

## FISHERIES

*Exchange of notes and memorandums at México April 17, May 22,  
July 22 and 27, and October 24, 1942*

*Entered into force October 24, 1942*

*Amended by agreement of September 7 and October 18, 1944*<sup>1</sup>

*Extended by agreements of September 7 and October 18, 1944;*<sup>1</sup> *September 23 and October 22, 1946;*<sup>2</sup> *and September 15 and October 6, 1948*<sup>3</sup>

*Expired October 23, 1950*

58 Stat. 1554; Executive Agreement Series 443

*The American Ambassador to the Acting Minister of Foreign Affairs*

EMBASSY OF THE  
UNITED STATES OF AMERICA  
*Mexico, D.F., April 17, 1942*

No. 138

### EXCELLENCY:

I have the honor to refer to previous correspondence regarding the assignment to Mexico of Mr. Milton J. Lindner, of the United States Fish and Wildlife Service of the United States Department of the Interior.

My Government, it being understood that the preliminary work has now been completed, has directed me to suggest to Your Excellency the development of subsequent operations through a proposed memorandum agreement. Under this agreement, the cooperative study would be continued with a view to the formulation, through biological and statistical research, of a plan for the administration, regulation, and scientific management of the shrimp and other marine fisheries of Mexican waters which would serve to increase the fisheries food supply and protect it against depletion, to increase efficiency of fisheries operations and to improve the livelihood of those engaged in the fishing enterprise. I have the honor to submit to Your Excellency a proposed memorandum agreement covering the suggested organization of the cooperative work to be undertaken in accordance with this project.

<sup>1</sup> EAS 443, *post*, p. 1197.

<sup>2</sup> 61 Stat. 2903; TIAS 1624.

<sup>3</sup> 62 Stat. 3575; TIAS 1869.

My Government has directed me to report, as soon as possible, whether this project would meet with the approval of Your Excellency's Government.

Please accept, Excellency, the renewed assurances of my highest and most distinguished consideration.

GEORGE S. MESSERSMITH

Enclosure:

Memorandum Agreement

His Excellency

Señor JAIME TORRES BODET

*Acting Minister for Foreign Affairs,  
Mexico, D.F.*

#### MEMORANDUM AGREEMENT

At the request of the Mexican Government, Mr. Milton J. Lindner, an expert of the Fish and Wildlife Service of the United States Department of the Interior, was assigned to Mexico for varying periods during the years 1940 and 1941 for the purpose of conducting preliminary marine fishery surveys and formulating plans for a detailed scientific study of marine fishery problems. The preliminary investigation having been completed, it is now proposed that a more comprehensive cooperative study of the marine fisheries of Mexico be undertaken by the Fish and Wildlife Service and the Mexican Department of Fisheries, subject to the following understanding:

It shall be the general objective of the cooperative study to formulate through biological and statistical research a plan for the administration, regulation, and scientific management of the shrimp and other marine fisheries of Mexican waters which will serve to increase the fishery food supply and protect it against depletion, increase the efficiency of fishing operations, and improve the livelihood of those engaged in the fishing enterprise.

To accomplish this objective the Fish and Wildlife Service proposes to detail a technical expert to Mexico at various intervals over a period of two years to assist the local authorities in conducting and supervising field investigations. The investigations will include a study of the life history, distribution, abundance, and migration of commercial shrimp and such other important marine fishery products as time and facilities will permit; collection and analysis of statistics of commercial production of the fishing industry; and a study of present fishing methods with a view to devising means for their improvement both in the interest of economy and efficiency of operation; and a study of the best means of conserving fishery resources, consistent with advantageous economic utilization.

It is understood that exhaustive studies will not have been completed at the end of the two year period, but it is expected that sufficient data will have been obtained at that time to make it possible to formulate plans for fishery administration and regulation, and provide sufficient training for Mexican fishery workers to enable them to carry on the permanent biological and statistical studies that continuously should accompany commercial fishing activities in the interest of scientific management and conservation.

