

# California Legislature

September 2, 2015

Ms. Dorothy Lowman, Chair  
Pacific Fishery Management Council  
7700 NE Ambassador Place, Suite 101  
Portland, OR 97220

Mr. William Stelle, Regional Administrator  
National Marine Fisheries Service  
7600 Sand Point Way, NE, Bldg 1  
Seattle, WA 98115-0070

**RE: Agenda item G.2 – Swordfish Drift Gillnet Management including Final Action on Hard Caps**

Dear Chair Lowman and Council Members:

The wellbeing and protection of marine wildlife is important to the people of California. California's coastal tourism and recreation sectors are dependent on abundant marine wildlife populations and a healthy ocean environment. These sectors, among others, make up California's ocean economy, which generated over \$44 billion of the state's Gross Domestic Product in 2012<sup>1</sup> alone. The swordfish drift gillnet fishery, which results in drowned whales, sea lions and wasted and discarded fish, threatens the very marine species upon which the state's coastal economy relies. The State strives for sustainable fisheries and the swordfish drift gillnet fishery prevents achievement of this goal. Our concerns remain about the wasteful and unnecessary take of marine animals and discarded fish in this fishery.

After 30 years, the drift gillnet fishery has proven that it cannot feasibly reduce the capture of whales, dolphins, sea lions, sea turtles, sharks and other fish species from unacceptably high levels. The concerns about this fishery already expressed by California lawmakers in previous letters have not been acted upon, and we were dismayed to learn that the Council recently voted to allow two drift gillnet vessels to fish inside the Pacific Leatherback Conservation Area

---

<sup>1</sup> State of the U.S. Ocean and Coastal Economies: Coastal and Ocean Economic Summaries of the Coastal States. National Ocean Economics Program and Center for the Blue Economy.  
<http://www.oceaneconomics.org/market/ocean/oceanEcon.asp> (last accessed August 21, 2015).



(PLCA) and approved an experimental fishing permit (EFP) for pelagic longlines. It is worrisome to see management of this fishery slide backwards.

As stated in the December 22, 2014 letter (attached), we request development of a written swordfish fishery transition plan that includes a timeline for the eventual prohibition of drift gillnet gear. As part of that plan, we encourage legalization and promotion of buoy gear based on experiments that demonstrate this is an economically viable gear alternative that will reduce bycatch. As an intermediary measure, we urge the Council to adopt at its upcoming September 2015 meeting the California Department of Fish and Wildlife Preferred Alternative for hard caps on bycatch of protected species in the California drift gillnet swordfish fishery<sup>2</sup>. This alternative proposes specific annual caps on the number of observed entanglements of nine species of marine mammals and sea turtles that, if reached or exceeded, would close the fishery for the remainder of the fishing season. In addition, the Council should establish performance objectives for the bycatch of other marine mammals, sharks, and finfish to reduce bycatch below current levels, with a goal of 100% catch and bycatch monitoring for both performance objectives and hard caps.

Furthermore, we discourage the Council from further scoping an Amendment to the Highly Migratory Species Fishery Management Plan to authorize U.S. West Coast based shallow-set longlines outside the U.S. Exclusive Economic Zone. The use of pelagic longlines also result in high bycatch levels which is why they have been banned within in the West Coast EEZ for three decades. Authorizing expansion of pelagic longlining outside the EEZ is inconsistent with the State's goals of achieving sustainable fisheries and safeguarding the ocean's diverse marine life.

We support creating opportunities for local fishermen to work hard and provide domestic seafood products to the people of California. This can be done with alternative gear types that will provide fishermen with a higher price per pound for their product while drastically reducing the bycatch of some of the most iconic marine species.

Californians want their ocean resources managed ethically and responsibly. We look forward to working together on this important issue.

