



Mr. Wade Crowfoot, Secretary for Natural Resources
Chair, Ocean Protection Council
1416 9th Street, Suite 1311
Sacramento, CA 95814

April 21, 2023

Dear Chair Crowfoot and Members of the Ocean Protection Council:

The Ocean Protection Council has been a leader in the advancement of sustainable marine fisheries that ensure biodiverse fish and wildlife populations through science-based, collaborative management. The California Fish and Game Commission is currently working to implement the Marine Life Management Act through its Master Plan for Fisheries; and through this process the California halibut and white seabass set gillnet fishery has risen to the top of this management prioritization. California set gillnets primarily targeting California halibut and white seabass operate in key offshore wildlife areas in the Southern California Bight, including around the Channel Islands where important seabird nesting and pinniped rookeries occur, within biologically significant whale feeding and migration routes, and offshore banks like Cortes and Tanner Banks that support a diversity of vulnerable species. Non-selective gear types such as gillnets require additional oversight and management infrastructure to ensure fishing is sustainable and wildlife is protected. The Commission has several options in its bycatch toolkit that could help bring the fishery into the 21st century. Several potentially relevant tools that could help address bycatch in the set gillnet fishery include:

- improved gear-marking to help address whale entanglements;
- increased observer coverage, potentially through a state-managed observer program to ensure interactions with rare and endangered species are accounted for;
- electronic monitoring to improve data quality, assess impacts, and enforce regulations;
- limits of soak time to reduce mortality of non-target and discarded species;
- transitioning set gillnet effort to lower bycatch fishing methods through a transition program, among other management improvements.

Oceana and Turtle Island Restoration Network plan to speak about this issue at the April 24 meeting. We believe the OPC could play a helpful role in providing resources to the Department of Fish and Wildlife and to fishing participants to help find solutions that benefit both sustainable fishing communities and ocean biodiversity. Attached with this letter is a letter signed by 41 organizations supporting the need to address bycatch issues in the set gillnet fishery, as well as a report by Oceana and Turtle Island Restoration Network detailing the bycatch concerns of this fishery.

Advancing the long-term sustainability of fisheries such as the California set gillnet fishery offers the benefit of protecting marine ecosystems, port communities, and coastal economies, particularly in the face of a changing climate. We are grateful for the incredible work the OPC and its leaders have accomplished and are continuing to pioneer, appreciative of the opportunity to speak to this issue, and look forward to further discussions on sustainable fishery management.

Sincerely,

Geoff Shester, Ph.D.
Oceana

Scott Webb
Turtle Island Restoration Network

*Attachments: Letter to California Fish and Game Commission
Report: "The Net Consequence: Impacts of Set Gillnets on California Ocean Biodiversity"*



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,

Uko Gorter
President
American Cetacean Society (National)

Joy Primrose
President
American Cetacean Society Oregon Chapter

Cary Strand
Community Outreach Coordinator
American Cetacean Society San Diego Chapter

Catherine Kilduff
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Andrew Johnson
California Representative
Defenders of Wildlife

Andrea A. Treece
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Ashley Eagle-Gibbs
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Environmental Action Committee of West Marin

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Heal the Bay

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Los Angeles Waterkeeper

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Dan Silver
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Pamela Heatherington
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Jason Schratwieser
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International Game Fish Association

Kimberly Ray
Founder & CEO
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Greg Helms
Manager Fishery Conservation
Ocean Conservancy

Kurt Lieber
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Courtney Vail
Campaign Director
Oceanic Preservation Society

Ann Dalkey
President
Palos Verdes/South Bay Audubon Chapter

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William Tippetts
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Laura Walsh
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Gilly Lyons
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The Pew Charitable Trusts

Erin Politz
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Scott Webb
Advocacy & Policy Director
Turtle Island Restoration Network

Harry P. Lynch
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Lisa Gilfillan
Ocean Conservation Manager
WILDCOAST

Karla Garibay Garcia
Senior Conservation Manager
Azul

Lynn Adams
President
Pacific Beach Coalition

Dr. Alissa Deming
VP Conservation Medicine and Science
Pacific Marine Mammal Center

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- [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>

California Ocean Protection Council

April 24, 2023

California at a Crossroad

Yearly atmospheric Carbon Dioxide (atm.CO₂) levels are rising at a rate over twice that of when the boomer generation were in their adolescents. The latest United Nations IPCC 6th Assessment Climate Report states that the world almost certainly will sail passed the 1.5° Celsius temperature limit set out in Paris in 2015. Scientific evidence is showing that the chemistry of the oceans is changing, resulting in Ocean Acidification (OA) and the devastating effects of Climate Change are witnessed throughout the globe. We are at a point in history where we have come to a crossroad where bold and courageous action must be taken if we are to move towards a decarbonizing path in the future.

