

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.

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 to 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 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; and
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 encourage the Commission to submit a letter to the California legislature requesting legislative action to eliminate the exemptions allowing the sale of Giant Sea Bass and White Sharks for the set gillnet fishery, make commercial gillnet permits non-transferable, and retire latent permits.

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,