Sincerely,



MARC LEVINE  
Assemblymember, 10<sup>th</sup> Assembly District



MARK STONE  
Assemblymember, 29<sup>th</sup> Assembly District

---

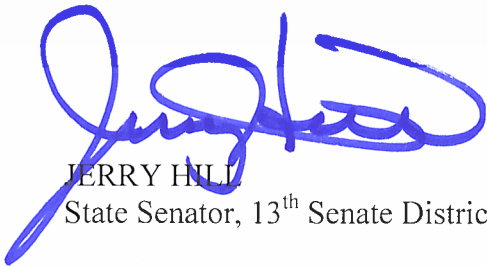
<sup>2</sup> See California Department of Fish and Wildlife, Report on California Drift Gillnet Fishery Management and Monitoring Plan (March 2015), available at: [http://www.pcouncil.org/wp-content/uploads/2015/03/H4b\\_Sup\\_CDFW\\_Rpt\\_MAR2015BB.pdf](http://www.pcouncil.org/wp-content/uploads/2015/03/H4b_Sup_CDFW_Rpt_MAR2015BB.pdf)



LORENA GONZALEZ  
Assemblymember, 80<sup>th</sup> Assembly District



RICHARD BLOOM  
Assemblymember, 50<sup>th</sup> Assembly District



JERRY HILL  
State Senator, 13<sup>th</sup> Senate District



BEN ALLEN  
State Senator, 26<sup>th</sup> Senate District



# California Legislature

December 22, 2014

Mr. William Stelle, Regional Administrator  
NOAA Fisheries, West Coast Region  
7600 Sand Point Way NE  
Seattle, WA 98115

Ms. Dorothy Lowman, Chair  
Pacific Fishery Management Council  
7700 NE Ambassador Place, Suite 101  
Portland, OR 97220

RE: TRANSITIONING THE CALIFORNIA DRIFT GILLNET FISHERY TO MORE  
SUSTAINABLE GEAR TYPES

Dear Mr. Stelle and Ms. Lowman:

California lawmakers have written letters in the past outlining our concerns regarding the use of drift gillnets in California. While progress has been made, the amount of bycatch caught in drift gillnets used to capture swordfish remains unacceptable.

Consequently, this letter is to express our continued concerns and to request that the Pacific Fishery Management Council and the National Marine Fisheries Service provide a written swordfish fishery transition plan. The plan should include a timeline for the eventual prohibition of drift gillnet gear, immediate implementation of hard caps, and a goal of 100% catch and bycatch monitoring.

Much of the bycatch is wasted. Additionally, large-mesh drift gillnets catch endangered and protected species that are of great significance to the people of California and are an important part of the ocean ecosystem. The California drift gillnet swordfish fishery kills more marine mammals than all other West Coast and Alaska fisheries combined. Due to the indiscriminate nature of drift gillnets, they are banned on the high seas, prohibited throughout the Mediterranean Sea, not permitted by Oregon or Washington states, and are prohibited by the National Marine Fisheries Service in the North Atlantic swordfish fishery off the U.S. East Coast.

In March 2014, the Pacific Fishery Management Council committed to the "goal of developing a comprehensive plan to transition the current drift gillnet fishery to a fishery utilizing more environmentally and economically sustainable gear that can effectively target the healthy West

Coast swordfish stock." As we seek to achieve a sustainable fishery only alternatives with very little or no bycatch should be pursued. For example, in furtherance of that goal, recent experiments by the Pflieger Institute of Environmental Research and the National Oceanic and Atmospheric Administration (funded largely by the California Ocean Protection Council) with deep-set buoy gear have shown promising results as an alternative gear type with reduced bycatch.

We encourage efforts to develop and promote such alternatives to drift gillnets, and believe these experiments should continue as part of the swordfish fishery transition plan away from drift gillnets.

We look forward to working together on this important issue.

Sincerely,




MARC LEVINE  
Assemblymember, 10<sup>th</sup> Assembly District



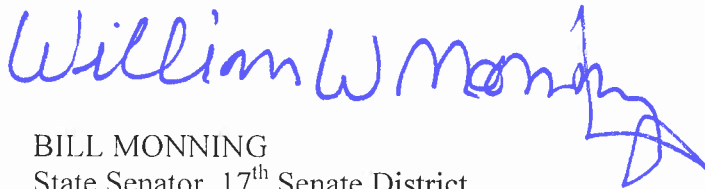
MARK STONE  
Assemblymember, 29<sup>th</sup> Assembly District



