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Fish and Game Commission



Wildlife Heritage and Conservation
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Valerie Termini, Executive Director
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Agenda Item H.1.c
Supplemental CFGC Report 1
November 2017

November 14, 2017

Chris Oliver
Assistant Administrator
NOAA Fisheries
National Oceanic and Atmospheric Administration
1315 East-West Highway, 14th Floor
Silver Spring, MD 20910

Sent via email to Chris.W.Oliver@noaa.gov

Dear Mr. Oliver:

The California Fish and Game Commission (Commission) unanimously adopted the attached resolution at its October 12, 2017 meeting. The resolution strongly disagrees with the National Marine Fisheries Service (NOAA Fisheries) withdrawal of the hard caps rule for the California drift gillnet swordfish fishery and supports a delay in the federalization of drift gillnet permits.

We look forward to continuing to work with NOAA Fisheries on this complex issue. As you are aware, California collaborated for many years to develop the proposed regulations in concert with the industry, to develop solutions that would increase environmental sustainability without sacrificing economic performance and viability of the fishery.

The Commission has also encouraged the California Department of Fish and Wildlife to advance its efforts with the industry to further develop new gear types for an environmentally and economically sustainable swordfish fleet in California.

Thank you for your attention to this California fishery. The Commission is committed to ensuring a sustainable swordfish fishery.

Sincerely,

Valerie Termini
Executive Director

Assistant Administrator Chris Oliver
November 14, 2017
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Attachment

ec: Phil Anderson, Chair, Pacific Fishery Management Council,
pmand001@comcast.net
Samuel Rauch, Deputy Assistant Administrator for Regulatory Programs, NOAA
Fisheries, Samuel.Rauch@noaa.gov
Barry Thom, Regional Administrator, West Coast Region, NOAA Fisheries,
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California Department of Fish and Wildlife:
Charlton Bonham, Director, Director@wildlife.ca.gov
Craig Shuman, Marine Region Manager, Craig.Shuman@wildlife.ca.gov
Marci Yaremko, State/Federal Marine Fisheries Program Manager,
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CALIFORNIA FISH AND GAME COMMISSION
RESOLUTION REGARDING
DRIFT GILLNET FISHERIES

WHEREAS, the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) establishes the primary process for managing fisheries in U.S. federal waters and creates a system whereby individual regional fishery management councils, including the Pacific Fishery Management Council, develop fishery management plans and amendments thereto, for fisheries within their jurisdiction, and propose regulations to the Secretary of Commerce; and

WHEREAS, the Magnuson-Stevens Act provides a streamlined process for the approval of regulations proposed by a council to implement fishery management plans, and the U.S. Secretary of Commerce is empowered to approve, disapprove, or partially approve actions recommended by a Council; and

WHEREAS, upon transmittal of a proposed regulation change to the U.S. Secretary for Commerce, the secretary determines whether the proposed regulation is "consistent with the fishery management plan"; and

WHEREAS, the U.S. Secretary of Commerce has delegated certain actions to the National Marine Fisheries Service; and

WHEREAS, the California drift gillnet fishery for swordfish and thresher shark is managed under the *Federal Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species*; and

WHEREAS, the Pacific Fishery Management Council expressed its intent to change management of the California drift gillnet swordfish fishery using tools available under the Magnuson-Stevens Act to create a new framework to advance the fishery, including hard caps on interactions with protected species; and

WHEREAS, recognizing that actions taken by the Pacific Fishery Management Council, the National Marine Fisheries Service, fishermen, and other partners over the past twenty years have greatly reduced the inadvertent catch of special status species and other non-target species, substantially reduced bycatch rates, and improved fishery performance; and

WHEREAS, the National Marine Fisheries Service released a report in June 2017 announcing its withdrawal of a proposed rule implementing hard caps for the California drift gillnet swordfish fishery, the primary purpose of which would have been to create transparency, accountability measures, and incentives for best practices within the fishery; and

WHEREAS, the ruling from the National Marine Fisheries Service does not advance the drift gillnet fishery forward and, in fact, jeopardizes the effective functioning and viability of this fishery in California; and

WHEREAS, the state worked collaboratively for many years to develop these regulations in concert with the industry to develop solutions that would increase environmental sustainability without sacrificing economic performance and viability of the fishery;

NOW, THEREFORE, BE IT RESOLVED, in light of the decision by the National Marine Fisheries Service, the California Fish and Game Commission strongly disagrees with the withdrawal of the hard caps rule; and

FURTHER BE IT RESOLVED, the California Fish and Game Commission will continue to support transparent and innovative approaches to fisheries management plans; and

FINALLY BE IT RESOLVED, that the California Fish and Game Commission will encourage the California Department of Fish and Wildlife to work with industry to further develop new gear types for an environmentally and economically sustainable swordfish fleet in California and supports a delay in the federalization of drift gillnet permits to allow the State of California time to reach resolution.

DATED OCTOBER 12, 2017



Valerie Termini, Executive Director