



## Needless Killing of Critical Ocean Wildlife will Continue as Regulators Fail to Act

Bycatch is one of the most serious environmental impacts on the world’s oceans. Bycatch refers to the ocean wildlife – fish, birds, marine mammals, and other sea life – that are inadvertently killed or injured in the course of fishing. Around the world each year an estimated 44 billion pounds of fish and other marine life are wasted, representing 25 percent of the entire world catch.

- In February 2002, Oceana petitioned the federal government, with the support of more than 110,000 individuals throughout the country, to take immediate steps to reduce bycatch. Specifically, the petition calls on the National Marine Fisheries Service (NMFS) to implement a program to count, cap, and control wasteful catch in U.S. Fisheries and fulfill its responsibilities under current law.
- In March 2003, in response to Oceana’s petition, NMFS released its National Bycatch Strategy, which instead of developing new rules and regulations to count, cap, and control bycatch, merely documents what they have done to comply with federal law and plans a review of existing strategy over the next year.

### NMFS’ Response to Key Provisions of Oceana’s Bycatch Petition

Oceana Petition	NMFS’ Response
Oceana requests that the Department of Commerce, through the National Marine Fisheries Service initiate rulemaking to establish a program to count, cap, and control bycatch in the nation’s fisheries.	<i>“NMFS has decided not to initiate rulemaking immediately, but instead to update and renew its commitment to a National Bycatch Strategy, which may eventually result in rulemaking for some fisheries.”</i>
Develop and implement a workplan for placing observers on enough fishing trips to provide statistically reliable bycatch estimates in all fisheries.	<i>“NMFS will convene a working group to develop a national approach to a standardized bycatch reporting methodology.”</i>
Incorporate reasonable estimates of bycatch into all total allowable catch levels and other restrictions of fishing.	<i>NMFS failed to respond.</i>
Set absolute limits on the amount of directed catch and bycatch (including non-fish bycatch) that can occur in each fishery, and close the fishery when the applicable catch or bycatch limit is met.	<i>NMFS failed to respond.</i>
Within 12 months of initiating rulemaking, develop, approve, and implement bycatch assessment and reduction workplans for commercial and recreational fisheries.	<i>NMFS failed to respond.</i>

## **Federal Agencies have had a legal obligation for years to control bycatch**

*“When we see the possibility of hundreds of millions of pounds of fish being wasted because of fishing practices that could be avoided, we believe it is time for Congress to act.”* – Sen. Ted Stevens (R-AK) (142 Cong. Rec. S10811, 9/18/96)

- The U.S. Congress has forcefully addressed the problem of bycatch in four key environmental statutes – the Magnuson-Stevens Fishery Conservation Act (MSA), the Endangered Species Act (ESA), the Marine Mammal Protection Act (MMPA), and the Migratory Bird Treaty Act (MBTA).
- NMFS is the federal agency responsible for the management of marine fisheries in U.S. waters. However, instead of protecting the ocean’s ecosystem it continually skirts – like in its response to Oceana’s petition -- the four federal laws requiring it to reduce bycatch.

## **Bycatch devastates marine life, harms ocean ecosystems, and threatens coastal communities**

*“Bycatch and waste are currently the greatest threats to the commercial fishing industry...A fish that is caught and thrown back dead does not add anything to the economy. It does not put food on the table.”* -Rep. Wayne T. Gilchrest (R-MD) (141 Cong. Rec. H10238, 10/18/95)

- The International Whaling Commission estimates that between 65,000 and 80,000 whales, dolphins, seals and other marine mammals perish as bycatch around the world each year.
- Even the cleanest shrimp trawl fishing gear catches and kills as much as 5 pounds of marine life for every pound of shrimp landed. In the Gulf of Mexico and South Atlantic, this figure can reach 2.5 billion pounds of fish annually, while drowning hundreds of endangered and threatened sea turtles.
- Pelagic longline fishing gear consists of fishing lines up to 40 miles long with up to thousands of baited hooks. Pelagic longlines target migratory fish, but globally catch 40,000 endangered and threatened sea turtles and thousands of sea birds each year. Additionally, U.S. pelagic longline bycatch accounts for 70% of U.S. blue marlin mortality and 94% of U.S. white marlin mortality.
- Despite an international ban on drift gillnets enacted in 1991, illegal drift gillnetting still occurs in the oceans, catching and drowning marine mammals and sea birds. In 1999, 11 vessels were reported fishing in the North Pacific in violation of the ban.