DAS WILLIAMS  
Assemblymember, 37<sup>th</sup> Assembly District



RICHARD BLOOM  
Assemblymember, 50<sup>th</sup> Assembly District



BILL MONNING  
State Senator, 17<sup>th</sup> Senate District

cc: Chuck Bonham, California Department of Fish and Wildlife Director



February 4, 2013

Mr. Dan Wolford, Chair  
Pacific Fishery Management Council  
7700 NE Ambassador Place, Suite 101  
Portland, OR 97220-1384

Mr. Rod McInnis  
National Marine Fisheries Service  
501 W. Ocean Blvd., Suite 4200  
Long Beach, CA 90802

RE: Oppose proposals to allow expansion of the drift gillnet fisheries to fish in the Pacific Leatherback Conservation Area

Dear Mr. Wolford and Mr. McInnis:

As members of the California State Assembly who are deeply invested in the long-term sustainability of California's ocean health, we are writing to express our strong concerns about proposals being developed to allow the California drift gillnet fleet to fish in the Pacific Leatherback Conservation Area (PLCA).

We have become aware that the Pacific Fisheries Management Council (the Council) will review specific proposals from National Marine Fisheries Service (NMFS) to make changes to the size and duration of the PLCA and consider setting new levels of allowable leatherback interactions for the fishery at its March 2013 meeting.

Given that leatherback sea turtles are highly endangered and the PLCA has successfully minimized interactions in the fishery to near zero over the past decade, we believe that allowing the high bycatch drift gillnet fishery to expand into the PLCA is very likely to threaten the health of California's ocean resources and marine wildlife, specifically endangered leatherback sea turtles and whales as well as non-target fish including sharks, bluefin tuna, sunfish and other species.

In addition to our concerns about the endangered Pacific leatherback sea turtle, which the state legislature recently designated as the official marine reptile of California with the passage of AB 1776(Fong), we also have concerns about the entanglement and death of two sperm whales in the California drift gillnet fishery in 2010, which equates to an estimated 16 entanglements of these endangered marine species. We understand that NMFS has not taken any official action to address this excess take and that the fishery is being allowed to operate in violation of the Marine Mammal Protection Act and Endangered Species Act.



The State of California has a long history of regulating the drift gillnet fishery in order to reduce and prevent negative impacts to the marine environment and protected species. While the fishery is now primarily managed by federal agencies, the state continues to issue permits and regulates the operation of the fishery. Therefore, the state Legislature has a direct interest in the management of the fishery.

We also understand in 2006, federal proposals to allow the drift gillnet fishery to expand into the PCLA were forwarded and defeated by opposition from the State of California as well as from scientists, recreational fishers, the conservation community, and the public. So, it is hard to understand why now, six years later, federal officials are attempting to raise this issue again.

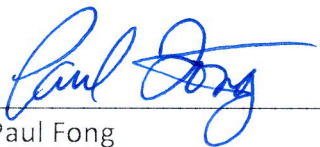
Drift gillnets have been banned on the high seas along with most of the U.S. West Coast because of high bycatch of marine life including endangered whales, dolphins, sea turtles, shark, tuna and other non-target fish. Since the mid-1990s, the California drift gillnet fishery is steadily shrinking and the demand for swordfish in California and the U.S. has steadily declined. In addition, women and children are warned not to eat swordfish due to high mercury levels by the U.S. Food and Drug Administration.

From a fiscal perspective, it makes no sense to invest taxpayer dollars or support controversial proposals to expand the California swordfish fishery. Particularly the usage of high bycatch gear such as drift gillnets and longlining when the State of California and the Pacific Fisheries Management Council have consistently taken actions to limit or prohibit the gear over the past two decades.

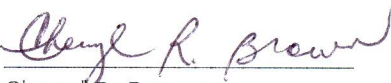
Recently, new developments to protect endangered sea turtles along the West Coast must be considered in relation to the swordfish and shark fishery, including the designation of nearly 42,000 square miles of ocean as a critical habitat for the endangered Pacific leatherback sea turtle and the uplisting of the Pacific loggerhead from threatened to endangered under the U.S. Endangered Species Act.

