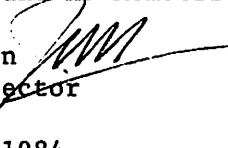


M E M O R A N D U M

TO: Council, SSC and AP Members

FROM: Jim H. Branson   
Executive Director

DATE: November 21, 1984

SUBJECT: Marine Animal Entanglement in Discarded Domestic Fishing Gear

ACTION REQUIRED

Review draft regulation for preventing the intentional discard of gear by domestic fishing vessels and decide a course of action.

BACKGROUND

Because there is no existing law that directly addresses the problem of marine animal mortality caused by entanglement in discarded domestic fishing gear, NOAA has asked the Regional Councils to consider possible regulatory approaches to the problem. In a memo dated June 13, 1984 (Attachment A) Carmen Blondin, NMFS Deputy Asst. Administrator, offered the following options for Council/NMFS action:

1. Amend existing fishery management plans (FMPs) on an ad-hoc basis;
2. If FMPs currently address the intentional discard of gear by domestic fishing vessels, adopt regulations to implement the prohibition; or
3. Treat the matter as a national problem and adopt a Secretarial regulation for domestic fishermen similar to 50 CFR §611.16.

In response to Blondin's memorandum, the Caribbean, Gulf, New England and Western Pacific Councils have taken the position that the problem isn't of sufficient magnitude in their respective jurisdictions to warrant regulatory action at this time (Attachment B). The Pacific Fishery Management Council stated that although the problem is not widespread on the West Coast of the U.S., it was, nevertheless, recommending the matter be treated as a nationwide problem and addressed with a Secretarial regulation no more restrictive than 50 CFR §611.16 (Attachment C). The Mid-Atlantic and South Atlantic Fishery Management Councils have yet to respond to the memorandum.

If the North Pacific Fishery Management Council wishes to address the matter of discarded gear and debris, it may wish to recommend a Secretarial regulation. This would be the least time consuming and administratively burdensome approach and would ensure a universal approach to what has the potential of becoming a nationwide problem (if it isn't already). Suggested

language for the regulation is provided below. The draft regulation is based upon 50 CFR §611.16 which prohibits the intentional discard of gear by foreign fishing vessels in the FCZ. As a tactical matter, the Council may wish to solicit support for this draft regulation from the other Councils before submitting it to the Secretary of Commerce.

DISPOSAL OF FISHING GEAR AND OTHER ARTICLES.

(a) Except in cases of emergency involving the safety of the ship or crew, or as specifically authorized by communication from the Coast Guard, by an authorized officer, or by an embarked observer, no fishing vessel may intentionally place into the fishery conservation zone any article, including abandoned gear, which may:

- (1) Interfere with fishing or obstruct fishing gear or vessels; or
- (2) Cause damage to any fishery resource or marine mammal.

(b) If any such article is encountered, or in the event of accidental or emergency placing of such article into the fishery conservation zone, the operator of the vessel shall immediately report the incident to the appropriate Coast Guard Commander giving:

- (1) The name of the reporting person and his vessel;
- (2) The nature of the article;
- (3) The location of the article; and
- (4) The time and date of the incident.

(c) All fishing gear which is set or otherwise deployed in a manner in which it may entrap or otherwise catch fish shall be tended as frequently as necessary to ensure that its catch remains suitable for the use intended.



JUN 13 1984

TO: Regional Directors, NMFS  
FROM: F/M - *Carmen J. Blondin*  
SUBJECT: Issues raised by the discard of net material and other debris in the FCZ by domestic fishermen

The entanglement of marine mammals, birds, fish, and other marine animals in discarded gear and fishing debris is an issue of increasing concern. Additionally, this debris may present a hazard to navigation and an obstacle to fishing operations. Environmental groups, researchers, and fishermen have voiced these concerns to NMFS, suspecting that this problem may have far-reaching consequences that need to be addressed. The information prompting these concerns include research studies of northern fur seals and Hawaiian monk seals suggesting that entanglement in net fragments and other debris cause greater mortality in those species than previously thought. Also, entanglement of discarded gear with deployed gear causes fishermen extra expense due to lost fishing time required to clear gear and repair damage. Discarded gear may also pose navigational hazards and, in instances when gear continues to fish, causes resource waste.

We have been involved in discussions with the Marine Mammal Commission on extending the fur seal treaty. During these discussions, the Commission voiced distress over increased fur seal mortality. I stressed that NOAA is seeking prompt and effective action to deal with the serious and continuing decline in the fur seal population, and that we are pursuing several actions including collecting information to improve our understanding of the entanglement problem and publicizing existing prohibitions on the discard of net material by foreign fishermen in the FCZ.

Responsibilities under the Magnuson Act include the conservation and management of the fishery resources of the United States. Fishery resource, as defined by the Magnuson Act, includes fish habitat. Conservation and management measures are to be used to rebuild, restore, and maintain the fishery resource and the marine environment. Our management



regime should address problems that are caused by the discard and loss of net material and other gear by fishermen in the FCZ when those discards adversely affect fish habitat and the marine environment.