Are we going to remain on the current self-destructing trajectory, or will we turn on a path of where investment in research and development steers us towards a future that offers hope to those we leave behind. To be clear, doing nothing and being content with the status quo, is the most destructive path we will force our children's children on.

The community of Morro Bay is at a crossroads of sorts as well, decisions regarding California's Decarbonizing, Climate Change Adaptation, and Environmental Justice goals are on display. There are predominantly three (3) imminent matters that our community is facing:

1. Offshore Wind Farms
2. Battery Storage
3. Marine Sanctuary consideration

Offshore Wind Farms (OWF)

California has set bold decarbonization goals and Offshore Wind Farms (OWF) are an integral part of achieving those goals. OWF technology has been advancing globally creating commercial investment opportunities that directly address Climate Change. With these commercial opportunities come responsibility and an accountability to advance education and better understanding of current climate challenges that we as humanity are facing. The commercial profits yielded by private investors must be coupled with the needs of coastal communities. Fiscal benefits from OWF profiteers must be shared with local governmental agencies supporting these commercial endeavors. Morro Bay is the closest safe harbor to the proposed Morro Bay Wind Energy Area (WEA) and lends itself well to supporting what is referred to as Crew Transfer Vessels (CTV). CTV transfer small crews to Wind Turbine installations for day-trip operations and maintenance visits and inspections. These vessels are estimated to be in the maximum length of 90 foot and draw approximately 10 feet. With plans to dismantle the existing, now defunct, Morro Bay Power Plant (MBPP) property, Morro Bay has an opportunity to play an active role in OWF development and operations. By creating a sustainable funding source from OWF investors in collaboration with available Federal Infrastructure funding, Morro Bay would have the financial means to address

Harbor related SLR issues and the imminent need for a Harbor Infrastructure resiliency and improvement plans. Providing OWF first responders with a safe harbor will be an indispensable asset. The antiquated commercial uses of the MBPP could be transformed into a support facility for OWF CTV and could create employment opportunities for local fisherman and local skilled labor force. An added benefit of a OWF CTV facility is that the local Harbor Rescue and US Coast Guard would have a means and tools to support each other's mission in the spirit of collaboration.

Throughout California local coastal governmental entities are struggling with Affordable Housing and availability challenges. Local Climate Science researchers and students are challenged to find affordable housing in the general areas where the research is performed. With a sustainable and reliable OWF funding source, cities like Morro Bay could implement affordable housing programs that would target the housing needs of local educators, students and researchers studying the various aspects of Climate Change and OA in their respective areas. In addition, supporting programs like the California College Corps would organically help facilitate public awareness of local and global implications of Climate Change.

Another important factor to consider is sustainable funding for comprehensive baseline monitoring in and around the proposed Morro Bay WEA. Recent legislation, AB 80 (Addis) calls for; 'an appropriation by the Legislature, to establish and oversee, in coordination with other unspecified state agencies, a West Coast Offshore Wind Science Entity for the purpose of ensuring that comprehensive baseline monitoring of the California ocean ecosystem as well as targeted research are available and used to inform state and federal decisions, as provided.'

In addition to coordinating with other unspecified state agencies in establishing baseline data, the West Coast Offshore Wind Science Entity could potentially collaborate with NOAA and support the installation of a Pacific Marine Environmental Laboratory (PMEL) OA monitoring buoy. PMEL buoy monitors ocean water chemistry and atm.CO₂ and the resulting ocean carbon intake. By supporting these efforts and making the data available, local researchers would be provided with comparable ocean carbon intake data with those taken in coastal areas like the Morro Bay Estuary. These efforts would help support local researchers and educators like the Cal Poly Carbon Lab studying OA in the Morro Bay Estuary. (<https://bockmon.wixsite.com/oceancarbonlab>)

Morro Bay's Battery Storage System (BESS) (proposed)

An overwhelming number of Morro Bay residents oppose the installation of BESS on the Vistra owned MBPP property. Significant issues and concerns ranging from fire risks causing hazardous air quality events, near residential areas and the local High School; environmental risks to the Morro Bay Estuary and potential domestic terrorism to name a few. With the California Coastal Commission's (CCC) insistence for Morro Bay to relocated its Wastewater Treatment facility (WWTP) to an inland location due to Climate Change concerns, siting a potentially hazardous BESS facility in the adjacent area to the old WWTP site appears inconsistent to CCC goals. In other words, the same reasons that were given for not allowing the city to keep the WWTP at its original location could be used to deny the BESS project as proposed in its current location. As stated above, a much better use for Vistra's property would be to build supporting infrastructure for OWF CTV. Such a facility would have, fuel depots, maintenance equipment and crew facilities to name a few.

