

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).

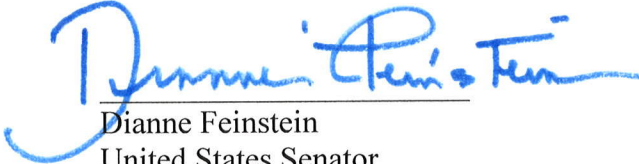
This past June, however, rather than looking to transition from drift gillnets to other more sustainable gear, the Council instead focused on “hard caps” for the use of drift gillnets. As proposed, these limitations, if exceeded, would result in the closure of the fishery for the season. While hard caps, 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

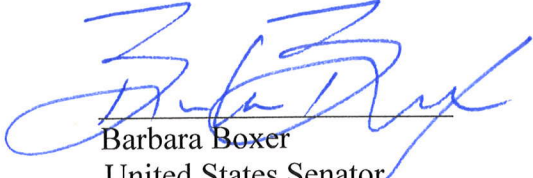
that encourage the continued development of this and other sustainable fishing methods for catching swordfish.

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.

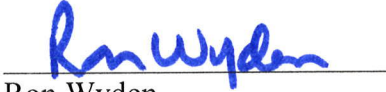
Sincerely,



Dianne Feinstein
United States Senator



Barbara Boxer
United States Senator



Ron Wyden
United States Senator

United States Senate

WASHINGTON, DC 20510

March 2, 2015

Ms. Dorothy M. Lowman
Chair
Pacific Fishery Management Council
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Mr. William W. Stelle, Jr.
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 are writing to you 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 sustainable fishing gears. We are greatly concerned that bycatch in the drift gillnet fishery continues to kill endangered and protected species that are of great national and ecological significance. Consequently, we urge you to develop a comprehensive plan to transition this fishery to more environmentally sustainable fishing gears that includes the use of enforceable limits to reduce bycatch in this fishery and 100 percent monitoring until the transition has occurred.

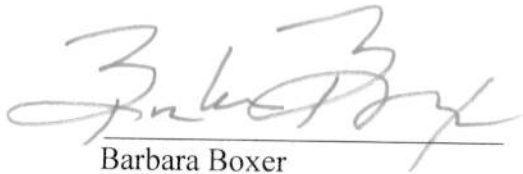
The Magnuson-Stevens Fishery Conservation and Management Act, the primary law governing marine fisheries management in U.S. federal waters, requires that fisheries managers, to the extent practicable, minimize bycatch, and, to the extent bycatch cannot be avoided, minimize the mortality of such bycatch. According to NOAA's National Bycatch Report, the West Coast drift gillnet fishery kills more cetaceans than all other West Coast and Alaska fisheries combined. One estimate indicates that as many as 100 dolphins, whales, seals, and sea lions on average are killed each year as a result of this fishery. In addition, drift gillnet discards include turtles, ecologically important shark species and valuable recreational fish such as marlin. While efforts have been made to reduce the level of bycatch in the West Coast swordfish fishery, including the use of pingers to deter marine mammals and depth restrictions for nets, more must still be done.

We are aware of other gears that can be used to catch swordfish with significantly lower 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 strongly encourage the Pacific Fishery Management Council and the National Marine Fisheries Service to continue this important research and the development of these and other innovative and sustainable fishing methods for catching swordfish.

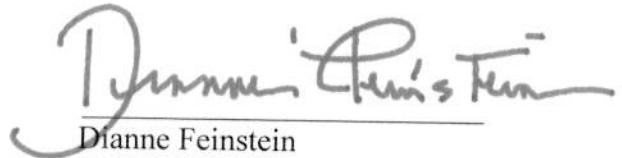
Ultimately, we support a healthy and sustainable West Coast swordfish fishery that can supply the U.S. market. To this end, we support your goal to transition the West Coast swordfish fishery to fishing gears that are more environmentally sustainable and urge you to act quickly to develop a comprehensive plan that includes enforceable limits on bycatch and additional

monitoring during the transition. Please keep us informed of your progress and timeline toward achieving this goal. Thank you for your consideration of this important issue.

Sincerely,



Barbara Boxer
United States Senator



Dianne Feinstein
United States Senator



Ron Wyden
United States Senator

JARED HUFFMAN
2ND DISTRICT, CALIFORNIA

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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:

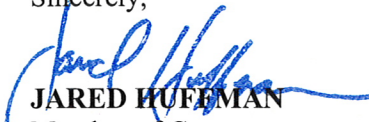
I write to follow up on the attached letter Members of the West Coast delegation submitted to the Pacific Fishery Management Council (Council) on February 27, 2015 and to reiterate concern with excessive bycatch in the U.S. West Coast swordfish drift gillnet fishery. Consistent with that letter's goals, 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.pccouncil.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
Pacific Fishery Management Council
7700 NE Ambassador Place, #101
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pfmc.comments@noaa.gov

Mr. William W. Stelle, Jr.
Administrator, Northwest Region
National Marine Fisheries Service
7600 Sand Point Way, NE, Bldg 1
Seattle, WA 98115-0070
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. Harkin

Milee Thompson

Doris O. Matsui

J. M. King

Laurel Crystal Allard

Carl Blum

Zoe Lynn

Jon M. Dermott

Mark DeSalvo

~~no show~~

Alan Lowenthal

John

Adam B. Schiff

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 2012¹ 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

¹ 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 fishery². 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, 10th Assembly District



MARK STONE
Assemblymember, 29th Assembly District

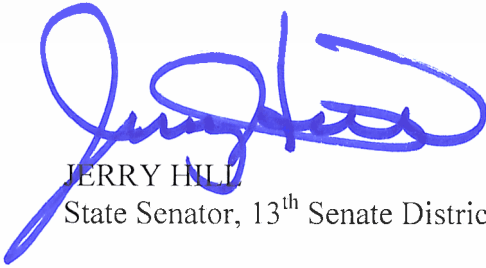
² See California Department of Fish and Wildlife, Report on California Drift Gillnet Fishery Management and Monitoring Plan (March 2015), available at: http://www.pcouncil.org/wp-content/uploads/2015/03/H4b_Sup_CDFW_Rpt_MAR2015BB.pdf



LORENA GONZALEZ
Assemblymember, 80th Assembly District



RICHARD BLOOM
Assemblymember, 50th Assembly District



JERRY HILL
State Senator, 13th Senate District



BEN ALLEN
State Senator, 26th Senate District