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12 *Attorneys for Plaintiffs*  
13 *Center for Biological Diversity and*  
14 *Turtle Island Restoration Network*

15 **IN THE UNITED STATES DISTRICT COURT**  
16 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
17 **OAKLAND DIVISION**

18 CENTER FOR BIOLOGICAL DIVERSITY,  
19 and TURTLE ISLAND RESTORATION  
20 NETWORK,

21 Plaintiffs,

22 v.

23 WILBUR ROSS, Secretary of Commerce, and  
24 NATIONAL MARINE FISHERIES SERVICE,

25 Defendants.

Case No. 19-cv-03135-KAW

**DECLARATION OF TODD  
STEINER IN SUPPORT OF  
PLAINTIFFS' MOTION FOR  
SUMMARY JUDGMENT**

Date: Thursday, December 5, 2019  
Time: 1:30pm  
Place: 1301 Clay Street, Oakland, CA  
Magistrate Judge: Honorable Kandis  
Westmore

26 I, Todd Steiner, declare as follows:

- 27 1. The facts set forth in this declaration are based on my personal knowledge and if  
28 called as a witness, I could and would competently testify thereto under oath.
2. I am a resident of Forest Knolls, California, and I have served as the Executive  
Director of Turtle Island Restoration Network ("TIRN") since 1997. I submit this declaration in  
support of Plaintiffs' Motion for Summary Judgment.

1           3.       TIRN is a nonprofit corporation that works through scientific research, legal and  
2 policy advocacy, education, and restoration efforts to protect marine and riparian wildlife  
3 globally. TIRN's organizational mission is dedicated to the preservation, protection, and  
4 restoration of marine biodiversity, native species, and ecosystems. TIRN has over 160,000  
5 activists and supporters globally, including members who reside throughout California and who  
6 use areas that serve as habitat for the fish, marine mammals, sea turtles and other wildlife killed  
7 by deep-set and shallow-set longline fisheries. TIRN staff members also conduct primary  
8 scientific research on species harmed by the longline fishery, including sharks and sea turtles,  
9 and participate in international conservation efforts.

10           4.       The conservation and sound management of fisheries is critical to TIRN's  
11 programs to protect marine biodiversity, including sea turtles, marine mammals, fish and  
12 seabirds. TIRN has devoted considerable resources to studying and communicating the threats to  
13 a wide range of threatened and endangered marine species, and organizing scientific, legal,  
14 educational, and media efforts to mitigate these threats. In particular, TIRN has actively  
15 advocated on all levels to protect these species from both the use of harmful fishing gear and  
16 attempts to ramp up fishery efforts. TIRN's campaigns include grassroots efforts to build public  
17 support for loggerhead and leatherback sea turtle critical habitat protections under the  
18 Endangered Species Act, education and outreach to reduce consumer demand for tuna and  
19 swordfish, including through education regarding mercury intake, filing suit to challenge  
20 increases in the Hawai'i-based longline fishery's authorized sea turtle take, and numerous other  
21 political, legal and educational campaigns to protect marine species from harm in fisheries for  
22 highly migratory species. TIRN regularly communicates its conservation messages to over  
23 156,000 Facebook users, over 85,000 email subscribers, and hundreds of thousands of members  
24 of the public through mainstream media outlets, opinion editorials, radio and television  
25 interviews, articles and blogs.

26           5.       TIRN and its members use and enjoy the oceans for numerous activities,  
27 including fishing, birding, whale watching, boating, swimming, scuba diving, snorkeling,  
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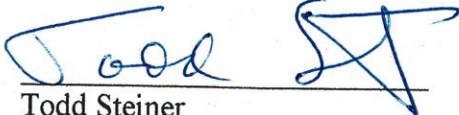
1 research and study. TIRN members and staff include local residents with educational, scientific  
2 research, commercial, aesthetic, spiritual, and recreational interests in fish, marine mammals, sea  
3 turtles and other species adversely affected by the fishery-induced ecosystem changes and  
4 bycatch of important marine species. TIRN members and staff are concerned about and directly  
5 affected by environmental injury caused by unsustainable fishing practices in the California  
6 exempted longline fishery. The exempted longline fishing will increase bycatch of marine  
7 species off California's coast, thereby harming TIRN's and its members' aesthetic, business, and  
8 research interests. These interests in fish, sharks, and threatened and endangered marine species  
9 are being harmed by National Marine Fisheries Service's ("NMFS's") failure to adequately  
10 analyze and limit fishing impacts in accordance with U.S. law.

11         6.         TIRN's members and staff have researched, studied, observed, and sought  
12 protection for many federally-listed threatened and endangered species that inhabit the Pacific,  
13 including species that would be harmed by the exempted longline fishing activities. TIRN's  
14 members and staff regularly use, and plan to continue to use, waters in the Pacific Ocean for  
15 observation, research, aesthetic enjoyment, and other recreational, scientific, and educational  
16 activities. TIRN's members and staff derive educational, scientific, recreational, conservation,  
17 spiritual, commercial, and aesthetic benefits from observing, photographing, producing film  
18 documentaries, and providing naturalist-led interpretive activities to view marine species in the  
19 wild. TIRN brings this action on behalf of itself and its adversely affected members and staff.

20         7.         TIRN has long been involved in protecting areas important to loggerhead and  
21 leatherback sea turtles off the California coast. Through legal, scientific and advocacy efforts,  
22 TIRN was instrumental in catalyzing the regulations protecting the loggerhead conservation area  
23 during El Niño years in Southern California, and the larger Pacific Leatherback Conservation  
24 Area, which protects migrating leatherback sea turtles from the swordfish drift gillnet fishery  
25 from August to December each year. TIRN supports nesting beach conservation programs where  
26 leatherbacks and loggerheads nest.

1           8.       In the 1980s, early in my career, I studied loggerhead sea turtles in the Cape Sable  
2 and Dry Tortugas region of Florida. I performed aerial surveys and nesting surveys for  
3 loggerhead sea turtles. These experiences fed my desire and efforts to conserve native species  
4 and their habitats, including protection of sea turtles and other marine life in the Pacific Ocean.

5           9.       I have personal knowledge of the facts set forth in this declaration. If called as a  
6 witness, I could and would testify to these facts. As to those matters that reflect an opinion, they  
7 reflect my personal opinion and judgment. I declare under penalty of perjury that the foregoing  
8 declaration is true and correct to the best of my knowledge. I executed this declaration on  
9 September 10, 2019.

  
Todd Steiner

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