For these reasons, we urge you to halt the federal agency efforts to expand the swordfish fishery before it goes any farther. Instead, we urge you to study how to phase out the drift gillnet fishery along our coast, permanently ban longlining along our coast under any circumstances and to support sustainable fishing practices that don't compromise the health of endangered species, fisheries and our oceans.

Sincerely,



Paul Fong  
Assemblymember, 28<sup>th</sup> A.D.



Cheryl R. Brown  
Assemblymember, 47<sup>th</sup> A.D.



Tom Ammiano  
Assemblymember, 17<sup>th</sup> A.D.



Ian C. Calderon  
Assemblymember, 57<sup>th</sup> A.D.



Roger Dickinson  
Assemblymember, 7<sup>th</sup> A.D.



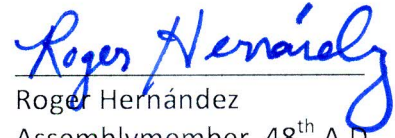
Marc Levine  
Assemblymember, 10<sup>th</sup> A.D.



Mark Stone  
Assemblymember, 15<sup>th</sup> A.D.



Das Williams  
Assemblymember, 37<sup>th</sup> A.D.



Roger Hernández  
Assemblymember, 48<sup>th</sup> A.D.



Nancy Skinner  
Assemblymember, 15<sup>th</sup> A.D.



Bob Wieckowski  
Assemblymember, 25<sup>th</sup> A.D.



**COMMITTEES**  
JUDICIARY  
BUDGET SUBCOMMITTEE #5 ON  
PUBLIC SAFETY  
NATURAL RESOURCES  
ENVIRONMENTAL SAFETY AND  
TOXIC MATERIALS

# Assembly California Legislature



**MARK STONE**  
CHAIR, HUMAN SERVICES  
ASSEMBLYMEMBER, TWENTY-NINTH DISTRICT

**STATE CAPITOL**  
P.O. BOX 942849  
SACRAMENTO, CA 94249-0029  
(916) 319-2029  
FAX (916) 319-2129

**DISTRICT OFFICES**  
701 OCEAN STREET #318B  
SANTA CRUZ, CA 95060  
(831) 425-1503  
FAX (831) 425-2570

99 PACIFIC STREET #555D  
MONTEREY, CA 93940  
(831) 649-2832  
FAX (831) 649-2935

February 4, 2013

Ms. Dorothy Lowman, Chair  
Pacific Fishery Management Council  
7700 NE Ambassador Place  
Suite 101  
Portland, OR 97220-1384

Will Stelle, West Coast Regional Administrator  
National Marine Fisheries Service  
7600 Sand Point Way NE  
Seattle, WA 98115

## LETTER FROM ASSEMBLYMAN STONE AND STATE ASSEMBLY MEMBERS TO FEDERAL AGENCIES RELATED TO MARINE CONSERVATION AND CALIFORNIA DRIFT GILLNET FISHERY

Dear Chairwoman Lowman and Administrator Stelle,

As members of the California State Assembly who are invested in the long-term sustainability of California's ocean health and fisheries, we are writing to express our deep concerns about proposals being developed to open new areas to the California drift gillnet fleet for swordfish and thresher shark. Specifically, we are concerned with allowing such fishing in the Pacific Leatherback Conservation Area (PLCA) and the continued bycatch of more than 100 marine mammals in the fishery every year.

In particular, our reluctance over this proposal stems from the two endangered sperm whales that were killed in the fishery in 2010. The emergency regulations imposed on the fishery in 2013 were adequate, but moving forward it is necessary to implement long-lasting regulations to prevent further mortality for sperm whales. To that end, we also need to understand if and when permanent new regulations will be adopted to prevent excess take of endangered sperm whales and other marine mammals in the drift gillnet fishery, as required under the Marine Mammal Protection Act (MMPA). We understand that the fishery is designated a Category 1 Fishery under the MMPA, indicating frequent incidental mortality or serious injury of marine mammals.

We are also concerned that swordfish caught with pelagic longline gear is being landed in California by out-of-state vessels from Hawaii. Such gear is prohibited in state waters, the federal Exclusive Economic Zone (EEZ) and on the adjacent High Seas due to excess bycatch of endangered sea turtles under the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species and federal regulations. We understand that

these vessels are permitted in Hawaii, but the landings in California appear to conflict with the intent, if not the letter, of current U.S. West Coast fishery regulations.

