

NOM-029-PESCA-2006

Shark and Ray Fishing Regulation Goes into Effect, Creating a Potentially Devastating Blow to the Embattered Fisheries of the Sea of Cortez.

Against tremendous public outcry, NOM-029-PESCA-2006 went into effect on May 15th. This regulation, promoted as a way to stop the over-exploitation of sharks and rays, was rejected during the last two Presidencies, but strongly supported by commercial fishing interests in Ensenada, Sinaloa, Sonora, Mexican Fisheries (CONAPESCA) and some Mexican and United States NGOs.

The people of Baja California Sur and some NGOs believe that NOM-029 is a deeply flawed regulation that will have devastating consequences for shark and ray populations. Several clauses of NOM-029 will change current law in ways that will have profound negative effects on sharks and rays and other fish populations. Most Baja Mexicans and some NGOs believe these clauses are the real reason commercial fishing interests support this law, and that they will act as “Trojan Horses” to ultimately reverse the intended effects of the law.

THE THREE “TROJAN HORSES”

By-catch: NOM-029 does not restrict by-catch, allowing all “incidental” by-catch to be kept. By-catch runs about 60 to 80%. According to the INP National Report in 1999, two longliners out of Magdalena Bay killed 11,743 striped marlin in 9 months. This comprised 77.5% of the total catch. Panga longliners with shark permits from Manzanillo kill 80% sailfish, according to INP senate testimony, and sell 150 to 200 tons every month, according to Profepa.

Reduction in Protected Zones: Under current regulations no commercial fishing vessels are allowed to fish for or possess marlin, sailfish, dorado and other protected species within the 50-mile conservation zones. The only allowed fishing was under sportfishing bag limits. This law provided strong protection to a wide variety of marine life. Under NOM-029, these species can be targeted and retained. Commercial boats less than 30' can come within 10 miles of shore with longlines (section 4.2.1). Commercial longline boats between 30' and 89' can fish as near as 15 miles from the shore in the Sea of Cortez, and within 20 miles of the west coast of the Baja (4.7.3).





Current Permits: Section 4.3.1 of the new regulation restricts the issuance of new shark permits. However, according to reliable sources in the fishing industry, there are approximately 4,200 boats that will be fishing from existing shark permits. 308 permits have been issued to fishing boats over 89 feet, and 225 permits to boats 89 feet or less. More than 600 permits have been issued to pangas (22' to 30'), with 6 pangas able to work from one permit. Based on current fishing practices, this means there are can be more than 1.5 million hooks in the Sea of Cortez on any one day, fishing for sharks, rays and other species.

The rationale for those promoting this regulation has been “something is better than nothing, and this is only a start”. Opponents point out, however, that the regulation will likely increase the overall fishing pressure on the fisheries it aims to protect. This is particularly true for fisheries inside the current 50-mile protected zone, which will become new targets for commercial fishing. Shark populations will face more depletion. Longline boats will continue to rely on high levels of by-catch (billfish and dorado) that will deplete sport fisheries and negatively impact tourism.

The people of Baja California Sur are working together to get these regulations revised. Once NOM-029 became law, permits were issued to at least 225 medium-sized fishing boats. As it stands now, commercial boats will be able to fish under an “*amparo*” for at least a full year.

The people from BCS are demanding an immediate cancellation or suspension of the Shark Norma until the following modifications are included:

- 1. The 50-mile zones already in the law be respected. This protects sharks as well as all other species which live inside 50 miles of the coast.**
- 2. Incidental by catch be clearly defined, so that sportfish aren't commercially targeted.**

3. Sportfishing species which have been set aside by the Ley de Pesca for sport-fishing are to be respected and not commercialized.

4. Regionalization of permits, so that Sinaloan or Sonoran boats, where there are even fewer fish, can't come and overfish Baja waters.

5. The Armada de Mexico be in charge of inspection and vigilant enforcement.

6. Solid stock assessment and fishing effort data be compiled in a comprehensive environmental impact study which so far is not included.

SeaWatch's founder Mike McGettigan notes that in May alone, SeaWatch members and friends sent over 171,000 e-mail messages to Mexican government officials requesting changes to NOM-029. Although NOM-029 has taken effect, the Mexican government, because of such strong opposition, is now considering changes to alleviate the most harmful aspects of this regulation.

Mexico's Conapesca has issued a press release that describes some of the modifications being considered. They are willing to address incidental by-catch, regionalization of shark permits and prohibiting the commercialization of billfish, but nothing about the number of permits already issued. Legally, this process will continue one year before any changes can be made.

“During the next year, as we understand it, boats with existing shark permits (several thousand) can be fishing with longline gear to within 15 miles of the shore in the Sea of Cortez and to within 20 miles of shore on the outside of the Baja, catching and keeping dorado, sailfish and marlin, their real targets,” says Mike. ■



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