



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE  
1315 East-West Highway  
Silver Spring, Maryland 20910

THE DIRECTOR

DEC 31 2007

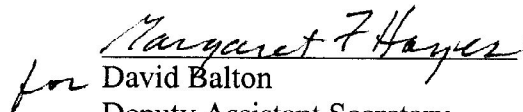
## Memorandum for Heads of Relevant U.S. Fisheries Delegations

The Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, P.L. 109-479 (MSRA) contains a number of calls for action relevant to U.S. delegations to international fisheries meetings. Many of the actions called for are initiatives that the United States is already undertaking.

We are providing to you in the attachment these calls for action for your information and use. As you fashion strategies for your delegation to pursue U.S. interests in your particular context, we invite you to take this guidance into account. If you have any questions or issues to discuss, please contact Dean Swanson (301-713-2276 or [Dean.Swanson@noaa.gov](mailto:Dean.Swanson@noaa.gov)).



William T. Hogarth, Ph.D.  
Assistant Administrator  
for Fisheries  
National Oceanic and  
Atmospheric Administration



for David Balton  
Deputy Assistant Secretary  
for Oceans and Fisheries  
Department of State

Attachment



# Guidance to Heads of Relevant U.S. Fisheries Delegations Provided in the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act

## **I. SEC. 4. HIGHLY MIGRATORY SPECIES.**

Section 102 (16 U.S.C. 1812) is amended—

- (1) by inserting “(a) IN GENERAL.—” before “The”; and
- (2) by adding at the end the following:

“(b) TRADITIONAL PARTICIPATION.—In managing any fisheries under an international fisheries agreement to which the United States is a party, the appropriate Council or Secretary shall take into account the traditional participation in the fishery, relative to other nations, by fishermen of the United States on fishing vessels of the United States.

“(c) PROMOTION OF STOCK MANAGEMENT.—If a relevant international fisheries organization does not have a process for developing a formal plan to rebuild a depleted stock, an overfished stock, or a stock that is approaching a condition of being overfished, the provisions of this Act in this regard shall be communicated to and promoted by the United States in the international or regional fisheries organization.”.

## **II. SEC. 401. INTERNATIONAL MONITORING AND COMPLIANCE.**

Title II (16 U.S.C. 1821 et seq.) is amended by adding at the end the following:

### **“SEC. 207. INTERNATIONAL MONITORING AND COMPLIANCE.**

“(a) IN GENERAL.—The Secretary may undertake activities to promote improved monitoring and compliance for high seas fisheries, or fisheries governed by international fishery management agreements, and to implement the requirements of this title.

“(b) SPECIFIC AUTHORITIES.—In carrying out subsection (a), the Secretary may—

“(1) share information on harvesting and processing capacity and illegal, unreported and unregulated fishing on the high seas, in areas covered by international fishery management agreements, and by vessels of other nations within the United States exclusive economic zone, with relevant law enforcement organizations of foreign nations and relevant international organizations;

“(2) further develop real time information sharing capabilities, particularly on harvesting and processing capacity and illegal, unreported and unregulated fishing;

“(3) participate in global and regional efforts to build an international network for monitoring, control, and surveillance of high seas fishing and fishing under

regional or global agreements;

“(4) support efforts to create an international registry or database of fishing vessels, including by building on or enhancing registries developed by international fishery management organizations;

“(5) enhance enforcement capabilities through the application of commercial or governmental remote sensing technology to locate or identify vessels engaged in illegal, unreported, or unregulated fishing on the high seas, including encroachments into the exclusive economic zone by fishing vessels of other nations;

“(6) provide technical or other assistance to developing countries to improve their monitoring, control, and surveillance capabilities; and

“(7) support coordinated international efforts to ensure that all large-scale fishing vessels operating on the high seas are required by their flag State to be fitted with vessel monitoring systems no later than December 31, 2008, or earlier if so decided by the relevant flag State or any relevant international fishery management organization.”.

### **III. SEC. 402. FINDING WITH RESPECT TO ILLEGAL, UNREPORTED, AND UNREGULATED FISHING.**

Section 2(a) (16 U.S.C. 1801(a)), as amended by section 3 of this Act, is further amended by adding at the end the following:

“(12) International cooperation is necessary to address illegal, unreported, and unregulated fishing and other fishing practices which may harm the sustainability of living marine resources and disadvantage the United States fishing industry.”.

### **IV. SEC. 608. ACTION TO STRENGTHEN INTERNATIONAL FISHERY MANAGEMENT ORGANIZATIONS.**

“The Secretary, in consultation with the Secretary of State, and in cooperation with relevant fishery management councils and any relevant advisory committees, shall take actions to improve the effectiveness of international fishery management organizations in conserving and managing fish stocks under their jurisdiction. These actions shall include—

“(1) urging international fishery management organizations to which the United States is a member—

“(A) to incorporate multilateral market-related measures against member or nonmember governments whose vessels engage in illegal, unreported, or unregulated fishing;

“(B) to seek adoption of lists that identify fishing vessels and vessel owners engaged in illegal, unreported, or unregulated fishing that can be shared among all members and other international fishery management organizations;

“(C) to seek international adoption of a centralized vessel monitoring system in order to monitor and document capacity in fleets of all nations involved in fishing in areas under an international fishery management organization’s

jurisdiction;

“(D) to increase use of observers and technologies needed to monitor compliance with conservation and management measures established by the organization, including vessel monitoring systems and automatic identification systems; and

“(E) to seek adoption of stronger port state controls in all nations, particularly those nations in whose ports vessels engaged in illegal, unreported, or unregulated fishing land or transship fish;

“(2) urging international fishery management organizations to which the United States is a member, as well as all members of those organizations, to adopt and expand the use of market-related measures to combat illegal, unreported, or unregulated fishing, including—

“(A) import prohibitions, landing restrictions, or other market-based measures needed to enforce compliance with international fishery management organization measures, such as quotas and catch limits;

“(B) import restrictions or other market-based measures to prevent the trade or importation of fish caught by vessels identified multilaterally as engaging in illegal, unreported, or unregulated fishing; and

“(C) catch documentation and certification schemes to improve tracking and identification of catch of vessels engaged in illegal, unreported, or unregulated fishing, including advance transmission of catch documents to ports of entry; and

“(3) urging other nations at bilateral, regional, and international levels, including the Convention on International Trade in Endangered Species of Fauna and Flora and the World Trade Organization to take all steps necessary, consistent with international law, to adopt measures and policies that will prevent fish or other living marine resources harvested by vessels engaged in illegal, unreported, or unregulated fishing from being traded or imported into their nation or territories.

#### **V. SEC. 407. UNITED STATES CATCH HISTORY.**

In establishing catch allocations under international fisheries agreements, the Secretary, in consultation with the Secretary of the Department in which the Coast Guard is operating, and the Secretary of State, shall ensure that all catch history associated with a vessel of the United States remains with the United States and is not transferred or credited to any other nation or vessel of such nation, including when a vessel of the United States is sold or transferred to a citizen of another nation or to an entity controlled by citizens of another nation.