

CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE (415) 904-5200
FAX (415) 904-5400
TDD (415) 597-5885

Agenda Item B.1.b
Supplemental Public Comment 2
April 2016



March 29, 2016

RECEIVED

Chris Fanning
West Coast Region
National Marine Fisheries Service
501 West Ocean Blvd., Suite 4200
Long Beach CA 90802

APR 04 2016

PFMC

Re: NOAA-NMFS-2015-0063, March 1, 2016, Federal Register (FR) Notice of Application for Exempted Fishing Permit To Test Modified Drift Gillnet Gear to Fish for Swordfish in the Pacific Leatherback Conservation Area (PLCA)

Dear Mr. Fanning:

As you are aware, over the past decade, the Coastal Commission staff has been on record questioning, and on several occasions, formally requesting permission from the Office for Coastal Management (OCM) to review, applications for past NOAA Exempted Fishing Permits (EFPs) for fishing activities occurring within areas/seasons normally off limits to such fishing for sea turtle conservation reasons. In examining the subject EFP application, we believe it raises many of the same issues we have previously expressed to NOAA are of concern to us. It is not at all clear that the activities would yield statistically useful results, or that the knowledge purportedly to be gained has any chance of outweighing the risks associated with drift gillnet fishing (DGN), even with the mitigation measures being considered. This concern is only increased by the discussion in the Federal Register Notice, which indicates that this initial effort could be followed by a more expansive series of EFPs using DGN gear.

Due to its greater potential to cause bycatch mortality, DGN gear is even more indiscriminate than the shallow set long line (SSLL) fishing permits we previously questioned. We therefore must express strong concerns over any effort that does not focus on the need for developing alternative, less damaging gear to replace DGN gear. As we have indicated consistently in our previous communications, allowing prohibited gear (i.e., DGN or SSLL) within a known sea turtle conservation area would appear to be antithetical to the very reasons the conservation area was established in the first place.

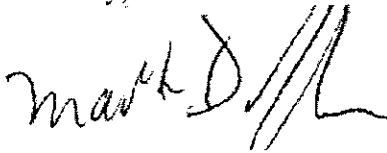
We will take at face value that NOAA, at a minimum, will not eliminate the requirement for termination of the EFP in the event of a single event of an observed serious injury or mortality of a single leatherback sea turtle, combined with 100% observer coverage, which would be necessary to enforce this requirement, which are two of the measures that have preliminarily been included in the proposal (and which were among the measures recommended by the Pacific Fisheries Management Council, according to the

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FR Notice). We would certainly be alarmed if these limitations do not end up being included in any EFP ultimately granted. We will assume that NOAA agrees with the need for these restrictions, and that they will not be modified. As a consequence of these assumptions, we will not be requesting permission from OCM to grant us permission to review a consistency certification for this EFP. Instead, we will simply urge NMFS to seriously consider denying the application for this EFP, as we believe approval of it would send the wrong signal concerning the need to protect important sea turtle species and the need to focus on developing alternatives to the continued use of DGN gear.

Please feel free to contact me at (415) 904-5289 (or by email at mdelaplaine@coastal.ca.gov) if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Delaplaine". The signature is stylized and includes a large, sweeping flourish at the end.

MARK DELAPLAINE
Manager, Energy, Ocean Resources and
Federal Consistency Division

cc: David Kaiser, Kerry Kehoe, Sarah van der Schalie, OCM
William Douros, Office of National Marine Sanctuaries
Kit Dahl, Pacific Fisheries Management Council
Chuck Bonham, California Department of Fish and Wildlife
Susan Ashcraft, California Fish and Game Commission