

**Consideration of an Exempted Fishing  
Permit to Fish with Longline Gear in the  
West Coast Exclusive Economic Zone**

**Draft Environmental Assessment  
Public Comment**

SUBMITTED TO:  
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**SEPTEMBER 2016**

## **INTRODUCTION**

I am not a fisherman and I do not work for an environmental group. I work full-time as an artist at a skateboard company in Santa Barbara, California where I've lived my entire life. I volunteered as the Assistant Director of the Santa Barbara Marine Mammal Center from 2007-2012 where I personally rescued over 1,000 marine mammals. But ever since I learned that responsible U.S. fisheries were struggling and that U.S. fisheries are among the best managed in the world, I decided to spend my spare time volunteering as an advocate for responsible fisheries management<sup>i</sup>. I am also President of the Ventura County Commercial Fishermen's Association. Unlike fishermen and NGOs, I have nothing to gain or lose from this EFP. Instead, my motivation to support this EFP comes from a genuine will to support what I believe is good for our world's oceans and all the critters that call the ocean their home, as well as good for our great country and all the folks like myself that demand ethically sourced seafood.

Below are my comments listed in the same sequential order as the Draft Environmental Assessment (DEA) for easier reference.

### **1.2 Purpose and Need**

In addition to the purposes of this EFP listed in the DEA, it is important to note that the U.S. consumes more swordfish than any single country in the world. Consuming approximately 25% of global swordfish landings, the United States has a stable and high demand for swordfish (Asche et al. 2005). However, annual U.S. swordfish production provides less than 25 percent of the swordfish consumed in the U.S. while imported swordfish fills the gap, which is caught in regions where swordfish stocks are not as abundant<sup>ii</sup>. Unfortunately, these foreign swordfish fleets have higher bycatch rates than the U.S., especially sea turtles because of less stringent and enforceable fishing restrictions. Studies prove that decreasing domestic swordfish production while increasing swordfish imports can result in over 500 additional sea turtle mortalities per year, worldwide<sup>iii</sup>. Perhaps that is one of the reasons why NMFS recently issued a final rule implementing import provisions of the MMPA that will go into full effect in 5 years. It's tough to predict how or if this final rule will lead to an overall reduction in swordfish imports, but considering that the majority of our swordfish imports are caught by longline vessels that are exempted from conservation regulations, and where leatherback stocks are most fragile, I believe it is very likely that this final rule will result in an overall reduction of swordfish imports in the not so distant future<sup>iv</sup>.

National Standard 1 states: "Conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery for the United States fishing industry." The use of the word "shall" in National Standard 1 is of particular importance because other National Standards are not phrased as mandates, but rather are modified by such language as "to the extent practicable." The National Standards that are stated as a mandate should be given higher priority by the PFMC and NMFS than National Standards that are only to be applied "to the extent practicable." This means that National Standard 1 should be given higher priority than other National Standards, including National Standard 9, which requires FMPs to minimize bycatch only "to the extent practicable." The current restrictions in place in

California's drift gillnet (DGN) fishery not only make it impossible to achieve OY, but they also encourage and increase overfishing by foreign fleets. In addition to the reasons identified in the DEA that this EFP is needed, I believe this EFP is needed if we ever hope to have a chance at achieving OY in the future, which is a mandate of the MSA.

In April of 2015, the Bren School of Environmental Science & Management concluded a yearlong thesis analysis titled "Evaluating Management Scenarios to Revitalize the California Commercial Swordfish Fishery." A NMFS economist and The Nature Conservancy were among clients who supported the project. The final report was included under Agenda Item E.3 in the June 2015 PFMC Supplemental Briefing Book<sup>v</sup>.

