



November 30, 2022

The Honorable Chuck Schumer  
Majority Leader  
United States Senate

The Honorable Nancy Pelosi  
Speaker of the House  
United States House of Representatives

The Honorable Mitch McConnell  
Minority Leader  
United States Senate

The Honorable Kevin McCarthy  
Minority Leader  
United States House of Representatives

Dear Majority Leader Schumer, Minority Leader McConnell, Speaker Pelosi, and Minority Leader McCarthy,

We respectfully ask you to prioritize and approve the ***Driftnet Modernization and Bycatch Reduction Act (H.R. 404 and S. 273)***, again, as you did in the 116<sup>th</sup> Congress. This bipartisan legislation will finalize the transition of the California drift gillnet swordfish fishery, the last fishery in the country that uses large mesh drift gillnets.<sup>1</sup> At a time when few issues find consensus, this legislation finds support from a diverse coalition of sport fishermen, recreational fishing businesses, ocean conservationists and wildlife advocates.

<sup>1</sup> In 2018, California passed bi-partisan legislation to phase-out state drift gillnet permits. Thirty-eight California state drift gillnet permit holders participating in the program. <https://www.opc.ca.gov/2022/11/phase-out-drift-gillnets/>

We represent recreational anglers and businesses who seek to conserve highly migratory species and healthy ocean ecosystems. Our members have spearheaded conservation-minded changes in recreational and commercial fishing to ensure healthy and sustainable fisheries resources for the benefit of current and future generations. To this end, we have not merely focused on the elimination of the bad, but the adoption of sustainable commercial fishing gear.

Decades ago, drift gillnets were erroneously allowed to take hold in the Pacific. As we have worked to remove drift gillnets from all U.S. waters, they have caught countless marine mammals, sea turtles, sharks and marlins. The 1990 Magnuson Stevens Act Reauthorization banned nets longer than 1.5 miles inside the U.S. Exclusive Economic Zone, and multi-mile high-seas nets were eventually banned worldwide, but the shorter nets were still fished off California. Large scale drift gillnets have been prohibited in the Atlantic, the Gulf of Mexico, Alaska and the Hawaiian Archipelago and dozens of nations have banned the gear. The Pacific fishery is a holdout.

This legislation does more than remove drift gillnets from U.S. waters. It gives the U.S. greater ability to restrict the importation of swordfish caught with drift gillnets which are responsible for an intolerable amount of marine mammals and sea turtle mortality every year. In addition, globally, more than 3963 km<sup>2</sup> of gillnets are lost at sea every year and continue to capture and kill marine species as ghost gear.<sup>2</sup>

An alternate, sustainable swordfish gear is being adopted in California and is on the verge of authorization. Deep-set buoy gear targets swordfish in the same near-shore waters as drift gillnets, but more than 90% of the catch is swordfish. Compare this to drift gillnets and the future becomes clear. In the 2021/2022 fishing year, independent observers recorded catch and discards for 20% of the 195 drift gillnet sets.<sup>3</sup> Based on the observed sets, the California swordfish drift gillnet fishery:

- caught 1 marine mammal for every 3 swordfish landed;
- discarded more than 8 fish for every 1 swordfish landed;
- killed 1 common dolphin for every 4 swordfish;
- caught a total estimated 92 marine mammals, 87 of which were released dead.

Since its inception, large mesh drift gillnet has required continued regulation to constrict and constrain it in time and space in order to reduce its impacts on our open ocean ecosystem. Notwithstanding the many management measures and reduced fishing effort, this fishery continues to interact with protected species. In 2021, despite a relatively small fleet with low observer coverage, federal observers document the fishery caught two humpback whales. The humpback whale populations off California are listed as endangered under the U.S. Endangered Species Act.

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<sup>2</sup> Richardson et. al., Science Advances, 12 Oct 2022, Vol 8, Issue 41.

<sup>3</sup> National Marine Fisheries Service Report on Highly Migratory Species Activities. Available at <https://www.pcouncil.org/documents/2022/06/g-1-a-supplemental-nmfs-report-1-3.pdf/>

The bill also includes an unrelated provision to authorize a market-based mechanism allowing the transfer of Alaska halibut quota shares from the commercial fishing sector to the charter fishing sector. This provision has been championed by the Alaska delegation on behalf of its fishing community, and we support it as well.

We urge you to take speedy action and all necessary steps to again pass the *Driftnet Modernization and Bycatch Reduction Act*. Thank you for your consideration and your commitment to conserving our ocean resources.

Sincerely,

American Sportfishing Association

Backcountry Hunters & Anglers

BoatUS

Bonefish & Tarpon Trust

Balboa Angling Club

Center for Sportfishing Policy

Coastal Conservation Association

Coastal Conservation Association of California

Congressional Sportsmen's Foundation

Dana Angling Club

Guy Harvey Ocean Foundation

Laguna Niguel Billfish Club

Los Angeles Rod & Reel Club

Marine Retailers Association of the Americas

National Marine Manufacturers Association

Northwest Sportfishing Industry Association

Recreational Fishing Alliance

The Billfish Foundation

The International Game Fish Association

Theodore Roosevelt Conservation Partnership

Wild Oceans