



OCEANS:

Feds issue emergency rule on Calif. drift gillnet fishery's impact to sperm whales

Laura Petersen, E&E reporter
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Federal managers issued an emergency rule today requiring California's drift gillnet fishery to shut down if a single endangered sperm whale is seriously injured or dies from entanglement.

The National Marine Fisheries Service is also mandating that fishermen who want to fish in water deeper than 6,500 feet, where sperm whales are more likely to swim, must take an independent observer onboard to monitor bycatch. To ensure compliance, all vessels in the fishery are required to install tracking devices.

The rule issued today will apply for the current fishing season, which runs from mid-August to the end of January.

The temporary rule will buy NMFS more time to look at a wider range of options, said Craig Heberer, lead fisheries biologist for the highly migratory species federal fishery management plan. The agency plans to reconvene its take reduction team in the next few months to conduct a more thorough analysis and develop long-term proposals, he said.

The agency is seeking ways to reduce the risk of entanglement after two sperm whales were snared in 2010. NMFS said up to 14 other

interactions were likely undetected. While fishermen had avoided the sperm whales for more than a decade, that was more than the imperiled species could withstand, Heberer said.

After analyzing data about entanglements and sitings, managers "felt reasonably comfortable the fishery could proceed if we put additional conservation measures in place," Heberer said.

Conservation groups applauded the measure but noted that California is still the only state on the West Coast that allows this type of fishing gear.

"Gillnets are deadly for endangered sperm whales, so these emergency rules give them at least some protection this year," said Catherine Kilduff with the Center for Biological Diversity. "But whales are only the tip of the iceberg when it comes to the deadly toll California's drift gillnets take on other sea animals."

Large drift gillnets are set out at night to catch swordfish and thresher sharks but also snare more than 100 protected whales, dolphins, seals and sea lions each year, according to the environmental group.

NMFS recently designated the fishery as "Category 1" under the Marine Mammal Protection Act, indicating it causes "frequent" injuries or death.

The Center for Biological Diversity, Oceana and the Turtle Island Restoration Network had announced their intent to sue NMFS a year ago for issuing permits for the gillnet fishery, despite unacceptable levels of take of endangered sperm whales (Greenwire, Sept. 10, 2012).

However, no suit was filed after the agency began working on additional management measures. Heberer said the agency had a continuing dialogue with both fishermen and the environmental groups.

“I think the agency did a good job putting all the cards on the table,” he said, “explaining this is where we are at in trying to achieve the twin goals of a conservative, well-managed fishery without losing U.S. jobs and putting fishermen out of work.”