The Government of the United States will make available to the Mexican Government, from time to time, reports on the progress of the investigations, and as soon as possible after conclusion of the two year study will submit a comprehensive report covering:

- (a) The Scientific data obtained and the biological conclusions reached concerning the shrimp and other marine fishery resources of Mexican waters;
- (b) Suggestions for the administration, development and management of the Mexican marine fishery resources in the interest of conservation and economic utilization; and
- (c) A summary of the nature and scope of continuing studies and statistical compilations that should be undertaken by the Mexican Government as permanent activities to parallel the actual operations of the fishing industry.

Following is an outline of the plan under which the Fish and Wildlife Service proposes to cooperate with the Department of Fisheries of Mexico:

1. The Fish and Wildlife Service will assign to Mexico Mr. Milton J. Lindner, an aquatic biologist of its Division of Fishery Biology who is already known to the Mexican authorities, to assist in planning and directing the proposed studies, his services to be rendered on a part-time basis covering a period of approximately six months of each of two consecutive years.
2. The Fish and Wildlife Service will pay Mr. Lindner's salary and other expenses during the entire period of his services.
3. The Fish and Wildlife Service will provide, for the duration of the studies, part-time clerical assistance, for Mr. Lindner; pay expenses incident to the annual rental, furnishing, equipment and supplies for an office and laboratory in Mexico City, or elsewhere in Mexico; and defray all expenses incident to communication services and the transportation of supplies, equipment and scientific materials.
4. The Fish and Wildlife Service will also loan for the duration of the studies such supplies, equipment, books, or other materials as it may now have available for that purpose.
5. It is proposed that the Government of Mexico assign three assistants for the shrimp investigations and pay their salaries and travel and subsistence expenses, and that additional personnel be provided if studies of other fisheries

are undertaken simultaneously. Persons already employed by the Mexican Department of Fisheries or persons familiar with the marine fisheries and possessing training in biology shall be given preference for these assignments, and it is suggested that they be selected with a view to their future employment by the Department of Fisheries to carry out the recommendations made at the end of the two year study.

6. It is proposed that the Government of Mexico provide suitable office and laboratory facilities and equipment for the investigation at Guaymas, Sonora; that funds be made available for the charter, when needed, of a small vessel for off-shore studies at an estimated annual cost of about 2,500 pesos; and that approximately 5,000 pesos be set aside for miscellaneous scientific equipment, and miscellaneous fishing equipment and supplies (including 2,500 pesos for shrimp pins and tags which have already been ordered by the Mexican Government).

7. The expenses incident to the obligations mentioned in Items 5 and 6, shall be paid directly by the Mexican Government.

---

*The American Ambassador to the Minister of Foreign Affairs*

EMBASSY OF THE  
UNITED STATES OF AMERICA  
*México, D.F., May 22, 1942*

No. 269

EXCELLENCY:

I have the honor to refer to my note No. 138 of April 17, 1942, regarding the assignment to Mexico of Mr. Milton J. Lindner of the Fish and Wildlife Service of the United States Department of the Interior, as well as to correspondence regarding the assignment to Mexico of Mr. J. Adger Smyth, also of the Fish and Wildlife Service of the United States Department of the Interior.

It will be recalled that in my note No. 138, I had the honor to submit to Your Excellency a proposed memorandum agreement covering the suggested organization of cooperative work with reference to Mr. Lindner.

Pursuant to instructions from my Government, I now have the honor to submit a proposed memorandum covering the agreement for cooperative work with particular reference to the limnological services to be rendered by Mr. Smyth, with the same general conditions applying in his case as in the case of Mr. Lindner.

My Government has suggested that in the event Your Excellency's Government finds this memorandum acceptable, Your Excellency's reply to that effect might constitute full agreement without the necessity of exchanging signed memoranda. Inasmuch as Mr. Smyth's assignment under Public [Law] No. 63, 76th Congress of the United States of America has expired,

my Government has directed me to request of Your Excellency the views of the Government of Mexico at the earliest possible and convenient moment.