Regulations applicable to foreign fishermen in the FCZ address this problem and have been in place since 1977( 50 CFR 611.16). I believe that similar regulations for domestic fishermen can be effective in avoiding the costs which result from gear discard. Although existing statutes prohibit the discard of wastes and other matter into the marine environment, making the prohibition explicit in the domestic fishing regulations is likely to improve fishermen's understanding and compliance. A rule for domestic fishing, similar to that in effect for foreign fishing, would not impose any new burden upon industry, but would provide NMFS with jurisdiction to enforce dumping prohibitions with respect to fishermen.

Since the Magnuson Act places responsibility for management and conservation with the Councils, and charges them with developing and amending fishery management plans, these issues should be brought to each Council's attention immediately. I would like to receive comments from each Council indicating its perception of the problem as it affects its geographic area, and I would also like to hear proposed solutions.

If your respective Councils conclude that individual FMPs require amendment to address these issues, my staff will, upon request, provide sample language. If the Councils have already considered these problems and addressed them in FMPs or amendments, it may be possible to make some of the necessary changes by means of regulatory amendments. Also, if Councils decide they would like the Secretary to respond to this as a universal problem, we would be happy to accommodate that approach.

I would like prompt Council response to these issues so that appropriate measures can be implemented. Cooperative efforts would be appropriate if all Councils are experiencing similar entanglement problems. If Councils request similar action, one rule could be issued to implement the action in all domestic regulations. Please discuss these possibilities with your Councils. We will continue to work with you to begin to address this conservation problem. If you have any questions please contact Joe Clem on 634-7432.

DEPT. OF COMMERCE - NOAA  
RECEIVED

JUN 18 1984

SOUTHWEST REGION

# PACIFIC FISHERY MANAGEMENT COUNCIL

526 S. W. Mill Street

Portland, Oregon 97201

Phone: Commercial (503) 221-6352

FTS 8-423-6352

CHAIRMAN

John R. Donaldson

EXECUTIVE DIRECTOR

Joseph C. Greenley

September 20, 1984

Mr. Carmen J. Blondin F/M  
National Marine Fisheries Service  
Department of Commerce  
Page 2 Building  
3300 Whitehaven St., NW  
Washington, D.C. 20235

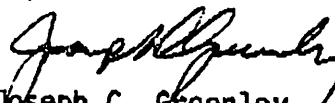
Dear Mr. Blondin:

The issue of volitional dumping of fishing gear and other interfering material into the marine environment, as raised in your June 13, 1984 memorandum to Regional Directors, was reviewed at the September 19-20 meeting of the Council.

The Council generally agreed that the problem of accidental or volitional discard of fishing gear does not appear to be as extensive along the coasts of Washington, Oregon, and California as may be the case in jurisdictions of other Councils. Nevertheless, it recommended that this issue be treated as a nationwide problem and encourages the Secretary of Commerce to develop generic language appropriate to all fishery management plans, but that such language be no more restrictive than that in the foreign fishing regulations at 50 CFR 611.16 relating to disposal by foreign vessels of fishing gear and other articles. The Council also recommends that it be permitted to review and comment on such generic language before it is implemented.

We appreciate the opportunity to provide recommendations on this issue.

Sincerely,

  
Joseph C. Greenley  
Executive Director

HOW:wd

cc: Council Members

## CARIBBEAN FISHERY MANAGEMENT COUNCIL

Suite 1108 Banco de Ponce Building • Hato Rey, Puerto Rico 00918-2577

Telephones: FTS (809) 753-4926, 753-4927, 753-4928, Comm. (809) 753-6910

July 31, 1984

## MEMORANDUM

TO : Mr. Carmen J. Blondin

SUBJECT: Your memorandum of June 13, 1984 on the Discard of Net Material  
and Other Debris on the FCZ by Domestic Fishermen


We surveyed by mail the feelings of the Caribbean Council members on the issues raised in your memorandum of June 13, 1984 regarding problems that are caused by the discard and loss of net material and other debris by U. S. fishermen. We have also checked into the situation by informal interview with some active fishermen.

It is the general feeling of the Council members and the individual fishermen interviewed that the entanglement of marine mammals, birds, fish, and other marine animals in discarded gear and debris does not constitute a serious problem in the Caribbean FCZ. However, some sporadic cases have been reported of fish entangled in pieces of discarded net.

The Council has not considered it necessary to address this problem in our FMP's. However, we have addressed in all our plans the situation of fishing traps ("ghost" traps) that are lost and continue fishing. This situation constitute a major problem in the area. Our management recommendation has always been the use of an escape panel or door, built with a degradable material. The recommendation is very well accepted by the fishermen who, in general, are very much concerned with the decline in the stocks and willing to adopt measures for the conservation of the fisheries.

We feel that if future conditions warrant some control measures, the Councils could handle the situation. We do not see the need for a universal approach on this case.

We appreciate the opportunity to provide our points of view in this issue and would like to be kept informed of any decisions adopted or reports issued in this respect.

