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September 3, 2014

Ms. Dorothy Lowman, Chair  
Pacific Fishery Management Council  
7700 NE Ambassador Place, Suite 101  
Portland, OR 97220

**RE: Agenda Item G.4 – Drift Gillnet Bycatch Update**

Dear Chair Lowman and Council Members:

We are writing to inform you that the National Marine Fisheries Service West Coast Region Observer Program recently released the May 2013 to January 2014 drift gillnet catch and discard data.<sup>1</sup> During this last fishing season, drift gillnets off California killed an estimated 53 marine mammals including short beak common dolphins, Northern right whale dolphins, California sea lions, gray whales and short-finned pilot whales. The drift gillnet swordfish fishery had an overall discard rate of 49 percent, an improvement over the previous six year average rate of 61 percent (May 2007 to January 2013). Observer coverage was up compared to previous years, to 34 percent, largely a result of emergency sperm whale measures. Nonetheless drift gillnets continue to take large whales, dolphins and sea lions, as well as finfish including striped marlin, megamouth sharks, hammerhead sharks, blue sharks and many others in pursuit of economically valuable swordfish.

The drift gillnet fishery killed an estimated six short-finned pilot whales last year, exceeding the Potential Biological Removal (PBR) level of 4.6 for this species. PBR is defined by the Marine Mammal Protection Act (MMPA) as “the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population.”<sup>2</sup> Therefore, exceeding PBR risks population level impacts. Exceeding PBR is a far cry from the zero mortality rate goal of the MMPA, which mandates that commercial fisheries “*reduce incidental mortality and serious injury of marine mammals to insignificant levels approaching a zero mortality and serious injury rate...*”<sup>3</sup> What is more, the drift gillnet fishery is the only “Category I” fishery on the U.S. West Coast because of its high impact to marine mammals. The only other Category I fishery in the entire Pacific is the Hawaii-based deep set longline fishery.

Drift gillnets are a cruel and inhumane way to kill animals. Some large whales actually break free from the nets but remain entangled with the net wrapped around their flukes and flippers. The gear adds substantial drag, which depletes energy reserves, and in most cases the animal ultimately dies.<sup>4</sup>

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<sup>1</sup>[http://www.westcoast.fisheries.noaa.gov/publications/fishery\\_management/swr\\_observer\\_program/drift\\_gillnet\\_catch\\_summaries/observeddgn2013-2014.pdf](http://www.westcoast.fisheries.noaa.gov/publications/fishery_management/swr_observer_program/drift_gillnet_catch_summaries/observeddgn2013-2014.pdf)

<sup>2</sup> 16 U.S.C § 1362 (20).

<sup>3</sup> 16 U.S.C § 1387(b)(1).

<sup>4</sup> Moore, M. 2014. Food for Thought: How we all kill whales. ICES Journal of Marine Science. doi:10.1093/icesjms/fsu008 (accessed from <http://icesjms.oxfordjournals.org/> 4 March 2014).

Fatally entangled whales can take, on average, six months to die as they succumb to disease, infection or starvation.<sup>5</sup>



**Figure 1.** A gray whale (left, 2013) and short-finned pilot whale (right, 2000) killed by California drift gillnets. An estimated 3 gray whales and 6 short-finned pilot whales were killed in the drift gillnet fishery in the 2013-2014 season. Photos: NOAA.

Some animals that break free with netting wrapped around their necks become increasingly constricted by the entanglement. As the animal grows, the net cuts into the animals' tissue and it slowly lacerates the trachea. Wherever this gear is used, there is a substantial risk of unintended but inevitable marine mammal mortality, which is of concern to both welfare and population sustainability. The full extent of these impacts is not recorded in NOAA bycatch estimates, as those estimates only count the animals still entangled in the nets when retrieved and counted by observers. Anecdotal reports indicate delayed mortality is an issue and is occurring in this fishery.<sup>6</sup>

These data confirm the ongoing and inherent problem of bycatch in the California-based drift gillnet swordfish fishery. While a critical piece, placing hard caps only on a select list of endangered species will not solve the broader bycatch issues in this fishery. We request that you ultimately prohibit this gear type in the Highly Migratory Species Fishery Management Plan, and in the interim, please consider the bycatch proposal we submitted in this September briefing book where we propose hard caps for endangered species, non ESA-listed marine mammals and select finfish groups.<sup>7</sup>

Sincerely,

Ben Enticknap  
Pacific Campaign Manager and Senior Scientist

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<sup>5</sup> Moore, M. J., Bogomolni, A., Bowman, R., Hamilton, P., Harry, C., Knowlton, A., Landry, S., et al. 2006. Fatally entangled right whales can die extremely slowly. Oceans'06 MTS/IEEE–Boston, Massachusetts, September 18–21, 2006. <https://darchive.mblwhoilibrary.org/bitstream/handle/1912/1505/?sequence=1> : 3 pp (last accessed 21 March 2014).

<sup>6</sup> <http://www.petethomasoutdoors.com/2012/03/another-entangled-gray-whale-discovered-off-orange-county.html>

<sup>7</sup> PFMC September 2014 Briefing Book, HMS: [http://www.pcouncil.org/wp-content/uploads/G4c\\_PubCom\\_SEPT2014BB.pdf](http://www.pcouncil.org/wp-content/uploads/G4c_PubCom_SEPT2014BB.pdf) , at page 5.

## ATTACHMENT

May 1, 2013 to January 31, 2014 California Drift Gillnet Fishery, total estimated catch and discards (individual animals) extrapolated from NOAA Observer Program Data from 191 observed sets out of 559 total sets (34% observer coverage). See: [2013-2014 Drift Gillnet Bycatch Data \(NOAA Observer Program\)](#).

<b>SPECIES</b>	<b>Total Estimated Catch</b>	<b>Total Estimated Discards</b>	<b>Total Discard Mortality (Dead + Unknown)</b>
Swordfish	1,449	0	0
Striped Marlin	3	3	3
Albacore	1,130	64	64
Bullet Mackerel	550	354	354
Bluefin Tuna	539	18	18
Skipjack Tuna	217	140	140
Pacific Mackerel	73	73	73
Pacific Bonito	50	3	3
Unidentified Tuna	26	26	26
Common Thresher Shark	357	0	0
Shortfin Mako Shark	1,188	35	6
Blue Shark	407	407	316
Pelagic Stingray	15	15	0
Bigeye Thresher Shark	9	9	9
Megamouth Shark	6	6	0
Salmon Shark	3	3	3
Smooth Hammerhead Shark	3	3	3
Common Mola	3,986	3,986	35
Opah	474	3	3
Pacific Pomfret	149	88	88
Louvar	94	3	3
Oilfish	3	3	3
Remora	6	6	0
<b>Short Beak Common Dolphin</b>	26	26	26
<b>California Sea Lion</b>	9	9	9
<b>Northern Right Whale Dolphin</b>	9	9	9
<b>Gray Whale</b>	3	3	3
<b>Short-finned Pilot Whale</b>	6	6	6
<i>SUM</i>	<i>10,788</i>	<i>5,300</i>	<i>1,203</i>
TOTAL Marine Mammals Killed	53		
TOTAL Discard Rate	49%		
Percent of Discards that are Dead	23%		