

Science, Service, Stewardship



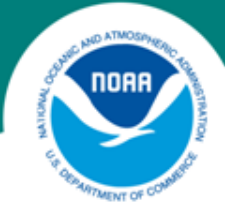
Using the U.S. Market to Reduce Marine Mammal Bycatch

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**Marine Mammal Commission
Annual Meeting
May 8, 2014**

**NOAA
FISHERIES
SERVICE**

NOAA

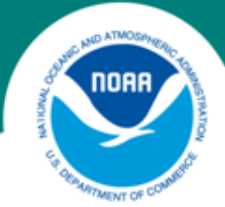


Leveling the Playing Field-- Drivers for U.S. Action

- 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

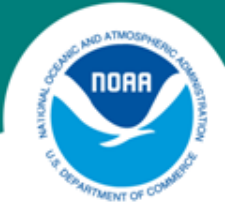


Carrots and Sticks Approach To International Bycatch

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

Identification



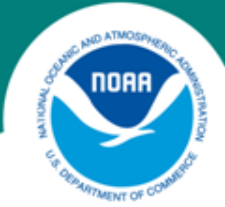
Notification and
Consultations



Certification

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*



MSRA Procedures for Bycatch

Identification



Notification and
Consultations



Certification

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



MSRA Procedures for Bycatch

Identification



Notification and
Consultations



Certification

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



MSRA Procedures for Bycatch

Identification



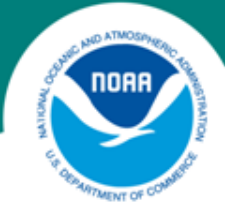
Notification and
Consultations



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



MSRA Procedures for Bycatch

Identification



Notification and
Consultations

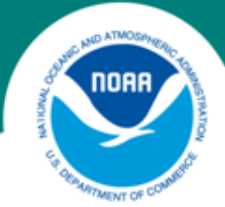


Certification

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

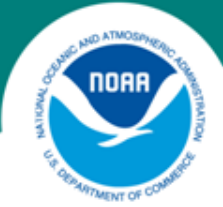


Implementation of MMPA Sec. 101(a)(2)

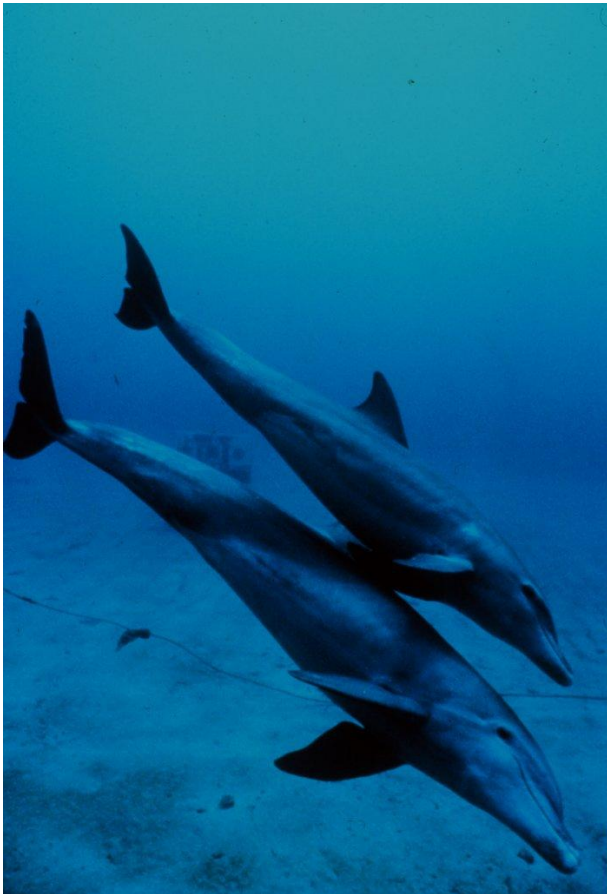
MMPA Sec. 101(a)(2)—

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.

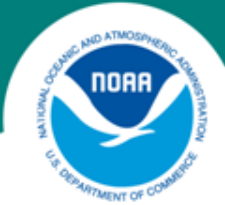


Swordfish petition – Implementation of MMPA Sec. 101(a)(2)

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**



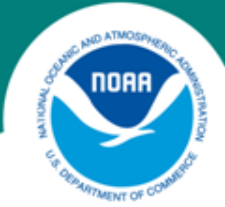


ANPR to Implement MMPA Sec. 101(a)(2)

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.**



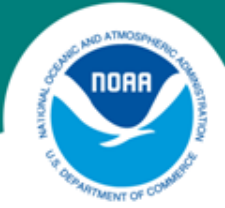


Carrots = Capacity Building

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!**