The Abstract of the final Bren report states, "*In the California commercial swordfish fishery, participation has declined in recent decades, resulting in decreased domestic swordfish catch and an increased reliance on imported swordfish from countries with relatively higher bycatch rates. Increasing imports is expected to result in a transfer of effort to these countries, thereby causing higher bycatch on a global scale. To simulate an increase in domestic swordfish catch while limiting bycatch, we created a model to analyze a range of management scenarios composed of drift gillnet, longline, and harpoon based on their associated catch, profit, and bycatch interactions. We conducted tradeoff analyses of catch and profit versus bycatch to evaluate viable management scenarios to revitalize the fishery. Our analysis revealed that utilizing a gear portfolio of the three gear types could increase catch and profit compared to the status quo without exceeding proposed bycatch constraints. Fisheries managers can use this model as a decision-making tool to consider management options to enhance productivity and conservation in the fishery and decrease reliance on imports with the goal of protecting sensitive species globally.*"

The Summary of the Bren report states: "*It is our hope that managers of the fishery (the PFMC and/or CDFW, NOAA) can use our model as a decision-making tool when considering the implementation of bycatch hard cap levels, the reincorporation of longline into the fishery, or the allocation of effort across a mixed-gear fleet. Our model framework is flexible in that it may be altered to address the addition of other gear types, such as deep-set buoy gear or deep-set longline.*"

The Conclusion of the final Bren report states: "*The Pacific swordfish stock off the West Coast is an underutilized domestic resource. We modeled 252 management scenarios in the California commercial swordfish fishery, and revealed numerous options to increase the catch and profit in the fishery without exceeding the PFMC proposed bycatch hard cap levels... Our analysis demonstrated that reincorporating longline into the fishery could increase domestic swordfish catch and fleetwide profits without exceeding bycatch hard cap levels. Therefore, we recommend the PFMC consider approving EFPs for longline as a first step to assessing viability and bycatch performance of this gear off the West Coast. Overall, we recommend the Council consider a gear portfolio composed of a mixed-gear fleet of drift gillnet, longline, and harpoon as this results in the highest profit and catch outcomes and will provide a steady supply of domestically-caught, California swordfish throughout most of the year.*"

Out of the 252 management scenarios modeled in the Bren report, the model with the highest profit and catch without exceeding bycatch hard cap levels suggests the addition of 41 drift gillnet vessels and 3 longline vessels to the West coast fleet. According to the report, this scenario would result in an increase of \$1.6 million profit and 281 metric tons of catch annually.

The Bren report also conducted a thought experiment to determine the number of California fishing vessels and California-caught swordfish required to completely replace all imported swordfish. This thought experiment is relevant considering NMFS recent final rule on import provisions of the MMPA. The profit, swordfish catch, and net number of turtle interactions reduced globally were calculated to simulate a complete displacement of imported swordfish with domestically-caught swordfish. The results indicate that the California fleet would need 44 more DGN vessels, 71 more harpoon vessels and an additional 267 longline vessels in order to produce the additional 8,919 mt of swordfish needed annually to completely replace all imported swordfish. The results also indicate that this scenario would result in an annual reduction of 1,973 sea turtle interactions worldwide.

The results of the Bren report state the DGN profits would likely decline in the future due to the projected decline in catch revenue, while longline profits would increase with projected revenue growth based on current and past fishing levels. When you consider the fact that the DGN fishery is expected to disappear due to the annual attrition rate and the only gear type that is currently considered as an economically feasible alternative to DGN is pelagic longline, the purpose of this EFP becomes not only very clear but also very important for many reasons to say the least. The U.S. clearly needs to be producing more swordfish and status quo will not suffice. Fishing with longline gear inside the EEZ needs to be part of the future of the West coast swordfish fishery.

### **2.1.3 Alternative 3**

I support Alternative 3 as is.

## **3. AFFECTED ENVIRONMENT**

### **3.3 Fish Stock Status**

#### **3.3.1 Commonly Caught HMS Management Unit Species**

##### **3.3.1.1 Swordfish (*Xiphias gladius*)**

Even though the West Coast has an underexploited domestic swordfish stock and California's fishery for swordfish has the least impact on swordfish populations of any other swordfish fishery in the Pacific Ocean, it is still one of the most heavily regulated and most responsibly managed fisheries in the world<sup>vi</sup>. The Bren report suggests that the California swordfish fishery should be managed to increase the sustainable domestic swordfish supply – or catch – while limiting bycatch. That is one of the many reasons why this EFP is necessary.

