



Federal Enforcement Agencies Debate Clinton's Coral Reef Orders, Congress's Shark Fin Ban

HONOLULU (12 Feb. 2001)—US Coast Guard and National Marine Fisheries Service officials today debated their current ability to enforce President Clinton's measures to preserve the Northwestern Hawaiian Islands (NWHI) coral reef ecosystem and measures set forth by Congress to ban shark finning in the United States.

Speaking before the Enforcement and Vessel Monitoring System Standing Committee of the Western Pacific Regional Fishery Management Council, NOAA Southwest Regional Counsel Judson Feder said the measures ordered by Clinton and Congress are effective now. He also said the ban on landing shark fins without the shark carcass applies to the US territories, commonwealth and possessions as well as the 50 states.

Not so quick, said Cmdr. Chris Conklin, Law Enforcement and Intelligence Branch, US Coast Guard 14th District. "The Coast Guard will enforce all applicable federal resource laws, and we look to NOAA General Counsel to determine that applicability," he said. "Right now, some questions still exist."

Kitty Simonds, executive director, Western Pacific Regional Fishery Management Council, said they had repeatedly asked NOAA for clarification on the boundaries where bottomfish fishing would be allowed to operate in the NWHI Coral Reef Reserve, established by President Clinton on Dec. 4, 2000, but have never been given a clear response. Under President Clinton's initial executive order and final executive order on the Reserve issued Jan. 18, 2001, the traditional fishing grounds of these vessels would be substantially reduced. The orders give the closed areas in fathoms. Other language in the orders indicate these fathoms would be converted to straight latitude-longitude lines so as to aid enforcement.

"Only those commercial fishing vessels with permits valid on Dec. 4, 2000, would be allowed to operate in the NWHI Coral Reef Reserve," Feder said. "Harvest quotas would be established for each fisherman, and permits would not be transferrable. They would expire with individual permit holders."

According Alan Katekaru, fishery management specialist, NMFS Pacific Islands Area Office, 15 or 16 vessels fall into that category.

Another question is whether the foreign vessels offloading fins in ports of Guam and American Samoa and the Commonwealth of the Northern Mariana Islands would be exempt from the shark fin ban, as they are exempt from the Nicholson Act, which prohibits the landing of fish in US ports by foreign vessels in the 50 states and Puerto Rico.

The debate is expected to continue tomorrow morning at the Ala Moana Hotel, Honolulu, when the full Council meets to discuss enforcement issues.