



Mr. Eric Sklar, President
 California Fish and Game Commission
 P.O. Box 944209
 Sacramento, CA 94244-2090

Agenda Item 24 A: Committee and Department Reports, *Marine Resource Committee*

Dear President Sklar and Members of the Commission,

The undersigned organizations are concerned about the high levels of bycatch in set gillnets. The unintended catch and discarding of dead or injured marine life is widely considered among the top ecological impacts of fisheries – contributing to population impacts and a reduction in marine biodiversity. To combat this, the California Department of Fish and Wildlife (CDFW) identified set gillnets as a top management priority due to their ecological risks due to bycatch, habitat impacts, and target species vulnerability, with the gear type ranking #1, #3, and #4 in CDFW’s ecological risk assessment¹.

California's set gillnets have among the highest discard rates—by the number of animals—of any fishery in the country. According to federal fishery observers, 64 percent of all animals caught are discarded, and over 50 percent are discarded as dead. Over the last 15 years, conservative estimates indicate more than 230,000 animals in total have been discarded in the set gillnet fishery; however, using commercial fish landings data to estimate total catch, the number of discarded animals could be as high as 2 million. More than 125 species are caught, including ecologically important sharks and rays, sea lions, dolphins, and seabirds ^{2,3,4}. This fishery has been documented to catch endangered leatherback sea turtles ⁵ and has been involved in large whale entanglements off California ^{6,7}. Furthermore, 70 percent of the discarded fish and shark species do not have population assessments. In halibut-targeting set gillnet trips, California halibut accounts for just 10.6 percent of all animals caught ⁸.

Because of the bycatch concerns, this gear type was banned within state waters by a 1990 California ballot proposition and banned off Central California by the California Fish & Game Commission in 2002. However, set gillnets still operate relatively unchecked in federal waters off Southern California but are still under the jurisdiction of the California Fish & Game Commission.

We are all interested in supporting and enjoying seafood sourced from local California anglers. However, set gillnets have a disproportionate impact on marine species relative to hook-and-line gear that targets halibut, and 87 percent of California halibut commercial fishers already use hook and line gear ⁹. Discarding dead, undersized halibut in set gillnets impacts commercial and recreational anglers who target halibut with cleaner gear types.

We rely upon fishery managers and policymakers to ensure that all seafood is responsibly harvested in ways that support recreation, other fisheries, and the unique marine biodiversity along California's coastline. The Marine Life Management Act (MLMA) includes bycatch acceptability criteria that are fleshed out in a detailed bycatch inquiry in the MLMA Master Plan for Fisheries, giving resource managers the tools to identify bycatch concerns and implement measures to minimize bycatch. In the context of these criteria and based on publicly accessible federal observer data and other bycatch information, we request the Commission to formally determine that the types and amounts of bycatch in set gillnets are unacceptable. The term "unacceptable" is not intended as a value judgment on the fishery or participants; instead, it represents a legal threshold, as written in the Marine Life Management Act (MLMA) (Fish and Game Code Section 7085), that is intended to initiate management action.

We ask the Commission to take action by formally determining the bycatch associated with Set Gillnets to be "unacceptable," implement solutions to protect California's marine biodiversity, and support selective methods to target California halibut by our fishing communities.

Sincerely,

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- [2] NMFS. 2022. California Set Gillnet Observer Program, Observed Catch 2007-01-01 to 2017-12-31. NOAA. <https://media.fisheries.noaa.gov/2022-01/setnet-catch-summaries-2007-2010-2013-2017.pdf>
- [3] NMFS. 2019. U.S. National Bycatch Report First Edition Update 2 and 3. U.S. Department of Commerce, 90 p. Available: <https://www.fisheries.noaa.gov/resource/document/national-bycatch-report>
- [4] Benaka, L.R., Bullock, D., Hoover, A.L., Olsen, N.A. (editors). 2019. U.S. National Bycatch Report First Edition Update 3. U.S. Dept. of Commerce, NOAA. NOAA Technical Memorandum NMFS-F/SPO-190, 95 p. https://media.fisheries.noaa.gov/dam-migration/nbr_update_3.pdf
- [5] Julian, F., Beeson, M. (1998). "Estimates of marine mammal, turtle, and seabird mortality for two California gillnet fisheries: 1990–1995". *Fishery Bulletin*, U.S. Department of Commerce, National Ocean and Atmospheric Association, 96 (2), 273. Available: <https://spo.nmfs.noaa.gov/sites/default/files/pdf-content/fish-bull/julian.pdf>
- [6] NMFS. 2021. Large whale entanglements off the U.S. West Coast, from 1982–2017. Saez, L., D. Lawson, and M. DeAngelis. NOAA Tech. Memo. NMFS-OPR-63A, 50 p.

https://fisheries.legislature.ca.gov/sites/fisheries.legislature.ca.gov/files/Large%20whale%20entanglements%20off%20the%20U.S.%20West%20Coast%201982-2017_Final%20031921.pdf

- [7] NMFS. 2020. Master data of large whale entanglement records off the U.S. West Coast. (L. Saez, Personal communication.) (Whale entanglement data used excludes gillnet entanglements positively identified as large-mesh drift gillnets. This dataset includes records collected through 2019 and represents an update of the original Master data of large whale entanglement records off the U.S. West Coast up to 2017.)
- [8] CDFW. 2022. Percent California halibut caught by number of animals in halibut-targeting set gillnet trips. (K. Ramey, Personal communication. November 2022.)
- [9] Free, C.M. 2022. "Assessment of associated landed species and bycatch discards in the California halibut gill net and trawl fisheries." Bren School of Environmental Science and Management, University of California, Santa Barbara, Marine Science Institute, University of California, Santa Barbara, Santa Barbara, CA. (Committee Staff Summary for November 17, 2022, MRC Author: Susan Ashcraft; Item 5. "Assessing and Addressing Bycatch in California Fisheries," p. 5.)
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=206229&inline>