

Shrimp Trawling Industry Protests New Fishing Regulations for the Upper Gulf of California – Colorado River Delta Biosphere Reserve at Puerto Peñasco, Sonora



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During October 2002 Puerto Peñasco became the battleground in the fight for the future of the Gulf of California. In 1993, the waters north of Puerto Peñasco, Sonora and San Felipe, Baja California were established as the Upper Gulf of California and Colorado River Delta Biosphere Reserve. Since 1955 this region has had legal status as a critical reproduction and nursery ground for important commercial species such as shrimp, corvina, and chano. The area is also home to over 1500 described species of invertebrates, fishes and marine mammals, many unique to this region. The endangered totoaba and the vaquita porpoise are among the most noteworthy of these unique animals.

In the face of drastic reductions in shrimp catches and the subsequent collapse of the industry at the beginning of the 1990s, shrimp trawlers from Puerto Peñasco united to support the Biosphere Reserve proposal to protect these productive waters. The Reserve status restricted fishing from a core conservation area north of El Golfo de Santa Clara, but by law, fishing continued as usual in the outlying buffer zone. New laws took effect in November of 2000 that prohibited incidental capture greater than 50% and destruction of the marine seafloor in

Mexico's marine protected areas. Trawling the ocean floor for shrimp generally results in 10 kilos (or more) of bycatch for every 1 kilo of shrimp. Only 1 kilo of this bycatch is used commercially and the rest (representing hundreds of invertebrate and fish species) is thrown dead back into the sea. In the early 1990s, researcher Manuel Nava from Guaymas estimated that the Upper Gulf of California sea bottom was trawled about four times a year. After about 50 years, all evidence indicates that the size and diversity of catch has been reduced and the seafloor ecosystem has been devastated. At the end of the 2001-2002 shrimp season the government began to enforce these new regulations to protect the seafloor habitat and boats were cited for illegally high bycatch.

The September 23rd opening of the 2002-2003 shrimp season found most of the Puerto Peñasco fleet in their southern Gulf fishing grounds. That day the government announced an emergency law (NOM-EM-139-ECOL) that clarified prohibition of (1) all trawling in the Reserve, (2) gillnets (with the exception of 6-inch-mesh corvina nets under 200 meters in length and 2 ¾-inch-mesh shrimp nets, less than 700 meters in length.

Under President Vicente Fox's government, fisheries regulation is the job of the Secretary of Agriculture, Livestock, Rural Development, Fisheries, and Sustenance [SAGARPA], and the management of protected areas falls under the Secretary of the Environment and Natural Resources (SEMARNAT). These new laws establish a precedent for the environmental arm of the government to regulate fisheries in protected areas. The federal agency charged with enforcement of environmental protection laws (PROFEPA) is under SEMARNAT. The Mexican Navy (*Secretaría de Marina, Sector Naval*) provides resources to help in enforcement.

New documentation of the critical status of the vaquita has provided the impetus for moving ahead on fisheries regulation in the Reserve, which represents 60% of the vaquita's area of distribution. In 1997 an international team of researchers, including Dr. Lorenzo Rojas of Mexico's Marine Mammal Commission, completed a vaquita census and estimated a population size of 600 animals. One year of close observation at El Golfo de Santa Clara by a research team from ITESM Campus Guaymas, saw 39 porpoises caught incidentally in gillnets. Yet for the population to persist, it has been calculated that fewer than 0.2 porpoises can die each year.

The estimated 1200 families of the Reserve that depend on trawling are justifiably concerned about the immediate economic effects of eliminating the most productive 5% of their shrimping grounds. Operation of a shrimp trawler is marginally profitable these days, as aquaculture-raised shrimp have flooded the market and depressed prices. Without government diesel subsidies (40%), it is likely that the trawlers would already be out of business. Shrimp fishing is more efficient from small boats using gillnets, and 1,000 small boat operators now depend almost exclusively on shrimping in the shallow waters of the Reserve. Until alternatives are available, these nets are

still being permitted, but no additional permits will be given for this type of activity.

While the fishermen were out trawling, fishermen's wives raised their voices in protest at Puerto Peñasco. On October 4th they threatened to close the highway north of town, but settled for protesting by the side of the road. On October 15th, a group of the same women marched to the Intercultural Center for the Study of Deserts and Oceans (CEDO) to protest alleged misinformation being promoted by this educational institution.

At 9:30 a.m. approximately 60 protesters arrived at CEDO, where they were met by the Board of Directors of CEDO A.C., prominent members of the Puerto Peñasco community. Board President, Daniel Luna kept the crowd outside, as they demanded to speak to the Executive Director, Peggy J. Turk Boyer, chanting, "La Peggy, La Peggy." The board thought it unwise to address the unruly group. Government helicopters circled overhead, Navy boats patrolled offshore, and 100 or more shrimp trawlers gathered at the edge of the Reserve, waiting to enter en masse if their injunctions against the new law were not heard.

A handful of children, then a contingent of women, then several dozen fishermen entered the facility and asked the director to speak to the group. Face to face with the protesters, the director eventually began to address their concerns. From the moment the government announced the emergency laws as a measure to protect the vaquita, there was confusion among the trawling sector, as they know their fishing activities are not the primary cause of vaquita mortality. This confusion was confounded by the media. Amidst a series of nationally televised interviews with CEDO staff talking about vaquita, reporters implied that trawling was the principal threat to this critically endangered porpoise. The trawlers of Peñasco concluded that CEDO was promoting that they were the cause of

vaquita mortality and so CEDO, with its American director, was converted into a perfect target for their anger.

