

Alliance of Communities for Sustainable Fisheries
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April 1, 2003

The Honorable Dede Alpert
California State Senate
State Capitol
Sacramento, CA 95814

Re: SB 236

Dear Senator Alpert:

The Alliance of Communities for Sustainable Fisheries represents fishermen and ports off the California Coast wish to comment on SB 236 and put the fishing practice of trawling into its proper context.

Trawling is not a new fishing technique in the world or off of the California coast. Europeans have been trawling in the Atlantic Ocean for hundreds of years, while trawling began in California in 1876. Trawl gear is a very efficient method of harvesting fish and allows the production of seafood at reasonable prices.

The use of trawls has long been attacked by other fishermen. In 1948, W.L. Scofield wrote in the California Fish and Game Bulletin No. 72, "The other methods of fishing cannot compete successfully with trawling, hence the hatred of trawling through the years and the bitter denunciations heaped upon the trawl."

The simple fact is that trawls can catch more fish than other gears and some fish caught in trawl fisheries can only be caught using trawl gear. If the consumer wishes to enjoy fillet of flatfish sole, salad shrimp, or prawns then trawl gear must be used. We need trawls to catch the amount of fish needed by local communities. For some stocks, trawl is the only economically viable method of fishing.

Over the past decades, as fishery managers began to more intensely regulate all fishing activity, quotas were set. In some cases these quotas were allocated between the various gear groups and between commercial and recreational fishermen. Once again trawlers found themselves under attack. This time however, their attack motive was to better position themselves for increased allocations of fish that are caught by trawlers and other users. This practice of trawl bashing generally took the form of making outrageous claims of bycatch and waste. The intent was to smear trawlers in the eyes of regulators so that trawling would be viewed with disfavor and these fish that trawlers caught would be made available to another user group. In response, the trawl industry on the Pacific Coast participated in several studies to document the level of bycatch. These studies demonstrated that the amount of fish caught and not retained was much lower than attackers would like to believe and in fact the majority of fish caught and discarded was directly related to the regulations themselves, by cutting back on fish retention.

There are a number of definitions of bycatch. But, generally these focus on fish that are caught and not part of some ill-defined concept of target species. The fact is, when fishermen go fishing, they would like to keep everything that they catch, however, very often regulations require fish may not be retained and mandates it be discarded.

Last summer the Department of Fish and Game prepared a report concerning the catch of rockfish and other groundfish in the state managed trawl fisheries. Unfortunately, because of how this data was sorted and then aggregated, not all of their work is useful. For example, the data was sorted for all landings that contained California halibut, this resulted in including those landings by fishermen who fish for groundfish that also legally landed a California halibut. To be useful the data should have been sorted one more time, removing the deliveries of fishermen fishing with Federal groundfish permits.

Similarly, the data for ridgeback and spot prawn were lumped together even though they are very different fisheries. Since then the spot prawn fishery has been closed by Fish and Game Commission. [Emphasis added]

Fortunately, the data was useful for the Ocean (Pink) shrimp and Sea cucumber fisheries. In both cases the amount of rockfish or groundfish caught was less than 1%. The shrimp fishery requires the use of fin-fish excluders. These devices are so effective at releasing any fin-fish that the Oregon Department of Fish and Wildlife in their 2003 Annual Pink Shrimp Review stated that the Pink shrimp fishery is one of the cleanest fishing trawl fisheries in the world. Some fishermen in the Pink shrimp fishery are talking about petitioning for Marine Stewardship Council Certification.

To put this bycatch in perspective with other gears and user groups consider that according to the California's Living Marine Resources: A Status Report, December 2001 (LMR) there are 17.8 million fish caught recreationally each year, while only 9.6 million of them are brought ashore. Similarly, other important commercial fisheries result in smaller fish caught and not landed.

In more recent years, concern has been raised about the impact of trawl gear upon the benthic environment. For many the sight of what appears to be very large heavy fishing gear sitting on a dock creates the impression that this same gear is on the ocean floor crushing everything that it contacts. In reality, the specific gravity of trawl gear makes it much lighter in the water and when deployed the gear is "flying" through the water. The movement of trawl gear through the water has been compared to the movement of spinning lures used by recreational in a mountain stream. If an angler reels his lure in too fast the lure rises in the water. If the lure is retrieved too slowly, the lure falls to the bottom. Trawlers tow their gear at a speed to easily move their net above the ocean floor.

