



FACT SHEET: AB 534

AUTHOR: Assemblymember Bonta

The Whale Entanglement Prevention Act

SUMMARY

The Whale Entanglement Prevention Act of 2021 (AB 534) seeks to eliminate entanglements of endangered whales and sea turtles in California’s trap fisheries. It does so by requiring the use of ropeless fishing gear (also known as “on-demand” gear) for the taking of any species of fish for commercial or recreational purposes in any trap fishery by November 1, 2025. It requires the California Department of Fish and Wildlife and Fish and Wildlife Commission to issue implementing regulations, including a public process to certify gear as ropeless, and specifies that ropeless gear be defined as gear in which there is no static buoy line. It exempts traps used for scientific or management purposes, traps set in freshwater, traps set from piers or from shore, or traps used to take minnow in tidewaters.

THE PROBLEM

Due to changing ocean conditions and other factors, entanglements in commercial and recreational trap fishing gear are harming California’s marine life, including threatened and endangered whales and sea turtles.

When a whale gets tangled up in fishing gear, it can drown because it cannot reach the surface to breathe. Entanglements also cause whales to suffer painful injuries or die lingering deaths when ropes wrap through their mouths or around their tails and flippers, cutting into their flesh and bones, and impairing their ability to feed, swim, or reproduce. Sea turtles can also suffer similar fates.

Reports of whales entangled in buoys and lines used in California fisheries dramatically increased starting in 2014. The federal government documented 71 reported entanglements off the U.S. West Coast in 2016—the highest annual total for the U.S. West Coast since the federal government started keeping records in 1982. Reported entanglements continue to occur, including in California’s commercial and recreational Dungeness crab trap fisheries, California’s commercial and recreational spot prawn trap fisheries, California’s spiny lobster fishery, and other California fisheries. The actual number of entanglements is likely much higher than what is reported as many entanglements are unobserved.

While the state recently enacted regulations to reduce the number of threatened and endangered blue whales, humpback whales, and leatherback sea turtles getting entangled in commercial Dungeness crab gear, the

regulations do not fully eliminate entanglement risk; rely on nearly constant data collection and analyses to inform the implementation of potential risk-reduction measures; may only trigger management actions after entanglements occur; rely on closures—including delaying the start of the season or ending it early—as the primary way to reduce risk; and create uncertainty for fishers about where and when they will be able to fish.

THE SOLUTION

Trap and pot fisheries in California and around the world still utilize 19th Century fishing technologies when 21st Century solutions such as ropeless gear are available. Ropeless gear is the only way to eliminate entanglement risk while permitting fishing to continue. The gear allows traps on the seafloor to be remotely called to the surface and removes the static vertical lines in the water column that entangle whales, sea turtles, and other animals.

Varieties of ropeless fishing gear are available and being tested off the U.S. West and East Coasts and in Canada. Some fishers already fish without the use of static vertical buoy lines. However, logistical, technical, cost and regulatory obstacles have hampered the widespread adoption of such gear in California fisheries.

Numerous regulatory schemes, such as those relating to vehicle fuel economy, use implementation deadlines to spur innovation and drive market forces towards better, less expensive and more effective and efficient technologies. A date-certain requirement for the implementation of ropeless gear would spur such innovation and overcome obstacles to its adoption.

The bill also recognizes that California is a national and global leader in technological innovation, including green technology. By requiring the use of ropeless gear, California can be a leader in helping to develop and promote sustainable fishing gear that could be used to save whales, sea turtles, and other animals here and around the world.

SUPPORT

Social Compassion in Legislation (co-sponsor) Center for Biological Diversity (co-sponsor)