Proposed Marine Sanctuary

As the proposed Chumash Heritage National Marine Sanctuary (CHNMS) moves through the NOAA selection process, a troubling phenomenon is taking place. As someone who has been involved since 2012 with moving towards establishing a Sanctuary off these California coastal waters, i would like to offer an observation and my perspective on the current state of affairs. With our country in one of the most politically polarizing times in recent history, we must be conscience that our actions, motives and language are true and clear. As someone who is first generation from Polish immigrant parents, my perspective towards Indigenous First Peoples and American history is somewhat unique. Years ago, i would meet with my friend, the late Fred Collins Administrator of the Northern Chumash Tribal Council (NCTC), and discuss various plans and challenges facing the establishment of the first Tribally nominated Marine Sanctuary, One thing that was always a fundamental theme was inclusivity and benefits to all peoples, present and future generations. Through the years, in promoting the establishment of the first Indigenous recognized sanctuary, one complaint has surfaced repeatedly, that being the name for the sanctuary designation. In keeping with a theme of inclusivity, elevating one tribe above another brings forth a divisive nature to what should yield unification. This is why i believe that in the spirit of unity, respect and inclusivity the proposed Marine Sanctuary should recognize and represent all Indigenous peoples and reflect as much. A discussion amongst First Peoples representatives and stakeholders needs to occur and a broader indigenous representation designation be adopted; for example, Central Coast Indigenous Peoples National Marine Sanctuary; might be a place to start.

In conclusion, supporting local governmental entities and being sensitive to local challenges, state and federal legislators have an opportunity to achieve California's ambitious decarbonizing goals in a manner that integrates indigenous knowledge and scientific research with local citizen science groups that face social challenges in their respected coastal communities. Several years ago, an Ocean Science Trust associate scientist, Ryan Meyer wrote an article addressing the need to link science to innovation and policymaking. Mr. Meyer stated the need of collaboration and trust building across disciplines there is also a need for integration with 'boundary organizations' that 'live in the boundaries and specialize in working across various domains. (Reference article, Scientist, and policymakers: wave goodbye to the valley of death)

<https://www.theguardian.com/science/political-science/2013/may/31/scientists-policymakers-goodbye-valley-death>

Thank you for all that the California Ocean Protection Council and its excellent staff have accomplished and are pushing forward for the betterment of those we leave behind.

Respectfully,

Richard E.T. Sadowski & Marla jo Bruton-Sadowski

Submission of Written Comments for Ocean Protection Council Meeting on April 24, 2023 Agenda Item #10 Public Comment on Non-Agenda Items

aeboken

Fri 4/21/2023 9:49 AM

To: CNRA COPC Public <COPCPublic@resources.ca.gov>

Cc: Charles Head <charlesnhead@hotmail.com>

TO: Ocean Protection Council

FROM: Coalition for San Francisco Neighborhoods

Eileen Boken, State and Federal Legislative Liaison

RE: Submission of written comments for Ocean Protection Council meeting on April 24, 2023 agenda item #10 Public Comment on Non-Agenda Items

Following up on the Coalition's comments at the January 24, 2023 meeting of the Ocean Protection Council regarding the inclusion of the waters off San Francisco's Ocean Beach in the Greater Farallones National Marine Sanctuary as a non-contiguous area.

Officially, the Farallon Islands and the waters between the Farallones and San Francisco's Ocean Beach are within in boundaries of the City and County of San Francisco.

More specifically, they are within the boundaries of the San Francisco Board of Supervisors District #4.

District 4 includes the following neighborhoods: Sunset, Parkside, Crestlake and Pine Lake Park.

With the most recent redistricting, District 4 also includes the Lakeshore and Merced Manor neighborhoods.

On a clear day, the Farallones can be seen from many of these neighborhoods.

The Coalition for San Francisco Neighborhoods recently provided comments at the Coastal Commission on March 8, 2023 regarding the inclusion of the waters off San Francisco's Ocean Beach in the Greater Farallones National Marine Sanctuary.

In recent years, the Superintendent of the Greater Farallones National Marine Sanctuary has expressed the Sanctuary's concern regarding the discharge from the outfall pipe at the Oceanside Treatment Facility.

San Francisco has a combined sewer system which processes both wastewater and stormwater.

Currently, there are 10 - 11 millions of gallons per day discharged from this outfall pipe.

However, when the recycled water facility at the Oceanside Treatment plant comes online later this year, the discharge will be reduced significantly to 5 - 6 millions of gallons per day.