

United States Senate

WASHINGTON, DC 20510

September 2, 2015

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

Mr. William W. Stelle, Jr.
Regional Administrator, West Coast Region
National Marine Fisheries Service
7600 Sand Point Way, NE, Building 1
Seattle, WA 98115

Dear Chair Lowman and Administrator Stelle:

We write again to express our strong support for the transition away from the use of drift gillnets in the West Coast swordfish fishery, a practice that continues to kill or seriously injure endangered and protected species that are of great national and ecological significance. These drift gillnets—in some cases a mile long and going more than 200-feet deep—indiscriminately entangle a variety of iconic ocean wildlife never intended as a target, often with fatal consequences. According to the NOAA Observer Program data, for example, this fishery kills more dolphins and whales than all other West Coast and Alaska fisheries combined. And in the last ten years (2004-2014) the fishery discarded 64% of all animals caught.

The use of drift gillnets has been curtailed due to the widespread recognition of the hazards they pose for protected species. Drift gillnets are banned on the high seas, in the Mediterranean, and are also prohibited in the swordfish fishery in the Atlantic. States have stepped in, too: Oregon and Washington first prohibited the use of this gear in state waters in 1989, and Californians quickly followed suit in 1990, passing Proposition 132, which likewise banned drift gillnets in state waters. Nonetheless, the exclusive economic zone that lies beyond California's state waters remains one of the few places that the commercial fishing industry is still allowed to use drift gillnets to target swordfish.

As recently as March of 2014, the Pacific Fishery Management Council stated that it would move toward a goal of developing a comprehensive plan to “transition the current drift gillnet fishery to a fishery utilizing a suite of more environmentally and economically sustainable gear types” (<http://www.pcouncil.org/wp-content/uploads/0314decisions.pdf>). We sent a letter applauding these efforts (that letter is attached).

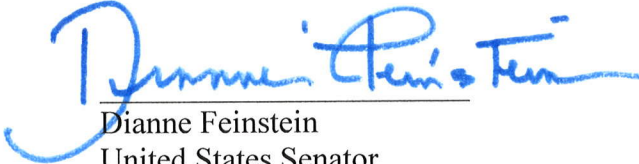
This past June, however, rather than looking to transition from drift gillnets to other more sustainable gear, the Council instead focused on “hard caps” for the use of drift gillnets. As proposed, these limitations, if exceeded, would result in the closure of the fishery for the season. While hard caps, along with robust monitoring, may suffice as an interim measure, we are disappointed that the Council's plan is silent on how the fishery will ultimately transition to alternative, more sustainable gear.

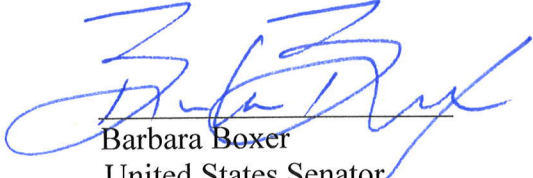
Other commercially feasible alternatives, like deep-set buoy gear, have been commercially deployed with success in the South Atlantic swordfish fishery. This gear has also been tested in the Pacific and is proven to catch swordfish with minimal harm to other species while producing a high quality product. We once again urge the Council to consider alternatives

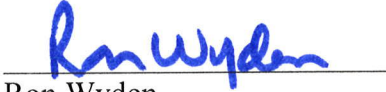
that encourage the continued development of this and other sustainable fishing methods for catching swordfish.

Should the Council finalize a proposal that fails to satisfy the twin aims of promoting commercial and recreational fishing while employing sound conservation and management principles, we stand ready to introduce legislation. Therefore, we again urge you to act quickly to develop a comprehensive plan that includes not just enforceable limits on bycatch in the interim but a concrete strategy for transitioning away from drift gillnets in the long-run. Please keep us informed of your progress and timeline toward achieving this goal. Thank you for your consideration of this important issue.

Sincerely,


Dianne Feinstein
United States Senator


Barbara Boxer
United States Senator


Ron Wyden
United States Senator

JARED HUFFMAN
2ND DISTRICT, CALIFORNIA

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Congress of the United States
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September 2, 2015

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

**RE: Agenda items G.2 and G.3 – Swordfish Drift Gillnet Management including Final Action on Hard Caps;
Scoping for Authorization of Shallow-Set Longline Fishery**

Dear Chair Lowman and Council Members:

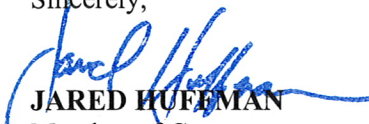
I write to follow up on the attached letter Members of the West Coast delegation submitted to the Pacific Fishery Management Council (Council) on February 27, 2015 and to reiterate concern with excessive bycatch in the U.S. West Coast swordfish drift gillnet fishery. Consistent with that letter's goals, the Council should 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.¹ 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.

Further, the Council should rededicate itself to developing a transition plan away from drift gillnets, and encourage legalization and promotion of deep-set buoy gear as an allowable gear type to target swordfish. This request is based on experiments demonstrating that deep-set buoy gear is an economically viable gear alternative that will ultimately reduce bycatch while maintaining domestic swordfish landings on the U.S. West Coast.

It is my understanding that the Council is now scoping an Amendment to the Highly Migratory Species Fishery Management Plan authorizing U.S. West Coast based shallow-set longlines outside the U.S. Exclusive Economic Zone. Due to the continued high bycatch concerns with existing pelagic longlines in this region, authorization of additional pelagic longlining that will increase bycatch is ill advised.