  
Omar Muñoz-Rodríguez  
Executive Director

OMR/rr

cc Council Members (L)  
Executive Directors  
Other Councils

**NEW ENGLAND FISHERY MANAGEMENT COUNCIL**

SUNTAUG OFFICE PARK, 5 BROADWAY (ROUTE 1)

SAUGUS, MASSACHUSETTS 01906

SAUGUS 617-231-0422

FTS 8-223-3822

July 24, 1984

Carmen Blondin, F/M  
National Marine Fisheries Service  
Page Building Two  
3300 Whitehaven Street, NW  
Washington, DC 20235

Dear Carmen:

In response to your memorandum of June 13, our Executive Committee, at its most recent meeting, discussed the issue of discards of gear and other debris by U.S. fishermen.

As you may be aware, for some time now we have had under discussion the problems associated with gillnets. Part (but not all) of the gillnet issue is the loss or abandonment of gillnets and the fact that they continue to fish (in at least some cases) and also cause a great deal of irritation to and interference with recreational hook and line fishermen. The Council has not yet decided what action, if any, should be taken in this regard but we will continue our examination of available information and do what seems most appropriate.

We do not believe the problem of discards is sufficiently serious in this area to justify the amendment of existing plans to specifically prohibit junk dumping. Probably some occurs, but most of the old gear on the bottom results from accidental or unintentional losses.

Our Executive Committee is also very reluctant to see new rules implemented in this area to solve problems that may exist in other areas. We see no need for a universal approach in this case and hope that will not be done. If future information or conditions warrant, the Council will consider the situation and take appropriate action at that time.

Sincerely,



Douglas G. Marshall  
Executive Director

cc: C. Kilbride, NMFS  
Executive Directors, Other Councils

DGM.0759C





Mr. Carmen Blondin  
Page Two  
July 23, 1984

It appears doubtful that these abandoned traps constitute any type of threat to marine mammals or endangered species. In fact, marine turtles frequently break up such traps to secure lobsters or crabs and make fishing in some areas unproductive.

Best regards.

Sincerely,

*Alex*

Alex M. Jernigan  
Chairman

*by (Wes)*

AMJ:WES:ilm

cc: Gulf Council  
Jack Brawner  
Staff

## WESTERN PACIFIC REGIONAL FISHERY MANAGEMENT COUNCIL

1164 BISHOP STREET - ROOM 1405  
HONOLULU, HAWAII 96813  
TELEPHONE (808) 523-1368

August 3, 1984

Mr. Charles Fullerton  
Regional Director  
United States Department of Commerce  
National Oceanic and Atmospheric  
Administration  
300 South Ferry Street  
Terminal Island, California 90731

Dear Charlie:

The only serious problems due to net discards that I am aware of are the entanglement of monk seals and some turtles in lost or discarded netting or line. This is a problem in the Northwestern Hawaiian Islands (NWHI) where there are apparently many net fragments washed ashore. This problem is probably caused by the foreign drift gillnet fisheries or the trawl fisheries which operate on the high seas. Over the past several years there have been fairly frequent sightings by Coast Guard surveillance aircraft of foreign gillnetters fishing or drifting in the vicinity of the Fishery Conservation Zone northwest of Kure Island. During 1982 and 1983, the spring months were the periods of heaviest foreign gillnetting activity just beyond the FCZ.

I am not aware of any major problems from marine debris in the main Hawaiian islands. In fact, many fishermen actually search for lost cargo nets or other junk in the water since such materials are known to aggregate fish. There have been some reports of "frozen" propellers from rope or net tangles in the islands but such incidents, I believe, are rather rare. I would certainly not recommend that the NMFS issue regulations to prohibit discard of debris by domestic fishermen simply because I don't feel that domestic fishermen are the cause of any problem.

The problem, as I see it, is caused by the foreign fisheries which mostly operate on the high seas, but whose debris eventually enters our zone and may often be washed ashore especially in the NWHI. I'm not only concerned with entanglement of monk seals and turtles from drifting net fragments. I am as concerned in what the foreign gillnet fisheries capture in their fishing operations. On March 25, 1983, the U.S. Coast Guard seized a Japanese gillnetter approximately 20 nautical miles inside the FCZ in the vicinity of the Hancock Seamount. The vessel's catch log showed that in addition to several thousand tunas and squid which were taken, the vessel had also caught 401 mahimahi, 57 striped marlin, 12 swordfish, and 69 porpoises besides a miscellany of other species in 29 days of fishing.

In summary, we seem to have a dual problem from highseas gillnet fishing: (1) great non-selectivity in the catch, and (2) entanglement of marine mammals, turtles, and seabirds from lost or discarded net fragments.

I honestly don't know how much the Service can do to prevent such problems because most of the activity takes place on the high seas beyond our zone. I would, however, urge that the Service continue dialogue with foreign governments to see what can be done to keep the problem from getting worse. It is my understanding that there are over 1,000 or perhaps as many as 1,500 gillnet vessels operating in the north Pacific. That's surely something to be concerned about.

The Council members may have further information to contribute when we meet in Kona.

Sincerely yours,



Wadsworth Yee  
Chairman