

**Submitted via email**

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RE: Request for Immediate Closure of the Pacific Loggerhead Conservation Area to California Drift Gillnets; 50 C.F.R. § 660.713(c)(2)

On behalf of the Center for Biological Diversity and our millions of members and supporters, I am writing to request immediate closure of the Pacific Loggerhead Conservation Area to drift gillnets. The above-normal sea surface temperature anomalies in the Southern California Bight during the months of March and April 2026 compel the National Oceanic and Atmospheric Administration's (NOAA) Fisheries Service (NOAA Fisheries) to make a determination of El Niño conditions and issue a rule implementing the closure, consistent with regulations at 50 C.F.R. § 660.713(c)(2)(ii). When anomalous warming of the North Pacific and El Niño conditions occurred in 2015, scientists conducting aerial surveys estimated 70,000 loggerheads foraged off southern California, but during a non-El Niño year, 2011, there were zero observed loggerheads.¹ The predicted elevated temperatures and loggerhead density in 2026 in the area where most of the California drift gillnet fishing effort may occur requires you to close the fishery.

As of May 14, 2026, NOAA's Climate Prediction Center has declared an El Niño Watch—meaning El Niño is likely to emerge soon—and provided a figure indicating that during

¹ Eguchi, Tomoharu, et al. Loggerhead turtles (*Caretta caretta*) in the California Current: abundance, distribution, and anomalous warming of the North Pacific. *Frontiers in Marine Science* 5:452 (2018).

the past four weeks, sea surface temperature anomalies off Southern California have been elevated (see fig. 1 below).² NOAA's CoastWatch West Coast website also shows that the sea surface temperature in the closure area was elevated in March and April (see fig. 2 below).³

The elevated sea surface temperature data is corroborated by reports this month from Southern California of the presence of animals associated with El Niño conditions, like by-the-wind sailors,⁴ and harm to wildlife, like starving seabirds.⁵ The Los Angeles Times covered the record-breaking ocean temperatures last month, saying that the "extreme marine heat wave in the Pacific Ocean off California [that] is breaking daily temperature records . . . could affect coastal weather and ecosystems for months."⁶ In total, this evidence suggests that loggerhead sea turtles are likely at risk of being entangled and killed in drift gillnets off California. Absent an indication from you that NOAA Fisheries will immediately take action to implement the closure by June 1, 2026, we will consider all available options, including litigation, to compel action.

We look forward to your prompt response.

Thank you,

/s/ Catherine Kilduff

Catherine Kilduff

Senior Attorney

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² NOAA Climate Prediction Center / NC, P, ENSO: Recent Evolution, Current Status and Predictions, dated May 14, 2026, at https://www.cpc.ncep.noaa.gov/products/analysis_monitoring/enso_advisory/index.shtml; and May 18, 2026, at https://www.cpc.ncep.noaa.gov/products/expert_assessment/.

³ NOAA CoastWatch Regional Node, at https://coastwatch.pfeg.noaa.gov/loggerheads/loggerhead_status.html.

⁴ Sonia A. Rao, *Blue and Tentacled, a Sea Creature Invades California Beaches*, N.Y. Times, May 3, 2026, at <https://www.nytimes.com/2026/05/03/us/by-the-wind-sailors-invade-california-beaches.html>.

⁵ Paul Rogers, *Record ocean heat off California coast echoes 'The Blob,' killing seabirds and reshaping weather outlook*, Mercury News, May 3, 2026, at <https://www.mercurynews.com/2026/05/03/return-of-the-blob-how-a-record-ocean-heat-wave-could-affect-californias-weather-and-wildlife-this-summer/>.

⁶ Hayley Smith, *The ocean off California keeps breaking heat records*, L.A. Times, April 16, 2026, at <https://www.latimes.com/environment/story/2026-04-16/ocean-california-sst-enso-blob-marine-warming>.

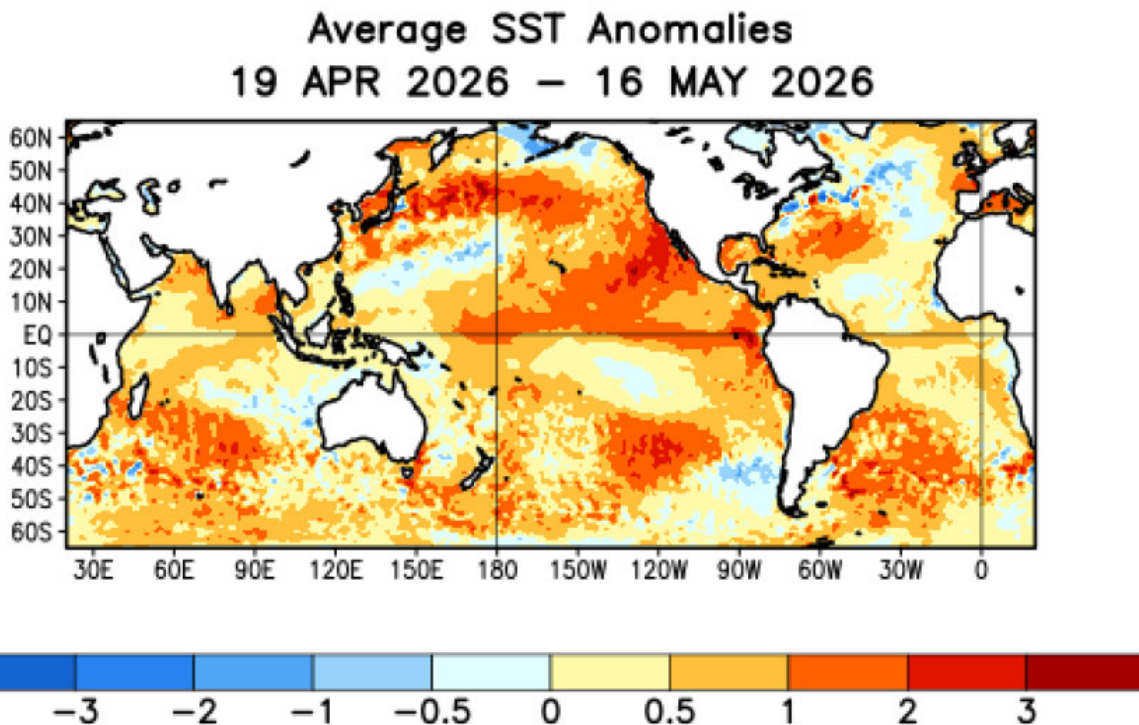


Figure 1. Global sea surface temperature anomalies.
 Source: https://www.cpc.ncep.noaa.gov/products/analysis_monitoring/lanina/enso_evolution-status-fcsts-web.pdf (visited May 18, 2026).

Closure Area Sea Temperature

°C °F

	Nov	Dec	Jan	Feb	Mar	Apr
Temperature	18.2	17.0	16.1	15.7	16.0	16.4
Anomaly	1.1	1.3	1.3	1.4	1.7	1.8

Recent and historical monthly sea surface temperatures within the Loggerhead sea turtle conservation area. [*GHRSSST MUR](#) dataset

Figure 2. Pacific loggerhead sea turtle conservation area temperature.
 Source: https://coastwatch.pfeg.noaa.gov/loggerheads/loggerhead_status.html.