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Senate President Pro Tem Kevin de León State Capitol, Suite 205 Sacramento, CA

Speaker of the Assembly Toni Atkins State Capitol, P.O.Box 942849 Sacramento, CA

William Stelle, Regional Administrator NOAA Fisheries, West Coast Region 760 Sand Point Way NE Seattle, WA 98115

Dorothy Lowman, Chair Pacific Fishery Management Council 7700 NE Ambassador Place, Suite 101 Portland, OR 97220

February 12, 2015

Dear Governor Brown, Senator de León, Assemblymember Atkins, Mr. Stelle, and Ms Lowman:

The world's oceans and marine ecosystems are facing a grave crisis due to impacts of industrial fishing activity. Not only does industrial fishing have substantial impacts on both target species and bycatch species populations, but the effects on these populations can have serious repercussions for the communities and ecosystems of which they are a part.

Drift nets and other gill nets are among the most potentially damaging industrial fishing methods, since they are massive nets that indiscriminately capture a wide range of target and non-target marine species and have some of the highest bycatch rates of any fishery in the world. Vi

Large-scale pelagic driftnets were outlawed in 1993 on the High Seas by the United Nation General Assembly, which the US has implemented as a matter of policy. On the US West Coast, the State of Washington State banned drift gill nets in 2001, and Oregon abandoned its drift gill net fishery program in 2009.

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The myriad reasons for phasing out this fishery include:

- Despite decades of increased regulations and decreasing effort and demand for swordfish, the California Driftnet Fishery remains one of the highest bycatch fisheries in the United States.^{xi}
- The California drift gill net fishery entangles more cetaceans than any other fishery along the US Pacific coast. In the last ten years, an estimated 885 marine mammals have been killed. Observed takes of marine mammals include two Endangered sperm whales, which died after becoming entangled in driftnets in 2010 alone. (Based on the observer coverage rate, this gives rise to an estimate of 15.5 sperm whale entanglements for the entire fishery.) Over the period from 2007-2010, this fishery caught an annual average of 67.8 cetaceans. The second most damaging fishery averaged 1.4 individuals per year.
- Swordfish, the primary target species, make up only 12 % of the catch, while 65% of the catch is discarded directly overboard.**
- Between 2004 and 2014, 21% of the catch consisted of IUCN Red List species (9% was Near Threatened, 12% Vulnerable or Critically Endangered), including endangered leatherback sea turtles, sperm whales, shortfin make sharks, blue fin tuna and smooth hammerheads.xvi
- Red Listed Vulnerable thresher and make sharks together make up 10% of the catch and are targeted, retained and sold, despite concern about the sustainability of their harvest.
 Vulnerable blue sharks make up 5% of the catch, but are discarded directly overboard.
- The megamouth shark was only discovered in 1976, and since then fewer than 70 specimens have ever been reported. Nearly 10% of all megamouth sharks ever reported globally were entangled in California's driftnets.xix
- Although the creation of the Pacific Leatherback Conservation Area reduced mortality of leatherback turtles from 112 in the period 1990-2000, 12 leatherback turtles (and an estimated 5.76 loggerheads) are estimated to have been killed by California driftnets in the period 2004-2014. In particular, the Loggerhead and leatherback populations have declined by 80 95% in the last twenty years. Recent studies suggest that even low fishing mortality may have a significant impact on the extinction risk for this population. XXI XXIIIXXIII

Beyond the impacts on threatened species, the fishery also captures significant numbers of relatively common species that threaten to have ecological impacts. For example, almost 50% of the catch is made up of ocean sunfish – the primary consumers of jellyfish in the region. Although mostly released alive, there is little available information on post-release mortality or population and impacts of the catch of an estimated 85,000 individuals in the last decade.

A growing body of scientific research shows us the fragile nature of the oceans, and the defaunation processes that currently threaten marine ecosystems. In this context, it is imperative to consider that the ecological impact of a marginal fishery that threatens species spanning the entire food web of the California coastal ecosystem along with several migratory species. The time is right to phase out the fishery in California as it has been ended worldwide.

WE THE UNDERSIGNED, CALL ON GOVERNOR BROWN, THE CALIFORNIA LEGISLATURE AND THE PACIFIC FISHERIES MANAGEMENT COUNCIL TO ACT PROMPTLY TO PROTECT THE ECOLOGICAL INTEGRITY OF CALIFORNIA'S COASTAL WATERS AND TO PHASE OUT THE USE OF DRIFT GILL NETS AND OTHER INDISCRIMINATE FISHING METHODS IN CALIFORNIA AND U.S. WATERS.

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To this end, we also call on you to maintain the prohibition on the use of the similarly indiscriminate longline gear, and other gear with similar ecological impacts.

