



SB 1114

SUSTAINABLE SWORDFISH AND MARINE LIFE PROTECTION ACT

(as proposed to be amended March 2016)

SUMMARY

SB 1114 will end the most harmful fishing practice on the West Coast by immediately reducing the number of damaging drift gillnets (DGN) used to catch swordfish off California's coast, and phasing out the remaining few drift gillnet permits. The bill transitions the industry to the more sustainable deep-set buoy gear.

BACKGROUND

California is the last state on the West Coast that still allows the use of harmful drift gillnets in its swordfish fishery. Large scale drift gillnets have been banned on the high seas, in all other states, and in many countries worldwide because of the unavoidable impacts on marine wildlife, including whales, dolphins, sharks, pinnipeds, and sea turtles. Many of the species harmed are protected under state and federal law or covered under international agreements, such as the sperm whale, leatherback sea turtle, loggerhead sea turtle, common thresher shark, Bigeye thresher shark, smooth hammerhead shark, scalloped hammerhead shark, shortfin mako shark and longfin mako shark.

Drift gillnets are responsible for the death of an estimated 16 endangered sperm whales in the last decade. An estimated 22 Pacific leatherback turtles (an endangered species) and loggerhead sea turtles also have been caught. If more than one Pacific leatherback is killed in a six year period from any human activity, the entire population recovery is at risk. One leatherback was killed in 2015, which means that the continued operation of the DGN fishery increases the risk that we

will exceed the six year cap on leatherback turtle mortalities and jeopardize the entire population. There are only about 1438 of these sea turtles left, and they are on a course to go extinct by 2030. Drift gillnets have also caught at least five megamouth sharks, a species so rare that fewer than 102 have ever been seen worldwide. 885 other marine mammals have been killed by drift gillnets in the last decade.

According to data collected by the National Oceanic and Atmospheric Administration's observation program, California's drift gillnet fishery kills or injures approximately seven times more whales and dolphins than all other observed fisheries in California, Oregon, Washington, and Alaska combined, and 13 times more than any other single observed fishery on the West Coast. In fact, more than two-thirds of what is caught in California's drift gillnets is bycatch – not the target species being fished.

Because of the high bycatch associated with drift gillnets, researchers and regulators have been investigating alternative gear. Currently, the Pacific Fisheries Management Council is considering how to allow for the use of deep-set buoy gear for swordfish fishing. This gear has been deployed on the east coast and, through grants from the Ocean Protection Council, experimentally in California where it has proven to be among the most sustainable methods to catch swordfish. As opposed to drift gillnets, about 94 percent of the catch from deep-set buoy gear can be kept and sold at market.

SOLUTION

SB 1114 will transition California's swordfish fishery away from harmful drift gillnets to more sustainable deep-set buoy gear by authorizing the new technology for use in California while phasing out the drift gillnets. Specifically, the bill requires the California Department of Fish and Wildlife to establish a new deep-set buoy gear permit program and offer the new permits first to current holders of drift gillnet permits. The 15-20 fishermen with current drift gillnet permits who have been actively fishing under their permit since 2010 will be allowed to continue to use the old gear but will not be allowed to sell or transfer the permit. The bill also offers incentives to these fishermen to retire their drift gillnet permits early. If their permit is retired by June of 2019, they can receive two extra deep-set buoy gear permits. If they retire their permit by June of 2022, they can receive one extra.

Latent permits, those held by fishermen who do not use their drift gillnet permit, will be retired immediately, but these permit holders will be given the opportunity to get a deep-set buoy gear permit. Retiring these permits is critically important to prevent an expansion of DGN use, particularly into the Pacific Leatherback Conservation Area north of Point Conception. Some fishermen have advocated for reopening the Leatherback Conservation Area to the drift gillnet fishery in an effort to make the swordfish industry more profitable.

SB 1114 offers a balanced approach, ensuring California moves away from ecologically damaging drift gillnets without crippling the fishery or putting the last remaining active fishermen at a disadvantage.

SUPPORT

Turtle Island Restoration Network (Sponsor)

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