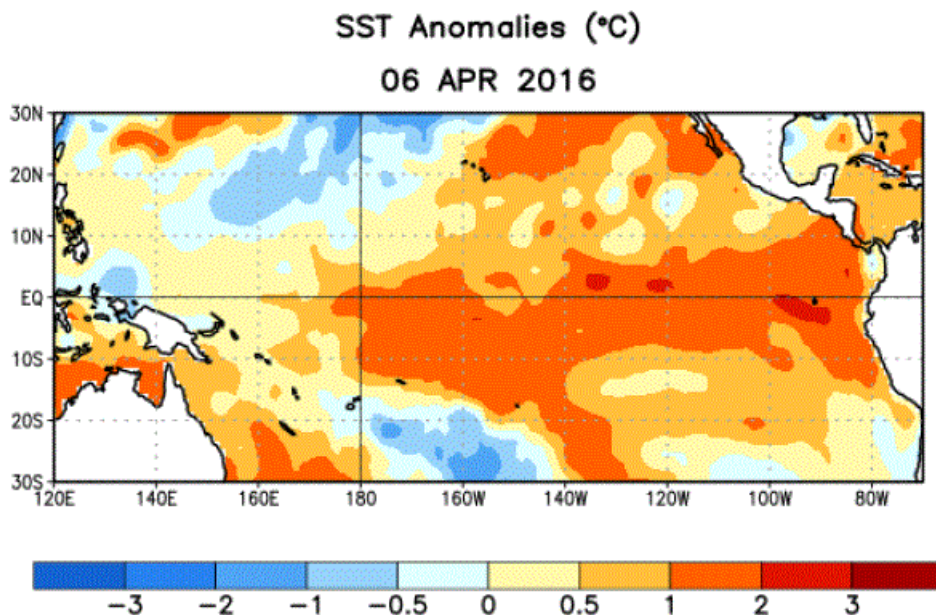


Figure 1. Average sea surface temperature (SST) anomalies (°C) for the week centered on 6 April 2016. (Source: NOAA Climate Prediction Center)

⁷ <http://www.noaanews.noaa.gov/stories2015/20150305-noaa-advisory-elnino-arrives.html>.

⁸ See ENSO Diagnostic Discussion Archives for 2015-2016 at http://www.cpc.ncep.noaa.gov/products/expert_assessment/ENSO_DD_archive.shtml.

⁹ http://www.cpc.ncep.noaa.gov/products/analysis_monitoring/enso_advisory/ensodisc.pdf.

¹⁰ *Id.*

¹¹ http://www.cpc.ncep.noaa.gov/products/analysis_monitoring/enso_advisory/ensodisc.html; See also *El Niño's effects send tiny red crabs ashore by the thousands*, L.A. Times, May 11, 2016, http://www.latimes.com/local/lanow/la-me-ln-red-crabs-huntington-beach-20160511-story.html?utm_source=dlvr.it&utm_medium=twitter&dlvr.it=649324 (evidencing persistent El Niño conditions).

