

**NOAA
FISHERIES
SERVICE**



Proposed Procedures to Address IUU Fishing and Bycatch of Protected Living Marine Resources



NMFS Office of International Affairs



Overview

- Magnuson-Stevens Reauthorization Act
- Proposed Rule to Address IUU Fishing and Bycatch of Protected Living Marine Resources
- Updates:
 - International Trade Data System (ITDS)
 - EC Certification Scheme
 - RFMO IUU Vessel List Measures Rulemaking
 - Swordfish Petition



Magnuson-Stevens Reauthorization Act

- Actions must be taken to:
 - Address international overfishing
 - Promote international monitoring and compliance of international fisheries
 - Support efforts to build capacity in other countries for fisheries management and bycatch reduction



Magnuson-Stevens Reauthorization Act

- Actions must be taken to:
 - Improve the effectiveness of international organizations in conserving and managing fish stocks
 - Combat illegal, unreported, or unregulated (IUU) fishing
 - Reduce bycatch of protected living marine resources



Magnuson-Stevens Reauthorization Act

- **Biennial Report to U.S. Congress**
 - Information on the status of international living marine resources
 - List of nations identified as having vessels engaged in IUU fishing or bycatch of protected living marine resources



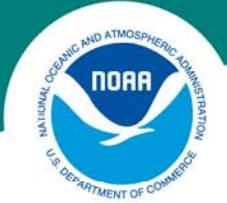
Proposed Rule to Address IUU Fishing and Bycatch of Protected Living Marine Resources





Definitions

- “IUU fishing”
 - Violate conservation and management measures required under an international agreement
 - Overfishing of fish stocks shared with U.S. with no applicable international measures, no RFMO nor international agreement
 - Adverse impacts on seamounts, hydrothermal vents, cold water corals where no applicable international measures nor RFMO



Definitions

- “Protected living marine resources” (PLMRs)
 - Non-target fish, sea turtles, or marine mammals that are protected under U.S. law or international agreement, including MMPA, ESA, SFPA, and CITES
 - With exception of sharks, protected living marine resources do not include species managed under MSA, ATCA, or any international fishery management organization



Three-Step Process

- Identification
- Notification and Consultations
- Certification



Identification Procedures for IUU Fishing

- Nation's vessels were engaged in IUU fishing at any point during two years preceding biennial report
 - Factors to be taken into account:
 - History, nature, duration, and gravity of IUU activity
 - RFMO regulates the IUU fishing activity in question
 - If the relevant RFMO has adopted effective measures to end IUU fishing activity
 - Nation is party to or maintains cooperating status with the relevant RFMO
 - Nation has implemented and is enforcing measures



Identification Procedures for Bycatch

- Nation's vessels were engaged during calendar year preceding biennial report in fishing activities or practices that result in:
 - Bycatch of PLMRs in waters beyond any national jurisdiction; or
 - Bycatch of PLMRs that are shared by the United States beyond the U.S. EEZ



Identification Procedures for Bycatch

- Factors to be taken into account:
 - History, nature, duration, and gravity of bycatch
 - International organization has oversight of PLMR
 - Whether the organization has adopted effective measures to end or reduce bycatch
 - Nation is party or maintains cooperating status with organization
 - Nation has implemented and is enforcing measures comparable in effectiveness to U.S. requirements





Notification and Consultations

- After identification, U.S. government will:
 - *Notify* nations of their identification and the Act's requirements to address IUU fishing and bycatch
 - Initiate *consultations* with those nations
 - *Notify* relevant international organizations of U.S. actions to address IUU fishing
 - Seek *international agreements* to reduce bycatch



Certification Procedures

- U.S. Commerce Secretary is required to *certify* whether sufficient corrective action has been taken to address IUU fishing or bycatch
- Nations must be provided an opportunity for notice and comment
- Identified nations will receive either “positive” or “negative” certification



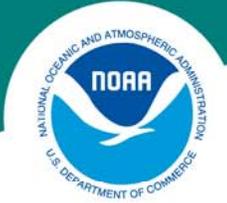
Certification Procedures for IUU Fishing

- To grant a nation a *positive* certification, U.S. Commerce Secretary must determine if:
 - Nation has taken appropriate corrective action to effectively address IUU fishing; or
 - Relevant international organization has adopted, and identified nation has implemented and is enforcing, effective measures to address IUU fishing



Certification Procedures for Bycatch

- To grant a nation a *positive* certification, U.S. Commerce Secretary must determine if:
 - Nation has implemented regulations comparable to the U.S. to address bycatch (including circle hooks, careful handling and release gear, and training/observer programs for pelagic longline fisheries), taking into account different conditions; and
 - Nation has established, and is enforcing, a management plan to collect data



Effects of Failure to Receive Positive Certification

- Deny entry of fishing vessels to U.S. ports
- With exceptions, prohibit importations of certain fish or fish products from that country
- Scope and duration of import prohibitions are at discretion of U.S. President





Summary

- Provides opportunities and challenges for the United States to improve fisheries management globally
- Envisions multilateral process to address IUU fishing and bycatch
- Implementation requires a commitment to strengthening international organizations and capacity building efforts



Other Updates

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- EC IUU Certification Scheme
- RFMO IUU Vessel List Measures Rulemaking
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