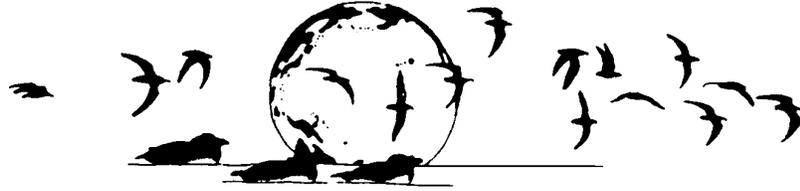


Pacific Seabird Group



DEDICATED TO THE STUDY AND CONSERVATION OF PACIFIC SEABIRDS AND THEIR ENVIRONMENT

Daniel D. Roby, Ph.D.
Chair
104 Nash Hall
Oregon State University
Corvallis, Oregon 97331-3803
541-737-1955
Daniel.Roby@orst.edu

Craig S. Harrison
Vice Chair for Conservation
4953 Sonoma Mountain Road
Santa Rosa, California 95404
202-778-2240
charrison@hunton.com

Robert H. Day, Ph.D.
Chair-Elect
ABR, Inc.--Environmental Research & Services
P.O. Box 80410
Fairbanks, AK 99708-0410
907-455-6777
bday@abrinc.com

7 October 2004

Mr. Robert Treanor, Executive Director
California Fish and Game Commission
P.O. Box 944209
Sacramento, CA 94244-2090

RE: Market Squid Fishery Management Plan and Seabird Protection Measures

Dear Mr. Treanor and Members of the Commission:

On behalf of the Pacific Seabird Group, we are concerned that the Commission's recent actions on the Market Squid Fishery Management Plan (MSFMP) have removed critical measures to protect seabirds in the Channel Islands, particularly the Xantus's Murrelet (*Synthliboramphus hypoleucus*), which recently was protected under the State of California Endangered Species Act. While we applaud the Commission for adopting closures in the Gulf of the Farallones National Marine Sanctuary, no measures were adopted to protect seabirds in the Channel Islands. PSG has a special interest in this issue because we petitioned for the murrelet to be listed. PSG is an international, non-profit organization that was founded in 1972 to promote knowledge, study, and conservation of Pacific seabirds with a membership drawn from the entire Pacific basin, including Canada, Mexico, Russia, Japan, China, Australia, New Zealand, and the USA. Among PSG's members are biologists who have research interests in Pacific seabirds, government officials who manage seabird refuges and populations, and individuals who are interested in marine conservation.

During the Commission's consideration of the listing petition for the murrelet, the state created seasonal closures around Santa Barbara and Anacapa islands (California's two largest murrelet breeding colonies) and prohibited the use of bright lights within one nautical mile of these islands. These interim regulations were put in place during the candidacy period to protect murrelets from one of the greatest current threats to the species, artificial lights near breeding colonies. The Commission voted to list the Xantus's Murrelet in February of this year, beginning

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the state's legal process under the California Endangered Species Act. Once the listing is formalized by the State, those interim regulations will disappear, reopening the islands to light fishing and increasing the threats to these seabirds. The interim regulations could be removed as soon as the end of this month.

The impacts of bright lights near island nesting colonies of Xantus's Murrelet was one of several factors that led to the listing of this nocturnal seabird. When the murrelet was listed, it was our understanding that permanent measures to reduce impacts on the birds would be instituted as part of the MSFMP. This understanding is based on discussions at Commission meetings and with Department of Fish and Game (Department) staff, and it is mentioned in the Department's February 18th, 2004 press release on the listing decision. However, the Commission did not adopt seasonal closures at Santa Barbara and Anacapa islands at its August 27th meeting, despite the Department's recommendation (see Preferred Alternative R.4 of the draft MSFMP), nor did it adopt other mitigation measures, such as strengthening regulations to reduce lighting near breeding sites (see section G. Gear Restrictions of the MSFMP). Without regulations as part of the MSFMP, once the Xantus's Murrelet listing is formalized, the Commission will actually be decreasing protection for a threatened species, in violation of the California Endangered Species Act and the Marine Life Management Act.

The negative impacts of bright lights on seabirds, particularly nocturnal seabirds, is well documented. For examples, see PSG's petition to list the murrelet and an excellent review on the subject prepared by the Department (Rojek, N. 2001. Biological Rationale for Artificial Night-Lighting Concerns in the Channel Islands. Unpublished report. California Department of Fish and Game, Marine Region, Monterey, California). Several other species are threatened by squid boat lights in the Channel Islands, such as the endangered California Brown Pelican (*Pelecanus occidentalis californicus*) and the Ashy Storm-Petrel (*Oceanodroma homochroa*), a California Species of Special Concern. The Channel Islands National Park was created in part to protect these seabird resources, which are now negatively affected by this squid fishery's techniques.

We ask the Commission to reconsider the closures at Anacapa and Santa Barbara islands at their October meeting and vote to adopt them. Closures should be year-round because breeding birds of several seabird species, including the California Brown Pelican and Ashy Storm-Petrel, are present throughout the year. If you have any technical questions, please contact Mr. Gerry McChesney, Chair, PSG Xantus's Murrelet Technical Committee by telephone (510-792-0717, ext. 222) or email <mcchesney1@mindspring.com>.

Thank you for your consideration.

Sincerely,

/s/ Craig S. Harrison

Craig S. Harrison
Vice Chair for Conservation