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## Fish and Game Commission



*Wildlife Heritage and Conservation*  
*Since 1870*

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Agenda Item J.3.a  
Supplemental CA Fish & Game Comm. Report 1  
November 2019

November 4, 2019

Phil Anderson, Chair  
Pacific Fishery Management Council  
7700 NE Ambassador Place, Suite 101  
Portland, Oregon 97220-1384

Agenda Item J3: Scoping an Amendment Authorizing Shallow Set Longline Gear  
Outside of the Exclusive Economic Zone

Dear Chair Anderson and members of the Council:

I write you today on behalf of the California Fish and Game Commission (Commission). Thank you for the opportunity to provide comment on the subject agenda item, in which the Pacific Fishery Management Council's (Council) stated intent is to gather information from the public and its advisory bodies regarding the potential authorization of a West Coast shallow-set longline (SSLL) permit to fish outside the United States West Coast Exclusive Economic Zone (EEZ; outside 200 nautical miles). Due to unacceptable levels of bycatch and interactions with protected species, the Commission does not support the use of SSLL gear, whether inside or outside the EEZ, and has numerous questions related to this scoping and consideration of a West Coast SSLL permit outside the EEZ.

As you are aware, drift gillnet permits are being phased out in California due to bycatch rates for unmarketable and protected species; our understanding is that SSLL has similar rates of bycatch. An analysis of the Western Pacific Fishery Management Council's (Western PFMC) SSLL gear fishery shows a discard rate that the Commission considers unacceptable. Adding another SSLL swordfish permit could increase bycatch, including for protected species, whether fishing occurs inside or outside the West Coast EEZ, thereby complicating and delaying progress toward significantly reducing bycatch in the fishery. Other gear types that have been tested off the U.S. West Coast, such as deep-set buoy gear, offer alternatives for targeting swordfish and have significantly lower bycatch rates.

We understand that members of the Council's Highly Migratory Species Advisory Subpanel and the industry have asked the Council to revisit the potential authorization of SSLL gear to target swordfish along the West Coast outside the EEZ. Currently, the

Western PFMC's SSSL gear fishery operates outside the EEZ offshore California ("Hawaii Fishery"). Several of the boats in the Hawaii Fishery legally operate from California ports, are permanently based in California, and land SSSL-caught swordfish into California; these boats are not managed by the Council, but rather comply with the rules established by the Western PFMC. Permitting, observer, and Hawaii landings data for the Hawaii Fishery are not readily available to the Council or the National Marine Fisheries Service West Coast Region, although nearly 70% of swordfish landed in California comes from the Hawaii Fishery.

While the Commission is opposed to the currently unacceptable levels of bycatch with SSSL gear, the Commission is open to a robust public discussion that addresses numerous questions about how a West Coast SSSL fishery *outside the EEZ* would operate. Questions and concerns include:

- What would be the allocation of existing protected species bycatch limits among a West Coast-permitted fishery, the Hawaii Fishery, and permitted interactions in the Pacific Islands region?
- How many SSSL boats are currently based out of California ports and permitted for the Hawaii Fishery and how many would be allowed to participate in a West Coast fishery?
- Would individual states be allowed to limit the number of boats that can land in their state?
- How would a West Coast SSSL permit with 100% observer requirements affect current observer coverage in the other West Coast fisheries?
- Could individual vessels be limited in allowed interactions with protected species?
- Would NMFS require a West Coast fishery to use the most effective bycatch mitigation methods and gear available?
- Why aren't the most effective bycatch mitigation methods and gear already required for the Hawaii Fishery?

Most importantly, if the Council continues to explore a West Coast SSSL fishery outside the EEZ, the Commission requests a robust and open public process that includes a comprehensive public vetting, scientific review and input, and public comment over a longer period of time than normal. Without an extended public process, the Commission opposes consideration of any fishery management plan amendment that would authorize a pelagic SSSL swordfish fishery off the U.S. West Coast and any proposals to test pelagic SSSL gear.

Resilient and healthy coastal fishing communities are a priority to the Commission and to Californians. To ensure sustainable fishing practices in support of our fishing communities, the Commission recommends transitioning away from gear types such as SSSL with high rates of bycatch and providing fishery participants with resources to move toward and test more selective gear types. We ask the Council to also prioritize resilient and healthy coastal fishing communities by supporting sustainable ecosystems and fisheries.

Pacific Fishery Management Council

November 4, 2019

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Thank you for your work on these important issues. If you have any questions, please contact Executive Director Melissa Miller-Henson at (916) 653-4899 or [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Sklar".

Eric Sklar  
President

cc: Chuck Tracy, Executive Director, Pacific Fishery Management Council,  
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