¹² *Id.*

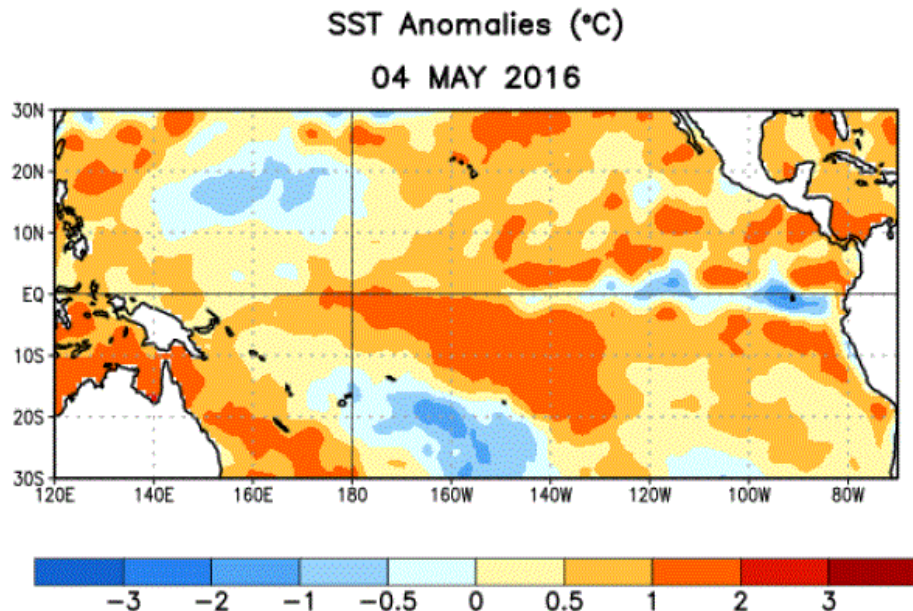


Figure 2. Average sea surface temperature (SST anomalies (°C) for the week centered on 4 May 2016. (Source: NOAA Climate Prediction Center).

b. The Assistant Administrator must use sea surface temperature data for determining whether El Niño conditions are present off southern California.

The Assistant Administrator must also use monthly sea surface temperatures in making a finding that El Niño conditions exist:

The Assistant Administrator will use the monthly sea surface temperature anomaly charts to determine whether there are warmer than normal sea surface temperatures present off of southern California during the months prior to the closure month for years in which an El Niño event has been declared by the NOAA Climate Prediction Center. Specifically, the Assistant Administrator, will use sea surface temperature data from the third and second months prior to the month of the closure for determining whether El Niño conditions are present off of southern California.¹³

¹³ 50 C.F.R. § 660.713(c)(2)(ii).

Sea surface temperature data indicate anomalies above 1.0°C for March and above 0.5°C for April, the two months relevant to the Assistant Administrator’s determination [see figures 3 and 4, below]. Thus, the Administrator must find that El Niño conditions are present off southern California.

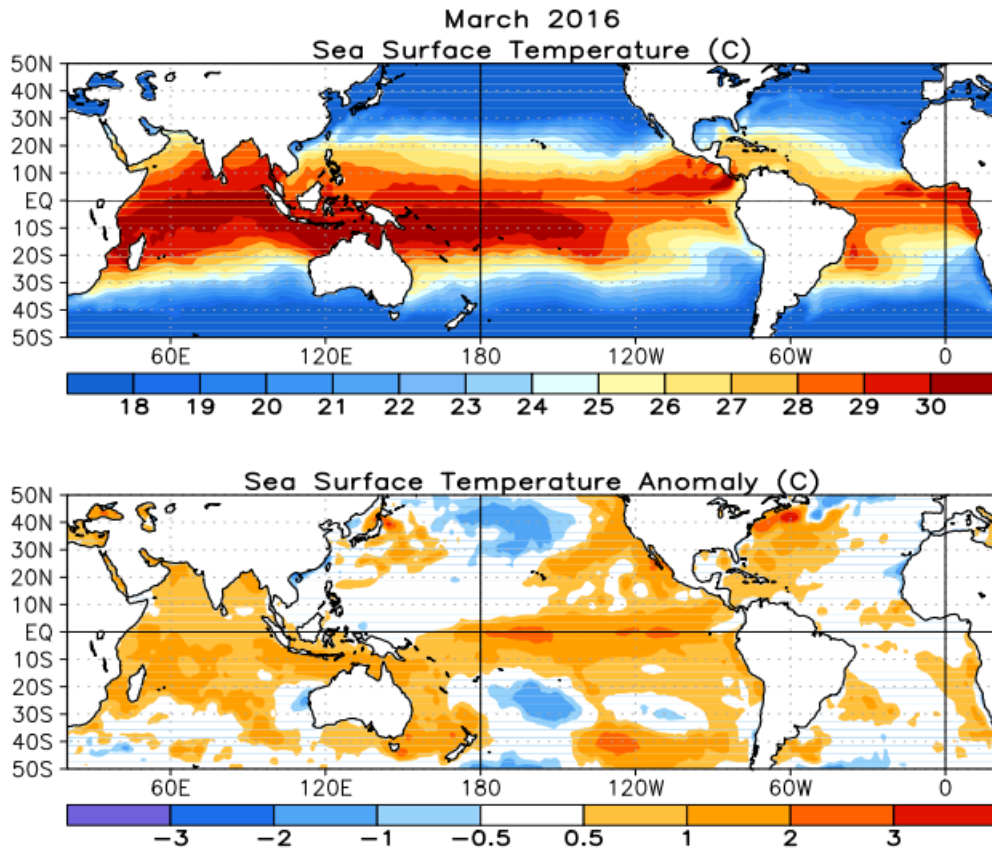


Figure 3. Mean (top) and anomalous (bottom) sea surface temperatures (SST) March 2016. (Source: NOAA Climate Prediction Center)¹⁴