Even more worrisome is that most of the swordfish and other seafood consumed in the U.S. including California is sourced from non-U.S. fleets that have not provided proof of compliance with U.S. fishing standards as required by the MMPA Section 101(a)(2) (16 U.S.C.1371(a)(2)) and other federal laws. This conflicts with California's long commitment to sustainable fisheries and ocean health, and the practice creates an unfair playing field for California fishers.

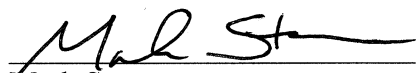
In response to these concerns, we urge the Pacific Fishery Management Council (the Council) and National Marine Fisheries Service (NMFS) to halt further Council and NMFS efforts to expand the California drift gillnet swordfish fishery into the PLCA or elsewhere along the U.S. West Coast. We ask the Council and NMFS to make permanent the existing ban on pelagic longlining for swordfish along the U.S. West Coast and High Seas, and we request that they end research on the use of pelagic longline gear (deep set or shallow set) in California waters and the EEZ, specifically in the PLCA.

We also ask that the Council and the NMFS respond in writing to the following requests before the March 2014 Pacific Fishery Management Council meeting in Sacramento:

- Explain the state and federal regulatory mechanisms, requirements and authority that allow the Hawaii pelagic longline swordfish fleet to land fish in California and other U.S. West Coast ports despite the fact that the gear type is prohibited under the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species and federal regulations covering the EEZ and adjacent High Seas.
- Explain the state and federal regulatory mechanisms, requirements and authority that could prohibit the Hawaii pelagic longline swordfish fleet from landing fish in California and U.S. West Coast ports.
- Describe the regulatory and policy efforts and timelines that the Council and NMFS are taking to require foreign fleets for swordfish and other seafood meet U.S. fishing standards under the MMPA and other applicable U.S. fishery and conservation laws.
- Explain how the state of California might prevent imports of seafood that does not meet U.S. fishing standards until such time as the U.S. acts to meet its legal obligations under the MMPA and other applicable U.S. fishery and conservation laws.

Thank you for your consideration and attention to these issues. Please contact Alfredo Arredondo at 916-319-2029 if you have questions.

Sincerely yours,



Mark Stone  
Assembly District 29



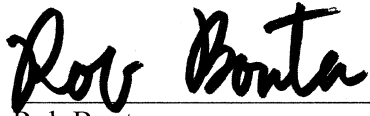
Tom Ammiano  
Assembly District 17



Majority Leader Toni Atkins  
Assembly District 78



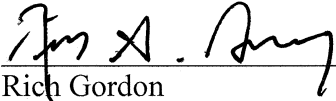
Susan Bonilla  
Assembly District 14



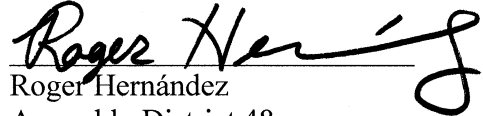
Rob Bonta  
Assembly District 18



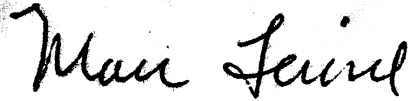
Paul Fong  
Assembly District 28



Rich Gordon  
Assembly District 24



Roger Hernández  
Assembly District 48



Marc Levine  
Assembly District 10



Al Muratsuchi  
Assembly District 66



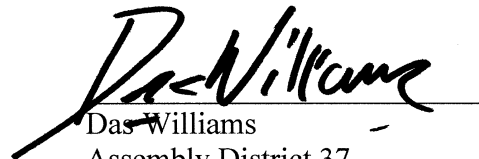
Anthony Rendon  
Assembly District 63



Nancy Skinner  
Assembly District 15



Bob Wieckowski  
Assembly District 25



Das Williams  
Assembly District 37

cc Mark Helvey, Highly Migratory Species Program Director  
National Marine Fisheries Service  
501 W. Ocean Blvd., Suite 4200  
Long Beach, CA 90802