

## **REASONS THAT TRAWLERS SHOULD BE ALLOWED TO CONTINUE TO FISH FOR CALIFORNIA HALIBUT OUTSIDE THE 3 NAUTICAL MILE LINE IN MONTEREY BAY**

**WHY NOT:** Because DFG Code Sec. 8841 (h) says “Except as provided in Section 8495 or 8842, it is unlawful to engage in bottom trawling in ocean waters of the state.” We believe this may have been an inadvertent effect of bill language, since the DFG was not aware of the State waters line in Monterey Bay based on how enforcement staff monitored trawling well after the bill’s passage. Further, 8841(h) conflicts with Sec. 8836, which specifically allows trawling outside 3 miles in waters of Monterey Bay.

### **WHY:**

1. **There is no valid scientific reason** to disallow trawling outside 3 nautical miles in Monterey Bay: The sandy/mud bottom trawling done by a few small, artisanal trawl boats there:

- is a sustainable fishery,
- does no harm to bottom habitat, and
- does not conflict with other users.

Under these conditions and present Fish & Game Code, the Commission may authorize specified trawl areas under its jurisdiction [F&G Code Sections 8841 (a), (b), and (e)]

2. **Consistency with MLMA:** The Southern California Trawlers Association commented at every opportunity during legislative hearings and negotiations on the bill that language of Sec. 8841(h) was inconsistent with other statutes and not germane to the stated purpose of the bill, i.e., constructing a halibut trawl limited entry permit. 8841(h) is inconsistent with many of the goals of the Marine Life Management Act with respect to fostering sustainable coastal economies.

3. Longstanding **traditional halibut and flatfish trawl grounds:** Trawlers have been trawling in that area since about 1915, with no evidence that catch rates have gone up or down due to anything but natural variability, and no indication that habitat has been harmed by trawling in sandy mud. If there were any significant, lasting habitat damage, halibut would long ago have been eliminated from the area. This is a sustainable fishery on sandy/mud bottom that is not doing damage to ecosystems or biogenic habitat like deepwater corals and sponges. In fact, objective scientists might point to the potential seafloor disturbance of these specific lighter trawl doors in sediment habitats as an “intermediate-level” disturbance, and, under the intermediate disturbance hypothesis in ecology, this actually increases species diversity and therefore tends to improve overall ecosystem health.

4. **Consistency with Pacific Fisheries Management Council Essential Fish Habitat Designation:** The specific area in Monterey Bay that our Association suggested remain open to halibut trawling during the Groundfish Management Plan Essential Fish Habitat discussion at the Pacific Fisheries Management Council was approved by the Council. In fact, DFG staff assisted SCTA members in delineating this area by providing the geographic coordinates of the boundaries of the area in GIS format to be compatible with all of the other graphics being used to decide which areas to close and/or leave open for Essential Fish Habitat (June, 2005).

5. A **low-volume, high-value fishery, with low impact** as envisioned by proponents of the Ocean Protection Council’s California Fisheries Fund. With the new emphasis on low-volume, high-value fisheries being placed on California fisheries by policy set at the California Ocean Protection Council, this halibut trawl fishery outside 3 miles fits the profile exactly:

- live halibut are brought to market, fetching added value
- only small horsepower/net capacity boats are fishing these halibut grounds
- only small numbers of halibut are brought in each day by each boat
- the fishery provides fresh local fish to local markets, supporting shore-based community infrastructure
- for some boats, 70-80% of annual income is made during this time. With limited entry on all CA fisheries at this point, there are no substitutes for this income

- seasonal only: 6 month fishery in the summertime

**6. Minimizes Carbon Footprint:** As one sustainable seafood expert put it, “Once you put it in a plane, all bets are off” (re: sustainable seafood). This fishery is close to port, minimizing the carbon emitted to bring the fresh local food to market, especially when compared to the imports that have filled the gaping market hole created when this area was inadvertently closed.

**7. Does not conflict with other ocean uses:**

- no conflicts with recreational fishermen in the specified area
- no conflicts with other recreational or commercial uses of the ocean in the area
- no conflicts with the new COOS ocean observatory equipment or other research interests

**8. No marine mammal or seabird interactions:** Sea birds, otters, seals, sea lions, whales, dolphins or porpoises are not taken in halibut trawl nets in Monterey Bay (nor in the California Halibut Trawl Grounds).

**9. Relationship between tourism and commercial fishing:** Testimony before the F&G Commission claimed that tourism is so large, and commercial fishing so small (economically) in Monterey Bay, that continuing fishing would be deleterious to tourism. This actually is contrary to the known tourism draw in Monterey Bay, i.e., a commercial fishing working harbor. Commercial fisheries are a net benefit to tourism in Monterey Bay, not a detriment, as demonstrated by recent tourism surveys. The relationship between Tourism and Fishing has been formally considered in a recent study commissioned by the Alliance of Communities for Sustainable Fisheries. The study, of three Coastal Communities, can be found at [www.alliancefisheries.com](http://www.alliancefisheries.com), under “reports”.

Further, there is little to no nexus or interaction between trawling outside of 3 miles from shore and shore-based tourism, except that tourists like to see fishing boats unload in Monterey Harbor, and like to buy fresh local seafood from Monterey markets and restaurants. The only possible time when tourism based activities would even be aware of commercial fishing 3 miles or more from shore is when whale watching boats are out, and, for gray whale-watching season, the timing doesn’t overlap with this summer fishery for halibut at all.

**10. Reduced footprint from traditional trawl grounds for halibut:** Instead of 3 miles out to 60 fathoms as traditionally done, the proposal is for three miles out to only 40 fathoms. This avoids any interaction with the Soquel Canyon edge, and does not overlap at all with the Soquel Canyon State Marine Conservation Area recently designated under MLPA.

**11. Restricted seasonal fishery:** The period of time that is good fishing for halibut in this little corner of Monterey Bay is from May to September, not year ‘round, so this is proposed to be a seasonal fishery, May to September.

**12. Light-touch Paranzella Net to be used:** The trawl net and doors proposed to be used in this Monterey Bay halibut fishery are identical to the gear recently approved by the California Fish and Game Commission and Department of Fish and Game for the California Halibut Trawl Grounds. The Commission adopted findings, in continuing to allow this fishery in the California Halibut Trawl Grounds, that the fishery

- minimizes bycatch
- is likely not damaging seafloor habitat
- is not adversely affecting ecosystem health, and
- is not impeding reasonable restoration of kelp, coral, or other biogenic habitats.

These criteria are said to be the most stringent set of standards ever applied to a California bottom-contact fishery.