Sincerely,

- 1 Dr. Sylvia Earle, Ph.D., Founder, Mission Blue
- 2 Todd Steiner MS, Founder & Executive Director, Turtle Island Restoration Network
- 3 Dr. Alex Hearn, Ph.D. Conservation Science Director, Turtle Island Restoration Network
- 4 Dr. Doug Karpa, Ph.D. Legal Program Director, Turtle Island Restoration Network
- 5 Dr. Simon Pierce, Co-founder and Chief Scientist, Marine Megafauna Foundation
- 6 Dr. David W Owens, Associate Dean of Graduate School, College of Charleston
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- 9 Mary Lou Zoback, Consulting Professor, Department of Geophysics, Stanford University; Member, National Academy of Sciences
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- 164 Jessica Hallman Behnke, Seabird Ecologist, Pacific Rim Conservation
- 165 Chris Maxey, Director, Cape Eleuthera Foundation
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- 169 Susana Navajas, Founder Save the Sharks

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- 171 Randall Arauz, Founder and Director, PRETOMA, Costa Rica
- 172 Sandra Bessudo. Fundadora y Directora Fundacion Malpelo y Otros Ecosistemas Marinos
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- 211 Brendan Talwar, Graduate student, Florida State University
- 212 Matt Tietbohl, student, Wake Forest University
- 213 B. Cael Barry, Graduate Student, MIT-WHOI Joint Program, Physical Oceanography
- 214 Arlene Davis, Volunteer Beach Watch, IBR and WildCare
- 215 Mary Sue Kelly, citizen scientist, Gulf of the Farallones Marine Sanctuary.
- Andrea Kaufman, Volunteer with Stewards of the Coast and Redwoods, Volunteer with Farallones Marine Sanctuary Association Beach Watch
- 217 Richard Fortmann, Citizen scientist, FMSA Beach Watch
- 218 Julie Bitnoff, Volunteer, Beach Watch, Farallones Marine Sanctuary Association
- 219 Rich Trissel, Volunteer, GFNMS Beach Watch
- 220 Richard Matzinger, Beach Watch volunteer wildlife surveyor, Farallones Marine Sanctuary Association
- 221 James Grant, Volunteer Beach Watch Program, Farallones Marine Sanctuary Association
- 222 Nancy Trissel, Beachwatch volunteer
- 223 Marie Kazan-Komarek, Volunteer, Gulf of the Farallones Marine Sanctuary Beachwatch Program
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- 225 Matt Stoecker, Restoration Ecologist, Stoecker Ecological

- 226 Michael D. Sparkman, M.S., CDFW Fisheries Biologist/ Environmental Scientist, California Department of Fish & Wildlife
- 227 Gretel Torres de la Riva, DVM, MPVM, Ph.D.
- 228 Dr Cheng Siong Chin, Senior Lecturer, Newcastle University
- 229 Claire Burgett, PhD Student, Marine Sciences, Florida International University
- 230 Phillip Wickey, Research Ecologist, Colorado

ⁱ Myers RA, Worm B. 2003. Rapid worldwide depletion of predatory fish communities. Nature 423: 280–283.

ⁱⁱ Myers RA, Worm B. 2005. Extinction, survival and recovery of large predatory fishes. Philosophical Transactions of the Royal Society of London, Biological Sciences 360: 13–20.

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vi All bycatch statistics for the California large mesh drift gill net fishery are derived from NOAA Observer Program data, unless otherwise noted, available at

http://www.westcoast.fisheries.noaa.gov/fisheries/wc_observer_programs/sw_observer_program_info/data_summ_report_sw_observer_fish.html. Compare overall bycatch discard ratio of 1.78 to Table 7b, FAO (1994) A Global Assessment of Fisheries Bycatch and Discards, Alverson, D.L.; Freeberg, M.H.; Pope, J.G.; Murawski, S.A., FAO Fisheries Technical Paper. No. 339. Rome, FAO.

vii United Nations General Assembly (UNGA) Resolutions 44/225, 45/197, and 46/215.

viii 16 U.S.C. § 1826

^{ix} Washington Administrative Code 220-44-035; Washington State Register 01-21-141.

^x NOAA Fisheries (2014) Status of the U.S. West Coast Fisheries for Highly Migratory Species Through 2013, at 29.

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xiii During the period 2007-2010 covered in the most recent National Bycatch Report Update, the California drift gill net fishery is estimated to entangled an annual average of 116.8 marine mammals annually, more than all Alaskan fisheries (33.2 marine mammal takes per year) and northwestern fisheries(47.78 annually) combined. National Bycatch Report Update, 2014, available at http://www.st.nmfs.noaa.gov/Observer-Home/first-edition-update-1. xiii NOAA Observer Program data. See note v above

xiv National Bycatch Report Update 1, see note xi above

^{xv} NOAA Observer Program data. See note v above.

xvi Ibid.

xvii Ibid.

xviii Ibid.

xix See NOA Observer Program data for 2012-13 and 2013-14 (two specimens each); Forida Museum of Natural History, Distribution Table of Confirmed Megamouth Shark Sightings, #14, #15, https://www.flmnh.ufl.edu/fish/sharks/megamouth/tablemega.htm

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