

**COMMENTS ON LA MANIFESTACIÓN DE IMPACTO REGULATORIO (MIR DE IMPACTO MODERADO) AND EL ACUERDO POR EL QUE SE SUSPENDE LA PESCA MEDIANTE EL USO DE REDES DE ENMALLE, CIMBRAS Y/O PALANGRES EN EL NORTE DEL GOLFO DE CALIFORNIA (EXPEDIENTE 12/1657/231214)**

**Prepared by the Comité Internacional para la Recuperación de la Vaquita (CIRVA)**

We commend the Government of Mexico for taking this major step towards implementing what was determined at CIRVA V in July 2014 to be necessary for saving the vaquita. We welcome the emergency regulation to establish a gillnet exclusion zone which comes very close to what was recommended in the CIRVA V report. A number of other essential elements of the package of measures recommended by CIRVA are either not included or are included but in a form that may not be adequate to achieve the intended protection of vaquitas. Therefore we respectfully offer the following comments and suggested changes and additions to both the Manifestación de Impacto Regulatorio (MIR de Impacto Moderado) and the draft Agreement between SAGARPA and CONANP.

### **1. Enforcement**

CIRVA V recommendation: “... prohibit fishermen from deploying, possessing or transporting gillnets within the exclusion zone and [this] must be accompanied by both at-sea and shore-based enforcement.”

Comment: Both CIRVA and the Presidential Commission have consistently emphasized the need for better enforcement. The CIRVA V report states that enforcement will be adequate only if gillnets are prohibited both at sea and on land; the proposed regulation and agreement need to clarify this point.

Suggested addition: Specify that the gillnet ban applies to deployment, possession, and transportation both at sea and on land.

Comment: Regarding the single proposed exception to the gillnet prohibition – allowing gillnets to be used to encircle spawning Gulf corvina (*Cynoscion othonopterus*) during the period of 1 February to 30 April – there is strong concern that these nets could be used illegally as drift gillnets at other times of the year, therefore they will need to be locked up during the period of 1 May to 31 January to allow efficient enforcement.

Suggested addition: Specify means of ensuring that corvina gillnets are made unavailable for illegal use of any kind and at any time.

Additional Comment: It needs to be clear that the proposed regulation and agreement are intended to address the use of gillnets in both the shrimp and finfish fisheries as well as in the illegal totoaba fishery. The nature and scale of enforcement efforts must be appropriate for preventing the illegal use of gillnets in all types of fisheries in the northern Gulf. The use of multiple technologies will be needed in addition to the new enforcement boats that have been promised.

## **2. Alternative gear development**

CIRVA V recommendations: “... expedite both the granting of permits for small-type shrimp trawls to trained fishermen and the investment in the production of small-type trawl gear and the training of fishermen to fish the new gear.” Also “increased efforts to introduce alternatives to gillnet fishing in the communities that will be affected by enforcement of the exclusion zone.”

Comment: CIRVA made clear that survival of the vaquita depends on a permanent gillnet ban. Past, ongoing, and future investments by the Government of Mexico and others in vaquita conservation will only achieve their purpose if the northern Gulf is maintained as a gillnet-free area. The proposed two-year gillnet ban will only be successful if fishermen being compensated during this period are given the opportunity to develop alternative livelihoods, including the use of the recently developed small-trawls for shrimp as well as other fishing practices and gear that will allow porpoises to survive into the future.

The proposed compensation scheme does not mention anything about development, testing, and implementation of alternative gear. The two-year period when fishermen are being compensated for not fishing with gillnets provides an excellent opportunity to train and equip them to use the already developed, legally mandated small-trawls for shrimp and to ensure that they apply their skills to develop and test traps or other gear for catching finfish. The fishermen could also be employed to construct or manufacture the needed alternative gear. Such activity and employment would be a constructive alternative to the proposed community enforcement role during this time of transition.

Suggested change: Rather than (or in addition to) assigning them to a community enforcement role, provide compensated fishermen with opportunities to pursue their livelihoods by either continuing to fish in ways that do not threaten vaquitas or advancing the possibilities for doing so in the future.

Comment: It will be important to use the next two years to compile and analyze economic data and calculate compensation levels that will incentivize fishermen to adopt and use vaquita-safe gear.

## **3. Monitoring vaquitas**

CIRVA V recommendation: CIRVA commended the excellent vaquita monitoring program and associated research by Mexican scientists and concluded that *“the monitoring program must be continued to determine whether new mitigation measures are working.”*

Comment: We are pleased that the importance of continued monitoring is reflected in the MIR. However, the long experience of scientists with expertise in acoustic monitoring and population assessment makes it clear that the proposed approach for measuring success of the gillnet ban is not scientifically credible. Given the low number of vaquitas, there would be insufficient statistical power in any survey program, even if the bycatch of vaquitas were reduced to zero, to detect an increase in the population over the initial two-year period of the gillnet ban.

The monitoring program already being carried out by Mexico, which is the most intensive acoustic monitoring program ever carried out for marine mammals, was designed to detect a 4%/year increase in the number of vaquitas over a five-year period. We reiterate our conviction that monitoring is essential, but emphasize that any metric used to determine whether the vaquita conservation program has been successful must be realistic.

Suggested changes/additions: (A) The timeframe for monitoring needs to be lengthened to at least five years. (B) Given the long-term information already being gathered from the current acoustic program, it is essential to continue and maintain this system, drawing on the expertise of the internationally recognized experts in surveying porpoises who have designed and implemented it to date. (C) Any future visual survey of vaquita abundance should be carried out by a team of scientists with substantial experience in abundance estimation for vaquitas and other small cryptic cetaceans.