¹⁴ http://www.cpc.ncep.noaa.gov/products/CDB/CDB_Archive_pdf/PDF/CDB.mar2016_color.pdf.

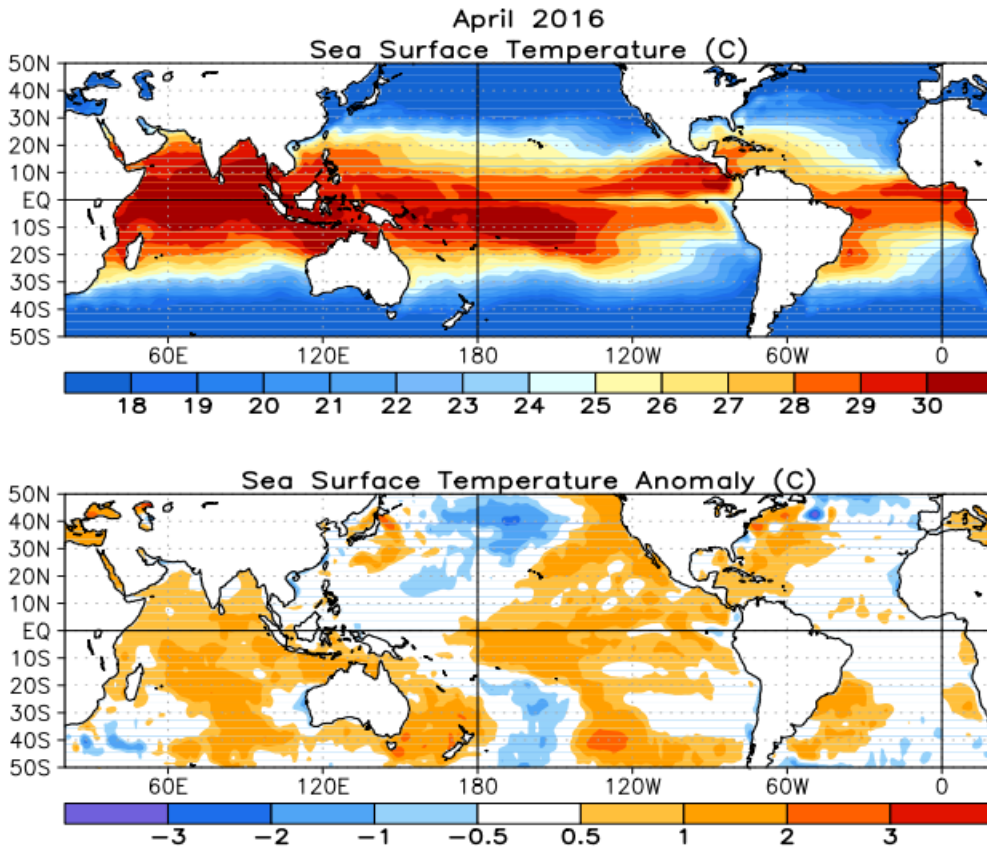


Figure 4. Mean (top) and anomalous (bottom) sea surface temperatures (SST) April 2016.
(Source: NOAA Climate Prediction Center).¹⁵

¹⁵ http://www.cpc.ncep.noaa.gov/products/CDB/CDB_Archive_pdf/CDB.monthly_color.pdf.

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CONCLUSION

The NOAA CPC's El Niño advisory and southern California sea surface temperature anomalies in March and April demonstrate that El Niño conditions exist off the coast of southern California. Accordingly, the Assistant Administrator must find an El Niño event is occurring and notify the public that NMFS is prohibiting large-mesh drift gillnet gear in the PLCA from June 1 through August 31, 2016.

Sincerely,

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