



### **Pacific Fisheries Management Council Nomination for Shark Enemy Award**

The Pacific Fisheries Management Council (Council) oversees the United States drift gillnet fishery. In a ten-year period ending in 2014, this drift gillnet fishery caught a staggering 26,217 sharks – more than 2,600 every year.<sup>1</sup> This small fishery of fewer than 20 boats has an outsized impact on oceans around the world. Not only does this fishery kill thousands of sharks in the Pacific Ocean each year, it also prevents the United States from influencing other countries to abandon this destructive fishing practice.

### **Destruction in the Pacific and Around the World**

Catch from the drift gillnet fishery includes thousands of blue sharks, shortfin mako sharks, and common thresher sharks each year.<sup>2</sup> In the case of the blue sharks, of the 8,186 caught, a mere six were retained and the rest were discarded. Bycatch rates place this drift gillnet fishery among the worst fisheries in the world. For example, in the 2013-4 fishing season, 72 percent of the blue shark caught was tossed overboard dead.<sup>3</sup>

Many of the sharks, including the common thresher shark targeted by the fishery, are also protected by international trade agreements under the Convention for the Conservation of Migratory Species of Wild Animals (CMS) or the Convention on International Trade in Endangered Species (CITES). In fact, the drift gillnet fishery specifically targets Vulnerable species under the IUCN Red List<sup>4</sup>.

<sup>1</sup> All bycatch statistics for the California large mesh driftnet fishery are derived from NOAA Observer Program data, unless otherwise noted, available at [http://www.westcoast.fisheries.noaa.gov/fisheries/wc\\_observer\\_programs/sw\\_observer\\_program\\_info/data\\_summ\\_report\\_sw\\_observer\\_fish.html](http://www.westcoast.fisheries.noaa.gov/fisheries/wc_observer_programs/sw_observer_program_info/data_summ_report_sw_observer_fish.html)

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

<sup>4</sup> The IUCN considers “A taxon is Vulnerable when the best available evidence indicates that it meets any of the criteria A to E for Vulnerable (see Section V), and it is therefore considered to be facing a high risk of extinction in the wild”, see [http://www.iucnredlist.org/static/categories\\_criteria\\_3\\_1#critical](http://www.iucnredlist.org/static/categories_criteria_3_1#critical)

Management authorities, such as the Indian Ocean Tuna Commission, have ordered all vessels covered under its authority to release all thresher sharks alive on account of the severe depletion from historic levels.<sup>5</sup> Yet, Red Listed Vulnerable common thresher sharks, bigeye thresher sharks, along with longfin mako sharks and shortfin mako sharks make up 10 percent of the catch and are targeted, retained and sold, despite the fact that industrial fishing is precisely what threatens these species. In addition, Vulnerable blue sharks make up 5 percent of the catch, but are discarded dead because this shark species is of little to no economic value.<sup>6</sup> The drift gillnet fishery also has killed nearly a thousand blue sharks a year over the last decade.<sup>7</sup>

Based on projections of observer data, the drift gillnet fishery caught an estimated 16 megamouth sharks in the last decade<sup>8</sup>, which would represent 20 percent of all specimens known to science worldwide. The megamouth shark was only discovered in 1976, and since then fewer than 110 specimens have been reported<sup>9</sup>. This species is so rare that there is no adequate data to evaluate the population or conservation impacts of this take by the drift gillnet fishery. As one of only three large filter feeding sharks worldwide, the ecological and biological significance of this catch cannot be estimated. For a species as undeniably rare, even small numbers of individuals killed could sharply increase overall mortality rates and threaten the species.

The few individuals that make up the drift gillnet fishery for swordfish and shark in California prevent the United States from influencing other countries to abandon this destructive fishing practice. U.S. law provides several powerful mechanisms to use against foreign fisheries that catch marine mammals or other protected living marine resources in excess of U.S. standards, such as Section 101(a)(2) of the Marine Mammal Protection Act. Several of these legal mechanisms allow for bans on foreign imports if the imports do not meet U.S. standards, an action that would act as a strong incentive for additional countries to end or reduce use of drift gillnets.

### **Pacific Fisheries Management Council Obstinate Protection of Outdated Fishery**

Despite publishing a Fishery Management Plan in 2003 that is “intended to ensure conservation”,<sup>10</sup> the Council has failed for over a decade to reduce the drift gillnet fishery’s catastrophic bycatch to a reasonable level.

Concerns of profound depletion of thresher shark and other species’ populations prompted individual states such as Washington and Florida to ban drift gillnets in their waters.<sup>11</sup> Federal waters in the Pacific are the last area in the U.S. where drift gillnets are being used to target

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<sup>5</sup> Indian Ocean Tuna Commission, Resolution 12/9, available at <http://www.iotc.org/cmm/resolution-1209-conservation-threshersharks-family-alopiidae-caught-association-fisheries-iotc>

<sup>6</sup> This is particularly true of driftnet caught shark, as sharks leach ammonia into the flesh upon death if not bled immediately, which is only possible with harpoon or deep set buoy gear caught fish.

<sup>7</sup> NOAA Observer Program data, unless otherwise noted, available at [http://www.westcoast.fisheries.noaa.gov/fisheries/wc\\_observer\\_programs/sw\\_observer\\_program\\_info/data\\_summ\\_report\\_sw\\_observer\\_fish.html](http://www.westcoast.fisheries.noaa.gov/fisheries/wc_observer_programs/sw_observer_program_info/data_summ_report_sw_observer_fish.html)

<sup>8</sup> NOAA Observer Program data, unless otherwise noted, available at [http://www.westcoast.fisheries.noaa.gov/fisheries/wc\\_observer\\_programs/sw\\_observer\\_program\\_info/data\\_summ\\_report\\_sw\\_observer\\_fish.html](http://www.westcoast.fisheries.noaa.gov/fisheries/wc_observer_programs/sw_observer_program_info/data_summ_report_sw_observer_fish.html)

<sup>9</sup> Megamouth Shark, IUCN Red List of Threatened Species, available at <http://www.iucnredlist.org/details/39338/0>

<sup>10</sup> Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species, available at <http://www.pcouncil.org/wp-content/uploads/2016/03/HMS-FMP-Mar16.pdf>

<sup>11</sup> Washington State Register 01-21-141; <http://www.leg.state.fl.us/statutes/index.cfm?submenu=3#A10S16>

thresher shark and swordfish. An array of scientists, recreational fishermen, businesses and environmental groups have long encouraged the Council to phase out the use of drift gillnets. In response to inaction by the Council, California state legislators attempted to pass legislation to phase out the use of the drift gillnets. The Council continues to ignore the overwhelming support to phase out drift gillnets. Afraid California would succeed in ending drift gillnet use, the Council has moved to fully federalize the permit, which would take away California's ability to protect sharks and other ocean wildlife off its coast.

The Council continues to protect the drift gillnet fishery and defy scientific reason and public opinion. Despite the availability of more sustainable fishing alternatives, the Council has been adamant that drift gillnets must remain and that thousands of sharks must unnecessarily die. While fishermen are widely represented on the Council, environmental conservation groups have been excluded. Other regional councils have extended membership to conservation organizations, but commercial fishermen prevented inclusion of a voice for conservation at the Council. In short, the Council is a threat to shark and ocean conservation worldwide.

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