Using the U.S. Market to Reduce Marine Mammal Bycatch

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Leveling the Playing Field--Drivers for U.S. Action

- U.S. imports 86% of its seafood and growing;
- U.S. fisheries heavily regulated and compete in the global economy;
- U.S. fisheries disadvantaged due to U.S. commitment to protected species conservation.
Carrots and Sticks Approach To International Bycatch

**Sticks** = Laws using U.S. market to address international bycatch:

- Magnuson-Stevens Reauthorization Act (MSRA) – High Seas Driftnet Fishing Moratorium Protection Act
- Marine Mammal Protection Act (MMPA)
Magnuson-Stevens Reauthorization Act

Reduce bycatch of protected living marine resources (PLMRs)

- PLMRs = Non-target fish, sea turtles, or marine mammals that are protected under U.S. law or international agreement.
Magnuson-Stevens Reauthorization Act

MSRA is a three part process:

- Identification
- Notification and Consultations
- Certification
MSRA Procedures for Bycatch

3 criteria for a country to be identified:
1. Nation’s vessels have bycatch of PLMRs;
2. Relevant Int’l Organization failed to implement effective measures to end or reduce such bycatch
3. Country has not adopted regulatory program governing practices to end or reduce bycatch comparable to the US
If a country is identified, the US will:

- Notify nations of their identification and the Act’s requirements to address bycatch
- Initiate consultations with those nations
- Seek international agreements to reduce bycatch
Commerce Secretary is required to certify whether sufficient corrective action has been taken to address bycatch.

Identified nations will receive either “positive” or “negative” certification.
For a positive certification, Commerce Secretary must determine if nation has:

- implemented regulations comparable to the U.S.
- established, and is enforcing, a management plan to collect data
If certification is negative, the US will

- Deny entry to U.S. ports and
- Prohibit importations of certain fish or fish products from that country.

No nations identified under bycatch provisions for marine mammal bycatch
Implementation of MMPA Sec. 101(a)(2)

MMPA Sec. 101(a)(2)—

The Secretary of the Treasury shall ban the importation of commercial fish or products from fish which have been caught with commercial fishing technology which results in the incidental kill or incidental serious injury of ocean mammals in excess of United States standards. For purposes of applying the preceding sentence, the Secretary [of Commerce]—

(A) shall insist on reasonable proof from the government of any nation from which fish or fish products will be exported to the United States of the effects on ocean mammals of the commercial fishing technology in use for such fish or fish products exported from such nation to the United States.
Swordfish petition (March 2008) –

• **Petitioners:** The Center for Biological Diversity and Turtle Island Restoration Network

• **Action:** ban on imports of swordfish from nations whose fisheries result in bycatch of marine mammals in excess of U.S. standards.
NOAA Fisheries:

- announced receipt of petition & solicited public comment
- April 2010, published advanced notice of proposed rulemaking (ANPR)
- contacted all nations exporting swordfish to the United States
The ANPR--

• Provided options and criteria to evaluate marine mammal bycatch in foreign fisheries that supply fish and fish products to the United States.

• described a process for implementing the MMPA provisions consistent with the U.S. domestic process for managing marine mammal bycatch.
Touches Many Nations

- 122 Nations export fish and fish products to the U.S.
- 53 Nations export tuna and swordfish
- Import >67 marine species
- Tuna, shrimp, salmon

Top exporting nations = Canada, Chile, China, Japan, Mexico, Taiwan, Thailand, South Korea, and Vietnam
Where We Are In the Process?

• High priority—work continues; and
• Complicated regulation
• Significant conservation benefits.
An important aspect of the MSRA and MMPA is continued and improved support for international capacity building efforts. To date, the U.S. has supported workshops on:

— Testing of pingers in Peruvian and Argentinean fisheries
— Review marine mammal bycatch mitigation in gillnet and longline fisheries
— Response to marine mammal strandings
— Initiating and supporting observer programs
— Identification of fisheries with high bycatch in Chile, Ecuador, Thailand
Questions?

Thank you!