The goal of a healthy and sustainable swordfish fishery on the U.S. West Coast is an important one; the most effective strategy for achieving this is to immediately establish hard caps on bycatch in the drift gillnet fishery, refrain from introducing additional high bycatch pelagic longlines, and ultimately transition away from drift gillnets to alternative, more selective techniques to catch swordfish. Thank you for your serious attention to this important issue.

Sincerely,


JARED HUFFMAN
Member of Congress

¹ 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

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Congress of the United States
Washington, DC 20515

February 27, 2015

Ms. Dorothy Lowman, Chair
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Mr. William W. Stelle, Jr.
Administrator, Northwest Region
National Marine Fisheries Service
7600 Sand Point Way, NE, Bldg 1
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will.stelle@noaa.gov

Dear Chair Lowman and Administrator Stelle:

We write in support of the Pacific Fishery Management Council's goal, stated in March 2014, to transition the West Coast swordfish fishery from using drift gillnets to more environmentally friendly and economically sustainable gear types. Bycatch in the drift gillnet fishery continues to threaten the health of our ocean, and continues to kill endangered and protected species that are of great national and ecological significance. As part of a comprehensive plan, we support the development and use of more environmentally sustainable gear and enforceable hard caps for bycatch control of protected species, along with monitoring to ensure the limits are successfully implemented.

The Magnuson-Stevens Fishery Conservation and Management Act, the primary law governing marine fisheries management in U.S. federal waters, requires that fisheries managers, to the extent practicable, minimize bycatch, and, to the extent bycatch cannot be avoided, minimize the mortality of such bycatch. The drift gillnet fishery has begun to improve bycatch avoidance by lowering the nets deeper into the water column, using pingers to warn off protected species, and developing new bycatch mitigation fishing techniques. But these efforts do not go far enough. Enforceable bycatch limits are imperative. Further, continued gear innovation and significant advances in fishing techniques are necessary to meet bycatch limits, ensuring a sustainable fishery and protecting marine life.

High bycatch rates undermine the standard we set for ourselves and weaken the United States' reputation as a world leader in sustainable fisheries management. We are aware of other gear that can be used to catch swordfish with low bycatch rates, including existing harpoon gear and experimental buoy gear. In 2012, NOAA entered into a Memorandum of Understanding with Morocco to test the use of selective buoy gear as an alternative gear. We urge the Council and NOAA Fisheries to continue research and development on these and other innovative and sustainable fishing methods for catching swordfish.

We share the goal of a healthy and sustainable swordfish fishery on the U.S. West Coast. It is important for U.S. consumers of swordfish to have sustainable alternatives to internationally-supplied products that lack the environmental safeguards provided by U.S. management. In furtherance of these goals, we urge the Pacific Fishery Management Council and National Marine Fisheries Service to act quickly to develop a comprehensive plan to aggressively address this critical issue.

Thank you for your consideration and attention to this important issue.

Sincerely,

Tom Lane

John

Grace J. Neapolitano

Michael W. Horden

Milee Thompson

Doris O. Matsui

J. M. King

Laurel Crystal Allard

Carl Blumman

Zoe Lynn

Jon M. Dermott

Mark DeSalvo

~~no show~~

Alan Lowenthal

John

Adam B. Schiff

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Congress of the United States
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June 20, 2014

Ms. Dorothy Lowman, Chair
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Mr. William Stelle
Administrator, Northwest Region
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Dear Chair Lowman and Mr. Stelle:

We are writing to express concern about the California drift gillnet fishery. While acknowledging that this fishery has made some improvements in reducing unintended by-catch, more action is required.

California's ocean ecosystem hosts a globally important concentration of large migratory ocean animals and is a destination for a wide suite of sharks, whales, dolphins, seabirds, sea turtles, and iconic game fish that come here to feed in the rich productive Pacific Ocean waters. Californians depend on a healthy ocean ecosystem for economic opportunity, recreation, and spiritual connection.

In recent years the Pacific Fishery Management Council and National Marine Fisheries Service have taken some important and decisive steps toward ensuring long-term sustainable fisheries while protecting ocean habitats and the health of the marine ecosystem. However, by-catch in the drift gillnet fishery continues to threaten the health of our ocean. Possible courses of action to address the by-catch issue include additional observer coverage, extensive improvements in the use of gillnets, the use of more environmentally friendly and economically sustainable gear types, and the implementation of hard caps, by species, for by-catch control.

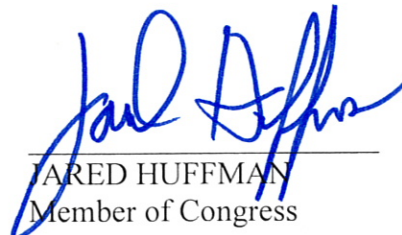
We share the goal of a clean and sustainable swordfish industry on the U.S. West Coast. It is important not to force consumers, who prize fresh swordfish, to purchase this seafood product from international suppliers, who do not have the environmental safeguards provided by U.S. management. In furtherance of that goal, I hope the Pacific Fishery Management Council and National Marine Fisheries Service will act quickly to develop a comprehensive plan to aggressively address this critical issue. We ask you to brief us as the plan develops.

Thank you for your consideration and attention to this important issue.

Sincerely,



SAM FARR
Member of Congress



JARED HUFFMAN
Member of Congress