Last year the National Academy of Science published a report on the impacts of trawls and dredges gear on the seafloor. This report presents a model that relates the impact on the ocean bottom with bottom substrate and frequency of natural disturbance. The ocean floor type with the lowest potential disturbance from fishing is the area with sandy bottom, while the area with the greatest potential impact is rocky area with large boulders. Across this gradient, the potential impacts from fishing increases with frequency fished.

So where do the fisheries impacted by SB 236 take place? Referring to California's Living Marine Resources: A Status Report (December 2001) these animals generally live on sandy to mud bottoms. In order of occurrence in the report, the following characterizes their habitat:

Ocean shrimp (Pink shrimp): "Concentrations of shrimp generally remain in well-defined areas or beds from year to year. These areas are associated with green mud and muddy-sand bottoms."

Ridgeback prawn: "This species occurs on substrates of sand, shell and green mud."

Sea cucumber: "Sea cucumbers are epibenthic detritivores that feed on organic detritus and small organisms within the sediments and mud."

California halibut: "Adult California halibut inhabit soft bottom habitats in coastal waters generally less than 300 feet deep, with the greatest abundance at depths of less than 100 feet."

How much area is fished by these State managed trawl fisheries and how frequently do they return to the same grounds? The National Academy of Science report characterizes the level of trawl fishing on the West Coast as low compared to other areas of the country. The report indicates that the amount of trawl activity was similar in all three states, with slightly higher effort occurring off Oregon. The report states that in the mid-1990's, in the area off California, about 15% of this area was swept with a trawl tow at least once per year. The remaining 85% of the area averaged less than one tow per year. This means that 85% areas had

been towed only once every few year or not at all. Additionally, according to the report the amount of trawl activity had dropped by 60% by the late 1990's. Presenting recent Oregon data to show this decline in trawl activity the report indicates that in the late 1990's the area fished more than once per year had drop to 6% of the total area. This indicates that trawl fishing is not only light, it is also concentrated into a very small area of the total ocean seafloor. The regulations that have been implemented since 2000 have likely reduced the area fished once again by around one-half.

Many of the "declarations and findings" in SB 236 are simply not true or do not pertain to West Coast trawl fisheries. One finding states that the "Protections provided to the marine environment should be as effective as those provided to the terrestrial environment". If this were turned around and reworded so that impacts on the terrestrial environment can not be greater than the impacts caused by trawl gear in the marine environment, California would not have its large cities and freeways or lead the world in agricultural production. The message given by this bill is improvements to sustainable fisheries are possible, but not allowed.

As presented, SB 236 creates a double standard. Trawl gear is singled-out for a bycatch standard that most other commercial or recreational fisheries could not meet. Trawl gear is put into the position of proving that it does not cause significant environmental harm while no other gear group or user group is being held to the same standard. Lastly, the bill instructs the Commission to establish a program to provide assistance to those that will be adversely impacted by the bills restrictions. However, it provides no funding for such a program.

SB 236 is ill conceived and not warranted. The bill assumes habitat destruction and wastage that are not supported by facts. We urge you to withdraw your bill.

Sincerely,

Kathy Fosmark, Co-Chair

Mike Ricketts, Co-Chair

Supporting Associations & Organizations

Pacific Coast Federation of Fishermen's Association
Port San Luis Commercial Fishermen's Association
Morro Bay Commercial Fishermen's Association
Monterey Commercial Fishermen's Association
Fishermen's Association of Moss Landing
Santa Cruz Commercial Fishermen's Association
Half Moon Bay Fishermen's Marketing Association
Fishermen's Alliance
Western Fish Boat Owners Association
Ventura County Commercial Fishermen's Association
Federation of Independent Seafood Harvesters
Golden Gate Fishermen's Association
Port San Luis Harbor District
City of Morro Bay Harbor
City of Monterey Harbor
Moss Landing Harbor District
Santa Cruz Port District
Pillar Pt. Harbor, San Mateo County Harbor District