



November 3, 2023

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

Dr. Charles Bonham, Director  
California Department of Fish & Wildlife  
P.O. Box 944209,  
Sacramento, CA 94244-2090

**MRC Agenda Item 2: Evaluation of bycatch in the California halibut set gill net fishery in support of the fishery management review**

Dear Director Bonham, President Sklar, and Members of the Commission,

We, the undersigned organizations, commend the California Fish and Game Commission and the California Department of Fish and Wildlife (CDFW) for developing a suite of management measures to reduce bycatch and bycatch mortality associated with set gillnet fishing. Addressing the unintended catch and discarding of dead or injured marine life is a top priority for California, and we applaud the extensive work the Commission and CDFW put into fulfilling the state's commitment to protecting marine biodiversity from this threat.

We support the suite of management changes and data collection improvements the Commission directed CDFW to bring forward. Of those, we believe the following list of measures can be readily adopted and help reduce the bycatch in this fishery to acceptable levels. They should be applied to all set gillnets, not just those targeting California halibut. We ask the Commission to initiate a regulatory package at the December 2023 meeting to adopt the following measures.

1. A maximum soak time of no greater than 24 hours for all set gillnets to significantly reduce bycatch mortality of sharks, rays, and other vulnerable species due to substantial evidence that demonstrates soak times longer than 24 hours drastically decrease the survivorship of all species, decrease the quality of the target catch, and increase entanglement and depredation impacts;
2. Temporal closures to protect vulnerable species like tope (soupfin) sharks during their spawning season, as well as new area closures to set gillnets to protect areas of high biodiversity;
3. Limitations on the maximum net height for trips targeting halibut as suggested by the gillnet fleet;
4. A system to track set gillnet gear loss that does not depend on self-reporting;
5. Unique gear-marking that allows set gillnets to be identified throughout all elements of the gear. Unique gear-marking would increase the likelihood that gear involved in wildlife entanglements can be positively or negatively attributed to the fishery and minimize the potential for unattributed entanglements;
6. New logbook requirements to precisely quantify set gillnet fishing effort.

These policies will only be rendered effective if the state adopts independent methods of collecting bycatch data and enforcing regulations. We strongly support implementing a CDFW-led pilot observer program utilizing human observers and simultaneously testing electronic monitoring. This will be an asset to the Commission and CDFW by providing unbiased data for stakeholders to measure the success of the proposed regulations and could serve as a model for obtaining catch and bycatch data in other Commission-managed fisheries. The National Marine Fisheries Service (NMFS) has an existing observer program for the set gillnet fishery, yet they have not observed the fishery since 2017. In the interim, we ask the Commission to request that NMFS immediately resume observer coverage of set gillnets in 2024. We also support a move toward electronic logbooks and electronic vessel monitoring to verify fishing locations to increase the accuracy of data on catch and bycatch in the set gillnet fishery.

CDFW has confirmed that certain measures discussed by the Commission require statutory change. For proposed statutory changes outside of the scope of the Commission's authority, we look forward to engaging further with CDFW and the Commission as the legislature addresses exemptions that currently allow the sale of protected species, makes changes to gillnet permits, and finds creative solutions to reduce bycatch.

We are grateful to the Commission and CDFW for developing a suite of regulatory measures to reduce bycatch and improve data collection for set gillnets off the California coast. The successful adoption of these measures will meaningfully reduce bycatch in set gillnets, benefiting a wide suite of vulnerable fish, sharks, rays, and marine mammals. This comprehensive package will ensure effective implementation of the MLMA's requirements to ensure bycatch is limited to acceptable types and amounts.

Sincerely,

Scott Webb  
Director of Advocacy  
Resource Renewal Institute

Geoff Shester  
California Campaign Director  
Oceana

Caitlynn Birch  
Pacific Marine Scientist  
Oceana

Jason Schratwieser  
President  
International Game Fish Association

Francine Kershaw  
Senior Scientist  
Natural Resources Defense Council

Dan Silver  
Executive Director  
Endangered Habitats League

Kurt Lieber  
President  
Ocean Defenders Alliance

Michael Bear  
Community Science Director  
Shark Stewards

Joy Primrose  
ACS Oregon Chapter President  
American Cetacean Society

Mark J Palmer  
Associate Director  
International Marine Mammal Project of Earth Island Institute

Emily Parker  
Coastal and Marine Scientist  
Heal the Bay

Ashley Eagle-Gibbs  
Interim Executive Director  
Environmental Action Committee of West Marin

Tomas Valadez  
Senior Conservation Manager  
Azul

Ben Grundy  
Oceans Campaigner  
Center for Biological Diversity

Rachel Bustamante  
Interim Ocean Program Director  
Earth Law Center

Stefanie Brendl  
Executive Director  
Shark Allies

Todd Steiner & Teri Shore  
Executive Director & Board Member  
Turtle Island Restoration Network

Andrew Johnson  
California Representative  
Defenders of Wildlife

Lesley Handa  
Lead Ornithologist  
San Diego Audubon Society

Natalie Para  
Campaign Director  
Ocean Preservation Society

Lincoln O'Barry  
Campaigns Coordinator  
Dolphin Project

William Rossiter  
Vice President  
NY4WHALES

Erica Donnelly-Greenan  
Executive Director  
Save Our Shores

Andy Rogan  
Science Manager  
Ocean Alliance

Erin Politz  
Vice President  
The SeaChange Agency

Georgia Hancock  
Director and Senior Attorney, Marine Life Program  
Animal Welfare Institute

Michael Quill  
Marine Programs Director  
Los Angeles Waterkeeper

Michael Stocker  
Director  
Ocean Conservation Research