#### **3.7.2 Fisheries in the Action Area or Fisheries Used as a Proxy for the Action Area**

Of the nine U.S. regional fishery management councils, the PFMC is the only one

that authorizes a longline fishery, and then prohibits longline fishing within its jurisdiction. Many think this illogical situation exists to reserve access to prized billfish, tunas and other gamefish for the sport fishing sector. Consequently, longline vessels based in California that meet all state, federal, and international commercial fishing standards, are forced to travel hundreds of miles offshore in order to provide local seafood consumers with the high-quality, fresh swordfish, tunas, mahi-mahi, opah, wahoo, and shark that we deserve, demand and are entitled to enjoy. The PFMC has failed to do its self-stated job of ensuring that fishery management plan goals provide a long-term, stable supply of high-quality, locally caught fish to the public, minimize economic waste, adverse impacts on fishing communities, and provide viable and diverse commercial fishing opportunities. This EFP is a means of empowering the PFMC to right this wrong.

The PFMC has a tentative Agenda Item floating around in their future workload and planning calendar that aims to amend the HMS FMP to authorize the use of shallow-set longline (SSLL) gear outside the EEZ, but this Agenda Item has yet to be scheduled. For nine years, federal observers documented the Ventura II's 37 fishing trips using SSLL outside the EEZ, setting a total of 1,117,246 hooks, and catching 31,353 fish of which 29,898 were retained and sold (95%). No sea birds or marine mammals and only 1 olive-riley sea turtle were incidentally captured during this 9-year period, which demonstrates a model of sustainability. While I fully support an amendment to the HMS FMP authorizing SSLL gear outside the EEZ, there is a clear need for longlines inside the EEZ as well. The Bren report projected that a longline fishery inside of the EEZ would have higher profits than a longline fishery outside of the EEZ<sup>v</sup>. This was likely because the longline fishery inside of the EEZ had lower fuel costs compared to fishing outside of the EEZ as the fishermen had to travel a shorter distance. This EFP is the only vehicle that currently exists or may ever exist that can drive the West coast swordfish fishery to a place where it needs to be in the future. The possible benefits far outweigh the risks.

## **5 CUMULATIVE IMPACTS**

### **5.2.3 Alternative 3**

There are many purposes and very strong need for this EFP outlined above. Considering the net cumulative effects of Alternative 3 are expected to be insignificant, I believe approving this EFP is an extremely important decision that should be very easy to make.

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## **REFERENCES**

<sup>i</sup> Conathan, M., Siciliano, A. 2016. America's Blueprint for Sustainable Fisheries: The History and Future of the Magnuson Stevens Fishery Conservation and Management Act. Center for American Progress.

<sup>ii</sup>

[http://www.westcoast.fisheries.noaa.gov/publications/fishery\\_management/HMS\\_program/2011%20Swordfish%20workshop%20proceedings/s\\_efactors\\_swordfishproceedings\\_v\\_25-final.pdf](http://www.westcoast.fisheries.noaa.gov/publications/fishery_management/HMS_program/2011%20Swordfish%20workshop%20proceedings/s_efactors_swordfishproceedings_v_25-final.pdf)

<sup>iii</sup> Rausser, G. C., S. F. Hamilton, M. Kovach, and R. Stifter. 2009. Unintended consequences: the spillover effects of common property regulations. *Marine Policy* 33:24-39.

<sup>iv</sup> WPRFMC 2011; Wallace et al. 2010; Shillinger 2008; Martinez et al 2008; Spotila et al. 2000

<sup>v</sup> [http://www.pccouncil.org/wp-content/uploads/2015/06/E3b\\_SupPubCom2\\_Full\\_E-Only\\_JUN2015BB.pdf](http://www.pccouncil.org/wp-content/uploads/2015/06/E3b_SupPubCom2_Full_E-Only_JUN2015BB.pdf)

<sup>vi</sup> [http://www.pccouncil.org/wp-content/uploads/K5a\\_SUP\\_ATT2\\_SWFSC\\_TIRN\\_RESPONSE\\_MAR2014BB.pdf](http://www.pccouncil.org/wp-content/uploads/K5a_SUP_ATT2_SWFSC_TIRN_RESPONSE_MAR2014BB.pdf)