Please accept, Excellency, the renewed assurances of my highest and most distinguished consideration.

GEORGE S. MESSERSMITH

Enclosure:

Memorandum as stated

His Excellency

Señor Licenciado EZEQUIEL PADILLA

*Minister for Foreign Relations*

*Mexico, D.F.*

#### MEMORANDUM AGREEMENT

At the request of the Mexican Government, Mr. J. Adger Smyth, an employee of the Fish and Wildlife Service of the United States Department of the Interior, was assigned to Mexico for a period of one year beginning in April, 1941, for the purpose of providing assistance in the conduct of preliminary biological surveys of streams and lakes and to provide technical advice in the operation of fish hatcheries and the artificial restocking of interior waters with fresh-water fishes. Considering that the period of Mr. Smyth's assignment has expired, the Fish and Wildlife Service now proposes to cooperate with the Mexican Department of Fisheries in the execution of a more comprehensive program in the same general field, subject to the following understanding:

It shall be the general objective of the cooperative program to assist in improving the food and recreational resources of the interior fresh-water fisheries of Mexico by the following means:

1. Biological surveys of lakes and streams to determine their suitability to support various species of fresh-water fishes from the standpoint of conditions of temperature, natural food, cover, and spawning areas;
2. The determination of stocking policies and programs for lakes and streams that are depleted or are capable of supporting greater quantities of fish life;
3. Improvements in hatchery construction and operation through the introduction of scientific methods of incubation, general sanitation, artificial feeding and control of diseases and parasites;
4. The training of hatchery personnel;
5. The stocking of lakes and streams with native fishes, and with imported species where desirable if eggs can be obtained (the eggs to be purchased by the Mexican Government); and

6. The development of methods of scientific management of the fresh-water fisheries to be carried out by Mexican officials.

To attain the foregoing objectives, the Fish and Wildlife Service will cooperate with the Mexican Department of Fisheries in the following manner:

(a) Make available the services of Mr. J. Adger Smyth, an Associate Aquatic Biologist of its Division of Fishery Biology, who is already known to the Mexican authorities, to direct and assist in planning the proposed program, his services to be rendered on a full-time basis;

(b) Continue Mr. Smyth's assignment for a period of two years and pay his salary and other personal expenses during the two-year period, subject to the availability of appropriations.

(c) Loan to the Mexican authorities for the duration of the program such supplies, equipment, or other materials as it may now have available for that purpose; and

(d) Make available to the Mexican Government, from time to time, reports on the progress of the work and, as soon as possible after the completion of the program, submit a comprehensive report to the Mexican Government embodying data, conclusions, and recommendations concerning the various phases of the studies.

The Government of Mexico, through the Mexican Department of Fisheries, will undertake to—

(1) assign two assistants for the biological investigation and provide funds for their travel and subsistence, giving preference in the selection of such assistants to persons already employed by the Mexican Department of Fisheries or to persons familiar with the fresh-water fisheries of Mexico and possessing training in biology or experience in the technical aspects of fish culture. (It is suggested that such persons be selected with a view to their future employment by the Department of Fisheries to carry out the permanent program to be developed during the two year cooperative study and the recommendations made at its conclusion);

(2) provide a suitable motor truck to be used exclusively for field work and bear the expense of its operation and maintenance; and

(3) provide the office and laboratory facilities at Patzcuaro which have previously been made available, and provide the necessary field and laboratory equipment for Mr. Smyth and the Mexican personnel assigned to the program.

It is understood that all expenses incident to the obligations assumed by the Government of Mexico will be paid direct by that Government.