The CEDO publication *Vaquita of the Gulf of California* provides a summary of scientific evidence on vaquita mortality. There are few documented cases of vaquita caught in trawling activities. It is clear that the primary threat to vaquita is the use of gillnets. However, trawling damages the seafloor ecosystem, on which not only vaquita, but shrimp and other commercial species depend. In addition to the disruption of the food chain, and destruction of the benthic environment, trawling is a wasteful method for capturing shrimp. The drive to eliminate trawling from the Reserve is an attempt to protect the nursery grounds for shrimp and other species to allow larval recruitment and stocking of outlying areas, as much as it is to protect vaquita. Scientists consider establishment of no-fishing zones or marine protected areas the best mechanism for management of marine resources.

Since 1998 CEDO and researcher Richard Cudney-Bueno have been working closely with a group of commercial divers near Puerto Peñasco in the management of their benthic resources. Most recently the divers have established three temporary no-fishing areas and are working with CEDO to monitor the effects of their management actions on the productivity of these and outlying areas. The divers have been encouraged by the initial positive results for their fisheries. Other critical sites in the Gulf of California and all over the world are being set aside as marine reserves to aid in the recruitment of overfished stocks of commercial species.

After the protests at CEDO, tensions continued to build as trawlers returned from their southern fishing grounds. At first, boat owners talked about storming the Reserve, but on Saturday afternoon October 19th, fishermen and their families instead blocked the highway leading from Puerto Peñasco

northward to Arizona. Local traffic and thousands of U.S. tourists were unable to leave the town for almost 30 hours in an otherwise peaceful protest. Foot traffic was allowed back and forth across the line, taxi service was available, and vendors sold food and drink. When violators tried to circle around the blockade, a few protesters banged on cars and threw stones. Other than one distant federal policeman, the authorities stayed away.

Via cell phone communication from Americans word eventually traveled to Arizona Governor Jane Hull's office, Secretary of State Colin Powell's desk, and then the Mexican Secretary of State and the Secretary of the Environment, Victor Lichtinger, who was asked to negotiate a compromise with fishermen. Late in the afternoon of October 20th, the federal police ordered the protesters to disband. All quickly returned to their homes, while local officials from the National Chamber of Industrial Fisheries (CANAIPEs) negotiated a settlement with the government.

Though initially the compromise appeared to be a conservation setback for the upper Gulf, in light of the lack of regulation and protection of resources that existed in this region only 6 months prior to these events, progress has definitely been made. Emergency laws, such as the one passed on September 23rd, are only valid for 6 months and thus require follow-up with more permanent actions. The separation of the local fleet consisting of 130 trawlers (115 from Puerto Peñasco and 15 from San Felipe) from the other 350 boats in the national fleet (owned by a handful of operators mostly from Mazatlan and Guaymas) was an important gain. Behind the scenes it was clear that the Puerto Peñasco community was divided over whether to maintain their unity with the national fleet represented by CANAIPEs or whether to work towards local management of the upper Gulf, as had been provided for in the laws that established the Reserve, as

well as in the emergency laws. Along with local management comes the responsibility for caring for these resources. With proposals to shorten the shrimping season and support for the establishment of the Reserve, Puerto Peñasco trawlers have traditionally shown an interest in participating in better management of their resources.

The agreement reached with the Puerto Peñasco CANAIPES members permitted the local fleets to enter the Reserve on October 25th, after presenting a full list of registered boats and other data. The trawlers are allowed to fish through December 2002 and must employ turtle excluder and juvenile and adult fish excluder devices. They must remove drag chains and restrict fishing to the area outside the 3-mile coastal zone and away from the principal area of distribution of vaquita. Before the next shrimping season opens an environmental impact study must be completed. The Secretary of the Environment later clarified with conservation groups that SEMARNAT will designate a scientific team to develop the environmental indicators that will evaluate the impact of trawling, and observers will be required on all the boats. Though these measures cannot reduce the incidental catch to below 50%, the reduction in the size of the fleet, the season, and the area trawled are considered important first steps toward protecting this region.

The agreement with the trawlers has given rise to other conflicts. Small-scale fishers, for example, are no longer content with the restrictions in their gillnet fisheries, if the large industrial boats are allowed in the Reserve. The national CANAIPES fleet insists that the Puerto Peñasco fleet will suffer the consequences of these actions next season when they try to fish down south. Friction was created between tourism and fishing interests when tourists were held up. Exit polls after the highway closure showed almost 50% of the American tourists held were less likely to return to Mexico, and initial information from local hotels two

weeks after the event indicated occupancy to be down by 25 to 30%.

Despite the turmoil and the many conflicts still to be resolved, President Fox appears to be committed to managing the Gulf of California “for the future of all Mexicans,” not just fishermen. His policies reflect his vision of the Sea of Cortés as the “aquarium of the world.” Fox is joined and supported by a united alliance of conservation organizations throughout the Gulf of California, and in the Upper Gulf, a coalition of eight organizations has formed. CEDO is participating in both these efforts and will continue work towards resolving these conflicts and protecting the Gulf, its shrimp and vaquita, as an invaluable heritage for the entire planet.