*The Ministry for Foreign Affairs to the American Embassy*

[TRANSLATION]

MINISTRY OF FOREIGN AFFAIRS  
 UNITED MEXICAN STATES  
 MEXICO

55981

## MEMORANDUM

With reference to the correspondence relative to the stay in Mexico of the American experts, Messrs. Milton J. Lindner and J. Adger Smyth, the Ministry of Foreign Affairs takes pleasure in informing the Embassy of the United States of America that the Ministry of Marine recently communicated to it the following opinion concerning the work that the above-mentioned experts have been carrying on in the country:

“Due to the result eloquently and palpably obtained, the collaboration which Messrs. Milton J. Lindner and J. Adger Smyth have been lending the Division of Fisheries and Connected Industries is deemed not only estimable but positively useful for the efficient performance of the duties which in the matter of fisheries devolve upon the above-mentioned branch of this Department and, furthermore, to advance the fishing industry of the country technically.”

Accordingly, the Government of Mexico will be grateful if the Government of the United States of America will take the necessary steps to the effect that Messrs. Lindner and Smyth may resume in the country the discharge of the commission with which they have for some time been charged.

MEXICO, D.F., July 22, 1942

---

*The American Ambassador to the Minister of Foreign Affairs*

EMBASSY OF THE  
 UNITED STATES OF AMERICA

*Mexico, D.F., July 27, 1942*

No. 501

## EXCELLENCY:

I have the honor to acknowledge Memorandum No. 55981 of July 22, 1942, from the Ministry for Foreign Relations, regarding the work which had been carried out by Messrs. Milton J. Lindner and J. Adger Smyth, experts of the Fish and Wild Life Service of the United States Department of the Interior.

I have noted with deep pleasure and appreciation the comments which were made by the Ministry of National Marine regarding its opinion of the

work carried out by these two gentlemen and the request of Your Excellency's Government that there be taken those steps necessary to obtain the continued carrying out in Mexico of the mission which had been entrusted to these two gentlemen.

In assuring Your Excellency that I have every reason to believe that my Government will have particular pleasure in extending the fullest cooperation in this matter, I have the honor to inquire of Your Excellency if the Memorandum under reference may be considered by my Government as a reply to the proposals of my Government for the continued operation in Mexico of the cooperative work being performed by these two gentlemen. The proposal, in the case of Mr. Lindner, was contained in my Note No. 138 of April 17, 1942, and in the enclosure thereto; the proposal in the case of Mr. Smyth was contained in my Note No. 269 of May 22, 1942, and the enclosure thereto. If the Memorandum under reference herein is to be considered as a reply, I have the honor to inquire of Your Excellency whether Your Excellency's Government desires that it should be considered as an acceptance of the two proposals above under reference.

Please accept, Excellency, the renewed assurances of my highest and most distinguished consideration.

GEORGE S. MESSERSMITH

His Excellency

Señor Licenciado EZEQUIEL PADILLA,  
*Minister for Foreign Relations,*  
*Mexico, D. F.*

---

*The Minister of Foreign Affairs to the American Ambassador*

[TRANSLATION]

MINISTRY OF FOREIGN AFFAIRS  
UNITED MEXICAN STATES  
MEXICO

5860.

MEXICO, D.F., *October 24, 1942*

MR. AMBASSADOR:

I have the honor to refer to Your Excellency's kind note no. 501, in which you are good enough to request an explanation regarding whether the Ministry of Marine accepts the terms of the proposals of the United States Government for experts Milton J. Lindner and J. Adger Smyth to lend their cooperation to the Mexican authorities on fisheries.

It is a particular pleasure for me to inform Your Excellency that the Ministry of Marine accepts expressly the collaboration of the said experts

on the terms contained in your Embassy's notes nos. 138 and 269 under date of April 17 and May 22, 1942, respectively, as well as in the attached memoranda.

I avail myself of the opportunity to renew to Your Excellency the assurances of my very high and distinguished consideration.

E. PADILLA

His Excellency

GEORGE S. MESSERSMITH,

*Ambassador Extraordinary and Plenipotentiary  
of the United States of North America,  
City.*